

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
JUNE 16, 2020**

A Special meeting of the Planning & Zoning Board Local Planning Agency was held on June 16, 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
Todd Anderson	Board Member
Jeri Blanco	Board Member (via phone)
Sherry Ervin	Board Member (via phone)
Marilyn Green	Board Member (via phone)
Lawrence Koss	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

ABSENT:

Al Washington	Vice Chairperson
Trina Gilliam	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.

Ms. Selig welcomed Mr. Todd Anderson back to the Planning & Zoning Board. She also welcomed Ms. Ariel Glass and Ms. Debbie Joyce to the Board.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of June 16, 2020

- * **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER SENDEL TO APPROVE THE JUNE 16, 2020 AGENDA AS WRITTEN.**

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

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

2. MINUTES: February 5, 2020

Board member Blanco pointed out a grammatical error on page 6.

- * **MOTION BY BOARD MEMBER SENDEL; SECONDED BY BOARD MEMBER KOSS TO APPROVE THE MINUTES AS AMENDED.**

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

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

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

- A. PZ-20-02000001 – Zoning Text Amendment – Self-Service Storage Facilities**

Ms. Selig provided a brief presentation¹ and gave a summary of the project. She explained that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 06-2020 providing for the amendments permitting locations for self-service storage facilities and further amending regulations related to this use.

Chairperson Dobrin asked if the applicant is expanding their business. In response, Ms. Selig responded affirmatively.

Mark Barnebey, representing Store Space Cocoa, explained the location of the property and pointed out that it is zoned C-W. Storage is allowed under this zoning but not self-storage at this time. He referred to the ordinance and discussed the current parking requirements. He also asked the board to consider allowing small cars and trucks to park on location as the ordinance does not allow for this.

Ms. Selig further explained that staff would like to propose one parking space per fifty units and to allow small cars and trucks to be stored in the self-storage units and leave outdoor storage for larger vehicles such as RVs.

Board member Anderson asked if there was a way to determine the weight of a vehicle and to regulate what can and can't be stored to avoid turning the property into a junk yard. In response, Ms. Selig stated she would discuss the issue with Code Enforcement to see what can be done.

Mayor Williams pointed out that there are a lot of home offices that park their large vehicles in their front yard after 5pm when Code Enforcement goes home such as pressure washing trucks, CAT trucks, etc.

Board member Koss inquired how these commercial vehicles are distinguished. He asked if it is because there is a company name on it or if it is by size. In response, Board member Blanco explained that a commercial vehicle can be distinguished by a wrap or sign that's displayed on it.

Board member Blanco asked if the business has restrictions in place to monitor what types of vehicles are permitted to park. In response, Mr. Barnebey replied affirmatively and explained that they also only allow operational vehicles to park on site as they don't want junk vehicles parked on the property.

Chairperson Dobrin opened the hearing to the public. There being no response, the public portion of the hearing was closed.

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**MOTION BY BOARD MEMBER ANDERSON; SECONDED BY
ALTERNATE MEMBER GREENWOOD TO RECOMMEND APPROVAL**

¹ Zoning Text Amendment Self-Service Storage Facilities Presentation

TO THE CITY COUNCIL OF ORDINANCE NO. 06-2020 PROVIDING FOR THE AMENDMENTS PERMITTING LOCATIONS FOR SELF-SERVICE STORAGE FACILITIES AND FURTHER AMENDING REGULATIONS RELATED TO THIS ISSUE AND TO REVIEW THE VERBAGE FOR RECREATIONAL VEHICLES AND COMMERCIAL VEHICLES AND TO ADD THIS TO THE ORDINANCE.

Ms. Joyce asked if the board would want to re-consider what is being proposed for parking.

Further discussion was held regarding the parking requirements.

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

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

B. PZ-20-010 – Zoning Text Amendment – Pharmacies

Ms. Selig provided a presentation² and gave a brief summary of the project. She noted the proposed changes as follows:

- The addition of the language below under the list of principle uses for the following zoning districts; R-P (Residential Professional District), P-S (Professional, Offices and Services District), C-R (Restricted Commercial District), C-N (Neighborhood Commercial District) and UMD (Urban Mixed-Use District).
- The removal of pharmacies under the list of principle uses for the following zoning districts; CBD (Central Business District) zoning district and CWOD (Cocoa Waterfront Overlay District).
- The removal of the prohibition against medical marijuana treatment center dispensing facilities.

