MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
September 7, 2022

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on September 7, 2022 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Sengel called the meeting to order at 6:00 PM.

ROLL CALL:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson
Todd Anderson	Board Member
Michael Dobrin	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Justin Simpson	Board Member
Susan Mock	Board Member
Al Washington	Board Member
Merrybeth Burgess	Alternate Member
Thomas Barton	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Russell Sengel	Chairperson
Marilyn Green	Vice Chairperson
Michael Dobrin	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Justin Simpson	Board Member
Susan Mock	Board Member
Thomas Barton	Alternate Member
Debbie Joyce	School Board Representative

ABSENT:

Todd Anderson	Board Member
Al Washington	Board Member
Merrybeth Burgess	Alternate Member

STAFF PRESENT:

Kristin Eick, Board Attorney; Angela Essing, Growth & Economic Development Director; Charlene Neuterman, Community Services Director; Lori Chabot, Redevelopment Coordinator; Michael Blake, Mayor; Alex Goins, Councilmember; Lorraine Koss, Councilmember; Sandra Leone, Planner; and Monica Arsenault, Recording Secretary.

Chairperson Sengel led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of September 7, 2022

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER SIMPSON TO APPROVE THE AGENDA WITH AN AMENDMENT TO MOVE ITEM IV.7 TO ITEM IV.1.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, MOCK, BARTON

MOTION PASSED UNANIMOUSLY (8-0)

* **MOTION BY BOARD MEMBER GREEN; SECONDED BY BOARD MEMBER SIMPSON TO APPROVE THE AGENDA AS AMENDED.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, MOCK, BARTON

MOTION PASSED UNANIMOUSLY (8-0)

2. MINUTES: Meeting of August 3, 2022

* **MOTION BY BOARD MEMBER SIMPSON; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE AUGUST 3, 2022 MINUTES AS WRITTEN.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, MOCK, BARTON

MOTION PASSED UNANIMOUSLY (8-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. The Cocoa Redevelopment Agency Community Policing Program

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 – COMMUNITY DEVELOPMENT; ADOPTING AN AMENDMENT TO THE COCOA REDEVELOPMENT AGENCY REDEVELOPMENT PLAN TO AUTHORIZE THE CITY AND AGENCY TO ESTABLISH AND IMPLEMENT A COMMUNITY POLICING PROGRAM; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Neuterman explained that the requested action is a recommendation on whether the draft of the updated Cocoa Redevelopment Agency Redevelopment Plan is consistent with the City's Comprehensive Plan pursuant to the requirements of the law. The CRA has requested that the CRA Plan be amended to include some components related to community policing. She referenced the City's Comp Plan policy 1.1.4.9 and explained the item in further detail.

Ms. Neuterman shared that the Cocoa CRA approved the draft of the updated Cocoa Redevelopment Agency Redevelopment Plan at their meeting last night. If the Land/Planning Agency makes any changes to the Plan than the CRA will make those adjustments as necessary and a final hearing will be held at the next Cocoa CRA meeting next Tuesday, September 13th prior to the City Council meeting. After that, two Public Hearings will be held at the City Council meetings on September 27th and October 11th.

Ms. Neuterman mentioned that the City would like to redevelop the Business District as a viable district and the community policing efforts being proposed will help maintain that viability. The City will buffer and protect residential areas from uses of high-density and the City shall review and update the redevelopment area plans and coordinate redevelopment issues with the private sector to promote mobilization of public and private resources.

Additionally, it is staff's belief that the proposed amendments brought forward to the CRA last night and that have been brought before the P&Z Board this evening are consistent with the Comprehensive Plan.

Staff is requesting direction from the Board as to whether or not it agrees with the amendments and whether or not they find them to be consistent with the Comprehensive Plan.

Vice Chairperson Green mentioned that a pilot program was proposed by one of the City's Councilmembers that would extend bar hours in the Village to 4am. She pointed out that in the staff report it mentions overtime costs for two officers on Thursday, Friday and Saturday nights between the hours of 10pm to 3am. She asked if the purpose of this was to narrow the hours down. In response, Ms. Neuterman shared that

the pilot program was initially pitched back in April and has not come back since then for staff to conduct any type of research regarding 4am bar closures.

Vice Chairperson Green asked what it would take to change the hours. In response, Ms. Neuterman explained that another minor amendment would have to be made which may or may not have to come before the Land Planning Agency.

Additionally, Ms. Eick agreed that she believed that an amendment would need to be done or the Board could make a suggestion to include hours up to 5am in order to save time on having to do an amendment later. Further discussion was held on hours.

