

CITY OF COCOA  
PLANNING & ZONING BOARD MEETING  
MEETING MINUTES  
May 1, 2019

A Regular Meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, May 1, 2019 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

**OPENING MATTERS:**

Chairman Dobrin called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

**MEMBERS PRESENT:**

|                 |                  |
|-----------------|------------------|
| Michael Dobrin  | Chairman         |
| Al Washington   | Vice Chairman    |
| Todd Anderson   | Board Member     |
| Jeri Blanco     | Board Member     |
| Sherry Ervin    | Board Member     |
| Marilyn Green   | Board Member     |
| Lawrence Koss   | Board Member     |
| Russell Sengel  | Board Member     |
| Aleck Greenwood | Alternate Member |

**MEMBERS ABSENT:**

|               |              |
|---------------|--------------|
| Trina Gilliam | Board Member |
|---------------|--------------|

**OTHERS PRESENT:**

|                    |                           |
|--------------------|---------------------------|
| Dodie Selig        | Planning & Zoning Manager |
| Angela Essing      | Senior Planner            |
| Kristin Eick       | Board Attorney            |
| Monica Arsenault   | Board Secretary           |
| Jake Williams, Jr. | Board Liaison             |

**APPROVAL OF AGENDA:**

1. Approval of Agenda: May 1, 2019.

Motion by Board member Ervin, seconded by Board member Blanco, to approve the agenda of May 1, 2019 with an amendment to correct the staff report under Other Business, Tree Board Update, Item A, to change the District from 2 to 4. The vote on the motion carried unanimously.

2. Approval of Minutes: April 9, 2019.

Motion by Board member Koss, seconded by Board member Anderson, to approve the minutes of April 9, 2019 as written. The vote on the motion carried unanimously.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**A. PZ-18-00200017 – Large Scale Site Plan – Dr. Joe Lee Smith Community Center**

The City of Cocoa, Public Works Department, is requesting Approval of a Large-Scale Site Plan entitled "Dr. Joe Lee Smith Community Center". The subject property comprises 2 parcels of land totaling ±3.23 acres and is generally located at the southwest corner of Stone Street and Washington Street. The property is more specifically identified by the Brevard County Property Appraiser as Parcel #'s 24-36-33-00-264 and 24-36-33-CC-12.E-2. The City is proposing to develop a new community center building comprising a total of approximately 15,708 sq.ft. along with parking and stormwater retention facilities.

Ms. Selig provided a presentation<sup>1</sup> and explained that the City of Cocoa, as the applicant, is requesting approval of a Large-Scale Site Plan<sup>2</sup> encompassing two parcels totaling approximately 3.23 acres of the Dr. Joe Lee Smith Community Center complex.

The City intends to build a new community center on the northern parcel of this property where the current baseball field and playground are presently located. Also on this parcel are the existing pool and basketball court as well as parking areas. The southern parcel of the community center complex contains the existing community center building.

Ms. Selig shared that the parcels have a future land use designation of REC (Recreation and Open Space). This designation is intended to accommodate existing and planned public and private parks and recreation areas as well as extensive open space areas such as golf courses and similar uses. The Comprehensive Plan allows all zoning districts under the REC future land use designation.

Furthermore, Ms. Selig pointed out that on April 10, 2019 the City Council approved an ordinance which amended the zoning district designation on these two parcels from C-W (Commercial Wholesale) and RU-1-7 (Single Family Residential) to INST (Institutional). The Institutional zoning district was selected as the most appropriate district choice as it provides the closest fit to the present use as well as offering the most compatible future uses for additional development of the site. A "community center" is a principal use under this district as are "public parks and playgrounds".

Ms. Selig added that City staff has reviewed the site plan and determined that there are some criteria related to the City Code that have not been completely satisfied. Staff is recommending all outstanding inconsistencies with the City Code be satisfied as a condition of final site plan approval, with the exception of parking which will be discussed further. None of the remaining issues will substantially impact the overall design, layout or operation of facilities as depicted on the site plan.

