

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
JANUARY 7, 2020**

The regular meeting of the Planning & Zoning Board Local Planning Agency was held on January 7, 2020 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Dobrin called the meeting to order at 6:01 PM

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Kristin Eick	Assistant City Attorney

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Kristin Eick	Assistant City Attorney

ABSENT:

Trina Gilliam	Board Member (arrived at 6:05pm)
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STAFF PRESENT:

Angela Essing, Senior Planner, **Dodie Selig**, Planning & Zoning Manager, **Jake Williams Jr.** (arrived at 6:02pm), Mayor, **John Titkanich** (arrived at 6:18pm) City Manager, and **Courtney Jackson**, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance to the flag of the United States of America¹.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of January 7, 2020

- * **MOTION BY BOARD MEMBER ERVIN; SECONDED BY VICE CHAIRPERSON WASHINGTON TO APPROVE THE JANUARY 7, 2020 AGENDA AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GREEN, GREENWOOD, KOSS, SENDEL

- * **MOTION PASSED UNANIMOUSLY (8-0)²**

2. MINUTES: December 4, 2019

- * **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER SENDEL TO APPROVE THE MINUTES WITH AMENDMENTS FOR THE DECEMBER 4, 2019 MEETING.**

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

- * **MOTION PASSED (9-0)**

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. PZ-19-02100001 – ZONING MAP AMENDMENT (REZONE) – THE LAKES OF CANVERAL GROVES

ORDINANCE 03-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 246.45 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE

¹ Mayor Williams entered the room at 6:02pm

² Board Member Gilliam arrived at 6:04pm

NORTH EAST CORNER OF HWY 528 AND INTERSTATE 95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY GU (GENREAL USE) ZONING TO CITY OF COCA RU-1-7 (SINGLE FAMILY RESIDENTIAL) ZONING; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. (PARCEL ID: 24-35-10-00-3).

Dodie Selig presented the item, handed out the development summary³, explained the item's background, staff's findings as described on the staff report⁴, as well as staff's recommendation.

Due to technical difficulties relating to the PowerPoint presentations, the Board took a brief recess from 6:11pm-6:32pm⁵⁶⁷⁸.

Once technical difficulties were resolved, Dodie Selig finished her PowerPoint presentation and then introduced the Applicant, Kendal Moore (895 Barton Blvd, Ste. B), who then introduced Jose Gonzalez (Executive Vice President for Business Development for Florida East Coast Industries) and Rusty Roberts (Vice President of Government Affairs of Virgin Trains Florida USA, LLC) followed by presenting his PowerPoint⁹ pertaining to the item that showcased the location of the subject property, regulatory history of subject property, conceptual site plan, development process, next steps, and photos of house models. Mr. Moore also acknowledged that he and the other representatives are there tonight for the technical aspect of rezoning and can answer questions as much as they are able to.

Mr. Moore ended his section of the PowerPoint and turned over the remaining presentation to Jose Gonzalez. Mr. Gonzales spoke on the development process as well as next steps, requirements that they will need to meet for this project, and showcased the models of the houses that they would like implemented in the parcel.

Board Discussion:

Discussion between Dodie Selig and Chair Dobrin regarding why the City has kept the City's original zoning.

Delegations:

³ Exhibit A: Development Summary.

⁴ Staff Report found on page 14-29 in the Full Planning and Zoning Board 01/07/2020 Agenda.

⁵ Angela Essing left the room at 6:13pm and re-entered at 6:26pm.

⁶ Jake Williams left the room at 6:12pm and re-entered the room at 6:15pm.

⁷ City Manager Titkanich entered the room at 6:18pm.

⁸ Board Member Sengel left the room at 6:22pm and re-entered the room at 6:23pm.

⁹ Exhibit B: Virgin Trains USA Florida, LLC- The Lakes of Canaveral Groves PowerPoint.

Sara Wagner (2205 Adamson Rd): read into the record Exhibit D¹⁰.

City Manager Titkanich explained the Stipulated Settlement Agreement ¹¹ as it pertains to the rezoning map for The Lakes of Canaveral Groves.

Demetrius Waters (911 Eckool St): expressed how this re-zoning and potential project would be detrimental to the area and surrounding residents.

