



**Agenda
City of Cocoa
Board of Adjustment Regular Meeting**

**September 17, 2025
6:00 PM**

65 Stone Street, Cocoa, FL 32922

I. Opening Matters:

1. Pledge of Allegiance
2. Roll Call

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of September 17, 2025.
2. Minutes: Regular Meeting of July 16, 2025.

III. Old Business:

IV. New Business:

1. PZ 25-00000006 28 Prospect Ave Extension of Special Exception to Operate as a Church
2. PZ 25-00000005 Special Exception - Dakota's Detail + Auto Center, LLC, 5555 SR 524 [Cancelled- will be scheduled on future agenda]

V. Other Business:

VI. Next Meeting Date: October 15, 2025, at 6:00 pm at 65 Stone Street, Cocoa, FL.

VII. Adjournment:

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Monica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the

proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a certain date without re-advertising.

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: 08/25/2025
Agenda Date: 9/17/2025
Prepared By: Breanna Earley, Assistant City Clerk
Through: Lucilene Ribeiro, Planner
Requested Action: Request Board Approval of the Short Agenda for the Regular Meeting on September 17, 2025, either as written or with amendments.

BACKGROUND:

N/A

PRIORITY AREA CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request Board Approval of the Short Agenda for the Regular Meeting on September 17, 2025, either as written or with amendments.



AGENDA
Regular Meeting
September 17, 2025
6:00 p.m.

I. OPENING MATTERS:

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

- AGENDA: Regular Meeting of September 17, 2025
MINUTES: Regular Meeting of July 16, 2025

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. PZ 25-00000006 28 Prospect Ave Extension of Special Exception to Operate as a Church

Staff requests the Board of Adjustment APPROVE a request for an extension of a Special Exception, pursuant to Appendix A, Zoning, Article XI, Section 15(C) (3) of the City of Cocoa Code that allows "Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities", for the subject property to operate as a church, subject to certain conditions of approval and to adopt the staff findings included in the Staff Report. The property is identified as 28 Prospect Ave, Cocoa, Florida. Tax Parcel ID: 24-36-32-00-4, in the City of Cocoa Commercial Wholesale District.

B. PZ 25-00000005 Special Exception - Dakota's Detail + Auto Center, LLC, 5555 SR 524 [to be scheduled on a future agenda]

Consideration of a Special Exception request to allow an automotive repair establishment to operate, provided all activities are conducted entirely within an enclosed structure, pursuant to Appendix A, Zoning, Article XI, Section 12(C)(1) of the City of Cocoa Code of Ordinance. The subject property is located at 5555 SR 524, Cocoa, Florida. Parcel ID: 24-35-27-00-4. [Will be scheduled on a future agenda]

OTHER BUSINESS:

V. NEXT MEETING DATE: October 15, 2025, at 6:00 pm at 65 Stone Street, Cocoa, FL.

VI. ADJOURNMENT:

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Monica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

Documents pertaining to the above may also be inspected at the Community Services Department between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8400.

Interested persons may submit their written comments or questions prior to the meeting through Email at cityclerk@cocoafl.gov, or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

Viewing In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet address:

City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.

Special Information for Quasi-Judicial Hearings:

Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at the quasi-judicial hearing is highly encouraged to immediately contact Lucilene Ribeiro, Planner, at (321) 433-8535 or, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses should be identified and all evidentiary documents and exhibits that are intended to be distributed to the BOA, P&Z/LPA and City Council should be submitted to Ms. Ribeiro via email or mail at least three (3) days prior to the hearing.

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: 08/25/2025
Agenda Date: 9/17/2025
Prepared By: Breanna Earley, Assistant City Clerk
Through: Jennifer Webster, Senior Planner
Requested Action: Request Board approval of the Minutes from the Board of Adjustment July 16, 2025, Regular Meeting, either as written or with amendments.

BACKGROUND:

N/A

PRIORITY AREA CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request Board approval of the Minutes from the Board of Adjustment July 16, 2025, Regular Meeting, either as written or with amendments.

CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
July 16, 2025

A Regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, July 16, 2025 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Vice Chair Butler called the meeting to order at 6:00 pm.

The Recording Secretary called the roll.

ROLL CALL:

Dan Quattrocchi	Chairperson
Robert Butler	Vice Chair
Robert Dyar	Board Member
Pam Shaia	Board Member
Jose Pacheco	Board Member
Jennifer Moton	Board Member
Margaret Goudelock	Board Member

MEMBERS PRESENT:

Robert Butler	Vice Chair
Robert Dyar	Board Member
Jennifer Moton	Board Member
Margaret Goudelock	Board Member

MEMBERS ABSENT:

Dan Quattrocchi	Chairperson
Pam Shaia	Board Member
Jose Pacheco	Board Member

OTHERS PRESENT:

Kristin Eick	Assistant City Attorney
Jennifer Webster	City Planner
Luci Ribeiro	City Planner
Stockton Whitten	City Manager
Breanna Earley	Recording Secretary

I. APPROVAL OF AGENDA AND MINUTES:

AGENDA: Regular Meeting of July 16, 2025

MINUTES: Regular Meeting of May 21, 2025

Motion by Board Member Dyar; Seconded by Board Member Goudelock to approve the July 16, 2025, Regular Meeting Agenda as written and the May 21, 2025 Regular Meeting Minutes as written.

Ayes: Dyar, Butler, Moton, Goudelock

Motion Passed Unanimously (4-0).

II. OLD BUSINESS: None

III. NEW BUSINESS:

A. PZ 25-00000004 (Special Exception Tax Parcel ID No. 24-35-12-00-762)

Consideration of a Special Exception request to allow for a principal structure in excess of 60 feet in height in the M-2 (Manufacturing and Industrial) Zoning District, pursuant to Appendix A, Zoning, Article XI, Section 19 (C)(1) of the City of Cocoa Code of Ordinances. The structure is intended to be a tower approximately 185 feet in height. The subject property is located on Grissom Parkway in Cocoa, Florida. Tax Parcel ID: 24-35-12-00-762.

Jennifer Webster, City Planner, presented a PowerPoint for Special Exception Tax Parcel ID No. 24-35-12-00-762.¹

Isabella Albert, Halff Associates, provided a PowerPoint presentation² and expanded on staff's presentation.

Board member Moton asked if the employment opportunities mentioned would be local.

Ms. Albert stated most would be local.

Board member Dyar asked what the expected number of local employment would be.

Ms. Albert stated 20 to 25 people onsite.

Board member Dyar asked what the land use directly to the east of the site is.

Ms. Webster stated it's industrial.

¹ Special Exception Tax Parcel ID No. 24-35-12-00-762 PowerPoint Presentation

² Special Exception Tax Parcel ID No. 24-35-12-00-762 Applicant PowerPoint Presentation

Board member Dyar asked when the real project name will be revealed.

Ms. Webster stated it would be contingent on the approval of the height of the tower.

Board member Dyar asked for clarification.

Ms. Webster stated that as it works its way through the approval process, more detail will be in the development agreement.

