MAYOR
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DEPUTY MAYOR
Barbara Smith

COUNCIL MEMBERS
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Andrea Young

CITY OF
West Melbourne
FLORIDA

Planning & Economic Development Dept.
Christy Fischer, Planning Director
City Hall
2240 Minton Road
West Melbourne, FL 32904
Phone: (321) 837-7778
Fax: (321) 768-2390
www.westmelbourne.org

Board of Adjustment

AGENDA

August 25, 2016

7:00 P.M.

City Council Chambers

All persons who desire to speak on any public hearing item must fill out an oath card, sign the card, and submit the card to one of the City Planners. Speakers will be heard in the order received by the Chairman. The applicant may make a brief rebuttal if necessary. Anyone who speaks is considered a witness. If you have photographs, sketches, or other documents, you must provide 9 copies for distribution to the Board Members. These items will be retained by the Board Members, City Attorney and City Staff.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. MINUTES

Board of Adjustment Meeting Minutes of April 28, 2015

5. PUBLIC HEARING(S) – City Attorney will discuss quasi-judicial procedures

a. Higgins Variance Request (VAR-2016-01)

A request for approval of a variance as provided in Chapter 66, Article VI, Division 3. – Variances of the Code of Ordinances to allow for a variance of 10 feet from Sec. 98-196 (7) Minimum yard requirements, d. Rear: 25 feet in the R-1A (Single-Family Residential District).

Applicant:	*Steven & Jason Higgins*
Representative:	*Joel Goldfarb, Esq.*
Location:	*767 John Carroll Lane*

b. Woodspring Suites Hotel and Detached Restaurant – Conditional Use Permit/Initial Site Plan Request (CUP-2016-02)

A request for conditional use permit and initial site plan approval as provided in Chapter 98, Article IV., Division 2. – Planned Commercial Development of the Code of Ordinances to allow for a planned commercial development consisting of a Woodspring Suites Hotel and a detached restaurant in the C-P, (Commercial Parkway District).

Applicant:	*Lake Geneva Group, LLC*
Representative:	*Mr. Kelley Klepper, AICP, Kimley-Horn and Associates, Inc.*
Location:	*4650 West New Haven Avenue*

6. REPORTS

1. Planning Director
2. Board Members

7. PUBLIC COMMENTS

8. ADJOURN

All persons wishing to be heard should appear in person at these hearings or send written comments to the City Clerk. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party 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 (Chapter 286, Florida Statutes). In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at (321) 837-7774 at least 48 hours in advance of this meeting.

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Board of Adjustment

MINUTES

April 28, 2016

7:00 P.M.

City Council Chambers

DRAFT

1. CALL TO ORDER

Chairman Beckner called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

2. ROLL CALL

Present were, Chairman Rob Beckner, Vice Chair Steve Hinson, Board Members Larry French, David Buroker, Catherine Ziebell and Daniel Schroeder. Absent was Board Member Dave Menzel.

Motion to excuse absence was made by Member Buroker, seconded by Member French – motion carried 6-0.

3. MINUTES

Board of Adjustment Meeting Minutes of March 26, 2015

Motion to approve the minutes was made by Member Schroeder, seconded by Member Ziebell – motion carried 6-0.

Board of Adjustment Workshop Minutes of November 12, 2015

Motion to approve the minutes was made by Member French, seconded by Vice Chair Hinson – motion carried 6-0.

4. PUBLIC HEARING(S) –

a. Testimony Life Church – Conditional Use Permit Request (CUP-2016-01)

A request for conditional use approval for a church in a storefront within the West Melbourne Business Center in the C-P, (Commercial Parkway District) as required in Section 98-364 (8) of the Code of Ordinances.

Applicant:	*Testimony Life Church*
Representative:	*Melvin Baskerville*
Location:	*4195 West New Haven Avenue*

Planner Curry presented the staff report which included the applicant, location, acreage, current zoning, and existing development information. She talked about the conditional uses listed in the C-P zoning district and the extra layer of review that a conditional use provides. She presented staff analysis to prove that the request is consistent with the general conditional use and church

conditional use criteria listed in the Code. She stated that both sets of criteria have been met and recommended approval of the conditional use based on the analysis in the staff report with the following conditions:

1. Interior renovations allowed after receiving building permits.
2. No bus parking for church events.

Chairman Beckner opened the public hearing and asked for any comments from the audience.

Mr. Baskerville, the applicant's representative spoke briefly regarding the project.

Discussion included:

- Location of the specific unit and existing conditions of the space.
- Designated parking
- Whether a daycare is proposed – The applicant stated that there will not be a daycare.
- Area for children to play – safety

Motion to approve the minutes was made by Member Schroeder, seconded by Member Ziebell – motion carried 6-0.

5. REPORTS

1. Planning Director
2. Board Members

6. PUBLIC COMMENTS

7. ADJOURN

There being no further business, the meeting was adjourned at 7:28 p.m.

Rob Beckner, Chairman

Denise Curry, Planner

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Hal J. Rose

DEPUTY MAYOR
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BOARD OF ADJUSTMENT AGENDA ITEM

PREPARED BY: Denise Curry, Planner

REVIEWED BY: Christy Fischer, Planning Director

MEETING DATE: August 25, 2016

SUBJECT: **Higgins Variance Request (VAR-2016-01)**

This is a request for approval of a variance to the rear setback requirement in the R-1A zoning district for the extension to the existing screen room located at 767John Carroll Lane. The following information has been compiled to assist the Board of Adjustment in making a determination concerning this request.

Background Information—

Property Owners: Steven & Jason Higgins

Representative: Joel Goldfarb, Esq.

