



Board of Adjustment

MINUTES

October 24, 2019

7:00 P.M.

City Council Chambers

1. CALL TO ORDER

Chair Rachel McCreary called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Chair Rachel McCreary, Vice Chair Rob Beckner, Board Members, Hugh Nicolay, Mary Renfro, Bob Willmarth, William Johnson and Claudia Sprague.

Also present was City Attorney Morris Richardson and Planning Director Christy Fischer.

3. MINUTES

Board of Adjustment Meeting Minutes of September 26, 2019

Moved by Board Vice Chair Beckner, seconded by Board Member Renfro to approve the minutes. Motion passed, 7-0.

4. PUBLIC HEARING(S) –

a. Tru by Hilton Hotel – Conditional Use Permit and Site Plan Approval Request (CUP-2019-04)

A request for conditional use and site plan approval for a proposed hotel at the southeast corner of Circle Drive and West New Haven Avenue.

Applicant: MAI Design Build, Inc., Dave Menzel, PE
Location: Southeast corner of Circle Dr. and W. New Haven Ave.

Planning Director Fisher explained the request. She gave the background information regarding the applicant, location acreage, zoning, future land use and proposed

development. She explained conditional use only means there is an additional review for compatibility and suitability on the proposed use and in this case the size of the development dictates the requirement. She presented analysis on the conditional use approval criteria and explained how the site plan met each. She suggested the dumpsters be relocated and talked about how the proposed driveways on City Acres and Circle Drive would have to obtain Brevard County permits. She stated both conditional use and planned commercial development criteria have been met. She talked about the Interchange Commercial Overlay District requirements and stated staff recommended a condition for the north wall facing New Haven Avenue to have windows and color treatment similar to the front elevation. She recommended the following motion:

Approve the conditional use and the initial site plan based on the analysis in the staff report with the following conditions:

1. The final site plan must still be submitted and must be consistent with the initial site plan.
2. Plant the shrubs around the dumpster at 6 feet in height instead of 2 feet in height.
3. Relocate the dumpster for the hotel to be further from the adjacent residential properties to the south.
4. Identify an off-loading area for the restaurant to comply with code or provides an oversized parking space for service deliveries.
5. Provide windows and architectural interest features along the hotel wall facing New Haven Avenue similar to the front of the hotel.

Chair McCreary opened the public hearing and asked for any comments from the audience. Seeing none. She closed the public hearing.

Wayne Allewelt, MAI Design Build, explained the proposed restaurant would be built in the next 3-5 years and if the site is cleared with the development of the hotel, the vacant site will be seeded with grass in order to stabilize. He also reported Brevard County has made comments regarding the placement of the driveway onto City Acres Road and would like it 50 feet farther south and widened from 19' to 24'.

Discussion Included:

- Whether City Acres Road connects to Miami Avenue – It does connect to Miami Avenue.
- Whether the lights along the south property line closest to the residential could be on shorter poles than what the code allows and focused to not shine onto the residential property. Dark sky requirements and the height of proposed light poles. Site lighting along the southern property line and the possibility to add conditions to prevent any light spillage onto the residential properties to the south.
- Whether the applicant would be willing to move the dumpster to be next to the proposed restaurant's dumpster and the retention pond instead of being located next to single-family residential property. The proposed dumpster should not impact the residential properties to the south when garbage trucks pick up the trash.
- The height of the wall along the southern boundary of the property (buffer to the residential use) and how the wall height is measured.
- That a restaurant user has not been identified

Moved by Board Member Johnson, seconded by Vice Chair Beckner to approve the conditional use and the initial site plan based on the analysis in the staff report with the following conditions:

1. The final site plan must still be submitted and must be consistent with the initial site plan.
2. Plant the shrubs around the dumpster at 6 feet in height instead of 2 feet in height.
3. Relocate the dumpster for the hotel to be further from the adjacent residential properties to the south.
4. Identify an off-loading area for the restaurant to comply with code or provides an oversized parking space for service deliveries.
5. Provide windows and architectural interest features along the hotel wall facing New Haven Avenue similar to the front of the hotel.

Motion passed, 7-0.

