



City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Planning and Zoning / Local Planning Agency

Wednesday, October 7, 2020

6:00 PM

Cocoa City Council Chambers

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

[20-681](#) PZ Board Meeting Short Agenda

Attachments: [PZ Short Agenda.pdf](#)

MINUTES:

[20-690](#) PZ Board Minutes for August 5, 2020

Attachments: [08-05-2020 FINAL DRAFT.pdf](#)

[20-687](#) PZ Board Minutes for September 2, 2020

Attachments: [09-02-2020 FINAL DRAFT.pdf](#)

III: OLD BUSINESS:

None

IV: NEW BUSINESS:

[20-661](#) Consideration of a Comprehensive Plan Text Amendment (Ordinance 17-2020) consistent with Florida Statute Chapter 163: a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation.

Attachments: [Ordinance 17-2020 FLU Text Amendment - Residential Uses.pdf](#)
[Legal Ad Proof \(PZ and CC\) - FLU Text Amend.pdf](#)

[20-669](#)

CONSIDERATION OF AN ORDINANCE 16-2020 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article V, the definition of Building Height.

Attachments:

[Ord 16-2020 Amending definition of Building Height.pdf](#)

[Legal Ad Proof - Text Amend \(Bldg Height\).pdf](#)

V. UPDATES AND STAFF REPORTS:

Open Discussion by Board Members

VI. NEXT MEETING DATE:

Wednesday, October 14, 2020 (Special Meeting)

VII. ADJOURNMENT

NOTICE TO THE PUBLIC:

Public Participation and Special COVID-19 Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

- City of Cocoa meeting calendar at <https://cocoa.legistar.com/Calendar.aspx>

These documents and information pertaining to the above may also be inspected at the Community Services Department, between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Members of the public have several options to participate in the public hearings.

(1) In-person attendance. Due to the COVID-19 Emergency and the need to maintain social distancing, meetings in the City Hall Council Chambers are limited to eighteen (18) members in the audience at any one time. Members of the public may utilize the contact information provided below to contact the City Clerk and determine if restrictions on physical attendance at the City Council Chambers have been lifted prior to the date of the public hearings.

(2) Commenting in advance of the meeting. Interested persons are encouraged to provide written comments in advance of the hearings by emailing meetings@cocoafl.org or mailing to the following address:

City of Cocoa

Attn: Dodie Selig, Planning and Zoning Manager

65 Stone Street

Cocoa, FL 32922

Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.

(3) Viewing and Commenting In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet addresses:

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Interested persons may submit their written comments or questions during the hearings by email at: meetings@cocoafl.org. Interested persons who wish to provide public input during the meeting will also be able to do so by calling 321-433-8446 or by accessing the e-comment link for this meeting using the Legistar calendar link above. For more information about this CMT meeting or to provide information to be considered at this meeting, contact the City Clerk as provided below.

The City of Cocoa will be utilizing Communications Media Technology (CMT) for upcoming P&Z/LPA and City Council meetings pursuant to the Governor's Executive Order Number 20-69 and Florida Statutes, Section 120.54(5)(b)(2). Specifically, one or more members of the P&Z/LPA and City Council may attend and participate by speakerphone.

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not

constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The PZ Board/LPA 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. The Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #: 20-681 **Version:** 1 **Name:**

Type: Agenda **Status:** Agenda Ready

File created: 9/30/2020 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 10/7/2020 **Final action:**

Title: PZ Board Meeting Short Agenda

Sponsors:

Indexes:

Code sections:

Attachments: [PZ Short Agenda.pdf](#)

Date	Ver.	Action By	Action	Result
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CITY OF COCOA
Planning & Zoning Board /
Local Planning Agency
City Council Chambers

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
October 7, 2020
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 October 7, 2020
2. MINUTES: Meeting of September 2, 2020

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. 20-661 – Comprehensive Plan Text Amendment (Residential use in Commercial FLU)

CONSIDERATION OF A COMPREHENSIVE PLAN TEXT AMENDMENT (Ordinance 17-2020)
consistent with Florida Statute Chapter 163: a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation.

B. 20-669 – Zoning Text Amendment (Building Height)

CONSIDERATION OF AN ORDINANCE 16-2020 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article V, the definition of Building Height.

V. OTHER BUSINESS:

1. Open Discussion by Board members

VI. NEXT MEETING DATE:

Wednesday, October 14, 2020 – Special Meeting

VII. ADJOURNMENT

(Over)

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Cocoa, FL 32922

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Legislation Details (With Text)

File #: 20-690 **Version:** 1 **Name:**

Type: Minutes **Status:** Agenda Ready

File created: 10/2/2020 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 10/7/2020 **Final action:**

Title: PZ Board Minutes for August 5, 2020

Sponsors:

Indexes:

Code sections:

Attachments: [08-05-2020 FINAL DRAFT.pdf](#)

Date	Ver.	Action By	Action	Result
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**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
AUGUST 5, 2020**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on August 5, 2020 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Dobrin called the meeting to order at 6:00 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
Lawrence Koss	Board Member
Russell Sengel	Board Member
Ariel Glass	Alternate Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member (via phone)
Trina Gilliam	Board Member
Marilyn Green	Board Member (via phone)
Lawrence Koss	Board Member (6:03pm)
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative (via phone)
Kristin Eick	Assistant City Attorney

ABSENT:

Sherry Ervin	Board Member
Ariel Glass	Alternate Member

STAFF PRESENT:

Dodie Selig, Planning & Zoning Manager, Jake Williams Jr., Mayor, Angela Essing, Economic Development Manager and Monica Arsenault, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of August 5, 2020

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER KOSS TO APPROVE THE AUGUST 5, 2020 AGENDA AS WRITTEN.**

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

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: June 16, 2020

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GILLIAM TO APPROVE THE MINUTES AS WRITTEN.**

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

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ-19-00200012 – Large Scale Site Plan (Integra Land Company)

APPROVAL OF A LARGE SCALE SITE PLAN (Integra Trails Apartments) consistent with Appendix A Zoning, Article XIII, Section 1, of the City Code to construct a total of 249 apartment units in five (5) apartment buildings, along with five (5) parking garage buildings, a clubhouse with pool, maintenance building and dog park on two (2) parcels located on the south side of State Road 524, and across from Lance Blvd and the Eastern

Florida State College golf driving range. Parcel ID numbers: 24-35-13-00-00750.0-0000.00 and 24-35-24-00-00001.0-0000.00.

Ms. Selig provided a presentation¹ and shared that the project consists of two hundred forty-nine (249) apartment units in five (5) apartment buildings with five (5) parking garage buildings, a clubhouse with swimming pool, a maintenance building and a dog park. She pointed out the amenities and added the following waivers and variances to be granted by the City:

- Maximum building height may be increased from thirty-five (35) feet to fifty-seven (57) feet for apartment buildings
- Maximum building width may be increased from two hundred (200) feet to two hundred thirty-three (233) feet for apartment buildings
- Minimum living area requirement for one-bedroom apartments shall be decreased from eight hundred (800) sq. ft. to six hundred thirty-eight (638) sq. ft. for a maximum of seventy-nine (79) one-bedroom apartment units

Additionally, the following modifications to the development agreement are being requested:

- Removal of the obligation to construct the trailhead parking area and trailhead stub out
- The Developer shall still be required to convey the one hundred thirty-seven (137) acres of wetland to the City
- In lieu of the obligation to construct the trailhead parking area and trailhead stub out, the Developer shall reimburse the City for actual costs associated with environmental consulting, planning, design, and permitting of a nature trail system on the Conveyance Property up to a cost not to exceed \$24,000.00

