CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
October 8, 2018

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Monday, October 8, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

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

MEMBERS PRESENT:

Al Washington	Vice Chairman
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Russell Sengel	Board Member
Jake Williams	Board Member
Marilyn Green	Alternate Member
Jeri Blanco	Board Liaison

MEMBERS ABSENT:

Michael Dobrin	Chairman
Todd Anderson	Board Member
Sherry Ervin	Board Member
Jack Moore	Board Member

OTHERS PRESENT:

Dodie Selig	Planning & Zoning Manager
Robert Loring	Planner
Karen Hamilton	Community Services Director
Ed Wegerif	Public Works Director
Kristin Eick	Board Attorney
Monica Arsenault	Board Secretary

APPROVAL OF AGENDA:

1. Approval of Agenda: October 8, 2018.

   Motion by Board member Williams, seconded by Board member Koss, to approve the agenda of October 8, 2018. The vote on the motion carried unanimously.

2. Approval of Minutes: September 10, 2018 and September 24, 2018

   Motion by Board member Williams, seconded by Board member Greenwood, to approve the minutes of September 10, 2018 and September 24, 2018 with a name correction on the September 24, 2018 minutes. The vote on the motion carried unanimously.

OLD BUSINESS:

A. Discussion of City Trees & Landscape Ordinance

Board member Greenwood asked to make a suggestion before beginning the discussion. He shared that he went to Cocoa Beach to look at the landscaping and noticed that they do not have as many oak trees as Cocoa does. He pointed out that the City of Cocoa is unique for having them. He asked staff not to put any more time into this topic than is necessary. He suggested that in order to simplify the issue, the City should consider making a requirement that if an oak tree is removed that it be replaced by another oak tree.

Board member Williams pointed out that currently the rule is that if a tree is sick or damaged it is allowed to be removed without having to be replaced, however, if a healthy tree is removed than it needs to be replaced by a certain number of trees or a similar type of tree, etc.

Additionally, Board member Williams asked Board member Greenwood to clarify if he meant that it should be made mandatory for an oak tree to be replaced specifically by another oak tree if it is removed. In response, Board member Greenwood replied affirmatively, and explained that he feels that if an oak tree is removed it should be replaced with another type of oak tree as there are several kinds. He pointed out that the way the tree is planted can also make a difference.

Board member Sengel asked if the Board members are referring to oak trees on private property or in the public right-of-way. In response, Board member Greenwood replied that he believes private property should be included as well, especially if the tree has been there for a long period of time.

Board member Sengel asked what the current ordinance says about private property oak trees. In response, Ms. Selig explained that the ordinance notes that permits are not required for single-family or duplex homes that were built prior to the last ordinance, which was established in the early 1980s. However, for homes built after the ordinance, permits are required as certain criteria must be met. It also notes that a tree does not necessarily have to be replaced with the same type of tree.

Mr. Sengel expressed that he agrees with Board member Greenwood regarding trees in public rights-of-way but believes that homeowners should be allowed to make their own decisions when it comes to their own property.

Ms. Hamilton reminded the Board that staff had prepared a presentation for the evening and asked that they allow staff to present the information.

Vice Chairman Washington asked if everyone had a chance to read the draft report provided by staff. The Board members replied affirmatively.

He pointed out that everything in the report seemed to be things that had already been addressed. He asked if there was anything else in particular that needed to be addressed further.

Board member Greenwood noted that he had one concern regarding the language in the staff report. He explained that his concern is that the City wants to continue utilizing their arborist and not consider utilizing someone neutral, such as an arborist from the Department of Agriculture.

Vice Chairman Washington asked Board member Greenwood if his concerns would be satisfied if the language was changed. In response, Board member Greenwood reiterated that in order to simplify things, and instead of having to get a second opinion altogether, to just make it a requirement that if an oak tree is removed for any reason than another one be planted to replace it, even if it is not in the exact same location.

Ms. Hamilton expressed that this request is not necessarily something staff is looking to do at this time and that members of Public Works are in attendance to better answer questions and provide information. She asked that the Board allow staff to provide their presentation and allow the representatives of Public Works to address any concerns they may have.

Board member Greenwood stated that it is not a question of expertise, but rather the rapid removal of trees and replacements not being planted.

Board member Greenwood reiterated that he did not wish to waste anymore of staff's time and just wanted to simplify his request by asking that if an oak tree is removed for any reason that is replaced with another oak tree.

