

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
June 7, 2023**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on June 7, 2023 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Simpson called the meeting to order at 6:00 PM.

ROLL CALL:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Chris Bankhead	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

PRESENT:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Chris Bankhead	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member

ABSENT:

Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

STAFF PRESENT:

Luci Ribeiro, Planner; Kristin Eick, Board Attorney; and Monica Arsenault, Recording Secretary.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of June 7, 2023

* **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER WHEELER TO APPROVE THE JUNE 7, 2023 REGULAR MEETING AGENDA AS WRITTEN.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of April 5, 2023

* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY BOARD MEMBER PARK TO APPROVE THE APRIL 5, 2023 MINUTES AS WRITTEN.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. PZ-23-00500001 – Ordinance 06-2023 (Parcel ID 24-36-28-76-A)

Ms. Ribeiro provided a presentation¹ and explained that this is for consideration of Ordinance 06-2023, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of (1) parcel of real property totaling approximately 5.88 acres from City of Cocoa "Commercial" to City of Cocoa "High Density Residential." The subject property is 5.88 acres located at 825 Forrest Avenue. The City is requesting to change this parcel from Commercial to High

¹ Exhibit A: P&Z Presentation 06/07/2023

Density Residential. Additionally, the property owner intends to construct multi-family units on a portion of the property, if the amendment and a subsequent zoning map amendment is approved.

Ms. Ribeiro shared that staff does not expect the level of service of public facilities to be diminished beyond their acceptable levels of service with this change. The Future Land Use of the surrounding area is a combination of Commercial, Neighborhood Commercial, High Density Residential, Medium Density Residential and Mixed-Use. All of these uses promote higher density residential development. The subject property was previously zoned RU-2-25 and RU-2-15 prior to it being rezoned to Institutional. The Institutional zoning was to allow an electronic sign to be placed. The property is located between principal arterial (US-1) and minor arterial (Forrest Ave) roadways. Access to these larger capacity roadways is typical for High Density Land Uses.

Ms. Ribeiro provided a location map of the property as well as the Future Land Use and Zoning map.

She stated that staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Staff recommends the Planning & Zoning Board recommend approval of Ordinance 06-2023 to the City Council.

Chairperson Simpson opened the hearing to the public.

Hannah French, Porchlight Foundation, talked about the non-profit and noted they are partnering with Matthew's Hope. She explained that Matthew's Hope does so much for the community, however she feels they are missing a transitional housing piece. She is here to share her support for this item.

Scott Billue, Founder of Matthew's Hope, shared that they have renovated the property to bring it up to Code and to help serve the community. Central Brevard is a desert for homeless services. He talked about youth, women and veteran homelessness in Brevard. The goal is to assist the homeless to reach the goal of independence and self-sustainability. It is not about providing a "hand-out" but rather project individuals towards a life of independence.

He added that they assist with an array of services, including general and mental health services, hygiene services, laundry facilities, etc. He invited everyone to come visit the organization to see what they're doing and hoped to obtain the support of the Board.

There being no further questions or comments the public portion of the hearing was closed.

Board member Anderson asked what the max capacity is on high density residential. In response, Ms. Ribeiro shared that it is twenty-five (25) units per acre.

Board member Chabot asked if they will be constructing new buildings on the property. In response, Mr. Billue shared they are not changing the footprint of the property and the

buildings are already pre-existing. If this item is approved, it would allow them to expand in the future, however there are no talks of that right now.

Board member Chabot asked how the applicants are vetted. In response, Mr. Billue shared that they do a background check on everyone that walks through the door, even people who do not reside there. Additionally, they conduct random drug testing and they do weekly inspections of their housing units. Any drug or alcohol use is not permitted. They also have forty security cameras on-site that have facial recognition capabilities.

Ms. Ribeiro clarified that staff is not asking the Board to consider rezoning the property this evening as that will be a separate application. Staff is only asking the Board to consider the Future Land Use at this time.

Board member Greenwood asked for further clarification regarding the types of individuals that will be residing at the property. Mr. Billue further clarified that anyone who does not pass a background check will not be allowed to reside at the property, however if these types of individuals notify them of where they are staying, they are willing to send a team out to their location to provide food, clothing and hygiene products.

Board member Wheeler asked where Matthew's Hope's funding comes from. In response, Mr. Billue explained that they have been in business for thirteen years and the majority of their funding comes from the community and their fundraisers because people have seen and believe in what they do. They are resourceful and even make their own furniture from old church pews.

Mr. Billue added that if they move forward with further partnership opportunities with Orange County then this will be the first time in thirteen years that they will receive grant funding.

Board member Anderson shared that while he is not opposed to what Matthew's Hope is doing, he does have an issue with changing the Future Land Use map to high density residential because if Matthew's Hope decides to sell their property next month, then the Board is potentially allowing someone else to come in and build twenty-five (25) units per acre. He asked that the Board consider the land use, not necessarily what the organization is doing.

Ms. French clarified that the request for high density residential zoning is being asked for because Matthew's Hope will have to come back in the future for a separate rezoning request for a small portion of the property.