Ms. Selig provided the site plan layout and stated that staff is recommending approval of the Large-Scale Site Plan with the conditions set forth below:

1. The site plan shall not be approved unless it is executed by all parties
2. Site plan approval shall be conditioned upon the conveyance of the property identified in the Addendum to the Binding Development Agreement in Section 5.0, Amended Project Enhancements; Conveyance of Property
3. Prior to receiving any certificate of occupancy, the Developer shall convey to the City, free of charge and free and clear of all liens and mortgages, and other encumbrances that are not deemed by the City to be permitted exceptions that will interfere with the City's intended purpose and use for the land, a portion of its Property as legally described and depicted in the survey attached to the Addendum as Exhibit C (the "Conveyance Property"). The Conveyance Property consists of:

¹ Large Scale Site Plan-Integra Trails

- i. The entirety of Tax Parcel Number 24-35-24-00-1; and
- ii. The portion of Tax Parcel Number 24-35-13-00-750 that consists of wetland, excluding the upland buffer and mitigated wetland as determined by the developable limit line and wetland impact line as approved by St. John's River Water Management District and an additional ten (10) foot buffer to allow for the Developer's maintenance of a retaining wall. The total Conveyance Property shall consist of 136.637 acres, more or less.

Board member Sengel asked if there was only one entrance in and out. In response, Ms. Selig shared that there is emergency access that will only be accessible to the Fire Department, Police, etc.

Board member Sengel pointed out that with all of the development going on, he'd like to see a large sidewalk put in because many people on the west side will want access to the local Publix and shopping center and it will be dangerous for pedestrians if there is no sidewalk. In response, Ms. Selig noted that the sidewalk would be done by the Florida Department of Transportation (FDOT).

Mayor Williams pointed out that we are in the design phase and if we put a sidewalk in now they may have to tear it up later when the traffic lights go in, etc.

Mr. David McDaniel, the applicant, spoke in regards to permit approvals and answered questions regarding the sidewalks and the square footage of the units.

Board member Greenwood asked about the cost of rental. It was shared that roughly, one-bedroom units will go for around \$1,200 per month, two-bedroom units will go for around \$1,500 per month and three-bedroom units will go for around \$1,800-\$1,900.

Chairperson Dobrin opened the discussion to the public.

Gregg Stoll, 2203 Salem Dr., shared that he does not understand why the city or developers would be interested in wetland areas. He added that he also doesn't think wood frames are a good idea for the apartment buildings as they wouldn't hold against a strong hurricane.

There being no further questions or comments, Chairperson Dobrin closed the hearing to the public.

*

MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GILLIAM TO APPROVE THE LARGE-SCALE SITE PLAN WITH THE RECOMMENDED CONDITIONS PROPOSED BY STAFF.

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

MOTION PASSED UNANIMOUSLY (9-0)

B. Approval of a Tree Removal Permit at 3009 Dunhill Dr.

Removal of an oak tree in the City right-of-way and a replacement tree at Bracco Pond.

Ms. Selig shared that on June 25, 2020 Public Works was called to investigate complaints of root damage to the driveway related to an oak tree in the right-of-way at 3009 Dunhill 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 causing it to twist and lift and causing trip hazards for the public. The City removed the sidewalk in the past, ground the tree roots and replaced the affected sidewalk in front of this address as can be seen in the attached photos. Additionally, the root system has caused lifting and some cracking of the property owner's driveway. Public Works staff would like the tree removed to keep from having to do the repairs for the fourth or fifth time.

Additionally, Public Works staff have determined that the tree is otherwise healthy and have recommended that a replacement tree be planted at the Forrest and US 1 pond or at Bracco Pond.

Ms. Selig stated that staff recommends that the Planning & Zoning Board recommend approval to the City Council of removal of an oak tree in the right-of-way adjacent to 3009 Dunhill Dr. with a replacement oak tree to be planted at either the Forrest and US 1 pond or at Bracco Pond.

Vice Chairperson Washington pointed out that he feels it should be cut down, but he believes at some point most of the trees on that street, and there are many, will eventually need to be cut down as many of the trees will get to be too big for the easements they are planted in.

Board member Anderson noted that he disagrees and doesn't feel the tree should be cut down just because the concrete is being pushed up. He explained that he feels this is something that can be addressed without removing the tree.

Board member Greenwood added that he agrees with Board member Anderson and pointed out that he feels it is less expensive to adjust and repair a sidewalk first prior to removing a tree, as it takes a lot more manpower and it is more expensive to remove the debris from cutting a tree down. Furthermore, if the removal of the tree is something the board supports, he will support it as well, although reluctantly,

however the board should consider planting replacement trees in other areas as well other than Bracco Pond or the Forrest and US 1 pond.

Board member Green asked who the inspector is. In response, it was noted that the inspector is Kenneth Terrell from Public Works.

Alternate member Greenwood asked if he is a licensed arborist. In response, Ms. Selig noted that she was not sure. Alternate member Greenwood asked for further information before any decisions were made to remove the tree.

Board member Gilliam shared that she did a tour of the Orlando Public Works department and pointed out they have rubber sidewalks and asked if our Public Works could look into putting these in as they are impervious, flexible and sustainable.

Board member Koss added that incoming developers should be informed that there is a method for planting oak trees so we don't continue to have these issues.

Chairperson Dobrin opened the discussion to the public. There being no questions or comments the public portion of the hearing was closed.

* **MOTION BY BOARD MEMBER GILLIAM; SECONDED BY ALTERNATE MEMBER GREENWOOD TO RECOMMEND DENIAL TO THE CITY COUNCIL OF REMOVAL OF AN OAK TREE IN THE RIGHT-OF-WAY ADJACENT TO 3009 DUNHILL DR. AND FOR PUBLIC WORKS TO LOOK INTO INSTALLING RUBBER SIDEWALKS.**

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

NAYS: BLANCO

MOTION PASSED (8-1)

C. Approval of a Tree Removal Permit at 2009 Ivy Dr.

Removal of an oak tree in the City right-of-way and a replacement tree at Bracco Pond.

Ms. Selig shared that Public Works was called to investigate complaints of root damage to the driveway related to an oak tree in the right-of-way at 2009 Ivy 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 impacted the curb causing water to stand on the side of the road, cracked the driveway apron and the sidewalk. The City repaired the sidewalk in front of this address however, since then the roots have caused extensive damage to both the sidewalk as well as the property owner's driveway. The Public Works Department is

recommending removal of the tree as it has caused serious damage to the property's driveway, curb, and sidewalk.

Public Works staff have determined that the tree is otherwise healthy and have recommended that a replacement tree be planted at the Forrest and US 1 pond or at Bracco Pond.

Board member Greenwood asked if, to save time, the Board would be interested in making one motion to combine the tree removal items for 2009 Ivy Dr. and 2226 Dartmouth Dr. In response, the Board agreed to make one motion for both items.

- * **MOTION BY BOARD MEMBER GILLIAM; SECONDED BY ALTERNATE MEMBER GREENWOOD TO RECOMMEND DENIAL TO THE CITY COUNCIL OF REMOVAL OF TWO OAK TREES, ONE IN THE RIGHT-OF-WAY ADJACENT TO 2009 IVY DR. AND ONE IN THE RIGHT-OF-WAY ADJACENT TO 2226 DARTMOUTH DR. AND FOR PUBLIC WORKS TO LOOK INTO INSTALLING RUBBER SIDEWALKS.**

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

NAYS: BLANCO

MOTION PASSED (8-1)

D. Approval of a Tree Removal Permit at 2226 Dartmouth Dr.

Removal of an oak tree in the City right-of-way and a replacement tree at Bracco Pond.

