

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
SPECIAL MEETING
July 17, 2019**

The special meeting of the Planning & Zoning Board/ Local Planning Agency was held on July 17, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publically noted.

I. CALL TO ORDER:

Chair Dobrin called the meeting to order at 6:00 p.m.

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
Kristin Eick	Board Attorney
Jake Williams Jr.	Board Liaison
Courtney Jackson	Recording Secretary

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Jeri Blanco	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Kristin Eick	Board Attorney
Jake Williams Jr.	Board Liaison

ABSENT:

Sherry Ervin	Board Member
Todd Anderson	Board Member

STAFF PRESENT:

Dodie Selig, Planning & Zoning Manager, **Angela Essing**, Senior Planner

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

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Special Meeting of July 17, 2019

Comments concerning the Special Meeting of July 17, 2019

Chairperson Dobrin asked why Action Item A under New Business is being tabled until the next meeting in August.

Ms. Selig stated that Staff is still working on getting the language down. She listed the item as "tabled" since it would preserve advertising and would not incur additional costs.

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MOTION TO APPROVE THE AGENDA AS PRESENTED BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER GILLIAM.

AYES: Dobrin, Washington, Blanco, Gilliam, Green, Greenwood, Koss, Sengel

MOTION CARRIED (8-0)

2. MINUTES: Special Meeting of June 25, 2019

Comments concerning the June 25, 2019 Meeting Minutes

Discussion between **Board Member Koss** and **Ms. Selig** regarding how much fill a land developer could bring onto a property¹, if the City had a fill limit, and who determines how much fill is needed.

Board Member Koss expressed that after reading the previous minutes, he is concerned that if there are no future discussions about preventing potential property flooding due to fill and how to resolve flooding issues, he fears something could potentially happen. He further explained his concern about the Adamson Creek Retention Pond overflowing and how he would like to further the discussion with City Staff in the future.

Chairperson Dobrin asked what recourse² would the property owner have if the retention pond does not hold and if the City would have any liability.

Ms. Selig stated it would be a civil matter if it floods.

Board Member Greenwood pointed out that developers bring in engineers, who are responsible for building any extra features. The goal is to have them build the extra features without affecting the other properties. They are a support mechanism to prevent some of the points that were brought up previously³. Noted some of the additional requirements that are needed to be

¹ Jake Williams left the room at 6:05pm

² Angela Essing entered the room at 6:08pm

³ Mayor Williams Jr. entered the room at 6:08pm

followed by the developer and engineers to ensure it will not create any problems and to be able to continue building.

Board Attorney Eick stated that City Council imposed a condition that upon final plat approval, there be additional studies provided to ensure that there would not be an adverse impact on Mr. Jones' property. There have also been communications with the developer and their engineer to ensure the City's Comprehensive Plan standards and level of service standards for storm water were met.

* **MOTION TO APPROVE THE MINUTES AS PRESENTED BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER GREEN.**

AYES: Dobrin, Washington, Blanco, Gilliam, Green, Greenwood, Koss, Sengel

MOTION PASSED UNANIMOUSLY (8-0)

III. OLD BUSINESS:

A. PZ-19-021-Text Amendment- Parking as a Special Exception use in Article XI, Section 22 (Tabled from June 25, 2019)

An ordinance of the city council of the city of cocoa, Brevard County, Florida; amending appendix A, article XI, section 22 of the zoning ordinance of the city of cocoa to allow parking as a special exception use in the Cocoa Village subdistrict of the cocoa waterfront overlay district.

Ms. Selig presented a map⁴ that showed exempt parcels locations and explained to the Board how the presented zoning ordinance language would affect the parking situation.

Chairperson Dobrin asked what changes the amended text to the Zoning Ordinance would bring to the parking situation.

Ms. Selig responded it would legalize parking there as it is currently private property and everyone parking there are trespassing.

Discussion between **Board Member Koss** and **Ms. Selig** regarding if the property owner would need to insure the parking lot once it is turned into an allowable parking lot for the public.

