MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
May 4, 2022

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on May 4, 2022 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Michael Dobrin	Board Member
Veronica Lopez	Board Member
Justin Simpson	Board Member
Susan Mock	Board Member
Al Washington	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson (via phone)
Jeri Blanco	Board Member
Michael Dobrin	Board Member
Veronica Lopez	Board Member
Justin Simpson	Board Member
Susan Mock	Board Member
Aleck Greenwood	Alternate Member
Merrybeth Burgess	Alternate Member
Debbie Joyce	School Board Representative

ABSENT:

Todd Anderson	Board Member
Al Washington	Board Member

STAFF PRESENT:

Stockton Whitten, City Manager; Angela Essing, Growth and Economic Development Director; Kristin Eick, Board Attorney; Cindy Thurman, Planning and Zoning Manager; Sandra Leone, Planner; Paul Body, Senior Planner; Lavander Hearn, Board Liaison; and Michael Blake, Mayor.

Chairperson Sengel led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of May 4, 2022

* **MOTION BY BOARD MEMBER DOBRIN; SECONDED BY BOARD MEMBER BLANCO TO APPROVE THE AGENDA FOR THE MAY 4, 2022 REGULAR PLANNING AND ZONING MEETING.**

AYES: SENGEL, GREEN, BLANCO, BURGESS, DOBRIN, GREENWOOD, LOPEZ, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of April 6, 2022

* **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER SIMPSON TO APPROVE THE MINUTES FOR THE APRIL 6, 2022 REGULAR PLANNING AND ZONING BOARD MEETING WITH AMENDMENTS.**

AYES: SENGEL, GREEN, BLANCO, BURGESS, DOBRIN, GREENWOOD, LOPEZ, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ - Comprehensive Plan Map Amendment (ModWash LLC.)

Ms. Essing shared a presentation[1] and explained that the Board is being asked to consider a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Map designation of Mixed Use to Commercial on 1.38 acres at the southwest corner of SR520 and US1.

Ms. Essing provided the project information and discussed the lack of consistency with the City's existing Comp Plan policies and objectives. She pointed out that the request for the Commercial (COMM) future land use designation is not compatible with the land use pattern of the four corners of the 520 and US 1 intersection. The City believes the continuation of the land use pattern of the intersection is more important than the extension of the commercial corridor from the south. This is based on historical data from the 2010-2020 Comprehensive Plan and supporting studies like the Data and Analysis study from October of 2010 and the current Comprehensive Plan 2020-2030.

Additionally, the MU FLU was intentionally established in 2010 to run along 520 and throughout Cocoa Village in an effort to promote mixed-use developments. At the time of the change, the 520 and US 1 corridor were specifically mentioned. Thus, making the intersection of 520 and US 1 the center of the desired area for MU. For this reason, the proposed FLU amendment can be seen as incompatible with surrounding neighborhoods and land uses due to the creation of an inconsistent land pattern at the four corners of 520 and US 1.

Ms. Essing explained that for the reasons mentioned above, staff is recommending denial of the Small-Scale Comprehensive Plan Amendment to change the Future Land Use Map designation of Mixed Use (MU) to Commercial (COMM) on 1.38 acres at the southwest corner of SR 520 and US 1.

Ms. Kim Rezanka, 1290 US1, Rockledge, and legal counsel for the applicant, noted that this is a complicated issue and she understands that. She explained that they are here before the Board because the land use and the zoning are inconsistent. The process for this project began back in November, 2021 and ModWash and Damian Brink from Bowman Consulting met with city staff quite a bit which is what ultimately brought them before the Board this evening.

Ms. Rezanka pointed out that there is a vast amount of land to the east of the subject property that has inconsistent land use and zoning which can hopefully be addressed now that it has been brought to the City's attention. All of the zoning that has been in place was established in 1988.
She asked the Board to keep in mind that the ultimate goal is the ModWash LLC. She pointed out that a mixed-use center, meaning a mix of uses, is what that area already has and does not necessarily mean a mixed-use future land use.

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[1] May 4, 2022 P&Z Regular Meeting Power Point Presentation

Ms. Rezanka asked that the Board consider whether the ModWash Carwash makes sense at this property based on what is there and what mixed-use really means, not just some designation on the map because the change is very similar to what is next to it in regard to both the zoning and the comp plan.

