Planning and Zoning Board
Regular Meeting Minutes
April 7, 2008

The Planning and Zoning Board of the Town of Melbourne Beach, Florida met in regular session on Monday, April 7, 2008 in the Community Center, 509 Ocean Avenue beginning at 7 p.m.

Present were Chairman Dave Campbell, Regular Members Susan Dieterle, David Clay, Sherri Quarrie and Alternate Member James Flanagan. Also in attendance were Town Manager James Bursick, Town Attorney Paul Gougelman, Building Official William Whitelock, Zoning Official Dennis Ragsdale and Deputy Town Clerk Marion Noe.

Chairman Campbell called the meeting to order.

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The first item on the agenda was the approval of Minutes:

Member Clay made a motion to approve the minutes of March 3, 2008, which was seconded by Member Quarrie. The motion carried unanimously.

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Chairman Campbell stated that the next item on the agenda was the review of proposed tennis court/putting green at 2051 Atlantic Street (Breakers East).

Chairman Campbell asked Building Official Whitelock if he had any comments regarding the proposal.

Building Official Whitelock stated that the project is the result of repairing hurricane damage. There is no change of use since it will remain recreational. There will be no increase in parking and they will be required to construct a fence to create a buffer for the residential zoning district behind the courts and putting green.

Chairman Campbell asked about the notes regarding the fence being a shadowbox fence and Building Official Whitelock confirmed that the fence would be a shadowbox fence. The fence will cover the entire back of the recreational area.

Member Clay asked representatives of Breakers East if their Homeowners Association has already approved of the project.

Representatives for Breakers East said that the project was approved prior to being submitted for review. (put in name(s), if you have them.

Member Quarrie asked about the lane width of the entrance. Melbourne Beach code says that when you have two-way access that it needs to be 22’ in width and the Breakers East plans show a 20’ width.

Building Official Whitelock states that the board can require that the Breakers East widen the access by another 2’.

Member Quarrie inquired about the lack of handicap access on the plans.

Building Official Whitelock stated that they will be required to be ADA compliant.

Member Quarrie then pointed out the location of the electric gate being right on the sidewalk. Motorists would essentially be sitting on Cherry Street waiting for the gate to open. She asked if the gate should be placed at least 10'-15' off the road for safety purposes.

Building Official Whitelock stated that this issue would be addressed during the permitting and plan review processes.

Member Clay asked what happens if the power goes out and vehicles are in the parking area.

Building Official Whitelock stated that the type of gate being installed will open in case of power failure.

Member Clay asked about the lights on the courts. What hours will the lights will be lit or if the lights will be on timers?

Building Official Whitelock stated that Breakers East will be required to adhere to all the turtle lighting codes and won't be able to have spillage over into the residential properties.

Member Clay inquired about the cabana listed in the plans.

Building Official Whitelock asked the Breakers East representatives to address the cabana.

Breakers East Engineer Bill Stevenson explained that the "cabana" is an area with a bench with some shade and not a structure.

Member Clay asked if the run-off from the parking spaces requires a funnel design to get it to the swale.

Breakers East Engineer Bill Stevenson stated that they will be re-grading the tennis courts so that the water will run to the swale. Mr. Stevenson stated that the entire tennis court will slope from east to the west. The grade of the parking lot will not be changed, it will just be resurfaced.

Chairman Campbell stated that the Breakers East project is not a public recreational facility; it is a private recreational facility.

Member Clay asked about the removal of the existing asphalt.

Breakers East Engineer Bill Stevenson stated that they have given the contractors a choice of mulching the existing asphalt and reusing it with lime rock or totally removing the asphalt and bring it to the recycle plant.

Member Clay made a motion to recommend this site plan to the Town Commission for approval, providing the entrance is at least 20 feet from the road edge and the access width be 22 feet, which was seconded by Member Quarrie. The motion carried unanimously.

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Chairman Campbell stated that the next item on the agenda was the review of allowable Special Exception uses and development of standards for granting Special Exception Permit Applications.

Zoning Official Ragsdale began by stating that the words “conditional use”, refers to “Special Exception”. Another change would be the use of the word “Town” whenever “City” is referenced. He asked the Board to note that those changes will be made.

Zoning Official Ragsdale informed the board of additional changes such as adding “Compatibility”, “Mass, Bulk & Scale”, “Churches” will be “Place of worship” and “Special Exception will not be approved unless it is found to be consistent with the comprehensive plan”.

Chairman Campbell pointed out a change on Page 2. “Master Lighting Plan” will be changed to “Master Outdoor Lighting Plan”.

Member Clay inquired about including carbon footprint requirements.

Building Official Whitelock stated that the energy section of the Florida Building Code already requires energy use documents for commercial buildings.

Member Dieterle asked if the Town would be adding a paint schedule.

Zoning Official Ragsdale stated that a paint schedule is something the Town could add.

Town Attorney Gougelman stated that controlling paint color is hard since you don’t know what a combination of the approved colors would look like on a building.

