

CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
February 14, 2018

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, February 14, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Mike Dobrin called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Aleck Greenwood	Board Member
Jack Moore	Board Member
Todd Anderson	Board Member
Russell Sengel	Board Member
Lawrence Koss	Board Member
Jeri Blanco	Board Liaison

MEMBERS ABSENT:

Jake Williams	Board Member (arrived 6:05pm)
Sherry Ervin	Board Member

OTHERS PRESENT:

Cindy Thurman	Planning & Zoning Manager
Karen Hamilton	Community Services Director
Kristin Eick	Board Attorney
Monica Arsenault	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: February 14, 2018.

Motion by Jack Moore, seconded by Todd Anderson, to approve the agenda of February 14, 2018. The vote on the motion carried unanimously.

2. Approval of Meeting Minutes: August 14, 2017 and January 10, 2018.

Motion by Todd Anderson, seconded by Jack Moore, to approve the minutes of August 14, 2017 and January 10, 2018, with an amendment to the January 10, 2018 minutes. The vote on the motion carried unanimously.

OLD BUSINESS:

A. Tree Board Discussion; Draft Letter

Ms. Thurman stated that at the last meeting the Board discussed Board member Greenwood's concern regarding the removal of Oak trees in Cocoa Village. In response, Board member Greenwood reiterated some of his concerns regarding the removal of Oak trees not only in Cocoa Village but in other areas of the City as well. He provided a brief background history of the Tree Ordinance and the process in which a tree should be removed if necessary.

Board member Greenwood shared that he contacted an arborist to look at an oak tree in front of Season Tickets in Cocoa Village. He stated that the tree was heavily pruned in order to be removed. Once attention was brought to the situation the City replaced the previous tree with a new oak tree. Board member Greenwood shared a few examples of situations in which oak trees were removed. He is hopeful that the Tree Ordinance will help to preserve oak trees in Cocoa and he hopes that in the future, the Tree Board can review each situation, make a decision, and then bring it before City Council.

Ms. Thurman reminded the Board that at the previous meeting it was agreed that a letter needed to be crafted to be brought before the City Council to reaffirm the proactive stance of the Tree Board. Ms. Thurman provided a draft letter to the Board for their consideration.

Ms. Thurman stated that in the future, a tree update will be provided on future agendas to help keep the Board informed on what is going on in regards to trees on City property and right of ways.

Chairman Dobrin inquired when the tree ordinance was adopted. In response, Ms. Thurman stated that the Tree Protection Ordinance was adopted in 1984. Furthermore, the Tree Board was established in 1995. She reviewed a timeline of actions taken since the induction of the Tree Board.

Board member Williams stated that revisions had been made to the Tree Ordinance after 2003. He stated that the Code Enforcement Board took over responsibilities of tree issues which has since caused confusion of who is responsible for City trees.

Chairman Dobrin asked if Public Works is aware of the current ordinances. In response, Ms. Thurman explained that they are aware of the process, however, there are exemptions in cases that cause a life safety issue.

Board member Koss inquired about the cost of a permit to remove a tree on private property. In response, Ms. Thurman stated that it is fifteen dollars per tree. She also stated that if a tree is removed a similar tree is to replace it.

Board member Greenwood suggested that a neutral arborist, not employed by the City of Cocoa, be utilized to address tree issues and removals.

Board member Koss mentioned that he knew of an arborist that the City may want to consider as well.

In response, Ms. Thurman stated that she would need to discuss this with the City Attorney's office as they would be considered an outside consultant to the City.

Board member Anderson stated that he liked the drafted letter as written, however, he felt that the word "downtown" in paragraph three should be changed to "city".

Board member Greenwood stated that there is some specific information that he feels is missing from the letter.

Mr. Anderson shared that he feels that this is just a letter of intention to the City Council and that specific information should be included in the ordinance.

Board member Greenwood agreed with Board member Anderson that this letter will suffice for the purpose of informing Council of the Tree Board's intention to become proactive again.

Motion by Todd Anderson, seconded by Aleck Greenwood, to approve the letter as written with the exception of changing the word "downtown" in paragraph three to "city". The vote on the motion carried unanimously.

