

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
DECEMBER 4, 2019**

The regular meeting of the Planning & Zoning Board Local Planning Agency was held on December 4, 2019 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
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Russell Sengel	Board Member
Courtney Jackson	Recording Secretary
Kristin Eick	Assistant City Attorney

ABSENT:

Lawrence Koss	Board Member (arrived at 6:12 pm)
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STAFF PRESENT:

Angela Essing, Senior Planner, **Dodie Selig**, Planning & Zoning Manager, **Jake Williams Jr.**, Mayor

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 December 4, 2019

- * **MOTION BY BOARD MEMBER ERVIN; SECONDED BY VICE CHAIR WASHINGTON TO APPROVE THE DECEMBER 4, 2019 AGENDA AS WRITTEN.**

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

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

2. MINUTES: Meeting of November 6, 2019

- * **MOTION BY VICE CHAIR WASHINGTON; SECONDED BY BOARD MEMBER GILLIAM TO APPROVE THE MINUTES AS WRITTEN FROM NOVEMBER 6, 2019.**

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

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

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. PZ-19-039- ZONING TEXT AMENDMENT- COCOA WATERFRONT OVERLAY DISTRICT:

ORDINANCE NO. 25-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW SINGLE STORY COMMERCIAL BUILDINGS ON A CERTAIN PROPERTY WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT WATERFRONT SUBDISTRICT, AS MORE PARTICULARITY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME AMENDING THE MAXIMUM LOT DEPTH FOR LOTS ELIGIBLE FOR SINGLE STORY COMMERCIAL BUILDINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS,

INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Dodie Selig presented a PowerPoint¹ that provided a brief overview and background of the changes to the ordinance as well as Staff's recommendation.

Angela Essing provided the Board an updated zoning map that pertains to the ordinance².

Board Discussion:

Chair Dobrin asked if this is being addressed due to a business having interest in the site, to which Dodie Selig confirmed that there was interest.

Board Member Greenwood inquired if FDOT (Florida Department of Transportation) had an issue with implementing a Starbucks in that location.

Dodie explained it is not the business itself, but the access to the site.

Further discussion regarding FDOT³.

Discussion between Board Member Greenwood and Dodie Selig regarding how the changes proposed would affect other existing surrounding parcels.

Further clarification regarding building types and what the amendment will allow to be built on the parcel.

Discussion between Chair Dobrin and Dodie Selig regarding residential components on the parcel and exterior design of the building.

Board and Staff discussion regarding exterior design and the need for architectural review.

Chair Dobrin asked if they are able to add a caveat to the motion that a design could be added.

Assistant City Attorney Eick recommend it should be made as a separate motion.

Further discussion regarding implementing an Architectural Review Board.

¹ Ordinance No. 25-2019 PowerPoint.

² Exhibit A: Zoning Map.

³ Board Member Koss entered at 6:12pm.

Board Member Koss invited everyone to go online and see similar cities who have Architectural Review boards and look into how they review architectural style.

- * **MOTION MADE BY BOARD MEMBER GILLIAM; SECONDED BY BOARD MEMBER GREEN TO APPROVE PZ-19-039-ZONING TEXT AMENDMENT**

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

MOTION PASSES UNANIMOUSLY (9-0)

- * **MOTION MADE BY BOARD MEMBER GILLIAM; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND COUNCIL ADD DESIGN BASED CODES.**

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

MOTION PASSES UNANIMOUSLY (9-0)

2. PZ-19-037- DEVELOPMENT AGREEMENT- PROJECT KING-(WITHDRAWN BY APPLICAN)

V. TREE BOARD:

A. PZ-19-037- TREE REMOVAL PERMIT- 4034 PINYON DR.

Public Works has requested removal of an oak tree in the city right-of-way and a replacement to be planted at Bracco Pond.

Dodie Selig presented a PowerPoint⁴ that provided a summary of the item as well as Staff's recommendation.

Board Discussion:

Board and Staff discussion of the location of Bracco Pond.

Board Member Greenwood suggested that instead of Bracco Pond, to replant the tree in a more visual and public area.

Dodie Selig pointed out that Bracco Pond is a populated area and neighborhood.

⁴4034 Pinyon Dr. PowerPoint

Vice Chair Washington inquired if they agree to remove and replant this tree, how would they prevent the entire neighborhood from removing their trees.

Dodie Selig explained that they all would still have to come before the Tree Board.

Board Member Greenwood suggested to cut the roots away and repave the sidewalk.

Mayor Williams Jr. explained that this is a serious problems and we have a lot of the wrong oak trees placed in the wrong places. Because of it, people have gotten hurt and it is going cost the city one way or another, whether it's through removing it or through a lawsuit.

Further discussion regarding costs to replace sidewalks and replanting.

Cocoa Citizen (2340 W. Sherwood Cir) discussed the precedence to remove the tree and shared that based on the photos⁵, he does not think that there is enough of a reason to remove it.

Board Member Sengel suggested that the trees that are replanted should have something to indicate that the tree was replanted. He also suggested that they should replant two dozen trees in Braco Pond.

Board Member Koss noted that the sidewalk is dipping down because of the root ball.

Dodie Selig pointed out that the side walk is pointed up not down.

Board Member Koss asked if it could be due to soil displacement and understands that there is a safety hazard in uneven sidewalks, but there are a lot of other cities that have uneven sidewalks and it adds to the city's aesthetic.

Board Member Green added that the report states that the tree is impacting the water irrigation.

Board Member Gilliam also pointed out that the report states people have been tripping on the sidewalks.

Discussion between Dodie Selig and Board Member Blanco regarding how the tree would be removed.

⁵ 4034 Pinyon Dr Photos showing damage tree has caused on property.

Board Member Koss suggested, moving forward, that the city should do its best effort to identify appropriate landscapes for plantings and implement right-tree-right-place to prevent situations such as this.

Further discussion regarding how and where the city plants trees.

Board Member Sengel pointed out that if you are aware of a trip hazard, you are liable for injuries.

Vice Chair Washington asked if the city is able to fix the sidewalks affected by trees.

Mayor Williams Jr., explained that Public Works is working on identifying problem trees and doing their due diligence to stay on top of the problem.

Further discussion between Vice Chair Washington and Mayor Williams Jr. regarding how the sidewalks affected by trees can be resolved.

Chair Dobrin asked if the city has been sued for trip hazards to which the Mayor replied that there have been tripping-hazard lawsuits.

Board Member Greenwood added that most of the trip-hazard lawsuits do not come from the downtown area.

Board Member Ervin asked what would happen to the sidewalk once the tree is removed.

Dodie Selig explained that the sidewalk would have to be redone.

Board Member Green suggested planting an appropriate oak tree in the same spot to replace the current tree.

Board Member Blanco asked if the owner wants the tree removed.

Dodie Selig explained that Public Works requested the tree be removed.

Board Member Green suggested to have the city arborist give an opinion.

Discussion regarding qualifications of arborists by the Board.

Board Member Ervin shared that because the city is aware of the trip-hazard caused by the tree, they are liable for any injuries that occur once the hazard has been made aware to them.

Board Member Koss agreed and also requested to have quotes for sidewalk repair to be included in future tree removal requests.

- * **MOTION MADE BY SENDEL; SECONDED BY GILLIAM TO REMOVE THE TREE LOCATED AT 4034 PINYON DR AND REPLANT THE TREE AT BRACO POND.**

AYES: GREEN, ERVIN, GILLIAM, SENDEL, KOSS

OPPOSED: DOBRIN, WASHINGTON, BLANCO, GREENWOOD

MOTION PASSES (5-4)

B. PZ-19-038-TREE REMOVAL PERMIT- 2340 W. SHERWOOD CIR.

Public Works has requested removal of an oak tree in the city right-of-way and a replacement to be planted at Bracco Pond.

Dodie Selig presented a PowerPoint⁶ that provided a summary of the item and Staff's recommendation.

Board Discussion:

Board Member Koss asked how to prevent situations such as this which discussion regarding who planted the problem trees to begin with ensued.

Discussion between Board Member Greenwood and Dodie Selig regarding the damage the tree has caused and why it is being asked to be removed and replanted.

Vice Chair Washington added that this tree was planted in the wrong place and there is a lot of damage and agrees with the removal.

Cocoa Citizen (2340 W. Sherwood Cir) expressed they want to keep the tree, but because of the damage that keeps reoccurring- there is not another long-term solution besides removing the tree.

- * **MOTION MADE BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER GREEN TO REMOVE TREE LOCATED AT 2340 SHERWOOD CIR AND REPLANT THE TREE IN BRACO POND.**

⁶2340 W. Sherwood Cir. PowerPoint

AYES: DOBIRN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

MOTION PASSES UNANIMOUSLY (9-0)

VI. OTHER BUSINESS

1. Recent Development Update (none)
2. Open Discussion by Board Members

* **MOTION MADE BY BOARD MEMBER GILLIAM; SECONDED BY BOARD MEMBER GREEN TO RECOMMEND TO COUNCIL TO HOLD A TREE PLANTING CEREMONY IN BRACO POND ON ARBOR DAY, APRIL 26, 2020, IN HONOR OF COCOA RE-INSTATING THEIR TREE-CITY USA DESIGNATION.**

AYES: DOBIRN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

MOTION PASSES UNANIMOUSLY (9-0)

Projects Discussed:

- Discussion regarding tree management plan.
- Alternative sites for future Arbor Day Celebrations.
- Residential Units on Rosa Jones update.
- Discussion regarding the Hotel Project.
 - Staff explained timelines for completion of the project relies on Developer.
- Announcement and discussion regarding the Historic Cocoa Village Mainstreet Art & Craft Bazaar.
- Photo opportunity with Santa at Tractor Supply Co.
- Updates on food drive competition between Rockledge and Cocoa.
- Board Member Blanco commended the tree lights on Florida Ave.
 - Board Member Greenwood brought up that Disney is having an auction of their Holiday lights that they no longer use and it could be something the city should look into purchasing and using in the Downtown Area.
- Mayor Williams Jr. shared that 200 job positions opened up at the Walmart Distribution Center.
 - Discussion regarding Space X facility relocating to Texas from Cidco Rd.

VII. NEXT MEETING DATE:

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Tuesday, January 7, 2020 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

- * **MOTION BY VICE CHAIR WASHINGTON; SECONDED BY BOARD MEMBER KOSS TO ADJOURN THE REGULAR MEETING OF DECEMBER 4, 2019.**

AYES: DOBIRN, WASHINGTON, BLANCO, ERVIN, GILLIAM, GREEN, GREENWOOD, KOSS, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 7:23 PM.


Michael Dobrin, Chairperson

Respectfully Submitted By:


Courtney Jackson, Recording Secretary