Board Attorney Eick clarified that commercial future land use typically does not allow for residential use. Another option would be to consider medium density residential zoning to allow residence at the property. Medium density residential zoning of RU-2-15 would allow fifteen (15) units per acre.

Board member Park shared that he understands Board member Anderson's point, however if Matthew's Hope decides to sell their property to a high-rise community in the future they would still have to come back before the Board to get the rest of the property rezoned. He noted that he is in support of approving this item.

It was further clarified that the Board is not being asked to vote on a rezoning this evening, only to consider changing the Future Land Use. Further, they are only renovating the pre-existing building so if they wanted to largely expand and construct, they would have to come back before the Board with a large-scale site-plan.

Further discussion was held on medium density residential as an option.

Board Attorney Eick clarified that if a rezoning application were submitted and came back before the Board, the Board could decide at that time to vote on a lower density use.

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND DENIAL OF ORDINANCE 06-2023 TO THE CITY COUNCIL.**

The Board Secretary called the roll.

AYES: ANDERSON, CHABOT, GREENWOOD, WHEELER

NAYS: SIMPSON, DOBRIN, BANKHEAD, LOPEZ, PARK

MOTION FAILED (4-5)

- * **MOTION BY BOARD MEMBER LOPEZ; SECONDED BY BOARD MEMBER PARK TO RECOMMEND APPROVAL OF ORDINANCE 06-2023 TO THE CITY COUNCIL.**

The Board Secretary called the roll.

AYES: SIMPSON, DOBRIN, BANKHEAD, LOPEZ, PARK

NAYS: ANDERSON, CHABOT, GREENWOOD, WHEELER

MOTION PASSED (5-4)

2. PZ-23-00500002 – Ordinance 07-2023 (Comp Plan FLU-1 RU-1-7)

Ms. Ribeiro explained that this is in consideration of Ordinance 07-2023, adopting a Large-Scale Comprehensive Plan Text Amendment; amending figure FLU-1 set forth in the Future Land Use element to provide the RU-1-7 Zoning District as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories.

The City is requesting this change to help encourage development within the Medium Density Residential (MDR) Land Use by adding single family residential (RU-1-7) as an allowable use. Currently there are a number of vacant properties zoned RU-1-7 within the

MDR that cannot be developed due to this conflict in the land use table. There are also a number of existing developed properties with this inconsistency. MDR allows for RU-2-15. RU-2-15 zoning district allows for single-family development as regulated by RU-1-7. Therefore, this amendment is already consistent with the City's zoning code.

Additionally, the City is initiating an amendment to clarify that the Institutional Zoning District is an allowable use within High Density Residential, Neighborhood Commercial, and Commercial Future Land Uses, rather than only Open Space Recreational and Institutional Future Land Uses. As part of Ordinance 13-2023, the City created the Institutional Zoning District to provide locations for public and semi-public facilities of religious, educational, health, or cultural nature. The intent was to help ensure that these uses were properly integrated into the community and institutional uses are already allowed in most of the remaining Future Land Use Categories.

Ms. Ribeiro pointed out that staff has determined that this amendment is consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Staff recommends that the Planning & Zoning Board recommend approval of Ordinance 07-2023 to the City Council.

Chairperson Simpson opened the hearing to the Board for any additional questions².

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MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER BANKHEAD TO RECOMMEND APPROVAL OF ORDINANCE 07-2023 TO THE CITY COUNCIL.

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

3. PZ-23-02000003 – Ordinance 08-2023 (Accessory Structure)

Ms. Ribeiro explained that this item is to consider providing a recommendation of approval to the City Council regarding Ordinance 08-2023: Zoning Text Amendment regarding accessory structure regulations. She noted that the City Council requested that staff review and provide recommendations to update requirements related to setbacks for Accessory Structures at the March 20, 2023 Council meeting.

Furthermore, the City Council discussed staff's recommended changes to setbacks related to Accessory Structures at the April 25, 2023 Meeting and requested staff to proceed with the text amendment.

The main changes related to this ordinance are:

- Remove the required building to building setbacks on the same lot. Currently, no structure can be constructed within ten (10) feet of a building on the same lot. This would include

² There being no members of the public in attendance, the hearing was not opened to the public.

small sheds or pump houses that residents typically have adjacent to their homes. The change includes that no accessory structure may be placed to obstruct any ingress or egress points (exterior doors or windows).

- Clarify that only home-based businesses per FS 559.955 are allowed, except that retail transactions cannot be conducted within the accessory structure as provided in that statute.
- Clarify that “lots fronting two streets” means a through lot, which sits parallelly between two public or private roadways and it does not apply to corner lots.
- Provide direction that when accessory structures are constructed on corner lots, the front and corner lot setbacks will apply for the side adjacent to the roadway.

Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Staff recommends the Planning & Zoning Board recommend approval to the City Council of Ordinance 08-2023.

Chairperson Simpson opened the hearing to the Board for any additional questions³.

Board member Park wished to fix one minor error which can be found under Section 6, Item B, to unstrike the word “lots”.

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MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE 08-2023 AS WRITTEN WITH AN AMENDMENT TO UNSTRIKE THE WORD “LOTS” FROM SECTION 6, ITEM B.