E. PZ-20-025 – Ordinance 09-2020 (Temporary Signs)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 3-22.5 OF THE CITY CODE REGARDING TEMPORARY ON-PREMISE SIGNS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Eick² explained that essentially there is an issue with the current Ordinance which allows for an exception for political signs. The display period limitations that are set forth currently don't apply during the thirty days prior to a Federal, State or City of Cocoa local election. Furthermore, Ms. Eick shared that having a thirty-day limitation has pretty consistently been held to be unconstitutional. It also interferes with someone's First

² Board member Sengel left at 6:46pm & returned at 6:48pm

Amendment rights to speak with respect to a political election and so this was one of the reasons for the change.

Additionally, the US Supreme Court addressed the issue of content-based regulations for signs a few years ago and found that, essentially, if you have a content-based regulation and you are then regulating different types of signs based on the content of that message, it would be subject to strict scrutiny under the First Amendment. For this reason, staff is trying to eliminate sections of the Temporary Sign Ordinance that are specific to certain types of signs based on their message.

Similarly, due to their content-based nature, subsections (m) and (n) of the current ordinance are recommended to be stricken. Subsection (l) has been modified to address this issue.

Chairperson Dobrin raised a concern about signs being left several days, sometimes weeks after an event. He asked who is supposed to be enforcing the sign ordinance. In response, Ms. Selig noted that Code Enforcement enforces sign removals.

Board member Koss pointed out that he does not agree with the three-day time frame because a lot of people work fulltime and three days may not be enough time. He proposed a five-day time frame to allow people more time to collect their signs.

Board member Green agreed with Board member Koss.

Chairperson Dobrin opened the discussion to the public. There being no questions or comments the public portion of the hearing was closed.

Vice Chairperson Washington agreed with Board member Koss but pointed out that a lot of the time it is not the candidates who put the signs out, there are property owners and business owners who stake these signs on their own properties and so the candidates may not even know the signs are there. He asked who is ultimately responsible and who would receive the fine if the signs are not removed. In response, Ms. Eick clarified that it is the property owner who has the sign on their property that is responsible.

Ms. Selig stated that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 09-2020 amending Chapter 3, Section 3-22.5, of the City Code, regarding temporary signs.

* **MOTION BY ALTERNATE MEMBER GREENWOOD SECONDED BY BOARD MEMBER KOSS TO APPROVE THE ITEM WITH AN AMENDMENT TO INCORPORATE A FIVE-DAY REMOVAL PERIOD FOR TEMPORARY SIGNS FOLLOWING THE END OF AN EVENT.**

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

MOTION PASSED UNANIMOUSLY (9-0)

F. PZ-20-024 –Ordinance 10-2020 (Mobile Vending)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XIII, OF THE CITY CODE TO AUTHORIZE THE OPERATION OF MOBILE VENDORS IN THE CITY; PROVIDING STANDARDS FOR OPERATING MOBILE VENDING UNITS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig provided maps³ for potential mobile vending areas. She discussed the Zoning Ordinance Amendment Analysis and the need and justification for the changes. She added that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 10-2020 amending Appendix A. Zoning, Article XIII of the City Code, to authorize the operation of mobile vending units and providing locations and regulations for the use.

Mayor Williams pointed out this is not driven by food vendors, but rather car detailers, pressure cleaners, and those types of vendors. He added that he has spoken with the individual who brought this forward himself.

Alternate member Greenwood shared that he is hesitant about this and feels the board needs more information as this could be a slippery slope. He suggested that this could be reviewed again after the Coronavirus has calmed down.

Mayor Williams added that he does not feel food vendors will be an issue for the village.

Board member Anderson disagreed with Mayor Williams and pointed out that he has seen food vendors at night in the village many times.

Board member Gilliam shared that she is in support of mobile vendors. She proposed that instead of a site plan requirement, a survey be submitted, even if it is hand-drawn, to help individuals who don't have much money to save on engineering plans/site plans.

Board member Koss suggested that mobile vendors could print out an aerial map from Property Appraiser to make it a little more professional. He further asked if we could include language that vendors can't be in Cocoa Village unless it is part

³ Potential Mobile Vending Areas Maps

of a special event. In response, Ms. Selig clarified that this is already covered in the Ordinance.

Chairperson Dobrin opened the discussion to the public.

April Sullivan, 708 Thomas Ave., mobile food vending owner, talked about a state statute that was recently passed which gives mobile vendors the right to have their business in the City, even if it means the City controls where and when they can go. She stated that she feels they bring diversity outside of the downtown area where there are not so many restaurants. Ms. Sullivan added that she has paid for her licensing and has invested just as much money to operate her business as any other. She feels it is wrong to not be able to have her business in the city when she, along with others, pay taxes here in Cocoa.

In response, Alternate member Greenwood noted that while he understands what Ms. Sullivan is saying, he wished to point out that Florida Statutes are not always very specific and can be quite vague. Additionally, cities are allowed to bring ordinances forth that are more specific.

Alternate member Greenwood also discussed zoning laws and noted that zoning requirements are in place for specific reasons. He suggested that more information be brought forward before a final decision is made.

In response to Alternate member Greenwood's concerns, Mayor Williams explained that this has been going on for a long time and it has not caused a problem before. For years, mobile vending was taking place and it never impacted the downtown area, however with Code Enforcement recently becoming a little more aggressive and a little bit more proactive, mobile vending has been prevented in the City.

Mayor Williams noted that he did not think this would impact the downtown area and pointed out that restaurants are scarce throughout the City outside of the village. He added that he is passionate about this issue because a lot of these vendors, not just food vendors, have nice setups, have invested a lot of money into their businesses and they're from this community and are just trying to make ends meet.

Vice Chairperson Washington asked Ms. Sullivan if she agreed with the proposed language in the ordinance. In response, Ms. Sullivan answered yes.

Board member Gilliam added that she is confident in staff and the research that they've presented to the board on this topic.

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

* **MOTION BY BOARD MEMBER GILLIAM; SECONDED BY BOARD MEMBER KOSS TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 10-2020 AMENDING APPENDIX A, ZONING, ARTICLE XIII OF THE CITY CODE, TO AUTHORIZE THE OPERATION OF MOBILE VENDING UNITS AND PROVIDING LOCATIONS AND REGULATIONS FOR THE USE.**

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

NAYS: GREENWOOD

MOTION PASSED (8-1)

G. PZ-20-009 –Ordinance 11-2020 (Planned Unit Developments)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XI, SECTION 17 OF THE CITY CODE RELATING TO THE PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig provided a summary of the item and discussed the Zoning Ordinance Amendment Analysis and the need and justification for the changes. She added that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 11-2020 amending Appendix A. Zoning, Article XI, Section 17 of the City Code relating to the Planned Unit Development district regulations.

Alternate member Greenwood asked if this is passed, how it will affect projects that are already in progress. In response, Ms. Selig pointed out that there are only two other current PUD projects, both of which are Adamson Creek, both of which will fall under the new Ordinance if it is approved.

Ms. Eick clarified that Adamson Creek Phase 1 would still be governed by the current code. Phase 2 would be governed by the new code, should it be approved.

Ms. Selig pointed out that new language regarding medical marijuana pharmacies will be inserted in the item brought before Council.

Additionally, she reviewed façade interruption requirements and mentioned that the language in the ordinance needed some tweaking. Ms. Selig also suggested the removal of the word “parapets” from the Ordinance. She explained that a parapet is on the roof, which doesn’t break up the façade in any fashion, therefore the word should be removed from the list.

Lastly, Ms. Selig explained that staff and the board have been asked to consider flexibility on the width of a parking space. A developer is coming in who will be doing mixed-use, who would like to make it a PUD and would like to have nine and a half foot parking spaces. Ms. Selig shared that she did some research on other communities and some downtowns do allow it that have mixed-use districts. She asked for feedback from the board.