NEW BUSINESS:

A. PZ-18-02000001 – Zoning Text Amendment (Ordinance No. 02-2018)

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Chapter 3, Section 3-23 of the code of the City of Cocoa; providing for an exception to the Light Emitting Diode (LED) Sign Standards contained therein to allow for larger LED on-premise wall signs on properties that are contiguous or adjacent to interstate 95 and/or state Road 528; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

Ms. Thurman stated that the purpose of the Sign Regulations is to regulate the number, size, type, use, design, construction, location and character of all signs within the City.

She shared the amendment was precipitated by a project proposed in connection with the new dealership located off S.R. 520 and adjacent to I-95. She stated that an Ordinance was crafted to provide a comparable opportunity for business owners located adjacent to I-95 and S.R. 528 to allow for larger wall signs and for them to be LED. This ordinance was previously amended in 2009 to increase the size of a LED board from twenty four (24) square feet to thirty-two (32) square feet. Under the current code, LED wall signs are limited to thirty-two (32) square feet and under the proposed ordinance these signs would be allowed up to a maximum of 381.6 square feet.

Additionally, Ms. Thurman stated that these signs will be limited to commercial, industrial, and warehouse properties and will not be allowed in residential areas. She explained that large LED wall signs are prohibited within two hundred and fifty (250) feet of residentially zoned properties.

Board member Anderson asked where the 250 feet number came from. Ms. Thurman stated that it is stated in the current code for smaller billboards.

Ms. Thurman stated that there are several requirements that a digital billboard must comply with. The requirements are as follows:

- Digital billboards shall display static messages only as opposed to moving messages.
- Digital billboards shall not contain messages with varying degrees of illumination, flashing or scintillating or varying light intensity.

- Messages on digital billboards shall be displayed for a minimum dwell time of eight (8) seconds and maximum transition time between messages shall not exceed one (1) second.
- Messages on digital billboards shall not operate at a brightness level of more than .3 foot candles above ambient light, as measured using a foot candle meter at a distance of two hundred and fifty (250) feet for 14' x 48' digital billboards and at a distance of two hundred (200) feet for 10'6 x 36' digital billboards.
- Each digital billboard display shall have a light sensing device that will adjust the brightness of the billboard display as ambient light conditions change.
- Digital billboards shall be prohibited within two hundred and fifty (250) feet of residentially zoned properties.
- Digital billboards shall be prohibited within two hundred and fifty (250) feet of an intersection with a traffic light.
- Digital billboard permittees shall provide for public service and emergency announcements or alerts to be displayed on the digital billboards at no charge and on an as-needed basis. Said permittees shall be required to submit contact information to the City as part of their permit application.

Ms. Thurman explained that although the above mentioned requirements are for billboards and digital billboards, many of them are mirrored for large LED signs as well. In addition to those rules, large LED wall signs must meet the following additional standards:

- Wall signs on properties contiguous or adjacent to Interstate 95 and/or State Road 528 can be a maximum of ten (10) feet, six (6) inches in height by thirty-six (36) feet in width and a minimum display area of eight (8) feet by twenty four (24) feet (192 square feet) for the large LED wall signs. The intent is to allow wall signs similarly sized to billboards. Incorporating a minimum display area requirement best reflects this intent and preserves the thirty-two (32) square foot requirement for other types of LED signs (wall and ground).
- Wall signs as the current code is written may not project more than twelve (12) inches from the building and may not extend above the roofline or façade. This requirement will continue to apply for the large, LED wall signs that are proposed.
- The underlying zoning classification controls minimum lot sizes and setbacks. A large, LED wall sign will not be permitted on the face of any building that is nonconforming. Therefore, these wall signs will meet the Zoning District setbacks for the principal structure, depending on which Zoning District the property is located in.
- There will be a minimum of one thousand five hundred (1,500) feet from property lines of lots used for any large LED wall signs.
- If the owner chooses to place two large LED on-premises wall signs on the building, each sign must be placed on a separate face of the building that is visible from I-95 or S.R. 528. Due to the visibility from I-95 and S.R. 528 LED wall signs are now allowed on two separate sides of the building; both can be the same size.
- Should the permittee choose to install large LED wall signs, no other LED wall signs or LED ground signs may be located on the property.
- The sign shall display static messages only. Any structural component, design, or pictorial segment of the sign shall remain static at all times. No sign shall contain messages with varying degrees of illumination, flashing, or scintillating or varying light intensity.
- The brightness level of no more than .3 foot candles above ambient light, at a distance of two hundred (200) feet for the maximum display area. Each sign display shall have a

light sensing device that will adjust the brightness of the sign display as ambient light conditions change.

- The large LED wall sign is prohibited within two hundred and fifty (250) feet of residentially zoned properties.
- The sign shall be available for public service and emergency announcements or alerts.
- In no case shall the LED wall sign exceed twenty (20) percent of the total surface area of the wall, however, a second LED wall sign on the building may be the same size but on a different wall surface of the same structure.
- There shall be a minimum of five hundred (500) feet between the face of the building upon which the large LED wall sign is affixed and road-exits or on-ramps, intersections, or interchanges.
- A minimum of two hundred (200) feet between the property line of a lot used for large LED wall signs and property lines of lots used for schools, churches, cemeteries, public parks, public playgrounds, historic sites, and landmarks.

Board member Sengel asked if these signs can be stand-alone signs. In response, Ms. Thurman stated that these signs would only be used as on-site advertising and that they will not be stand-alone signs.

Board member Sengel shared concerns regarding any future residential developments that may be placed close to these signs. Ms. Thurman explained that the previously mentioned standards would still apply.

Board member Williams asked what the purpose is of bringing this before the Board if there hasn't been any applicants. Ms. Thurman explained that the business community feels that they are not able to maximize their advertising potential.

Board member Koss asked what the lighting regulations are on these signs at night. Ms. Thurman explained that the brightness level of no more than .3 foot candles above ambient light, at a distance of 200 feet for the maximum display area. Each sign display will have a light sensing device that will adjust the brightness of the sign display as ambient light conditions change.

Board member Greenwood recognized staff for the amount of work and research that was put into the staff report.

Board member Moore asked if approved, if this would be in violation of State regulations. In response, Ms. Thurman answered no, because these are not billboards, they are only going to be on buildings and will be visible only from I-95 and S.R. 528.

Furthermore, Ms. Eick explained that the State permits off-premise signs, such as billboards, that advertise things that are not necessarily occurring on the property. If it is an on-premise sign then it is exempt from the state permitting process per Chapter 479 of the Florida Statutes. She stated that a copy of the proposed ordinance was sent to the State and they did not provide any negative feedback. Ms. Eick mentioned that the City's definition of "on-premise" is broader than the State's definition.

Motion by Jake Williams; and Jack Moore to recommend approval to City Council of Ordinance No. 02-2018 amending Chapter 3, Section 3-23, of the City Code, providing for an exception to the Light Emitting Diode (LED) Sign Standards contained therein to allow for larger

on-premises wall signs on properties that are contiguous or adjacent to interstate 95 and/or State Road 524. The vote on the motion carried unanimously.

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It was clarified that no one in the audience wished to speak.

OTHER BUSINESS:

A. Election of Board Chair and Vice Chair

Chairman Dobrin opened the discussion to the Board. He asked if anyone else wished to step up and take either position.

Board member Greenwood stated that he didn't think anything needed to be changed.

Motion by Jack Moore, seconded by Aleck Greenwood, to keep the Chair and Vice Chair positions the same. The vote on the motion carried unanimously.

Chairman Dobrin asked what role the Planning and Zoning Board will play in regards to the Waterfront Master Plan and its final recommendations. In response, Ms. Hamilton explained that it is still in the preliminary stages and the City is currently trying to solicit community input and suggestions. Once it has become an actual implantable plan, the Board will then be able to review applications. She encouraged all to attend the February 26th Waterfront Master Plan meeting at the Cocoa Civic Center.

The Board agreed to have Ms. Thurman present the drafted Tree Board letter to Council at their next meeting.

Board member Greenwood stated that at the next meeting he would like to discuss the utilization of gravel for driveways.

Ms. Thurman asked if this was an item that the Board wished to bring to the next Board meeting. In response, the Board agreed to discuss this item at the next meeting.

Ms. Hamilton shared her thoughts on the issue.

NEXT MEETING:

The Board members established that the next meeting would be held on March 14, 2018.

ADJOURNMENT:

Motion to adjourn by Board member Koss, seconded by Vice Chairman Washington. There being no further business the meeting adjourned at 7:09 P.M.

Approved on this 14 day of March, 2018.


Monica Arsenault, Board Secretary


Michael Dobrin, Chairman