Board member Greenwood added that he agrees, however he hopes that this does not send the message that the Board is in support of having later hours in the Village. He asked if the Board should consider adding a time limit. In response, Ms. Neuterman noted that she can bring this before the CRA next week at their next meeting when they present for their final recommendation. She explained that since this Board's recommendation is not part of the consistency with the Comprehensive Plan, meaning the time frame, that is more of a desire that should come from the Cocoa CRA.

When it is presented before the CRA next week, Ms. Neuterman stated that she will mention the request to them and ask them to either note the hours from 10pm to 3am or add the one hour after the bars close and let the Agency decide what they would like to do.

Board member Simpson pointed out that Cocoa Village attracts a lot of traffic on Thursdays, Fridays and Saturdays. He asked if two officers are enough to cover the Village during that time. In response, Ms. Neuterman shared that at this time only two officers have been approved. She explained that the ordinance allows for an increase as a need arises, however it would need to come back before the CRA to approve additional funding.

Vice Chairperson Green asked if the police presence in the Village will be funded by the Cocoa CRA. In response, Ms. Neuterman stated that this will be solely funded by the Cocoa CRA.

Further discussion was held on funding additional officers.

* **CONSENSUS BY THE BOARD TO APPROVE A THREE MINUTE TIME LIMIT ON PUBLIC COMMENTS.**

Chairperson Sengel opened the discussion for public comment. There being no additional questions or comments, the public portion of the item was closed.

* **MOTION BY BOARD MEMBER SIMPSON; SECONDED BY VICE CHAIRPERSON GREEN TO APPROVE THE ITEM WITH AN AMENDMENT TO ADD ONE HOUR PAST BAR CLOSURE.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, MOCK, BARTON

MOTION PASSED UNANIMOUSLY (8-0)

2. **PZ-20-0200003 – Arbours At Cocoa Landing – Large-Scale Site Plan Approval Extension**

Ms. Essing gave a presentation[1] and explained that this item is for the consideration of an extension of the duration of the PZ-20-0200003 Arbors at Cocoa Landing Large-Scale Site Plan approval previously approved on December 15, 2020 – December 15, 2022.

The Board is being asked to consider approving an extension that staff had already granted, however the extension was not authorized by the Board which is why it is being brought forward tonight. Ms. Essing pointed out that the applicant received initial approval from the Board back in December, 2020 for a two hundred and eighty (280) unit apartment project located on SR 524. She added that the applicant has the right to request an extension to their site plan after one year or within the one-year time frame, and in accordance with the Code, they requested an extension. The request was processed and approved on December 3, 2021.

Ms. Essing explained that unfortunately, the letter that went out had an error in it that was not caught until about a month ago and it was that staff had the ability to authorize a six-month extension, however a one-year extension was granted. Ms. Essing noted that the Assistant City Attorney recommended that this be brought to the Board's attention. Therefore, staff is asking the Board to consider approving a one-year extension for the applicant to move forward.

Board member Simpson asked if the applicant plans on being finished by December 15th. In response, the applicant, Gabe Ehrenstein from Arbor Valley Communities, stated that they will not be done with the project by December 15th but they are looking forward to having their building permits in hand by then which was in their original plan.

Mr. Ehrenstein explained that this was a scrivener's error in the letter and thanked Ms. Essing for correcting the issue.

Chairperson Sengel opened the discussion for public comment. There being no additional questions or comments, the public portion of the item was closed.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY VICE CHAIRPERSON GREEN TO APPROVE THE EXTENSION.**

[1] Exhibit A: Arbours at Cocoa Landing

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, MOCK, BARTON

MOTION PASSED UNANIMOUSLY (8-0)

3. **PZ-21-0500001 – Small-Scale Comprehensive Plan Amendment (Dixon Four-Plex)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE FUTURE LAND USE MAP FOR ONE (1) PARCEL OF REAL PROPERTY WITH THE CITY OF COCOA, CONSISTING OF APPROXIMATELY .59 ACRES, MORE OR LESS, LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH INDIAN RIVER DRIVE AND DIXON BOULEVARD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE DESIGNATION OF THE REAL PROPERTY FROM VERY LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, PROVIDED THAT THE MAXIMUM DENSITY ALLOWABLE SHALL BE EIGHT (8) DWELLING UNITS PER ACRE; 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. NUMBER :24-36-21-BM-*-5 FROM BREVARD COUNTY PROPERTY APPRAISER RECORDS.

