

CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
August 16, 2017

A regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, August 16, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

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

MEMBERS PRESENT:

Robert Frey	Chairman
Bruce Gilmore	Board Member
Alex (James) Goins	Board Member
Connie Harvey	Board Member

MEMBERS ABSENT:

Nancy Elliot	Vice Chairwoman
Jane Jollay	Board Member
Matthew Ford	Board Member

OTHERS PRESENT:

Cindy Thurman	Planning and Zoning Manager
Anthony Garganese	City Attorney
Brenda Warner	Board Liaison
Monica Arsenault	Board Secretary

II. APPROVAL OF AGENDA & MINUTES:

Approval of Agenda: August 16, 2017.

Approval of Meeting Minutes: July 19, 2017.

Motion by Connie Harvey, seconded by Alex Goins, to approve the minutes and agenda. Vote on the motion carried unanimously.

Motion by Robert Frey, seconded by Connie Harvey, to table items A and E to the September 20, 2017 meeting.

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

A. PZ-17-00700001 – Waiver (Aaron Reninger – 120 St. Charles St.) TABLED TO 9/20/2017

A Waiver request from Appendix A, Zoning, Article XIII, Section 5 to waive the six (6)-foot maximum height requirement in the RU-2-10 (Low Density Single & Multi-Family) Zoning District in order to allow an eight (8)-foot tall fence to be installed on a vacant lot and to waive the allowable fence material in order to allow chain-link fencing. The Brevard County Property Appraiser identifies the subject property as Account Number 2444793.

B. PZ-17-00700002 – Waiver (519 S. Cocoa Blvd. – Fast Eddie's Vape Shop & Lounge)

A Waiver request from Appendix A, Zoning, Article XII, Section 1(d)(15) of the City of Cocoa Code to allow for a reduction of the required number of parking spaces for a bar/lounge use, without a package store, in the C-P (Commercial Parkway) Zoning District. The Brevard County Property Appraiser identifies the subject property as Account Number 2425508.

Cindy Thurman, Planning and Zoning Manager, explained that the subject property is a parcel containing approximately 0.35 acres, with frontage on S. Cocoa Blvd. The applicant is proposing to relocate the existing Fast Eddie's Vape Shop from 217 King Street to 519 S. Cocoa Blvd as they have outgrown their current location. She mentioned that the subject property is currently vacant and is approximately three thousand nine hundred (3,900) square feet.

Ms. Thurman stated that the amount of parking required for the proposed use as a lounge/bar is calculated as one parking space for every one hundred square feet of building. Therefore thirty nine (39) parking spaces would be required based on an overall square footage of three thousand eight hundred and seventy four (3,874). The applicant has submitted a site plan with the waiver request showing a total of eleven (11) onsite parking spaces.

Ms. Thurman noted that the business would not substantially increase the amount of traffic in the area, nor does staff have any reason to believe that it would cause any public hazards. She stated that staff recommends approval of the Waiver request from Appendix A, Zoning, Article XII, Section 1(d)(10)(38)(39) of the City of Cocoa Code to reduce the number of required off-street parking spaces in the C-P (Commercial Parkway District) from thirty nine (39) to eleven (11) parking spaces, as depicted on Exhibit A, subject to the following conditions:

- The eleven (11) on-site parking spaces shall be maintained for patrons and employees only, as depicted on Exhibit A.
- Approval of this waiver does not waive any other parking requirements and does not waive the required parking requirements for any future development or additions to the proposed site plan.
- The waiver shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the waiver. Such permits shall be obtained within six (6) months of the Board's approval.

Ms. Thurman turned the discussion over to the Board for questions.

Mr. Goins asked what kind of business occupied the building previously. In response, Ms. Thurman stated that she believed there was a retail thrift shop that occupied the building.

Chairman Frey invited Matthew Kleizo, owner of Fast Eddie's Vape Shop, to approach the podium to state his case.