Board Member Greenwood asked for clarification regarding if the areas that are specifically outlined for not having a building, are considered separate legal parcels as shown on the map presented.

Ms. Selig confirmed that it was.

⁴ :Exhibit 1: Map of exempt parcels

Discussion between **Chairperson Dobrin** and **Ms. Selig** about the length of ownership of the property and the purpose and intent of the owners purchasing a pay-for-parking lot.

Board Member Greenwood mentioned the issues with past parking studies involving bank parking lots and explained what the banks were allowed to do with their vacant lots.

Discussion between **Board Member Koss** and **Ms. Selig** regarding what the new language to the ordinance is hoping to accomplish.

Board Member Green asked for clarification regarding what would happen if a building is leveled and if they would be allowed to build a parking lot.

Ms. Selig assured the board that in order for someone to be considered for a special exception parking lot, there would need to be a building.

Board Member Green expressed her concern over wanting to ensure that the language is tight, so that it remains with the intent with what is proposed.

Ms. Selig explained why the City is requiring to have a building in order to have a public parking lot under the special exceptions rule.

Board Member Gilliam felt that the proposed language on page 3⁵ needed to be tighter.

Board Member Blanco expressed her concern for possible loopholes or gray areas.

Ms. Selig explained anyone can apply, but does not mean they will receive the special exception. Especially those that are in opposition of existing codes.

Chairperson Dobrin asked if the City has given any parking polls.

Discussion between **Board Member Greenwood** and **Board Member Koss** over the current parking situation, possible parking solutions, and how Cocoa Citizens and visitors might perceive the new text amendment.

Chairperson Dobrin asked if the City ever thought about buying the lots instead of turning it over to private owners.

Ms. Selig responded saying comes down to money.

Board Member Greenwood gave an example of land that the City could buy for parking.

Board Member Green asked if the Bank of America were to be leveled and they put up a small kiosk that is considered a "commercial building", if they could run a pay-for-parking business. Further expressed her concerns for the language in the proposed text amendment.

Ms. Selig explained the businesses have to meet specific building size requirements.

Chairperson Dobrin noted that he is concerned this is a situation they could possibly lose control over.

Board Liaison Williams announced that he and **City Manager Titkanich** are looking at locations for a parking garage, but did not disclose the location.

Chairperson Dobrin asked if the City can lease the lots.

Ms. Selig replied saying it is possible. She further explained Staff is trying to make the two codes become in synch with each other as to not conflict in a way that doesn't let things run wild. Believes the new language will control the situation.

Discussion between **Board Member Greenwood** and **Ms. Selig** over if there is a time limit for the ordinance once it is passed and if the Board could to come back to review the language should there be issues that arise after it passes.

Ed Green (104 Riverside Dr.) thinks the discussion of whether or not the City should buy property and all other discussion not including the question of approving the zoning language change, is beyond the scope of the Board. Mr. Green further explained his take on the new language and provided a possible solution for the "change of use" section of the code.

Ms. Selig pointed out that Mr. Green's suggestion is essentially what the code says currently.

Board Attorney Eick added that typically for special exception, any intensification, they put it as a condition it would have to come back to Board of Adjustment.

* **MOTION TO APPROVE THE TEXT AMENDMENT AS WRITTEN BY COMMITTEE MEMBER BLANCO; SECONDED BY BOARD MEMBER GILLIAM**

AYES: Washington, Blanco, Gilliam, Green, Greenwood, Koss, Sengel

Opposed: Dobrin

MOTION CARRIED (7-1)

IV. NEW BUSINESS:

A. Pz-19-022- Development Agreement (Integra Land Company)

Consideration of Binding Development Agreement between the City of Cocoa, FL and Integra Land Company to allow the developer to construct up to 249 apartments in 5 apartment buildings with parking garage buildings and a community clubhouse on 2 parcels of land (Parcel ID: 24-35-13-00-750 and 24-35-24-00-1). (Tabled until August 6th, 2019)

* **MOTION TO POSTPONE UNTIL THE NEXT MEETING IN AUGUST 6, 2019 MADE BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER GILLIAM**

AYES: Dobrin, Washington, Blanco, Gilliam, Green, Greenwood, Koss, Sengel

MOTION PASSED UNANIMOUSLY (8-0)

V. OTHER BUSINESS:

A. Tree Board Update

- Article on "The Value of Trees" for the FYI newsletter was discussed by **Ms. Selig** and the Board.
- Consideration of "Tree Risk Assessment Certification" added to future code revisions list.

