Board of Adjustment

AGENDA

November 18, 2020

7:00 P.M.

City Council Chambers
and via Communications Media Technology*

*See notice regarding communications media technology and public participation on page 2

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 February 27, 2020

5. EXTENSION OF APPROVAL REQUESTS –

a. Mangrove Distillery – Conditional Use Permit and Site Plan Approval Extension Request (CUP-2018-02)

The applicant has requested an extension of their conditional use approval and site plan for 18 months for an existing 2,293 square foot building to be converted to an artisan distillery located at 38 NW Carolina Street. Originally Approved on 7/25/19

Applicant: Stayton Shaw
Applicant’s Representative: Erin Trauger, P.E.
Location: 38 NW Carolina Street
b. RaceTrac/7-11 Gas Station and Convenience Store – Conditional Use Permit and Site Plan Approval Extension Request (CUP-2019-03)

The applicant has requested an extension of their conditional use and site plan approval for 18 months for a proposed gas station and convenience store located at the southeast corner of Wickham Road and Nasa Boulevard. Originally Approved on 10/24/2019

Applicant: Matthew Development, LLC, Danny Renfro
Location: Southeast corner of Wickham Rd. and Nasa Blvd.

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.

*NOTICE REGARDING COMMUNICATIONS MEDIA TECHNOLOGY AND PUBLIC PARTICIPATION

NOTICE IS HEREBY GIVEN that the West Melbourne Board of Adjustment will hold a public meeting on Thursday, November 18, 2020, to which all persons are invited. The meeting will be conducted in City Council Chambers at the Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida 32904, and by means of communications media technology. The meeting will be broadcast live for members of the public to view on the City’s YouTube channel, which may be reached via links on the City’s website (www.westmelbourne.org), or by entering the following address in your web browser:

https://www.youtube.com/channel/UC0rw9-ZqduSTcs6uBNU7_ag

While a quorum of the Board of Adjustment will be physically present at the meeting, in order to accommodate as many members of the public as possible, and in keeping with Centers for Disease Control social distancing guidelines, some members of the Board may participate in the meeting via communications media technology.

Anyone who wishes to provide public input without personally appearing at the meeting may do so by sending an email to cfischer@westmelbourne.org. Emails must be received prior to 4:00 p.m. on Wednesday, November 18, 2020. All emails will be provided to the Board of Adjustment members. Should you wish to have your comment read aloud by City staff at the meeting, please indicate that in your email. The reading of public comments received by email will be limited to three (3) minutes.
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, Claudia Sprague, Mary Renfro, Bob Willmarth, and William Johnson.

Absent was: Board Member Hugh Nicolay.

Moved by Board Member Beckner, seconded by Board Member Johnson to excuse the absence. Motion passed, 6-0.

Also present was City Attorney Morris Richardson, Planning Director Christy Fischer, and Planner Denise Curry.

3. MINUTES

Board of Adjustment Meeting Minutes of December 18, 2019

Moved by Vice Chair Beckner, seconded by Board Member Johnson to approve the minutes. Motion passed, 6-0.

City Attorney Richardson advised the board regarding quasi-judicial proceedings.

4. PUBLIC HEARING(S) –

a. WITHDRAWN – Sam’s LP Gas – Conditional Use Permit and Site Plan Approval Request (CUP-2019-01)
The applicant has **withdrawn** their request for conditional use and site plan approval for a proposed LP (liquid petroleum) gas company located on the south side of Ellis Road near the existing business at 9075 Ellis Road.

**Applicant:** Robb & Taylor Engineering, Robert Robb, PE  
**Location:** South side of Ellis near the corner of John Rodes Blvd and Ellis Road.

Planning Director Fischer advised the board the application has been withdrawn and interested persons were notified.

**b. Tru Hotel – Conditional Use Permit Amendment Request (CUP-2019-05)**

A request for modifications to the conditional use and site plan approval for the proposed hotel at the southwest corner of City Acres Drive and New Haven Avenue.

