



CITY OF COCOA
Planning & Zoning Board /
Local Planning Agency
City Council Chambers

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
December 4, 2019
6:00 p.m.

I. OPENING MATTERS:

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of December 4, 2019
2. MINUTES: Meeting of November 6, 2019

III. OLD BUSINESS: (None)

IV. NEW BUSINESS:

A. PZ-19-039 – Zoning Text Amendment – Cocoa Waterfront Overlay District

ORDINANCE NO. 25-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW SINGLE STORY COMMERCIAL BUILDINGS ON A CERTAIN PROPERTY WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT, WATERFRONT SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME; AMENDING THE MAXIMUM LOT DEPTH FOR LOTS ELIGIBLE FOR SINGLE STORY COMMERCIAL BUILDINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

B. PZ-19-036 – Development Agreement – Project King -- Withdrawn by Applicant

V. TREE BOARD:

A. PZ-19-037 - Tree Removal Permit - 4034 Pinyon Dr.

Public Works has requested removal of an oak tree in the City right-of-way and a replacement to be planted at Bracco Pond.

B. PZ-19-038 - Tree Removal Permit – 2340 W. Sherwood Cir.

Public Works has requested removal of an oak tree in the City right-of-way and a replacement to be planted at Bracco Pond.

VI. OTHER BUSINESS:

1. Recent Development Update (None)
2. Open Discussion by Board members

VII. NEXT MEETING DATE:

Tuesday, January 7, 2020

VIII. ADJOURNMENT

NOTICE TO PUBLIC:

This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the Planning & Zoning Division at 65 Stone Street, Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting date, or by phoning (321) 433-8535.

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
NOVEMBER 6, 2019**

The regular meeting of the Planning & Zoning Board Local Planning Agency was held on November 6, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Dobrin called the meeting to order at 6:00 PM

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
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
Anthony Garganese	City Attorney

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Anthony Garganese	City Attorney

ABSENT:

Sherry Ervin	Board Member
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STAFF PRESENT:

Angela Essing, Senior Planner, **Dodie Selig**, Planning & Zoning Manager, **Sandra Leone**, Planner, **Jake Williams Jr.** (arrived at 6:02pm), Mayor

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

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of November 6, 2019

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER SENDEL TO APPROVE THE NOVEMBER 6, 2019 AGENDA AS WRITTEN.**

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

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

2. MINUTES: Meeting of October 2, 2019

- * **MOTION BY AGENCY MEMBER GREEN; SECONDED BY AGENCY MEMBER KOSS TO APPROVE THE MINUTES AS WRITTEN FROM OCTOBER 2, 2019.**

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

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

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. PZ-19-035 – 9 ZONING MAP AMENDMENTS (REZONINGS) –COX ROAD CORRIDOR.

Ms. Selig presented a PowerPoint regarding the re-zoning designations¹². PowerPoint included project summary, background information, and staff's recommendation for approval of the ordinances.

A: ORDINANCE 14-2019

¹ Exhibit A: Zoning Map Designations PowerPoint

² Nancy Bunt entered the room at 6:08pm

Ms. Selig presented in the PowerPoint, an overview of Ordinance 14-2019 as well as staff's recommendation.

Discussion Regarding Ordinance 14-2019:

Discussion between Board Member Sengel and Ms. Selig regarding the explanation of uses within the less intensive zoning districts.

Ms. Selig explained to the Board why certain limits in land-zoning are important.

Board Member Green asked what the differences between the general commercial and retail commercial zoning are.

Ms. Selig briefly explained the difference lies within the uses for each district. With retail it allows for beauty shops, clothing stores, and stores of that nature, whereas commercial is more intensive uses like car washes, auto sales, bowling alleys, hotel, and other larger uses.

Board Member Koss asked what the different levels are with zoning in terms of "light" and "heavy".

Ms. Selig explained there are 2 pairings of light and heavy zoning levels found in commercial and industrial such as M1 (light industrial) and M2 (heavy industrial).

Discussion between Board Member Koss and Ms. Selig regarding the level pairings found in residential zoning districts.

Public Comments Regarding Ordinance 14-2019:

John Robinson (460 Snug Harbor Dr., Merritt Island) he explained while he understands what the city is trying to do, he stated for the record that the value of the county's 1-U zoning rating is equal or better to the city's. He knows that there will be changes and asked how the change will affect the existing people.

Ms. Selig explained that the change from I-U to M-1 would only impact future development such as developing on vacant land and expanding on a parcel, not the existing businesses as I-U and M-1 are almost identical in uses.

Board Member Greenwood asked how does it affect existing businesses and if the existing businesses would be grandfathered in.

Ms. Selig explained that since they are already conforming businesses, grandfathering would not apply.

Board Member Koss expressed his concern for the lack of spacing between the buildings and if that would be an issue.

Ms. Selig discussed the fire code for building separation and Chair Dobrin expanded on Ms. Selig's explanation by adding that the codes require enough room for emergency vehicles to pass.

Jim Zolke (Citizen) explained a past situation pertaining to the two (2) warehouses he and his wife own and the complications that they faced with the 2004 annexation. He shared the city promised the annexation would not affect the current warehouse use but that turned out not to be the case. He hopes the re-zoning will fix the use-issue he is currently having with his warehouses.

Discussion between Chair Dobrin and Mayor Williams Jr. regarding the 2004 annexation and the issues that arose from it.

Cindy Roseland (Citizen) expressed her concern with how the rezoning would affect the traffic on Cox Road.