Location: 767 John Carroll Lane (Lot 113, Clement's Wood, Phase II)

Current Use: Single-family residence

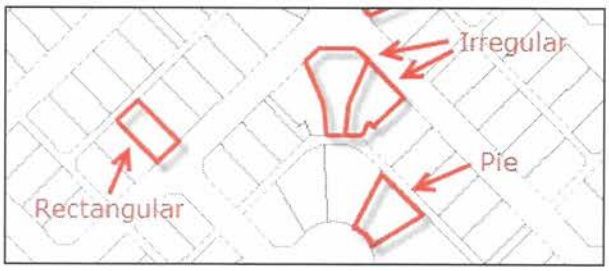
Zoning: R-1A (Single-family residential)

Future Land Use: LD-RES (Low-density residential)

Variance Request: Applicant would like to widen his existing 12' x 15' enclosed screen room by eight (8) ft. making it 20' x 15' and convert it to a bedroom 15 feet from the rear property line instead of the required 25 feet per Section 98-196, (7), d. for a variance of more than 10 feet .

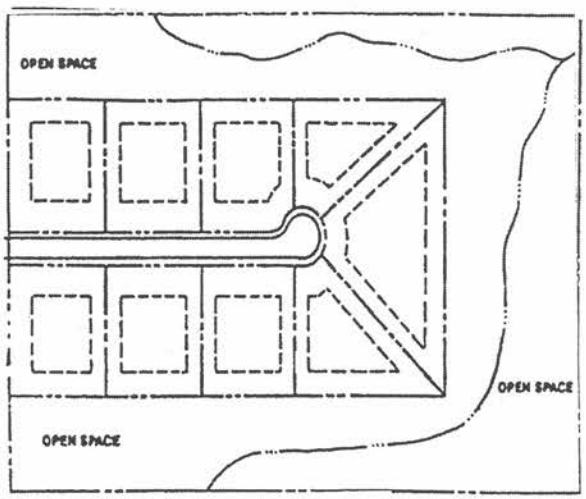
Property History: The subject property is located in the Clement's Wood, Phase II subdivision (see attached aerial and map). Every lot in this subdivision is pie shaped. Typically, most lots are rectangular in shape and have the same lengths and widths so this subdivision was unique.

Lot Shape Examples



As noted in the illustration below, a pie shaped lot has a challenge when it comes to maintaining required setbacks (shown by dashed lines) that a rectangular shaped lot would not have. The outcome is an oddly shaped buildable area and less rectangular buildable area.

Buildable Area Illustration



Inside the dashed outline represents the buildable area for each lot shape.

So putting a rectangular house on a pie shaped lot is like trying to put a square peg in a round hole. It can be angled to make portions of it fit but you will still never get it to fit without altering the shape and a pie shaped house isn't practical. The subject property meets and exceeds the lot depth and width requirements for the R-1A zoning district so the lot size is not justification for the variance, but does contribute to limiting areas for placement of the room addition.

History of Granting Variances for pie shaped lots in Clement's Wood Subdivision

The Clement's Wood subdivision was created in 1979, nine years after West Melbourne's zoning code was enacted. The unusual pie shaped lots offered additional rear yard area but also proved more challenging to fit square or rectangular houses and to meet all the setbacks.
Pie shaped properties in the Clement's Wood Subdivision over the years have been granted variances for room additions encroaching into the rear setback. One of those properties is next door to the subject property. In 2003, City Council sitting as the Board of Adjustment granted 765 John Carroll Lane a similar variance to convert a screen room into a habitable area and to extend the area over two existing patios which encroaches into the rear setback.
R1-A setbacks: Front – 25'; Side – 7.5'; Rear – 25'; Min. lot width – 75'; Depth- 100'

Next Door
765 John Carroll Lane
(also did not meet
25' Rear setback)
Variance granted
In 2003

The house owned by the Higgins family at 767 John Carroll Lane was constructed in 1981 under the R-1A zoning (see Attachment 1). The City did not require a "form board" survey in 1981, as it currently does to ensure that houses are constructed within setbacks. The applicant purchased the property in September 2004 with the 12' x 15' screen room in existence on the rear of the house (see pictures below). The Higgins family intend to convert the screen room area to an additional bedroom since the existing screen room was allowed. To add a bedroom, they desire a room that is fully enclosed, measuring 15' wide by 20' long (see Attachment 2).

Even though there appears to be a spacious yard, in order to access the converted bedroom from the main living area of the house, the applicant can only encroach into the 25 foot required rear setback listed in Sec. 98- 196 since part of the house is either at or very near the 25' rear setback already. The proposed addition would not impact any of the other setbacks so variances are not needed for encroachments into the front or side setbacks.

If the variance is not approved, the applicant will not be able to construct the additional bedroom. The house is 1,230 square feet in size and meets the minimum size requirement but planning studies show that homeowners who invest in improvements to their property are more likely to stay as homeowners and maintain the structures, rather than the units converting to renter occupancy.

City Code Citation: Chapter 66, Article VI, Division 3 (Variances).

Staff Analysis—

Land Development Regulations (LDR):

As part of the analysis of the significance of the requested variance, staff reviews the impact of code waivers on significantly altering the overall compliance with the intent of the codes in the City's Land Development Regulations (LDR). The applicant is seeking a waiver to LDR Sec. 98-196 (7), d. of the Zoning Code, which states:

> *"Sec. 98-196. Lot and structure requirements.*
>
> *7) Minimum yard requirements:*
> *a. Front: 25 feet.*
> *b. Side, interior: 7 ½ feet*
> *c. Side, corner: 25 feet*
> *d. Rear: 25 feet; 20 feet when abutting an alley."*

The Board of Adjustment is tasked with determining whether or not a variance request meets the factors for granting a variance as outlined in Sec. 66-386(b). In the following paragraphs, staff outlines the justification for granting a variance.

Factors in Making a Determination to Grant a Variance:

1) <u>Establishment of Hardship – LDR Sec. 66-386(b)(1)</u> states, "Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district."

   Staff Comment: Partially based on staff's input, a determination by City Council was made that the pie shape of the lots in Clement's Wood was an acceptable hardship and the unusual shape was isolated to this subdivision and not applicable to other R-1A zoned districts. (note: City Council served as the Board of Adjustment until 2008, when code changes allowed the formation of a separate board) Very few variances are brought to the Board of Adjustment since staff usually helps applicants determine how to comply with setbacks and still get their desired structures.