Discussion then ensued by Board Member Renfro about requiring the buffer wall between the residential and commercial to be at least 8 feet in height and to suggest the lighting along the back not bleed onto the residential, and to have the hotel dumpster immediately be placed further from the adjacent residential properties. Planning Director Fischer explained that the required buffer wall height is measured from the height of the nearest parking lot and not the ground level at the parking lot and would probably be at least 8 feet in height at their south property line.

Moved by Board Member Johnson, seconded by Vice Chair Beckner to amend the motion to restrict the height of the light poles along the rear of the site located next to the residential to 25 feet in height. Motion passed, 7-0.

b. RaceTrac Gas Station and Convenience Store – Conditional Use Permit and Site Plan Approval Request (CUP-2019-03)

A request for conditional use and site plan approval for a proposed gas station and convenience store located at the southeast corner of Wickham Road and NASA Boulevard.

Applicant: Tannath Design, Inc., Bryan Potts, PE
Location: Southeast corner of Wickham Rd. and Nasa Blvd.

Planning Director Fischer presented the staff report. She gave the background information on the request and explained the proposed development. She stated in this case the service station use dictates the need for the conditional use permit. She talked about the demolition plan to relocate the County stormwater pond for Wickham and Ellis Road eastward onto vacant property and she provided the initial site plan site data. She gave analysis on the conditional use approval criteria and the service station use approval criteria and stated they are constructing a significant traffic feature by connecting a driveway to an improved roadway along the canal right-of-way just east of the site.

She added the conditional use criteria and service station criteria has been met but suggested to screen the dumpster with taller shrubs, lower the speaker volume at the pumps during night time hours and place artwork to the front view along Wickham Road. She described the architectural renderings of the building, canopy and dumpster

enclosure and talked about noise nuisance. She recommended approval of the conditional use permit and the initial site plan based on the analysis in the staff report with the following conditions:

1. Plant a 6' tall hedge along dumpster walls;
2. Shield the view of the metal gas canopy supports with cladding (sheathing) with brick to match the building architecture at least 25% up the columns;
3. Use roof materials and colors on top of the canopy fascia (sides that are visible) similar to the building colors and materials or completely (100%) clad the metal posts with bricks to provide continuity of building architectural style to the canopy.
4. Limit the volume of speakers at the individual gas pumps which play or show music, videos or other broadcasts between the hours of 9 p.m. every night until 7 a.m. the next morning, at a noise level similar to a normal conversation; and
5. Install artwork along the property line on Wickham Road.

Chair McCreary opened the public hearing and asked for any comments from the audience. Seeing none, she closed the public hearing.

Discussion Included:

- General discussion about the driveway onto NASA Blvd.
- Brevard County would be responsible for the maintenance of the improved roadway to the east since it is within the canal right-of-way.
- Differences in the classifications of driveway and roadway and the improved roadway will be built to road standards.
- Brick building is standard for RaceTrac since it is easier to keep clean and maintain and will be included all along the column instead of enhancing the canopy which creates an issue with birds.
- Artwork looking at concrete vs. bronze and design of the base with the location being at the corner of NASA and Wickham and perhaps a statute of a bird.
- Noise study discussion for sites such as WAWA and others as a crime prevention technique.
- Clarification of dumpster location.
- Time frame is 10 p.m. instead of 9 p.m. to limit the speaker volume on the pumps.

Moved by Vice Chair Beckner, seconded by Board Member Willmarth to approval of the conditional use permit and the initial site plan based on the analysis in the staff report with the following conditions:

1. Plant a 6' tall hedge along dumpster walls;
2. Shield the view of the metal gas canopy supports with cladding (sheathing) with brick to match the building architecture at least 25% up the columns;
3. Use roof materials and colors on top of the canopy fascia (sides that are visible) similar to the building colors and materials or completely (100%) clad the metal posts with bricks to provide continuity of building architectural style to the canopy.
4. Limit the volume of speakers at the individual gas pumps which play or show music, videos or other broadcasts between the hours of 10 p.m. every night until 7 a.m. the next morning, at a noise level similar to a normal conversation; and
5. Install artwork along the property line on Wickham Road.

Motion passed, 7-0.

5. REPORTS

1. Planning Director

Planning Director Fischer advised there would be no November meeting but there will be a December meeting.

2. Board Members

No Reports

6. PUBLIC COMMENTS

No Comments

7. ADJOURN

There being no further business, the meeting was adjourned at 8:03 p.m.