Board Discussion:

Board Member Koss asked Mr. Zolke for clarification regarding his warehouse issue and what the city did.

Mr. Zolke clarified he had renters in the warehouses doing business and the city annexed the land the building was on which then disallowed the businesses to continue as the use did not conform with the zoning, even though the city told him the businesses would not be affected.

Vice Chair Washington asked Ms. Selig if the M1 rezoning would fix Mr. Zolke's warehouse-use problem.

Discussion between Ms. Selig, Mayor Williams Jr., and Mr. Zolke regarding zoning uses.

Board Member Gilliam asked if the chemical storage would require a heavier industrial zoning

Ms. Selig explained it is possible and why it may require an M2 zoning based on the chemical type, even though it is in a warehouse.

Board Member Green asked about the rezoning analysis on page 7/9 (of the full agenda) under G & H that addresses the traffic/public safety concern.

Ms. Selig explained that the county has been looking into the traffic/public safety on Cox Road.

Mayor Williams Jr. added that they have been looking at Cox Road and SR524. They are under a 6-year study currently and it is becoming more of a priority due to the increase in development.

Ms. Selig further explained how the re-zoning would affect the traffic.

Ms. Green pointed out that the analysis (for item “h” on page 7) states that it would increase traffic.

Ms. Selig clarified that item “h” is the criteria and the line below is staff’s finding in response to the criteria above.

Further discussion regarding how the re-zoning would affect the traffic on Cox Road.

Board Member Koss asked if there is a place for citizens to look up zoning uses.

Ms. Selig replied that list is on Cocoa’s website (<http://www.cocoafl.org>) but there are issues with it currently due to ADA updates.

City Attorney Garganese pointed out that citizens can look up zoning uses in the City Code either as a hard copy at City Hall or online at <http://www.municode.com>. He explained some of the different zoning district uses and further explained the issue before the Board that the Board is to decide upon.

Chair Dobrin asked if there a permitted use, could it be grandfathered in.

City Attorney Garganese stated that if there was a permitted use currently existing on the property that is not covered by existing uses within the city’s zoning code, it would be treated as non-conforming which would then allow them the non-conforming use rights that are set forth by the city code.

Discussion between City Attorney Garganese and Board Member Greenwood regarding Mr. Zolke’s warehouse-use problem.

Chair Dobrin expressed his opinion that City Attorney Garganese’s explanation does not help Mr. Zolke. He expressed his concern about not being able to give him a verbal guarantee.

City Attorney Garganese explained that is not the issue before the board. He then re-stated what the issue before the board is and that he cannot give any verbal guarantees as he cannot speak for what happened to Mr. Zolke in the past.

* **MOTION MADE BY BOARD MEMBER GILLIAM; SECONDED BY BOARD MEMBER GREENWOOD TO APPROVE ORDINANCE 14-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL.

MOTION PASSES UNANIMOUSLY (9-0)

B: ORDINANCE 15-2019

Ms. Selig presented in the PowerPoint, an overview of Ordinance 15-2019 as well as staff's recommendation.

Discussion Regarding Ordinance 15-2019:

Discussion between Mr. Robinson and Ms. Selig regarding the one-acre of property requirement for auto sales, non-conforming uses, and how the zoning change would affect auto sales businesses.

Mr. Garganese clarified that the one acre requirement is a supplemental zoning district requirement meaning it is not in the zoning district category. He explained the one acre requirement is a separate zoning code issue and is not affected by the issue before the board that they are voting on tonight.

Board Member Koss asked if Mr. Robinson could continue to do his business.

City Attorney Garganese explained if there is a pre-existing one acre requirement, then it would meet the grandfathered requirement. He added that there might be other requirements with auto sales, that he would possibly need to meet.

Board Member Koss asked about non-conforming use in regards to a new owner.

City Attorney Garganese pointed out that is another code section that is not an issue before the Board tonight and briefly explained the non-conforming uses.

Board Member Greenwood asked if everyone understood what the City Attorney Garganese explained.

City Attorney Garganese clarified that he cannot address a specific situation when the issue has nothing to do with the issue before the Board. He explained to be fair to everyone, Mr. Robinson's issue would require more one-on-one conversation to understand what is going on and handle it more administratively rather than take up Mr. Robinson's and the Board's time, as it cannot be resolved tonight.

Board Member Koss inquired further if Mr. Robinson's business can continue, regardless of the issue before the Board.

City Attorney Garganese pointed out that the Board's vote on the issue tonight has no impact Mr. Robinson's situation.

Chair Dobrin wished Mr. Robinson owner good luck.

- * **MOTION MADE BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER KOSS TO APPROVE ORDINANCE 15-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL.

MOTION PASSES UNANIMOUSLY (9-0)

C: ORDINANCE 16-2019

Ms. Selig presented in the PowerPoint, an overview of Ordinance 16-2019 as well as staff's recommendation³.

- * **MOTION MADE BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER GILLIAM TO APPROVE ORDINANCE 16-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL.

MOTION PASSES UNANIMOUSLY (9-0)

D: ORDINANCE 17-2019 (ITEM PULLED BY STAFF)

No discussion or motion made as item has been pulled by Staff.

E: ORDINANCE 18-2019

Ms. Selig presented in the PowerPoint, an overview of Ordinance 18-2019 as well as staff's recommendation.

Discussion Regarding Ordinance 18-2019:

³ Nancy Bunt left at 6:49 pm

City Attorney Garganese asked if the uses presented under Ordinance 18-2019 are permitted under the city's C-G zoning and that the city is not creating non-confirming uses.