2) <u>Deprivation of Rights – LDR Sec. 66-386(b)(2)</u> states, "Literal interpretation of this subpart B would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this subpart B."

   Staff Comment: Literal interpretation of the 25 foot rear yard setback would deprive the applicant of the ability of an expansion in a rectangular or square

shape into the rear yard since regardless of the angle of the house, the rear yard is constrained. Other properties in R-1A which are rectangular in shape can accommodate rectangular additions and still meet the setbacks, but due to the pie shaped lot, the applicant's property cannot support the same use.

3) Not Self Imposed – LDR Sec. 66-386(b) (3) states, "The special conditions and circumstances referred to in subsection (b) (1) of this section do not result from the actions of the applicant."

   Staff Comment: The special circumstances of the pie shaped lot were not caused by the applicant's actions. If one looks closely at Attachment 2, it appears that the front of the house may not comply with the front 25' setback either and that the house could have been pushed into the rear yard setback if the house were truly centered and parallel to the angle of the side, front and rear property lines. However, since no expansion is being proposed to the front, the only subject of this variance request is to the rear property line.

4) Not a Special Privilege – LDR Sec. 66-386(b)(4) states, "Granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart B to other lands, structures, or buildings in the same zoning district."

   Staff Comment: The variance will not grant a special privilege to the applicant as compared to other lands, structures, or buildings in the same zoning district since other properties in the R-1A zoning district have the ability to construct an additions without having the challenge of the pie shaped lot. The applicant will continue to meet the required front and side interior property line setbacks.

5) De Minimus Variance – LDR Sec. 66-386(b)(5) states, "The variance requested is the minimum variance that will make possible the reasonable use of the land, structure, or building."

   Staff Comment: This variance, if provided, preserves the applicant's right to construct a room addition and not disturb the front and side interior setbacks. The requested variance would be for more than 10 feet, but the existing screen room was already allowed years ago and already encroaches into the rear 25'. The applicant is not requesting to build any closer than 10 feet to the rear property line.

6) Public Safety and Welfare – LDR Sec. 66-386(b)(6) states, "The variance requested will preserve the general purpose and intent of this subpart B and will not be detrimental to the public safety and welfare."

   Staff Comment: Staff believes that the general purpose and intent of the rear setback requirement will be maintained if this variance is granted. The granting of such variance will not be detrimental to public safety or welfare. Conversions of screen rooms, garages and other areas into living space are typical improvements that occur in residential neighborhoods.

   The applicant has indicated that the adjacent property owners, which share side property lines, have no objection to the proposed variance request. Staff has not received any verbal or written objection to the variance request.

Conclusion—

Many years ago, City Council determined the pie shaped lots were a hardship for homeowners in Clement's Wood, which provided a valid reason to allow encroachments in the rear yards (25' rear setback). The hardship noted in the above analysis is not self-imposed and this application meets the six (6) criteria for granting a 10 foot variance to the 25 foot rear yard setback for accessory structures.

Granting a variance means the structure will not be deemed "nonconforming", but it will be legally recognized as a structure with a variance. Nonconforming refers to existing structures, especially those built before 1972 (when City Code was adopted), that do not meet current code requirements.

Staff Recommendation:
Staff recommends approval of the variance request (VAR-2016-01), as City Council determined many years ago that the pie shaped lots was an acceptable hardship for encroachment in the rear setback. Therefore the applicant meets all the variance criteria set forth in Section 66-351 as analyzed in the staff report with the following condition:

1. If the structure depicted in Attachment 2 (20 feet x 15 feet) is destroyed, only a structure similar in size and in the same location and orientation, or with less impact, will be allowed to be rebuilt under the variance approval. If a larger structure is proposed, the applicant must submit and obtain another variance.

Attachments:

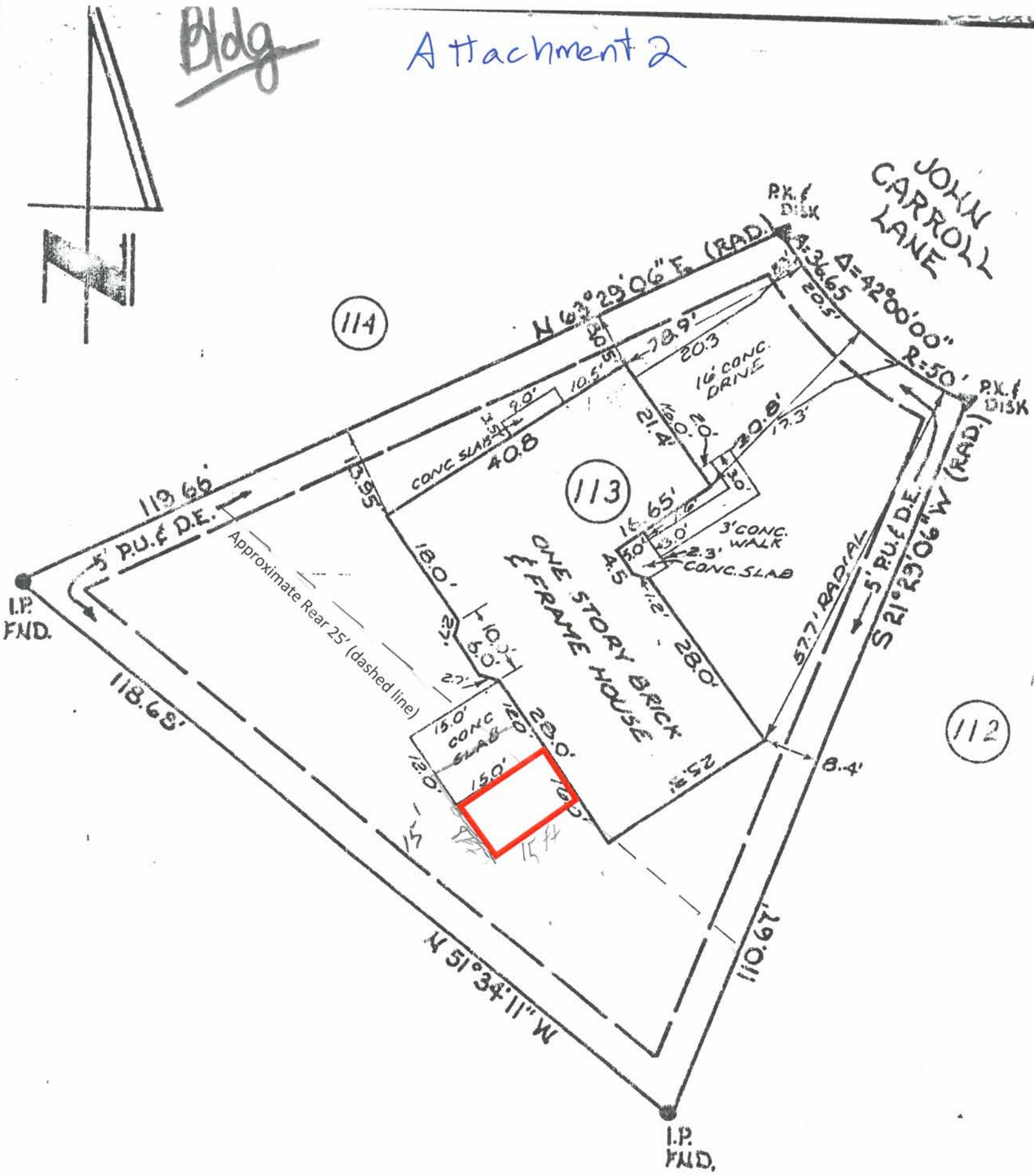
1. Zoning Map and Aerial View
2. Plot Plan of Property (with 8' x 15' room addition shown for variance)
3. Variance Request Letter from Applicant