Alternate member Greenwood mentioned that there are concerns with parking in Cocoa Village already and discussed cost prohibitions and perceptions of developing there.

Board member Green inquired about the hotel developer and asked if this parking space size has been given the go ahead by the planning department. In response, Ms. Selig stated no but they are under a different zoning so this would not affect them. Additionally, Board member Green asked if there were any others. Ms. Selig noted that she believes one of the local condos and Walmart were granted a waiver.

Chairperson Dobrin opened the discussion to the public.

Mr. Stoll stated that if the developer gets any additional credits for increasing capacity he would urge the Board to say no. In regard to the parking spaces, he added that if the developer wants to scale the size back there must be some compensation.

Councilmember Lorraine Koss asked what is wrong with the boardwalks in the wetlands. In response, Ms. Selig explained that there is nothing wrong with the boardwalks, however there was a lot of pushback on the one that was permitted and was then ultimately taken out of the equation. She further explained that the goal is to give credit for not disturbing or mitigating the wetlands. Additionally, Ms. Eick provided further clarification.

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

Ms. Selig asked the Board to consider the following amendments in their motion:

- To change the language regarding pharmacies to match the rest of the Code
- Add clarification on the façade interruption to go from twenty to forty feet and to allow balconies as a type of façade amenity as well as removing the term “parapet” from that list
- Width reduction to nine and a half feet for parking spaces

*

MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER BLANCO TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 11-2020 AMENDING APPENDIX A, ZONING, ARTICLE XI, SECTION 17 OF THE CITY CODE RELATING TO THE PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS AND TO INCLUDE THE AMENDMENTS PROPOSED BY STAFF.

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

NAYES: GREENWOOD, SENDEL

MOTION PASSED (7-2)

H. PZ-20-017 – Ordinance 12-2020 (Arbor Mitigation/Landscape Requirements)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XIII, SECTION 22, LANDSCAPING REQUIREMENTS, OF THE CITY CODE; AMENDING LAND CLEARING AND TREE PROTECTION AND REPLACEMENT STANDARDS; CREATING AN ARBOR MITIGATION FUND; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Essing provided a presentation⁴ and discussed state law preemption. She reviewed the proposed changes and the relationship and consistency with the Comprehensive Plan policies and objectives. She added that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 12-2020, amending land clearing and tree protection and replacement standards and creating an arbor mitigation fund.

Board member Sengel asked if this is applied to residential properties. In response, Ms. Essing pointed out that this does not apply to those. Ms. Eick also provided further clarification.

Chairperson Dobrin open the discussion to the public. There being no questions or comments the public portion of the hearing was closed.

*

MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER GILLIAM TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 12-2020 AMENDING LAND CLEARING AND TREE PROTECTION AND REPLACEMENT STANDARDS AND CREATING AN ARBOR MITIGATION FUND.

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

MOTION PASSED UNANIMOUSLY (9-0)

⁴ Zoning Text Amendment – Arbor Mitigation Fund

V. TREE BOARD:

None.

VI. OTHER BUSINESS:

1. Tree Board Update:
 - Tree-City USA designation follow-up
City plans to submit application when the window opens in September
2. Recent Development Update
3. Open Discussion by Board members

VII. NEXT MEETING DATE:

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, September 2nd at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

- * **MOTION BY VICE CHAIRPERSON WASHINGTON; SECONDED BY ALTERNATE MEMBER GREENWOOD TO ADJOURN THE REGULAR MEETING OF AUGUST 5, 2020.**

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

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

MEETING WAS ADJOURNED AT 8:39 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary



Legislation Details (With Text)

File #: 20-687 **Version:** 1 **Name:**

Type: Minutes **Status:** Agenda Ready

File created: 10/1/2020 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 10/7/2020 **Final action:**

Title: PZ Board Minutes for September 2, 2020

Sponsors:

Indexes:

Code sections:

Attachments: [09-02-2020 FINAL DRAFT.pdf](#)

Date	Ver.	Action By	Action	Result
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**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
SEPTEMBER 2, 2020**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on September 2, 2020 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Dobrin called the meeting to order at 6:00 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
Lawrence Koss	Board Member
Russell Sengel	Board Member
Ariel Glass	Alternate Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Lawrence Koss	Board Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

ABSENT:

Jeri Blanco	Board Member
Sherry Ervin	Board Member
Russell Sengel	Board Member
Ariel Glass	Alternate Member

STAFF PRESENT:

Dodie Selig, Planning & Zoning Manager, Jake Williams Jr., Mayor, and Monica Arsenault, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of September 2, 2020

* **MOTION BY BOARD MEMBER GREEN; SECONDED BY BOARD MEMBER KOSS TO APPROVE THE SEPTEMBER 2, 2020 AGENDA AS WRITTEN.**

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

MOTION PASSED UNANIMOUSLY (7-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ-19-00200015 – Large Scale Site Plan (Cocoa Grand Apartments)

APPROVAL OF A LARGE-SCALE SITE PLAN (Cocoa Grand Apartments) consistent with Appendix A Zoning, Article XIII, Section 1, of the City Code to construct a total of 268 apartment units in fourteen (14) apartment buildings, along with a clubhouse with pool, maintenance building, playground and dog park on one (1) parcel located on the south side of State Road 520, and 0.25 miles east of Range Road. Parcel ID number: 24-36-31-00-265.

Ms. Selig provided a presentation¹ and gave the project summary. She explained that on March 14, 2019, City Council approved a Development Agreement for this property which allowed the developer/owner to develop a multi-family apartment facility with up to three hundred twelve (312) apartment units with several conditions. She reviewed the consistency with the City of Cocoa Code.

Ms. Selig noted that staff is recommending approval of the Large-Scale Site Plan with the following conditions:

¹ Large Scale Site Plan-Cocoa Grand Apartments

1. No building permits shall be issued for any building on this site with a height measured from finished grade to top of highest roof peak that is greater than thirty-five (35) feet unless or until a Modification to the Development Agreement allowing greater height is approved by City Council.
2. A copy of the signed/recorded Encroachment Agreement between the developer and the Florida Gas Transmission Company shall be provided prior to issuance of the first apartment building permit.
3. Provide a revised site plan set to include the following note: "In areas that require additional soil borings, no additional clearing, grubbing, or excavation will be performed, except for what is required for the geotechnical equipment to gain access. The report, as a result of the additional Geotechnical work, shall be provided to the City of Cocoa, from the Engineer of Record, before the commencement of additional work in those areas. Upon approval from the City, Geotechnical Engineer, and EOR, the contractor may proceed with work."

Ms. Selig read an e-comment² from Ralph Perrone into the record.

Board member Green asked if there is only one point of egress and ingress. In response, Ms. Selig explained that there are two.

Board member Koss asked if there is an arborist or consultant that will examine the landscaping to make sure the right tree is going into the right place and won't disrupt sidewalks, etc. He also asked if the roof structures will support solar panels. He additionally asked who will be managing the property. In response, Juston Trimback, Cocoa Grand LLC, explained that he is fifty percent owner/manager and shared that they support energy efficiency and install LED lights, high efficiency appliances and other things to keep utility bills low. They are also mindful of the landscaping and want to make it right.

Board member Koss suggested that any plant areas surrounded by curbing receive stormwater drainage to help water the plants.

Alternate member Greenwood inquired about the future on-site self-storage facility. In response, Mr. Trimback explained that they feel they will have enough tenants that would take advantage of on-site storage facilities and they would like to include them on the property.

