CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
April 19, 2023

A Regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, April 19, 2023 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Chairperson Elliott called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

ROLL CALL:

Nancy Elliott	Chairperson
Pam Shaia	Vice Chairperson
Kaitlyn Aliano	Board Member
Bruce Gilmore	Board Member
Robert Dyar	Board Member
Dan Quattrocchi	Board Member
Patricia Weeks	Board Member

MEMBERS PRESENT:

Nancy Elliott	Chairperson
Pam Shaia	Vice Chairperson
Kaitlyn Aliano	Board Member
Bruce Gilmore	Board Member
Robert Dyar	Board Member
Dan Quattrocchi	Board Member
Patricia Weeks	Board Member

MEMBERS ABSENT:

OTHERS PRESENT:

Luci Ribeiro	Planner
Rip Dyal	Board Liaison
Kristin Eick	Assistant City Attorney
Monica Arsenault	Recording Secretary

II. APPROVAL OF AGENDA & MINUTES:

* **Motion by Board member Weeks; Seconded by Board member Quattrocchi, to approve the April 19, 2023 agenda as written.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

* **Motion by Board member Weeks; Seconded by Board member Dyar, to approve the February 1, 2023 minutes as written.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ-23-00800001 – Variance (2400 MacFarland Dr.) – Item Cancelled

B. PZ-23-00000003 – Special Exception (305 Brevard Ave.)

Board member Quattrocchi announced that he will be recusing himself from this item because he represents the owner of the property in leasing the space[1].

Ms. Ribeiro provided a presentation[2] and shared that there has been a Special Exception request from Appendix A, Zoning, Article XI, Section 13(c)(7) and Section 22(F) of the City of Cocoa Code to allow "recreation structures, theaters, driving ranges and bowling alleys (not drive-in theaters)" use in the Central Business District – Cocoa Village Overlay (CBD-CVO) zoning district and Cocoa Waterfront Overlay District, Cocoa Village Subdistrict.

A previous Special Exception was granted for Epic Escape Rooms at 200 Willard Street by the Board of Adjustment at the September 19, 2018 meeting. The applicant has relocated to 305 Brevard Avenue within the same Cocoa Village Overlay District and seeks approval for a Special Exception.

Ms. Ribeiro shared a location map, zoning map, future land use map and the site layout. She explained that this use is compatible with the other establishments surrounding this area, including bars and restaurants in Cocoa Village. The site and the building are pre-existing and will remain unchanged.

Staff is recommending approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 13 (c)(7) to allow a "recreation structures, theaters, driving ranges, and bowling alleys (not drive-in theaters)" use in the CBD-CVO zoning district. The Special Exception shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the Special Exception, such as site plan and/or building permit approval. Such permits shall be obtained within

[1] Form 8B – Memorandum of Voting Conflict
[2] Exhibit A: 04/19/2023 BOA Presentation

one year of the Board's approval. If the use is extended, enlarged or expanded, a Special Exception approval shall be required.
Board member Gilmore asked if parking needed to be considered. In response, Ms. Ribeiro explained that per the Code, if the footprint of the building is not changing then no additional parking is required regardless of the intensity of the use.

Chairperson Elliott opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **Motion by Board member Weeks; Seconded by Board member Dyar, to approve the Special Exception with the conditions recommended by staff.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

C. **PZ-22-00000003 – Special Exception (238 Peachtree St.)**

Ms. Ribeiro stated that there has been a Special Exception request from Appendix A, Zoning, Article XI, Section 18(C)(13) and the North Village Subdistrict of the Cocoa Waterfront Overlay District Section 22 (F) of the City of Cocoa Code to allow a printing, engraving, and related reproduction processes use in the C-C (Core Commercial) zoning district.