Attachment 1:
Street and Zoning Map

Aerial View

Bldg

Attachment 2



FINAL SURVEY

LOT 113, PHASE II, OF CLEMENT'S WOOD SITUATED IN THE CITY OF WEST MELBOURNE IN THE COUNTY OF BREVARD OF THE STATE OF FLORIDA AS RECORDED IN PLAT BOOK 25, AT PAGE 100.

LEGEND:

▲ INDICATES P.K. & DISK FND.
● INDICATES I.P. FND.

SURVEY DATE
9-17-1981

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

9-22-81

REGISTERED LAND SURVEYOR — DATE
FLORIDA CERTIFICATE NO. 2716

SURVEY FOR:
John J. & Anne Sarnataro

PENINSULA ENGINEERING & TESTING CO.
CONSULTING ENGINEERS AND LAND SURVEYORS
9595 W. NEW HAVEN AVENUE, MELBOURNE, FLORIDA 32901

DATE: 9-18-1981	SCALE: 1"=20'	DWG. BY: MTC	CHK. BY:	PROJ. NO: 3861-B-3

VAC-2016-01

Attachment 3

Reasons for requesting variance

There currently exits a 12 x 15 foot concrete pad at the rear of the residence which has been enclosed. We would like to expand the length of the pad from 12 feet to 20 feet and add an addition to the home as an additional bedroom. Currently there are 3 bedrooms; however, Jason Higgins desires to occupy his residence and he has 3 children and himself and desires an extra room for one of his children. This would be the minimum request necessary to maintain the aspect ratio of the addition, make the new living area large enough to accommodate a child. The hardship is based on the peculiarity of the pie shaped lots in the subdivision

The addition would be the same type of construction as the existing structure and will be in harmony with neighboring structures and will not infringe on any neighbors nor be detrimental to the public.

The City has granted similar variance before in the Clements Wood subdivision, including for the lot next door, 112 in 2003. The Planning Director, Mr. Keith Mills, concerning the variance on lot 112, noted as submitted the attached Memorandum which thoroughly explains the unique circumstances concerning the Clement's Wood Subdivision and the previous precedents set. That variance was approved on August 19, 2003.

We are not seeking any use prohibited by the zoning district and the request is not in any material respects different than that which has generally been approved in the past involving the rear setback.

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BOARD OF ADJUSTMENT AGENDA ITEM

PREPARED BY: Denise Curry, Planner

REVIEWED BY: Christy Fischer, Planning Director

MEETING DATE: August 25, 2016

SUBJECT: WoodSpring Suites Hotel and Detached Restaurant – 4650 W. New Haven Avenue Conditional Use (CUP-2016-02)

Kimley-Horn and Associates, Inc., is the agent representing the hotel that wants to redevelop the "County Line Saloon" property at 4650 W. New Haven Avenue (a.k.a US 192) as a WoodSpring Suites Hotel and a detached restaurant on 4.18 acres. The property is currently in the process of being annexed into the City. A conditional use permit (CUP) is required to construct a commercial site three (3) acres or more in the Commercial Parkway District. Each zoning district has two types of uses:

- Uses allowed by right, and
- Uses allowed by conditional use approval.

Since the property is more than three (3) acres, the purpose of a conditional use permit is to ensure that a use is not detrimental to the public safety and welfare and is consistent with the City's Land Development Regulations (LDRs). Conditional use is a process to ensure compatibility with surrounding uses and approval does not grant special privileges.

The following information has been compiled to assist the Board in making a determination for this request.

Background Information—

Property Owner:	Lake Geneva Group, LLC
Applicant:	Mr. Kelley Klepper, AICP Kimley-Horn and Associates, Inc.
Location:	4650 W New Haven Avenue
Acreage:	4.16 acres
Zoning:	C-P (Commercial Parkway) with the Interchange Commercial Overlay (ICO).
Proposed Development:	WoodSpring Suites Hotel and Detached Restaurant

Adjacent Properties:

Direction	Existing Use	Zoning	Future Land Use
North	Cruisin' Gold – Automotive Repair and Tire Shop (county)	Brevard County BU-1	Brevard County Community Commercial
South	Sunoco Gas Station and Coastal Commerce Center (Rooms To Go) both in the City	C-P/ICO, Commercial Parkway/Interchange Commercial Overlay	Commercial (COM)
East	Dike Road	Not Applicable	Not Applicable
West	Interstate 95 (right-of-way) and Waffle House	Brevard County	Brevard County

Areas shown in blue show the city limits. The Sunoco gas station is in our city limits & next to the site.