Chairperson Dobrin opened the discussion to the public. There being no questions or comments the public portion of the hearing was closed.

² E-comment from Ralph Perrone

- * **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER GREENWOOD TO APPROVE THE LARGE-SCALE SITE PLAN WITH THE RECOMMENDED CONDITIONS PROPOSED BY STAFF.**

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

MOTION PASSED UNANIMOUSLY (7-0)

B. PZ-20-00100001 – Final PUD (Adamson Creek Phase 1C)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ADAMSON CREEK PLANNED UNIT DEVELOPMENT FINAL DEVELOPMENT PLAN FOR PHASE ONE-C; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 14.3 ACRES, MORE OR LESS, AND GENERALLY LOCATED DIRECTLY WEST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT “A” ATTACHED HERETO, FROM BREVARD COUNTY G-U (GENERAL USE DISTRICT) TO CITY OF COCOA PUD (PLANNED UNIT DEVELOPMENT DISTRICT) AND INCORPORATING THE PARCEL INTO THE ADAMSON CREEK FINAL DEVELOPMENT PLAN FOR PHASE ONE-C; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. (PARCEL ID: 24-35-22-00-10).

Ms. Selig gave a presentation³ and provided a project summary. She explained that the applicant has requested approval of a Final PUD (Rezoning) / Preliminary Subdivision / Large Scale Site Plan for Phase 1C of the Adamson Creek single-family subdivision. Phase 1C consists of three parcels of land (62.4 acres) on the east side of Adamson Road between the existing homes and I-95. Two of these parcels were part of the original Phase One PUD approval in 2006. The third parcel that has been added was intended to be combined with the first two as a future phase 3, but the recession in 2007 froze the project before the development got that far.

Ms. Selig shared the overall project was first developed as a Planned Unit Development (PUD) in 2005 consisting of four hundred thirty-one (431) single-family homes on one hundred seventy-eight (178) acres with forty-four (44) acres of open space and amenities. Phase 1 was approved and recorded in 2006. Phase 1A was recorded in 2007 with one hundred fifty-four (154) single-family homes and Phase 1B was recorded in 2019 with ninety-four (94) single-family homes.

³ Final PUD/Preliminary Subdivision/Large-Scale Site-Plan Adamson Creek Phase 1C

Additionally, she pointed out the consistency with the City of Cocoa Code. She noted that staff is recommending the Planning & Zoning Board recommend approval to City Council of the Final PUD and the Preliminary Subdivision for Adamson Creek Phase 1C with the conditions set forth below, as well as approval of the Large-Scale Site Plan with the following conditions:

1. The Large-Scale Site Plan shall not be effective until and unless the Final PUD/Preliminary Subdivision have been approved by City Council.
2. Provide a revised Title Opinion with no date limitation to the search for property information.
3. Revise Plat note #5.C to read “An easement to the City of Cocoa and Brevard County for emergency access and maintenance over all private road rights-of-way, private drainage easement and storm water management tracts.”
4. Revise Plat note #9 to eliminate the last two sentences.
5. Revise Plat note #15 as dedication should be to Brevard County not the City.
6. Revise the Open Space calculations table (Plat and Civil plans) to remove the line “Required Open Space (25% of 62.4 acres) - 15.6”. Add a line indicating that 33.83 acres were provided in Phase 1A and B or provide the full open space table.
7. Provide a revised amenities schedule updating changes and including new tracts.
8. Remove the required condition from the original PUD approval that lighting be provided along the walking trail and boardwalk in Tracts M and I.
9. Provide drawing(s) of signage indicating that the walking trail around the stormwater pond in Tract I and in Tract M will only be open from dawn to dusk. Show location of said signs on civil plans.

Board member Anderson asked if there has been any discussion between FDOT, the developer or the City regarding a sound barrier wall in this area. In response, Ms. Selig explained that she was not aware of any discussion but that question could be posed to the engineer. In response, Mr. Ken Ludwa stated that he is also not aware of any discussion that was held regarding sound wall barriers.

Chairperson Dobrin opened the discussion to the public. There being no questions or comments the public portion of the hearing was closed.

* **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO CITY**

COUNCIL OF THE FINAL PUD AND THE PRELIMINARY SUBDIVISION FOR ADAMSON CREEK PHASE 1C AND AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, A RE-ZONING ORDINANCE 15-2020, OF ONE PARCEL FROM BREVARD COUNTY (GU) TO CITY OF COCOA (PUD) AND INCORPORATING INTO PHASE 1C FINAL PUD AND PRELIMINARY SUBDIVISION WITH THE CONDITIONS PROPOSED BY STAFF. ADDITIONALLY RECOMMEND APPROVAL OF THE LARGE SCALE SITEPLAN WITH THE CONDITION THAT IT NOT BE EFFECTIVE UNTIL AND UNLESS THE FINAL PUD/PRELIMINARY SUBDIVISION HAS BEEN APPROVED BY CITY COUNCIL.

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

MOTION PASSED UNANIMOUSLY (7-0)

V. TREE BOARD:

None.

VI. OTHER BUSINESS:

1. Tree Board Update
2. Recent Development Update
3. Open Discussion by Board members

An email⁴ was handed out to the board members from Board Member Blanco.

Chairperson Dobrin asked for a brief update on the hotel project in Cocoa Village.

Discussion was held in regard to inviting a fully licensed arborist from the Department of Agriculture to come speak before the Board. Ms. Selig noted she would reach out to the Interim City Manager as well as the arborist prior to the Board making a decision.

Board member Koss raised a suggestion about the City conducting a data analysis for the amount of impervious and pervious areas in the City. In response, Ms. Selig offered to include this information in the study next year.

VII. NEXT MEETING DATE:

⁴ Email from Jeri Blanco

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, October 7th at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

- * MOTION BY BOARD MEMBER WASHINGTON; SECONDED BY BOARD MEMBER KOSS, TO ADJOURN THE REGULAR MEETING OF SEPTEMBER 2, 2020.**

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

- * MOTION PASSED UNANIMOUSLY (7-0)**

MEETING WAS ADJOURNED AT 7:15 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary



Legislation Details (With Text)

File #:	20-661	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	9/25/2020	In control:		Planning and Zoning / Local Planning Agency	
On agenda:	10/7/2020	Final action:			
Title:	Consideration of a Comprehensive Plan Text Amendment (Ordinance 17-2020) consistent with Florida Statute Chapter 163: a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation.				

Sponsors:

Indexes:

Code sections:

Attachments: [Ordinance 17-2020 FLU Text Amendment - Residential Uses.pdf](#)
[Legal Ad Proof \(PZ and CC\) - FLU Text Amend.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: September 28, 2020
Agenda Date: October 7, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

CONSIDERATION OF A COMPREHENSIVE PLAN TEXT AMENDMENT (Ordinance 17-2020) consistent with Florida Statute Chapter 163: a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation.

BACKGROUND:

On August 26, 2020, Council approved Ordinance 11-2020, amending the Planned Unit Development zoning district regulations, which were intended to, among other changes, allow for mixed-use planned unit developments. The PUD code was originally written to provide a mechanism for the city to encourage and permit variation in development of residential and commercial projects. However no provision was made for a mixed-use development pattern.

Staff determined that there was a need to revise the PUD code in order to better position the city as the development community moves forward, especially in light of the potential of new transportation options and in light of the significant increase in demand for all forms of housing options in the city. The ordinance provides greater flexibility in the development plan, allows for a mixed-use PUD form, revises the requirements for open space, and makes necessary revisions to the approval process for PUDs.

