**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**
Monday, September 14, 2009
Community Center-509 Ocean Avenue
7:00 pm

# MINUTES

## I CALL TO ORDER

Present were:

Chairman David Campbell
Member Susan Dieterle
Member Coleen Doyle
Member Stephen Schwartz
Alternate Member James Flanagan

Town Attorney Paul Gougelman
Building Official William Whitelock
Town Planner Dennis Ragsdale
Deputy Town Clerk Rhonda Danielle

A roll call was taken of members. All were present.

## II. APPROVAL OF MINUTES- August 3, 2009 Regular Meeting

Motion made to accept minutes by Steve Schwartz. The motion was seconded by Susan Dieterle. Question called; motion carried 5-0.

## III. PUBLIC HEARINGS

None

## V. NEW BUSINESS

### A. Introduction of EAR based Comprehensive Plan Amendments process.

Town Planner Ragsdale began the discussion by introducing April Fisher who was also a certified planner and would be assisting him.

Planner Ragsdale went on to talk about the schedule and how the Board would need to have a public hearing by June to meet the deadline by the State. He said he would bring elements to the next meeting and they will see the future land use element and also the public school facilities element. He said that they were obligated to adopt the public school facilities element to make it a part of the current comprehensive plan before we finish this process because of the way the state wants us to proceed. We are

going to propose to arrange the elements in the comprehensive plan so that we will start with a section which will be population data.

Town Planner Ragsdale had given the Board a handout with a list of topics that they would be discussing throughout the comprehensive plan, to include:

1. land uses
2. Coastal high hazard area
3. land use categories that allow public schools
4. electric sub-stations
5. future land use categories
6. financial feasibility
7. suitable buffers between commercial and residential development
8. definitions
9. public schools facilities elements

Planner Ragsdale said about item# 3 that we are going to have to designate which future land use categories allow public schools and if we designate one of the land use categories to allow public schools, then we have to make sure there's enough land in that category to meet the school size requirements.

Ragsdale went on to say that he would keep the chain of elements coming to the Board for review and that it was not meant to hurry them along prematurely. He just wanted to get it to them to review.

Chairman Campbell asked that the elements be double spaced for them to allow for notations to be made. He then opened up discussion by the Board.

Planner Ragsdale felt that they should put the future land use first because they should base everything else on what they decide they want the future land use to be. They will also have to do the ten (10) year water supply plan. The State will require us to do that ahead of schedule.

Chairman Campbell discussed business and residential land uses being mixed in 6B. The town historically has not been that way. He said that the land development code was done in 1972 and very definitely separates business from residential. He asked if they wanted to go down that road.

Member Schwartz replied that the idea is that if you just had businesses vs. businesses with possibly apartments on top, what effect does that have on Town character.

Planner Ragsdale replied that it depends on the town. A lot of downtowns that are busier that than yours would want a lot of activity at night. Your town doesn't necessarily have the character.

Chairman Campbell asked if they even wanted to encourage a 24 hour town.

Member Dieterle asked if they could build a single family residence in 6B.

Chairman Campbell replied no, not right now. He went on to read the definition of 6B and its intent, to include: the types of uses permitted are intended to provide limited business activities serving the needs of the residential neighbors.

Chairman Campbell then asked the appropriate uses in the recreation category.

Chairman Ragsdale replied that he had a very limited amount of information on what they can do with that.

Campbell asked when the Board would be receiving new maps.

Town Attorney Gougelman asked Planner Ragsdale when he would be presenting the Board with definitions.

Planner Ragsdale replied that he would work on the definitions in the next couple of weeks.

Chairman Campbell opened discussion up to any comments from the audience.

Bruce Black, 405 Avenue A, asked if there were any single family residences in 6B right now. He went on to ask if they wanted to tear down that building and put up a new one, would they be allowed to do that.

Chairman Campbell answered that it was his understanding that as long as it remains a residence its fine. If they tear it down without changing the zoning they can't have just a home there.

Bruce Black used the example of the building on the other side of the bank, next to Burrito Beach that used to be the real estate building, if someone tears down the building in the back and uses that for parking, would they be allowed to put on a second floor on that existing building.

Chairman Campbell replied, "for business, yes".

Bruce Black asked how about in 6B, a second floor and put apartments on top.

Chairman Campbell replied no, not the way he reads it now.

Planner Ragsdale stated that the way you define your intensity of commercial uses is translated into residential equivalency and the formula that's used in the plan will not work. He went on to describe the definition of intensity vs. density and that floor to area ratio is preferred.

Chairman Campbell stated that the fact that you limit the amount of building you can have on a piece of property on percentage is what we currently do.

Planner Ragsdale stated that yes; you could do that in your comprehensive plan. He went on to say that for every land use category in your comprehensive plan you will have to have a level of intensity standard. It could be density or amount of building or square feet of land. There's a couple of ways to do it. Floor to area ratio works well.

Chairman Campbell asked if Gemini is in Melbourne Beach.

Planner Ragsdale answered yes.

Campbell asked if we needed zoning for that.

Ragsdale answered yes, you may need to designate an area where we think would be a good place to put a public school. Whatever land use designation that it is in would mean it could go anywhere in that future land uses designation.

Chairman Campbell asked what land use designation it was currently in.

Planner Ragsdale replied he believed it was in low density.

Chairman Campbell stated that Gemini wasn't part of Melbourne Beach when this comprehensive plan was made and that it was added since the comprehensive plan was made.

Planner Ragsdale stated that they annexed it. They might not have amended the comprehensive plan when they annexed it. You may have a section that doesn't comply with the comprehensive plan at all.

Chairman Campbell replied that he was fairly confident that the comprehensive plan wasn't amended to take into account Gemini. He then asked if there was anything else that Planner Ragsdale needed from the Board to get started.

Planner Ragsdale answered no, but he would be here next month with two elements for them to look at. He said he would try to get the elements to the clerk at least one week in advance.

## VI. OLD BUSINESS

None

## VII. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

None

## VIII. ADJOURNMENT

Motion made to adjourn by Member Schwartz. Motion seconded by Member Dieterle. Question called; motion carried 5-0

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| Rhonda Danielle | David Campbell |
| Deputy Town Clerk | Chairman |