CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
March 6, 2019

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, March 6, 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
Jeri Blanco	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Aleck Greenwood	Alternate Member

MEMBERS ABSENT:

Todd Anderson	Board Member
Sherry Ervin	Board Member

OTHERS PRESENT:

Dodie Selig	Planning & Zoning Manager
Kristin Eick	Board Attorney (via telephone)
Monica Arsenault	Board Secretary
Jake Williams, Jr.	Board Liaison

APPROVAL OF AGENDA:

1. Approval of Agenda: March 6, 2019.

   Motion by Board member Blanco, seconded by Board member Koss, to approve the agenda of March 6, 2019. The vote on the motion carried unanimously.

2. Approval of Minutes: February 6, 2019.

   Alternate member Greenwood requested that a change be made to the minutes to incorporate a statement he made at the February 6, 2019 meeting regarding why he'd like for several individuals from the Extension Office on Lake Drive to come provide information about different types of trees to the Board.

Motion by Board member Gilliam, seconded by Board member Koss, to approve the minutes of February 6, 2019 with the recommended changes. The vote on the motion carried unanimously.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **PZ-19-003 – Map Amendment (Rezoning) – Joe Lee Smith Center (Institutional)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY ON WHICH THE CURRENT DR. JOE LEE SMITH COMMUNITY CENTER IS LOCATED, TOTALING 3.23 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF STONE STREET AND WEST OF WASHINGTON STREET, APPROXIMATELY 0.10 MILES WEST OF US 1, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-W (WHOLESALE COMMERCIAL) AND RU-1-7 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig noted that the City of Cocoa, as the applicant, is requesting to amend the Zoning Map designation of two parcels totaling approximately 3.23 acres of the Dr. Joe Lee Smith Community Center complex as depicted on Exhibit A.

She shared a map depicting the subject property and explained that 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. The southern parcel of the community center complex contains the existing community center building.

Ms. Selig explained 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 and extensive open space areas such as the golf courses and similar uses. The Comprehensive Plan allows all zoning districts under the REC future land use designation.

Furthermore, neither of the present zoning districts of the subject parcels (C-W and RU-1-7) allow a community center use. Therefore, in order to support the planned development of the site a rezoning of the parcels is necessary. 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", eliminating the need for a Special Exception as is the case in some other zoning district categories.

Ms. Selig pointed out that in accordance with Appendix A Zoning, Article XXII, Section 1(G), a total of sixteen (16) criteria are to be considered in the review of an application for a rezoning. These criteria address issues such as the established land use pattern, population density, the comprehensive plan, living conditions in the adjoining neighborhood, traffic congestion, public safety, drainage, property values, public welfare, and others related to the impact of the proposed change.

She noted that staff found that the proposed rezoning would bring the existing land use into compliance with the (proposed) zoning district. It would also bring the zoning district for these parcels into compliance with the current future land use designation.

While the Institutional zoning district designation would be specific to these two parcels and not found on other parcels nearby, the intent of the zoning district is "to support the needs of the neighboring community for public and semi-public facilities of a religious, educational, health or cultural nature".

Staff also found that the existing zoning boundaries on the northern parcel are illogically drawn in relation to the existing uses. The line separating the C-W zoning from the RU-1-7 zoning on the larger northern parcel has no relation to the baseball field and playground currently developed on that portion of the site. The proposed rezoning will correct this problem by applying the same zoning district to the entire parcel.

Ms. Selig pointed out the consistency with Comprehensive Plan Policies and Objectives and explained that the proposed Institutional zoning designation is consistent with the allowable uses under the "Recreation and Open Space" Future Land Use per the City of Cocoa Comprehensive Plan. This site will also not require any new or additional facilities that would require a concurrency application or mitigation.

She stated that staff recommends that the Planning & Zoning Board recommend approval to City Council of the Zoning Map Amendment consistent with Appendix A. Zoning, Article XXII, to change the Zoning Map designation of two parcels (3.23 acres) from C-W (Wholesale Commercial) and RU-1-7 (Single Family Residential) to INST (Institutional) as depicted on Exhibit "A".

Board member Koss asked if the existing building will be torn down when the new building is built. In response, Ms. Selig stated that the current building will not necessarily be torn down as no final decision has been made.

Additionally, Board member Koss asked if the baseball field will be lost and if the swimming pool will remain. In response, Ms. Selig explained that the City will build over the baseball field, however the pool will stay and there is also a basketball court.

Chairman Dobrin asked when the current building was built. In response, Ms. Selig shared that she believes it was built in the 1960's.

Vice Chairman Washington asked that ample parking be provided for the new structure as parking is always an issue.

Alternate member Greenwood asked if the building code can be enhanced to resolve the parking issue. He pointed out that with the new building being built, he anticipates more people utilizing the center and parking will need to be addressed.

Chairman Dobrin asked if the new building will have the same square footage. In response, Ms. Selig shared that the new building is at least twice the size of the current structure.

Board member Green asked if the Board will have the opportunity to review the plans before the building will be built. In response, Ms. Selig replied affirmatively.

Board member Koss inquired if there will be any other workshops or public discussions on this topic. In response, Ms. Selig responded negatively.

Additionally, he asked if the new structure will have solar panels. In response, Ms. Selig stated that she was not sure.

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

Motion by Alternate member Greenwood, seconded by Vice Chairman Washington, to recommend approval to City Council of the Zoning Map Amendment consistent with Appendix A. Zoning, Article XXII, to change the Zoning Map designation of two parcels (3.23 acres) from C-W (Wholesale Commercial) and RU-1-7 (Single Family Residential) to INST (Institutional) as depicted on Exhibit "A". The vote on the motion carried unanimously.

OTHER BUSINESS:

A. Tree Board Update

Ms. Selig shared that a resident of Cocoa sent an email to the Public Works Department explaining that there was an oak tree located between the street and the sidewalk in front of their property at 1716 Manor Drive that was slowly dying and continuously dropping dead branches into the street. The resident added that a dead branch fell and narrowly missed him while he was mowing his lawn. He pointed out that the tree had been trimmed by the City in the past but he believed at this time it needed to be removed completely.

Ms. Selig explained that Public Works staff has since been out to the property to address the issue and remove the tree. She pointed out that in addition to the rot in the branches, Public Works staff notified her that when the trunk was cut there was also water inside that smelled of rot. The tree was a twenty six inch laurel oak and it was removed last week. Furthermore, Ms. Selig mentioned that crews were sent out to initially remove dead areas of the tree, however, it was discovered that there was extensive internal rot present in the branches and in the trunk of the tree, deeming it an imminent threat and resulting in its removal.

Additionally, Ms. Selig stated that Public Works has suggested planting a replacement live oak tree as part of the future Forrest Avenue/US1 Stormwater Park project.

She shared that staff is seeking approval from the Board of the location and species of the replacement tree as recommended by staff.

Alternate member Greenwood explained the difference between laurel oaks and live oaks. He further asked for clarification in regard to the location of the replacement tree.

In response, Ms. Selig explained that Public Works has proposed planting a replacement tree as part of the future Forrest Avenue/US1 Stormwater Park project. She pointed out that the location where the original tree was rooted was between the curb of the street and the sidewalk, which is a narrow area.

Chairman Dobrin asked if anyone was familiar with the new proposed location. In response, Board member Koss shared that he is familiar with the location in question and the replacement tree will fill the gap there nicely. He added that he spoke with a retired arborist that lives down the street from where the tree was removed and he explained to Mr. Koss that there are hundreds of different types of oak trees but there is one specifically, commonly referred to as an "urban oak", that only grows to be about thirty (30) feet tall and fifteen (15) feet wide in diameter which could fit a small area between a curb and a sidewalk. Board member Koss noted that he asked him about the root system and the gentleman explained that the roots would not disrupt the sidewalk.

Furthermore, Board member Koss expressed that it all comes down to "right tree, right place" and he agrees with Alternate member Greenwood that laurel oaks are weak, they grow fast and do not live long. He recommended that the City try to stay away from planting these types of trees for these reasons.

Board member Koss pointed out that Sally Scalera, from the Extension Office in Cocoa, is not a licensed arborist but she is a landscape expert. He noted that he feels she would be able to provide good information to the Board on this topic.

He mentioned that while he realizes the City may not have the money and staff, it may be a good idea to have someone drive through the City and look at the trees on public property to determine which trees are at risk and trim the dead areas. Ideally, this would eliminate having to remove the trees entirely if possible.

Board member Green added that she is pleased with the information that was provided and felt that Public Works was very responsive in handling this matter. She pointed out that while she has learned a few things about trees this evening she feels that until the Board is educated enough to make more informed decisions, the Board should accept staff's recommendation as she feels they are recommending the right course.

Alternate member Greenwood highly recommended a licensed arborist from the Agricultural Department to come and give a presentation to the Board. He added that there would be no cost to the City, however, she would need approval from the City Manager first. He pointed out that he feels more comfortable having someone with credentials provide information to the Board and he would like the City to consider building a working relationship with this individual.

Motion by Alternate member Greenwood, Seconded by Board member Koss to have a letter provided by the City Manager's Office inviting a licensed arborist from the Department of Agriculture to come and provide an unbiased opinion and provide information to the Board. The vote on the motion carried unanimously.

Chairman Dobrin opened the discussion to the public.

Mr. Edward Green, 104 Riverside Dr., Cocoa, shared that he rides his motorcycle along Manor Drive several times a week and notated that the tree that was removed was indeed an issue and the location that they are seeking to plant the replacement tree would benefit from having a new tree planted there. He added that the area where the tree was removed is nicely landscaped and will not suffer from the loss of the tree.

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

Alternate member Greenwood inquired how large the replacement tree will be. In response, Ms. Selig explained that the size of the tree was not shared in the memo provided by Public Works.

Chairman Dobrin suggested that the Board make a motion to approve the Public Works request contingent upon the tree being a certain height.

Motion by Alternate member Greenwood, seconded by Board member Sengel to approve the request made by Public Works with a contingency that the replacement tree be a live oak with a minimum of twenty feet (20) in height. Vote on the motion carried unanimously.

Board member Koss asked what the recourse is if a property owner hires a private company to remove a public tree that is located in an easement or right-of way by their property. In response, Ms. Eick explained that it would depend on the circumstance and provided an example.

Vice Chairman Washington added that the property owner pays taxes on the easement so that easement is theirs. He pointed out that it is the responsibility of the property owner to maintain it even though the City has access to it.

Several members of the Board asked if further clarification regarding this topic could be brought back at the next meeting.

Board member Koss inquired about the removal of private property trees and if a permit is required. In response, it was clarified that a twenty five dollar ($25.00) fee is charged and a permit is required to remove a tree on commercial property, but not on residential/private property.

Alternate member Greenwood shared the contact information of Dana Sussmann from the Agricultural Department with the Board.

Vice Chairman Washington asked that staff respond to Mr. Terrell and let him know that the Board appreciates the information that was provided to them.

Additionally, he asked Mr. Green if he thought if the removal of the tree could have waited a few extra days so the Board could have the opportunity to review it. In response, Mr. Green explained that he had seen branches falling from the tree in question but he does not know enough about trees to say whether or not it could have lasted a few more days.

Ms. Selig noted that she will respond to Mr. Terrell's letter.

B. Recent Development Update

Chairman Dobrin asked if there are updates on the hotel. In response, Ms. Selig explained that she has not heard of any new news at this time. She shared that she does not think that a Development Agreement has been drafted yet as it was her understanding that staff was waiting on a few things from the developer.

Chairman Dobrin asked if the City has established timelines. In response, Ms. Selig explained that the Development Agreement will establish timelines once it has been drafted.

Alternate member Greenwood shared that Mr. Brown flew in from Ohio and has established a residence in the area. He added that Mr. Brown has since met with both an architect and an engineer and is in the process of satisfying the second part of the Development Agreement. Mr. Brown is hopeful to complete his list of things to do within the next three months.

C. August meeting date change - from Wednesday, August 7th to Tuesday, August 6th.

NEXT MEETING:

The Board members established that the next meeting would be held on Wednesday, April 3, 2019.

ADJOURNMENT:

Motion to adjourn by Board member Koss, seconded by Board member Sengel. The vote on the motion carried unanimously.

There being no further business the meeting adjourned at 7:01 P.M.

Approved on this 9 day of April, 2019.

Mike Dobrin, Chairman

Monica Arsenault, Board Secretary