The proposed hotel and restaurant are compatible uses and fit in with the other surrounding uses.

Lot Coverage on the Subject Property:

Lot Coverage	Acres	Percent
Impervious Total (Building + Pavement)	**2.53**	61%
Building (17,516 s.f.)	0.40	9.7%
Pavement	2.13	51.3%
Pervious (green space)	**1.61**	39%
Total Area	**4.14**	**100.0%**

Maximum building coverage allowed in the CP district is 25% and this development is 9.7% per the Lot Coverage table. The applicant will be submitting a site plan application with additional construction details, if the conditional use permit is approved by the Board of Adjustment.

Staff Analysis—

A planned commercial development on a parcel three (3) acres or more is a conditional use in the C-P zoning district (LDR Section 98-364). The intent of requiring the conditional use permit on sites three acres (3) or larger is that the larger projects, even if single use, have more impacts on the surroundings.

The site is categorized as a "planned commercial development" because Woodspring Suites Hotel and the detached restaurant buildings will be developed on 4.16 acres). The conditional use permit process helps to ensure that the site is master planned in the beginning for the infrastructure to support the site, instead of being an after-thought.

Conditional Use Permit Review

Planned commercial developments are required to have an initial site plan for the conditional use permit which is not as in depth as the administrative review that occurs later after CUP approval. LDR Section 66-557(a) includes criteria for initial site plans.

When reviewing this conditional use request for a planned commercial development in the C-P zoning district, staff follows criteria and regulations from the following:

1. Conditional use approval criteria as listed in LDR Section 66-351
2. Planned Commercial Development criteria as listed in LDR Section 98-896
3. ICO district regulations as listed in LDR Sections 98-954 and 98-955

As long as the applicant has met the conditional use and planned commercial development requirements the request cannot be denied.

1st Set of Review Criteria - Conditional Use:
The submitted conditional use application was sufficient to move forward with the Board of Adjustment public hearing process. The Board of Adjustment, after holding a public hearing, votes to approve, deny, or conditionally approve the conditional use request in accordance with a review of the criteria for conditional use requests.

The following lists the ten (10) provisions that must be adequately addressed to receive approval as well as staff's comments on each:

1. *Ingress and egress* – There are two vehicular access points. One from New Haven Avenue and the other from Dike Road. Pedestrian access will be provided with a sidewalk connection and a crosswalk to the Dike Road sidewalk on the east side of the proposed WoodSpring Suites building with the development of the future restaurant. There will also be a 5' wide sidewalk from New Haven Avenue to the hotel building which connects to the sidewalk around the perimeter of the building. The two (2) points of ingress and egress are designed to handle the traffic flow efficiently through the site and provides vehicular safety in maneuvering.

Traffic - A site specific traffic study showing the impact was submitted which showed an area of influence within a 1.5 mile area of the site entrance. The site is estimated to generate 1,038 daily trips which when added to the 26,700 existing daily trips on New Haven Avenue is well under the daily adopted capacity of 36,000 trips for the segment of New Haven Avenue between the project driveway and John Rodes Blvd. The "County Line Saloon" added slightly fewer average daily trips to West New Haven Avenue on a regular basis, but with special shows and events, the volume of trips exceeds what the two new uses, hotel and restaurant, might produce.

This segment of roadway does experience evening peak hour congestion but FDOT has identified that the segment with the greatest need for improvement actually lies between Wickham Road eastward to Dairy Road and not this segment near the highway. As a comparison, the two new uses are expected to generate most of their traffic in the PM peak hours, which equates to 123 trips, while the existing "County Line Saloon" was capable of generating 138 trips in evening hours. The "PM peak hours" for the hotel are 4 to 6 pm, these peak hours do not exactly coincide with the hours of the "County Line Saloon", so the comparison of overall daily trips between the existing and proposed is more useful.

The conclusion of the traffic study prepared by the applicant shows that even with additional traffic from the new development, the roadway segments are "expected to operate acceptably in future total background and buildout conditions. No roadway improvements are required for the proposed development." This is because of two reasons, one that there is the existing traffic signal at Dike Road to accommodate traffic turns and distribution, and secondly because growth rates on most roads are assumed to be at least 2% a year even if nothing gets built or redeveloped. If traffic impact fees are reinstated by Brevard County in December, then this development will pay its fair share of impact fees.

Since trip distribution from the site only can go east or west on New Haven Avenue, and this road is controlled by the State of Florida, the users are already coordinating with FDOT staff to address any changes to the existing driveway that goes between Waffle House and the Sunoco gas station to US 192. City staff would prefer if this driveway only became an entrance off New Haven Avenue into the site but since this driveway was already allowed by FDOT many years ago and the trip generation between the existing and proposed uses are not that different, chances are that FDOT will continue to allow the driveway to serve the site instead of just limiting access through the signal at Dike Road.

2. *Parking* – The City requires 126 parking spaces for a building of this size with 3 employees (123 guest rooms), and the applicant is proposing 126 spaces.

Parking Calculations	
Required 1 space/guest room + 1/ 3 employees	126
Provided	126

3. *Solid Waste and Service Areas* – A dumpster is proposed behind the building, located on the northeastern corner of the parking lot and will be shielded from view by a wall and hedges, which are both required. Staff will require the hedge line to be 6' tall immediately upon planting for both the dumpster and the lift station. The applicant

submitted the attached landscape plan which is not clear about the height of the shrubs around the utility facility and the dumpster.

4. *Screening and Buffering* – Screening from adjacent commercial properties, or to I-95 is not required. However, required landscaping of trees, shrubs and ground cover will surround the site and will buffer the adjacent properties per the Code.