Ms. Selig confirmed that they were allowed and they are not creating non-confirming uses.

City Attorney Garganese stated for the record that the City of Cocoa is not creating new non-confirming uses.

- * **MOTION MADE BY BOARD MEMBER GREEN; SECONDED BY BOARD MEMBER BLANCO TO APPROVE ORDINANCE 18-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL.

MOTION PASSES UNANIMOUSLY (9-0)

F: ORDINANCE 19-2019

Ms. Selig presented in the PowerPoint, an overview of Ordinance 19-2019 as well as staff's recommendation.

Discussion Regarding Ordinance 19-2019:

Discussion between Board Member Koss and Ms. Selig regarding the C-G (General Commercial Zoning District) acronym.

- * **MOTION MADE BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER KOSS TO APPROVE ORDINANCE 19-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL.

MOTION PASSES UNANIMOUSLY (9-0)

G: ORDINANCE 20-2019

Ms. Selig presented in the PowerPoint, an overview of Ordinance 20-2019 as well as staff's recommendation.

Discussion Regarding Ordinance 20-2019:

Board Member Anderson asked if billboards were allowed on the parcel.

Ms. Selig explained that billboards are not a use covered by the zoning code. They are considered signs and are regulated by Chapter 3 of the City Code.

Further discussion of where billboards are allowed and not allowed.

- * **MOTION MADE BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER KOSS TO APPROVE ORDINANCE 20-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL.

MOTION PASSES UNANIMOUSLY (9-0)

Board Member Green asked if billboards are non-conforming uses.

Ms. Selig explained it depends where they are.

Board Member Green asked if they are leased or owned.

Ms. Selig explained it also depends but most are leased.

H: ORDINANCE 21-2019

Ms. Selig presented in the PowerPoint, an overview of Ordinance 21-2019 as well as staff's recommendation and explained that the parcel is within the parcel listed with Ordinance 20-2019.

Discussion Regarding Ordinance 21-2019:

Chair Dobrin asked if the parcel is owned by the city.

Ms. Selig explained that the city owns the parcel and the outside of it is privately owned.

A Cocoa Citizen asked if the Board was rezoning the neighborhoods.

Board Member Koss explained that they are rezoning west of Cox Road.

Ms. Selig showed the citizen a map of where they are rezoning.

- * **MOTION MADE BY BOARD MEMBER GILLIAM; SECONDED BY BOARD MEMBER WASHINGTON TO APPROVE ORDINANCE 21-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENGEL.

MOTION PASSES UNAMIOUSLY (9-0)

I: ORDINANCE 22-2019

Ms. Selig presented in the PowerPoint, an overview of Ordinance 22-2019 as well as staff's recommendation.

Discussion Regarding Ordinance 22-2019:

Board Member Blanco asked what businesses are currently there.

Board Member Sengel replied that it is a crane company.

Further discussion regarding uses on the parcel.

*** MOTION MADE BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER BLANCO TO APPROVE ORDINANCE 22-2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL.

MOTION PASSES UNAMIOUSLY (9-0)

Chair Dobrin commented that he feels the human factor is not taken into consideration when making decisions but it is human nature to consider the human factor.

Board Member Koss pointed out that citizens come to the Board with issues that are not related to what they do. While he understands the issues may not be relevant, he wants to help them regardless and at least point them in the right direction so that their problem can be resolved, like the citizen with the warehouse-use problem.

Mayor Williams pointed out back then, it was not an issue with him, but what his tenant wanted to do and the city not allowing it.

Further discussion of the warehouse owner's tenants not complying with the city's rules.

V. OTHER BUSINESS:

1. Rescheduling of January's Planning and Zoning Board Meeting Due to Holiday.

Ms. Selig announced that tentatively, the Planning and Zoning Board will meet Tuesday, January 7th instead of the 1st due to the holiday.

Chair Dobrin asked for an update on the amendments to the standards ordinance.

Ms. Selig shared that staff is continuing to look at the parking standards ordinance and the direction given to staff from Council and the City Manager was to wait until larger projects are finished. She will bring it before the Board after the New Year.

2. Recent development update (attached).

Ms. Selig shared the development updates are attached in the agenda for review.

3. Open discussion by Board Members.

Board Anderson is asking what is happening on SR528.

Ms. Selig explained the construction is for the train.

Further discussion regarding the train update and that it is projected to be operational by 2022.

Mr. Koss asked if the clearing is for the train.

Ms. Selig explained that they need to clear a large amount of land due to the direction of the train.

Discussion between Board Member Blanco and Ms. Selig regarding the posting on 603 and RFP.

Board Member Greenwood explained what transpired regarding the gravel ordinance and that it was explained to him by City Manager Titkanich that it will not be enforced until the language is further revised. He also expressed how difficult, attention wise, the tree ordinance is going to be. He expressed he hoped to have a tree ordinance enacted while the ordinance is being corrected. He lastly explained he wanted the ordinance to require trees that are removed to be re-planted and explained what his intentions were for wanting this requirement.

Board Member Gilliam pointed out that the State of Florida has taken that power away. There is now legislation⁴ that disallows that type of requirement to be imposed by municipalities.

Board Member Koss asked who is now in charge of Storm Water to which City Attorney Garganese replied that it is Bryant Smith.

VI. NEXT MEETING DATE:

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, December 4, 2019 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

*** MOTION BY VICE CHAIR WASHINGTON; SECONDED BY BOARD MEMBER KOSS TO ADJOURN THE REGULAR MEETING OF NOVEMBER 6, 2019.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL.