Board member Greenwood announced that he would be recusing himself from the next two items as he has an invested interest in the project.

Ms. Essing provided a presentation[2]. She explained that this item is for consideration of Ordinance No. 11-2022, a Future Land Use Map Amendment consistent with the Florida Statute Chapter 163, to change the Future Land Use Map designation of one parcel from very low density residential to medium density residential provided that the maximum density allowable shall be eight dwelling units per acre. Thus, meaning that on this site, the maximum dwelling units will be four because the parcel is only a half of an acre.

Ms. Essing shared that if this is approved, the applicant plans to apply to have a multi-family fourplex built on the property. She showed a location map and a conceptual drawing of the property.

Additionally, staff has reviewed this petition according to the criteria contained in Chapter 15, Article II, Sections 15-10 and 15-11. Based upon the detailed

[2] Exhibit B: Dixon Boulevard Small-Scale Comprehensive Plan Amendment (Four-Plex)

analysis in the staff report, this petition meets the requirements for amending the City of Cocoa Future Land Use Map.

Staff finds the proposal consistent with Comp. Plan Future Land Use Element Policy 1.1.2.4 regarding consistency with intent of the Medium Density Residential future land use classification. Staff and review agencies have examined the petition for meeting level of service standards for potable water, sewer, stormwater, solid waste and transportation and the project was found to meet the standards for these services. There are also no budgetary impacts to the City.

Staff is recommending that the Planning and Zoning Board recommend approval to the City Council of Ordinance 11-2022, a Future Land Use Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of one (1) parcel of real property totaling approximately 0.59 acres from "Very Low Density Residential" to "Medium Density Residential" with a maximum density of eight (8) dwelling units per acre.

Aleck Greenwood, 640 Brevard Avenue, wished to suggest that this is a project that will further enhance what is being proposed across the street which was approved. He pointed out a nearby apartment complex and noted that multi-family has also been approved in the area around it.

Mr. Greenwood discussed the site plan in detail and mentioned that the majority of the property will be left natural and will be heavily wooded. He added that this will be a top-class project and he is also planning on living in one of the units.

William Coates, 655-659 Dixon Blvd., Cocoa, has no problem with this other than he is concerned about the ground water there which is pretty much a swamp. He asked what will happen with the springs and the wetlands that exist there and how the water will be controlled so it does not flood the other surrounding properties. He spoke with the Deputy Mayor previously about this and he thought that maybe an impact study could be done.

Kasey Claytor, 1201 Indian River Dr., Cocoa, is adjacent to this parcel. There are four parcels altogether and were broken up back in 1999. She talked about the history of the area and the historical homes that remain there. She, like Mr. Coates, is also concerned about the wetlands behind her property. Additionally, she is concerned with the aesthetics of a modern home going in next to these historical homes. She has spoken with a few of the neighbors in the area who also share the same concerns.

Frank Sullivan, 1705 N. Indian River Dr., Cocoa, wished to make everyone aware of an article in Southern Living magazine about Cocoa and quoted from the article. He spoke about the history there and noted that the majority of the homes are single family and hoped the board would take that into consideration.

Todd Riggs, 1629 N. Indian River Dr., Cocoa, noted that Cocoa is a diamond in the rough and feels we should protect what makes Cocoa special. When all that work was done on US1 it permanently changed the way the water flows and he is concerned about what this project may do. He also mentioned the foxes that live in the area. He hoped the Board would consider this carefully and consider the history there.

Donna Manfredi, 1209 N. Indian River Dr., Cocoa, shared that her and her husband reside in the first house south of Dixon Boulevard. Their house was built in 1901 and is one of the two Dixon properties that is still left.

Ms. Manfredi explained that they already experience water issues on their property which was significantly impacted by the work that was done on US1 when the previous homeowners lived there. She is concerned that the water could change not only the viability of their house but also the value. There are many people that walk this area to view the scenery and hoped the Board would carefully consider this when voting. She is also in support of what her neighbors have previously stated.

Mr. Greenwood talked about the drainage issues and how they can be addressed. He pointed out that all of the drainage issues will need to be fixed when they apply for permits.

He further mentioned the estate use which will not change. This will also not be a modern home. As a developer, he wants this building to blend with what is already there. This will bring in extra infrastructure tax dollars to the City. He will also address the concerns regarding the wildlife that live in the area. He has no intention of harming the environment and will make sure that they meet all of the City's code requirements.