**Applicant:** MAI, Wayne Allewelt  
**Location:** Southwest corner of City Acres Drive and New Haven Avenue

Planner Curry presented the staff report. She gave the location, acreage, zoning, future land use designation and explained the request as a change of the dumpster location predominantly and information about their phasing plan for the Conditional Use and Initial Site Plan approved on October 24, 2019. She went over the original development order conditions to show compliance with condition to relocate the dumpster to be further from the adjacent residential properties to the south. She explained a phase line had been added to clarify the scope of the project but is not part of the revision approval. She talked about the stabilized driveway being proposed from Circle Drive as a Fire Department requirement and stated both conditional use and planned commercial development criteria are still met as well as the Interchange Overlay District requirements. She recommended the following motion:

Approve the initial site plan based on the analysis in the staff report with the following condition:

The final site plan must be submitted and be consistent with the initial site plan which complies with the October 24, 2020 condition of the conditional use permit, to relocate the dumpster for the hotel to be further from the adjacent residential properties to the south.

Chair McCreary opened the public hearing.

Wayne Allewelt talked about the stabilized driveway and that the need was identified during the site plan review process.

William Rodes, 1980 City Acres Road had questions regarding the drainage for the property and how it would affect his property. Staff and the applicant explained that drainage is to remain on site and not compromise his property drainage.

Discussion Included:
- The site must be designed to contain all of its stormwater.
• There is no exit west onto U.S. 192 because of the median.
• Phase 2 does not require another public hearing before the Board of Adjustment unless there is a significant change.

Chair McCreary closed the public hearing.

Moved by Board Member Willmarth, seconded by Board Member Renfro to approve the initial site plan based on the analysis in the staff report with the following condition:

The final site plan must be submitted and be consistent with the initial site plan which complies with the October 24, 2020 condition of the conditional use permit, to relocate the dumpster for the hotel to be further from the adjacent residential properties to the south.

Motion passed, 6-0.

5. REPORTS

1. Planning Director

There was additional discussion about the withdrawal of the Sams LP Gas

2. Board Members

No Reports

6. PUBLIC COMMENTS

No public comments

7. ADJOURN

There being no further business, the meeting was adjourned at 7:19 p.m.

Rachel McCreary, Chair

Denise Curry, Planner
AGENDA ITEM

November 18, 2020 Board of Adjustment

Approved for Submittal By:

________________________

Christy Fischer, Planning Director

To Be Presented By:

________________________

Denise Curry, Planner

To: Members of the West Melbourne Board of Adjustment

Through: Christy Fischer, AICP, Planning Director

From: Denise Curry, Planner

Date: November 18, 2020

SUBJECT

Mangrove Distillery initial plan and Conditional Use Permit CUP-2018-02 - request for time extension

RECOMMENDATION

Approve a time extension of the required initial plan that was approved with the Conditional Use Permit CUP-2018-02 for the Mangrove Distillery project from July 25, 2019 to April 25, 2022.

FISCAL IMPACT

There are no fiscal impacts from a time extension of a project.
DISCUSSION

The Mangrove Distillery initial site plan was approved by the Board of Adjustment on July 25, 2019 and will expire on January 25, 2021. The approved initial site plan consists of the conversion of an existing 2,293 square feet building into an artisan distillery. The owner/applicant, Stayton Shaw submitted a request for an extension of the conceptual site plan timeframe citing the delays with licensing requirements and COVID-19 impacts. This table summarizes this extension request and the project.

<table>
<thead>
<tr>
<th>Applicant/Property Owner:</th>
<th>Stayton Shaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>38 NW Carolina Street</td>
</tr>
<tr>
<td>Acreage of Rezoning Request:</td>
<td>0.23 Acres</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>C-NH (Commercial-New Haven)</td>
</tr>
<tr>
<td>Site Plan:</td>
<td>The initial plan will expire January 25, 2021 for the 2,293 s.f. artisan distillery and its required ancillary features (connection to utilities, driveway, curbing, parking, landscaping, etc.)</td>
</tr>
<tr>
<td>Extension request:</td>
<td>If approved, the new expiration date would be April 25, 2022.</td>
</tr>
</tbody>
</table>

Analysis

On July 25, 2019, the Board of Adjustment voted to approve the Conditional Use Permit and Conceptual Site Plan for Mangrove Distillery for 18 months to January 25, 2021 which means construction inside the building and the exterior improvements must commence prior to January 25, 2021.