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 7:13 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Courtney Jackson, Recording Secretary

⁴ <http://laws.flrules.org/2019/155> (HB 1159)



City of Cocoa Planning & Zoning Board

STAFF REPORT

Date:	November 22, 2019
Project Name:	Zoning Text Amendment – Single-Story Commercial Building
Project No:	PZ-19-039
Meeting Date:	December 4, 2019
Project Planner:	Dodie Selig, Planning & Zoning Manager
Applicant/Owner:	City of Cocoa
Requested Action:	CONSIDERATION OF AN ORDINANCE of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Section 22 of the zoning ordinance of the City of Cocoa to allow the Single Story Commercial building type on a certain property within the Waterfront Sub-district of the Cocoa Waterfront Overlay District and amending the maximum lot depth from 300 feet to 400 feet for properties eligible for the Single Story Commercial building type.

I. Zoning Ordinance Amendment Analysis

In accordance with Section 1(G)(2), Article XXII, Appendix A (Zoning), of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

- a. The need and justification for the change.*
- b. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*

Need and justification for change

The ordinance proposes a text amendment to the City's Zoning Code, Article XI, Section 22, Cocoa Waterfront Overlay District (CWOD), which would make two changes. These two changes will be addressed in turn below.

Single Story Commercial building type:

The first change to the Regulating Plan of the CWOD would allow the Single Story Commercial building type for a certain property in the Waterfront Sub-district. The current owner of the subject property has requested that the City examine the rationale behind a prior change to the Regulating Plan and its applicability to his parcel. In response to this request, staff have reviewed the prior ordinance enacting the change and the reasons and analysis offered.

In 2016, the City amended the Regulating Plan of the CWOD to allow the Single Story Commercial building type on all parcels in the Cocoa Village Sub-district of the CWOD lying between eastbound SR520 and westbound SR520. The principle reason given for the change was that the existing development pattern consisted of numerous single story buildings and the existing prohibition of this building type was inconsistent with the surrounding built environment.

The subject parcel was the only parcel located between eastbound SR520 and westbound SR520 lying between Florida Ave. and the Indian River that was not included in that action as the subject parcel is in a different sub-district of the CWOD. However, the same physical constraints to development posed by the SR520 traffic lanes apply to this parcel as applied to the other parcels between the east and westbound traffic lanes. In addition, the Cocoa Village historic character is largely influenced by the pedestrian scale of the older buildings, which are between one and three stories in height. To prohibit single story building height on the subject parcel is not consistent with the surrounding built environment. Furthermore, permitting single story commercial buildings on the property would allow the option of redevelopment of the parcel that would not impede views from westbound SR 520 into the historic Cocoa Village.

It should be noted that while the proposed change would allow a single story commercial building to be built on the subject property, the property could still be developed under the other building types presently allowed under the Regulating Plan, which include Apartment Building, Courtyard Apartment, Small Scale Commercial/Mixed Use, Medium Commercial/Mixed Use, Large Commercial/Mixed Use, and Institutional.

Maximum Lot Depth:

The second change to the CWOD would allow an increase in the maximum lot depth for the Single Story Commercial building type from 300 feet to 400 feet. This change stems from staff's analysis of the suitability of allowing the Single Story Commercial building type on the subject parcel. The parcel has a lot depth of 300 feet on the north property line and a lot depth of 410 feet on the south property line. The average lot depth for this parcel is roughly 370 feet.

Applying the potential change to the maximum lot depth for this building type for other parcels within the CWOD did not indicate that any inconsistencies would be created.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policies apply:

GOAL 1.1: Future Land Use Element Goal 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Policy 1.1.1.1: The City shall continue to promote vitality and redevelopment of the three community redevelopment areas established pursuant to Chapter 163, Florida Statutes: Cocoa (Downtown) Redevelopment Area, Diamond Square Redevelopment Area and U.S. 1 Corridor Redevelopment Area.

II. Recommendation

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of Ordinance No. 25-2019 amending Appendix A, Article XI, Section 22 of the zoning ordinance of the City of Cocoa to allow the Single Story Commercial building type on a certain property within the Waterfront Sub-district of the Cocoa Waterfront Overlay District and amending the maximum lot depth from 300 feet to 400 feet for properties eligible for the Single Story Commercial building type.



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

ORDINANCE NO. 25-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW SINGLE STORY COMMERCIAL BUILDINGS ON A CERTAIN PROPERTY WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT, WATERFRONT SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME; AMENDING THE MAXIMUM LOT DEPTH FOR LOTS ELIGIBLE FOR SINGLE STORY COMMERCIAL BUILDINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Council desires to adopt a text amendment to the Cocoa Waterfront Overlay Regulating Plan and Appendix A, Article XI, Section 22 - Cocoa Water Overlay District, Waterfront Subdistrict, to allow for single story commercial buildings to be developed on a certain property in such Subdistrict; and

WHEREAS, in 2016 via Ordinance 10-2016, the City Council amended the Cocoa Waterfront Overlay Regulating Plan to allow single story commercial building types on all parcels in the Cocoa Village subdistrict lying between eastbound SR 520 and westbound SR 520, consistent with the existing development pattern, with only the instant parcel omitted because of its location in the Waterfront subdistrict; and

WHEREAS, the City Council desires to extend the opportunity to build single story commercial building types on the remaining parcel lying between eastbound SR 520 and westbound SR 520; and

WHEREAS, the City Council further desires to increase the maximum lot depth from 300 to 400 feet to ensure that the particular parcel is eligible for single story commercial building types; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this ordinance

to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

Section 2. **Code Amendment.** The City of Cocoa Code of Ordinances, Appendix A, Article XI, Section 22, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (***) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Section 22. It is intended that the text in Appendix A, Article XI, Section 22 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

APPENDIX A - ZONING

* * *

ARTICLE XI – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 22. – Cocoa Waterfront Overlay District.