Brendon T. Blaszczyk (42955 Seville Av): provided the Board with Exhibit F to further explain his point of view for his disdain of the potential project and re-zoning. He stated that this re-zoning would have a negative impact and cause destruction to the agricultural operations on his property. It will also provide a substantial burden and argued that this potential project will impede on the land's religious use as it will place a burden upon their spiritual practice.

City Manager Titkanich explained the Church's impact as it pertains to the Stipulated Agreement and the application.

Board Member Green asked if there is standing to deny the re-zoning.

Assistant City Attorney Eick explained that they have the power to deny it and explained that they are only being asked to consider if the application meets the criteria to have their parcel re-zoned.

Sharon Pack (3665 Osage St) shared with the Board that she was upset to not be given a notice and disagreed with where the potential construction would happen as well as the potential negative traffic impact. She has no problem with what Virgin Trains is trying to build but asked them to build only one house per acre from Osage Street.

Mark Marcheterro (4265 Seville Ave) shared his weariness regarding the potential flooding issues the project may cause, asked if a study is going to be done regarding the flooding, and suggested for the developers to redesign the locations of their roads as the current projected locations of the roads would have an overall negative impact.

Kendal Moore expressed that his client was only requesting a zoning change and that the Board was voting on such rezone and not the project details.

Discussion between Chair Dobrin and Kendal Moore regarding clarification that nothing in their project is set in stone and is still subject to change.

¹⁰ Exhibit D: Sara Wagner handout.

¹¹ Exhibit E: Stipulated Settlement Agreement from December 11, 2007

Board Member Gilliam asked if it is possible for the developers to meet with the owners and work out something in the development phase that would be more palatable to them.

Kendal Moore stated while he cannot guarantee anything at that moment, he expressed he would be more than happy to meeting with anyone who wants to but at this time, they are only in the zoning phase and are not yet prepared to negotiate any details.

Discussion between Board Member Sengel and City Manager Titkanich regarding different residential zonings.

Dodie Selig, City Manager Titkanich, and Assistant City Attorney Eick explained to the audience the notification requirements and how the residents can stay informed and up-to-date on meetings and potential changes. It was shared that information will be mailed out if one is within a specific boundary, it is advertised in Florida Today, and information is available on the Cocoa website (www.CocoaFL.org).

Discussion between City Manager Titkanich and Sara Wagner regarding how the re-zoning would affect the wetlands.

Sara Wagner implored the developers at Virgin Trains to introduce themselves to the residents and have them be more involved in future projects.

David Winn (4140 Seville Ave) asked who agreed to the mode of access on the property.

City Manager Titkanich explained it was discussed at a joint meeting between the City and the County.

Discussion between City Manager Titkanich and David Winn regarding the development process for the project.

Jessica Cooke (Cocoa Citizen) expressed her concern over how the developers plan to sell the homes.

Chair Dobrin does not have a specific answer, but feels the developers would have a plan.

Board Member Gilliam clarified that is not the issue at hand.

Board Member Ervin suggested to go onto the city of cocoa website and monitor for any upcoming changes and meetings.

Both Sara Wagner and Jessica Cooke expressed that is not as easy as it sounds.

Board Member Gilliam shared that they can go on the website and sign up for email notifications.

Brendan T. Sacz expressed that he has no issue with the conservation area being changed, but it is impacting his farm. It has damaged his farm and hurt his livestock, and destroyed half an acre of his property. He does not feel he should put up a fence and he should not have to worry about what the developers are doing, but their project is encroaching on his property. He stated that he would be more than happy to supply evidence of the destruction. Mr. Sacz wanted it stated on the record that the developer's projects and plans have already destroyed property. Lastly, he understands that it is a zoning issue, but he does not want his zoning changed.

Johnathan Lowers (citizen) expressed that they should look into the flooding issue and do a study.

Demetrius Waters asked if the developers can meet with the property owners and keep them informed. He felt that by working together they can bring progress and jobs to bring the community together and asked if the Mayor can assign someone from the City to keep the residents informed of future changes.

Mayor Williams Jr. assured that the residents will stay informed.

Vanessa Blasz expressed that she does not care for what the developers are wanting to build but she wants them to not encroach the residents' property and her disappointment in the lack of notification.

Dodie Selig explained that the only properties being affected by the re-zoning would be the subject property.