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

4. PZ-23-02000004 – Ordinance 09-2023 (M-2)

Ms. Ribeiro explained that this item is for the Board to consider providing a recommendation of approval to the City Council regarding Ordinance 09-2023: Zoning Text Amendment regarding the list of permitted and special exception uses related to Self-Service Storage Facilities within the M-2 Zoning District and certain subdistricts of the Cocoa Waterfront Overlay District and related to Retail Automotive Gasoline/Fuel Sales and Accessory Convenience Storages and Restaurants in the M-2 Zoning District.

The Planning and Zoning Board requested that Staff bring back an ordinance to allow Self-Service Storage Facilities in the M-2 Zoning District as a special exception. During that process, an application was received related to the minimum spacing requirements

³ There being no members of the public in attendance, the hearing was not opened to the public.

for “retail automotive gasoline/fuel sales and accessory convenience stores and restaurants” in the M-2 District.

The proposed change for self-service storage facilities would allow this use as a special exception on parcels that are four (4) acres or less. This would promote growth on the smaller lots within this district, while still preserving larger parcels for more intense industrial uses, which are encouraged in M-2. The proposed change also corrects the Cocoa Waterfront Overlay subdistrict use table by removing this use within the underlying Central Business District.

The proposed change for retail automotive gasoline/fuel sales and accessory convenience stores and restaurants is related to the spacing requirements. Currently this use is not allowed within 4,000 feet of a property with the same proposed use, regardless of the zoning district. Staff believes that the intent of the spacing requirements was for the distance requirements to only apply within the same district.

This amendment clarifies that the 4,000 feet only applies within this district. This will continue to maintain separation of these uses within the district and provide for gasoline stations capable of servicing heavier industrial uses.

Chairperson Simpson opened the public hearing to the public.

Kim Rezanka, the attorney representing AGT, thanked the Board for their patience and noted that they are happy with the changes and hopes the Board will approve the item.

Mr. Michael DiChristopher added that he would like to thank Luci Ribeiro for her help with putting together the information to help the Board make their decision.

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MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER WHEELER TO RECOMMEND APPROVAL OF ORDINANCE 09-2023 TO THE CITY COUNCIL.

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

5. Lee Wenner Park Utility Easement

Ms. Ribeiro explained that this item is to consider providing a recommendation of approval of granting an easement to Pivotal Utility Holdings, Inc. (a.k.a. Florida City Gas) for the purposes of constructing, operating, and maintaining a pipeline located in Lee Wenner Park for the transportation of gas through the pipeline.

Pursuant to Appendix A, Zoning, Article IV, Section 2, the City Council shall be required to authorize all uses of land and development projects on any and all lands owned, leased, or controlled by the City of Cocoa within and outside the boundaries of the City. Further, the Planning and Zoning Board is required to provide a recommendation to the City

Council regarding such proposed uses of land and development projects on City-owned land.

Pivotal Utility Holdings, Inc (Florida City Gas) has requested to construct, operate, and maintain a pipeline through Lee Wenner Park. An easement is required for this to take place. Staff worked with Florida City Gas to find the area of least impact to the park's future renovations.

Florida City Gas will be required restore the areas to an equal or better condition. They will be required to relocate the gas main upon request from the City at Florida City Gas's expense. The City of Cocoa will be indemnified by Florida City Gas as to any and all claims, liabilities, fines, etc. related to the gas line as detailed in the easement. Additionally, Florida City Gas has agreed to compensate the City \$112,400 for this easement based upon an appraisal.

Board member Wheeler asked if there are any environmental impact statements. In response, Board Attorney Eick shared that there is not one with the City of Cocoa but other permits will be required for underwater construction with other federal agencies.

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MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF GRANTING AN EASEMENT TO PIVOTAL UTILITY HOLDINGS, INC. (A.K.A. FLORIDA CITY GAS) FOR THE PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING A PIPELINE LOCATED IN LEE WENNER PARK FOR THE TRANSPORTATION OF GAS THROUGH THE PIPELINE.

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

V. OTHER BUSINESS:

1. Tree Board Update

Board member Greenwood shared that he attended a Code Board meeting and there was a case where some land clearing was done that did not follow the City's process and procedures. He liked the way the case was handled but hopes in the future that the City's licensed arborist can assist and be involved to keep cases like this from happening.

2. Recent Development

3. Open Discussion by Board Members

Ms. Ribeiro asked for a consensus from the Board to hold a Special meeting on July 12, 2023 as the Regular meeting falls immediately after Independence Day. A consensus was given by the Board to meet on July 12, 2023.

VI. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, July 12, 2023 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

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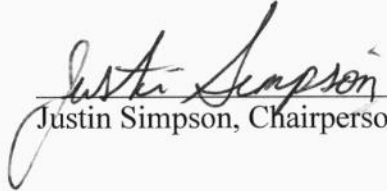
MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER LOPEZ TO ADJOURN THE REGULAR MEETING OF JUNE 7, 2023.

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 8:02 PM.

Respectfully Submitted By:


Justin Simpson, Chairperson


Monica Arsenault, Recording Secretary