Amended 10/11/2019

MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
SPECIAL MEETING
SEPTEMBER 24, 2019

The regular meeting of the Planning & Zoning Board/ Local Planning Agency was held on September 24, 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
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

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Aleck Greenwood	Board Member
Lawrence Koss	Board Member
Kristen Eick	Assistant City Attorney
Courtney Jackson	Recording Secretary

ABSENT:

Jeri Blanco	Board Member
Russell Sengel	Board Member

STAFF PRESENT:

Jake Williams Jr., Mayor, **Angela Essing**, Senior Planner, **Dodie Selig**, Planning & Zoning Manager, **Sandra Leone**, Planner, **Lorraine Koss**, Councilmember

Chairperson Dobrin led the assembly in the Pledge of Allegiance to the flag of the United States of America[1].

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of September 24, 2019

* **MOTION BY VICE CHAIRPERSON WASHINGTON; SECONDED BY BOARD MEMBER ERVIN TO APPROVE THE SEPTEMBER 24, 2019 AGENDA AS WRITTEN.**

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

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

2. MINUTES: Meeting of August 6, 2019

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GILLIAM TO APPROVE THE MINUTES AS WRITTEN FROM AUGUST 6, 2019.**

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

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

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ-19-028- Comprehensive Plan EAR (Evaluation and Appraisal Report) Amendments

Chairperson Dobrin inquired when Cocoa developed its first Comprehensive Plan.

Patricia Tyjeski (S&ME Consultant) stated it was 1985.

Ms. Selig discussed what was changed in the agenda given to them and introduced the consultants that will be presented the proposed changes.

[1] Councilmember Koss entered the room at 6:01pm

Chris Dougherty (Consultant from S&ME) introduced himself and **Ms. Patricia Tyjeski** and presented a PowerPoint[2] that discussed the purpose of the EAR–Based amendments, matrix of proposed changes, recent growth management legislation, highlights of proposed amendments, and costal maps. He explained the process of what happens after a motion has been made for this item and explained Cocoa is a year behind in submitting the plan and as a consequence, no amendments can be made to the FLU Map.

Discussion Regarding Comp. EAR-Plan:

Chairperson Dobrin asked how much time it took to make the proposals.

Mr. Dougherty said it took about a month with several planners.

Chairperson Dobrin asked if Staff has reviewed it.

Assistant City Attorney Eick confirmed that they have and noted she did not see any additional changes except for removing the Net Zero Policy.

Discussion between **Chairperson Dobrin** and **Mr. Dougherty** regarding if the Peril of Flood was based off of EPA rules.

Discussion between **Board Member Koss** and **Assistant City Attorney Eick** regarding the Stormwater Element that was removed.

Board Member Koss asked how citizens would react to Waste Management cub-side pickup going from 2 days a week to 1 day a week.

Board Member Ervin noted that she would not mind it going to one day a week because, unless you had a large family or it was after the holidays, you wouldn't be able to fill the cans up often enough to require a 2 day pickup due to how large the current cans are.

Board Member Gilliam disagreed and said that she would prefer the two days a week because in it poses as a hygienic issue in the summer heat.

Vice Chairperson Washington agreed with Board Member Gilliam's concern and does not see it working. He also asked if the board will be updated on any future changes to the Comp-Plan, where it was explained that they would be notified.

Board Member Green asked if the costal management maps in the Comp-Plan have been updated as the last maps she saw were incorrect.

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[2] Cocoa's EAR-BASED AMENDMETS PowerPoint

Ms. Selig explained they have provided updated coastal management maps in the Comprehensive plan.

Chairperson Dobrin asked if every City needs to have a Comprehensive plan.

Mr. Dougherty stated that they do and it has to be updated every 7 years as required by Florida Statute.

Chairperson Dobrin inquired if Rockledge's Comprehensive Plan would be the same as Cocoa's.

Mr. Dougherty shared that it would read very similar, but it would not be the same.

Discussion between **Board Member Ervin** and **Ms. Selig** regarding the future land use map in the Comprehensive Plan and if it relates to residential zoning.

Discussion between **Staff** and **Board Member Green** regarding the flooding in Cocoa Village and how plans for it are mapped out if the same flooding problem keeps reoccurring.

Mayor Williams explained the City is not allowed to dredge the flood-area due to restrictions imposed by FDOT.

Discussion between **Board Member Koss** and **Mr. Dougherty** regarding the stormwater management infrastructure.

* **MOTION BY VICE CHAIR WASHINGTON; SECONDED BY BOARD MEMBER GREEN TO APPROVE STAFF'S RECOMMENDATION FOR THE EAR-BASED COMPREHENSIVEPLAN AMENDMENTS WITH RECOMMENDATION FOR WASTE MANAGEMENT CURB-SIDE TRASH PICKUP TO REAMAIN AT TWO (2) DAYS A WEEK.**

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

* **MOTION PASSES UNAMIOUSLY (8-0)**

V. OTHER BUSINESS:

A. Tree Board Update:

- Presentation by Trina Gilliam **(TABLED UNTIL NEXT MEETING ON 10/02/19)**
- Presentation by Angela Essing (from Tree Workshop in Tampa) **(TABLED UNTIL NEXT MEETING ON 10/02/19)**

Board Member Greenwood provided the Board with photos[3] taken of the trees Florida Power and Light (FPL) cut that were underneath power lines. He expressed his frustration regarding how FPL workers cut the trees and that it is unacceptable. He asked if there was a consensus from the Board to ask Council if the City can return to maintaining and cutting the trees instead of letting FPL cut the trees. He also noted there is an oak tree at the Cocoa campus of Eastern Florida State College that is now split in half and hollow.

