



Meeting Agenda
Wednesday, February 19, 2025

5:15 PM

REGULAR

Cocoa Beach Country Club - 5000 Tom Warriner Boulevard, Cocoa Beach

WELCOME

- A. Call to Order
 - 1. Pledge of Allegiance
 - 2. Roll Call
 - 3. Disclosure of Conflict
 - 4. Election of Chair/Vice Chair
- B. Special Presentation
 - 1. Presentation Title
- C. Public Comment
- D. Staff Reports and Announcements
 - 1.
- E. Board Members Reports and Announcements
 - 1. Report from Board/Committee Member
- F. Consent Agenda
 - 1. Approval of Minutes
- G. Unfinished Business
- H. New Business

1. **BOARD OF ADJUSTMENT MEETING · FEBRUARY 19, 2025 AGENDA
ITEM SUMMARY · ITEM # H, (1)**

Subject: The request is for a special exception to permit a Medical Marijuana Dispensary at 4300 N. Atlantic Avenue.

Summary: This request is for a special exception to permit a Medical Marijuana Dispensary at 4300 N. Atlantic Avenue. The property is .84 acres in size and is zoned/within the Gateway Redevelopment subdistrict. It is the former site of the Bank of America branch.

The applicant, Eden Florida, LLC, is proposing to re-purpose the vacant building as a state licensed Medical Marijuana Dispensary, which is allowed as a special exception within the Gateway Redevelopment subdistrict (see Table 2-33 of City Code).

Sec. 4-43 of City Code provides criteria that the Board shall apply when reviewing a special exception request. The criteria include:

- Whether the proposed use is compatible with permitted uses in the applicable zoning district.
- Whether the use is/is not detrimental to surrounding properties, businesses, or traffic flows.
- Whether the proposed special exception is consistent with the Comprehensive Plan.

See attached Letter of Intent for the applicant's response regarding the proposed dispensary's consistency with the listed criteria.

In addition to City Code requirements, the siting and operation of the proposed dispensary must be consistent with Florida Statute Chapter 381.986. See attached letter from Daniel Russell, representing the applicant, for a detailed discussion on this matter.

Consistent with Sec. 4-44 of Code, notice for the February 19, 2025, Board of Adjustment meeting was provided in the following manner:

- Mailed notice was sent on January 16, 2025, to all property owners within 300 feet of the subject parcel.
- Newspaper notice appeared in the January 16, 2025, edition of Florida Today.
- Notice of the meeting was posted on the subject parcel on January 16, 2025.

Attachments:
n.a.
The Development Services Department recommends the Board of Adjustment take the following action: The Board of Adjustment may approve the request, approve the request with conditions, or deny the request. Approved by Development Services Director: Daivd Dickey Date: February 12, 2025

2. Year End Review - 2024

I. General Public Comment

J. Adjournment

1. Next Meeting Date

Note: more than one member of the City Council may be in attendance at the meeting and may participate in discussions.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by this Board, agency or meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Financial Services Department at (321/608-7010), no later than 5:00 p.m., at least 48 hours prior to the meeting.