A mixed-use PUD type allows residential uses to be combined with commercial uses. Previously, developers only had the option of planning a residential PUD or commercial PUD without a mix of uses. A mixed-use PUD makes possible what is commonly known as a “new urbanist” design style and has been a very popular development trend in recent years. Providing this opportunity for the city to grow in a way that supports both infill development and smart growth precepts is very important to the long term sustainability of the city.

However, in order to fully enact the change to the PUD zoning district, a potential conflict with the City’s Comprehensive Plan must be addressed as it relates to the Mixed-Use PUD. At present, the mixed-use and commercial PUD types are allowed under the following FLU categories: Commercial, Neighborhood Commercial and Mixed-Use. Both Neighborhood Commercial and Mixed-Use FLU categories allow Residential as an allowable use, however the Commercial FLU category does not. This would mean that properties under the Commercial FLU could develop a Commercial PUD but not a Mixed-Use PUD. However, as stated above, the intent in creating the mixed-use PUD type was to allow a mix of commercial and residential uses in the Commercial, Neighborhood Commercial, and Mixed-Use FLU categories in order to offer innovative housing options in the City. Moreover, the C-C (Core Commercial) district, which is an applicable zoning district permitted in the Commercial FLU category, currently allows “Multi-family dwellings as regulated under RU-2-25, provided however that multi-family uses may be developed in conjunction with non-residential uses” as a Special Exception. Amending the standards for the Commercial FLU category to allow for residential uses where permitted in the underlying zoning district will correct these potential conflicts and further the intent of the PUD and C-C zoning district regulations.

The proposed Comprehensive Plan Text Amendment (Ordinance 17-2020) will add “Residential” to the list of allowable uses for the Commercial Future Land Use category under Figure FLU-1 of the Future Land Use Element, thus making the Mixed-Use PUD an allowable option under the Commercial FLU. The Residential use will include a post-script with text as follows:

7. “Residential uses shall be permitted only where allowed in the underlying zoning district.”

Consistency with Code of the City of Cocoa

Planning & Zoning staff has addressed the criteria contained in Chapter 15, Article II, Sections 15-10 and 15-11 below:

- a. Whether the proposal favorably or unfavorably impacts the city’s budget, or the economy of the region

Staff Finding: The proposed addition of “Residential” use under the Commercial Future Land Use designation would allow for the development of the Mixed-Use PUD development form. This would open up greater development opportunities for property within the City, thus increasing land value and benefiting the local economy.

- b. Whether the proposal will diminish the service level of public facilities

Staff Finding: The Future Land Use amendment will not negatively impact or diminish the service level of public facilities. While allowing mixed-use PUDs in the Commercial FLU designation will increase the land area available in the City for residential housing, the impact of any proposed mixed-use PUD on public facilities will be analyzed in the concurrency analysis for the proposed PUD.

- c. Whether the proposal favorably or unfavorably impacts the environment, or the natural or historical resources of the city or the region

Staff Finding: The text amendment will not impact any natural or historical resources.

- d. Whether the proposal is consistent with goals, policies, and objectives of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, Florida Administrative Code

State Comprehensive Plan, Chapter 187.201(15) LAND USE

Policy 15(b)3 Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

Staff Finding: The proposed text amendment will provide additional opportunity for the development of a mix of uses combining living, working, shopping and recreational activities in one project or property.

East Central Florida Comprehensive Regional Policy Plan

Policy 10.7.2 Transit corridors should provide for a mixture of commercial, office, institutional, and residential uses in multi-story buildings to create a walkable pedestrian friendly environment

Policy 10.14 Vacant or underutilized retail sites should be seen as opportunity sites for assembly and redevelopment as mixed use (retail, office, and residential) centers, especially along corridors currently served by transit or planned to be served by transit.

Staff Finding: The proposed text amendment will provide additional opportunities for mixed-use development along transit corridors as well as redevelopment of existing sites.

- e. Whether the proposal will favorably or unfavorably affect the city's ability to provide adequate public facilities, and whether the proposal will reduce the level of service for affected public facilities below the level of service set in the comprehensive plan

Staff Finding: The proposed text amendment would not alter the City's ability to provide service capacity to lands under the Commercial FLU designation.

- f. Whether the proposal is incompatible with surrounding neighborhoods and land uses

Staff Finding: The proposed text amendment will not change the FLU designation of any parcel of land. Residential uses will only be permitted in the Commercial FLU where permitted by the underlying zoning district, which at this time is only in the C-C pursuant to a special exception or in a mixed-use PUD. Residential uses are compatible with each of these land uses.

- g. Whether the proposal will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment

Staff Finding: The proposed FLU text amendment will provide opportunity for an additional form of housing closer to commercial uses and job centers.

- h. If the amendment being requested is consistent with all the elements of the comprehensive plan.

Staff Finding: The proposed FLUM amendment is consistent with the following Comprehensive Plan policies:

Policy 1.1.10.3: Innovative land use development patterns, including PUDs and Cluster Zoning shall be permitted and encouraged in appropriate areas, as defined in the land development regulations.

Objective 1.2.1: Smart Growth Principles. New development in the City shall incorporate "Smart Growth" principles that will lead to compact development standards as opposed to conventional development standards that encourage urban sprawl.

Policy 1.2.1.6: New development, as well as infill development shall provide interconnected street grid networks, where feasible, to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a

greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends the Planning & Zoning Board recommend **APPROVAL** to City Council of the Comprehensive Plan Text Amendment consistent with Florida Statute Chapter 163: a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation.

ORDINANCE NO. 17-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING THE FUTURE LAND USE ELEMENT RELATED TO ALLOWABLE USES IN THE COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

WHEREAS, section 163.3161 et. seq., Florida Statutes, established the Community Planning Act, which was formerly known as the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Community Planning Act requires each municipality in the State of Florida to prepare, adopt, and update a Comprehensive Plan; and

WHEREAS, in accordance with the provisions of the Community Planning Act, the Local Planning Agency of the City of Cocoa held a duly noticed public hearing on October 7, 2020, in accordance with the procedures established in Chapter 163, Part II, Florida Statutes, on the proposed comprehensive plan amendment; and

WHEREAS, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby approves and adopts the Comprehensive Plan Amendment set forth hereunder; and

WHEREAS, the City Council finds that the text amendment provided herein is desirable primarily to allow for mixed-use PUDs within the Commercial future land use category; and

WHEREAS, the City Council of the City of Cocoa hereby finds that this Ordinance is 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 true and correct and are fully incorporated herein by this reference.

Section 2. Authority. This Ordinance is adopted in compliance with, and pursuant to, the Community Planning Act, sections 163.3161 et. seq., Florida Statutes.

Section 3. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to adopt a comprehensive plan amendment incorporating the revisions stated herein as part of the City of Cocoa Comprehensive Plan.