She explained that JMG Engraving relocated from Merritt Island to the Cocoa Waterfront District in 2020 and, to obtain legal conforming status, applied for a Zoning Text Amendment in November 2022. The City Council adopted on January 10, 2023, a Zoning Ordinance Amendment - Ordinance 15-2022 - intended to eliminate inconsistencies within C-C (Core Commercial), CBD (Central Business District), and the Cocoa Waterfront Overlay District by permitting craft breweries, printing, engraving services, and related reproductions processes as a Special Exception.

Ms. Ribeiro shared a location map, zoning map, future land use map and a photo of the parking improvements. Additionally, Ms. Ribeiro pointed out that a Site Plan Amendment and related Building Permits to redevelop the 2,700± building area and affiliated infrastructure shall be submitted by the applicant in partnership with Hidden Level Brewery.

Furthermore, before any Special Exception is approved, the BOA shall make findings of compliance with the specific rules governing individual Special Exceptions pursuant to Appendix A, Article XI, Section 18.

Ms. Ribeiro noted that staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XII, Section 18 (C) (13) to allow printing, engraving, and related reproduction processes use in the C-C (Core Commercial) zoning district, with the following conditions:

- The Special Exception shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the Special Exception,

such as site plan approval. Such permits shall be obtained within one (1) year of the Board's approval.

- If the use is extended, enlarged, or expanded, a Special Exception approval shall be required.

- The Special Exception for printing, engraving and related reproduction processes shall not include large-scale book or newspaper publishing or light manufacturing through 3-D printing processes.

Kelly Hyvonen, Land Development Strategies, representing the business owners, explained they have a pre-existing business which is JMG Engraving but they are proposing a new business endeavor in addition to that which is Hidden Level Brewery.

She explained the improvements to the property that they are proposing to make and offered to answer any questions the Board has.

Chairperson Elliot asked if they will only be using a laser engraver. In response, Ms. Hyvonen replied affirmatively and confirmed that there will be no chemicals involved.

Chairperson Elliot opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **Motion by Board member Weeks; Seconded by Board member Dyar, to approve the Special Exception with the conditions recommended by staff.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

D. <u>PZ-22-00000003 – Special Exception (238 Peachtree St.)</u>

Ms. Ribeiro shared that there has been a Special Exception request from Appendix A, Zoning, Article XI, Section 18(C)(12) and the North Village Subdistrict of the Cocoa Waterfront Overlay District Section 22 (F) of the City of Cocoa Code to allow for a craft brewery use in the C-C (Core Commercial) zoning district.

The Applicant is proposing a craft brewery that will operate from Wednesday through Sunday in the North Village Subdistrict of the Cocoa Waterfront Overlay District. The Core Commercial zone allows for a craft brewery under a special exception. The proposed use is in harmony with the general purpose and intent of the zoning district in which it is located.

Ms. Ribeiro shared a location map, zoning map, future land use map, a specific purpose survey and a photo of the parking improvements.

Ms. Ribeiro pointed out that concerns with restriction on the location for the sale of alcohol and its proximity to an existing local school were raised and addressed by the applicant in conformance with Article XIII, Section 20 (D).

Additionally, before any Special Exception is approved, the BOA shall make findings of compliance with the specific rules governing individual Special Exceptions pursuant to Appendix A, Article XI, Section 18.

Ms. Ribeiro noted that staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 18(C)(12) and the North Village Subdistrict of the Cocoa Waterfront Overlay District Section 22 (F) of the City of Cocoa Code to allow for a craft brewery use in the C-C (Core Commercial) zoning district with the following conditions:

- The Special Exception shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the Special Exception, such as site plan approval. Such permits shall be obtained within one (1) year of the Board's approval.

- If the use is extended, enlarged, or expanded, a Special Exception approval shall be required.

- If the use as a craft brewery is discontinued for a period greater than six (6) months, then the special exception shall become null and void.