Board Member Koss shared that 2 (magnolia tree and hickory tree) of the 6 trees that were cut down on Beverly and Manor are starting to re-sprout branches and shared that this is an example of why property owners need to consult with a professional arborist to determine if a tree is healthy or not before cutting it down.

Board Member Gilliam pointed out that on FPL's website, there is a link titled *"Right Tree, Right Place"* and it explains FPL's tree-cutting procedures and it also explained how far/high a tree should be from the power line before it becomes a safety hazard.

Continued Board discussion with Staff regarding FPL's cutting procedures and the progression status of the City's canopy survey, how canopies help storm water mitigation and following Orange County's survey model.

Discussion between **Board Member Gilliam** and **Councilmember Koss** regarding the 2 National Arbor Day Foundation grant opportunities to help develop a tree-program and if Cocoa would utilize them.

Board Member Greenwood asked **Ms. Selig** if Public Works has had any progression on the changes the Board has recommended for the tree ordinance.

Ms. Selig stated she did not have that information because she does not speak for Public Works and he would have to contact them for information regarding the recommendations for the tree ordinance.

Discussion between **Chairperson Dobrin** and **Mayor Williams** regarding checks and balances between Council and Facility Directors regarding implementing changes to the ordinances recommended by the Board.

Councilmember Koss pointed out that there is a new Public Works Director and Abigail Diaz will now oversee Stormwater and possibly trees.

B. Recent Development Update

[3] Exhibit 1: Photos of trees cut by FPL; Photos of gravel in driveways.

Discussion between **Ms. Selig** and **Chairperson Dobrin** regarding the progress of the townhomes on Rosa Jones Dr.

Chairperson Dobrin expressed he does not believe the slow process is the developer's fault, but it is the City's fault.

Mayor Williams rebutted saying that it is rarely the City's fault. The City has set procedures and guidelines and is not willing to cut corners or do thing haphazardly so projects can happen at a more rapid pace. He shared that it is the developers who want to cut corners and not follow procedures and that is the reason for the slow-moving process.

Board Member Green pointed out that the Citizen's Academy is about to begin where citizens can become more educated on how municipalities work.

Discussion between **Board Member Greenwood** and **Councilmember Koss** regarding the Citizens' Academy.

C. Open Discussion by Board Members

Board Member Greenwood expressed his concerns for the gravel ordinance (Cocoa Ord. 12-01) and how it has become a problem that needs immediate attention due to the liens being issued. He shared a solution of implementing a concrete curbing along the gravel driveways to prevent gravel being dispersed via car tires.

Fred Kitzmiller (1114 Bristol Dr.) presented the background of his case to the Board and explained that even though his gravel driveway has been grandfathered in and was confirmed by Ms. Selig via letter[4] proving it was grandfathered in, he was still told by the City to remove the gravel or else he would be fined. In doing so, he has spent $13K from his 401K.

Board Member Greenwood added supplement background information to Mr. Kitzmiller's case and provided photos of 2 houses that have gravel[5] and emphasized that the current wording of the ordinance is vague and needs to be reworded and restated how the concrete curbing could solve many issues the gravel is alluded to cause.

Chairperson Dobrin asked if the City could provide a waiver for Mr. Kitzmiller.

[4] Exhibit 2: Ms. Selig letter
[5] Exhibit 1, page 2.

Mayor Williams pointed out the differences between pavers and gravel and he explained that because he is not familiar with Mr. Kitzmiller's case, Mr. Kitzmiller needs to coordinate with the City Planners and Code Enforcement.

Continued discussion between **Mayor Williams, Board Member Greenwood** and **Mr. Kitzmiller** regarding his case and the gravel ordinance.

Board discussion with Staff that the gravel ordinance language needs to be changed, so citizens will cease to be negatively impacted by the vagueness of the current language.

Chair Dobrin asked **Mayor Williams** to tell Code Enforcement to cease issuing liens for those in violation of the gravel ordinance until the ordinance language is updated[6].

Mayor Williams added that he will discuss the citation/lien-issue with the City Manager.

Board Member Greenwood stated for the record that there is a Board Consensus to have to gravel ordinance language re-drafted for board review.

Ms. Selig explained it is still Staff's intention to revisit the language of the ordinance and expressed Staff is aware changes need to be made and she will provide a draft for board review when it becomes available to share.

VI. NEXT MEETING DATE:

The next regularly scheduled meeting for the Planning and Zoning Board will be held on Wednesday, October 2, 2019 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

* **MOTION by Board Member Anderson; Seconded by Board Member Koss**

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

MOTION PASSED UNAMIOUSLY (8-0)

MEETING WAS ADJOURNED AT 7:42 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

[6] Amendment by Board Member Greenwood made at the October 2, 2019 meeting,

Courtney Jackson, Recording Secretary