



Town of Melbourne Beach

TOWN COMMISSION WORKSHOP WEDNESDAY, MARCH 7, 2018 MASNY ROOM – 507 OCEAN AVENUE

MINUTES

Town Commission

Mayor Jim Simmons
Vice Mayor Tom Davis
Commissioner Wyatt Hoover
Commissioner Sherri Quarrie
Commissioner Steve Walters

Town Manager Bob Daniels
Town Clerk Nancy Wilson

Planning & Zoning Advisory Board

Chairman David Campbell
Member Kurt Belsten
Member April Evans
Member Doug Hilmes
Member Daniel Gonzalez

PUBLIC NOTICE

**The Town Commission conducted a Joint Workshop with the
Planning and Zoning Advisory Board
on Wednesday, March 7, 2018 in the Masny Room
to address the items below.**

I. Call to Order

Mayor Simmons called the meeting to order at 6:00 p.m.

II. Roll Call

Town Clerk Wilson led roll call:

Present:

Mayor Simmons
Vice Mayor Davis
Commissioner Walters
Commissioner Hoover
Commissioner Quarrie
Chairman Campbell
Member Belsten
Member Evans
Member Hilmes
Member Gonzalez

Staff Present:

Town Manager Daniels
Town Clerk Wilson

Absent:

Vice Mayor Davis
Member Hilmes

III. Pledge of Allegiance and Moment of Silence

Led by Mayor Simmons

IV. Public Comments

Nobody asked to speak.

V. New Business

- A. Joint meeting with Planning & Zoning Board members to discuss several outstanding Land Development Code issues

1. Fill height standards

Issue: how can lower-lying, existing properties be protected from the runoff of new, higher elevation construction

In June 2017, this issue was sent to the Planning & Zoning Board for their recommendation. Their response was to add language directing the Building Official to ensure that water is flowing the way that it should. Chairman Campbell wants to address the issue by keeping the water on the site by utilizing percolation tests, retention ponds and other methods. Member Belsten said that the thought process was to not micro-manage the construction process and that the homeowner and builder should simply be required to keep water on their property. Mayor Simmons said we don't

currently have any standards with which a Building Official can work and he thinks there should be. He added that with more teardowns, new builds will be on raised lots and areas that were once percolation areas will now be dumping water on everybody else.

Member Evans reiterated that the Board doesn't want to dictate construction methods. There is state law requiring that water be kept on site and the law needs to be enforced. Mayor Simmons said that state law is not a building standard and that everybody else shouldn't have to deal with runoff from a property because it was built too high and they aren't retaining their water. The Mayor thinks we should define that a property can't be raised higher than a certain slope. He wants Planning & Zoning to work with the Town Planner to determine a maximum slope. Commissioner Quarrie thinks this is a bigger problem than just slope and said that maybe people should be required to keep a certain amount of water on their property similar to what is required for commercial property. She also talked about problems resulting from elevated additions to existing properties.

Commissioner Hoover said we have an obligation to protect existing residents so they aren't flooded by their neighbors. He likes the idea of a metrics based solution; reducing the amount of runoff is a top priority.

Commissioner Walters said we only have 22 buildable lots and regarding additions, he can't imagine constructing an addition higher than the original property. He's in agreement that Planning & Zoning should revisit this issue.

There was Commission consensus to allow the Planning & Zoning Board to engage the services of our Town Planner to address fill height standards.

2. Chapter 3A-40(b) – capacity in wastewater treatment facility (00:29:15)

Closed. 92 gallons per person, per day is still the adopted minimum level of service standard for capacity in the wastewater treatment facility.

3. Chapter 4A-238(1) – minor grading and fill (00:30:00)

Town Planner O'Gorman provided 2 recommendations: leave it as is or determine on a case by case basis by defining minor grading and minor filling:

Minor grading – is the alteration or change of existing grades on all or part of any property not associated with a permit for construction and which is

so insignificant as to not pose any impediment to area drainage, cause stormwater to flow onto any adjacent property, impede the flow of floodwaters to the direct detriment of any adjacent property, or be in violation of any provision of the FBC or other applicable regulations.

