CITY OF COCOA
PLANNING & ZONING BOARD/TREE BAORD
MEETING MINUTES
January 11, 2017

A regular meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, January 11, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Michael Dobrin called the meeting to order at 6:01 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice-Chairman
Troy Stephan	Board Member
Jack Moore	Board Member
Russell Sengel	Board Member
Jake Williams	Board Member
Aleck Greenwood	Board Member

MEMBERS ABSENT:

Todd Anderson	Board Member

OTHERS PRESENT:

Steven Belden, AICP	Community Services Director
Steven Biel	Senior Planner
Jennifer Nix	Board Attorney
Rachel Unruh	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: January 11, 2017.

Motion by Jake Williams, seconded by Al Washington, to approve the agenda of January 11, 2017, as written. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: December 14, 2016.

Motion by Jack Moore, seconded by Al Washington, to approve the minutes of December 14, 2016, as written. Vote on the motion carried unanimously.

OTHER BUSINESS:

Election of Board Chair and Vice-Chair

Jake Williams made a motion to nominate Al Washington for Chair, motion dies from a lack of a second.
Motion by Jake Williams, second by Aleck Greenwood, for Michael Dobrin to remain as Chairperson and Al Washington to remain as Vice-Chairperson. Vote on the motion carried unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

Discussion amongst the Board members and staff on the Tree Board duties when an applicant applies for a request to remove a tree.

A. PZ-16-01800005 – Tree Removal (1802 Baylor Ct.) – Tree Board

Request of the Tree Board to remove a tree in a portion of the public right-of-way along the east side of Baylor Court pursuant to Appendix A, Zoning, Article XIII, Section 22(I)(1)(c) of the City of Cocoa Code.

Senior Planner Steven Biel presented exhibits for the Board's review. The applicant, Mary P. Nelson Lorkovic, is requesting approval of a tree removal application consistent with Appendix A, Zoning, Article XIII, Section 22(I)(c), to remove a tree in the public right-of-way in front of 1802 Baylor Court.

Mr. Biel stated that Staff recommends the Tree Board recommend denial to City Council of the tree removal request due to the reasons noted in the staff report.

Mr. Dobrin asked the Board members if they had questions for staff.

Mr. Williams asked if the resident would be reimbursed for repairs to irrigation if the City determined the tree needed to be removed and there was damage to the irrigation in the future.

Mr. Washington stated that the patching in the sidewalk indicates a past repair due to the roots of the maple tree.

Discussion amongst the Board members and staff regarding reimbursement for repairs to the resident on her irrigation and the repairs in the sidewalk.

Mary P. Lorkovic, 1802 Baylor Court, was sworn in. Ms. Lorkovic gave a brief statement on the history of the work to the sidewalk and explained the repairs made to her irrigation system.

Ronald Nelson, 10325 Walcott Ave, Orlando, was sworn in. Mr. Nelson, son of Ms. Lorkovic, gave a brief statement to the repairs made by Public Works on the sidewalk.

Jack Moore commented that the other 19 trees in the R-O-W on Baylor Ct. would be affected by the decision made by the Board.

Additional discussion amongst the Board member, staff and Ms. Lorkovic.
Ms. Lorkovic has concerns regarding the repairs and the future bills that she will accrue as the problem with roots persist.

Mr. Belden explained that the recommendation will be scheduled to go before the City Council for a final decision.

Ms. Nix, Board Attorney, gave clarification on the Code for tree removal requirements.

Motion by Aleck Greenwood, seconded by Troy Stephan, to approve Staff's recommendation of denying to City Council of the tree removal request due to the reasons noted in the staff report. Vote on the motion carried 6 to 1, Al Washington objected.

B. PZ-16-02000005 – Zoning Text Amendment (Backyard Chicken Pilot Program)

Senior Planner Steven Biel presented exhibits for the Board's review. The applicant, City of Cocoa, is requesting consideration of an ordinance of the City Council of the City of Cocoa, Brevard County, Florida; relating to backyard chickens; amending Chapter 5 – Animals and Fowl to include a new Section 5-35 Backyard Chicken Pilot Program to allow the keeping of chickens and chicken coops within certain residential zoning districts; creating definitions; enumerating terms and conditions concerning the keeping of backyard chickens; establishing a limited permitting process; providing for a sunset or extension of these regulations upon review by the City Council; providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the code, and an effective date.

Mr. Biel stated that Staff recommends the Planning and Zoning Board recommends approval.

Mr. Biel opened the public hearing for questions from the Board members.

Mr. Greenwood wanted to understand the concerns on page 3 paragraph (h) regarding the exclusion of multi-family from the program.

Mr. Belden explained that the City had concerns regarding the impact adjacent neighbors in a multi-family dwelling and there isn't enough distant between neighbors.

Jake Williams had concerns with the $75.00 fee for the program.

Mr. Belden stated the Board has the option to recommend a fee.

Discussion amongst Board members and staff regarding the maximum number of chickens being recommended.

Mr. Stephan wanted more information regarding the number of families being recommended by staff to participate in the pilot program.

Additional discussion amongst the Board members and staff regarding the referendum for chickens that went to City Council.

Mr. Dobrin explained that the Board can make recommendations on the fee and the number of chickens allowed per property.

Additional discussion amongst the Board members, staff and Board attorney regarding the fee, number of pilot families and the number of the chickens per property.

