MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
December 15, 2020

A Special meeting of the Planning & Zoning Board Local Planning Agency was held on December 15, 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
Susan Mock	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
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative
Kristin Eick	Assistant City Attorney

ABSENT:

Ariel Glass	Alternate Member

STAFF PRESENT:

Dodie Selig, Planning & Zoning Manager, Alix Bernard, Senior Planner, Bryant Smith, Public Works Director 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 December 15, 2020

* **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE DECEMBER 15, 2020 AGENDA AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (10-0)

2. MINUTES: Meeting of October 7, 2020

* **MOTION BY VICE CHAIRPERSON WASHINGTON; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE MINUTES AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (10-0)

3. MINUTES: Meeting of October 22, 2020

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

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (10-0)

III. NEW BUSINESS:

A. PZ-20-013 – Zoning Text Amendment (RU-2-10 District Regulations) Tabled

* **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER ERVIN TO TABLE ITEMS A & B UNTIL THE END OF THE MEETING IN ORDER TO DETERMINE A TIME CERTAIN TO POSTPONE THE ITEMS TO.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (10-0)

B. PZ-20-00300003 – (Cirrus Apartments) Tabled

C. PZ-20-00500002 – Future Land Use Map Amendment – Gem Industries

Ms. Selig provided background information on the item and the application that prompted the request. Currently, the subject parcel is covered by a Brevard County Future Land Use of Community Commercial. Pursuant to Section 171.062 Florida Statutes, Brevard County land use plan and zoning or subdivision regulations will remain in effect until the City of Cocoa adopts City zoning for the area.

Additionally, Ms. Selig explained the consistency with the City of Cocoa's Code and provided insight on staff's findings.

Board member Ervin asked when this was annexed. In response, Ms. Selig stated October 15, 2020.

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

* **MOTION BY VICE CHAIRPERSON WASHINGTON; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE FUTURE LAND USE MAP (FLUM) AMENDMENT CONSISTENT WITH FLORIDA STATUTE CHAPTER 163, FOR AN APPLICANT INITIATED REQUEST TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF ONE PARCEL FROM BREVARD COUNTY "COMMUNITY COMMERCIAL" TO CITY OF COCOA "INDUSTRIAL".**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (10-0)

D. PZ-20-003 – Binding Development Agreement (M&R United, Inc.)

Ms. Selig shared that the property has an unoccupied building, built in 1959, which was the former site of the SunTrust bank lobby and office.

The property owner desires to redevelop the site by constructing a single-story commercial building consisting of two retail spaces and a Quick Serve Restaurant space with a drive-thru facility, which must be limited to a nationally recognized coffee shop chain.

Ms. Selig pointed out that the applicant has submitted a concept plan showing the proposed single-story commercial building with a drive-thru facility. Furthermore, a "drive thru facility" use requires approval of a Special Exception by the Board of Adjustment (BOA). The applicant has submitted a Special Exception application which will be heard by the BOA on December 16, 2020. Approval of the Special Exception for the drive-thru use will be conditioned upon City Council approval of the Development Agreement.

Lastly, Ms. Selig shared the project summary and explained the consistency with the City of Cocoa's Code.

Ms. Selig read e-comments[1] from:

- Lois Boxer
- Amy Peters
- Francesca Meccariello
- Gail Johnson
- James O'Malley
- Laurene McKillop
- Tracy Kickbusch

Board member Greenwood inquired about the square footage. In response, Ms. Selig shared she did not have the number.

Board member Greenwood talked about the advantage of the concrete barrier in that it would slow traffic coming up from off the bridge coming from Merritt Island. He added that his only concern is the look of the shop as it does not blend well with the Village just as the SunTrust that was there before did not blend with the Village. He does not think this business would take away from businesses in the Village.

Board member Green pointed out that her concerns are related to the traffic along SR 520. She added that she also has concerns for the merchants in the Village and she would like to support the locally owned businesses, however, on the other hand she thinks this is a better option than some of the other businesses that have been considered.

Board member Ervin shared she also has concerns with the traffic but also with the impact it may have on the character of the Village.