* * *

(I) *Building Types.*

Building types are permitted by Sub-district when any new and/or redevelopment occurs on any parcel within the Cocoa Waterfront Zoning Overlay. The building typologies are consistent with the size, scale and character desired within each sub-district.

The following categories are included in the table provided for each building type. Each standard is labeled by a letter (A, example) which directly relates to the table provided on each building type. The categories are described as follows:

* * *

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

Design Districts and Building Types Table

Design District	Home - stead (HO)	Estate (ES)	House (HS)	Cottage (CO)	Town - house (TH)	Apartment Building (AB)	Court - yard Apartment (CA)	Commercial/Mixed Use Small (CS)	Commercial/Mixed Use-Medium (CM)	Commercial/Mixed Use-Large (CL)	Single Story Commercial (SC)	Large Form at Commercial (LF)	Insti- tuti onal (IT)	Ci vi c (CI)
Waterfront (WF)						P	P	P	P	P	<u>RP</u>		P	RP

* * *

RP, permitted only where indicated on Regulating plan.

P, Permitted in the Design District.

Blank Cell, is not permitted.

* * *

SC SINGLE STORY COMMERCIAL BUILDING

A building lot located and designed to accommodate single use office and retail.

	URBAN	SUBURBAN
--	-------	----------

LOT REQUIREMENTS	MIN	MAX	MIN	MAX
A - Lot Width (ft)	50	300	50	300
B - Lot Depth (ft)	100	300 <u>400</u>	100	300 <u>400</u>
C - Lot Size (sf)	7,500	90,000	7,500	90,000
D - Lot Coverage (%)	—	60	—	60

* * *

Section 3. **Replacement of Regulating Plan.** Appendix A, Zoning, is hereby amended to delete the Regulating Plan set forth in Article XI, Section 22(G), City Code, and replace it with the Regulating Plan attached hereto as Exhibit “A” and fully incorporated herein by this reference.

Section 4. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 5. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 6. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Commission of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2019.

JAKE WILLIAMS, Jr., Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

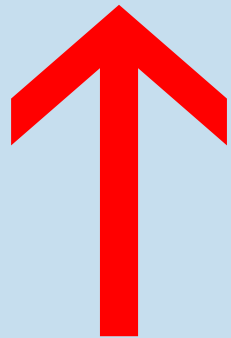
First Reading: _____
Legal Ad Published: _____
Effective Date: _____

Exhibit A

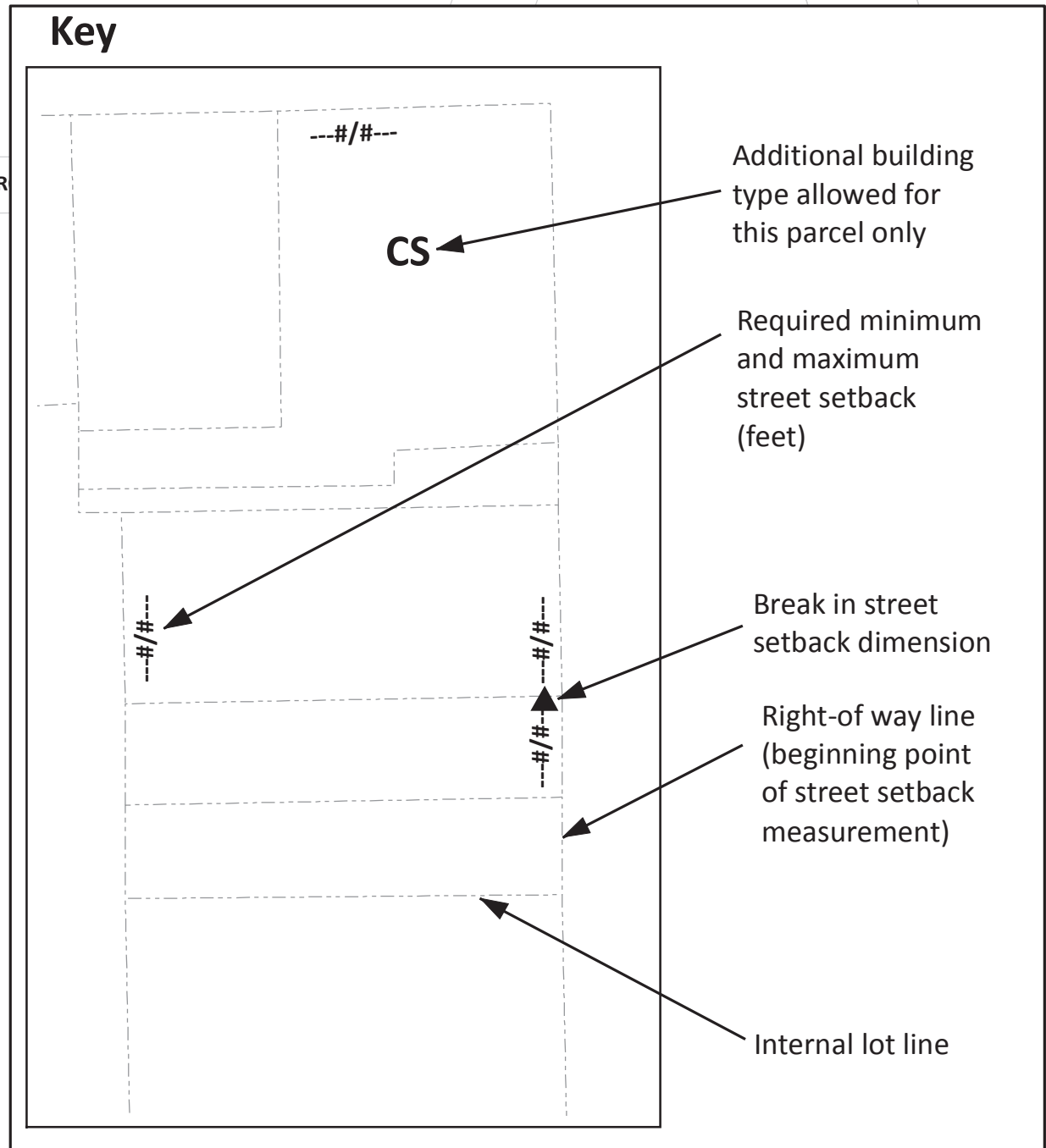
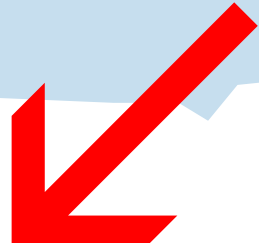
Regulating Plan
City of Cocoa - Waterfront Overlay District
Cocoa, FL
2013-05-20
60211027