As previously mentioned, there is an issue with regard to parking spaces for this site plan. The site currently has a total of forty-seven parking spaces. The new site

<sup>1</sup> 05/01/19 Power Point Presentation

<sup>2</sup> Exhibit A: Dr. Joe Lee Smith Center Large Scale Site Plan

layout will remove twenty-four spaces but add back forty-nine for a net increase of twenty-five spaces. This will result in a new total of seventy-five parking spaces on the site. The inconsistency stems from how the number of parking spaces required for the site is calculated. Specifically, the city code provides the following requirements:

- Community Center – one space for every three hundred sq.ft. of gross floor area (and one bicycle space for every thousand sq.ft. of gross floor area)
- Swimming Pool – one space for every forty sq.ft. of swimming pool surface area
- Basketball Court – (none listed)

Adding the new building to the existing uses results in the following spaces required:

|                                   |     |
|-----------------------------------|-----|
| • New community center bldg.      | 52  |
| • Existing community center bldg. | 11  |
| • Swimming Pool                   | 80  |
| • Total parking spaces:           | 143 |

Ms. Selig explained that staff believes that the number of parking spaces required of a swimming pool is perhaps not realistic and further that itemizing the uses to arrive at a cumulative total is not a practicable method of calculation in this case. The visitors to this site will likely not arrive to use only one facility before departing. Instead there will be a number of people who park and use the gym and then the pool or who attend an event in the community center and then spend time at the basketball court. In addition, because this community center property is located in the midst of a residential neighborhood, there will be many users of the site facilities who arrive on foot or by bicycle.

The Institute of Transportation Engineers "Parking Generation" (3<sup>rd</sup> Edition) provides a parking standard for a "Recreational Community Center". Defined as a stand-alone public facility incorporating classrooms, meeting rooms, gyms, swimming pools, basketball and volleyball courts, exercise classes and a restaurant or snack bar. The use is defined separately from a health or fitness club or an athletic club.

Ms. Selig shared that the parking standard for this use is three spaces for every thousand sq.ft. of gross floor area. This results in a revised total of eighty-five required spaces. This parking standard also does not fully account for the neighborhood location of this site. The studies used to arrive at this parking standard were over twice the size in square footage. It is therefore likely that the sites used in the studies were more auto dependent locations resulting in a higher generating standard that is appropriate in this case.

She stated that it is therefore the recommendation of staff that the City Council approve a Waiver of the required parking spaces from one hundred forty-three spaces to the seventy-five spaces provided by this site plan as being both a more realistic reflection of the number of spaces needed as well as the greatest number of parking spaces possible without eliminating other uses on the site.

Additionally, Ms. Selig pointed out the following policies:

- Policy 3.3.2.4: The City shall continue to require that sites for affordable housing have following facilities, services and/or activity centers:

- Public parks, recreation areas, and/or open space systems
- Policy 10.1.1.8: The City will ensure that all recreational facilities are well maintained and redeveloped as needed.
- Objective 10.1.2: The City shall provide accessibility to the recreational facilities and natural resources of the City for the enjoyment of all users.
- Policy 10.1.2.2: All new development of recreational facilities in the City shall be required to meet the Florida Accessibility Code.

Ms. Selig stated that staff is recommending that the Planning and Zoning Board recommend approval to City Council of the Large-Scale Site Plan for the Dr. Joe Lee Smith Community Center as depicted on Exhibit A, with the following conditions:

1. Utilities:
  - Provide the AWWA M-22 calculations to verify the water meter size.
  - Provide a Hydraulic Analysis Report to support the Required Fire Flow plus the Max Day Domestic flow.
  - A new Fire Hydrant Flow Test will be needed for the report. The cost for a test is \$100. Payment can be made in person at our Customer Service Department, Cocoa City Hall, 65 Stone Street, Cocoa. Or, by credit card over the phone at (321) 433-8438.
  - On sheet L-1 it states that Reclaimed Water is not available to this site, however there is reclaimed water here. Are they interested in connecting to the reuse system? Are there any plans of an Industrial/Commercial kitchen being built?
2. Planning:
  - Please change the reference from "Small Scale Site Plan" to "Large Scale Site Plan"
3. Public Works – Streets:
  - On Sheet 7 of 12 the Handicap Parking Detail we should have a note stating that the Contractor will verify with the Local Agency the requirements of Detectable Warning surfaces per the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Section 4.29.2.
  - Global Change: The proposed ponds are dry detention ponds.
  - Proposed 3:1 slope on detention ponds is too steep for mowing safety. It is also anticipated that children will be playing in these areas. Slopes should be at least 4:1, and preferably 5:1
  - Proposed ponds will be approximately 3 feet in depth and will hold water for a few hours after a storm. Functionally, they are acceptable, however the aesthetics should be considered
  - It appears that more attenuation capacity and treatment volume has been provided than is required. Consider raising pond bottom elevation
  - Concrete pipe for site drainage is not required. Alternative materials (HDPE or PVC) are acceptable, however RCP is still required on the city 18" pipe relocation.
  - Install F-Curb along west side of Washington to prevent parking on sidewalk.
  - Replace any damaged sidewalk along adjacent to project along Washington Av. and Stone St. boundary.
  - Tap waterline on Washington St. to eliminate open cut of newly-constructed Stone St.