As the next step in the development process, the applicant must submit the final site plan. As the 18-month conditional use permit approval window is about to expire, the artisan distillery is requesting the conditional use permit and initial plan time extension to allow the redevelopment and conversion of the existing building. The new timeframe to the year April 25, 2022 should accommodate the final site plan approval process and commencement of on-site construction.

RECOMMENDATION

Motion to extend the Mangrove Distillery conceptual plan approval to April 25, 2022 (construction must commence prior to April 25, 2022).

ATTACHMENT

1. Aerial showing project location
2. Letter from Stayton Shaw
3. Conceptual Plan
As the owner of the property at 38 NW Carolina Street in West Melbourne, Florida I submit this letter to respectfully request an 18 month extension to the Conditional Use Permit approval we received for our Artisan Beverage establishment the Mangrove Distillery.

We had some delays due to licensing requirements and COVID impacts but are currently working with Trauger Consulting Engineers, Inc. to submit for site plan approval to continue to the construction phase of our project.

We anticipate the extension will allow us time to move through permitting and into the construction and subsequent operations phase.

Thank you for your time in review for this project. If you have any questions, please don’t hesitate to contact me at (321)501-7207 or our consulting engineer Erin Trauger at (321) 652-5316.

Sincerely,

Stayton Shaw

Stayton J. Shaw
MANGROVE DISTILLERY
38 NW CAROLINA STREET
WEST MELBOURNE, FLORIDA
DATE: MAY 28, 2019
PREPARED FOR: MANGROVE DISTILLERY, LLC

LEGAL DESCRIPTION:
LOTS 15, 16 AND 17, BLOCK "C" OF WESTMINSTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 9 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SITE DATA:

CONSTRUCTION STAGE: PLAN
SITE Application #2017-0001
APPLICATION: CONSTRUCTION
TABLE OF CONTENTS:
1. SITE BOUNDARIES
2. SITE PLANNING
3. SITE UTILITIES
4. SITE DEVELOPMENT
5. SITE IMPROVEMENTS
6. SITE ACCESS
7. SITE SECURITY
8. SITE CONTROLS

CONTACT INFORMATION

CIVIL SITE NOTES:

ARTISAN DISTILLERY CRITERIA:

PLANT SCHEDULE:

CIVIL SITE NOTES:

ARTISAN DISTILLERY CRITERIA:

PLANT SCHEDULE:

CIVIL SITE NOTES:

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PLANT SCHEDULE:

CIVIL SITE NOTES:

ARTISAN DISTILLERY CRITERIA:
To: Members of the West Melbourne Board of Adjustment
From: Christy Fischer, AICP, Planning Director
Date: November 18, 2020

SUBJECT

Race Trac/7-Eleven Gas Station concept plan and Conditional Use Permit CUP-2019-03 - request for time extension

RECOMMENDATION

Approve an extension until July 24, 2022 of the required concept plan that was approved with the Conditional Use Permit CUP-2019-03 for the gas station project on the southeast corner of Wickham Road and NASA Boulevard from October 24, 2019 to July 22, 2022.

FISCAL IMPACT

There are no fiscal impacts from a time extension of a project.
DISCUSSION

The RaceTrac initial site plan was approved by the Board of Adjustment on October 24, 2019 and will expire on April 24, 2021. The approved initial plan consists of a gas station and convenience store with 8 fuel pumps, 16 fuel positions, parking and infrastructure. The applicant, Matthews Development, LLC submitted a request (see attached letter from Matthew Development) for an extension of the conceptual site plan timeframe citing the loss of their tenant RaceTrac, acquiring a new tenant, 7-Eleven on October 23, 2020, and most relevant to this case are the delays from the jurisdictions, Melbourne and Brevard County, for moving the pond at the corner of NASA Blvd. and Wickham Road (approval to be given by Melbourne on December 31, 2020). 7-Eleven has committed to stay in the framework of the approved conditional use permit and initial plan. These processing delays have been compounded by COVID-19 and government shut downs and staff minimization in various public agencies. This table summarizes this extension request and the project.

