

**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

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.

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.

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

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, SENDEL.

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, SENDEL.

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.