Ms. Hamilton pointed out that at a previous meeting the Board directed staff to provide information and invite staff from Public Works to speak on the issue so that is what staff would like to do.

Ms. Selig provided a presentation[1]. She explained that staff eliminated the exemption loop hole for certain single-family residential properties, explaining that all single-family and duplex lots, regardless of when they were built, will now be exempt from the tree removal permit requirement. Staff also provided greater detail regarding permit guidelines. Additionally, staff eliminated the land clearing permit requirements section, updated the Nuisances section to reflect current citations and eliminated the Appeals section. Staff also expanded the tree removal activities that are exempt from the permit requirements of the section.

Ms. Selig pointed out that the responsibilities of the Tree Board were also modified and the requirement to provide a tree plan biannually was removed. She explained that no tree located on city public right-of-way or city owned property shall be removed or significantly pruned prior to review and recommendation by the tree board and approved by the city council, subject to the following exceptions:

- Trees that are an immediate and serious threat to the public health, safety and welfare. The emergency removal of a dead, hazardous or seriously damaged tree, to mitigate an imminent threat to the health, safety, and welfare of the property owner or the general public. Prior to emergency removal, the imminent threat should be documented to include but not be limited to (1) photographs of the tree(s) including any areas that may be damaged, diseased, or infested (2)

[1] 10/08/18 Power Point Presentation

approximate measurements including tree height, spread, dbh, and (3) distance to structure(s) or other immovable target(s) if felled.

- Trees that are part of a previously approved site plan or city council-approved construction, roadway, utility or drainage project.

She noted that staff added the definitions of "hazardous" and "specimen" trees.

Ms. Selig explained that staff also added that specimen trees removed by the city on public property or within the right-of-way and that are not within the building envelope shall be replaced with either a tree of the same species or a tree of a different species that is more suitable for the location as determined by the city arborist or an arborist certified by the International Society of Arboriculture. The replacement trees shall be planted in a location deemed most appropriate by the director of public works or his or her designee.

Mr. Ed Wegerif, Public Works Director, introduced himself and pointed out that he has been the Public Works Director for ten (10) years. He provided a brief background on the history of the rules and regulations of trees. He added that he has a number of oak trees on his own property, several of which are specimen trees and also a few by his driveway that have never disrupted the pavement.

He pointed out that sometimes oak trees can grow to disrupt curbs, create trip hazards, and disrupt water mains. He added that after the last hurricane there were many water main breaks due to the root systems of oak trees.

Additionally, he stated that oak trees have been removed in the village and that if an oak tree was removed it was replaced unless it was deemed that it was not plausible to replace it as an oak tree but rather with a different type of tree that is more appropriate for the location.

He also pointed out that the budget can prove to be a concern as well as the trees have to be bought, planted, and maintained. He pointed out that liability issues are also something to be considered because if a tree that should have been removed falls on someone than the person who gave the okay to keep the tree can be held liable.

Mr. Wegerif stated that he is not objected to replacing trees where they are practical.

Board alternate Green stated that she is not comfortable with making the rules any more specific than they already are but she believes that the Tree Board needs to be kept up to date on why trees are being removed and that maybe a quarterly report should be provided so as to satisfy any concerns and questions that may be raised by the Board members.

Board member Koss stated that he agrees that oak trees need to be maintained in the City, however, he also agrees with staff that "right tree, right place" is a good philosophy.

He also pointed out that there is landscaping that is in very poor condition along the US1 corridor. In response, Mr. Wegerif stated that Public Works is currently short staffed and contracted out the maintenance of that area.

Board member Greenwood referenced the Consent Decree and asked Mr. Wegerif if he was familiar with it. In response, Mr. Wegerif stated yes, that it had come into effect when he started. He added that many of the trees in that area died because there was no irrigation. It was supposed to be the private property owners' responsibility to water them.

Board member Greenwood noted that for a while the City had watered the trees and would come by in a water truck but then about forty (40) trees were lost. He added that he does not believe that budgeting, economic impact, etc. are reasons to not support oak trees.

Board alternate Green asked for clarification that Board member Greenwood is speaking of accountability.

Board member Greenwood provided a history of when his concerns began, back when there was an attempt to remove eight (8) oak trees by the old City Hall, and it has since continued.

Board member Koss thanked Board member Greenwood for raising his concerns and reminding staff of the history. He feels that moving forward the Board will be more mindful of the oak trees in the City.

Ms. Hamilton pointed out section I which addresses Board alternate Green's question of accountability.