<table>
<thead>
<tr>
<th>Applicant/Property Owner:</th>
<th>Matthews Development, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Southeast corner of Wickham Road and NASA Boulevard</td>
</tr>
<tr>
<td>Acreage of Rezoning Request:</td>
<td>0.23 Acres</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>C-W (Commercial-Wickham)</td>
</tr>
<tr>
<td>Site Plan:</td>
<td>The concept plan will expire April 24, 2021 for the gas station/convenience store.</td>
</tr>
<tr>
<td>Extension request:</td>
<td>If approved, the new expiration date would be July 24, 2022.</td>
</tr>
</tbody>
</table>

Analysis

On October 24, 2019, the Board of Adjustment voted to approve the Conditional Use Permit and Conceptual Site Plan for Gas Station for 18 months to April 24, 2021 which means construction must commence prior to April 24, 2021. The applicant has had some delays in submitting the final site plan. As the 18-month window is going to expire, based on their anticipated schedule (see attached letter from Matthews Development) the developer desires to maintain its Conditional use and initial plan to allow the pond to be filled in and construction of the gas station/convenience store, so they are requesting an extension of the concept plan timeframe. The next step required is final site plan approval, so this timeframe should accommodate the final site plan approval process and commencement of constructing the building on site.

RECOMMENDATION

Motion to extend the gas station/convenience store conceptual plan approval to July 24, 2022 (vertical construction must commence prior to July 24, 2022).

ATTACHMENT

1. Aerial showing project location
2. Letter from Matthews Development, LLC
3. Initial Plan
Aerial of Project Location
November 2, 2020

Christy Fischer
Director, Planning & Economic Development
City of West Melbourne
2240 Minton Road
West Melbourne, FL 32904

RE: Extension request to extend Conditional Use Application 2019-03, recorded in the Official Records Book 8579, Page 622 of the Public Records of Brevard County, Florida relating to the southeast corner of Nasa Blvd & Wickham Rd.

Christy,

We are requesting the (1) time 18 month extension for Conditional Use Application 2019-03 which was approved on October 24, 2019 and recorded in the Official Records Book 8579, Page 622 of the Public Records of Brevard County, Florida; from the date that the current CUP terminates. We were 10 months into this project when we lost our tenant and had to start over to pursue a new tenant. The new tenant was secured October 23, 2020, which was twelve months later than originally anticipated. We would normally just now be applying for a CUP, so an extension to the current approved CUP would be consistent to the normal development process. We also faced permitting delays for the relocation and construction of the new retention pond from Brevard County receiving stamped and approved plans July 2, 2020; 6 months later than anticipated. The delay from Brevard County delayed our application to the City of Melbourne approval which we anticipate to receive December 31, 2020; 6 months later than anticipated.

Of course the overarching issue we, and everyone else, has had to deal with since February is of course Covid-19. This pandemic wreaked havoc on workforces across the county and beyond both public and private. All timeframes and promised completions by even the smallest private vendor or governmental agency we work with simply could not and would not be bound by their normal and customary time frames. You know that better than anyone. Even now we are dealing with slowdowns due to employers, both public and private, trying their best to create safety for their employees and address their real concerns. Again, you know this as well as anyone. While not a technical reason for the requested extension it is no less real and impactful.

Our tenant, 7-Eleven, has taken a hard look at the previous site plan done for Racetrac and has assured us that they will fit easily into the framework of the CUP approved site plan.
The revised timeline for our new tenant are as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start Date – End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Melbourne Site Permitting</td>
<td>3/1/21 – 10/27/21</td>
</tr>
<tr>
<td>West Melbourne Building Permits</td>
<td>4/30/21 – 12/6/21</td>
</tr>
<tr>
<td>West Melbourne Precon</td>
<td>11/28/21 – 7/8/22</td>
</tr>
<tr>
<td>Construction</td>
<td>7/11/22 – 12/01/22</td>
</tr>
</tbody>
</table>

The 18 month extension will allow for sufficient time for 7-Eleven to begin vertical construction of their facility within the approved time frame.

We are excited to bring this development to West Melbourne and improve this intersection in particular. Thank you for your consideration.

Sincerely,

Danny Renfro
Matthew Development, LLC