Minor fill – is the importing of soil, consolidated or unconsolidated material, deposited on all or part of any property not associated with a permit for construction, and which is so insignificant as to not pose any impediment to area drainage, cause stormwater to flow onto any adjacent property, impede the flow of floodwaters to the direct detriment of any adjacent property, or be in violation of any provision of the FBC or other applicable regulations.

Mayor Simmons is in favor of adopting the definitions provided by the Town Planner because he feels it's better for the Building Official to have a standard with which to work. Chairman Campbell wants to leave it as is. Mayor Simmons added that he's more concerned about people who are already here because Melbourne Beach has a lot of houses that are not built at 18" above the crown of the road.

After considerable discussion, the Planning & Zoning Board members agreed to define minor grading and minor fill.

4. Chapter 7A-50 - Driveways and driveway material (00:44:30)

This issue was somewhat addressed by requiring 30% perviousness on properties. Mayor Simmons asked if the Town wants to allow marl driveways. Chairman Campbell said there are a lot of houses in the older areas that do not have driveways so requiring them would put a lot of people at odds with the code; he is not in favor of regulating everything. Though the Mayor has no concerns about the use of pavers, concrete or grass for driveways, he doesn't want to allow marl because it is not permeable and ends up in our storm drains.

Because of the how few marl driveways are in Town and future installments are unlikely, it was decided to not address this issue further.

5. Chapter 7A-86 - Non-conforming structures (00:53:35)

Mayor Simmons said that it is easy to exceed 10% of current replacement value for building repairs or replacement. Chairman Campbell pointed out that 7A-86 only applies to non-conforming use vs. a non-conforming structure.

It was determined that this is not an issue and will not be addressed further.

6. Accessory structures (00:58:30)

Currently an attached garage is included with the house for maximum lot coverage; a detached garage, however, is not included in that coverage. The solution to that loophole was addressed in the January RTCM in which the Commission approved development of an ordinance defining that 30% of a property must be permeable and that detached garages are included in the maximum lot coverage. A shed does not count in the maximum lot coverage calculation.

This issue did not need to be addressed further.

7. 75 foot lots (01:05:30)

It was agreed by the Commission and Planning & Zoning not to consider 75 foot lots and to allow the aggregation of lots.

8. Car charging (01:08:25)

Member Gonzalez explained why car charging stations wouldn't be a big revenue generator in Melbourne Beach. Commissioner Quarrie expressed concern that charging stations would reduce the number of required parking spaces. The advantages and drawbacks were discussed until it was decided not to take any action on this topic.

Planning & Zoning recommended that charging stations not be addressed in the LDC and the Town Commission concurred.

Mayor Simmons asked about rewriting section 7A-87: *Uses Under Special Exception Provisions* to make the intent clearer. Planning & Zoning will review that section.

Town Manager Daniels was asked by the Rotary Club if they could utilize their remaining plastic cups on Founders Day prior to using a biodegradable product.

The Commission agreed to allow the Rotary Club to utilize their remaining plastic cups on Founder's Day.

Mayor Simmons recommended that Rotary post a sign saying they support the ban on plastics and explain why they are using plastic.

Town Manager Daniels also asked if the Town Commission would grant a \$500 fee waiver to the Rotary Club for Founder's Day as has been done in the past.

The Town Commission agreed to allow the fee waiver for the Rotary Club.

Town Manager Daniels gave a short report on Town issues and handed the Commission members a draft job description for *Code Enforcement Officer*.

VI. Adjournment

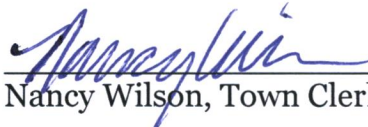
Commissioner Quarrie made a motion to adjourn; seconded by Commissioner Hoover. Motion carried 10-0.

Meeting adjourned at 7:31 p.m.

ATTEST:



James D. Simmons, Mayor



Nancy Wilson, Town Clerk