CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER18, 2019

A special meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, December 18, 2019 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

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

MEMBERS PRESENT:

Rip Dyal	Chairperson
Robert Fry	Vice Chairperson
Nancy Elliott	Board Member
Bruce Gilmore	Board Member
Connie Harvey	Board Member
Pam Shaia	Board Member
Dan Quattrocchi	Board Member
Patricia Weeks	Board Member

MEMBERS ABSENT:

Brenda Warner	Board Liaison

OTHERS PRESENT:

Dodie Selig, Planning and Zoning Manager, **Angela Essing**, City Planner, **Kristen Eick** Assistant City Attorney, **Courtney Jackson**, Board Secretary, **Sandra Leone**, Planner, **Jake Williams Jr**., Mayor

II. APPROVAL OF AGENDA & MINUTES:

Chairperson Dyal welcomed new members Dan Quattrocchi and Patricia Weeks. Both members introduced themselves and provided a brief background.

Approval of Meeting Agenda: December 18, 2019

* **MOTION by Vice Chairperson Frey; SECONDED by Chairperson Dyal to approve the December 18, 2019 agenda as written.**

AYES: DYAL, FREY, ELLIOTT, GILMORE, HARVEY, SHAIA, QUATTROCCHI, WEEKS

MOTION PASSED UNAMIOSULY (8-0)

Approval of Meeting Minutes: September 9, 2019

* **MOTION made by Vice Chairperson Frey; SECONDED by Chairperson Dyal to approve the September 9, 2019 minutes as with amendments.**

AYES: DYAL, FREY, ELLIOTT, GILMORE, HARVEY, SHAIA, QUATTROCCHI, WEEKS

MOTION PASSED UNAMIOSULY (8-0)[1]

III. OLD BUSINESS:

NONE.

IV. NEW BUSINESS:

A. PZ-19-0070002- WAIVER (225 KING STREET)

A request for a Waiver from Appendix A Zoning, Article XII Parking, for a total of 132 parking spaces for multiple uses on one parcel in the CBD-CVO (Central Business District- Cocoa Village Overlay) Zoning District as described below. The property is identified as 225 King Street, Cocoa, Florida. (Parcel ID: 24-36-33-35-*-11).

Dodie Selig presented a PowerPoint[2] that provided background information as well as staff's recommendation.

Board Discussion:

None.

Floor Discussion:

Brett McPherson (applicant) shared that they are asking for a waiver due to the difficulty of meeting the criteria for parking spaces. They ultimately felt that by adding their building, it would improve the look of the downtown area.

Board Member Gilmore explained that they are bound by the criteria found in the staff analysis. He read the Initial Finding Criteria[3] and asked if the applicants had a compelling rebuttal to it.

Mr. McPherson compared their situation to other businesses in the downtown area and explained that they are trying to improve the look of the city and understand what the Initial Finding held, but felt there was still a chance they could receive an exception.

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[1] Mayor Williams entered the room at 6:05pm
[2] Exhibit 1: 225 King Street PowerPoint
[3] As described on page 5 of 9, section II. Staff Analysis listed in the December 11, 2019 Staff Report attached in the 12/18/2019 Full Agenda.

Committee Member Gilmore explained the Board will have a difficult time moving past staff denying the waiver request and being held to hold certain criteria that the applicant's do not possess or meet.

Discussion between the applicants, Dodie Selig, Assistant City Attorney Eick, and Board Member Elliott regarding if a waiver or variance for parking would be appropriate for their situation and how each one would apply for them as well as a brief summary of qualifications.

Mr. McPherson asked if it would make a difference if they added onto the building.

Discussion about hypotheticals regarding the building in being grandfathered in and how to obtain other special exceptions and how to move past the 124 parking spot requirement.

Mr. McPherson shared that 90% of Cocoa Village uses public lots for parking and the idea of their building is not for revenue, but to beautify the spot and improve the look of the surrounding area.

Board Member Elliott expressed it is a hard sell to take away parking spaces.

Mr. McPherson explained he will find spots for parking if the Board allows him to expand the use of the lot.

Michael DiChristopher then provided the Board and Staff of copy of the following to expand on their request for the parking waiver:

1) Access and Parking Easement Agreement[4]
2) Termination of Access and Parking Easement Agreement[5]

The Board held a recess from 6:50pm to 7:05pm for adequate copies to be made.

Discussion between Board Member Shaia and the applicants regarding the agreement handed out.

Discussion between Mr. McPherson and Chair Dyal regarding gating the parking lot.

Board Member Elliott asked if the entrance will be closed to everyone.

Mr. McPherson explained just for parking, but it will still have walking spaces.

Board Member Weeks asked "why not add a parking garage and build up?"

Mr. McPherson explained they thought about that but were told denied. He reiterated that he is trying to improve the look of the area and asked how he can get around the 86 parking spot requirements.

[4] Exhibit A: Access and Parking Easement Agreement
[5] Exhibit B: Termination of Access and Parking Easement Agreement

Vice Chair Frey suggested working with Planning and Zoning Staff to see if a negotiated agreement can be made.

Mr. McPherson asked if that meant obtaining a waiver.

Vice Chair Frey replied that he might still need a waiver but working with staff is his best bet.

Board Member Elliott suggested to stick to the agenda and stray away from hypothesis.

Board Member Gilmore explained that he has found staff's recommendation to be reliable, factual, and believable. The challenge is finding a compelling rebuttal that is believable. He came to the conclusion that the applicants have three choices:

1) Table the discussion and use the time to work with staff to sort out details.
2) Board decides.
3) Make an appeal to the City Council if they can accommodate the issue by changing city code as this may come up again due to a lot of people wanting to improve the city.

Board Member Gilmore explained that City Staff is willing to work with developers and that they do a great job in doing so and recommended the applicants to work with staff.

Mr. McPherson agreed and understands that the Board's hands are tied.

Board Member Elliott expressed that when he works with staff to keep in mind that the city looks critically on storm water drain access.

Mr. McPherson explained that he is aware and he has met with several staff members and is able to work around everything except parking, which is why they are there today

Floor Discussion:

Joanne Pellechio (651 Rockledge Dr.) expressed she likes the idea and thinks it would improve the space around it.

Aleck Greenwood (640 Brevard Ave.) discussed that Cocoa Village has gone through so many changes and is excited that it is growing. He expressed that parking will solve the problem and reminisced on past projects.

Ralph Perrone (Merritt Island Citizen) commended the applicants for coming before the Board and suggested to make the building smaller and come back for a parking waiver that would require less spots as that is something he has done in Merritt Island. He felt a 3-story building is excessive and lastly suggested to add Sylvester palms by the entrance.

* **MOTION made by Board Member Gilmore; SECONDED by Board Member Shia to table item until June 17, 2020.**

AYES: DYAL, FREY, ELLIOTT, GILMORE, HARVEY, SHAIA, QUATTROCCHI, WEEKS

MOTION PASSED UNAMIOSULY (8-0)

V. OTHER BUSINESS:

None.

VI. NEXT MEETING DATE:

The Board members established that the next meeting would be held on January 15, 2020.

VII. ADJOURNMENT:

MOTION by Board Member Elliott; SECONDED by Vice Chair Frey to adjourn the special meeting of December 18, 2019.

AYES: DYAL, FREY, ELLIOTT, GILMORE, HARVEY, SHAIA, QUATTROCCHI, WEEKS

MOTION PASSED UNAMIOUSLY (8-0)

There being no further business the meeting adjourned at P.M.
Approved on this ______ day of __________________, 2019.

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Rip Dyal, Chairman

Respectfully Submitted by:

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Courtney Jackson, Board Secretary