CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
August 13, 2018

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Monday, August 13, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Mike Dobrin called the meeting to order at 6:03 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Aleck Greenwood	Board Member
Jake Williams	Board Member
Russell Sengel	Board Member
Todd Anderson	Board Member
Lawrence Koss	Board Member
Marilyn Green	Alternate Member

MEMBERS ABSENT:

Jack Moore	Board Member
Sherry Ervin	Board Member

OTHERS PRESENT:

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

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: August 13, 2018.

Motion by Lawrence Koss, seconded by Al Washington, to approve the agenda of August 13, 2018. The vote on the motion carried unanimously.

OLD BUSINESS:

A. Discussion of Proposed Changes to Art. XIII, Sec.22 – Landscape Requirement

Ms. Selig provided a presentation[1] and explained the ten parts that make up the ordinance and pointed out that staff would like to bring four of those parts before the Board for consideration.

[1] Exhibit A: Planning & Zoning presentation

Ms. Hamilton reminded everyone that this is a working draft only.

Ms. Selig mentioned several definitions to consider, including:

- Hazardous: A tree existing on a developed parcel of land or within the right-of-way, that due to its shape, location or growth pattern, which cannot be corrected by pruning or other reasonable preservation and/or preventative procedures, may cause or reasonably be expected to cause damage to persons or property and/or presents a potential threat to the health, safety, and welfare of the general public, as determined by the city arborist.

- Specimen Tree: Any hardwood tree not included on the list of exempt trees in subsection (E)(6) herein having a trunk diameter eighteen (18") inches or greater as measured diameter at breast height (d.b.h) or four and one-half (4 ½') feet above actual grade. Specimen trees shall not include dead, hazardous or diseased trees.

- Tree: A woody or fibrous perennial plant with an upright trunk which normally grows, or is capable of growing, to an overall height of a minimum height of fifteen (15') feet in the central coastal area of Florida, and having a trunk diameter of not less than eight (8") inches four (4") inches or greater as measured diameter at breast height (d.b.h.) or four and one-half (4½') feet above actual grade.

Ms. Eick explained that hazardous trees will set a hierarchy and it will help to differentiate between what is hazardous and what is an emergency.

She explained that the intent of addressing specimen trees is to consider the language of the definition to require a person owning a single-family residence to acquire a permit in order to remove a specimen tree.

Board member Sengel asked if a permit is currently required to remove a tree that has a trunk diameter of four inches or greater. In response, Ms. Selig explained that there is a "loophole" meaning that currently, a permit is only required depending on when an individual's house was built. She noted that the ordinance was established in 1983-1984. She explained that if your home was built prior than the establishment of the ordinance a permit is not required.

Board member Koss inquired if the new language will clarify the confusion. In response, Ms. Eick explained that the intention of including "specimen trees" in the language of the ordinance is to require property owners to obtain a permit to remove these particular types of trees.

Board member Sengel noted that he has a concern with infringing on private property and asked staff to consider this moving forward.

Board member Greenwood mentioned several of his concerns regarding the removal of oak trees. He pointed out a section of the ordinance from 1985.

He stated that a representative of the City's Public Works Department has been taking these cases to the City Council and presenting them as trees that need emergency removal and asking for Council's approval. He explained that based on the information that is provided to them, they approve the removals and the Planning and Zoning Board is kept in the dark. He asked that the Board no longer be ignored and that special meetings be called if needed in order to review the removal of trees on a case by case basis. He pointed out that the City has

removed five oak trees using the "emergency" position that did not necessarily need to be removed.

Chairman Dobrin asked if the City has control over trees on public property. In response, Ms. Selig stated yes, and that Code Enforcement has received several complaints, usually regarding a neighbor's overgrown tree.

Board member Greenwood noted that he received an email regarding 1054 Broadmoor Avenue about a tree that was pruned poorly.

Ms. Hamilton stated that for purposes of the meeting that the Board consider the language under proposed Section I. She shared a draft of the amended language for the Board's consideration.

Members of the Board agreed that the proposed word "may" under Section I, 1a, be kept as "shall".

Ms. Eick suggested keeping "updated biannually and administer a plan..." as it will not require a plan to be updated annually but it will preserve the Board's authority to develop and advise regarding policies and standards.

Board member Washington stated that there is a City tree that overhangs his property and has caused a rotten spot on his roof. He asked if he is allowed to prune it himself. In response, it was clarified that if the tree crosses over onto someone's property than they are allowed to prune it as long as it doesn't cause detrimental damage to the tree.

Board member Washington asked if the word "pruning" could be left in the ordinance.

Board member Greenwood asked if the Board could provide a notice to Council, through staff, to notify them that the Board has full intentions to reinstate the Tree Board and that the ordinance has not been followed and the Board will be enforcing the ordinance to honor it.

Board member Koss asked for more time to review the draft before making a motion.

Ms. Hamilton asked for clarification as to whether the Board will be reviewing the ordinance in its entirety or if they will only be focusing on the tree board section. Board member Koss explained that the Board will be doing both.