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[1] Citizen E-comments

Summit Shaw and Mike Shaw, the applicants, spoke on behalf of the project and noted that while this project is a nationally recognized coffee shop, this will be a locally owned business. He shared he understands the concerns of the merchants being a local business owner himself. In regard to the traffic concerns, he noted that they are trying to enhance safety rather than create hazards, one of the changes being adding a deceleration lane on both sides of SR 520. He also added that he does not feel this business will affect other coffee shops in the Village and if anything will help draw people to the Village and increase the City's tax base. He pointed out that the gentleman that put together their traffic study previously worked for FDOT so they are confident the study was done correctly.

Chairperson Dobrin opened the hearing to the public.

Allan Chapman, Executive Director for HCVA, stated that he does not feel that a drive-thru is appropriate for this location. He shared his concerns regarding the traffic flow along SR 520.

Janne Etz, spoke on behalf of HCVA and also as a longtime business owner in Cocoa Village. She explained that she is terrified of the actuality of what will happen on SR520 and pointed out that she noticed the traffic study was conducted in October 2019 and she is not sure how relevant it is now. She referred to Winter Park as an example and expressed her concerns that rent will go up in Cocoa Village.

Emma Kirkpatrick also spoke on behalf of HCVA. She expressed that she had serious concerns about how this was brought before the Board and to the public as the full agenda was only released on the City's website the day before the meeting. She also feels that this was brought forth at a time when people are focused on the holidays and not on what is happening in their city and pointed out that this looks like bad business on the City's part. In regards to the coffee shop, she is worried that this will pull customers away from the Village.

David Lightholder, mentioned that he owns property on SR520 and shared that in sometime between 2022-2025 the east bound lane of SR520 will be re-done by FDOT and he feels this will alleviate traffic concerns.

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

Vice Chairperson Washington asked for clarification about what the Board of Adjustment will be approving. In response, Ms. Selig explained that they are only considering the approval of the drive-thru use.

Board member Green added that while she is a supporter of Cocoa Village and the merchants she also has a responsibility to consider all parts of this project, including the permissible zoning and other aspects that are tied to it brought forward by staff. In response,

Chairperson Dobrin added that the Board must consider all aspects, including public safety and the impact this will have on the Village.

Board member Mock asked for clarification as to whether this is two-story or single-story. In response, Mr. David Lightholder noted that this was changed to single-story.

Board member Blanco asked the applicants if they had considered any other businesses for this location. In response, Mr. Shaw shared that it was deemed, when looking at the real estate, that this would be the best use for this particular location.

Board Liaison Hearn asked what the speed limit is on SR520. In response, it was stated that the speed limit is 35mph. Board Liaison Hearn added that he only asked because there are ways to reduce the number of speeders such as adding additional police enforcement in the area.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER GILLIAM TO RECOMMEND APPROVAL TO CITY COUNCIL OF A BINDING DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COCOA, FLORIDA AND M&R UNITED, INC. CONSISTENT WITH APPENDIX A ZONING OF THE CITY CODE, TO APPROVE A CONCEPTUAL DEVELOPMENT PLAN FOR A SINGLE-STORY COMMERCIAL BUILDING TYPE WITH RETAIL DEVELOPMENT AND A DRIVE-THRU USE FOR A NATIONALLY-RECOGNIZED COFFEE SHOP CHAIN ON A PARCEL OF LAND IN THE WATERFRONT SUB-DISTRICT OF THE COCOA WATERFRONT OVERLAY DISTRICT.**

AYES: WASHINGTON, BLANCO, GILLIAM, GREENWOOD, MOCK, SENGEL

NAYES: DOBRIN, ANDERSON, ERVIN, GREEN

MOTION PASSED (6-4)

E. <u>PZ-20-00200006 – Large Scale Site Plan – Quail Ridge Apartments</u>

Ms. Selig explained that the applicant is proposing to develop a 40-unit apartment project with amenities on the subject property which consists of one vacant parcel of land totaling 2.7 acres. The proposed apartment project would consist of two-bedroom units, 28 units will have 971 sq. ft. and the remaining twelve units will have 1056 sq. ft. Ms. Selig noted that the amenities for the property will include a fitness room, two racquetball courts, a dog park and an exercise path.

Ms. Selig discussed the consistency with the City of Cocoa's Code and added that staff is recommending approval of the large-scale site plan for Quail Ridge Apartments with the following condition:

- The landscape sheet needs to be revised to provide a minimum diameter at breast height measurement for new trees to be planted at three inches.