Mr. Kleizo noted that there are actually thirteen (13) parking spots available at the subject property and the owner of the building also owns the adjacent property and will allow Fast Eddie's Vape Shop customers to utilize the parking lot there as well. Mr. Kleizo shared that he has several locations around the world, including a location in Orlando that has the same amount of parking spaces as the subject property and that location makes approximately one hundred thousand dollars a month in gross revenue. He stated that while the occasional customer may sit to enjoy a drink, the majority of their customers buy what they need and leave. He also noted that they do not serve hard liquor, only beer and wine.

Chairman Frey opened the discussion to the Board for questions.

Board member Gilmore asked the applicant to describe the difference between the existing location and the new location. In response, Mr. Kleizo explained that they have outgrown their current location and so they feel that the new location will allow them to expand. Although they have been approved to serve beer and wine at their current location they would like to move their business due to plumbing issues. Mr. Kleizo explained that there have been several plumbing issues in the existing location which has become costly and their landlord has also raised their rent. He shared that the new location has new plumbing and a new AC that is up to code and they have already been pre-approved to serve beer and wine at the new location as well.

Chairman Frey asked if the Board had any other questions for the applicant. As there were no other questions Chairman Frey opened the discussion to the audience for questions or comments.

Chairman Frey closed the discussion to the audience as no one wished to speak.

Board member Harvey shared her concerns regarding the limited amount of parking and asked if there were any other solutions besides approving such a significant reduction. In response, Ms. Thurman shared that at some point a Waiver would still need to be approved by the Board regardless of the type of business that were to occupy the subject property, due to the size of the building and the Code requirements. Per Code, one parking space is required for every one hundred (100) square feet of the building and each use in that zoning district is also required to have a three thousand and five hundred (3,500) square foot building. Ms. Thurman stated that the owner has had a difficult time obtaining a tenant due to the parking requirement and this building would be a perfect fit for Fast Eddie's Vape Shop.

Board member Harvey asked what would happen if the business had an abundance of customers and there was not ample parking available. In response, Ms. Thurman suggested that a parking arrangement between the subject property and the adjacent property could be made as the owner of the building also owns the neighboring property. If that does not work out then the issue can always be brought back to the Board and additional conditions could be created.

Mr. Anthony Garganese, City Attorney, stated that if the current number of parking spaces is not adequate then the owners would be responsible for finding additional parking. He stated that in the case that additional parking could not be provided the business owner may have to consider relocating his business elsewhere. He noted that all parking must be conducted lawfully and must not create traffic violations. He stated that the Board must consider the criteria and if the item meets the criteria the business will be eligible to receive the Waiver.

Motion by Alex Goins, seconded by Connie Harvey, to approve the Waiver request to reduce the number of required off-street parking spaces from thirty nine (39) to eleven (11) spaces, subject to the conditions recommended by staff.

Motion was approved unanimously (4-0)

Discussion was opened to the Board to discuss the motion.

Board member Gilmore asked if the applicant could state the hours of operation for the business. In response, Mr. Kleizo stated that the hours would be Monday through Thursday from 9am to 10pm, Friday and Saturday from 9am to 2am, and Sundays from 9am to 8pm.

Board member Goins asked what their foot traffic is like at their current location. Mr. Kleizo shared that his current location brings in approximately fifty thousand (50,000) dollars in gross revenue a month. He stated that the current location poses a problem for his customers who are trying to enter and exit the property as they are located in a busy part of Cocoa Village along State Road 520.

Chairman Frey opened the discussion to the audience.

Mr. Tom Minot, who owns a business across the street, shared concerns regarding the hours of operation for the proposed business.

Discussion was closed to the public.

The Secretary called the roll.

C. PZ-17-00000003 – Special Exception (Fast Eddie's Vape Shop & Lounge – 519 S. Cocoa Blvd.)

Special Exception request from Appendix A, Zoning, Article XI, Section 14(C)(9) of the City of Cocoa Code to allow for a bar/lounge use, without a package store, in the C-P (Commercial Parkway) Zoning District. The Brevard County Property Appraiser identifies the subject property as Account Number 2425508.