5. *Signs and Lighting* – Sign locations/types have not yet been approved, however, the applicant will be required to follow Code and the development agreement during final site plan approval. Lighting plans are not required at this stage, but the applicant has stated they will follow Code which requires that lighting be downcast and not exceed the maximum allowance of 1.0 footcandle (=1 foot radius circle of light) at the property lines, and poles to be no taller than **30 feet.** The City requires lighting standards to be very similar to what is known as "Dark Sky".

6. *Required Yards* – The proposed development meets the minimum yard requirements with the building setbacks.

7. *Building Height* – The maximum height allowed is 45 feet per the Development Agreement. The maximum proposed height for this building as shown on the attached site plan is 40' 11" for eave height and 46' 11" for total height to the ridge line. Staff is working on a proposed code amendment that will revise the definition for building height to be consistent with how the building code measures building height, which is to the average of eave height. After the revisions, the building should meet the maximum height requirement. Applicants and architects get confused as to which height limit they should meet since industry standards are typically the average of eave heights, not the absolute top of the roof line.

   The requirements in the Interchange Commercial Overlay zoning district encourage varying rooflines since architectural variety produces a more attractive and more valuable building than just a square or rectangular building with no roofline definition. So changing the way the height is measured will bolster the goals of the Interchange Commercial Overlay zoning district which seeks to have human scaled and visually pleasing buildings.

8. *Landscaping* – A landscape plan is not required at this time for the conditional use permit; however, the applicant will be required to ensure that the plans meet the minimum landscaping requirements.

9. *Renewal/Termination Dates* – The applicant would like to start construction as soon as possible but must obtain final site plan approval and building permits prior to construction.

10. *Compatibility* – The proposed development will be compatible with surrounding uses since all surrounding uses are similar. Staff does not foresee any compatibility issues with placing a hotel and restaurant on this property. The hours of operation will be similar if not the same as the surrounding uses.

The proposed use and initial site plan meet the conditional use criteria listed in LDR Section 66-351. Staff will ensure that the final approved final site plan continues to meet these criteria.

2nd Set of Review Criteria – Planned Commercial Development Criteria:
Besides the requirement to follow the conditional use criteria, the applicant must also follow the planned commercial development criteria listed in LDR Section 98-896 when submitting the site plan. This code is intended to encourage coordinated development of commercial facilities which results in efficient use of the land with a suitable design.

"Sec. 98-895. – Site plan.

a. For a planned commercial development, concurrent with the request for a conditional use, a site plan shall be submitted on which structures shall be located in relation to the following:
    (1) Each other and to major entrances into and off the site;
    (2) Internal circulation ways;
    (3) Parking and service areas; and
    (4) Landscaped areas.

b. The site plan and supporting data shall show the following:

    (1) Proposed standards for development, including restrictions of the use of the property;
    (2) Exceptions or variations to the requirements of this chapter requested, if any;
    (3) Plans for the provision of utilities, including water, sewer and drainage facilities;
    (4) Plans for protection of abutting properties; and
    (5) Such other plans, tabulations and other data that the board of adjustment may require."

The proposed use and initial site plan meet the criteria listed in LDR Section 98-896 for Planned Commercial Developments. Staff will ensure that the final site plan continues to meet these criteria.

Interchange Commercial Overlay (ICO):
Requirements of the ICO are similar in nature to the criteria previously described. Criteria mainly consist of uses, aesthetic issues, landscaping and parking stall size.

Since appearance is an integral part of the ICO district, the applicant submitted the attached building elevations with the conditional use application. The building is scaled with varying heights of roof lines with shingles and uses stone to complement the hardi-board with an earth tone colored exterior. The applicant has a promotional video which describes the hotel as being comfortable, clean and this is partially reflected in their "residential-style exterior design" (see the attached renderings of views of the building). However, since some of their buildings have more stone and paint color changes from section to section of the view of the building, staff is working with the applicant is ensuring that the built, or "3 d" version of WoodSpring Suites has enough changes to the front of the building to be more than one massive wall.

Properties located in the ICO are allowed to have 10 foot wide parking spaces and must have landscaping surrounding the building on at least two intersecting wall planes. The initial site plan meets the parking space criteria and a final landscape plan must be submitted with the final site plan showing the required landscaping next to the building. Staff will ensure that the final site plan meets these criteria.

Public Notice:

The conditional use was advertised in the legal section of the Florida Today on August 2, 2016.