The engineer of record, Z. Sid Chehayeb, PE spoke in regard to the project and discussed the landscaping and amenities the apartment complex will have.

Board member Gilliam asked what the rent will be. In response, he stated that a market study will need to be done and they have not determined what the rent will be at this time.

Board member Mock asked if any meetings have been held with surrounding property owners. In response, he stated no they have not.

Alternate member Greenwood asked if these will be wood framed with concrete siding to give a "cottage-type" feel. In response, he stated that it was his understanding but unfortunately the architect is not present to provide more details. Additionally, Alternate member Greenwood verified that the majority of these units will be two bedrooms. In response, he stated yes.

Board member Gilliam asked if they will be building a wall and providing some landscaping to provide a buffer between the single family homes abutting these apartments. In response, he stated that they will be constructing a wall and he explained the way it would be constructed as the apartment buildings and the single-family homes are on different elevations.

Chairperson Dobrin opened the public hearing for public comment.

Jennifer Kenny, 1917 Quail Ridge Dr., asked about when the traffic study was done. She explained that Clearlake Road is only two lanes with no opportunity to expand and this project will bring a lot more traffic. Additionally, she wants to ensure that dust and debris will not impact the surrounding area as she lives very close to this potential project and she lives with an elderly relative that has health issues that she is concerned about. She further asked what the hours of construction will be and what other impacts will entail.

Deanna Drake, 1922 Quail Ridge Ct., Cocoa, shared she is very concerned about the traffic that will impact their isolated neighborhood. She is also concerned about the amount of people that will come and go from these rental homes.

Terrence Williams, 1917 Quail Ridge Ct., Cocoa, shared he is a previous truck driver and pointed out his concerns about semi-trucks delivering to Aldi's and Dunkin Donuts, especially in the mornings and afternoons. He also added that FPL needs to have access and this is going to create issues. He explained that his wife has MS and is in a wheel chair and he is worried about the influx of people coming and going as she travels the neighborhood.

Nick Patel, an investor in the subject property, explained that this will be a gated property with nice amenities and it will also be fenced. He does not feel these apartments will create the nuisances that the surrounding property owners are concerned about.

Board member Gilliam strongly encouraged that more trees be added to the landscaping. She also requested that the dumpsters be moved to a different location so they aren't abutting up to the other residences. In response, Mr. Patel stated they could address these concerns.

Mr. Chehayeb wished to point out that several other locations for the dumpster were considered before settling on this particular location. He added that this location will allow easy access for the garbage trucks and ensured that it would be enclosed. The enclosure will also blend in with the apartment buildings.

Fran Alman, former president of Quail Ridge Condominiums Association, asked if this project will impact their exit road and if it will have to be moved. In response, it was explained that this project will not impact the exit road.

Mr. Alman further suggested that a stone wall be put up in place of the decorative fencing that is included on the plans. In response, Ms. Selig explained the deciding factors for what requires a buffer wall and what requires a fence and provided the details of the Code. She added that this is not required by the Code but pointed out that if Quail Ridge feels this is an issue they have the option to build a wall on their property.

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

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GREEN TO RECOMMEND APPROVAL TO CITY COUNCIL OF THE LARGE-SCALE SITE PLAN FOR QUAIL RIDGE APARTMENTS.**

AYES: DOBRIN, WASHINGTON, ANDERSON, ERVIN, GILLIAM, GREEN, GREENWOOD, SENGEL

NAYES: BLANCO, MOCK

MOTION PASSED (8-2)[2]

F. <u>PZ-20-00200003 – Large Scale Site Plan – Arbours at Cocoa Landings</u>

Ms. Selig explained that the applicant is proposing to develop a 280-unit apartment project with amenities on the subject property which consists of three parcels of vacant land on the south side of SR 524 across from Pinyon Dr.

[2] A recess was taken at 8:10pm & ended at 8:15pm

The proposed 280 units would consist of 102 one-bedroom units at a minimum of 800 sq. ft., 151 two-bedroom units at a minimum of 900 sq.ft., and 27 three-bedroom units at a minimum of 1,000 sq. ft. Amenities for the property will include a clubhouse with gathering area, business center, fitness room, changing rooms, outdoor pool, and grill area. Additional amenities include a dog park, walking trail, car wash with dog washing area, playground with a tot-lot next to it and a community garden space.