Board member Mock asked how he will address the wetlands. She also asked how many stories will be built. He noted there will be four stories with a garage underneath. Water retention was also discussed. He noted that this will also be completely fenced in and his goal is to keep as much of the vegetation as possible.

Chairperson Sengel asked about the current zoning. In response, Ms. Essing shared it is currently zoned residential estate which only allows for single family residential. The height requirement is thirty-five (35) feet. It was

clarified that Mr. Greenwood is not asking to change the height, it would still remain at thirty-five feet.

* **MOTION BY VICE CHAIRPERSON GREEN TO APPROVE THE ITEM TO INCLUDE A SPECIFICATION THAT A MAXIMUM OF ONLY FOUR UNITS BE ALLOWED.**

MOTION FAILED DUE TO LACK OF SECOND.

Board member Simpson asked if a live well was found on the property if anything could be done. In response, Aleck explained that the SJWMD looked at this and determined there was not one.

* **MOTION BY BOARD MEMBER SIMPSON; SECONDED BY BOARD MEMBER MOCK TO APPROVE THE ITEM AS RECOMMENDED BY STAFF.**

AYES: MOCK, SIMPSON

NAYES: SENGEL, GREEN, BARTON, DOBRIN, LOPEZ

MOTION FAILED (2-5)

* **MOTION BY VICE CHAIRPERSON GREEN; SECONDED BY CHAIRPERSON SENGEL TO RECOMMEND DENIAL OF THIS ITEM TO THE CITY COUNCIL.**

AYES: SENGEL, GREEN, BARTON, DOBRIN, LOPEZ

NAYES: MOCK, SIMPSON

MOTION PASSED (5-2)

Chairperson Sengel explained that he is concerned with the height and the fact that the neighbors are adamantly opposed to the project.

In response to a question posed by Ms. Eick, Ms. Essing is not aware of any applications that have been turned in for the property across the street.

Vice Chairperson Green provided an explanation as to why she is opposed to the project.

It was clarified that this will still be brought before the City Council for final approval.

4. **PZ-21-02100001 – Zoning Map Amendment (Dixon Four-Plex)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, APPROIMATELY .59 ACRES, MORE OR LESS, LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH INDIAN RIVER DRIVE AND DIXON BOULEVARD IN COCOA, FLORIDA, MORE PARTICULARLY DESCBRIED ON EXHIBIT "A" ATTACHED HERETO; FROM RE (RESIDENTIAL ESTATE) TO RU-2-15 (MULTI-FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. NUMBER :24-36-21-BM-*-5 FROM BREVARD COUNTY PROPERTY APPRAISER RECORDS.

Ms. Essing gave a presentation[3]. She explained that staff is changing their recommendation based on the previous motion made by the Board.

Chairperson Sengel opened the hearing to the public.

Todd Riggs, 1629 N. Indian River Dr., Cocoa, spoke briefly on the item and thanked the Board for their consideration and their motion.

William Coates, 655-659 Dixon Blvd., Cocoa, wished to address something that was previously said. He also spoke about the wildlife and the wells in the area.

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

* **MOTION BY VICE CHAIRPERSON GREEN; SECONDED BY ALTERNATE MEMBER BARTON TO RECOMMEND DENIAL TO CITY COUNCIL.**

Ms. Eick asked the Board to clarify their reasonings for denial. In response, Chairperson Sengel stated that he is denying the item because staff recommended denial. Further discussion was held.

AYES: SENGEL, GREEN, BARTON, DOBRIN, LOPEZ

NAYES: MOCK[4], SIMPSON

MOTION PASSED (5-2)

---

[3] Exhibit C: Dixon Boulevard Zoning Map Amendment (Four-Plex)

[4] Board member Mock left at 7:31pm

5. **PZ 22-00200003 – Large Scale Site Plan (Diamondback Marine Division)**

APPROVAL OF A LARGE-SCALE SITE PLAN (DIAMONDBACK MARINE DIVISION) CONSISTENT WITH APPENDIX A, ZONING, ARTICLE XI, SECTION 19, M-2 ZONING, TO ALLOW FOR THE CONSTRUCTION OF TWO (2) INDUSTRIAL MANUFACTURING BUILDINGS TOTALING 210,000 SQUARE FEET IN TWO (2) PHASES AND ASSOCIATED INFRASTRUCTURE ON A ±29.25-ACRE SITE. PARCEL ID NUMBER: 24-35-12-00-506 FROM BREVARD COUNTY RECORDS.