Section 4. Adoption of Amendment to the Future Land Use Element. The City of Cocoa Comprehensive Plan, Future Land Use Element, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from this Ordinance of text existing in the Cocoa Comprehensive Plan, Future Land Use Element. It is intended that the text in the Future Land Use Element denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

FUTURE LAND USE ELEMENT

* * *

FIGURE FLU-1 STANDARD FOR FUTURE LAND USE CATEGORIES

* * *

Commercial, Industrial, Open Space/Recreational, Institutional and Mixed-Use Future Land Use Categories:

	Commercial	Neighborhood Commercial	Regional Activity Center	Industrial	Open Space Residential	Institutional	Mixed Use
Maximum Intensity/Density	1.0 FAR	0.75 FAR	0.50 FAR, 25 du/acre, and 45 hotel rooms/acre	1.50 FAR	0.25 FAR	1.0 FAR 25 du/acre	25 du/acre ^{2&3} 1.0 FAR ³
Allowable Uses	Commercial, Office, Institutional, <u>Residential</u> ⁷ , and Open Space/Recreational	Commercial, Residential, Office, Institutional, and Open Space/Recreational	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space/Recreational	Industrial and Commercial ⁶	Not Applicable	Institutional	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space/Recreational
Minimum Transportation Access	4 lane collector 2 lane arterial	2 lane collector	2 lane arterial that intersections SR 528 or I-	2 lane collector 2 lane arterial	Not Applicable	Not Applicable	Not Applicable

			95				
Applicable Zoning Districts	C-G, C-W, C-P, C-C, P-S, and PUD	C-N, C-R, R-P, P-S, and PUD	UMD	M-1 and M-2	All Districts	All Districts	CBD, CBD-CVO, C-C, C-N, CR , PS, PUD, RP, UMD
Maximum Impervious Surface Ratio	.90	.80	.95	.75	.25	.65	.95 1.0 in CBD

NOTES FOR FIGURE FLU-1:

1. Maximum density may be increased up to 12 du/acre as part of a planned residential development or planned redevelopment activities (*Policy 1.2.3.C*).
2. An additional 5 units per acre may be achieved if residential units are developed as part of a vertical mixed use project.
3. Maximum FAR in the Cocoa RDA is 2.0 and a bonus may permit up to an additional 2.5 FAR in the Central Business District outside the Cocoa Village Overlay sub-district. An additional 25 units per acre may be achieved in certain areas within the Cocoa RDA.
4. Four (4) acre maximum land area for new Neighborhood Commercial and one (1) acre maximum site land area.
5. Minimum land area of 50 acres and minimum cumulative gross floor area of 500,000 sq. ft. for all structures.
6. Commercial uses that are complementary to and support industrial development and operations.
7. Residential uses shall be permitted only where allowed in the underlying zoning district.

* * *

Policy 1.1.2.9: Commercial (COMM). Commercial areas are intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Residential uses may also be provided where allowed by the underlying zoning district regulations. The following criteria shall be used for determining appropriate locations for commercial land use designations on the future land use map.

* * *

Section 5. 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 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. **Incorporation into Comprehensive Plan.** Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of Cocoa Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

Section 8. **Effective Date.** The effective date of the Comprehensive Plan Amendment adopted by this Ordinance shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to section 163.3184(3)(c)(4.), Florida Statutes. If the plan amendment is timely challenged, the plan amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land use dependent on this plan amendment may be issued before it has become effective. After and from the effective date of this plan amendment, the Comprehensive Plan Amendment set forth herein shall amend the City of Cocoa Comprehensive Plan and become a part of that plan and the plan amendment shall have the legal status of the City of Cocoa Comprehensive Plan, as amended.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2020.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: CITY OF COCOA - TE

Ad No.: 0004391921

Address: 65 STONE ST
COCOA FL 32922
USA

Pymt Method Invoice

Net Amt: \$504.46

Run Times: 1

No. of Affidavits: 1

Run Dates: 09/26/20

Text of Ad:

AD# 4391921 09/26/2020

**CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT
THE PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY
AND THE COCOA CITY COUNCIL
PROPOSE TO CONSIDER THE FOLLOWING:**

ORDINANCE NO. 17-2020
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING THE FUTURE LAND USE ELEMENT RELATED TO ALLOWABLE USES IN THE COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

**PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING WILL BE HELD ON
October 7, 2020
AT 6:00 P.M. OR SOON THEREAFTER IN THE
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL**

**CITY COUNCIL WILL CONSIDER THIS ITEM ON
October 13, 2020
AT 6:00 P.M. OR SOON THEREAFTER IN THE
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL**

Public Participation and Special COVID-19 Information:
Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:
• City of Cocoa meeting calendar at: <https://cocoa.legistar.com/Calendar.aspx>
These documents and information pertaining to the above may also be inspected at the Community Services Department, between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Members of the public have several options to participate in the public hearings.
(1) In-person attendance. Due to the COVID-19 Emergency and the need to maintain social distancing, meetings in the City Hall Council Chambers are limited to fifty (50) members in the audience at any one time. Members of the public may utilize the contact information provided below to contact the City Clerk and determine if restrictions on physical attendance at the City Council Chambers have been lifted prior to the date of the public hearings.
(2) Commenting in advance of the meeting. Interested persons are encouraged to provide written comments in advance of the hearings by emailing meetings@cocoaf.org or mailing to the following address:
City of Cocoa
Attn: Dodie Selig, Planning and Zoning Manager
65 Stone Street
Cocoa, FL 32922
Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.
(3) Viewing and Commenting in Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet address:
• City of Cocoa meeting calendar at: <https://cocoa.legistar.com/Calendar.aspx>
Interested persons may submit their written comments or questions during the hearings by email at: meetings@cocoaf.org. Interested persons who wish to provide public input during the meeting will also be able to do so by accessing the e-comment link for this meeting using the Legistar calendar link above. For more information about this CMT meeting or to provide information to be considered at this meeting, contact the City Clerk as provided below.
The City of Cocoa will be utilizing Communications Media Technology (CMT) for upcoming P&Z/LPA and City Council meetings pursuant to the Governor's Executive Order Number 20-69 and Florida Statutes, Section 120.54(5)(b)(2). Specifically, one or more members of the P&Z/LPA and City Council may attend and participate by speakerphone.

Special Information for Quasi-Judicial Hearings:
Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at the quasi-judicial hearing is highly encouraged to immediately contact Dodie Selig, Planning and Zoning Manager, at (321) 433-8510 or dselig@cocoaf.org, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses must be identified and all evidentiary documents and exhibits that are intended to be distributed to the P&Z/LPA and City Council must be submitted to Ms. Selig via email or mail at least five (5) days prior to the hearing.

General Notice Information:
This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoaf.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence. nor does it authorize challenges or ad-

peals otherwise not allowed by law.

The PZ Board/LPA 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. The Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #: 20-669 **Version:** 1 **Name:**
Type: Informational Item **Status:** Agenda Ready
File created: 9/28/2020 **In control:** Planning and Zoning / Local Planning Agency
On agenda: 10/7/2020 **Final action:**
Title: CONSIDERATION OF AN ORDINANCE 16-2020 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article V, the definition of Building Height.
Sponsors:
Indexes:
Code sections:
Attachments: [Ord 16-2020 Amending definition of Building Height.pdf](#)
[Legal Ad Proof - Text Amend \(Bldg Height\).pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: September 21, 2020
Agenda Date: October 7, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

CONSIDERATION OF AN ORDINANCE 16-2020 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article V, the definition of Building Height.

BACKGROUND:

The City of Cocoa is currently experiencing a significant building boom. The City is currently reviewing development applications for multiple projects with multi-story buildings that are primarily three stories in height. Most of these projects are located in the RU 2-15 zoning classification. This district is designed to allow multi-family and has a maximum height of 35 feet.

There are currently several up and coming multi-family developments that this text amendment will have a positive impact on. The revision to this definition may alleviate the need for development agreements in the future.

I. Zoning Ordinance Amendment Analysis

In accordance with Appendix A. Zoning, Article XXI, Section 1(G)(2) 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 City's current definition of building height (see below), when applied to a three story building, encourages a flat roof style, which is not the industry standard in today's current market. This happens because a three-story building requires roughly ten (10) feet of height for each floor for a total of thirty (30) feet. Subtracting thirty (30) feet from the maximum building height limit of thirty-five (35) feet, means that only 5 feet remain for the roof height. This issue is not so noticeable if the building footprint is quite small such as on a single-family or townhome. However, the larger the building footprint gets, the lower the roof slope becomes until it is no longer feasible to construct any pitch to the roof and it becomes truly flat construction. This is the case with most apartment sized buildings which are the hottest property in the development field at the present time.