Conclusion—

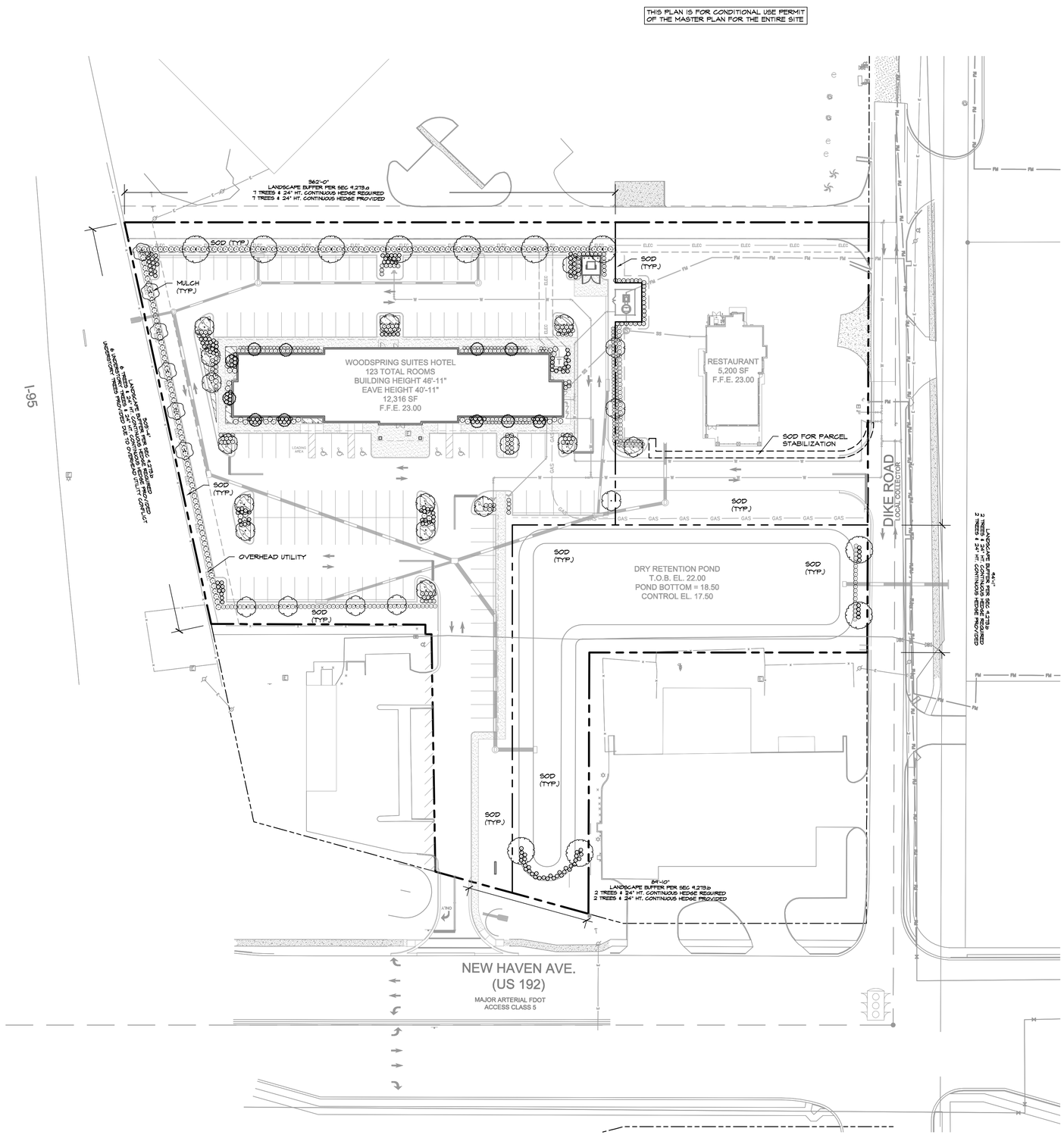
Staff recommends approval of the conditional use permit and the initial site plan based on the analysis in the staff report with the following conditions:

1) Finalization of the annexation, comprehensive plan amendment and rezoning to allow the site to be annexed into our city limits and assigned our land use designations must occur prior to final site plan approval.
2) Approval of the development agreement to address the phase out of County Line Saloon and the new uses prior to building permit issuance.
3) Approval of the code amendments regarding the definition of building height must occur prior to final site plan approval.
4) Plant six (6) foot tall shrubs around the dumpster and lift station perimeter instead of three (3) foot tall when submitting the final site plan; and work with staff on ensuring that the exterior walls have features to break up the expanse of a massive wall, or box-like structure.
5) Coordinate with FDOT on the existing driveway onto US 192 and any changes needed.

Attachments—

1. Photos of the existing building
2. Initial Site Plan
3. Landscape Plan (11" x 17")
4. Building Elevation Views in color

THE COUNTY LINE



NORTH

GRAPHIC SCALE IN FEET
0 20 40 80

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE
	GH	23	QUERCUS VIRGINIANA 'HIGH RISE' STRAIGHT, SINGLE LEADER, 5' CT., FULL, FL #1	HIGH RISE LIVE OAK	FG	2" CAL MIN	14' HT., 5' SPR.
	QV	11	QUERCUS VIRGINIANA STRAIGHT, SINLGE LEADER, 5' CT., FULL, FL #1	SOUTHERN LIVE OAK	FG	2" CAL MIN	14' HT., 4' SPR.
	SP	11	SABAL PALMETTO STRAIGHT, BOOTED, HURRICANE CUT, FULL, FL #1	SABAL PALM	FG	-	12' CT

UNDERSTORY TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE
	LY	6	LAGERSTROEMIA X 'YUMA' MULTI-TRUNK, 5 TRUNK MIN., 5' CT., STRAIGHT, FULL, FL #1	CRAPE MYRTLE	FG	5" CAL. TOT.	14' HT., 5' SPR.

SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE
	CU	68	COCCOLOBA UVIFERA FULL TO BASE	SEA GRAPE	7 GAL	48" OC	30" FULL
	CU2	88	COCCOLOBA UVIFERA FULL TO BASE	SEA GRAPE	3 GAL	48" OC	24" FULL
	HC	147	HAMELIA PATENS 'COMPACTA' FULL	DWARF FIRE BUSH	3 GAL	30" OC	14" FULL
	RA	99	RHAPHIOLEPIS INDICA 'ALBA' FULL	WHITE INDIAN HAWTHORN	3 GAL	36" OC	18" FULL
	SD	91	STRELITZIA REGINAE 'DWARF' FULL	DWARF BIRD OF PARADISE	7 GAL	48" OC	30" FULL
	TD	194	TRIPSACUM FLORIDANUM FULL	FLORIDA GAMAGRASS	3 GAL	36" OC	18" FULL
	VA	41	VIBURNUM ODORATISSIMUM 'AMABUKI' FULL TO BASE	AMABUKI VIBURNUM	3 GAL	36" OC	20" HT MIN
	VS	149	VIBURNUM SUSPENSUM FULL	SANDANKWA VIBURNUM	3 GAL	36" OC	18" FULL

GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACING
	FG	190	FICUS MICROCARPA 'GREEN ISLAND' FULL	GREEN ISLAND FICUS	3 GAL	14" FULL	30" OC

MISC.	QTY	BOTANICAL/COMMON NAME	SPECIFICATIONS
MULCH	TBD	FLORIMULCH	SHREDDED, GRADE 'B', 3" DEPTH MINIMUM
SOD	TBD	PASPALUM NOTATUM 'PENSACOLA'/ PENSACOLA BAHIA GRASS	ROLLED TIGHT, 100% WEED/INSECT/DISEASE FREE

