CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
January 18, 2017

A regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, January 18, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Chairman Bob Frey called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Robert Frey	Chairman
Nancy Elliott	Vice-Chairman- arrived at 6:05
Bruce Gilmore	Board Member
Matthew Ford	Board Member
Jane Jollay	Board Member
Connie Harvey	Board Member

MEMBERS ABSENT:

None

OTHERS PRESENT:

Steven Belden	Community Services Director
Steven Biel	Senior Planner
Kristin Eick	Board Attorney
Rachel Unruh	Board Secretary

II. APPROVAL OF AGENDA & MINUTES:

Approval of Agenda: January 18, 2017.

Approval of Meeting Minutes: October 19, 2016.

Motion by Mr. Frey, seconded by Ms. Harvey, to approve the minutes as written and the agenda as amended. Vote on the motion carried unanimously. Ms. Elliott was not present for vote.

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

A. PZ-16-00000005 – Special Exception (200 Forrest Ave.)

Consideration of a Special Exception request from Appendix A, Zoning, Article XI, Section 18(C)(2) of the City of Cocoa Code to allow for a school use in the C-C (Core Commercial) Zoning District. The parcel is identified by the Brevard County Property Appraiser's Office as Tax Account Number 2425692.

Senior Planner Steven Biel presented a project summary and exhibits for the Board's review. Mr. Biel stated that the applicant, The Pillar of Hope Worldwide Outreach, Inc., is proposing relocate The Pillar of Hope Academy from 608 S. Cocoa Blvd. to 200 Forrest Avenue. The 0.3 acre site contains an existing 1-story, 5,122 SF building, with the academy occupying the entire building. The building is located on 0.3 acres on the northeast corner of the Peachtree St./Forrest Ave. intersection.

Mr. Biel stated that Staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 18(C)(2) of the City of Cocoa Code to allow for a school use in the C-C (Core Commercial) Zoning District, with the following conditions:

1. The Pillar of Hope Academy must provide transportation to and from the academy for a minimum of fifty (50) percent of the students attending the academy. The issuance of the Local Business Tax Receipt shall include a notation regarding the fifty (50) percent student pick up and drop off requirement.

2. 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 permits shall be obtained within six (6) months of the Board's approval.

3. If the use is extended, enlarged, expanded, or if student enrollment is increased above the current eighteen (18) students, a Special Exception approval shall be required.

Mr. Frey asked for questions or discussion from the Board members by staff. There was a brief discussion between Staff and the Board members.

LaShonda D. Smith, 814 Hillsdale Dr, Cocoa, was sworn in. Mrs. Smith gave a brief statement regarding the number of students and the transportation.

Mr. Frey asked if the school's intent is to stay at 18 students in the future.

Mrs. Smith stated the school is looking to have a maximum number of 25 students in the future due to a curriculum designed for one on one teaching.

Mr. Frey asked if the count of students increased would the number of staff increase.

Additional discussion amongst Board members, Mrs. Smith and staff regarding the number of students and cap on the student of students allowed to attend the school.

Mr. Belden stated that City staff would be okay with a motion from the Board to increase the number of students from 18 to 25.

Mr. Frey opened the public meeting to the audience.

Susan Hushla, 115 N Indian River Dr, was sworn in. Ms. Hushla expressed concerns of the impact the students may have in the neighbor on their daily exercise routine and the parking.

Mrs. Smith returned to the podium to address the concerns of the citizen.

Mr. Frey closed the public meeting to the audience

Motion by Mr. Gilmore, seconded by Mr. Ford, to approve the special exception with the conditions stated with the exception of increasing the student enrollment from 18 to 25 students. Vote on the motion carried unanimously.

B. PZ-15-00000006 – Special Exception (234 Brevard Ave.)

Consideration of a Special Exception request from Appendix A, Zoning, Article XI, Section 13(C)(20) of the City of Cocoa Code to allow for a package store (wine and beer only) use in the CBD-CVO (Central Business District – Cocoa Village Overlay) Zoning District. The parcel is identified by the Brevard County Property Appraiser's Office as Tax Account Number 2426049.

Senior Planner Steven Biel presented a project summary and exhibits for the Board's review. Mr. Biel stated that the applicant, Kimberly Bachand, is proposing to renovate an approximate 900 SF space (234 Brevard Ave.) that is part of the Belair Courtyard and formerly occupied by Ulysses' Steakhouse, which has merged part of its operation with Café Margaux and freeing up the space for the proposed retail wine store. The applicant is proposing to open a retail store selling wine (package store beer and wine only) with an associated tasting bar.

Mr. Biel stated that Staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 13(C)(20) of the City of Cocoa Code to allow for a package store (wine and beer only) use in the CBD-CVO (Central Business District – Cocoa Village Overlay) Zoning District, with the following conditions:

1. 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 permits shall be obtained within six (6) months of the Board's approval.

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

Mr. Frey asked for questions or discussion from the Board members by staff.

Ms. Elliott asked for clarification regarding "on premises" drinking regulations and if the tasting bar was considered under that regulation.

Mr. Belden explained that the tasting bar doesn't fall under the "on site" consumption regulations.

Kimberly Bachand, 370 Riverside Ave, Merritt Island, was sworn in. Ms. Bachand gave a brief description of the business.

Additional discussion amongst Board members, staff and Ms. Bachand.

Mr. Frey opened the public meeting to the audience, no one wished to speak.

Mr. Frey closed the public meeting to the audience

Motion by Ms. Elliott, seconded by Ms. Harvey, to approve the special exception with the conditions recommended by staff. Vote on the motion carried unanimously.

V. OTHER BUSINESS:

Election of Board Chair and Deputy-Chair

Motion by Mr. Gilmore, seconded by Mr. Ford, for Robert Frey to remain as Chairperson and Nancy Elliott to remain as Vice-Chairperson. Vote on the motion carried unanimously.

VI. NEXT MEETING DATE:

The Board members established that the next meeting would be held on February 15, 2017

VII. ADJOURNMENT:

Motion by Mr. Frey, seconded by Mr. Ford, to adjourn.

There being no further business the meeting adjourned at 6:32 P.M.

Approved on this 19 day of April, 2017.

Robert Frey, Chairman

Rachel Unruh, Board Secretary