Ms. Selig noted that they will need to postpone the certification discussion due to the new Florida State law passed by Governor DeSantis, as it might be a conflict. Explained that both she and **Board Attorney Eick** would need to review the language of the new law.

Board Member Koss inquired about if their current tree code would be grandfathered in or if the new state law would overrule it.

Board Attorney Eick explained that in this case, state law would take precedence over it.

- Follow-up on trees in ROW at Beverly and Manor Drive

It was noted that one (1) oak tree as well as one (1) hickory tree were taken down by the City and there are two (2) cedar trees that are reportedly rotting.

Board Member Koss asked if the Board could have a tree expert recommend the appropriate trees for those locations to replace the ones they have lost. He is concerned that Public Works will not research the trees prior to planting them.

Board Member Greenwood agreed and felt it would be best to have someone who is neutral and without bias when picking a replacement tree.

Ms. Selig noted that City Council would need to decide that, but will pass the suggestion along.

B. Recent Development Update

Ms. Selig passed out a flyer⁶ and invited the Board to Growth Management Planning Officials Training. She discussed training details and thanked **Board Member Gilliam** for coordinating the event.

Chairperson Dobrin inquired about the progress of the new proposed hotel and **Board Attorney Eick** explained that the hotel's developer, Jack Brown, has been found in default and has 30 days to cure it.

Discussion with **Vice Chairperson Washington** and Staff if a Golden Corral and a Cracker Barrel are being put on SR524 and I-95.

C. Open discussion by Board Members

Board Member Greenwood discussed Cocoa receiving a Tree City USA designation and received the Board's consensus to reactive their Tree City USA designation.

Board Member Greenwood discussed Cocoa's Gravel Code and provided suggestions to allow property owners to keep the gravel in their driveways. He suggested to implement a concrete curbing to prevent the gravel from going into the storm drains and keeping the gravel clear from sidewalks. Received the Board's consensus to add a concrete curbing discussion to a future agenda.

Board Member Koss discussed the EPA's *Stormwater to Street Trees* PDF⁷ that was sent to the board members. Mentioned he would like to implement a natural storm water management system and to discuss the PDF at the next meeting.

Board Liaison Williams asked if the Board would prefer a Volunteer Appreciation dinner vs. breakfast. The Board agreed to dinner.

VI. NEXT MEETING DATE:

⁶ Exhibit 3: Growth Management Planning Officials Training Flyer

⁷ Exhibit 4: Stormwater to Street Trees PDF Packet

July 17, 2019

August 6, 2019 at 6pm

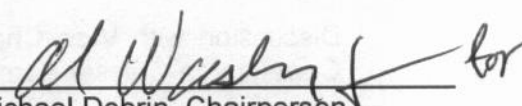
VII. ADJOURNMENT:

- * **MOTION TO ADJOURN BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER ERVIN.**

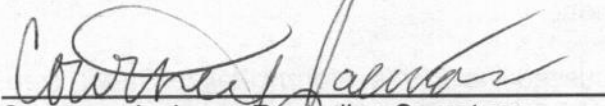
AYES: Dobrin, Washington, Blanco, Gilliam, Green, Greenwood, Koss, Sengel

MOTION PASSED UNANIMOUSLY (8-0)

MEETING WAS ADJOURNED AT 7:25p.m.


Michael Dobrin, Chairperson

Respectfully submitted by:


Courtney Jackson, Recording Secretary