LANDSCAPE NOTES:

1. ALL LANDSCAPE MATERIAL TO BE FLORIDA GRADE #1 OR BETTER QUALITY
2. ALL LANDSCAPED AREAS ARE TO RECEIVE A MINIMUM OF 4" OF TOPSOIL.
3. ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
4. ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
5. ALL TREES MUST BE GUYED OR STAKED AS SHOWN IN THE DETAILS.
6. ALL PLANTING AREAS SHALL BE COMPLETELY MULCHED AS SPECIFIED.
7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR 1) TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA 2) TO PROTECT OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD 3) TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING TO MAINTAIN HEALTHY PLANT CONDITIONS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FULLY MAINTAINING (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) ALL OF THE PLANT MATERIALS AND LAWN FOR THE WARRANTY PERIOD.
11. ANY PLANT MATERIAL WHICH IS DISEASED, DISTRESSED, DEAD, OR REJECTED (PRIOR TO SUBSTANTIAL COMPLETION) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
12. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR WARRANTY PERIOD. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS DURING THE NORMAL PLANTING SEASON.
13. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
14. ALL LANDSCAPING SHALL BE INSTALLED ACCORDING TO SOUND NURSERY PRACTICES, AND SHALL BE FLORIDA NO. 1 OR BETTER AS GIVEN IN "GRADES AND STANDARDS FOR NURSERY PLANTS, PARTS I AND II," STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE.
15. ALL INVASIVE / EXOTIC SPECIES AND PROHIBITED TREE SPECIES SHALL BE REMOVED FROM SITE, INCLUDING ROOT BALLS TO THE EXTENT POSSIBLE WITH NO DAMAGE TO ADJACENT EXISTING TREES.
16. ALL LANDSCAPE AREAS WILL BE PROVIDED WITH PERMANENT AUTOMATIC IRRIGATION SYSTEM.
17. TREE SUPPORT MATERIALS ARE TO BE REMOVED FROM EACH TREE ONCE IT IS "ESTABLISHED" (AS APPROVED BY THE LANDSCAPE ARCHITECT).
18. ALL PLANT SPECIFICATIONS IN THE PLANT SCHEDULE SHALL BE CONSIDERED THE MINIMUM ALLOWABLE SPECIFICATIONS. CONTRACTOR SHALL PROCURE PLANT MATERIALS AND UPSIZE AS NECESSARY TO MEET THE MOST STRINGENT SPECIFICATION.

LANDSCAPE REQUIREMENTS:	REQUIRED	PROVIDED
BUFFER YARD R.O.W. - SEC 9.273.b (WEST) 1 TREE/50 LF CONTINUOUS HEDGE (24" HT.)	(W) 309'-4"/50 = 6 TREES REQUIRED (W) 24" HT. CONTINUOUS HEDGE	6 UNDERSTORY TREES PROVIDED (OVERHEAD UTILITY) 30" HT. CONTINUOUS HEDGE
BUFFER YARD R.O.W. - SEC 9.273.b (EAST) 1 TREE/50 LF CONTINUOUS HEDGE (24" HT.)	(E) 94'-1"/50 = 2 TREES REQUIRED (E) 24" HT. CONTINUOUS HEDGE	2 TREES PROVIDED 24" HT. CONTINUOUS HEDGE
BUFFER YARD R.O.W. - SEC 9.273.b (SOUTH) 1 TREE/50 LF CONTINUOUS HEDGE (24" HT.)	(E) 84'-10"/50 = 2 TREES REQUIRED (E) 24" HT. CONTINUOUS HEDGE	2 TREES PROVIDED 24" HT. HEDGE
BUFFER YARD ABUTTING PROPERTIES - SEC 9.273.a (NORTH) 1 TREE/50 LF CONTINUOUS HEDGE (24" HT.)	(N) 362/50 = 7 TREES REQUIRED (N) 24" HT. CONTINUOUS HEDGE	7 TREES PROVIDED 24" HT. CONTINUOUS HEDGE
INTERIOR PARKING AREAS - SEC 9.273. c 50 SF LANDSCAPING FOR EACH PARKING SPACE 1 TREE/INTERIOR LANDSCAPE AREA (PARKING ISLAND)	50 SF x 126 = 6,300 SF REQUIRED 17 TREES REQUIRED	6,565 SF PROVIDED 17 TREES PROVIDED
MISC. MINIMUM CANOPY TREE SIZE - SEC 9.273 (c) (3) MITIGATION TREES	2" CAL., 10' HT., 5' CT. 6 TREES REQUIRED	2" CAL., 10' HT., 5' CT. PROVIDED 6 TREES PROVIDED

No.	REVISIONS	DATE	BY

Kimley»Horn
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LICENSED LANDSCAPE ARCHITECT
MICHAEL SCOTT MINONET
REGISTERED
STATE OF FLORIDA LICENSE NUMBER LA0001428
FLORIDA
DATE:

KHA PROJECT 045457000
DATE 2016-07-27
SCALE AS SHOWN
DESIGNED BY MTF
DRAWN BY MTF
CHECKED BY MSM

LANDSCAPE PLAN

WOODSPRING SUITES

CITY OF MELBOURNE FLORIDA

SHEET NUMBER
L2.0

Plotted By:Franko, Matt Sheet Set:WOODSPRING SUITES Layout:LANDSCAPE PLAN August 15, 2016 08:04:10am K:\ORL_LA_MARKETING\Vero Beach\Woodspring Suites\CAD\CONST\PlanSheets\L-2.0 LANDSCAPE PLAN.dwg
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Woodspring Suites | Overall Perspective
Suites Prototype

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B | R | R architecture

Woodspring Suites | Entry Perspective

Suites Prototype

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B | R | R
architecture

3

02/10/2016

Woodspring Suites | Rear Perspective

Suites Prototype

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Woodspring Suites | Rear Canopy Perspective

Suites Prototype

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Front Elevation

Left Elevation

Woodspring Suites | Elevations

Suites Prototype

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