Mr. Damian Brink, Senior Planner with Bowman Consulting, gave a presentation[2] for the Comprehensive Plan Map Amendment & Zoning Map Amendment requests. He showed the location map and existing site conditions. He discussed the current future land use and zoning and the standards for future land use categories. Additionally, he shared several maps and the proposed site plan.

Mr. Brink explained that the applicant's request is a Small-Scale Comprehensive Plan (Minor) Map amendment from Mixed-Use (MU) to Commercial (COMM) and an official zoning map amendment (rezoning) from Commercial Parkway (C-P) to General Commercial (C-G).

Board member Green shared her feelings regarding the project and explained that after looking at the Comprehensive Plan and the Future Land Use, a carwash, a single use commercial business, would not enrich the community. A mixed-use center brings more value and in her humble opinion there are better options for this site.

Ms. Rezanka shared that she is a little concerned about what the community vision is for this area because it's not clear in the Comp Plan. When you look at what's there, this is extremely compatible. She mentioned that she wasn't sure if any meetings were held to accept citizen input on what they would like to see here and asked if the Board does disclosures. In response, Board Attorney Eick explained that they do, however it would not apply to the Comp Plan Amendment request.

Ms. Rezanka provided an aerial photo from Google Maps of the subject property. She mentioned the previous uses of the site, which were at one point a used car dealership and even a diner. She pointed out that if the City's vision is to make this a town center, then it should be notated in the Comp Plan but it is not and other similar uses to what has been there before should be considered.

Alternate member Greenwood wished to compliment the project as it is very attractive, well laid out and has a nice design, however he feels in order for it to be located there it needs to make sense. The high traffic in that area makes this location unique and he feels that it is a matter of time for the right project to go there and this project does not quite fit. He expressed that he hopes that this does not discourage them as developers and hoped they would consider another location in Cocoa.

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[2] Bowman Consulting Presentation

Board member Mock asked what the City's vision is for that corner. In response, Ms. Essing explained that the City's vision for that corner is based on the current zone that is there today. She pointed out that they have gone over the mixed-use designation and what it is encouraged there, but then once you break it down and you look at the CP zoning and what is allowed there, there are some limitations.

Ms. Essing mentioned the input that Council has received from their constituents, particularly in the Diamond Square area and Cocoa Village, and offered to review it again with the Board.

Board member Mock explained that she has been around for some time and the property has never really changed that much and it has sat vacant for quite some time. She feels that if the City has a vision then that's great, however something needs to be done with the property.

Ms. Essing shared that there has been no other interest showed in this particular property, however the lot that the old Mike Erdman building sits on has received some interest from various other parties.

Additionally, Ms. Essing noted that she feels that this is a property that can enrich the two areas that it lives between, which is the Diamond Square area and Cocoa Village. The current Future Land Use and the current zone allow for this enrichment in a way that opening it up to commercial and changing the zoning makes it more of a pass-through area. Those who live in Cocoa see that area as part of the neighborhood and people who live outside of the area see it as a pass-through.

Chairperson Sengel opened the hearing to the public for questions and comments.

Ms. Purvette Bryant, property owner of 365 and 373 Stone St., Cocoa, asked the Board to deny the ModWash application because it does not fit within the current zoning and the request for rezoning should be denied. She believes that the Diamond Square community would benefit from a project that would be more supportive and interactive with the community.

Carol Butler, property owner of 602 and 604 Stone St., Cocoa explained that she came with her daughter this evening and her daughter will be speaking on her behalf.

Marlana Beatty, 528 S. Fiske Blvd., Cocoa, shared that her mother is against the ModWash application request because the project does not fit within the current zoning. She does not feel that the carwash will bring value to the community in the way that the people would like it to.

Nate Hooks, 723 Carissa Ave., Cocoa, asked the Board to follow the direction that staff has given them which is to deny the request. He asked that they also consider the impact that such a business would have on the three churches in that area. He feels that there will be an increase in crime which will endanger the young people that attend night services. He encouraged the Board to consider this when they make their decision.

Oliver Muhammad, 800 N. Fiske Blvd, #715, Cocoa, stated that he was here to speak on behalf of the CCA, Concerned Citizens Association, in that area. He explained that his issue is not so much with the carwash but with how the City obtained the property to begin with. He added that there were workshops that were held to discuss developing Stone Street and the business corridor by their area, but while all of this was happening the Community Development department was undermining the community. As far as he is concerned, the Board is dealing with a property that was "ill-gotten".