Motion by Aleck Greenwood, Seconded by Al Washington, to activate the existing tree ordinance as designed, to include that no trees are to be removed by Public Works until it is brought before the Tree Board so recommendations can be made and then presented to Council. The vote on the motion carried unanimously.

Board member Koss stated that the Board needs time to review staff's recommendations for modifications and asked that the board be given the time between now and the next meeting to do so.

Ms. Eick pointed out that as it stands, there is still an exception to the ordinance where Public Works can deem a situation an emergency in order to remove a tree.

Ms. Eick explained that this is an attempt to say that only trees that are an imminent danger to the public can be immediately removed. She explained that that was the purpose of adding the

definition of "hazardous" to the ordinance which would help to distinguish the difference between a hazardous tree and a tree that is considered an emergency.

Alternate member Green suggested that Public Works report to the Board quarterly to report a list of trees that pose to be in hazardous condition.

Ms. Hamilton stated that she can pass the suggestion along to Public Works but due to staffing and monetary problems that would be a decision Public Works will need to make.

Board member Koss provided a handout to the Board members and shared information regarding the value of trees[2], a website providing information, and noted that he would be bringing more information to the Board in the future.

B. Discussion of Parking Material Standards

Ms. Selig provided information generated by the Board at the last meeting.

Board member Greenwood noted that he had done some research on surrounding cities pertaining to their codes on brick pavers and white gravel. He noted that a permit is not required to have these in the City. He pointed out that with newly constructed homes that have a garage, concrete must be poured leading up to the garage. He stated that the code is vague and the language makes references that sound "commercial" to the extent that the code mentions parking lines. He requested that the ordinance be clarified.

Ms. Hamilton asked the Board to focus less on the Code case that transpired between Code Enforcement and Mr. Greenwood and more on the language of the code.

Ms. Eick explained that the off-street parking article, as a whole, was looked at by the attorneys and the legal opinion is that the code is applied to all off-street parking, residential and commercial. She pointed out that it is up to the Board to decide whether or not the code is vague and if it needs to be modified.

Board member Sengel pointed out a section in the code and asked for clarification. He asked if the code applies to both residential and commercial than how can it be enforced that residential off-street parking be required to have curbing in addition to meeting various other regulations.

The Board agreed that the code is vague.

Ms. Hamilton clarified that the Board is asking staff to differentiate, in the code, the difference between commercial and residential and specify the regulations.

Board member Koss stated that he feels gravel should be permitted as it serves as a drainage tool.

[2] Exhibit B: Value of Trees handout

Board member Williams pointed out that during a hurricane gravel can become dangerous as they may become "little projectiles".

Discussion ensued regarding the different materials and methods used for driveways.

Ms. Eick pointed out that in 2001 a change was made to the ordinance to require all parking be paved[3].

Ms. Hamilton noted that Public Works will need to provide input regarding the percolation issues. She also pointed out that existing gravel is allowed if the homeowner is renovating. She stated that staff will begin sorting it out and will reach out to Public Works for their input.

Discussion ensued regarding the clarification in the code.

Board member Sengel asked if a simple amendment could be made noting that residential parking be an exemption.

Ms. Selig listed reasons as to why a permit is required for driveways.

Ms. Hamilton stated that she cannot guarantee that gravel will be approved and that Public Works will have to weigh in.

NEW BUSINESS:

None.

OTHER BUSINESS:

A. Tree Board Update

B. Recent Development Update

Ms. Selig noted that the City recently approved Guard Space Storage on Peachtree St. They will be adding two more buildings for storage. Walmart is also approaching the approval of their C.O. She also noted that she will be visiting the Mike Erdman site. There is also a warehouse expansion going in on Cox Rd. Dunkin Donuts came in on 515 W. King St. Lakeside Palms subdivision is moving forward. She noted that she would be emailing the Board members a list of developments going on in the City.

Vice Chairman Washington asked about the old Winn Dixie site. In response, Ms. Selig noted that no one is currently interested in developing it.

Chairman Dobrin asked about the Bank of America building. In response, Ms. Selig stated that she does not believe anyone is currently interested.

Board member Greenwood asked about the old Sun Trust building. Ms. Selig stated that the property owner wanted to develop it into a retail site, however, FDOT has plans that will severely impact that property.

[3] Board member Williams left at 7:30pm and returned at 7:33pm.

Chairman Dobrin noted that there is a Council meeting tomorrow night if anyone is interested in attending.

Ms. Selig also mentioned that Council will also be addressing whether or not their meeting nights will be changing.

NEXT MEETING:

The Board members established that the next meeting would be held on September 10, 2018.

ADJOURNMENT:

Motion to adjourn by Lawrence Koss, seconded by Mike Dobrin.

There being no further business the meeting adjourned at 7:52 PM.

Approved on this 10 day of September, 2018.

Michael Dobrin, Chairman

Monica Arsenault, Board Secretary