SUB DISTRICT	ALLOWABLE BUILDING TYPE												
	Homestead HO	Estate ES	House HS	Cottage CO	Townhouse TH	Apartment Building AB	Courtyard Apartment CA	Comm/Mxd Use - Small* CS	Comm/Mxd Use - Med* CM	Comm/Mxd Use - Large* CL	Single-Story Commercial SC	Large Format Commercial LF	Institutional IT
Cocoa Village (CV)													
Heart of Cocoa (HC)					(2)			(3)					
King/Willard Corridor (KW)													
Uptown Neighborhood (UN)													
South of the Village (SV)													
South End (SE)													
Waterfront (WF)													
North of Village (NV)													

- Allowed only where indicated on Regulating Plan
■ Allowed throughout Design District
* New development within the Comm/MXD Use district may be developed as either commercial or mixed use



Area of Amendment and Corresponding Building Type



Sub District

- Cocoa Village (CV)
- Heart of Cocoa (HC)
- King/Willard Corridor (KW)
- Uptown Neighborhood (UN)
- South of the Village (SV)
- South End (SE)
- Waterfront (WF)
- North of Village (NV)
- Consent Decree Area (CDA)



**City of Cocoa
Planning & Zoning Board**

STAFF REPORT

Date:	November 22, 2019
Project Name:	Tree Removal – 4034 Pinyon Dr.
Project No.:	PZ-19-037
Meeting Date:	December 4, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa, Public Works Department
Property Owner:	City of Cocoa
Project Location:	4034 Pinyon Dr. - Brevard County Property Appraiser Parcel # 24-35-24-25-* -46
Requested Action:	APPROVAL OF A TREE REMOVAL for an oak tree in the right-of-way adjacent to 4034 Pinyon Drive with a replacement tree to be planted at Bracco Pond.

I. Project Information

On October 7, 2019, Public Works was called to investigate complaints of trip hazards and root damage to sidewalk and irrigation lines related to an oak tree in the right-of-way at 4034 Pinyon Dr. The inspector found that the tree's root system has caused damage to both public and private property. Specifically, the tree's roots have pushed up the sidewalk creating a trip hazard and therefore a potential liability for the city. Additionally, the root system is lifting and breaking the property owner's apron and driveway. Photos are attached depicting impacts to the driveway apron and sidewalk.

The city has responded to complaints related to this tree on three other occasions in 2019. On May 2, 2019 the sidewalk was ground down to reduce the trip hazard. On May 13, 2019 the tree was trimmed out of the road and off the sidewalk. And on August 7, 2019 a report of a person falling was received and the sidewalk was ground down for the second time.

Future Land Use: MDR (Medium Density Residential)

Zoning District: RU-1-7 (Single Family Residential)

Existing Land Use: Single Family home

Council District: District 3 – Council Member Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designation	Zoning District	Land Use
North	LDR (Low Density Residential)	RR-1 (Rural Residential)	Single-Family Residence
South	MDR (Medium Density Residential)	RU-1-7 (Single Family Residential)	Single-Family Residence
East	MDR (Medium Density Residential)	RU-1-7 (Single Family Residential)	Single-Family Residence
West	MDR (Medium Density Residential)	RU-1-7 (Single Family Residential)	Single-Family Residence

II. Analysis

Consistency with Code of the City of Cocoa

Consistent with Appendix A, Article XIII, Section 22, Landscape Requirements

The provisions of Appendix A, Article XIII, Section 22(E), Tree Protection and Preservation, apply to trees in public rights-of-way. *Sec. 22 (E) (1) (c).*

The provisions of this subsection (E) shall apply to the following:

(c) All public or private rights-of-way

Also, because the tree in question is an oak tree and is located in the public right-of-way, the Tree Board shall make a recommendation to the City Council regarding the removal of the tree. *Sec. 22 (H) (1) (c)*

TREE BOARD. A tree board is hereby established which shall consist of the members of the city Planning and Zoning Board, and who shall serve by appointment of the City Council of the City of Cocoa, Florida.