Ms. Selig shared the consistency with the City of Cocoa's Code and noted that staff is recommending approval of the large-scale site plan for Arbours at Cocoa Landing.

Jeff Iravani, JHI Consulting Engineers, shared a history of the project and he provided a presentation[3].

Board member Sengel asked if they will be installing a traffic light. In response, Mr. Iravani explained that FDOT did a study and there is no requirement for a traffic light, however they will be adding turning lanes.

Alternate member Greenwood asked if the landscaping will match what is shown in the plans. In response, Mr. Iravani stated yes.

Gabe Ehrenstein, Arbour Valley Development LLC, shared they have been working on this project for two years and it is a big project and there have been a lot of complications that they've had to overcome. He also reiterated that the landscaping will match what is shown on the plans and oak trees will be planted.

Alternate member Greenwood asked about the materials being used for construction. In response, Mr. Ehrenstein shared that it will be wood frame with some vinyl and some stucco and the roof will be pitch roof with shingles.

Alternate member Greenwood pointed out that the property owner is purchasing this property from the Shaw family, who spoke earlier regarding the coffee shop project.

Additionally, Alternate member Greenwood asked about rent costs. In response, Mr. Ehrenstein explained it will be based on a market study and no subsidiaries will be involved, however the rent will probably be a little on the higher end, similar to Viera, but they are offering a healthy style living with a lot of greenspace which will help them stand out from other apartment communities.

Mr. Ehrenstein also shared that they manage their own properties and do not hire third parties to manage the communities.

[3] Presentation given by Jeff Iravani

Board member Blanco asked if there will be on-sight security. In response, Ehrenstein explained that while they don't have a "roving-type" officer, they usually have a live-in security person that is on-sight to assist when needed.

Furthermore, Board member Blanco asked if this will be a gated community. In response, Mr. Ehrenstein answered affirmatively.

Adrian Kellgren, one of the business owners of Kel-Tec CNC, Cocoa, shared that he just wanted to state for the record that they run a gun manufacturing business and ship 5,000 guns a week and also fire their products every day from 8am-4pm. He encouraged the developers to come out and visit the plant so they can get an idea of what they do there and the type of volume they produce. He stressed that he is not trying to encourage anyone how to vote one way or the other but he wanted to make sure the developers were aware ahead of time as they are building residential homes.

Donald Carlton, 2155 Cox Rd., shared that he has lived in Cocoa for many years and is concerned about the storm drainage. He pointed out that over the years, especially after Cocoa North and Walmart were developed, the drainage has continued to get worse. He urged the City to do something about the issue.

A resident of Cocoa Pines shared that he is concerned about the traffic along SR524. In response, Mr. Smith shared details of what is going to be done before the summer of next year.

Gregg Stoll, asked to speak about the City's Comprehensive Plan and pointed out a section that states that all un-native plants be removed and asked how the developers will address this. He wanted to know, long-term, how the developers will handle invasive species between the development and the conservation area. In response, Mr. Smith explained that the City will do what it can to control and manage the invasive growths on our side.

* **MOTION BY ALTERNATE MEMBER GREENWOOD; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO CITY COUNCIL OF THE LARGE-SCALE SITE PLAN FOR ARBOURS AT COCOA LANDING.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (10-0)

IV. OLD BUSINESS:

None.

VI. OTHER BUSINESS:

A. Tree Board: Tree-City USA Application Status

Ms. Selig shared that the City's application was approved.

B. Presentation by Larry Koss on Low Impact Development – Postponed
C. Board Discussion

* **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREEN TO POSTPONE NEW BUSINESS ITEMS A & B TO THE JANUARY 20, 2021 MEETING.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (9-0)

VII. NEXT MEETING DATE:

The next meeting for the Planning and Zoning Board will be held on Wednesday, January 20, 2021 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER WASHINGTON; SECONDED BY BOARD MEMBER GILLIAM TO ADJOURN THE SPECIAL MEETING OF DECEMBER 15, 2020.**

AYES: DOBRIN, WASHINGTON, ANDERSON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENGEL

MOTION PASSED UNAMIOUSLY (10-0)

MEETING WAS ADJOURNED AT 9:10 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary