

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
February 7, 2024**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on February 7, 2024 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Simpson called the meeting to order at 6:05 PM.

ROLL CALL:

Justin Simpson	Chairperson
Todd Anderson	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

PRESENT:

Justin Simpson	Chairperson
Todd Anderson	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Veronica Lopez-Valez	Board Member
Katherine Stewart	Alternate Member

ABSENT:

Wesley Park	Board Member
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STAFF PRESENT:

Michael Blake, Mayor; Stockton Whitten, City Manager; Kristin Eick, Board Attorney; Luci Ribeiro, City Planner; Lori Chabot, Recording Secretary; Stephen Noto, AICP, Director of Planning for RVi Planning + Landscape Architecture; and Pat Tyjeski and Gaby Castro from Inspire Placemaking Collective.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of February 7, 2024

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER CHABOT TO APPROVE THE FEBRUARY 7, 2024 REGULAR MEETING AGENDA EITHER AS WRITTEN OR WITH AMENDMENTS.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

2. MINUTES: Meeting of December 6, 2023.

- * **MOTION BY BOARD MEMBER SIMPSON; SECONDED BY BOARD MEMBER GREENWOOD TO APPROVE THE DECEMBER 6, 2023 REGULAR MEETING MINUTES WITH AN AMENDMENT ON PAGE 12, IN THE MOTION UNDER THE NAYS, CHANGE BURGESS TO ANDERSON.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

The Recording Secretary swore in the speaker(s).

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. Annual Election of a Chairperson and Vice Chairperson for the Planning and Zoning Board

Luci Ribeiro, City Planner, introduced the item noting this is an annual election for Chairperson and Vice Chairperson. She also reminded Board Members this was on the December 6, 2023 Agenda, however it was tabled and moved to this meeting.

The nominations began and the board discussed the matter. Board Member Greenwood nominated current Chairperson Simpson to continue as Chairperson and nominated Todd

Anderson as Vice Chairperson. Both accepted the nomination. Katherine Stewart seconded the Motion.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER STEWART TO ELECT JUSTIN SIMPSON AS THE CHAIRPERSON AND TODD ANDERSON AS THE VICE CHAIRPERSON FOR THE PLANNING AND ZONING BOARD.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

B. PZ-21-00100002- SITE PLAN AND PRELIMINARY PLAT APPROVAL (Lakes at Cocoa Groves)

Request consideration of a large-scale site plan and preliminary plat, pursuant to Chapter 18 and Appendix A, Zoning, Article XIII, Sec. 1 of the Cocoa City Code, of one (1) parcel of real property, totaling 246.43 acres, more or less, and generally located on the northeast corner of SR-528 and I-95, in Cocoa, Florida, for a residential subdivision of approximately 350 lots with private recreational common space and amenities. Tax Parcel ID number: 24-35-10-00-3.

Ms. Pat Tyjeski of Inspire presented for the project through a PowerPoint presentation. The presentation is attached to the Agenda. She stated staff's recommended is to approve the request with 15 conditions which are noted in the presentation.

Kendall Moore of Rockledge spoke and presented on behalf of the applicant. He reviewed the history of the property and their involvement and spoke about the development of the property. They have worked with City staff and the consultant on this project and stated Brightline was present and could give more information about the project.

Jose Gonzalez, VP of Brightline, thanked staff for their work. Mr. Gonzalez spoke about the project and stated they are supportive. They wanted to be here to answer questions.

Chairperson Simpson opened the discussion to the Board.

Vice Chairperson Anderson asked Mr. Gonzalez about the price point. In response, Mr. Gonzalez explained it had not yet been determined but the homes will be higher-end homes. He added that the minimum square footage is 1500 feet. Vice

Chairperson Anderson asked about a sound deafening wall to the south. In response, Mr. Gonzalez stated not a wall, but a berm, and noted that it takes the train 15 seconds to pass.

Vice Chairperson Anderson asked about the tree line and if it would stay or be extended. Mr. Gonzalez replied it would. Vice Chairperson Anderson asked if there was an interlocal agreement with BCSO for quicker response on service calls. In response, Attorney Garganese replied there was a Mutual Aid Agreement but not one specifically for that property. Further discussion continued regarding respond time.

Chairperson Simpson opened the hearing to the public.

Richard Hester, 4375 Seville Ave., Cocoa, said he received a notice about the meeting. He asked about the location of the project in relation to where he lives. He also asked if it backs up to the drainage canal and is concerned about the wildlife in the area.

Mr. Gonzalez replied to his concerns about the wildlife and stated they have relocated a lot of tortoises, and that it is ongoing. He also added the development does back up to the drainage canal.

Robert Hill, Cocoa, asked about the fence and tree line. Mr. Gonzalez shared information about the tree lines.

Bob, Cocoa resident, spoke stating that he moved here for the privacy. He added that he is not in favor of the project. He has concerns about the tortoises. He stated that he lives on a dirt road and doesn't want a black top road. He is afraid that would become a drag strip. In response, Vice Chairperson Anderson confirmed there will be a second entrance. Mr. Gonzalez also confirmed that.

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

Board Member Greenwood asked Mr. Gonzalez to return to the podium for questions. He spoke about the elevations and asked about the construction of homes. In response, Mr. Gonzalez stated he was not sure at this point.

Trees were discussed and the types that would be planted. Board Member Greenwood stated Cocoa is known for their trees and it was a major asset.

The discussion continued about the cost and sizes of homes. Board Member Greenwood thanked him and said he was supportive.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY VICE CHAIRPERSON ANDERSON TO RECOMMEND APPROVAL TO CITY COUNCIL the large-scale site plan and preliminary plat, pursuant to Chapter 18 and Appendix A, Zoning, Article XIII, Sec. 1 of the Cocoa City Code, of one (1) parcel of real property, totaling 246.43 acres, more or less, and generally located on the northeast corner of SR-528 and I-95, in Cocoa, Florida, for a residential subdivision of approximately 350 lots with private recreational common space and amenities. Tax Parcel ID number: 24-35-10-00-3.**

AYES: SIMPSON, ANDERSON, CHABOT, GREENWOOD, WHEELER, BURGESS, LOPEZ-VALEZ, STEWART

MOTION PASSED UNANIMOUSLY (8-0)

C. PZ-24-02100001 – ZONING MAP AMENDMENT (301 S. Cocoa Blvd)

Ordinance XX-2024. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the Official Zoning Map designation of eleven (11) parcels of real property, totaling 1.39 acres, more or less, and generally located on the southwest corner of SR-520 and US-1, more particularly depicted and legally described on Exhibit "A" attached hereto, from Commercial Parkway District (C-P) to Neighborhood Commercial (C-N); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date. Parcel ID numbers: 24-36-33-31-A-5, 24-36-33-31-C-1, 24-36-33-31-D-11, 24-36-33-31-D-12, 24-36-33-31-D-13, 24-36-33-31-C-2, 24-36-33-31-*-R.1, 24-36-33-31-*-R.2, 24-36-33-31-*-R.3, 24-36-33-31-*-R.4, and 24-36-33-31-*-R.5.

Stephen Noto presented the item and touched on facts relative to the property. The proposed changes are contrary to the established land use pattern. The City is embarking on a Visioning Study with regard to the property. The property falls in the CCRA and adjacent to the DSCRA. Both CRA's have recently sent out RFP's to update their plans.

City staff are bringing a visioning exercise of the corridor to bring the zoning and FLU designations into compliance.

Additionally, he pointed out that City staff does not recommend approving the project.

Ms. Mary Solik of Orlando, and representing Biscaya Cocoa Holdings provided a presentation. She reviewed some of the history of the property. She discussed the FLU issues and the inconsistencies. She stated they are stuck and cannot do anything on their property. They cannot lease or sell. She explained their request being made of the City and explained her rebuttal to the Sub-criteria A-F, which is the City's reasons for denial.

Vice Chairperson Anderson discussed the location of the property and its proximity to other properties that are noted as C-N. He stated that C-N is consistent to the South. The proposed property is all south of that and would be consistent with what is there, if approved. In response, Ms. Solik replied affirmatively.

Board Member Stewart asked if there is a plan of what they would like to put at that property. In response, Ms. Solik replied that her clients can market the property based on the zoning.