Chairman Campbell asked who will establish which colors are consistent with a particular architectural style. He stated that he agrees with Town Attorney Gougelman in that controlling colors would be difficult.

The Board agreed to leave exterior colors being consistent with the architecture of the building in the Special Exceptions for the time being and move along.

Member Dieterle inquired about roofing materials and the wording used that states “Roofing materials shall be similar in appearance with materials that are historically consistent with the architectural style of the building”.

Building Official Whitelock stated that with the Town’s 130 mile per hour wind load, metal roofs would need to be used. Building Official Whitelock then added that he does like the wording used because of how often the material availability changes.

Member Quarrie asked if the Brevard County Turtle Lighting Code should be referenced.

Zoning Official Ragsdale stated that it would supersede the Town’s code regardless if it referenced.

Member Dieterle inquired about combining parcels to allow larger buildings.

Zoning Official Ragsdale explained that the wording is to prohibit combining parcels. He also suggested bringing the issue back to staff and see if there is any language that can be used to keep buildings small and if not it can be excluded.

Member Clay asked if drive-up and/or drive-in’s being prohibited would include the banks in Town.

Zoning Official Ragsdale stated that drive-up and/or drive-in's being prohibited would cause a problem for banks.

Chairman Campbell asked if the Town wanted to get rid of the existing businesses with drive-up and/or drive-in's, or if this will just prevent a new business from having a drive-up and/or drive-in.

Town Manager Bursick stated that he believes it is meant to prevent future drive-up and/or drive-in's however, the Town Commission has not been specific with that detail.

Member Dieterle asked about "mixed use" in the Downtown District and adding it to the list of principal uses.

Zoning Official Ragsdale stated that adding a use would be a change that would require a referendum since "mixed use" includes residential.

Town Attorney Gougelman stated that a referendum would not be required.

Chairman Campbell stated that he feels a referendum would be best for any substantial change in usage in any zoning district.

Member Dieterle asked about seasonal and/or short-term rentals. She asked if there should be another category where seasonal rentals must be a minimum of one week and Bed & Breakfast that allow overnight to better regulate the rentals.

Zoning Official Ragsdale replied that the question is not immediately answerable until further analysis has been done.

Chairman Campbell pointed out a few errors in sign size regulations which have been noted.

Zoning Official Ragsdale stated that he would take the Board's comments and put things together for a rough draft of an Ordinance to be considered.

Chairman Campbell asked Zoning Official Ragsdale to get things together and edited first and present a document in Ordinance format, not a rough draft.

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Chairman Campbell stated that the next item on the agenda was the discussion of the application of "green" building techniques (Climate Change Mitigation Ordinance) for the Town of Melbourne Beach.

Building Official Whitelock is attending a State meeting on June 3-8, 2008 which will cover "green" building techniques. He will be returning with additional information for the Board to review.

The Board decided to continue this item until Building Official Whitelock attends the State meeting covering "green" building techniques.

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Chairman Campbell stated that the next item on the agenda was the discussion regarding amendment to the walls and fences regulations.

Town Manager Bursick reminded the Board of the comprehensive amendment to the walls and fences Ordinance in August of 2007. Some residents of the Town have stated to the Town Commission that they feel the Ordinance is too stringent. The Town Commission directed the Ordinance back to staff. Staff has been surveying what the existing stock is and gaining perspective of the walls and fences in Town.

Town Manager Bursick went over the existing ordinance and went over the changes that staff would like to make which will give property owners additional time to comply with the ordinance to replace their fence with a wall.

Property owner Hank Saunders, 320 First Avenue, addressed the Board. He explained how the current Ordinance affects him and other businesses around him. He asked the Board to reconsider and recommend changes to the Town Commission.

Property owner Mark Emerson, 512 Ocean Avenue, stated how this Ordinance affects him and his neighbors.

Chairman Campbell stated that the Board has not yet gone over the changes to the walls and fences ordinance. The Board will go over the recommendations when they are presented.

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Chairman Campbell stated that the next item on the agenda was a report on the Board of Adjustment meeting of March 20, 2008.

Alternate Member Flanagan attended the meeting. Alternate Member Flanagan reported that the Board of Adjustment had a discussion of action for final order for the disapproval of Walgreens. The final order for the Walgreens Special Exception and Variance applications were approved as presented. The application for Sand on the Beach was withdrawn and the property owner will be resubmitting a new application. There was also a variance application on Riverside Drive for a detached garage in front of the front building line. This item was continued until the Board of Adjustment meeting on April 17, 2008. The Board of Adjustment also

approved a Coastal Control Line Construction variance to build a single-family residence at 1611 Atlantic Street.

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Member Dieterle made a motion to adjourn, which was seconded by Member Clay.

The meeting was duly adjourned at 9:04 p.m.

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David Campbell, Chairman

ATTEST:

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Marion Noe, Deputy Town Clerk