Ms. Essing gave a presentation[5]. She pointed out that the subject property is northeast of Grissom Parkway across the road from Diamondback's current facility at 3400 Grissom Pkwy.

The applicant is requesting approval of a site plan for an industrial manufacturing site with 210,000 sq. ft. of manufacturing space and infrastructure. The project will be completed in two phases.

Additionally, on August 23. 2022 the City Council approved a Pre-Development Agreement. The agreement includes language allowing the Tree Mitigation Contribution to be recalculated and adjusted should the P&Z Board require changes to the landscape plans.

Staff recommends approval of the project, subject to the following conditions:

1. Prior to the commencement of project construction, the Utility Department shall have approved the connection to the lift station to the east.

2. The Arbor Plan, Sheet A-002, shall be revised to reflect that trees removed within the "Future Building" area in the northeast corner of the property shall not be exempt. The Tree Mitigation tables shall be further revised and updated to include the trees removed in the "Future Building" area as those that must be mitigated. A revised landscape architect's estimate of the tree mitigation contribution shall be provided to the City, and the Pre-Development Tree Mitigation Contribution Deferral Agreement shall be updated in accordance with the landscape architect's revised estimate.

3. Update the parking calculations to be consistent with the Development Agreement.

Dave Glunt, Spruce Creek Civil Engineering Inc., provided further information about the project. They currently have about 330 employees throughout the

[5] Exhibit D: Diamondback Marine Manufacturing Plant Site Plan Approval

seven various divisions. This is an industrial zoned property. He pointed out the wetlands and talked about the areas that will be placed under a conservation easement.

Chairperson Sengel opened to the hearing to the public.

Michael DiChristopher, 1765 Rochelle Pkwy., Merritt Island, FL pointed out that he owns a piece of property adjacent to the subject property on the southeast corner. He has no objections, he is only concerned about secondary impacts to his property. He asked that it be considered that when the site plan is approved that no adverse secondary impacts effect his property.

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

Chairperson Sengel asked about the Tree Mitigation fund and when it started. In response, Ms. Essing provided clarification and noted the Board approved it about two years ago.

In response to a statement made by Chairperson Sengel, Ms. Essing noted there is a flaw in the City's code and believes an item will be brought back before the board for consideration at a later time. Further discussion was held. Ms. Eick also clarified that in the DA the Council can reconsider the costs.

Board member Greenwood asked how many oak trees were being removed. In response, Mr. Glunt provided clarification and noted maybe only three or four would be removed out of thousands of trees on the property.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY VICE CHAIRPERSON GREEN TO APPROVE WITH STAFF RECOMMENDATIONS.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, BARTON

MOTION PASSED UNANIMOUSLY (7-0)

6. **PZ 22-00200001 – Large Scale Site Plan (Orchid Lake)**

APPROVAL OF A LARGE-SCALE SITE PLAN (ORCHID LAKE) CONSISTENT WITH APPENDIX A, ZONING, ARTICLE XI, SECTION 19, GENERAL COMMERCIAL ZONING, TO ALLOW FOR THE CONSTRUCTION OF FOUR (4) APARTMENT BUILDINGS CONSISTING OF 90-UNITS OF AFFORDABLE MULTIFAMILY RENTAL HOUSING WITH RELATED FACILITIES AND ASSOCIATED INFRASTRUCTURE

ON A ±7.63-ACRE SITE. PARCEL ID NUMBER: 24-36-20-00-289 FROM BREVARD COUNTY RECORDS.

Ms. Leone gave a presentation[6]. She provided project information, explaining that Orchid Lake is a 90-unit garden style complex consisting of four residential buildings with a clubhouse and related amenities.

The City Council previously approved Resolution 2022-32 at its April 12, 2022 meeting, authorizing an affordable housing land use on the property which is currently zoned Commercial (C-G).

Ms. Leone further discussed the consistency with the City of Cocoa's code. She added that the applicant is also here to answer any questions.

Board member Simpson asked how many units per acre are currently allowed. In response, Ms. Essing shared fifteen (15).

Board member Greenwood asked what type of construction material and what the square footage is for each type of unit. In response, the applicant, Jason Larson[7], HTG Orchid Lake, LTD., shared they are wood constructed. Ms. Leone also shared information about the square footage.

Board member Greenwood inquired about rent. Mr. Larson shared the ranges depending on the size of the unit.

Board member Greenwood also asked if there were any oak trees being removed. In response, Mr. Larson noted that there were not, mostly pine trees.

Chairperson Sengel opened to the hearing to the public.