Ms. Ribeiro stated the applicant asked for a pre-app meeting and at that time, the request was for a gas station.

Board Member Greenwood stated he is not comfortable making a decision without knowing what will be put on the property. He referred to a page in the staff report and has concerns with what it states and explained his reasons. He also added that that intersection is the busiest.

Discussion continued with regard to the property what could be in that location. Board Member Greenwood stated that with the complexity of the situation he would not be comfortable approving it.

In response, Ms. Solik stated that the owner should be entitled to what is put there as it is within their right.

Vice Chairperson Anderson explained they would like to have a Walgreens. He would like to have something nice there. He agreed with Board Member Greenwood that it is the Gateway for Cocoa. Mr. Noto spoke and explained the constraints of the property and provided some examples of how the City and Property Owner could come together. Discussion continued among the board and the applicant representative.

Ms. Ribeiro also added with the contractor in place, RVi and the City are moving forward to fix the problem. Mr. Noto asked the property owner to work with the community and staff.

The board discussed the matter and how the FLU and the Zoning got to where it was. Board Member Chabot pointed out the property's location being just south of 520 and US1 and added that there is frequently a backup at the intersection and it would be hard to get in coming off SR520. Additionally, when the light changes the cars move fast. He also stated he does not want to see another gas station with loitering and people hanging out.

Board Member Wheeler spoke of risk mitigation on your investment and the Comp Plan and added he is a proponent of property rights. However, he noted that we have not found an amicable plan. Those involved need to find an amicable plan.

Steven Noto shared some historical zoning information and offered some suggestions. Discussion ensued regarding development of the property.

Chairperson Simpson mentioned the FLU Policy 1.1.10.8 and feels that based on this policy alone, it has to go the Council.

Purvette Bryant, Cocoa, asked the Board to deny the request. It is not a well thought plan to allow this zoning change without knowing what would be put there. This needs to be well thought out. They have a whole residential area and it makes more sense to deny and put something there that would help the Diamond Square community.

Attorney Garganese added that he hears the concerns and stated there is a provision in the City Code that allows one to submit plans in conjunction with the code request. The applicant could consider this.

- * **MOTION BY CHAIRPERSON SIMPSON; SECONDED BY VICE CHAIRPERSON ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO CHANGE THE PROPERTY from Commercial Parkway District (C-P) to Neighborhood Commercial (C-N).**

AYES: SIMPSON, ANDERSON, LOPEZ-VALEZ

NAYS: CHABOT, GREENWOOD, WHEELER, BURGESS, STEWART

MOTION FAILED (5-3)

- * **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER STEWART TO RECOMMEND DENIAL to City Council the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of 11 Parcens totaling 1.39 acres from C-**

P (Commercial Parkway District) to C-N (Neighborhood Commercial) as depicted on Exhibit A.

AYES: CHABOT, GREENWOOD, WHEELER, BURGESS, STEWART

NAYS: SIMPSON, ANDERSON, LOPEZ-VALEZ

MOTION PASSED (5-3)

City Manager Whitten clarified the visioning process where Diamond Square has issued an RFP to update the CRA Master Plan. This is a planning process or visioning process. He continued to explain the area that is included in this plan.

V. TREE BOARD:

Board Member Greenwood mentioned the SR520 road work and if the grass area could include landscaping and/or trees. Discussion continued with regard to what could be done in the area. City Manager Whitten clarified it is a DOT project but the City could ask.

VI. OTHER BUSINESS: None

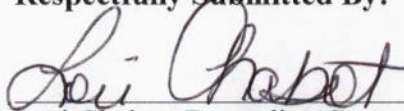
VII. NEXT MEETING DATE:

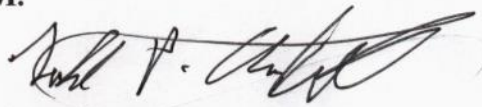
The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, March 6, 2024 at 6 pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

MEETING WAS ADJOURNED AT 8:27 PM.

Respectfully Submitted By:


Lori Chabot, Recording Secretary

Fov

Justin Simpson, Chairperson
Todd P. Anderson