PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, August 4, 2008
Community Center – 509 Ocean Avenue
7:00 pm

MINUTES

I. CALL TO ORDER

Present Were:	Absent Was:
Chairman David Campbell	Susan Dieterle
Member David Schwartz	Sherri Quarrie
Member David Clay	
Alternate Member James Flanagan	

II. APROVAL OF MINUTES – July 7, 2008 Regular Meeting

Moved by Board Member Steven Schwartz, seconded by Board Member David Clay to approve the minutes of July 24, 2008. Question called; motion carried, 4-0.

III. NEW BUSINESS

A. Discussion and possible action regarding Ordinance 2008-08, providing for uses in the 6-B, 7-C and 8-B zoning districts by special exception and the criteria for granting such permits.

Town Attorney Gougelman read Ordinance 2008-08 by title only.

Wendy Murray, an Ocean Avenue property owner, stated that she believes the current code is restrictive enough and 6-B zoning limits business activities and basic consumer needs. She also posed the question of "What is so bad about vocational/trade schools?" She stated that the ordinance is too limiting and she does not understand the logic behind the revisions.

Margo Dwarfman stated that she supports Ordinance 2008-08 and would like to see it approved.

Mark Emerson, a property owner on Ocean Avenue, stated that he believes that the ordinance is stripping away property rights and devalues his property. He believes that the Town is "taking from them, but not giving anything back".

Susie Daley, 503 Shannon Avenue, stated that she agreed with Ordinance 2008-08 and also stated that this is "just what the town needs". She explained that this ordinance will ensure the Town keeps its Historic Charm.

Chairman David Campbell asked Planner Ragsdale to explain why the ordinance is restricting vocational and trade schools.

Planner Ragsdale stated that the intent is to serve local and not regional residents.

Town Attorney Gougelman stated that there are different types of vocational and trade schools. He gave the example that night trade schools could be objectionable.

Chairman Campbell explained zoning districts 6-B, 7-C and 8-B.

Town Attorney Gougelman made note that page 16 had a typographical error and that the numbering was incorrect.

Wendy Murray stated that she believes Ordinance 2008-08 will affect property sales over the next 40-50 years and that the ordinance is too specific. She expressed her concern that it will prohibit certain shops, including antique stores.

Board Member Clay explained that special use exceptions could be considered.

Planner Ragsdale corrected Board Member Clay, stating that the Board of Adjustment cannot grant a use variance, it must come back before the Planning and Zoning Board.

Member Schwartz stated that zoning adds value and that the intention is to eliminate undesirable results and to enhance what is left. The legal basis of the decision is diminished due to lack of regulations in the code.

The Board went through the document page by page, making changes as follows:

Page 42 of Ordinance 2008-08 currently reads, “All developments shall comply with the site plans considered by the Board of Adjustment, unless the site plan is otherwise modified and approved by the Planning and Zoning Board and/or the Town Commission.” It was modified to read, “All developments shall comply with the site plan considered by the Board of Adjustment, unless the site plan is otherwise modified and recommended by the Planning and Zoning Board and approved by the Town Commission.

Town Clerk Hoffkins pointed out that on page 42 under section 9A-7, the word minimum was spelled incorrectly.

Town Attorney Gougelman suggested the following changes for page 34 section b. "The special exception, as depicted on the development plans as to use, design, hours of operation, land values, appearance, architecture, aesthetics, functions and all other factors impacting compatibility."

All members agreed with Town Attorney Gougelman's recommendation.

Carolyn Smith inquired if art galleries would be restricted in these zoning districts.

Chairman Campbell stated that they are not restricting art galleries.

Susan Bloom, 5th Avenue, expressed her concerns of too many small towns turning into sprawling communities. She feels that the ordinance needs to be really restrictive as it would be more detrimental to the Town to have sprawling growth.

Moved by Member Clay and seconded by Member James Flanagan to recommend approval of Ordinance 2008-08. Question called; motion carried, 4-0.

B. Discussion and possible action regarding the feasibility of converting stop signs to yield signs throughout the Town of Melbourne Beach.

Member Clay stated objective was to a study dealing with energy usage and efficiency. He has no scientific evidence to support. He also hasn't had a chance to speak with the University Professor at Florida Tech.

Member Schwartz did research and found that issues concerning a drivers stopping needs and visual clearance and corners.

The board would like a preliminary study done.

Planner Ragsdale stated that council must approve his research time because he is not a traffic engineer.

Chairman Campbell said it would be better off to determine what specific signs are used for speed deterrents versus safety.

Chairman Campbell asked Member Clay to contact the University Professor and invite him to the next Planning and Zoning Board meeting.

C. Report on Board of Adjustment meeting of July 24, 2008

Town Attorney Gougelman informed the board that the Final Order for Sand on the Beach was approved.

IV. OLD BUSINESS

State approved Green Ordinance – The Town Commission has established a committee.

V. ITEMS TO BE ADDED TO AGENDA FOR FUTURE MEETINGS

None

VI. ADJOURNMENT

Moved by Board Member Swartz, seconded by Board Member Clay to adjourn the meeting. Question called; motion carried, 4-0.

Christina Hoffkins, Town Clerk (Town Seal)	Chairman Campbell