City Attorney Eick stated the statute does provide confidentially for up to 12 months. There is also a process for additional time, if requested. Once they have closed on the land, the project name will be revealed.

Board member Dyar just wanted to ensure in the planning and city process more detail would be revealed.

Board member Butler asked what the cooling tower is for.

Ms. Albert stated it was for a gas supplier.

Motion by Board member Dyar; Seconded by Board member Moton to approve the Special Exception with conditions of approval recommended by staff and to adopt the written findings included in the staff report.

Ayes: Dyar, Butler, Moton, Goudelock

Motion Passed Unanimously (4-0).

IV. OTHER BUSINESS:

V. NEXT MEETING DATE: August 20, 2025, at 6:00 pm at 65 Stone Street, Cocoa, FL.

VI. ADJOURNMENT

Motion by Board member Dyar; Seconded by Board member Goudelock to adjourn the July 16, 2025, meeting.

Ayes: Dyar, Butler, Moton, Goudelock

Motion Passed Unanimously (4-0)

There being no further business the meeting adjourned at 6:23 P.M.

Dan Quattrocchi, Chairperson

Breanna Earley, Recording Secretary

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: 09/08/2025
Agenda Date: 9/17/2025
Prepared By: Jennifer Webster, Senior Planner
Through: Stockton Whitten, City Manager
Requested Action: Staff requests the Board of Adjustment APPROVE a request for an extension of a Special Exception, pursuant to Appendix A, Zoning, Article XI, Section 15(C) (3) of the City of Cocoa Code that allows “Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities”, for the subject property to operate as a church, subject to certain conditions of approval and to adopt the staff findings included in the Staff Report. The property is identified as 28 Prospect Ave, Cocoa, Florida. Tax Parcel ID: 24-36-32-00-4, in the City of Cocoa Commercial Wholesale District.

BACKGROUND:

Applicant: XXtreme Ministries dba / In Spirit and in Truth Community Church, Brenda Patterson
910 Richland Ave, Merritt Island, FL 32953

Property Owner: Grand International Holdings, Inc.
Gerard Cuggia; Lionel Cuggia
3050 Boul Becancour
Becancour, QC, Canada G9H3V9

Notice Provided: Notification was not required for this item.

SUMMARY

On September 18, 2024, the applicant, XXtreme Ministries, dba In Spirit and in Truth Community Church, appeared before the Board of Adjustment with a request for a Special Exception, pursuant to Appendix A, Zoning, Article XI, Section 15(C) (3) of the City of Cocoa Code that allows “Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities”, for the subject property located at 28 Prospect Ave, Cocoa, Florida, to operate as a church in the City of Cocoa Commercial Wholesale District. The property is also described as Tax Parcel ID: 24-36-32-00-4, and is depicted in the maps in Exhibit E.

The Board of Adjustment unanimously approved this Special Exception request, but with specific conditions. (See Exhibit B for recorded Approval Letter and original Concept Plan). The conditions of approval were as follows:

1. *"The Special Exception shall not be effective until the applicant has 1) secured all the permits and approvals necessary for any development related to the Special Exception, such as site plan approval and building permits; and 2)*

secured a lease for the property. Said permits shall be obtained within one (1) year of the Board's approval unless the Board grants the applicant additional time.

- 2. If the use is extended, enlarged, or expanded, additional special exception approval shall be required. The site plan included as Exhibit E shall be binding upon the applicant, except that minor modifications may be made during the site plan review process to conform to the City Code or life safety requirements.*
- 3. The applicant shall conform to the City of Cocoa noise ordinances. The maximum permissible sound level in a commercial area is 65 dBA between 7:00 a.m. and 7:00 p.m. and 60 dBA between 7:00 p.m. and 7:00 a.m. Sixty (60) dBA is the volume of normal conversation."*

To date, the applicant has not secured any permits or approvals necessary for development stipulated in Condition 1, such as site plan approval and building permits, as they were required to do so within one (1) year of the Board's approval. However, Condition 1 allows the Board to grant the applicant additional time, should it be deemed necessary.

On September 4, 2025 the applicant submitted a letter to the City requesting an extension of this Special Exception (Exhibit A), due to difficulties with locating and working with a design professional to obtain the required approvals within the required time frame. The applicant is requesting an extension of six (6) months to obtain all necessary approvals for the project. The applicant was able to meet part of the first condition, which was to secure a lease for the property (see Exhibit D), and they have hired a design professional.

REVIEW OF ORIGINAL REQUEST

As previously mentioned, the applicant received a Special Exception approval to operate a church on the property located at 28 Prospect Ave in the City of Cocoa. The property, totaling approximately 1.17 acres is currently vacant, but previously housed a single-family residence which has been demolished.

XXtreme Ministries has been leasing and operating out of the space at 914 Dixon Blvd in the City of Cocoa since 2020, with their lease extended until December of 2025. They applied for a Business Tax Receipt for the church business at their current location, which is in the C-N (Neighborhood Commercial) zoning district, and were notified by the City they needed a Special Exception to operate there. However, their landlord would not approve their application for a Special Exception. This caused the applicant to seek out an alternative site at 28 Prospect Ave. They entered into a 30-year lease agreement with the property owner, Grand International Holdings, Inc. (Exhibit D).

The parcel is located on the northeast corner of Peachtree Street and Prospect Ave. It is adjacent to Gilmore Park on the north and Harbor Mobile Home Park on the east.

Across Prospect Ave to the west is a convenience store and across Peachtree St to the south is the Central Mobile Home Community and multi-family housing for City of Cocoa Housing Authority. The surrounding Future Land Use and Zoning is Commercial and Commercial-Wholesale, respectively. However, the actual use and character of the adjacent area is a mix of neighborhood commercial, multi-family and mobile home residential, recreational and social services.

Overview of Subject Property:

Future Land Use: Commercial
Zoning District: Commercial Wholesale (C-W)
Existing Land Use: Vacant Commercial Property
Council District: District 1 - Councilmember Goins

Overview of Surrounding Area:

	Future Land Use	Zoning District	Land Use
North	Commercial	C-W	City of Cocoa Gilmore Community Park
South	Commercial	C-W	Residential (Central Mobile Home Community) Residential Multi-Family (Cocoa Housing Authority)
East	Commercial	C-W	Residential (Harbor Mobile Home Park)
West	Commercial Medium Density Residential	C-N Neighborhood Commercial RU-2-15	Convenience Store Single Family Residential

Please see the existing site, surrounding zoning, and future land uses on the map package (Exhibit E).

Special Exception Analysis

Pursuant to Appendix A, Article XVII, Section 2, staff provided their compliance analysis in their original report dated September 18, 2024. There have been no changes in the analysis. The original staff report and meeting minutes have been provided for reference in Exhibit C.

RECOMMENDED CONDITIONS OF APPROVAL:

- 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 as site plan approval and building permits. Said permits shall be obtained within six (6) months of the Board's approval of this extension. No further time extensions will be granted by the Board. Any additional time needed*

will require another Special Exception.

