



Board of Adjustment

**AGENDA**

July 19, 2023

6:30 P.M.

City Council Chambers

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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.

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. CHAIRPERSON'S MEETING PROCEEDINGS STATEMENT**

**5. MINUTES**

Board of Adjustment Meeting Minutes of February 23, 2023

**6. PUBLIC HEARING(S) –**

**9075 Ellis Road – Conditional Use Permit and Initial Site Plan Approval Request (case # CUP-2023-02)**

The applicant is requesting approval for conditional use and initial site plan of a planned industrial development over 5 acres proposed on the south side of Ellis Road. *The applicant has requested to postpone the case until August.*

*Applicant: Ana Saunders, P.E. agent for Madison Holdings of Brevard LLC  
Location: 9075 Ellis Road*

**7. REPORTS**

1. Planning Director or designee –
2. Board Members

## **8. PUBLIC COMMENTS**

## **9. ADJOURN**

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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.



Board of Adjustment

**MINUTES**

February 23, 2023

7:00 P.M.

City Council Chambers

**1. CALL TO ORDER**

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

**2. ROLL CALL AND INTRODUCTIONS**

Present: Chair Mary Renfro  
Vice Chair Adam Gaffney  
Board Member Claudia Sprague  
Board Member Corina Savela  
Board Member William Johnson  
Board Member Hugh Nicolay  
Board Member Teresa Breault

Staff present: Planner Denise Curry  
Administrative Assistant Stefanie Lascoux  
City Attorney John Cary

**3. BUSINESS ITEMS**

- a. Swearing in of new board member Teresa Breault by City Attorney John Cary
- b. Selection of Chair and Vice Chair

Board Member Johnson nominated Board Member Sprague for Chair and Board Member Renfro seconded the motion. Motion passed 7-0. New Chair – Claudia Sprague

Board Member Savela nominated Board Member Johnson for Vice Chair and Board Member Renfro seconded the motion. Motion passed 7-0 New Vice Chair – Bill Johnson

#### 4. MINUTES

Board of Adjustment Meeting Minutes of November 16, 2022

Moved by Board Member Nicolay, seconded by Board Member Renfro to approve the minutes as written. Motion passed 7-0.

#### 5. PUBLIC HEARING(S) –

##### a. **U.S. 192 Business Center – Conditional Use Permit and Initial Site Plan Approval Request (CUP-2023-01)**

The applicant is requesting approval for conditional use and initial site plan for a proposed industrial/business center located on the west side of Coastal, east of Interstate 95 and north of U.S. 192.

*Applicant: Cliff Repperger, Jr., Esq. Whitebird, PLLC agent for G.T. Kelly General Contractors, Inc.*

*Location: West side of Coastal Lane*

Planner Curry advised the board on quasi-judicial procedures and asked for any disclosures. There were no disclosures.

Planner Curry presented the staff report. She presented the background information regarding the applicant, location, zoning, future land use, and the proposed use of flexible office/warehouse space. Also, that a binding Development Agreement and the property rezoned to M-1 had been approved on January 17, 2023. Since the property is over 5+ acres in the M-1 zoning district this is why a Conditional Use Permit approval is needed for the property which must be consistent with the binding development agreement.

Planner Curry provided an analysis of the 10 conditional use criteria set forth in the LDRs. She indicated that all 10 conditional use permit criteria have been satisfied. Proposed start date of Phase 1 construction is estimated for May 2023 and to last approximately eleven (11) months until completion.

Staff recommends approval of the conditional use and initial site plan based on the analysis in the staff report, with the following and with a sixth additional condition:

1. Submit the final site plan and this plan which must be consistent with the initial site plan.
2. Meet the minimum landscaping requirement for the site during final site plan submittal and increase the shrub height along Coastal Lane to 4-6' or use walls, berms and other features to ensure a 6' tall opaque buffer is created along the roadway.
3. Use evergreen trees along Coastal Lane to maintain a year-round visual screen.

4. Increase the girth of the proposed trees. Conversely, other tree species that are medium sized at maturity and evergreen can be used to fulfill Council's requirement for dumpster screening.
5. Allow the Planned Industrial Development to be located along a future collector road instead of being placed along an arterial (waiver to Sec. 98-934).
6. Allow the Planned Industrial Development to be located on a road abutting residentially zone property (waiver to Sec. 98-935).

Mr. Repperger, representing Whitebird PLLC and applicant George Kelly stated that the applicant agrees to the five (5) recommendations from the staff report that has been placed on this project and also with the enhanced landscaping and height adjustment with the wall, tree species and the light and photometric dark sky and illumination criteria.

Mr. Kelly, then stated that he understands that these are technical criteria and that his company had done four (4) projects prior in the state. He confirmed that no loading or unloading will be performed after business hours. That some of these spaces may be offices and they may be at the office after hours just performing desk work in response to questions by Board Member Renfro and Savela.