4. Public Works – Grounds:

- Add a note: All landscape plants and trees to receive reclaimed drip irrigation. Turf and sod will not be irrigated.
- Remove note about well-based irrigation. Provide for connection to reclaimed water. Most likely located along Stone Street.
- Add a note: Install Irrigation Controller on outside of building.
- Replace Indian Hawthorne with Parsons' Juniper.
- Replace Viburnum with Arboricola Trinnetes.
- Replace Red Mulch with Natural Wood Mulch.
- Re-size oak trees from 30 gallons to 45 gallons
- Re-size crape myrtle trees from 15 gallons to 30 gallons. Specify Standard Crape Myrtles, not multi-trunks.

Board member Ervin inquired how big the new building will be. In response, Ms. Selig stated about eighteen thousand square feet.

Chairman Dobrin asked what the size of the current building is. In response, Ms. Selig explained that the current building is about nine thousand square feet which is half the size of what the new building will be.

Alternate member Greenwood asked what the current number of parking spots is. In response, Ms. Selig stated there are eighteen on the side of the building and twenty-five to the north of the building. Vice Chairman Washington added that PAL utilizes the parking lot in addition to those who park there for events. There is also no on-street parking as it currently stands.

Board member Blanco clarified that curbing will be added which will narrow the street further.

Ms. Selig explained that if the Board is concerned with adding more parking then they may have to consider not having the playground.

Vice Chairman Washington suggested keeping the basketball court inside the gym and eliminating the one outside to allow for more parking.

Board member Sengel asked if the City has considered buying and utilizing the vacant lot north of the retention pond, west of the subject property. In response, Ms. Selig stated that it could be a potential option.

Board member Ervin asked if the current building could be torn down and used for parking. In response, Alternate member Greenwood explained that this idea was brought up previously and was not well received because many of the residents who live in the community have many memories there and consider it to be a historic site.

Chairman Dobrin asked who in the City is managing this initiative. In response, Ms. Selig stated Public Works.

Board member Koss inquired if the Fire Marshal or if engineers have a formula that constitutes how many parking spaces should be placed on site. In response, Ms. Selig stated that our Code is what constitutes the amount of parking, depending on the use.

Board member Blanco asked if Red Cross will still be holding summer swimming classes there. In response, Ms. Selig shared that she believed so.

Board member Koss asked if anyone has calculated how many spots could be put in place of the outdoor basketball court. In response, Ms. Selig stated no.

Board member Anderson suggested that a potential traffic "redesign" could be a solution. He suggested possibly making the street a one-way street to provide for on-street parking.

It was determined that the streets in question that could potentially be made into one-way streets would be Barbara Jenkins and Stone Street.

Chairman Dobrin opened the discussion to the public.

Russell Smith, 2107 Clairmont Dr., Cocoa, pointed out that he was looking on the Brevard County Property Appraiser's site and noticed there are four vacant lots directly west of the subject property that could potentially add a half an acre for parking if the City was interested in purchasing it.

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

Discussion was held in regard to considering the option of changing Washington Avenue to a one-way street to offer another solution to the parking issue.

Motion by Board member Anderson, seconded by Vice Chairman Washington to recommend approval to City Council of the Large-Scale Site Plan for the Dr. Joe Lee Smith Community Center as depicted on Exhibit A, with the conditions recommended by staff and for the City Council to consider the following parking alternatives as suggested by the Board:

- Removing facilities, i.e. the outdoor basketball court
- One-way parking on Barbara Jenkins and Stone St. or potentially Washington Ave.
- Acquiring the surrounding vacant lots

The vote on the motion carried unanimously.

#### **OTHER BUSINESS:**

##### **A. Tree Board Update – Tree Permit Request (2656 N. Indian River Dr.)**

Ms. Selig shared a presentation<sup>3</sup> and explained that the applicant is requesting approval to remove an oak tree located in the right-of-way in front of his property at 2656 N. Indian River Drive. Mr. Sheive initially contacted the City's Public Works Department about the tree in November 2018. He stated that the tree had a dead limb hanging over the road and feared that it would fall and hurt or kill someone. At that time Public Works removed the dead limb but did not have the means to remove the entire tree.

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<sup>3</sup> 05/01/19 Tree Permit Presentation

Ms. Selig provided several photos and pointed out that In January 2019 Mr. Sheive submitted an application for the removal of the tree citing further ill health of the tree beyond the limb removed. In February he emailed staff that a wind storm had brought down some limbs. Public Works staff has stated that the tree appeared healthy but they have no objection to Mr. Sheive removing the tree provided it was at his expense. Mr. Sheive has stated that he is willing to pay for the removal of the tree.

She noted that because the tree in question is located in the public right-of-way, a tree removal permit is required per Sec. 22 (E) (1) (c) of the Code. Also, because the tree in question is an oak tree and is located in the public right-of-way, the Tree Board shall make a recommendation to the City Council regarding the removal of the tree.

Ms. Selig pointed out the criteria for removal of a tree is found in Sec. 22(E)(3) of the Code. She explained that at this time, the applicant has not provided any information regarding proposed replacement trees. A "hazardous tree" means a tree existing on a developed parcel of land or within the right-of-way, that due to its shape, location or growth pattern, which cannot be corrected by pruning or other reasonable preservation and/or preventative procedures, may cause or reasonably be expected to cause damage to persons or property and/or presents a potential threat to the health, safety, and welfare of the general public, as determined by the city arborist or an arborist certified by the International Society of Arboriculture. The applicant, at this time, has not submitted a determination by the city arborist or a certified ISA arborist demonstrating the tree to be hazardous. However, the applicant has stated that limbs frequently fall from the tree and that several tree trimming companies have informed him that the tree is unhealthy and needs to be removed.

Lastly, Ms. Selig stated that staff is recommending approval of a Tree Removal Permit for an oak tree in the right-of-way adjacent to 2656 N. Indian River Drive with a replacement tree species and location as recommended by the Tree Board.

Board member Koss provided a handout<sup>4</sup> to the Board members.

Chairman Dobrin asked if there will be a replacement tree. In response, Ms. Selig noted that per the ordinance, the tree would need to be replaced if removed. She explained that she had spoken with Public Works and was informed that the tree would ideally need to be four inches in diameter or greater and a potential location for the new tree could be along Forest Avenue.

Alternate member Greenwood stated that this is a fine-tuning process and if a neutral arborist examined the tree and if the property owner would prefer to have it removed then the oak tree either needs to be replaced somewhere else on the property or somewhere else in the City. He feels that once this is resolved, the Board needs to consider providing staff direction on amending the current ordinance to include language about removing and replacing oak trees.

Board member Green shared that she drove past the property and looked at the tree and she is concerned with what the liability to the City is.

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<sup>4</sup> Email from Linda Dolphin

Randy Sheive, 2656 N. Indian River Dr., Cocoa, shared that the tree is about four feet from the road and has been losing limbs. He is concerned that a limb may fall on a passing car or a pedestrian and is overall concerned with the liability. He shared that he has obtained opinions on the tree and has been told that the tree has lived past its useful life. He noted that he already has plans to plant new trees when his new house is built, but that may take a year or two. He added that he is not against paying for another tree to be planted in a park in the City in the meantime to make up for the one he'd like to remove.

Vice Chairman Washington clarified that Mr. Sheive has intentions of replanting a tree on his property. In response, Mr. Sheive replied affirmatively but reiterated that it may be another year or two.

Board member Anderson recommended that at least two four to six inch oak trees be replanted at the Southeast corner of Beverly and Manor Street.

Board member Koss added that while he agrees that the tree probably needs to be removed, he definitely would like to see the tree replaced somewhere in the City to keep the number of oak trees in the City from diminishing. He added that he does not wish to tell property owners what they can or can't do on their own private property, however he does feel it is important to inform the public about the value of trees and how to properly care for them.

Board member Blanco inquired who will oversee that the tree is replaced. She asked if this is something that Public Works will want to take on. In response, Ms. Selig explained that it would be the responsibility of the Public Works department and pointed out that the Board will want to include a recommendation in their motion as to how many trees they would like planted at the location they choose.

Alternate member Greenwood asked what kind of oak tree the tree in question is.

Pierre Montminy, Topper's Total Tree Service, shared that this is a heritage oak. He pointed out that this tree is on its last leg and is full of carpenter ants. He shared additional information about how to differentiate laurel oaks from water oaks. He added that he has been an arborist for thirty-five years.

In response to Ms. Dolphin's email, Mr. Sheive explained that although the email mentions that cars were running into the tree that is an untrue statement. He believes there is some confusion.

Mr. Smith, who also wrote an email, pointed out that in one of Ms. Selig's photos, the one depicting the tree from the river bank, he is concerned that unless a barrier structure is erected the bank will wash away. In response, Board member Ervin explained that the houses built along the river bank have built in retention of concrete block and steel to uphold the bank.

Mr. Sheive added that they are only planning to grind the tree down to be level so that no one hits it, but the root system will be left alone.

Board member Ervin pointed out the formality in the ordinance that notes a licensed arborist would need to stamp their approval on this. In response, Ms. Selig agreed.

Alternate member Greenwood asked if this would be the City arborist or any licensed arborist. In response, it was clarified that the ordinance states a "licensed arborist", but this could also be the City arborist as he is licensed.

Board member Sengel pointed out that the purpose of the Tree Board is to preserve healthy trees in the City and asked why the Board is considering removing a tree that has been deemed healthy by a certified arborist. In response, Alternate member Greenwood pointed out that while this is true, the tree will be replaced so technically the number of trees is being preserved.

Ms. Eick referenced the ordinance and explained that the replacement tree must match the diameter of the current tree per the ordinance. She clarified that multiple trees could be planted to add up to match the diameter of the current tree.

Motion by Alternate member Greenwood; seconded by Vice Chairman Washington, to recommend approval of a Tree Removal Permit for an oak tree in the right-of-way adjacent to 2656 N. Indian River Drive with a replacement tree to be located either on his property or in another public area of the City. The vote on the motion carried unanimously.

A consensus was made by the Board to amend the motion made to include a recommendation that the tree be replaced and planted at the southeast corner of Manor Drive and Beverly Road.

Dennis Childs, Indian River Dr., Cocoa, suggested that an independent arborist go out and examine the tree and provide a written statement on the health of this tree prior to its removal.

Board member Koss provided a handout<sup>5</sup> and stated that he has been working in a community garden across the street from a local church and witnessed the removal of three oak trees in one day. In response, Ms. Selig shared that the church had in fact applied for a tree permit and had planted three replacement trees although they were not oak trees due to the fact that they did not have room on their property for oak trees to grow healthily. She pointed out that the reason this was not brought before the Board is because the trees were located on private property and not in the public right of way.

Alternate member Greenwood reiterated the idea of the tree replacement program and shared that the goal is to keep the number of oak trees from diminishing in the City. He asked the Board to consider supporting the idea of amending the ordinance to support a remove and replace regulation.

Ms. Eick provided clarification on the ordinance. She pointed out that under the applicability section, single family residences and duplexes have been exempted from the requirement of acquiring a tree removal permit should they wish to remove a tree from their property. Furthermore, tree removals authorized by City approved site plans, subdivision building permits, site development permits or landscape plans have also been excluded from acquiring a tree removal permit.

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<sup>5</sup> Trees removed on private property examples & photos

Ms. Selig added that when a site plan is submitted staff applies the landscape code which states that if there is a tree, regardless of species, in the building envelope, than the developer does not have to mitigate for that tree, however the loss of any other trees on the property will need to be mitigated in some fashion.

Alternate member Greenwood expressed that he feels very strongly about amending the ordinance as he feels there are loopholes that need to be addressed. He asked if this topic could be placed on an upcoming agenda for further discussion.

Board member Green added that she does not feel that the City should micro-manage private property, however when new site plans are submitted for development she would feel comfortable making recommendations as she does feel that oak trees are important.

**B. Recent Development Update**

Chairman Dobrin inquired about any updates on the hotel. In response, Alternate member Greenwood shared that the developer is very excited about the project and may be putting something in the newspaper about the project soon.

**NEXT MEETING:**

The Board members established that the next meeting would be held on Wednesday, June 5, 2019.

**ADJOURNMENT:**

Motion to adjourn by Board member Sengel; seconded by Vice Chairman Washington. The vote on the motion carried unanimously.

There being no further business the meeting adjourned at 8:11 P.M.

Approved on this 25 day of June, 2019.

  
Mike Dobrin, Chairman

  
Monica Arsenault, Board Secretary