Discussion between Staff and several members of the audience regarding color clarification of the zoning map sent to residents.

Linda Philips (Siville Resident) brought up the wetlands and the conservation area. She expressed her concern over St. John's Water Management being in-charge for the research regarding water drainage. She suggested hiring another third party to conduct the research to evaluate how the wetlands are being drained.

City Manager Titkanich explained that St. John's Water Management is a different government body and explained the steps that must take place first before research can begin.

Titkanich noted regardless of when it happens that it is a legally binding agreement that they have the right to build on the land.

Christine Callahan (citizen) inquired who to speak to regarding forming a committee.

Chair Dobrin suggested the planning and zoning staff.

City Manager Titkanich did not agree with having the citizens form a committee that would meet with staff regarding the project. He explained that if the residents have questions, they are more than welcome to come and speak to staff, but they cannot be involved with negotiations. He assured the citizens that the City will follow the code and send out notifications to keep them updated.

Penny Daniels (citizen) asked what is the legal law to distribute the notification.

Assistant City Attorney Eick explained for a subdivision action, it is 500 feet from the property lines affected and they will be sent mailers, and it is advertised in Florida Today.

Penny Daniels clarified that she wanted to know the timeframe because she felt that the 7-day notice she received was not enough time to be notified about the project.

Katherine Botham (citizen) asked if there was a reason that the property can't be zoned the same as the rest of the neighborhood.

City Manager Titkanich explained it has to do with the provisions listed in the Stipulated Settlement Agreement.

Mark Marcheterro expressed he felt that the audience members showed up for nothing since it sounds that the plans are a done deal.

Discussion between Board Member Green and Dodie Selig regarding the lot size.

Chair Dobrin asked for clarification with what they are being asked to do.

Assistant City Attorney Eick explained that they are voting on the application RU-1-7, the property has already been annexed into the city. She reiterated that the Board is making a recommendation on the RU-1-7 application and if it were denied, the applicants could potentially come back with a different zoning request.

Mike Loggings and staff discussed what the next steps were if the Board voted to deny the application.

Chair Dobrin reminded the Board that they are voting on the first step of a long process and concluded by sharing he appreciates the audience members for showing passion for what is important for them.

Board Member Koss suggested that the city, for future projects, look at the bigger picture instead of just the small picture. He understood that the residents were upset due to a misunderstanding in the colors in the zoning map sent out, but expressed that this was not the correct venue to air out their concerns. He clarified that they are only making a recommendation to City County and they are the ones who have the ultimate say. He concluded by saying that there are different ways to be heard and thinks the city needs to be aware of storm water impact.

Board Member Sengel wanted to know the time limit on when to send out notification letters.

Assistant City Attorney Eick noted for zoning map amendments it is 15 days and for subdivision it is typically about 7 days before.

City Manager Titkanich assured that the Canaveral Groves Residents will receive proper notice.

Board Member Sengel expressed that they want to be sympathetic towards the wetlands and wanted to make sure that the developer follows the law. He shared a brief history of developments that happened next to his house and his concerns are much the same as the audience and shared that his property only flooded once and it was due to Hurricane Wilma and has not flooded since.

*** MOTION MADE BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE ZONING MAP AMENDMENT.**

AYES: DOBRIN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

MOTION PASSES UNANIMOUSLY (9-0)

The meeting called for a 2 minute recess from 8:36pm-8:40pm

V. OTHER BUSINESS:

1. Recent development update (attached).

Ms. Selig will bring the recent developments for the next meeting.

2. Open discussion by Board Members

Topics Discussed:

- Building by US Bank on Clearlake and Michigan
- Bank of America parking lot
- Parking issues in the Village
- Parking Workshop
- Economic development breakfast
- Golden Coral update
- Board Member Koss asked if staff will bring a quote showing a comparison to take down a tree vs fixing the sidewalk. Requested a cost analysis.

VI. NEXT MEETING DATE:

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, February 5, 2020 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

- * **THE BOARD UNANIMOUSLY MOTION AND SECONDED TO ADJOURN THE REGULAR MEETING OF JANUARY 7, 2020.**

MEETING WAS ADJOURNED AT 8:50 PM.


Michael Dobrin, Chairperson

Respectfully Submitted By:


For Courtney Jackson, Recording Secretary