Mr. Sengel explained his concerns regarding the fee, the sunset rule, number of families and the required class for participating in the pilot program.

Mr. Belden explained to the Board the regulations are written to protect the residents in the areas.

Mr. Dobrin offered a recommendation of a $25.00 fee.

Mr. Greenwood offered a recommendation of a $10.00 fee

Mr. Belden explained that the class is a health & safety awareness course and that other communities require the class.

Motion by Jake Williams, seconded by Aleck Greenwood, to approve Staff's recommendation of approval to City Council of Ordinance No. 01-2017, amending Chapter 5, relating to backyard chickens except amending the $75.00 fee to a $20.00 fee. Vote on the motion carried 5 to 2, Al Washington and Russell Sengel objected.

Additional discussion amongst the Board members and staff.

C. PZ-16-02000006 – Zoning Text Amendment (Sale/Rental of New/Used Automotive Vehicles)

Consideration of an ordinance amending Appendix A, Zoning, Article XIII, Section 28, regulating businesses providing for the sale or rental of new and/or used automotive vehicles, agricultural equipment, major recreational equipment, and mobile homes and accessory uses.

Senior Planner Steven Biel presented exhibits for the Board's review. The applicant, City of Cocoa, is requesting consideration of an ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XIII, Section 28, regulating businesses providing for the sale or rental of new and/or used automotive vehicles, agricultural equipment, major recreational equipment, and mobile homes and accessory uses.

Mr. Biel stated that Staff recommends that the Planning and Zoning Board recommends approval.

Mr. Biel opened the public hearing for questions from the Board members.

Mr. Greenwood asked staff what the major difference between the existing ordinance and the proposed amendment.

Mr. Biel explained the key changes between the two ordinances.

Mr. Belden gave a brief history of the ordinance and the reason for the amendment.

Discussion amongst the Board members and staff.

Motion by Aleck Greenwood, seconded by Jake Williams, to approve Staff's recommendation of approval to City Council of Ordinance No. 02-2017 amending Appendix A, Zoning, Article XIII, Section 28, regulating businesses providing for the sale or rental of new and/or used

automotive vehicles, agricultural equipment, major recreational equipment, and mobile homes and accessory uses. Vote on the motion carried unanimously.

D. PZ-02000007 – Zoning Text Amendment (Administrative Appeal Process)

Consideration of Ordinance 30-2017 amending Appendix A, Zoning, of the City Code; providing amendments related to the administrative appeal process for adverse decisions of administrative decisions of administrative officials; providing amendments related to administrative verification of nonconforming uses.

Senior Planner Steven Biel presented exhibits for the Board's review. The applicant, City of Cocoa, is requesting consideration of an ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, of the City Code; providing amendments related to the administrative appeal process for adverse decisions of administrative decisions of administrative officials; providing amendments related to administrative verification of nonconforming uses.

Mr. Biel stated that Staff recommends that the Planning and Zoning Board recommends approval.

Mr. Biel opened the public hearing for questions from the Board members.

Mr. Greenwood had concerns regarding Article X, he questioned if the Nonconforming use was being eliminated from Code. He also wanted clarification to Article XI, skirting for mobile home.

Mr. Belden clarified that purpose of the amendment to the ordinance.

Mr. Stephan asked why the Articles in the Text Amendment request wasn't presented as individual request.

Mr. Belden explained that several sections in the City Code needed updated; therefore, the City brought all amendments to the Board in one request.

Mr. Stephan had comments on the new language for Article XVII, Board of Adjustment: Power and Duties. He was concerned that the amended language restricts the appeal process.

Discussion amongst the Board members, staff and Board attorney regarding the amended language in Article XVII, Board of Adjustment: Power and Duties.

Mr. Sengel expressed his thoughts of tabling Article XVII, Board of Adjustment: Power and Duties giving staff the opportunity to modify the recommended language before the Board votes.

Additional discussion amongst Board members and staff.

Jake Williams departed meeting at 7:36pm

Motion by Mr. Stephan, seconded by Aleck Greenwood, to approve Staff's recommendation to City Council of Ordinance No. 03-2017 amending Appendix A, Zoning, of the City Code; providing amendments related to the administrative appeal process for adverse decisions of administrative decisions of administrative officials and providing amendments related to administrative verification of nonconforming uses, but amending the appeal date from 10 business days to 30 days and to clarify the language regarding the burden of proof.

Ms. Nix stated for the record that in Article X –Nonconformities, Section 11 (b) the word "certificate" was overlooked and not change to zoning verification letter.

Motion repeated per Russell Sengel's request.

Mr. Stephen restated the motion to clarify the changes for zoning text amendment P&Z 16-0200007 as; 1. to amend the appeal date from 10 business days to 30 days; 2. to clarify the language regarding the burden of proof and; 3. to change the language from certificate to zoning verification letter. Aleck Greenwood seconded again.

Jake Williams returned to the meeting at 7:40pm, he was not present for the vote

Vote on the motion carried unanimously (6-0).

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on February 8, 2017.

ADJOURNMENT:

Motion to adjourn by Jack Moore, seconded by Al Washington.

There being no further business the meeting adjourned at 7:35 P.M.

Approved on this 15th day of February, 2017.

Michael Dobrin, Chairman

Rachel Unruh, Board Secretary