Board alternate Green reiterated that the Tree Board needs to be kept up to date and that it seems that trust needs to be rebuilt.

Mr. Wegerif asked for clarification as to whether the Board wants to know about the removals of all trees or just oak trees. It was determined that the Board would like updates on the removal of oak trees.

Ms. Selig verified that staff will bring the Ordinance back to the Board as written but with one amendment to add that the Tree Board will be notified of any activity regarding oak trees.

Board member Greenwood asked about trees that are removed for emergency reasons. In response, Ms. Selig explained that if there is an emergency, Public Works is allowed to remove the tree before coming before the Tree Board, however, a report and photos will be provided to the Board afterwards.

Board member Greenwood mentioned an email he sent to Ms. Selig regarding oak trees along Rosa L. Jones Dr. where the proposed development will be going. He added that there are four oak trees, not two. In response, Ms. Selig shared that a site plan will be submitted tomorrow and there will be a list of trees included that will be planted. She explained that there is a mitigation process.

The discussion was opened to the public. There being no response, the discussion was closed to the audience.

A motion by Board member Koss, Seconded by Board member Williams to approve the draft as presented by staff. Vote on the motion carried (5-1).

AYES: Washington, Sengel, Williams, Koss, Green

NAYS: Greenwood

B. Residential Parking Material Standards

Ms. Selig shared that a draft has not been prepared at this time but the topic will be addressed at a later date.

Board member Koss asked for Public Work's opinion on why white gravel is not an acceptable parking material.

Mr. Wegerif provided an explanation and added that a solid material such as pavement, pavers, etc. are more acceptable materials. Discussion was held on the types of gravel that percolate.

Board member Greenwood noted that his issue lies within the Code as it is hard to differentiate between what is residential and what is commercial. He pointed out that for years, lime rock has been freely used in the City of Cocoa and has never required a permit. Additionally, brick pavers are also permitted and do not require a permit. He mentioned that at one time he wanted to lay lime rock down on one of his properties and went to the Building Department to see if he needed a permit, to which he was told no. He shared that after he had laid the lime rock down he was given a notice from the City stating that he needed to get a permit. He pointed out that the notice he received concerned him as it stated that if he chose not to pour pavement he would need to remove the lime rock and leave the dirt instead. He added that if this is going to become something that will require a permit than public input should be allowed on the matter.

Ms. Hamilton asked Mr. Greenwood to refrain from discussing his Code case with the Board as the story is not being described in its entirety. She explained that properties that already have existing gravel, also known as non-conforming use, as long as it is maintained there is no issue. If the gravel is pulled up and other materials are installed than that individual will be asked to bring their property up to the standards of the current Code. She added that the purpose of addressing this issue this evening was to discuss the clarity of the Code to distinguish between residential standards and commercial standards.

Vice Chairman Washington added that the Pledge of Allegiance was not done at the beginning of the meeting and asked everyone to stand.

Board member Greenwood raised a concern with parking stripes and referenced the attorney's opinion that was given to him regarding the code.

Ms. Hamilton offered to provide all the Board members with a copy of the attorney's opinion that was provided to Board member Greenwood.

Ms. Selig verified that staff will be reviewing residential vs. commercial standards and will bring both information and suggestions back to the Board at a later date.

Board member Greenwood noted that he would appreciate that instead of the City making an impression that they support dirt over other materials. In response, Ms. Hamilton stated that Board member Greenwood's statement suggests an inaccurate characterization of the City.

Board member Greenwood pointed out that he has a notice from the City stating that he must either remove the gravel and lay concrete down, or remove the gravel and leave the dirt as it is.

Board Liaison Blanco reminded Mr. Greenwood to refrain from discussing his Code case.

Ms. Hamilton pointed out that she cannot guarantee that a list of all the different types of acceptable gravel will be provided but they will address the issue.

NEW BUSINESS:

None.

OTHER BUSINESS:

A. Tree Board Update
B. Recent Development Update
C. Future Planning and Zoning Board Meeting Dates

A consensus was made by the Board to move Planning and Zoning meeting nights to the first Wednesday of every month.

NEXT MEETING:

The Board members established that the next meeting would be held on Wednesday, November 7, 2018.

ADJOURNMENT:

Motion to adjourn by Board member Sengel, seconded by Board member Williams.

There being no further business the meeting adjourned at 7:22 P.M.

Approved on this 7 day of November, 2018.

Al Washington, Vice Chairman

Monica Arsenault, Board Secretary