

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: May 3, 2024
Agenda Date: May 15, 2024
Prepared By: Lucilene Ribeiro - Planner
Through: Stockton Whitten, City Manager
Requested Action:

Consideration of a Special Exception request from Appendix A, Zoning, Article XI, Section 13(C) (6) and Section 22(F) of the City of Cocoa Code to allow for “a bar or lounge, with or without a package store” to operate a beer and wine bar.

BACKGROUND:

Date: May 3, 2024

Project No.: PZ-24-00000009

Meeting Date: May 15, 2024

Project Planner: Lucilene Ribeiro, Planner

Applicant: Chris Hyskell
30 Lime Ave
Cocoa, FL 32955

Property Owner: Chris Hyskell
30 Lime Ave
Cocoa, FL 32955

Requested Action: Consideration of a Special Exception request from Appendix A, Zoning, Article XI, Section 13(C) (6) and Section 22(F) of the City of Cocoa Code to allow for “a bar or lounge, with or without a package store” to operate a beer and wine bar

Notice Provided: Notice of the public hearing was provided by publishing in the newspaper on April 2, 2024, and posting the property and mailers to property owners within 500 feet.

I. Project Information

The applicant seeks Special Exception approval to operate a family and pet-friendly outdoor beer garden in the rear yard of an estimated 1624 sqft building at 638 Brevard Ave. The property, with a total of .19-acre site, contains an existing barber shop, and the applicant proposes a venue that will vary between hosting occasional special events and operating as

a self-seating outdoor area with beer and wine sales from Wednesday thru Sunday from 10:00 am to 10:00 pm.

Farm Bar proposes partnerships with other local businesses to provide food to its customers throughout the day.

City records indicate the subject property has been in use as a professional service establishment, beauty, and barber shop since 2007, going through many businesses, including Victoria’s Skin Revenue Spa, Color Glam Salon and Spa, Village Hair & Nail, and others.

The Future Land Use (FLU) designation is Mixed Use, and the property is zoned CBD-CVO and is located in the Cocoa Waterfront Overlay District, Cocoa Village Subdistrict, which allows for bars and lounges as a special exception only. The site is located between Factory St and Derby St, on the East side of Brevard Ave, and is surrounded by CBD-CVO-zoned commercial properties to the North, South, and West.

The applicant has submitted a conceptual plan (Exhibit E) showing a seating area layout for 49 seats.

Future Land Use: Mixed Use

Zoning District: CBD-CVO

Existing Land Use: Personal service establishment- barber shop

Council District: District 1 – Councilmember Goins

Overview of Surrounding Area:

	Future Land Use Designation	Zoning District	Land Use
North	Mixed Use	CBD-CVO	Commercial and Residential
South	Mixed Use	CBD-CVO	Residential
East	Mixed Use	CBD	Residential
West	Mixed Use	CBD-CVO	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: The existing driveway will be converted to a main pedestrian access to the outdoor area located on the east side of the property. As a result, no automotive traffic is expected on the property. The previously existing parking area will be utilized to accommodate the proposed business concept eliminating the existing parking. The applicant submitted for a parking waiver to address the six (6) parking spaces required for the existing barber shop, which will be considered by the Board of Adjustment concurrently with this special exception application.

B.) 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: A loading area is not required since the pre-existing building preserves a total gross area of less than 4,999 square feet.

The applicant completely relies on nearby parking within the village district for patron and team member parking and loading/unloading activities. Based on Appendix A Zoning, Art. XII, Sec. 4(d) (45), the unchanged **building** gross floor area allows the City to consider the provided parking spaces sufficient.

Appendix A Zoning, Art. XII, Sec. 4(d)(45) Central Business District, including the Cocoa Village Overlay. The Central Business District, as defined in the City of Cocoa Code, shall have the following special parking requirements:

*a) Whenever there is a change of use or use intensity which changes parking generating factors in a building existing as of August 10, 2004, and the gross floor area **of the existing building** remains unchanged, no additional parking or loading spaces will be required; however, increases in residential dwelling units shall meet the parking requirements outlined above for specific uses.*

The applicant incorporated a bike rack into the design, providing a welcome alternative to transit riders and the community.

This use will be consistent with the entertainment, bar, and nearby uses, including several with outside seating, and is expected to complement and facilitate the economic vitality of the CBD-CVO.

The outdoor beer garden is not expected to cause any additional noise, glare, or odor effects to adjacent properties, given the similarity with other local businesses. The City of Cocoa's noise ordinance provides for a maximum permissible sound level in a commercial area of 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. Lighting shall be designed, installed, maintained, and directed to avoid glare on adjoining properties.

Planning and Zoning set conditions for this approval to address any concerns with noise as previously seen in similar businesses.

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

Staff Finding: No impact on the existing refuse and service areas. A slab on the Southern portion of the building will be used to store roll-off trash containers for pickup. This should provide enough refuse capacity for the intended use.

D.) 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.

Stormwater The site area is 0.18 acres or 7,700 SF, of which 5,581 SF is impervious. To meet Appendix A Article XIII, Section 19(1), the stormwater retention facility would need to retain the stormwater runoff from impervious areas resulting from a ten-year storm experience within the limits of the property. The precipitation frequency estimate for a 10 yr, 24 hr storm event is 7.47 inches, or 0.6225 Ft. so the retention volume would be 5,581 SF x 0.6225 Ft. = 3,474 Ft³. The site plan and calculations provided reflect the requirements established, and Public Works has no further comments.

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

Staff Finding: A 6-foot fence will surround the property for safety and will prohibit patrons from leaving the premises with alcohol open containers. The applicant will provide landscape in accordance with the site plan amendment review in accordance with the City of Cocoa Ordinances.

F.) Demonstrate that there are adequate yards and open space.

Staff Finding: The building layout is pre-existing, and no proposed changes are proposed to it. The proposed concept operates mainly outdoors, replacing the parking area on the east side of the property with a paved area and picnic tables.

G.) Demonstrate how adequate height requirements have been met.

Staff Finding: The accessory structure installed on-site exceeds the height of the primary structure and should be addressed by the applicant. In accordance with Appendix A- Zoning, Article XI Sec. 22 (l) (3).

H.) List any renewal and/or termination dates.

Staff Finding: Staff does not recommend any renewal or termination requirements.

I.) 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: The proposed bar/lounge use is commercial and compatible with other uses in the vicinity and along Brevard Avenue and the hours of operation would be limited to no later than a 10:00 p.m. closing, which is earlier than other local bar/lounge businesses.

It is anticipated that the Farm Bar will serve most Cocoa Village visitors and is not anticipated to generate large volumes of independent traffic. The hours of operation are Wednesday thru Sunday from 10:00 until 10:00 pm.

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 the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 13(C) (6) and Section 22(F) of the City of Cocoa Code to allow for “a bar or lounge, with or without a package store” to operate a beer and wine bar, 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. Such permits shall be obtained within six (6) months 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 outdoor capacity authorized by this approval is limited to 49 people. 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. Therefore, no amplified music shall be permitted.
4. Hours of operation shall be limited to 10 a.m. to 10 p.m.
5. The Special Exception shall not be effective until the applicant has secured a waiver for the six (6) existing parking spaces located on the property.
6. The approval shall be limited to the sale of beer and wine only.

Any other conditions deemed necessary by the Board of Adjustment