Linnette Daniels, 1706 University, #605, is concerned that with all of the development going in around this same area that it is going to become too crowded. She would like the city to consider spreading out these multi-unit homes in other areas that have more room. In response, Ms. Leone provided clarification and explained that if the code allows for a developer to do what they want to do all staff can do is present the request to the Board and it is up to the Board to approve or deny the request. Further discussion was held regarding security and management of the property.

Linda Bender,1606 University Ln., Unit 1401, Cocoa, asked a question about impacts to the neighboring condos. She asked the Board to consider the impacts to the community.

---

[6] Exhibit E: Orchid Lake

[7] Exhibit F: Orchid Lake – City of Cocoa, Florida

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

Ms. Eick noted that what is on the presentation is the most up to date version of the conditions proposed by staff.

* **MOTION BY BOARDMEMBER GREENWOOD; SECONDED BY ALTERNATE MEMBER BARTON TO APPROVE ITEM AS STAFF RECOMMENDED WITH THE CONDITION TO SAVE ANY OAK TREES IF POSSIBLE.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, BARTON

MOTION PASSED UNANIMOUSLY (7-0)

7. **Planning User Charges and Fee Ordinance**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, REPEALING APPENDIX A, ZONING, ARTICLE XX OF THE ZONING ORDINANCE OF THE CITY OF COCOA; REPEALING THE SCHEDULE OF FEES, CHARGES AND EXPENSES TO BE PAID TO THE CITY UPON RECEIPT OF PLANNING AND ZONING RELATED APPLICATIONS CONTAINED THEREIN; PROVIDING FOR THE ADOPTION OF FUTURE PLANNING AND ZONING FEE SCHEDULES BY RESOLUTION.

Ms. Essing provided a presentation[8]. She provided a Space Coast Development Fee comparison to show Small-Scale Comp Plan Amendment fees, Site-plan Review fees and Final Plat fees that are charged by other cities in Brevard County in comparison to what Cocoa is charging.

She added that staff recommends approval of Ordinance 13-2022 to allow City Council to repeal the existing Appendix A, Zoning, Article XX of the Zoning Ordinance containing a schedule of planning and zoning application fees, and to adopt future fee schedules by resolution.

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

[8] Exhibit G: City of Cocoa Planning Fees

* **MOTION BY ALTERNATE MEMBER BARTON; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND APPROVAL TO CITY COUNCIL OF ORDINANCE 13-2022.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, BARTON

MOTION PASSED UNANIMOUSLY (7-0)

Tree Board Update:

Board member Greenwood talked about the guidelines on various projects and how vague they are. Ms. Essing noted that the City counts each oak tree 4 inches or bigger. Board member Greenwood asked if the Board could revisit the guidelines and asked if the Board would consider a consensus. Further discussion was held. Discussion was held on the Sustainability Advisory Board's plan.

Open Discussion:

Ms. Eick provided an explanation and a memo on the appropriate topics that the Board should discuss under Open Discussion.

Board member Greenwood talked about façade materials and paint colors and the related ordinance and he would like to see if staff could look into it and clarify further when they have time. (8:38-further clarification on what he is asking)

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, October 5, 2022 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER SIMPSON; SECONDED BY VICE CHAIRPERSON GREEN TO ADJOURN THE REGULAR MEETING OF SEPTEMBER 7, 2022.**

AYES: SENGEL, GREEN, DOBRIN, GREENWOOD, LOPEZ, SIMPSON, BARTON

MOTION PASSED UNANIMOUSLY (7-0)

MEETING WAS ADJOURNED AT 8:43 PM.

Russell Sengel, Chairperson

Respectfully Submitted By:

Monica Arsenault, Recording Secretary

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
GREENWOOD ALLEN, JAMES	PLANNING & ZONING
MAILING ADDRESS: P.O. BOX 1077	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: COCOA, FLA 32923 COUNTY: BREVARD	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED: 9-19-22	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alec Greenwood, hereby disclose that on 9-7-22, 20 ___ :

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, _____ ;

___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

IN THE Application

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9-7-22
Date Filed

Alec Greenwood
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
GREENWOOD ALECK TODD	PLANNING & ZONING
MAILING ADDRESS: PO BOX 1077	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: COCOA COUNTY: FL 32923	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED: 9-7-22	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alex Greenwood, hereby disclose that on 9-7-22, 20 ___ :

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, _____ ;

___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

In the Application

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9-7-22
Date Filed

Alex Greenwood
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.