Board Member Savela asked what kind of companies will he allow in these spaces and he stated a wide variety but there is to be NO WORK outside of the four (4) walls of the building. Meaning no work is to be done outside only loading and unloading.

Board Member Nicolay feels that the community will be better served with a preferred tree of hard woods or pine trees as he does not like the staff's proposal of the evergreen trees in condition #3.

Board Member Nicolay motioned for the removal of condition #3 from the staff's recommendations for approval of the conditional use and initial site plan based on the analysis in the staff report and Board Member Johnson seconded the motion.

1. Submit the final site plan and plan which must be consistent with the initial site plan.
2. Meet the minimum landscaping requirement for the site during final site plan submittal and increase the shrub height along Coastal Lane to 4-6' or use walls, berms and other features to ensure a 6' tall opaque buffer is created along the roadway.
3. Increase the girth of the proposed trees. Conversely, other tree species that are medium sized at maturity and evergreen can be used to fulfill Council's requirement for dumpster screening.
4. Allow the Planned Industrial Development to be located along a future collector road instead of being placed along an arterial (waiver to Sec. 98-934).
5. Allow the Planned Industrial Development to be located on a road abutting residentially zone property (waiver to Sec. 98-935).

**Removed Condition: Use evergreen trees along Coastal Lane to maintain a year-round visual screen.**

Motion passed 7-0:

## **6. REPORTS**

1. Planner Curry discussed that meetings beginning next month will begin at 6:30pm and provided an update on the Comprehensive Plan
2. Board Members – No reports

## **7. PUBLIC COMMENTS**

No public comments.

## **8. ADJOURN**

There being no further business, the meeting was adjourned by Chair Sprague at 7:42pm

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Claudia Sprague, Chair

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Denise Curry, Planner



## BOARD OF ADJUSTMENT AGENDA ITEM

PREPARED BY: Christy Fischer, Planning Director

MEETING DATE: Wednesday, July 19, 2023

SUBJECT: Postponement of 9075 Ellis Road Conditional Use and Initial Site Plan  
(case #CUP 2023-02)

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### **Process —**

When an applicant requests development of an industrial use in the M-2 zoning on property that is larger than 5 acres (this is termed a planned industrial development), the proposal is advertised for public hearings by the Board of Adjustment. The requested conditional use permit was advertised for July 19, 2023.

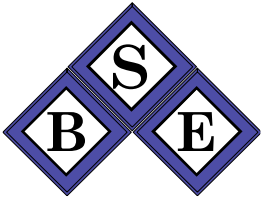
On July 11, 2023, the applicant held a neighborhood meeting to discuss the project and to hear neighbor's concerns. On July 12, 2023, the applicant's representative asked for the item to be postponed to August 24, 2023 to allow additional time to review comments from the surrounding neighbors and meet with staff to discuss the project layout and potential issues (see attached email).

The applicant has agreed to mail letters to the neighbors within 500-feet informing them of the meeting date change (see attached letter). Since the item was already advertised, the Board of Adjustment must make a motion to postpone the item to the date certain of August 24, 2023 and this serves as the public notification of the new date.

### **Staff Recommended Motion –**

Staff recommends that the Board of Adjustment make the following motion:

*Postpone the conditional use and initial site plan request on M-2 zoned property as a planned industrial development to the August 24<sup>th</sup> public hearing date.*



**B.S.E. CONSULTANTS, INC.**  
Consulting ~ Engineering ~ Land Surveying

Scott M. Glaubitz, P.E., P.L.S.  
President

Hassan Kamal, P.E.  
Vice President

July 12<sup>th</sup>, 2023

**Via U.S. Mail**

**Re: Notice of Board of Adjustment Meeting Continuance**  
**Applicant: Madison Holdings of Brevard, LLC**  
**Project Site Address: 9075 Ellis Road**  
**Request for: Site Plan Approval**

Dear Neighbor:

Thank you for meeting with our team this past week to discuss the Madison Holdings project located at 9075 Ellis Road. There was much dialog and we left feeling like it was a productive evening – we hope you did as well.

We are providing the City with a summary of the items discussed and in order to give time and thought to your comments and concerns we have requested a continuance of this item – meaning it will be **heard at the Thursday, August 24, 2023 Board of Adjustments** meeting instead of the July 19, 2023 meeting.

If in the meantime, you have any questions please do not hesitate to reach out to our office via email at [info@bseconsult.com](mailto:info@bseconsult.com) or telephone at (321) 725-3674.

Very Truly yours,

***Ana Saunders, P.E.***

Ana Saunders, P.E.  
Senior Project Engineer  
B.S.E. Consultants, Inc.

ALS/alm  
11658.city.corr.23-as-1559.june

cc: Jason Wadsworth, Madison Holdings of Brevard, LLC (*via E-mail*)  
Savannah Farley, Project Engineer, BSE Consultants (*via E-mail*)