Ms. Thurman explained that the applicant applied for and received Special Exception approval from the Board of Adjustment on May, 20, 2015 to permit a bar/lounge use, without a package store, at 217 King Street. Due to issues with the plumbing at the 217 King street location, Fast Eddie's was never able to serve beer and wine. The applicant has expressed that the operation of the business would remain as it currently operates at the 217 King Street location. Currently, the business operates as a retail business selling electronic cigarettes and associated products. The business also intends to sell beer and wine to its customers. There would be no food service, as is the case at the current location at 217 King Street.

In accordance with Appendix A, Zoning, Article XI, Section 14(C)(9) of City Code, a bar or lounge without a package store is permitted by Special Exception in the C-P zoning district provided there is a total net floor area of 3,500 SF. The submitted site plan shows a total floor area of 3,874 SF.

Ms. Thurman stated that Staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 14(C)(9) of the City of Cocoa Code to allow for a bar/lounge use, without a package store, in the C-P (Commercial Parkway) 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 permits shall be obtained within six (6) months of the Board's approval.
- If the use is extended, enlarged, or expanded, a Special Exception approval shall be required.

Chairman Frey opened up the discussion to the Board for questions.

Mr. Gilmore asked for clarification on the definition of a bar and lounge use. Furthermore, he asked if customers will have the ability to purchase beer and wine and drink it on the premises. In response, Ms. Thurman clarified that the Special Exception would allow the business to serve beer and wine on the premises. Customers would not be allowed to leave the premises with an opened container as that is against the law. To further clarify, Mr. Kleizo stated that his business will not

be selling packaged beer and wine to customers, and that they will only be serving on site.

The discussion was closed to the Board.

Mr. Frey opened discussion to the public. No one wished to speak.

The discussion was closed to the public.

Motion by Connie Harvey, seconded by Alex Goins, to approve the Special Exception to allow for a bar/lounge use, without a package store, in the C-P (Commercial Parkway) Zoning District with the conditions recommended by staff.

Motion was approved unanimously (4-0)

The Secretary called the roll.

D. PZ-17-00000004 – Special Exception (500 S. Cocoa Blvd. – Endless Auto)
WITHDRAWN

A Special Exception request from Appendix A, Zoning, Article XI, Section 14(C)(2) of the City of Cocoa Code to allow for a used car sales use in the C-P (Commercial Parkway) Zoning District. The subject property is located at 500 S. Cocoa Boulevard and is identified by the Brevard County Property Appraiser as Account Number 2425936.

E. PZ-17-00000001 – Special Exception (2075 W. King Street Land Trust) TABLED
TO 9/20/2017

Consideration of a Special Exception request from Appendix A, Zoning, Article XI, Section 5(C)(10) of the City of Cocoa Code to allow for an Adult Congregate Living Facility (ACLF) use in the RU-2-15 (Multiple Family Dwelling) Zoning District. The Brevard County Property Appraiser identifies the subject property as Account Number 2423993.

V. OTHER BUSINESS:

None

VI. NEXT MEETING DATE:

The Board members established that the next meeting would be held on Wednesday, September 20, 2017.

VII. ADJOURNMENT:

Connie Harvey announced that she will not be able to attend the next meeting.

Motion by Connie Harvey, seconded by Alex Goins to adjourn.

Motion was approved unanimously (4-0)

There being no further business the meeting adjourned at 6:33 P.M.

Approved on this 20 day of September, 2017.

A handwritten signature in black ink, appearing to read 'Robert Frey', written over a horizontal line.

Robert Frey, Chairman

A handwritten signature in black ink, appearing to read 'Monica Arsenault', written over a horizontal line.

Monica Arsenault, Board Secretary