(c) No oak tree located on city public right-of-way or city owned property shall be removed or significantly pruned prior to review and recommendation by the tree board and approved by the city council, subject to the following exceptions:

No exceptions apply in this circumstance. Accordingly, the Tree Board must make a recommendation regarding removal of the oak tree and the location and species of a replacement tree:

(d) Where an oak tree located on city public right-of-way or city owned property is removed for any reason, the tree board shall either:

(1) Include with its recommendation to the city council regarding removal of the oak tree, a recommendation on both the location and species of a replacement tree;

...

Staff Finding: The tree in question has been deemed a hazard to the public safety by the City although it does not pose an imminent threat to the public at this time. However, the sidewalk uplift has posed an imminent threat on two occasions this year. In both cases, the sidewalk was ground down to level out passage, however the roots will continue to cause the sidewalk to lift and therefore the trip hazard will continue to reoccur over time. At some point the sidewalk will no longer be able to be ground down and remain able to function as a safe walking surface. It is recommended that the tree be removed now to eliminate the continuing liability to the City. Public Works has recommended that a replacement tree be planted at a different location to prevent the same root issue from happening again in this location. It is their recommendation that a replacement oak tree be planted at Bracco Pond to enhance the public enjoyment of that park.

III. Recommendation

Staff recommends the Planning & Zoning Board recommend approval to the City Council of removal of an oak tree in the right-of-way adjacent to 4034 Pinyon Drive with a replacement oak tree to be planted at Bracco Pond.



















10/08/2019

The tree at 4034 Pinyon Dr. Cocoa FL was reported to Public Works on 10/7/19 informing the Public Works Department that the tree is causing trip hazards and damage by the root system. The report states that the tree is causing damage to the irrigation lines on the property owner as well. An inspection was done by Kennethray Terrell (Supervisor of the Grounds Dept.) and determined the tree has done a lot of damage to the city property and private property. On the city side the tree is pushing up the sidewalk causing it to twist and lift causing trip hazards where citizens could hurt themselves which is a hazard. This is a liability for the city in lawsuits. It is also breaking and lifting the private property owner's driveway. The apron is cracked and lifted causing a bump as it is driven over. This makes the fourth work order to be done at this address. The first three work order dates are 5/2/19 where sidewalk trippers were ground down. The other date was 5/13/19 where the tree was trimmed out of the road and off the sidewalk. The last one was 8/7/19 where the safety risk officer



Public Works Department
155 N. Wilson Avenue, Cocoa, FL 32922
Phone: (321) 433-8770 | Fax: (321) 504-0922

reported a person falling and the sidewalk trippers were ground at that time as well.

This tree has created already one liability so my recommendation is to remove the tree and plant a new tree in a new location not between the sidewalk and the curb at this location.

Public Works Tree Removal Notification/Request

Date 10/8/2019

Tree Location

Address / Location	4034 Pinyon Dr
Additional Description	4034 Pinyon Dr
Side of Road	North

Tree Condition

Hazard to Public	Yes
Diseased	No
Dead	No

Tree Description

Species	Oak
Diameter (DBH) in.	26
Specimen (>24" Diameter)	Yes

Status

Removed Date	Pending
Pending Removal	PW removal

Reason for Removal Request/Notification

Causing trip hazards where one citizen has fell and damaging property of the city and private owner edge of the road 3.5 ft

Distance from tree to

Curb	curb
Sidewalk	Sidewalk 2.0
Underground Utility Conflict	No underground utility conflict
Water	No
Sewer	No
Overhead Utility Conflict	No overhead utility conflict
FPL	No
Streetlight	No
Previous Infrastructure Repairs	Previous work orders for repairs
Yes / No	No
Type	Na
Date if known	Na
Vertical Traffic Conflict	no

Proposed Tree Replacement

Required under Ordinance?	Yes
Type	Oak
Location	Bracco Pond is a good option plenty of area

Submitted By: Kennethray Terrell

Submitted Date: 10/8/2019

Approval:



City of Cocoa Planning & Zoning Board

STAFF REPORT

Date:	November 22, 2019
Project Name:	Tree Removal – 2340 W. Sherwood Cir.
Project No.:	PZ-19-037
Meeting Date:	December 4, 2019
Planner:	Dodie Selig, AICP, Planning & Zoning Manager
Applicant:	City of Cocoa, Public Works Department
Property Owner:	City of Cocoa
Project Location:	2340 W. Sherwood Circle - Brevard County Property Appraiser Parcel # 24-35-13-04-*-58
Requested Action:	APPROVAL OF A TREE REMOVAL for an oak tree in the right-of-way adjacent to 2340 W. Sherwood Circle with a replacement tree to be planted at Bracco Pond.

I. Project Information

On September 27, 2019, Public Works was called to investigate complaints of trip hazards and root damage to the driveway and sidewalk related to an oak tree in the right-of-way at 2340 W. Sherwood Circle. The inspector found that the tree's root system has caused damage to both public and private property. Specifically, the tree's roots have pushed up the sidewalk creating a trip hazard and therefore a potential liability for the city. Additionally, the root system has caused significant damage to the property owner's apron which has been pushed up 6 inches as well as having caused the driveway concrete to break. The property owner, who is a 100 percent disabled veteran who uses a mobility scooter is having trouble getting around due to the damage. Photos are attached depicting impacts to the driveway apron and sidewalk.