- 2. If the use is extended, enlarged, or expanded, additional special exception approval shall be required. The Concept plan approved on September 18, 2024, as depicted in Exhibit B, shall be binding upon the applicant, except that minor modifications may be made during the site plan review process to conform to the City Code or life safety requirements.*
- 3. The applicant shall conform to the City of Cocoa noise ordinances. The maximum permissible sound level in a commercial area is 65 dBA between 7:00 a.m. and 7:00 p.m. and 60 dBA between 7:00 p.m. and 7:00 a.m. Sixty (60) dBA is the volume of normal conversation.*
- 4. Any other conditions deemed necessary by the Board of Adjustment.*

PRIORITY AREA CONNECTION:

Economic and Community Development

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

September 18, 2024: Board of Adjustment unanimously approved the applicant's request for a Special Exception.

RECOMMENDED MOTION:

Staff recommends **APPROVAL** of an extension of a Special Exception, pursuant to Appendix A, Zoning, Article XI, Section 15(C) (3) of the City of Cocoa Code that allows "Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities", for the subject property to operate as a church. The property is identified as 28 Prospect Ave, Cocoa, Florida. Tax Parcel ID: 24-36-32-00-4, in the City of Cocoa Commercial Wholesale District, **with the above-noted conditions.**



914 Dixon Blvd., Cocoa, FL 32922

September 4, 2025

City of Cocoa
Board of Adjustment
65 Stone St
Cocoa, FL 32922
cocoaplanning@cocoafl.gov

RE: PZ-24—00000011 Special Exception 28 Prospect Ave, Cocoa, FL
(PID: 24-36-32-00-4) EXPIRATION

Dear Board of Adjustment,

We are requesting an extension on the special exception for the above address, for 6 months, due to difficulties in locating an architect and the time it took them to complete the drawings we did not meet the original deadline. We do currently have the architectural drawings and are working on the permit to get everything submitted to you.

We understand we will need to be on the agenda for the next Board of Adjustment meeting on September 17", 2025.

Thank you for your assistance,

Pastors Don and Brenda Patterson
321-288-2004
xtrememin@gmail.com



Planning and Zoning Division

65 Stone Street • Cocoa, FL 32922

PHONE: (321) 433-8535

September 23, 2024

Pastors Don and Brenda Patterson
XXtreme Ministries dba In Spirit and in Truth Community Church
910 Richland Ave
Merritt Island, FL 32953

RECEIVED
Office of the City Clerk

SEP 23 2024

Time: _____

RE: PZ-24-00000011 Special Exception 28 Prospect Ave, Cocoa, FL (Parcel ID: 24-36-32-00-4)

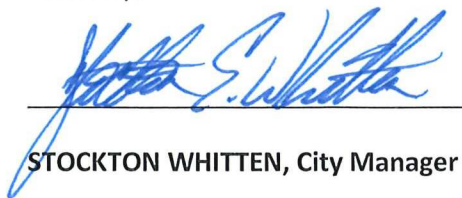
Dear Mr. and Mrs. Patterson:

This letter is to inform you that on September 18, 2024, the City of Cocoa Board of Adjustment **APPROVED** your Special Exception request from Appendix A, Zoning, Article XI, Section (15) (C)(3) of the City of Cocoa Code to allow Xxtreme Ministries to operate as a church at the above property in the City of Cocoa's Commercial Wholesale District. The following CONDITIONS shall apply:

1. The Special Exception shall not be effective until the applicant has 1) secured all the permits and approvals necessary for any development related to the Special Exception, such as site plan approval and building permits; and 2) secured a lease for the property. Said permits shall be obtained within one (1) year of the Board's approval unless the Board grants the applicant additional time.
2. If the use is extended, enlarged, or expanded, additional special exception approval shall be required. The site plan included as Exhibit E shall be binding upon the applicant, except that minor modifications may be made during the site plan review process to conform to the City Code or life safety requirements.
3. The applicant shall conform to the City of Cocoa noise ordinances. The maximum permissible sound level in a commercial area is 65 dBA between 7:00 a.m. and 7:00 p.m. and 60 dBA between 7:00 p.m. and 7:00 a.m. Sixty (60) dBA is the volume of normal conversation.

If you have any questions regarding this decision, please feel free to contact us at 321-433-8535 or by email at cocoaplanning@cocoafl.gov.

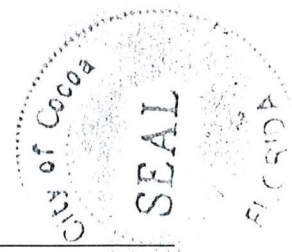
Sincerely,


STOCKTON WHITTEN, City Manager

ATTEST:

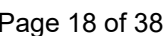


MONICA ARSENAULT, City Clerk



Legal Ad Published: 09/03/24

Effective Date: 09/18/24





Legislation Details (With Text)

File #:	24-549	Version:	1	Name:	
Type:	Informational Item	Status:		Agenda Ready	
File created:	9/11/2024	In control:		Board of Adjustment	
On agenda:	9/18/2024	Final action:			
Title:	Consideration of a Special Exception request for 28 Prospect Ave in the City of Cocoa, pursuant to Appendix A, Zoning, Article XI, Section 15(C)(3) of the City of Cocoa Code allowing "Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities" to be allowed to operate as a church. The subject property is identified as Tax Parcel ID: 24-36-32-00-4, located in the City of Cocoa Commercial Wholesale Zoning District.				

Sponsors:

Indexes:

Code sections:

Attachments: [24-00000011 Legal Ad Affidavit .pdf](#)
[Exhibit A PZ24-00000011 28 Prospect Av Location.pdf](#)
[Exhibit B PZ24-00000011 28 Prospect Av Zoning.pdf](#)
[Exhibit C PZ24-00000011 28 Prospect Av Future Land Use.pdf](#)
[Exhibit D 24-00000011 Special Exception 28 Prospect Ave.pdf](#)
[Exhibit E 24-00000011 Special Exception 28 Prospect Ave Concept Plan-.pdf](#)

Date	Ver.	Action By	Action	Result
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BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: August 29, 2024
Agenda Date: September 18, 2024
Prepared By: Jennifer Webster, Planner
Through: Stockton Whitten, City Manager
Requested Action:

Consideration of a Special Exception request for 28 Prospect Ave in the City of Cocoa, pursuant to Appendix A, Zoning, Article XI, Section 15(C)(3) of the City of Cocoa Code allowing "Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities" to be allowed to operate as a church. The subject property is identified as Tax Parcel ID: 24-36-32-00-4, located in the City of Cocoa Commercial Wholesale Zoning District.

BACKGROUND:

Per the City of Cocoa Zoning Code, Special Exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. The subject property is in the Commercial Wholesale Zoning District (C-W), which requires a special exception for use as a church per ART XI, Sec. 15(C)(3) of the City Zoning Code.

BACKGROUND:

Project No.: PZ-24-00000011
Meeting Date: September 18, 2024
Project Planner: Jennifer Webster, Planner
Applicant: XXtreme Ministries dba / In Spirit and in Truth Community Church, Brenda Patterson 910 Richland Ave, Merritt Island, FL 32953
Property Owner: Grand International Holdings, Inc. Gerard Cuggia; Lionel Cuggia 3050 Boul Becancour Becancour, QC, Canada G9H3V9
Notice Provided: Notice of the public hearing was provided by publishing in the newspaper on September 3rd, 2024, and posting the property and mailers to property owners within 500 feet.

I. Project Information

The applicant, XXtreme Ministries, dba In Spirit and in Truth Community Church, seeks Special Exception approval to operate a church on the property located at 28 Prospect Ave in the City of Cocoa. The property, totaling approximately 1.17 acres is currently vacant, but previously housed a single-family residence which has been demolished.

XXtreme Ministries has been leasing and operating out of the space at 914 Dixon Blvd in the City of Cocoa since 2020, with their lease expiring in June of 2025. They applied for a Business Tax Receipt for the church business at their current location, which is in the C-N (Neighborhood Commercial) zoning district, and were notified they needed a Special Exception to operate there. However, their landlord would not approve their application for a Special Exception. This caused the applicant to seek out an alternative site at 28 Prospect Ave. They are negotiating entering into a 30-year lease agreement with the property owner, Grand International Holdings, Inc., pending acceptance of this Special Exception application.

The parcel is located on the northeast corner of Peachtree Street and Prospect Ave. It is adjacent to Gilmore Park on the north and Harbor Mobile Home Park on the east. Across Prospect Ave to the west is a convenience store and across Peachtree St to the south is the Central Mobile Home Community and multi-family housing for City of Cocoa Housing Authority. The surrounding Future Land Use and Zoning is Commercial and Commercial-Wholesale, respectively. However, the actual use and character of the adjacent area is a mix of neighborhood commercial, multi-family and mobile home residential, recreational and social services.

The church plans to build two corrugated metal assembly buildings totaling approximately 2,800 SF and one 360 SF storage building to be converted to offices with restrooms. They plan to develop the property in two phases: one assembly building and the office building in phase 1, and the second assembly building in phase 2. The church intends to hold regular services on Sunday at 10:00 am and 6:00 pm, Wednesdays at 9:30 am and 7:00 pm, with conferences held one weekend per month on Saturday and Sunday (see Exhibit "E" for the proposed concept plan).

Future Land Use: Commercial
Zoning District: C-W Commercial Wholesale

Existing Land Use: Vacant Commercial Property
Council District: District 1 - Councilmember Goins
Overview of Surrounding Area:

	Future Land Designation	Zoning District	Land Use
North	Commercial	C-W	City of Cocoa Gilmore Community Park
South	Commercial	C-W	Residential (Central M Home Community) Re Multi-Family (Cocoa H Authority)
East	Commercial	C-W	Residential (Harbor M Park)
West	Commercial Density Res	C-N Neighborhood Commercial RU-	Convenience Store S Family Residential

Please see the existing site, surrounding zoning, and future land uses on the map included as Exhibits "A", "B" and "C".

II. Special Exception Analysis

Before any special exception may be issued, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable (according to Appendix A, Article XVII, Section 2):

- A. Demonstrate that there is ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Staff Finding: This site is located on a corner lot and has two existing driveway aprons on Peachtree St. The applicant intends to use these existing driveways for ingress and egress, and to add an additional point of ingress/egress on Prospect Ave that, as planned, meet the requirements of Zoning code Art XIII, Sec. 4 for Access Control.

- A. Explain where the required off-street parking and loading areas are required, with particular attention to the items in (a) above, and economic, noise, glare, or odor effects of the special exception on the adjoining properties and properties generally in the district.

Staff Finding: The applicant is proposing to retain all parking and loading on-site. Based on Appendix A Zoning, Art. XII, Sec. 4(d):

(4) Auditoriums or other places of assembly. One (1) space for each two

(2) seats of seating places or one (1) space for each sixty (60) square feet of floor area in the total main assembly hall, whichever is greater. One-half (½) of total parking area must be paved; the other half may be hard stabilized surface with grass, curbing, and landscaping; and (34) Office. One (1) space for each six hundred (600) square feet of gross floor area excluding accessory storage area, and subject to section (d)(47), parking area ratio.

The applicant proposes approximately 2800 sf of assembly area and 360 sf of office space. This requires 47 spaces for the assembly area and 1 space for the office totaling 48 spaces, 50% of which must be paved. The other 50% may be a stabilized grass surface. The site plan currently shows 26 marked spaces. There appears to be adequate space for a grass area that would accommodate the additional 22 spaces not shown, however, the engineered site plan will need to show this can be easily accommodated, while still allowing for the required stormwater retention. The City does not anticipate any adverse effects to economy, noise, glare or odor to adjoining properties from this development.

A. Explain the impact of refuse and service areas, with particular attention to the items in (a) and (b) above.

Staff Finding: Commercial establishments are required to have a 96-gallon container or dumpster. The applicant proposes curbside pickup and has received approval from Waste Management. For a curbside rolling container.

A. Demonstrate sufficient utilities regarding locations, availability, and compatibility.

Staff Finding: The City of Cocoa Utilities Department already serves the property for water, sewer, and reclaimed service. The proposed use would not require additional utilities.

Water: there is an existing 8" ductile iron water main on Peachtree St, to which the site is connected by an existing meter that serviced the prior single-family home, which is currently inactive. The applicant would use this existing connection for the new development. The water meter may need to be upsized to accommodate an increased demand. This will be reviewed further when engineering documents are provided.

Sewer: There is an existing 8" vitreous clay pipe along the south side of Peachtree St. that may provide sanitary sewer service to the property. This will be reviewed further when engineering documents are provided.

Reclaimed Water: There is a 20" PVC Reclaim system supply line that runs along the north side of Peachtree Street along the entire parcel to which the applicant would need to connect for irrigation services.

Stormwater: The site area is 1.17 acres or 50,827 SF, all of which is pervious. To meet the stormwater retention requirements of Appendix A Article XIII, Section 19(1), all structures or areas impervious to water or designed to allow

storm water to runoff, which are developed, constructed, repaired or altered within the City of Cocoa shall be provided with facilities to retain the runoff of water resulting from a ten-year storm experience within the limits of the property, provided soil and topographical conditions allow such facilities. The development must comply with the above code requirements and retain the stormwater on-site.

- A. Demonstrate that there is adequate screening and buffering with reference to type, dimension, and character.

Staff Finding: A buffer/fence/screen is not required between properties with the same zoning district, but it is recommended adjacent to the recreational use on the north and the adjacent residential use on the east, due to the level of activity on the proposed site. There is an existing chain-link fence on the north side of the property adjacent to Gilmore Community Park, and there is an existing chain-link fence on the east side of the property adjacent to the mobile home park. The fences fall within the subject site boundary and the applicant intends to use these existing fences. City Staff may request additional screening, such as an opaque screen and/or landscaping to buffer the intensity of uses.

- A. Signs, if any, and proposed exterior lighting with references to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

Staff Finding: There are signs proposed on the church building and on the street. Lighting will be directed inward toward the church. As part of Site Plan Review, the applicant will be required to submit a site lighting plan showing compliance Signs and lighting and the requirements of Chapter 3 of the City Code regarding Signs, and ART XII, Sec. 3(h) regarding lighting in off-street parking areas: “[Lighting] shall be positioned to reflect away from residential areas and from any public street or highway and meet the standards of the zoning code.”

- A. Demonstrate that there are adequate yards and open space.

Staff Finding: The maximum building coverage for this district is 100%, except for required yards, parking and loading space. The maximum impervious surface area is 90%. The site is 50,827 SF, therefore, a minimum of 5,082 SF must remain open and pervious. The proposed site plan shows 68% impervious coverage with buildings, parking, and loading and 32% impervious area with a 20' perimeter buffer. This area can be used for perimeter landscaping and stormwater collection.

- A. Demonstrate how adequate height requirements have been met.

Staff Finding: The site is currently vacant. The maximum building height for this district is 40 feet. The proposed building height will not exceed this maximum.

- A. Landscaping.

Staff Finding: There are no trees on the site except for 6 young crape myrtle trees along the south property line. The applicant understands that the landscaping must adhere

to the requirements of Art XIII, Sec. 22 of the City Zoning Code.

A. List any renewal and/or termination dates.

Staff Finding: The applicant is in negotiation of a 30-year lease with the property owner, Grand International Holdings Inc. The property owner has authorized the applicant to apply for this Special Exception.

A. Explain how the use will be reasonably compatible with the surrounding uses in its functions, its hours of operation, the type and amount of traffic to be generated, and building size and setbacks, its relationship to land values and other functions that may be used to measure compatibility.

Staff Finding: As previously discussed, the parcel is adjacent to Gilmore Park on the north and Harbor Mobile Home Park on the east. Across Prospect Ave to the west is a convenience store and across Peachtree St to the south is the Central Mobile Home Community and multi-family housing for City of Cocoa Housing Authority. The surrounding Future Land Use and Zoning is Commercial and Commercial-Wholesale, respectively. However, the actual use and character of the adjacent area is a mix of neighborhood commercial, multi-family and mobile home residential, recreational and social services. Additionally, there are five other community churches within ½ mile of this site. Staff finds that a church would be a suitable use at this location to support the immediate community as a place of congregation, fellowship, and worship.

Applicant Responses to the above-referenced criteria are found in Exhibit D, the Application for the Special Exception.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends **APPROVAL** of a Special Exception request for 28 Prospect Ave in the City of Cocoa, pursuant to Appendix A, Zoning, Article XI, Section 15(C)(3) of the City of Cocoa Code allowing “Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities” to be allowed to operate as a church. The subject property is identified as Tax Parcel ID: 24-36-32-00-4, located in the City of Cocoa Commercial Wholesale 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 as site plan approval and building permits, sign permits, Right of Way permits, and fence permits. Such permits shall be obtained within one (1) year of the Board’s approval unless the Board grants the applicant additional time.

2. If the use is extended, enlarged, or expanded, additional special exception approval shall be required. The site plan included as Exhibit E shall be binding upon the applicant, except that minor modifications may be made during the site plan review process to conform to the City Code or life safety requirements.
3. The applicant shall conform to the City of Cocoa noise ordinances. The maximum permissible sound level in a commercial area is 65 dBA between 7:00 a.m. and 7:00 p.m. and 60 dBA between 7:00 p.m. and 7:00 a.m. Sixty (60) dBA is the volume of normal conversation.
4. Unapproved Activities: The property shall not be used for any activities or operations that are not directly associated with or incidental to the approved use of the property as a church ministry. This includes any commercial, industrial, or other activities that are not explicitly permitted under the church ministry designation.
5. Any other conditions deemed necessary by the Board of Adjustment.

CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
September 18, 2024

A Regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, September 18, 2024 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Quattrocchi called the meeting to order at 6:00pm.

The Recording Secretary called the roll.

ROLL CALL:

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

MEMBERS PRESENT:

Kaitlyn Aliano	Board Member
Dan Quattrocchi	Board Member
Robert Butler	Board Member

MEMBERS ABSENT:

Pam Shaia	Chairperson
Robert Butler	Board Member

OTHERS PRESENT:

Jennifer Webster	City Planner
Kristin Eick	Assistant City Attorney
Abigail Bass	Assistant City Clerk

II. APPROVAL OF AGENDA & MINUTES:

- * **Motion by Board Member Aliano; Seconded by Board member Quattrocchi to approve the September 18, 2024 Agenda as written.**

Ayes: Aliano, Butler, Quattrocchi

Motion Passed Unanimously (3-0).

- * **Motion by Board Member Aliano; Seconded by Board Member Dyar, to approve the May 15th, 2024 Minutes as written.**

Ayes: Aliano, Quattrocchi, Butler

Motion Passed Unanimously (3-0).

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ 24-000000011 – Special Exception Church (28 Prospect Ave.)

Consideration of a Special Exception request for 28 Prospect Ave in the City of Cocoa, pursuant to Appendix A, Zoning, Article XI, Section 15(C)(3) of the City of Cocoa Code allowing “Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities” to be allowed to operate as a church. The subject property is identified as Tax Parcel ID: 24-36-32-00-4, located in the City of Cocoa Commercial Wholesale Zoning District.

Jenn webster City Planner presented the item via PowerPoint.¹

Dameka Gilmore 909 Fern Ave advised they are opposed to a permanent structure and believe there are already 5 churches in the area and believe its not going to mesh. She advised they are fine with the tent revivals that they do occasionally but nothing permanent. They believe it is not a good fit for the neighborhood and believe that could lower property value. She advised they would like more homes not churches.

Larry Gilmore 909 Fern Ave stated they have been there for 38 years and stated the street is already full of foot traffic and they do not believe the community needs more than it already has. He inquired as to why put a church up in a neighborhood when the community does not want it.

Board Member Quattrocchi asked was the property a commercial or residential zoned area.

Jennifer Webster advised it is zoned commercial and a church is an allowed project.

Brenda Patterson Item Applicant advised they did an 8-day tent revival in that location and fed the homeless every day. She advised that the neighbors had expressed to her that them coming helped the neighborhood and she advised all they wanted to do was bring Jesus and love into the neighborhood. She advised the owner of the property is very agreeable to the project.

¹ Exhibit A- 24-549 BOA Presentation XXTreme 28 Prospect Ave

Board Member Aliano asked if there has been discussion in the future land use map for any single-family homes or if the area is going to be rezoned out of commercial into residential.

Board Member Dyar asked if there is enough parking at that location for the church.

Jennifer Webster advised she does not see the zoning changing anytime in the future and that based on the information provided by the applicants with the size of building and seats in the church that the parking requirement would be met at 48 spaces.

- * **Motion by Board Member Aliano; Seconded by Board Member Dyar to Approve the Special Exception request for 28 Prospect Ave in the City of Cocoa, pursuant to Appendix A, Zoning, Article XI, Section 15(C)(3) of the City of Cocoa Code allowing "Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities" to be allowed to operate as a church. The subject property is identified as Tax Parcel ID: 24-36-32-00-4, located in the City of Cocoa Commercial Wholesale Zoning District.**

Ayes: Aliano, Dyar, Quattrocchi

Motion Passed Unanimously (3-0).

V. OTHER BUSINESS:

VI. NEXT MEETING DATE:

The next meeting date for the Board of Adjustment is October 16, 2024.

VII. ADJOURNMENT:

Motion by Board Member Quattrocchi; Seconded by Board Member Aliano to adjourn the September 18, 2024 meeting.

Motion Passed Unanimously (3-0).

Ayes: Aliano, Quattrocchi, Butler

There being no further business the meeting adjourned at 6:30 P.M.



Pam Shaia, Chairperson

A handwritten signature in dark ink, appearing to be 'Abigail Bass', written above a horizontal line.

Abigail Bass, Assistant City Clerk

Emphyteutic Commercial Lease Agreement

Between : **Grand international Holdings (USA) inc.**

A Florida corporation incorporated on May 2nd, 2012, whose head office address is 3050 Blvd. Becancour,
BECANCOUR, Qc (Canada) G9H 3V9,

the Lessor

And :- **Xxtreme Ministries inc.**

A Florida not for Profit corporation incorporated on June 1st, 2012, whose head office address is 914 Dixon Blvd, COCOA, FL 32 923,

the Lessee.

THE PARTIES AGREE AS FOLLOWS :-

1. Property

The leased premises which are the subject matter of this Lease is described as follows :-

820 Peachtree St. Cocoa, FL 32 922, (GEO Number 24.3632-00-4, part of NE ¼ as described in Orb 594, Page 839, Ex Orb 264 Page 839, Ex Orb 264 Page 387,698, Page 976,730, Page 218), and nonexclusive right to use Common Areas.

The term " Common Areas " for purpose hereof shall include parking areas, service roads, sidewalks and other areas existing for the use in common by the Lessee, other Lessees in the commercial property of which the Leased Premises are a part (the " Commercial Property ") and their employees and business invitees, subject, however, to the term of this Agreement, and the reasonable rules and regulations prescribed from time to time by the Lessor.

2. Term

The term shall commence on December 1st, 2024 (" Commencement Date ") and be valid for Thirty Years (30 years) expiring on December 31st, 2054. Beginning on December 1st, 2024, rent shall be paid in equal monthly installments in advance on the first day of each month during the term of this Lease.

Any partial month shall be prorated.

At the end of the term, Lessee shall have the option to renew this Lease for an additional Thirty (30) years term by providing written notice to Lessor of Lessee's intention to renew at least Three (3) months prior to the end of the current Lease term, i.e. no later. than October 1st, 2054.

3. Rent

The Lessee agrees to pay rent for the term of this Lease in monthly payments in advance, without setoff or deduction. The first month rent and due sales taxes shall be paid in advance, upon execution of this Lease.

The Lessee agrees to pay all sales, use, and other tax imposed or to be imposed during the term of the Lease thereon by the State of Florida, Brevard County, the City of Cocoa or any other governmental authority.

As of the date of signature of this agreement, the Lessee being a Not for Profit Corporation (Florida File N12000005546), it is exempt of Sales and use Tax on the Lease to use commercial real property as per section (s.) 212.02(12) of Florida Statutes (F.S.).

4. Rent price convention

(a) During the first Twelve (12) months of the Lease, the rent shall be Five Hundred USD (\$ 500.00) per month.

(b) On the first anniversary of the Commencement Date, and on each anniversary thereafter, the base rent shall be increased by the percentage increase in the *Consumer Price Index for All Urban Consumers (CPI-U)* as promulgated by the U.S. Department of Labor covering the last twelve months of the Lease.

(c) In the event that any payment of rent or any other charge required to be paid by Lessee under the provisions of this Lease, shall not be paid within Five (5) days of the due date, Lessee shall pay to Lessor a late charge of Five Per Cent (5 %) of the rent ; if Ten (10) days late, the late charge shall be Ten Per Cent (10 %) of the rent ; and such late charge shall be deemed " rent " for all purposes under this Lease. This shall be in addition to all other remedies.

(d) All payments to Lessor shall be made at Lessor's head office address set forth above. Checks shall be made in U.S. Funds and payable to " Grand international Holdings (USA) inc. ".

(e) In the event any check is dishonored, Lessee shall pay a Fifty Dollars (\$ 50.00) handling charge and all bank fees imposed for the dishonored check. This shall be in addition to any late fees imposed.

(f) Lease shall be responsible for paying the property taxes, assessments, operating and maintenance expenses relating to the Leased Premises, utilities, waste collection and disposal, exterminating, and hazard insurance. Lessor warrants that all property taxes shall be current through 2024.

5. Use of Leased Premises

The Lessee will not injure, overload, or deface or suffer to be injured, overload and defaced the leased premises or any part thereof or store inflammables or explosives in any part thereof.

Lessee shall not at any time leave the Leased premises vacant, and shall in good faith continuously throughout the term of the Lease conduct and carry on in the Leased premises the type of business for which the Leased Premises are leased. All property kept, stored or maintained within the Leased Premises by Lessee shall be at Lessee's sole risk.

Lessee shall take good care of the Leased Premises and keep the same free from waste at all times.

6. Utilities

The Lessee shall be responsible for the payment of all utilities used on the Leased Premises, specifically including but not limited to water, electricity, telephone, cable and waste disposal or removal. The Lessee shall be responsible for the payment of

all charges for such services and will not permit any liens to be suffered against the property for such services. In the event any utilities or services are not separately metered, lessee shall reimburse Lessor for utilities consumed.

7. Insurance

The Lessee shall be responsible for continuously providing public liability insurance for the lessee's intended use of said Leased Premises and any equipment used thereon in limits of liability of \$ 500,00.00 / \$ 1,000,000.00, naming the Lessor as additional insured thereon.

8. Alterations

The Lessee shall not make any alterations or improvements to the Leased Premises without the Lessor's specific prior written consent, which shall not be unreasonably withheld, and shall not contract for any goods or services in the name of the Lessor.

Any alterations or improvements shall become a part of the real property, and unless Lessor agrees otherwise in writing at the time approval is sought, shall remain upon termination of the lease. Any permits required for alterations requested by Lessee shall ne paid by Lessee unless Lessor agrees otherwise in writing.

9. Maintenance

Lessee shall be responsible for all maintenance of the leased Premises.

10. Default

If the Lessee defaults in any payment required under the terms of this Lease, and fails to secure same within Ten (10) days after written notice, or defaults in any other of the terms and conditions of this Lease and fails to cure same within Ten (10) days after written notice, the lessor shall be entitled to the following cumulative remedies :-

- (a) Lessor may terminate this Lease at Lessor's option, and hold Lessee responsible for all damages recoverable.
- (b) Lessor may retake the leased Premises on lessee's account, holding Lessee responsible for all payments or damages due hereunder.
- (c) The Lessor may institute an action for eviction against the Lessee.
- (d) The lessor shall be entitled to injunctive relief to enjoin any of the Lessee's violations of the terms of this lease.
- (e) The Lessor shall be entitled to a lien against any property of the lessee located on the leased Premises.
- (f) The lessor may accelerate any and all payments due hereunder, for rent or otherwise, and the same shall be immediately due and payable.
- (g) All the foregoing remedies shall be in addition to any other remedies available at law or in equity. In the event Lessor retakes possession, unless Lessor advises Lessee in writing otherwise, it shall be presumed that Lessor is retaking possession on account of Lessee and not on Lessor's own account.

11. Assignment and Subletting

The Lessee shall not have the right to assign or sublet the Leased Premises without lessor's consent, which shall not be unreasonable withheld.

12. Attorney's Fees

In all legal proceedings commenced by the parties hereunder, the prevailing party shall be entitled to all costs incurred, including reasonable attorney's fees at the trial and appellate level.

13. Destruction of Premises

In the event the Leased Premises are partially or totally destroyed by fire or other hazard, the Lessee shall have the option to cancel this Lease, without further responsibility to Lessor other than for unpaid rent due at such time, if any.

14. Access to premises

Lessor or Lessor's Agent shall be granted access to the Leased Premises at any time in the event of an emergency, and during all reasonable hours upon reasonable notice in the absence of an emergency, for the purpose of repair, inspecting the Leased Premises, or showing the Leased Premises to prospective purchasers or Lessees.

15. Notice All notices hereunder shall be served by certified mail and, if intended for the Lessor shall be addressed to the lessor at the Lessor's address set forth above, or to such other address as may be requested by the Lessor in writing, and if intended for the lessee shall be addressed to the lessee at the leased Premises.

16. Lease contains all Agreements The Parties hereto acknowledge and agree...that they have participated in the negotiation of this lease, and no provision of this Lease shall be construed against or interpreted to the disadvantage of any Party hereto or thereto by any court or other governmental or judicial authority by reason of such Party having or being deemed to have structured, dictated or drafted such provision ;

(1) that they have had the opportunity to review and analyze this Lease for a sufficient period of time prior to the execution and delivery thereof ;

(2) that no representations, warranties, covenants or agreements have been made by or on behalf or relied upon by the Parties, in connection with the execution and delivery of this Lease and pertaining to the subject matter of this Lease, other than those that are expressly set forth in this Lease, and all prior statements, representations, warranties, covenants and agreements of the parties, if any, are totally superseded and merged into this Lease :

(3) that all of the terms of this lease were negotiated at arms length, and that this lease was prepared and executed without fraud, duress, undue influence, or coercion of any kind exerted by any of the Parties upon the others ;

(4) and that the execution and delivery of this Lease is the free and voluntary act of Lessor and Lessee.

(5) The terms of this Lease may not be changed, modified, waived, discharged or terminated orally, except by an instrument or instruments in writing, signed by the party against whom the enforcement of the change, modification, waiver, discharge or termination is asserted.

17. Venue, choice of Law

Venue for any dispute hereunder shall be in the state courts of the Eighteenth Judicial Circuit, Brevard County, Florida.

Florida law shall govern any dispute arising hereunder.

18. Severability

If a provision of this lease is held invalid, it is hereby agreed that all valid provisions that are severable from the invalid provision remain in effect.

If a provision in this Lease is held invalid in one or more of its applications, the provision remains in effect in all valid applications.

IN WITNESS WHEREOF, the Parties have executed this Lease Agreement this 22nd day of November 2024 (2024/11/20).

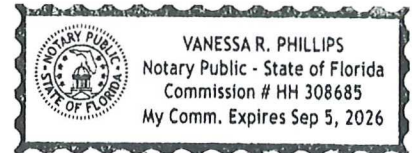
The Parties hereto acknowledge and agree...

LESSOR :-

Grand international Holdings (USA) inc.

Grand international Holdings (USA) inc. by Gerard Cuggia, CEO

Witnesses as to Lessor :-



Vanessa R Phillips Vanessa R Phillips

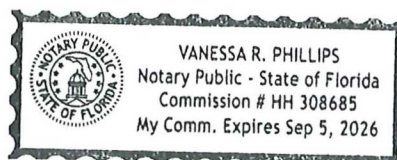
LESSEE :-

Xxtreme Ministries inc.

Xxtreme Ministries inc. by Donald Patterson, President

Witnesses as to Lessee :-

Vanessa R Phillips Vanessa R Phillips





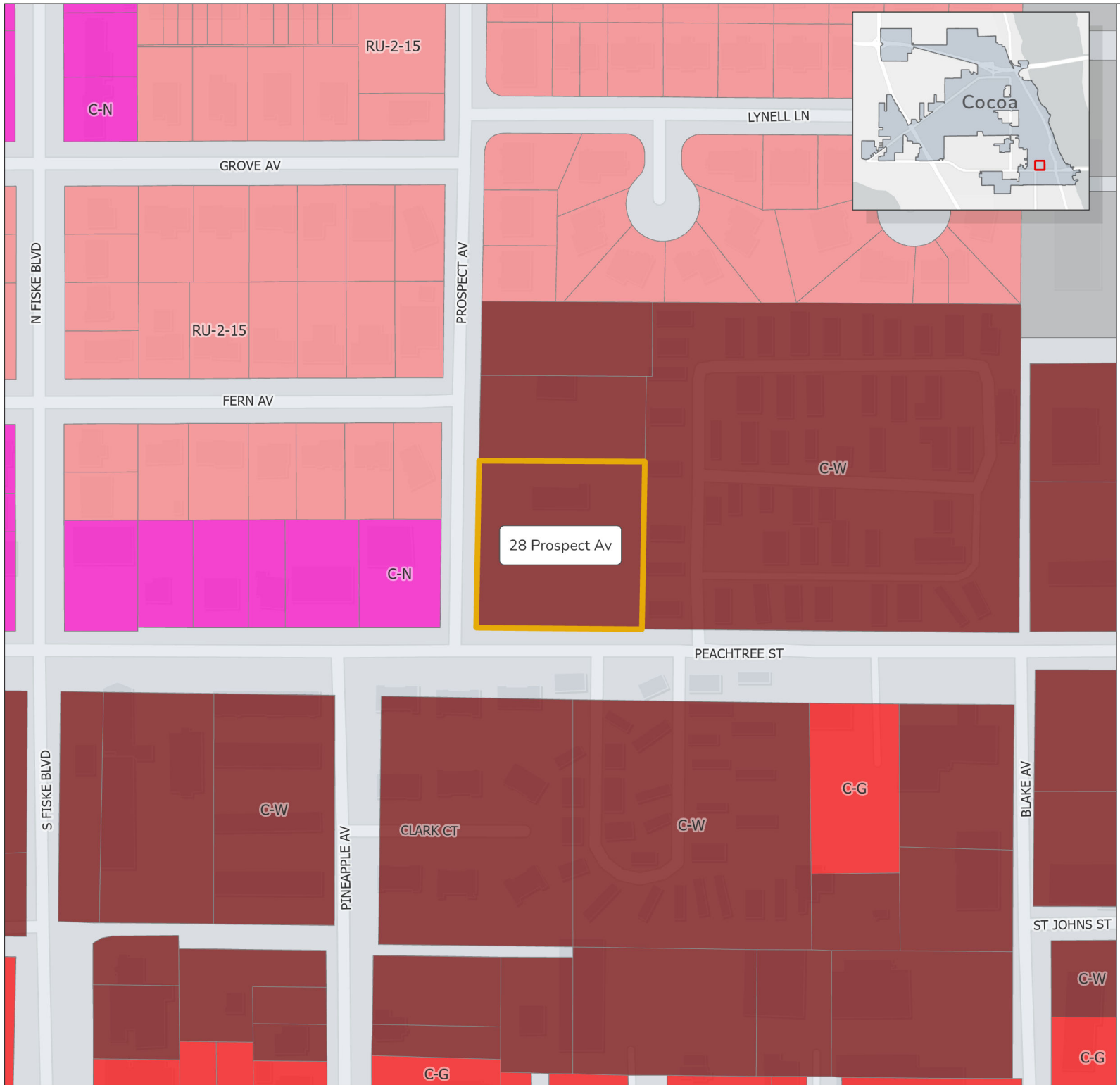
28 PROSPECT AV LOCATION

August 19, 2024

-  Subject Parcel
-  Parcels
-  Cocoa City Boundary

0 100 200 Feet

P20240815-135001.0.1



28 PROSPECT AV ZONING

August 19, 2024

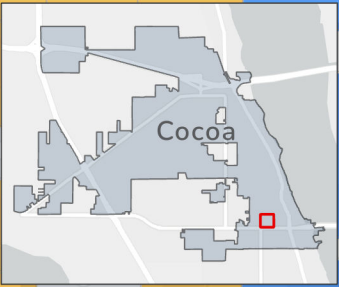
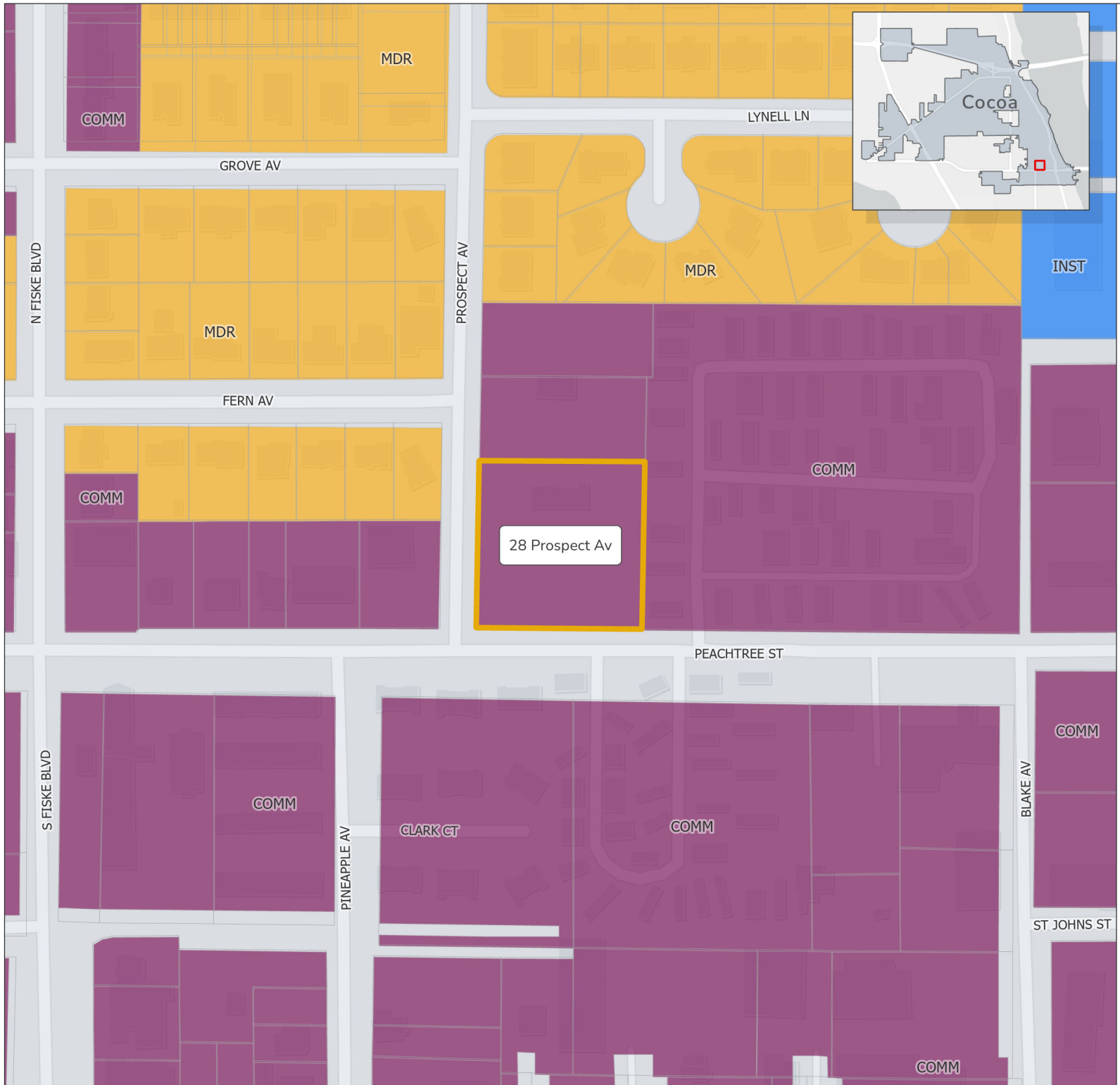
 Subject Parcel

Cocoa Zoning

-  RU-2-15 - Multiple Family Dwelling
-  C-N - Neighborhood Commercial
-  C-G - General Commercial
-  C-W - Wholesale Commercial
-  M-1 - Light Industrial and Warehouse
-  Parcels
-  Cocoa City Boundary

0 100 200 Feet

P20240815-135001.0.2



28 PROSPECT AV FUTURE LAND USE

August 19, 2024

 Subject Parcel

Future Land Use

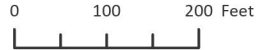
 Medium Density Residential

 Commercial

 Institutional

 Parcels

 Cocoa City Boundary



P20240815-135001.0.3

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: 09/10/2025
Agenda Date: 9/17/2025
Prepared By: Jennifer Webster, Senior Planner
Through: Stockton Whitten, City Manager
Requested Action: Consideration of a Special Exception request to allow an automotive repair establishment to operate, provided all activities are conducted entirely within an enclosed structure, pursuant to Appendix A, Zoning, Article XI, Section 12(C)(1) of the City of Cocoa Code of Ordinance. The subject property is located at 5555 SR 524, Cocoa, Florida. Parcel ID: 24-35-27-00-4. [Will be scheduled on a future agenda]

BACKGROUND:

This item will be scheduled on a future agenda.

PRIORITY AREA CONNECTION:

Economic and Community Development

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

No recommendations from Staff at this time as this item will be scheduled on a future agenda.