Meredith Lidstone, 1313 N. Fiske Blvd., Cocoa, wished to also express her objection to the project. After hearing what the applicant had to say she feels as though they think they are doing the City a favor by establishing their business there. If the City wants to call this property a "gateway" into the City than we should make it a gateway. She asked that the City not push a project onto a community that does not want it.

Kristin Lortie, 5524 Brilliance Cir., Cocoa, stated that she is in support of the people who spoke before her and the City staff who would like to deny the request for the ModWash project. She reviewed the materials for the meeting and wanted to give the applicants a chance as well. She is supportive of Cocoa moving forward and wished to talk about something that the applicant had mentioned which is the City's vision, and what that is. She mentioned a section from the Florida Statutes that she would be very supportive of which is promoting and encouraging communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before development. She would be happy to volunteer to help make this become a reality and would like to focus on how we can lift up this space and blend our communities.

Pastor Wells, 825 Forrest Ave., Cocoa, agrees with staff's recommendation to deny the applicant's request to build a ModWash. He added that he agrees with Alternate member Greenwood that this project isn't a bad one, however it is not suited for this particular site and might be better suited somewhere else in the City. He asked that the Board leave the site alone and let the Diamond Square community provide input on what should be put there.

Stephanie Carder-Gallon, 1003 N. Cocoa Blvd., Cocoa, also agrees with staff's recommendation to deny the request for ModWash. She stated that she also agrees with Alternate member Greenwood's sentiments and feels that this particular site should be saved for a project that is more interactive and that the community can utilize.

Terrence Thomas, 708 Rosa L Jones Dr., Cocoa, is also in favor of denying the request for ModWash. He explained that there are people that live in those neighborhoods that have to walk to where they need to go and something like a Walgreens or a clinic would be convenient for people who have medical needs.

Kim Rezanka, 1290 US1, Rockledge, explained that they realize that people are compassionate about their community, however this site cannot be what they want it to be based upon the lot. She noted that a pharmacy or a restaurant cannot be placed in this zoning category. She stated that there is a glitch in the Comp Plan when the change was made to Mixed-Use in 2010.

Additionally, Ms. Rezanka pointed out that there are concerns due to speculation of increased crime which will not happen here. She explained that this is an operating business and people will not come here to hang out. Furthermore, she has heard this evening that this project does not fit the zoning which is why they are here before the Board requesting that it be changed.

She asked that the Board look back and think about what could have potentially gone there such as a service station which could be approved as a special exception in the C-P zone. Service stations in the City's code can include carwashes. This lot is also a difficult lot to develop, as the City has seen, and is located near the railroad tracks. She reiterated that what could be developed on this lot as a special exception is similar to what they are asking approval for.

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

* **MOTION BY ALTERNATE MEMBER GREENWOOD SECONDED BY BOARD MEMBER DOBRIN TO ACCEPT STAFF'S RECOMMENDATION TO DENY THE APPLICATION REQUEST FOR MODWASH.**

Board member Simpson pointed out that it has already been noticed that the C-P designation under the Mixed-Use plan does not actually fall under Mixed-Use. He suggested that if the Board does deny the request that they still make some sort of change to at least make it current with the code if that's applicable. In response, Board Attorney Eick explained that if the Mixed-Use Future Land Use is kept, at that point City staff has to recognize that there is an inconsistency and there are different ways that this can be resolved.

AYES: SENGEL, GREEN, BLANCO, BURGESS, DOBRIN, GREENWOOD, LOPEZ, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

~~B.~~ ~~PZ - Zoning Map Amendment (ModWash LLC.)~~ PULLED APPLICATION

The Modwash, LLC Applicants for the Zoning Map Amendment withdrew their application following the Board's consideration and vote on Item A, Small-Scale Comprehensive Plan Amendment.

V. TREE BOARD:

None.

VI. OTHER BUSINESS:

1. Tree Board Update: (none)
2. Recent Development Update
3. Open Discussion by Board members

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, July 6, 2022 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER MOCK; SECONDED BY ALTERNATE MEMBER GREENWOOD TO ADJOURN THE REGULAR MEETING OF MAY 4, 2022.**

AYES: SENGEL, GREEN, BLANCO, BURGESS, DOBRIN, GREENWOOD, LOPEZ, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 8:31 PM.

Dana Green for

~~Russell Sengel~~, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary