

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
FEBRUARY 5, 2020**

The regular meeting of the Planning & Zoning Board Local Planning Agency was held on February 5, 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
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Kristin Eick	Assistant City Attorney

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Kristin Eick	Assistant City Attorney

ABSENT:

Jeri Blanco	Board Member
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STAFF PRESENT:

Dodie Selig, Planning & Zoning Manager, Jake Williams Jr., Mayor, Gary Palmer, Capital Projects and Facilities Manager, and Monica Arsenault, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance to the flag of the United States of America.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of February 5, 2020

- * **MOTION BY BOARD MEMBER KOSS; SECONDED BY VICE CHAIRMAN WASHINGTON TO APPROVE THE FEBRUARY 5, 2020 AGENDA AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

- * **MOTION PASSED UNANIMOUSLY (8-0)**

2. MINUTES: January 7, 2020

Board member Ervin mentioned a correction on page 9. Additionally, Chairman Dobrin pointed out a grammatical error on page 7. Lastly, Board member Koss added that upon review of the audio he realized that he had mistakenly said that staff had sent out misinformation, to which he asked to apologize for, as he meant to say that they sent out information in a letter and the recipients misunderstood the letter. He explained that these minutes reflect what he said but he wished to issue an apology as it was not what he meant.

- * **MOTION BY VICE CHAIRMAN WASHINGTON; SECONDED BY BOARD MEMBER KOSS TO APPROVE THE MINUTES AS AMENDED.**

AYES: DOBRIN, WASHINGTON, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

- * **MOTION PASSED (8-0)**

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

None.

V. TREE BOARD:

A. PZ-20-001 – Tree Removal Permit – 1203 Oxford Way

Ms. Selig provided a presentation¹ and explained that the requested action is for approval of a tree removal of an oak tree in the right-of-way adjacent to 1203 Oxford Way with a replacement tree to be planted either elsewhere along the right-of-way or at Bracco Pond. She shared an aerial photo of the subject property and pointed out that on December 21, 2019, Public Works was called to investigate complaints of root damage to the driveway related to an oak tree in the right-of-way at 1203 Oxford Way.

The inspector found that the tree's root system had caused damage to both public and private property. Specifically, the tree's roots have pushed up the curb causing it to twist and lift and causing water to stand on the side of the road. The City removed the curbing, ground the tree roots and replaced the affected curbing in front of this address.

Additionally, the root system has caused cracking of the property owner's driveway. The property owner has explained to Public Works staff that he wants to replace the driveway but his contractor will not do the work until the tree is gone. Public Works staff have determined that the tree is otherwise healthy and have recommended that a replacement tree be planted either elsewhere along the right-of-way or at Bracco Pond.

Ms. Selig provided various photos of the tree and the curbing and noted that the provisions of Appendix A, Article XIII, Section 22(E), Tree Protection and Preservation, apply to trees in public rights-of-way. *Sec. 22 (E) (1) (c)*.

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. *Sec. 22 (H) (1) (c)*

Furthermore, staff has found that the tree in question has caused damage to both public and private property. Specifically, the tree's roots have pushed up the curbing along Oxford Way causing it to twist and lift and causing water to stand on the side of the road. The City removed the curbing, ground the tree roots and replaced the affected curbing in front of this address. Additionally, the root system has caused cracking of the property owner's driveway.

It is recommended that the tree be removed now to eliminate the continuing damage to the City's curbing and to allow the property owner to replace the driveway without future damage from the root system. Public Works has recommended that a replacement oak tree be planted either elsewhere along the right-of-way or at Bracco Pond to enhance the public enjoyment of that park.

¹ PZ-20-001 Tree Removal – 1203 Oxford Way

Board member Ervin pointed out that if the tree is replaced in the same location the property owner could have the same problem twenty years from now.

Board member Koss mentioned "right tree, right place". He added that he hates to see a beautiful tree be cut down but because it's in the right of way he feels that picking the proper location is key.

Ms. Selig added that if the board does approve the tree being replaced on site at the subject property the other tree on the property needs to be considered.

Board member Koss clarified that the property owner is responsible for the driveway and the apron of the property.

Chairman Dobrin asked for clarification that the property owner was not able to find a contractor that would do the work prior to the tree being removed. In response, Ms. Selig explained that unfortunately the property owner is not present to explain but that was her understanding.

Mr. Palmer explained that forty feet of the curb has already been replaced and he pointed out that the property owner did meet with a contractor who is not willing to do the work until the tree is removed.

Alternate member Greenwood suggested that the replacement tree be planted somewhere that will be more publicly seen instead of at Bracco Pond.

Board member Koss pointed out that the City owns a piece of property by Michigan Avenue and US1 and suggested the tree possibly be planted there.

Alternate member Greenwood mentioned the piece of property the City owns across from Norman's restaurant. In response, Mr. Palmer pointed out that three live oaks are already planned to be planted there. They will be mindful of planting the trees away from the curbs and roadways.

Ms. Selig recommended the board consider alternate sites and suggested that Public Works create a list of alternate locations for the planting of replacement trees for the Board to use.

Ms. Gilliam suggested considering planting trees, although they may not be oaks, along the right of ways to provide tree-lined streets in Cocoa.

Chairman Dobrin inquired about the City's budget. In response, Mr. Palmer explained there is not a "tree budget" per say but there will be a line item in next year's budget that will include these costs.

Chairman Dobrin opened the discussion to the public.

In response, Ms. Debbie Joyce provided her input and added that it would only be proper to replace the tree with one of the same caliber that is being removed.

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

- * **MOTION BY BOARD MEMBER GREEN; SECONDED BY BOARD MEMBER ERVIN TO APPROVE THE REMOVAL OF AN OAK TREE IN THE RIGHT-OF-WAY ADJACENT TO 1203 OXFORD WAY TO BE REPLACED WITH OAK TREE(S) EQUALING THE DIAMETER OF THE TREE TO BE REMOVED, TO BE PLANTED AT BRACCO POND.**

AYES: DOBRIN, WASHINGTON, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

- * **MOTION PASSED (8-0)**

Alternate member Greenwood asked for clarification as to whether a motion needed to be made for staff to generate a list of various locations for tree replacements to be planted. In response, it was determined that there was a general consensus from the Board.

Board member Gilliam asked Ms. Eick how the City is handling House Bill 1159 and how this will affect items that come before the Tree Board in the future. In response, Ms. Eick explained that the City Attorney's Office is in the process of drafting an ordinance to address this. She explained that this bill will only apply to residential properties and will not apply to other types of properties.

VI. OTHER BUSINESS:

1. Tree Board Update:

- **Tree-City USA designation follow-up**
- **Information on cost of tree removal vs. sidewalk repair**

2. Recent Development Update (none)

3. Open discussion by Board members

Alternate member Greenwood credited the City Council for being able to save the crosswalks that were being removed. Additionally, he suggested that the City consider looking at the parking garage that was built in Cape Canaveral as a model for something that could potentially be built in Cocoa. He noted that he was going to try and gather more information to bring back.

Board member Green suggested that he provide his findings to the City Manager as he is gathering data as well.

Chairman Dobrin asked if there are any locations that are being considered for a parking garage. In response, Alternate member Greenwood explained that a recommendation was made that the City use a location that they already own. The City Hall parking lot located across from Norman's could be a potential location.

VII. NEXT MEETING DATE:

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, March 4, 2020 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

- * **MOTION BY VICE CHAIRMAN WASHINGTON; SECONDED BY BOARD MEMBER KOSS TO ADJOURN THE REGULAR MEETING OF FEBRUARY 5, 2020.**

AYES: DOBRIN, WASHINGTON, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

- * **MOTION PASSED (8-0)**

MEETING WAS ADJOURNED AT 6:44 PM.



Michael Dobrin, Chairperson

Respectfully Submitted By:



Monica Arsenault, Recording Secretary