Furthermore, Ms. Selig explained that the City desires to remove the prohibition against medical marijuana treatment center dispensing facilities within the City and, at the same time, regulate the location of pharmacies within the City in general. The changes proposed by this ordinance will allow all pharmacy types within zoning districts allowing similar medical office uses. At the same time, the use will be removed from the historic downtown area which is largely oriented towards tourist/leisure/entertainment business.

² Zoning Text Amendment Pharmacies and Medical Marijuana Presentation

Ms. Selig added that staff is recommending that the Planning and Zoning Board recommend approval to City Council of Ordinance No. 05-2020 providing for the location of pharmacies and medical marijuana treatment center dispensing facilities.

Chairperson Dobrin asked what made the City change their mind back in 2018. In response, Board member Koss explained that back then the State was trying to control the regulations. Dispensaries at that time would have also been treated just as a pharmacy.

Board member Koss asked if a dispensary would be able to be located within five hundred feet of a school. In response, Assistant City Attorney Eick clarified that they cannot.

Board member Blanco pointed out that there are commercial zones that are within close proximity to residential neighborhoods that would allow these types of dispensaries.

Chairperson Dobrin opened the hearing to the public. There being no response, the public portion of the meeting was closed.

- * **MOTION BY BOARD MEMBER SENDEL; SECONDED BY BOARD MEMBER KOSS TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 05-2020 PROVIDING FOR THE LOCATION OF PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES.**

AYES: DOBRIN, ANDERSON, ERVIN, GREEN, KOSS, SENDEL

NAYS: BLANCO, GREENWOOD

- * **MOTION PASSED (6-2)**

C. PZ-20-00500001 – FLU Map Amendment – Cape Canaveral Heights

Ms. Selig provided a presentation³ and explained the project summary. She shared several maps and pointed out that the subject parcels are currently under Brevard County Residential 2 designation which permits lower density residential development with a maximum density of up to two (2) dwelling units per acre. This may be increased to 2.5 dwelling units per acre where a planned unit development concept is utilized. The proposed City of Cocoa Low-Density Residential designation is intended for neighborhoods of single-family detached housing, limited multiple family attached housing and limited clustered single

³ Future Land Use Map Amendment Presentation

family attached housing. During the annexation process the applicant entered into a Pre-Annexation Development Agreement wherein the primary property owners agreed that any PUD project eventually developed on 122.58 acres of the property would have the following characteristics:

- A maximum density of 4 dwelling units (d.u.) per gross acre
- Minimum lot widths of 50 feet
- Minimum Lot Size of 5,000 square feet
- Minimum of one (1) enclosed parking space and two (2) driveway spaces
- 4-foot-wide sidewalks along interior roadways
- Preserved wetlands counted as open space acreage on a one to one per Minimum internal roadway drive lane width of 11 feet, or 22 feet for a two-way street

Ms. Selig discussed the consistencies with the City Code and added that staff is recommending the Planning & Zoning Board recommend approval to City Council of the Comprehensive Plan Map Amendment changing the Future Land Use Map designation of the subject property from Brevard County "Residential 2 Units Per Acre" to City of Cocoa "Low Density Residential".

Ms. Selig read e-comments⁴ from Tammy Green Clower and Dwight Coursey into the record.

Board member Koss asked for clarification regarding if the properties are developed or undeveloped. In response, Ms. Selig shared that Brevard County Property Appraiser listed the properties as undeveloped land. She also noted that the land was annexed into Cocoa in 2019.

Furthermore, Board member Koss clarified that the Board is not voting on the zoning this evening to which Ms. Selig stated that the zoning will be brought back at a later time.

Board member Sengel asked why the City is not seeking to re-zone to very low density as Adamson Creek and other subdivisions are. He expressed that his concern is inconsistency among these neighborhoods.

Ms. Kim Rezanka, Cantwell & Goldman PA, spoke on behalf of her client, the applicant, and clarified that this item is regarding the future land use and they are not seeking a re-zoning at this time. She provided background information regarding the item.

Chairperson Dobrin opened the hearing to the public.

⁴ E-comments from Tammy Green Clower & Dwight Coursey

Mr. Dwight Coursey asked what the developer's intent is. He further asked what types of homes will be built on this property, whether it be single-family, multi-family, etc. In response, Ms. Rezanka explained that they will be single-family homes.

Ms. Selig provided further clarification regarding the PUD.

Christine Boothe, 550 Adamson Rd., expressed concern about being annexed into the City without her consent or without warning. She added that she does not want to be within the City limits and asked how to get out. She shared that the majority of the land is wetlands and she is concerned about flooding as well.