The city has responded to previous complaints related to this tree. The section of sidewalk adjacent to the tree had been damaged to such an extent that the sidewalk was removed and re-poured. On July 19, 2019 the sidewalk next to the replaced section was ground down to reduce the trip hazard.

Future Land Use: LDR (Low Density Residential)

Zoning District: RU-1-7a (Single Family Residential)

Existing Land Use: Single- Family home

Council District: District 3 – Council Member Don Boisvert

Overview of Surrounding Area:

	Future Land Use Designation	Zoning District	Land Use
North	LDR (Low Density Residential)	RU-1-7a (Single Family Residential)	Single-Family Residence
South	LDR (Low Density Residential)	RU-1-7a (Single Family Residential)	Single-Family Residence
East	LDR (Low Density Residential)	RU-1-7a (Single Family Residential)	Single-Family Residence
West	LDR (Low Density Residential)	RU-1-7a (Single Family Residential)	Single-Family Residence

II. Analysis

Consistency with Code of the City of Cocoa

Consistent with Appendix A, Article XIII, Section 22, Landscape Requirements

The provisions of Appendix A, Article XIII, Section 22(E), Tree Protection and Preservation, apply to trees in public rights-of-way.

The provisions of this subsection (E) shall apply to the following:

(c) All public or private rights-of-way

Also, because the tree in question is an oak tree and is located in the public right-of-way, the Tree Board shall make a recommendation to the City Council regarding the removal of the tree. Sec. 22 (H) (1) (c)

TREE BOARD. A tree board is hereby established which shall consist of the members of the city Planning and Zoning Board, and who shall serve by appointment of the City Council of the City of Cocoa, Florida.

(c) No oak tree located on city public right-of-way or city owned property shall be removed or significantly pruned prior to review and recommendation by the tree board and approved by the city council, subject to the following exceptions:

No exceptions apply in this circumstance. Accordingly, the Tree Board must make a recommendation regarding removal of the oak tree and the location and species of a replacement tree:

(d) Where an oak tree located on city public right-of-way or city owned property is removed for any reason, the tree board shall either:

(1) Include with its recommendation to the city council regarding removal of the oak tree, a recommendation on both the location and species of a replacement tree;

...

Staff Finding: The tree in question has been deemed a hazard to the public safety by the City. The sidewalk uplift posed an imminent threat on two prior occasions which were mitigated by replacing a section of sidewalk on one occasion and grinding down the sidewalk on another. Given the additional cracking showing in the sidewalk it is apparent that the roots will continue to cause the sidewalk to lift and therefore the trip hazard will continue to reoccur over time.

The damage to the driveway apron does pose an imminent threat to the public safety. Therefore, it is recommended that the tree be removed now to eliminate the continuing liability to the City. Public Works has recommended that a replacement tree be planted at a different location to prevent the same root issue from happening again in this location. It is their recommendation that a replacement oak tree be planted at Bracco Pond to enhance the public enjoyment of that park.

III. Recommendation

Staff recommends the Planning & Zoning Board recommend approval to the City Council of removal of an oak tree in the right-of-way adjacent to 2340 W. Sherwood Circle with a replacement oak tree to be planted at Bracco Pond.













10/30/2019

The tree at 2340 W Sherwood Cir. Cocoa FL was reported to Public Works on 09/27/19 informing the Public Works Department that the tree is causing trip hazards and damage by the root system. The report states that the tree is causing damage to the sidewalk. An inspection was done by Kennethray Terrell (Supervisor of the Grounds Dept.) and determined the tree has done a lot of damage to the city property and private property. On the city side, the tree has pushed up the sidewalk causing it to be pulled out and replaced which has already happened. Since then we have ground down a concrete tripper next to the new sidewalk. The tree also has damaged private property of the homeowner; the driveway apron is pushed up 6 inches out of the ground and needs replaced. This could be a liability for the city in lawsuits if the problem occurs again. After looking at the tree it appears to be out growing its area where it is planted. The owner who lives at this address is 100 percent disabled veteran and has to use a mobility scooter to get around and is having trouble due to



Public Works Department
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the sidewalk and driveway. The sidewalk was ground down on 7/19/19 and we have been at this location once before and replaced the sidewalk next to the tree. My recommendation is to remove the tree and plant a new tree around the Bracco pond area where there is more room to grow.

Kennethray Terrell

Grounds Supervisor

Public Works Tree Removal Notification/Request

Date 10/30/2019

Tree Location

Address / Location 2340 W Sherwwod Cir.
 Additional Description 2340 W Sherwood Cir.
 Side of Road West

Tree Condition

Hazard to Public Yes
 Diseased No
 Dead No

Tree Description

Species Oak
 Diameter (DBH) in. 42
 Specimen (>24" Diameter) Yes

Status

Removed Date Pending
 Pending Removal PW removal

Reason for Removal Request/Notification

Causing damage to private property and city property
 Distance from tree to edge of the road 2.0ft
 Curb curb
 Sidewalk Sidewalk 2. 1.5
 Underground Utility Conflict No underground utility conflict
 Water No
 Sewer No
 Overhead Utility Conflict No overhead utility conflict
 FPL No
 Streetlight No
 Previous Infrastructure Repairs Previous work orders for repairs
 Yes / No No
 Type Na
 Date if known Na
 Vertical Traffic Conflict no

Proposed Tree Replacement

Required under Ordinance? Yes
 Type Oak
 Location Bracco Pond is a good option plenty of area

Submitted By: Kennethray Terrell

Submitted Date: 10/30/2019

Approval: