

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
SPECIAL MEETING
AUGUST 6, 2019**

The regular meeting of the Planning & Zoning Board/ Local Planning Agency was held on August 6, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publically noted.

I. CALL TO ORDER:

Chairperson Dobrin called the meeting to order at 6:01 PM

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
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
Kristen Eick	Assistant City Attorney
Courtney Jackson	Recording Secretary

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
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
Kristen Eick	Assistant City Attorney
Courtney Jackson	Recording Secretary

ABSENT:

NONE

STAFF PRESENT:

Jake Williams Jr., Mayor, **Angela Essing**, Senior Planner, **Dodie Selig**, Planning & Zoning Manager, **Matt Fuhrer**, Assistant City Manager (entered at 6:08pm), **Sandra Leone**, Planner.

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 August 6, 2019

- * **MOTION BY BOARD MEMBER ERVIN; SECONDED BY BOARD MEMBER KOSS TO APPRIVE THE AGENDA AS WRITTEN.**

AYES: Dobrin, Washington, Anderson, Blanco, Ervin, Gilliam, Green, Greenwood, Koss, Sengel

- * **MOTION PASSED UNANIMOUSLY. (10-0)**

2. MINUTES: Meeting of July 17, 2019

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE MINUTES FROM JULY 17, 2019 WITH AMENDMENTS.**

AYES: Dobrin, Washington, Anderson, Blanco, Ervin, Gilliam, Green, Greenwood, Koss, Sengel

- * **MOTION PASSED UNANIMOUSLY. (10-0)**

III. OLD BUSINESS:

**A. PZ-19-022- Development Agency Agreement (Integra Land Company)
(Previously Tabled from July 17, 2019)**

Consideration of a Binding Development Agreement between the City of Cocoa, Florida and Integra Land Company to allow the developer to construct up to 249 apartments in 5 apartment buildings with 5 parking garage buildings and a community clubhouse on 2 parcels of land. (Parcel ID: 34-5-13-00-750 and 24-35-24-00-1)

Ms. Selig presented a Power Point describing plans, staff recommendation and conditions for the Development Agency Agreement (Integra Land Company)¹.

¹ Exhibit 1: Integra Land Company Development Plan PowerPoint Presentation

Discussion between **Ms. Selig** and **Board Member Ervin** regarding possible access roads including one by Cox Road.

Discussion between **Board Member Blanco** and **Ms. Selig** regarding clarification on the length of the access trail by the conservation area and Cocoa Kay.

Board Member Green asked if City Council had to approve assigning this project to a different developer, if plans did not go through with the current developer.

Board Attorney Eick confirmed it would require City Council's approval to assign it to a different developer.

Board Member Gilliam inquired if traffic studies were required for this project.

Ms. Selig stated the developer has already done a FDOT traffic analysis and the findings will be part of the site plan.

Board Member Sengel asked if there will be pedestrian access and sidewalks from SR524 to the Publix Plaza.

Ms. Selig explained that it is in the developer's policy to incorporate pedestrian access.

David McDaniel (Integra Land Company, 1525 International Pkwy, Lake Mary, FL) briefly introduced himself and his company. He announced that the working name for the project is "Integra Preserve Trails".

Questions for David McDaniel:

Chairperson Dobrin asked when will his company begin building and have construction completed.

Mr. McDaniel stated that while the civil plans are finished and submitted, it is up to the City for the final date. He also added that the architectural plans will be completed and submitted to the City in 6 weeks and the plan is to have construction start December 2019 and finish in 18 months. He hopes to have occupancy by December 2020.

Vice Chairperson Washington and **Board Member Greenwood** both expressed their concerns over how small the one-bedroom apartments are.

Mr. McDaniel respectfully disagreed, as he did not feel their one-bedroom apartments were small. He explained that in order to come up with the square footage, his company researched around Central Florida, what the average size

dimensions were for one-bedroom apartments; which were typically under 700 sq. ft. He pointed out that they have some one-bedroom apartments measuring at 810 sq. ft., and further explained that the designs are very efficient, upscale, and most include an outside patio area.

Board Member Greenwood inquired about the cost of rent and construction material.

Mr. McDaniel explained what material the apartments will be made out of and that the rent for one-bedrooms will range from \$1,200-\$1,600 and the two-bedrooms from \$1,450-\$1,550.

Board Member Gilliam asked if they will be using solar to power the house lights.

Mr. McDaniel replied it is not currently in their plans, but they are looking at using solar for the clubhouse and garage lighting.

Board Member Gilliam asked how wide the sidewalk trails are.

Mr. McDaniel stated the trail head will be 4 ft. wide, but they will do the rest in accordance to the size that is required of them by city code.

Chairperson Dobrin asked how large the largest units are.

Mr. McDaniel shared that the three-bedrooms will be 1,300 sq. ft. and the two-bedrooms are 1,100 sq. ft.

Board Member Ervin inquired if the project can be eventually expandable by the Mud Lake area.

Ms. Selig explained it is undevelopable as it is mostly wetlands.

Delegations Regarding Item A

- **Rod McGowen (3815 Sentry Dr.)** began by expressing his frustration with the lack of communication between Staff and Cocoa citizens in terms of Staff not returning phone calls nor answering their phones. To give background to his concern- he shared with the Board how during the 2004-2005 hurricane season, the retention pond by his house became backed up and his street/property was flooded. He went into detail regarding how the storm drains work by his house. He explained how he has previously asked for the city to check the canals and to have a canal that drains into Mud Lake. He was told they could not build a canal there due to that area being considered "wetlands". Now, because of this new project and where it is located, he fears the amount of water run-off from the

project, will negatively affect the retention pond and storm drains by his house, causing more water damage. He pleaded with the Board to reconsider the location/approval of the project, to save the wetlands and to consider the citizens of Cocoa.

Chairperson Dobrin noted the Board understands his situation and will have a City Engineer take a look at his concerns.

Discussion between **Vice Chair Washington, Board Member Ervin** and **Mr. McGowen** regarding the rising storm water throughout the years.

Mayor Williams noted that the City is aware more needs to be done regarding fixing Cocoa's retention ponds, but assured Mr. McGowen that the City is aware of the situation and is working on it.

Discussion between **Mayor Williams** and **Board Member Ervin** regarding the issues along SR 524.

Board Member Greenwood inquired if the canal could be dredged and if not, could the city trade land in order to enlarge the canal.

Ms. Selig explained that because it is wetlands, they cannot dredge it and as for trading in land, that would be a question she would have to ask Public Works and the City Engineers.

- * **MOTION TO APPROVE STAFF RECOMMENDATION WITH CONDITIONS PRESENTED MADE BY BOARD MEMBER ANDERSON: SECONDED BY VICE CHAIR WASHINGTON**

AYES: Dobrin, Washington, Anderson, Blanco, Ervin, Gilliam, Green, Greenwood, Koss, Sengel

- * **MOTION PASSES UNANIMOUSLY (10-0)**

IV. NEW BUSINESS:

NONE

V. OTHER BUSINESS:

A. Tree Board Update

- Tree-City USA designation follow-up

Ms. Selig² announced after looking into reinstating the Tree City USA designation, since the city has met all 4 requirements, all that is left to do is to wait and apply in September.

Board Member Ervin expressed that she felt that the Tree Board should be its own separate Board and not part of Planning and Zoning. She explained that it was important to separate the issues that were being discussed.

Board Member Green suggested a subcommittee of the Planning and Zoning Board geared towards individuals who are more versed in the subject.

Board Member Koss cautioned the Board not to overtax Staff by adding another meeting/board to their already busy calendar.

Board Member Greenwood explained that the Board should wait to finish the tree ordinance they are currently working on before deciding to make the Tree Board its own separate board.

Mayor Williams shared how Cocoa PD has taken pictures of some canopy trees that were visual obstructions to some of the street lights and signs. He noted they are mapping them right now and are actively working on how the City can better understand how to maintain the trees and how to move forward.

Board Member Blanco agreed and noted some citizens were concerned with the oak trees limbs being an obstruction. She urged that the City needs to maintain the trees better.

Discussion between **Board Member Greenwood** and **Mayor Williams** regarding the tree study, what it entails and if results will be shared with the Board.

Board Member Green asked if a few members from the Planning and Zoning Board, who were knowledgeable about trees, could educate the members who were not as well-versed and if the board could have a tree workshop.

Ms. Selig agreed and stated that a workshop could be added to a future meeting and taking **Board Member Koss's** recommendation of having a certified arborist in attendance, she can reach out to someone from ISA to come in and speak.

Board Member Blanco suggested that after old business is finished, the tree board could be better served on the Sustainability Committee.

Chairperson Dobrin agreed that the Planning and Zoning Board is not a good fit for the Tree Board.

² Assistant City Manager Fuhrer left the room at 6:48pm

Board Member Koss discussed that while they are not on the same scale as Minneapolis and Tampa or another major hub such as those cities, there are still possibilities here in Cocoa, even on a smaller scale that could save the city money.

Discussion among the board members regarding whether P&Z or Sustainability would be a better fit for the Tree Board and it was agreed upon that regardless, it should be separate, but depends on Staff time.

Mayor Williams explained that in the 1990s the Tree Board used to be a part of Code Enforcement before it was then given to the Planning & Zoning Board.

Vice Chairperson Washington noted that the Tree Board discussion has never exceeded over 5 minutes and once the loose ends of the old business are tied up, he does not think that there is enough discussion to justify having a separate board.

Board Member Koss suggested they should continue the discussion of the possible separation of the Tree Board from Planning and Zoning Board at a future meeting.

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MOTION TO AUTHORIZE STAFF TO MOVE FORWARD WITH APPLYING FOR THE TREE CITY USA DESIGNATION BY BOARD MEMBER KOSS; SECONDED BY BOARD MEMBER ERVIN

AYES: Dobrin, Washington, Anderson, Blanco, Ervin, Gilliam, Green, Greenwood, Koss, Sengel

MOTION PASSES UNANIMOUSLY (10-0)

Ms. Selig announced that the City was allotted a few spots to attend a tree workshop in Tampa. She noted that Angela Essing, Mayor Williams, and the Assistant City Engineer will be attending and will bring back more information.

Board Member Koss shared with the board the questions that he had regarding the Landscape Ordinance. He also expressed his frustration about how private property owners can take down a seemingly healthy tree on an easement without city approval or any review.³ He then asked Staff questions 1-4 from the presentation⁴ to have the answer aired in a public setting:

³ Assistant City Manager Fuhrer re-entered the room at 7:15pm

⁴ Tree Ordinance Questions for Staff PDF

- 1) Does the city require private property owners to get approval from the city before planting trees or bushes in the public easement property?

Ms. Selig yes, you would need approval from the city and you would need to go to Public Works' office to do so.

- 2) If a private property owner plants a tree or bush without city approval, then does the tree or bush become city property?

Ms. Selig replied yes, because it is planted on city property.

Assistant City Attorney Eick clarified it would depend on what interest the city has on the property. If it was just on an easement, it would not necessarily become city property. But, if the city owned that property outright and fee, it would then become city property.

Discussion between Board Member Koss and Assistant City Attorney Eick regarding waterlines and the definition differences between right-of-way v. easement.

- 3) If a previous private property owner planted a tree or bush in the public easement, then do the current private property owners have the right to remove the tree or bush?

Ms. Selig replied no, because it's the public-right-of-way.

- 4) Does the city have the authority to remove any tree or bush in the public easement if a private property owner planted it and not the City?

Ms. Selig replied, yes because it is the City's tree.

Board Member Koss shared that he was disheartened to see that there are no repercussions listed in the ordinance for someone who removes a public tree. He explained that it is not that he wants the city to go after anyone in terms of repercussions, but he wants the public to be more informed. He also expressed that there should be some type of oversight review from the tree board prior to a public tree being cut down.

Discussion between Board Member Blanco and Board Member Greenwood regarding the prior discussion of the heritage tree being cut down, if it was on private or public property, and the guidelines for removing it.

Board Member Greenwood pointed out the upcoming tree workshop in Tampa and shared what Councilperson Koss experienced while attending the tree

workshop in Titusville. He further stated that he hopes to bring a similar workshop here in the City of Cocoa.

Board Member Green stated someone from the tree board should go to the upcoming Tampa tree workshop.

Board Member Koss explained what the Titusville workshop entailed and the citizens of Titusville expressed that there should be a middle ground where there can be growth within the city, but not at the expense of the mature trees. He explained the complication of the ideology of planting replacement trees for the ones that were removed.

Discussion among the Board and Staff regarding the clarification language of the landscape ordinance and minimum standard.

Board Member Koss redirected the conversation back to the Beverly Manor project and explained that after speaking with an arborist, the recommendation that was made, was to put in a sand live oak tree. He shared that this tree is a native tree, only grows to 35 feet and its branches would not be a nuisance.

Assistant City Manager Fuhrer provided additional information regarding the recent palm tree removal and why it was cut down. He explained that because the root ball was exposed, the ultimate concern was, with the expected strong storms and wind-driven rain and the direction it was facing, that the tree would eventually fall into the roadway. He apologized for the tree being removed, but due to the current language in the ordinance and the type of the tree that it was, it was not required to go before the Tree Board.

Board Member Koss suggested that the language should be broadened to include "native trees".

Assistant City Manager Fuhrer pointed out that if someone wishes to plant a tree or vegetation in a right-of-way, you would need to apply for a right-of-way use permit with Public Works.

Board Member Greenwood recalled the old permit process and explained that the permit process Assistant City Manager Fuhrer explained, is fairly new.

Walt Roslan (1628 Manor Dr.) shared he has been an arborist for over 40 years and pointed out that the cabbage palm has been implanted in other cities for mosquito mitigation to reduce the risk for mosquito-borne illnesses. Explained the palm tree that was removed, he has been looking at it for 15 years and stated the tree had survived 2 hurricanes. He also noted by looking at the trunk, it was completely healthy and just because the root ball was exposed did not mean it was unstable. He expressed that this is why you need someone with training to make

an assessment of the tree before removing it. He shared that would have been a lot cheaper to send an arborist to inspect the tree for \$30-\$40 rather than sending 2 trucks, a removal crew, and a tractor. He thought it was a waste of money and waste of a healthy tree. Explained his neighbors removing the trees in the neighborhood affects the ambiance of the neighborhood and his property value.

Chairperson Dobrin asked for clarification regarding if the 3 trees in Beverly Manor, were on public property and a private property owner had them removed.

Mr. Roslan explained the situation to the board.

Board Member Greenwood iterated that cases like this are the reason the Tree Board needs to be reactivated.

Mr. Roslan discussed other cities having policies for removing the trees. He also shared how a city that he recently visited has a \$1,000 grant to have citizens plant a rain garden on their property and how that could be something Cocoa could look into as an incentive for residents to plant more vegetation.

Discussion between **Chairperson Dobrin** and **Mayor Williams** regarding if private owners have ever been fined for illegally removing public trees.

Board Member Greenwood, following the discussion, expressed that once it is made public that Cocoa has a Tree City USA Designation, it might discourage citizens from removing trees.

* **BOARD UNANIMOUSLY MOTIONED AND SECONDED TO TABLE BOARD MEMBER GILLIAM'S PRESENTATION UNTIL THE SEPTEMBER MEETING.**

AYES: Dobrin, Washington, Anderson, Blanco, Ervin, Gilliam, Green, Greenwood, Koss, Sengel

MOTION PASSED UNANIMOUSLY (10-0)

B. Recent Development Update

- None Discussed

C. Open Discussion by Board Members

Chairperson Dobrin asked **Ms. Selig** what happened to the work on Rosa Jones and why it appears to be stopped.

Ms. Selig she explained there is a discrepancy between the contractor, the engineer and the architect currently, but they are still moving forward.

Board Member Koss wanted to make sure that if they are going to plant the new sand live oak, there be room in the budget to have it maintained.

Board Member Greenwood asked on the status of the gravel code changes.

Ms. Selig explained due to time constraints from current projects, she is planning on starting research to look into the gravel code changes the following Monday.

Board Member Green asked if the presentation from the Tampa tree workshop could be shared with the board after staff returned and asked if there was any way for a member of the tree board to attend.

Ms. Selig stated that she will ask if Ms. Essing could share the presentation and that staff does not have the ability to add people and the city was only allotted so many seats.

Board Member Green reiterated that this is another reason why there should be a separate committee or subcommittee for the tree board. She explained that it would narrow down the scope and really emphasize what needs to be done with Cocoa and have that be decided by individuals who are more versed in the subject.

VI. NEXT MEETING DATE:

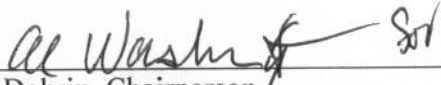
The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, September 4, 2019 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

*** BOARD UNANIMOUSLY MOTIONED AND SECONDED FOR THE ADJOURNMENT OF THE REGULAR MEETING ON AUGUST 6, 2019**

AYES: Dobrin, Washington, Anderson, Blanco, Ervin, Gilliam, Green, Greenwood, Koss, Sengel

MEETING WAS ADJOURNED AT 7:42 PM.



Michael Dobrin, Chairperson

Respectfully Submitted By:



Courtney Jackson, Recording Secretary