- In accordance with Appendix A, Zoning, Article XI, Sec. 18(C)(12), the following conditions shall apply:

    - Onsite production shall be limited to beer only; and
    - Bar and lounge areas associated with the brewery shall be permitted but shall not exceed 50 percent of the total square footage of the operation; and
    - Bar and lounge areas associated with the brewery may serve beer and wine only; and
    - No alcohol consumption, other than that associated with the bar and lounge area, shall be permitted on-site; and
    - All materials and supplies related to the brewery operation shall be stored in an enclosed structure.

- In accordance with Appendix A, Zoning, Article XIII, Section 20 (D), sale and consumption of alcoholic beverages containing more than one percent alcohol by weight shall be limited to the areas shown in Exhibit D, Special Exception Application.

Board member Weeks asked how many people will be employed. In response, Jon Gower, business owner, 2071 Bridgeport Cir., Rockledge, stated that they will be employing 3-5 employees.

Board member Gilmore asked for clarification as to whether or not their business will include a bar/lounge area inside the building. In response, Ms. Hyvonen replied affirmatively.

Chairperson Elliot opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **Motion by Board member Quattrocchi; Seconded by Board member Weeks, to approve the Special Exception with the conditions recommended by staff.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

E. PZ-22-00000005 – Special Exception (807 Peachtree St.)

Ms. Ribeiro stated that there has been a Special Exception request from Appendix A, Zoning, Article XI, Section 12 (C) (11) of the City of Cocoa Code to allow for expansion of existing use for child care center use.

The property has an existing special exception in the General Commercial (C-G) zoning districts, and the applicant is seeking to expand this use. As part of the original approval from July 15, 2009, any expansion of the use requires a new special exception.

Additionally, the applicant is proposing to provide additional parking spaces and two portable classrooms.

Ms. Ribeiro shared a location map, zoning map, future land use map and the site layout.

She noted that staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 12(C)(11) to allow for the expansion of an existing child care center in the C-G (General Commercial) zoning district subject to the following conditions:

- The Special Exception shall not be effective until the applicant has secured all the permits, Business Tax License, and Site Plan approvals required by the City Code, or any permits required by regional, state, and federal agencies which are necessary for any development related to the Special Exception. Such permits shall be obtained within (6) months of the Board's approval, unless the Board grants the applicant additional time to obtain such permits based on reasonable delays and requirements caused by various permit procedures which may impact the (6) months' time period.

- If the use discontinues for a period of greater than six (6) months, then the use shall become null and void.

- If the use is extended, enlarged, or expanded, an additional special exception approval shall be required. The maximum number of students shall be 74.

- Consistent with Appendix A, Article XIII, Section 1, and Applicant shall be required to submit a Site Plan and demonstrate conformance with all appropriate and necessary codes.

- Any other conditions deemed necessary by the Board of Adjustment.

Marvin Miller, 1434 Paradise Ln., Cocoa, the applicant, offered to answer any questions the Board may have.

Chairperson Elliot opened the hearing to the public. There being no questions or comments the public portion of the hearing was closed.

* **Motion by Board member Weeks; Seconded by Board member Dyar, to approve the Special Exception with the conditions recommended by staff.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

F. **PZ-23-00000005 – Special Exception (StorQuest)**

Ms. Ribeiro explained that this item is to consider a new special exception due to a proposed site plan amendment. In accordance with Appendix A, Zoning, Article XI, Section 12(C)(14)(h) of the City of Cocoa Code to allow for "Self-service storage facilities" use in the C-G (General Commercial) zoning district.

The applicant is proposing 39 units/spaces for recreational equipment storage (62 units previously approved), two (2) building additions for a new building area of 70,495 SF, and an increase in the retention pond area.

Ms. Ribeiro provided a location map, zoning map, future land use map, site layout and the previously approved conceptual plan.

She stated that staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 12(C)(14) to allow "Self-storage facilities" use in the C-G (General Commercial) Zoning District, with the following conditions:

- The Special Exception shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the Special Exception, such as site plan approval and building permits. Such permits shall be obtained within one (1) year of the Board's approval.
- If the use is extended, enlarged, or expanded, a Special Exception approval shall be required.
- Gates in fencing shall be of the same opaque material as the fence. Gates in a wall shall be of an opaque material.
- Outdoor storage of vehicles such as cars or trucks shall not be permitted.
- Outdoor storage of major recreational equipment exceeding thirteen and one-half (13½) feet in height shall not be permitted.
- On-site light, minor maintenance, and cleaning of any major recreational equipment are permitted. However, the following shall be strictly prohibited: refueling, oil, and engine

fluid changes, major restoration, part salvage, major part replacement, engine repair, transmission repair, body repair, and other heavy and major repairs.

- No major recreational equipment may be stored which is wrecked, being stripped for parts, awaiting salvage or recycling, or inoperable.

- Major recreational equipment stored on the property shall not be used as living quarters.

- The landscaping buffer shall consist of trees, high-profile shrubs, and suitable ground cover, including native grasses and mulching. Landscaping shall be designed, placed, and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to Article XIV, Landscaping Requirements of the city's zoning code.

- An opaque fence or wall, at least six (6) feet in height, shall be provided where the self-service storage facility abuts residentially zoned property.

- The conceptual site plan addressing specific provisions identified herein shall be considered binding upon the use as a self-service storage facility provided that the proposed self-service storage units in Building C may be converted to RV parking rather than units. In that case, an amendment to the site plan shall be required and approved by the Community Development Director or the Planning and Zoning Board as applicable.

Dave Schmitt, Dave Schmitt Engineering, 12301 Lake Underhill Rd., #241, Orlando, explained they previously had a special exception and site plan approvals; however, they are now trying to find ways to curb costs. Making the ponds larger allowed them to drop the grades a little bit.

Additionally, the applicant is proposing that the self-service storage units in Building C may be converted to RV parking rather than units depending on the economy in the future.

Chairperson Elliot opened the hearing to the public.

Patricia Scott, 1350 Friday Rd., Cocoa, shared she has several concerns. She explained that she picks up trash for Keep Brevard Beautiful and she is worried about the amount of trash this project will create. She added that her residence will abut to this property on the north side on Friday Road.

Additionally, the traffic is already an issue and this will create a lot more traffic and noise. She'd like a wall or a buffer on the north side so she doesn't have to hear the noise when the property gets cleared.

Ms. Ribeiro shared that there is a ten-foot landscaping buffer that is required by Code as well as a retention pond which will offer at least another forty-foot buffer. The retention pond will also keep water from overflowing onto her property.

Ms. Scott asked where the entrance and exit to the facility will be. In response, Mr. Schmitt explained that it will be on Friday Road. The applicant tried to get FDOT's approval for the main entrance and exit to be on SR524 but they were too close to the intersection which is why they will be on Friday Road.

Chairperson Elliot inquired about the dumpsters at the property. She noticed that they downsized from a double-sized dumpster to a single-sized dumpster. In response, Mr. Schmitt shared that at this time the applicant feels that a single-sized dumpster is all that is needed but they will upgrade if needed.

Chairperson Elliot asked if there will be oversight at the facility to ensure that no one will be living in their RVs on-site. In response, Mr. Schmitt confirmed that staff will be on-sight to oversee the facility.

* **Motion by Board member Weeks; Seconded by Board member Quattrocchi, to approve the Special Exception with the conditions recommended by staff.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

V. OTHER BUSINESS:

None.

VI. NEXT MEETING DATE:

It was established that the next meeting would be on Wednesday, May 17, 2023.

VII. ADJOURNMENT:

* **Motion by Board member Weeks; seconded by Board member Dyar to adjourn the Regular meeting of April 19, 2023.**

Vote on the motion carried unanimously (7-0).

AYES: Elliott, Shaia, Aliano, Gilmore, Dyar, Quattrocchi, Weeks

There being no further business the meeting adjourned at 6:57 P.M.

Approved on this 17 day of May, 2023.

Nancy Elliott, Chairperson

Monica Arsenault, Board Secretary