Most of the proposed multi-family developments that have been submitted to the city this year are three stories and 45 feet at the highest roof peak. This inconsistency between the city code and current development esthetic standards has meant that every multi-family project approved this year has had to address the height issue through a development agreement. In order to address this issue, staff is proposing a change to the definition of building height itself as opposed to raising the height allowed in one or more zoning districts.

The Existing definition:

BUILDING, HEIGHT OF. The vertical distance from the established average sidewalk or street grade or finished grade at the building line, whichever is the highest, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof, or (c) the peak of gable, hip or gambrel roofs.

The Proposed definition:

BUILDING, HEIGHT OF. The vertical ~~distance~~ dimension of a structure as measured from the established average sidewalk or street grade or finished grade at the building line to the highest ceiling point of heated and/or air-conditioned habitable space., whichever is the highest, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof, or (c) the peak of gable, hip or gambrel roofs. Stair and elevator access to a roof deck shall not be considered habitable space.

The proposed definition removes the uninhabited attic space of a building from the height calculation. The net effect is that there is no change to the maximum number of floors allowed in any zoning district in the city. But the attic space, so long as it remains uninhabited space, is not counted as part of the building height. This allows a building to have a flat roof, a low sloped roof or a highly pitched steep roof depending on the applicant's design and budget. Revising the current definition will allow developers in Cocoa to stay competitive with the current market trends. Thus, providing a higher quality product, which will help to stabilize the housing market and increase property value.

Relationship and consistency with Comprehensive Plan Policies and Objectives

Objective 1.2.1: **Smart Growth Principles.** New development in the City shall incorporate “Smart Growth” principles that will lead to compact development standards as opposed to conventional development standards that encourage urban sprawl.

Policy 1.2.1.7: Developments that require site plan review and approval shall be evaluated on the use of site and building design that emphasizes beauty, aesthetics, human comfort, creating a sense of place, special placement of civic uses and sites and human-scale architecture and amenities, especially at street level.

Policy 1.2.1.8: Building height and intensification should follow a transect approach, with maximum intensities and heights (>80’) allowed in the central business district, medium intensities and heights (40’ to 80’) allowed within the mixed-use district, and the lowest intensities and heights (<40’) allowed when transitioning into established low-density neighborhoods.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of Ordinance No. 16-2020 amending Appendix A, Zoning, Article V, the definition of Building Height.

ORDINANCE NO. 16-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE V OF THE CITY CODE RELATING TO THE DEFINITION OF BUILDING HEIGHT; 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 Section 2(b), Article 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 update the City Code relating to the definition of “building height” to exclude non-habitable roof space from its measurement; 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, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

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

Section 2. **Code Amendment.** Appendix A, Zoning, Article V of the Code of Ordinances, City of Cocoa, Florida, 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 this Article. It is intended that the text in this Article 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 V. – DEFINITIONS

* * *

BUILDING, HEIGHT OF. The vertical ~~distance~~ dimension of a structure as measured from the ~~established average sidewalk or street grade or finished grade at the building line to the highest ceiling point of heated and/or air conditioned habitable space., whichever is the highest,~~ to (a) the highest point of a flat roof; (b) the deck line of a mansard roof, or (c) the peak of gable, hip or gambrel roofs. Stair and elevator access to a roof deck shall not be considered habitable space.

* * *

Section 3. **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 4. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code for the City 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 5. **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 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the ____ day of _____, 2020.

Jake Williams Jr., Mayor

ATTEST:

Carie Shealy, City Clerk

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF COCOA - TE

Ad No.: 0004384274

Address: 65 STONE ST
COCOA FL 32922
USA

Pymt Method Invoice

Net Amt: \$411.22

Run Times: 1

No. of Affidavits: 1

Run Dates: 09/22/20

Text of Ad:

AD# 0004384274 09/22/2020

CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT
THE PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY
AND THE COCOA CITY COUNCIL
PROPOSE TO CONSIDER THE FOLLOWING:

ORDINANCE NO. 16-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY,
FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE V OF THE CITY CODE RELAT-
ING TO THE DEFINITION OF BUILDING HEIGHT; PROVIDING FOR THE REPEAL OF
PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE
CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING WILL BE HELD ON
October 7, 2020
AT 6:00 P.M. OR SOON THEREAFTER IN THE
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

CITY COUNCIL WILL CONSIDER THESE ITEMS ON
October 13, 2020
AT 6:00 P.M. OR SOON THEREAFTER IN THE
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

Notice To The Public:
This is a public meeting. All interested parties may attend. The facility wherein this
public meeting will be held is accessible to the physically handicapped. In accord-
ance with the Americans With Disabilities Act, persons needing assistance to partici-
pate in any of these proceedings should contact the City Clerk of the City of Cocoa,
listed below, at least 48 hours prior to the meeting: Carrie Shealy, City Clerk, 65
Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.
org.
Due to the COVID-19 Emergency and the closing of City Hall to the public to limit
public gatherings in accordance with Federal and State directives, the City of Cocoa
will be utilizing Communications Media Technology (CMT) for upcoming City
Council meetings pursuant to the Governor's Executive Order Number 20-69 and
Florida Statutes, Section 120.54(5)(b)(2), specifically one or more members of the
City Council may attend and participate by speakerphone. In-person attendance by
the public will not be allowed at this meeting due to the COVID-19 Emergency and
the closing of City Hall to the public. However, interested persons are encouraged
to view and listen to the meeting by accessing the meeting at the following internet
addresses:
(1) <https://tinyurl.com/s5e875r> or
(2) <https://cocoa.legistar.com/DepartmentDetail.aspx?ID=26365&GUID=FF9D3369-D354-4FAB-800A-57D0AEE30153&Mode=MainBody>
In addition, interested persons may submit their written comments or questions re-
garding the meeting prior to and during the meeting through Email, via the follow-
ing email address: meetings@cocoafl.org. Interested persons who wish to provide
public input during the meeting will also be able to do so by calling 321-433-8446.
For more information about this CMT meeting or to provide information to be con-
sidered at this meeting, contact the City Clerk at the contact information stated
above.
Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public
that: if a person decides to appeal any decision made by the City Council with re-
spect to any matter considered at its meeting or hearing, that person will need a re-
cord of the proceedings and for such purpose, affected persons may need to assure
that a verbatim record of the proceedings is made, and such record shall include the
testimony and evidence upon which the appeal is to be based. This notice does not
constitute consent by the City for the introduction or admission into evidence of
otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or ap-
peals otherwise not allowed by law.
City Code Section 2-54 requires that an affirmative vote of a majority of a quorum
present shall be necessary to enact an ordinance or adopt any resolution; except
that two-thirds of the membership of the Council is required to enact an emergency
ordinance. All ordinances require two readings, entitled first reading and second
reading and public hearing, prior to adoption.
Members of the public speaking on public hearing items, though entitled to be
heard by the City Council, are not entitled to an immediate response by either ad-
ministrative staff members or Council once the public hearing is closed; however,
Council discussion may or may not include a response. No question by the public
should be addressed directly by the Administrative staff.
Public debate by individual speakers from the audience on public hearing items
shall be limited to three (3) minutes. Representatives of recognized groups shall be
limited to ten (10) minutes; and total debate on a single issue shall be limited to thirty
(30) minutes. Only one presentation per person per issue shall be allowed.
A Council member may add an item to the agenda during the meeting only at the
time the agenda is approved. If the item requires action by the Council, then it may
be added to the agenda by an affirmative vote of the Council, and written docu-
mentation must be submitted at the time the item is added to the agenda.
This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Li-
brary and Reference Center in Cocoa for public review.