Jamie Bunnell, 6300 Highway 524, explained that he is concerned about neighbors coming in as he has wetlands all around his property and is worried about the land becoming too impacted. He asked the board to consider the situation as if they lived on the property.

Sara Wagner, 2205 Adamson Road, asked if the board, before moving forward, could ask if the applicant would consider very low density instead of low density. She wants the City to stop encroaching on county properties and believes that just because an individual has a smaller property does not mean they have less of a vote.

Catherine Bonadio, 6440 Sorrel Dr., expressed that she does not want the City to set a precedence by moving forward with this and asked them to reconsider.

Jerry Wagner, 900 Adamson Rd., asked if the pre-development agreement is legally binding. He pointed out that very low density would avoid a cluster of homes. He asked if there are any incentives for the City to allow subsidized housing in the PUD. In response, Mayor Williams stated no.

Ms. Wagner asked the Board to consider tabling the item.

Board member Koss suggested that he would like to see two units per acre, or very low density designation, and would consider disapproving the item and asking that the applicant submit an application for very low density for the Board to reconsider. Board member Ervin agreed with Board member Koss and noted that as the citizens stated, that area floods quite often.

Ms. Selig pointed out that the City does not currently have a zoning designation for very low density.

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MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER SENDEL TO RECOMMEND DISAPPROVAL TO THE CITY COUNCIL OF THE COMPREHENSIVE PLAN MAP AMENDMENT

CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE SUBJECT PROPERTY FROM BREVARD COUNTY "RESIDENTIAL 2 UNITS PER ACRE" TO CITY OF COCOA "LOW DENSITY RESIDENTIAL".

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

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

D. PZ-20-019 – Preliminary Subdivision / Large-Scale Site Plan – Lakeside Palms West

Ms. Selig provided a presentation⁵ and gave a project summary.

Mr. Bryant Smith, Public Works Director, explained floodplains in detail and provided a project summary.

Ms. Selig added that staff is recommending the Planning & Zoning Board recommend approval to City Council of the Preliminary Subdivision with the conditions set forth below, as well as approval of the Large-Scale Site Plan with the conditions set forth below:

1. The Large-Scale Site Plan shall not be effective until and unless the Preliminary Subdivision has been approved by City Council.

2. Provide a conservation easement for Tract C in accordance with s. 704.06, Florida Statutes.

Mr. Andy Kirbach, Morgan & Associates Consulting Engineers, briefly discussed the City's Stormwater code and provided further clarification on the project. He offered to answer any questions the Board may have.

Board member Koss asked if the City could be held liable in any way. In response, Assistant City Attorney Eick clarified that immunity doctrines would apply and the City would typically not be liable.

*** MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE PRELIMINARY SUBDIVISION TO INCLUDE THE CONDITIONS RECOMMENDED BY STAFF.**

⁵ Preliminary Subdivision / Large-Scale Site Plan Lakeside Palms West Presentation

AYES: DOBRIN, ANDERSON, BLANCO, ERVIN, GREEN, GREENWOOD, KOSS

NAYS: SENDEL

*** MOTION PASSED (7-1)**

V. TREE BOARD:

None.

VI. OTHER BUSINESS:

1. Tree Board Update:

- Presentations by Angela Essing (day 1) and Larry Koss (day 2) of the Urban Forestry Institute's Tree Canopy event on March 5th and 6th.

Ms. Essing provided a presentation⁶ regarding a broad overview of day 1 of the conference. Board member Koss provided a presentation⁷ regarding day 2.

*** MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER ERVIN TO SEPARATE THE PLANNING AND ZONING BOARD FROM THE TREE BOARD OR TO CONSIDER INCORPORATING THE TREE BOARD WITH THE SUSTAINABILITY ADVISORY COMMITTEE.**

AYES: BLANCO, ERVIN, GREEN

NAYS: DOBRIN, ANDERSON, GREENWOOD, KOSS, SENDEL

*** MOTION FAILED (3-5)**

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, August 5th at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

⁶ 2020 Urban Forestry Institute – Expanding your Canopy

⁷ Florida Urban Forestry Council

VIII. ADJOURNMENT:

- * **MOTION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER SENDEL TO ADJOURN THE SPECIAL MEETING OF JUNE 16, 2020.**

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

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

MEETING WAS ADJOURNED AT 9:25 PM.



Michael Dobrin, Chairperson

Respectfully Submitted By:



Monica Arsenault, Recording Secretary