CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
February 21, 2024

A Regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, February 21, 2024 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Chairperson Shaia called the meeting to order at 6:00 P.M.

The Recording Secretary called the roll.

ROLL CALL:

Pam Shaia	Chairperson
Patricia Weeks	Vice Chairperson
Kaitlyn Aliano	Board Member
Robert Dyar	Board Member
Dan Quattrocchi	Board Member
Robert Butler	Board Member
James Green	Board Member

MEMBERS PRESENT:

Pam Shaia	Chairperson
Patricia Weeks	Vice Chairperson
Kaitlyn Aliano	Board Member
Robert Dyar	Board Member
Dan Quattrocchi	Board Member
Robert Butler	Board Member

MEMBERS ABSENT:

James Green	Board Member

OTHERS PRESENT:

Luci Ribeiro	City Planner
Kristin Eick	Assistant City Attorney *(via phone)*
Lori Chabot	Recording Secretary

II. APPROVAL OF AGENDA & MINUTES:

Prior to approval of the Agenda, the Recording Secretary advised the Board Members of the date change for the next BOA meeting stated on the Agenda. If the Agenda was approved, the next meeting would be March 13, 2024 not the originally scheduled March 20, 2024 date.

* **Motion by Vice Chairperson Weeks; Seconded by Board Member Aliano, to approve the February 21, 2024 Agenda as written.**

Vote on the motion carried unanimously (6-0).

* **Motion by Vice Chairperson Weeks; Seconded by Board Member Dyar, to approve the January 17, 2024 Minutes as written.**

Vote on the motion carried unanimously (6-0).

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. PZ 24-00000007 – Special Exception (1050 N. Cocoa Blvd.)

Consideration of a Special Exception request pursuant to Appendix A, Zoning, Article XI, Section 11(C) (3) of the City of Cocoa Code to allow for "commercial recreation structures such as theaters, driving ranges, and bowling alleys, except drive-in theaters (enclosed structures shall be air conditioned)" to operate a senior entertainment arcade. The property is identified as 1050 N Cocoa Blvd, Cocoa, Florida. Tax Parcel ID: 24-36-21-BM-*-6.03. ***Postponed to next meeting.***

Recording Secretary clarified with the Board the need to have a Motion for the postponement of this item. Attorney Eick confirmed and added in the motion would need a time certain, i.e., the next meeting.

* **Motion by Vice Chairperson Weeks; Seconded by Board Member Butler to postpone Item IV.1 PZ 24-00000007 – Special Exception (1050 N. Cocoa Blvd.) to the March 13, 2024 Meeting.**

Vote on the motion carried unanimously (6-0).

2. PZ 24-00000008 – Special Exception (409 Delannoy Ave.)

Consideration of a Special Exception request pursuant to Appendix A, Zoning, Article XI, Section 13(C) (6) of the City of Cocoa Code to allow for "a bar or lounge, with or without a package store" to operate a wine bar. The property is identified as 409 Delannoy Ave, Kiosk 8/9, Cocoa, Florida. Tax Parcel ID: 24-36-33-39-B-3.

[1] Exhibit A: 02/21/2024 BOA Presentation

Luci Ribeiro, City of Cocoa Planner, presented the item[1] and provided a summary of the property. She also gave an analysis of the special exception request. Ms. Ribeiro added that staff is recommending approval of the requested special exception. She continued, this approval would not be effective until the applicant has completed/obtained the required permitting and approvals and that this was limited to Kiosk 108. She added that the applicant, Nathan Parrot, was present to answer questions.

The Recording Secretary swore him in.

Chairperson Shaia opened the hearing to the public for comments.

Chairperson Shaia asked him to explain the history of his business and if he is currently in the location and operating. In response, he shared that he was notified by the City about the required permitting and worked with the Planning department to get the proper licenses, etc.

Chairperson Shaia discussed his intention, and if he planned to add alcohol sales. He replied no, it would be only wine and beer.

Candace Rogers, Cocoa resident, was sworn in by the Recording Secretary.

She asked for some clarification about the kiosk and history of the site. She explained her understanding of what had transpired at that location and does not understand the current request and expressed her concerns. She would like an assurance that there will not be hard liquor and explained why.

Board Member Quattrocchi asked for history and number of kiosks that were at the location. City Planner Ribeiro explained the history of the site and the previous exceptions and/or variances. The discussion continued and the Chairperson shared information with the Board on the history and previous kiosks/businesses at the site.

Chairperson Shaia stated there needs to be another special exception requested and asked about the lease term. She further asked if there are conditions for short term or long term.

In response, Ms. Ribeiro provided an explanation and a discussion continued between Ms. Ribeiro, Attorney Eick and the Board Members. Ms. Ribeiro stated she doesn't believe there is a lease term condition.

Chairperson Shaia stated she would like to change the wording of the Special Exception to state there would not be any alcohol sales. Attorney Eick replied that would be an added condition, but also suggested to ask the applicant how they felt about the additional condition. Chairperson Shaia stated the applicant has 2 COP licenses which allows more than beer and wine to be sold. She asked Mr. Parrot and he stated that he has no intention to sell hard liquor and sees no objection to the condition.

[1] Exhibit A: 02/21/2024 BOA Presentation

Mr. Parrot added that he is curious about the worry to sell alcohol because he is so close to another liquor bar. In response, Chairperson Shaia explained her reasoning.

Board Member Aliano asked about allowing additional time to the applicant if the conditions are not complete within 6 months. Ms. Ribeiro stated that 6 months was recommended, however, it could be extended by the Board.

* **Motion by Chairperson Shaia; Seconded by Vice Chairperson Weeks to approve the Special Exception request pursuant to Appendix A, Zoning, Article XI, Section 13(C) (6) of the City of Cocoa Code to allow for "a bar or lounge, with or without a package store" to operate a wine bar. The property is identified as 409 Delannoy Ave, Kiosk 8/9, Cocoa, Florida. Tax Parcel ID: 24-36-33-39-B-3 with an additional condition limiting the sale of alcohol to the sale of beer and wine only.**

Vote on the motion carried unanimously (6-0).

V. OTHER BUSINESS:

The Recording Secretary notified The Board that the November meeting has a conflict and will need to be cancelled and rescheduled. She added, November 13 and 19 were available as of this date.

Chairperson Shaia asked if the Agenda packages could be provided to the Board earlier. She would like to have more time to review.

VI. NEXT MEETING DATE:

The next meeting date for the Board of Adjustment is March 13, 2024, A Special Meeting.

VII. ADJOURNMENT:

There being no further business the meeting adjourned at 6:34 P.M.

Pam Shaia, Chairperson

Lori Chabot, Recording Secretary

[1] Exhibit A: 02/21/2024 BOA Presentation