**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**
Monday, April 6, 2009
Community Center-509 Ocean Avenue
7:00 pm

# MINUTES

## I CALL TO ORDER

Present were:
Chairman David Campbell
Member Susan Dieterle
Member Sherrie Quarrie
Member Colleen Doyle
Member Steven Schwartz
Alternate Member James Flanagan

## II. APPROVAL OF MINUTES- March 2, 2009 Regular Meeting

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

## III. NEW BUSINESS

### A. Discussion on Phase III Ocean Avenue Ordinance.

Chairman Campbell asked when the EAR would be approved.

Town Planner Ragsdale stated that it would be 30-45 days out.

Town Manager Bursick stated that he concurred with the recommendation of Planner Ragsdale because the budget doesn't contain any funds for phase III of the Ocean Avenue Redevelopment Plan. It would have to be appropriated from the reserves and the Town Commission would find it difficult to approve considering the current financial conditions. He said that he would concur putting it on a back burner but not out of mind.

### B. Ocean Park determination of consistency.

Town Manager Bursick stated that Town Commission approved the sub lease agreement for the parcel of land at Ocean Park. The next step would be approval from the State of Florida.

Town Planner Ragsdale said that he believed it to be consistent with the Melbourne Beach Comprehensive Plan.

Chairman Campbell stated that our zoning ordinance reads that 9I says that a business is not an allowable usage with and no special exceptions are allowed.

Town Attorney Gougelman stated that when the Town Commission approved the sub lease they made a specific finding that the Town agrees to improvements which would be a concession stand and this project would constitute a "public recreational use" as defined as a permitted use in the 9I zoning district. This can be found in chapter 7A, appendix A Town code of ordinances.

Member Schwartz stated that he was looking through the EAR in the objectives and the first objective was to protect the dune from development and he believed that this would intensify beach development and it would provide a service we already have on Ocean Avenue. Objective number five was to not use public funds to assist new development and since the Town is contributing $25,000 to the project one could argue that if most of the square footage is restaurant that would be considered the principal use.

Chairman Campbell opened up to the public for comments.

Gail Gowdy, 215 Ash Avenue stated that she was in total agreement with the board. The overall community character goal in the comprehensive plan is basically talked about there to retain and further promote a residential community with basic public services provided locally.

Xochitl Ross, 1106 Atlantic Street stated that just because its legal doesn't mean that we need it. We don't need a concession stand in the park so bad that we need a lease agreement.

Jean Marshall, 410 Sixth Avenue believes that need is an important word. We don't need a concession stand because there are other food establishments within walking distance.

Steve Walters, 416 Sixth Avenue stated that this was a conservation lease. He hopes that they don't approve this because there is no demand in this Town for a concession stand.

Betsy Baird, 1111 River Road is concerned about two things. The first one is parking because she believes that the business will take up the parking. The second item is that she doesn't think that there is anything wrong with the port o potties. Let's just keep it simple.

Priscilla DeNino, 203 Elm Avenue stated that she represents the school board and is all about the children. She believes it is about families and small town. She contacted

Diane Langston who is in charge of state land leasing in Tallahassee and she told her that the Town will not be eligible for future grants if they put a business on it. She also spoke with Gloria Barber with state land leasing who stated to her that the lease has stated a purpose of preserving the park and is considered an outdoor recreation conservation lease. If you put a for profit business on there you could lose that, possibly even restrooms being put there could cause the Town to lose the lease but there may be a way to address that.

Frank Thomas, 606 Atlantic Street stated that this was an initiative of the Town. He stated that there had been concessions stand there back in the 70's. A precedent has already been set.

Member Quarrie asked for more information on the statement that Priscilla DeNino had said.

Town Manager Bursick said that he had spoke with Diane Langston and she hadn't indicated that any future grants would be jeopardized. However, the grant that the Town currently has for purposes of constructing a handicapped ramp and restrooms would have to be forfeited if we proposed that type of arrangement.

Member Schwartz made a motion that the Board find this proposed restaurant/restroom not in compliance with the comprehensive plan. Colleen Doyle seconded the motion. Question called; motion carried 5-0.

**C. Discussion on RV/boats and trailers ordinance**

Town Attorney Gougelman read the ordinance definition for RV/boats and trailers.

Building Official Whitelock stated that the reason that this was brought before the board was because there is no ordinance in place that directly addresses storage of vehicles on vacant lots.

Susan Dieterle asked if someone could live in a recreational vehicle for up to 48 hours.

Building Official Whitelock replied that other than in a disaster situation he would say no.

Chairman Campbell said if there was no other discussion on the subject to go ahead and advertise it.

## V. <u>OLD BUSINESS</u>

**A. Discussion on Flood Plain Ordinance**

Chairman Campbell stated that the copy that was posted on the agenda still had the errors on it and hadn't been updated.

Attorney Gougelman said that we should re-advertise for the hearing next month.

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

None

## VII. ADJOURNMENT

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

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| Rhonda Danielle<br>Deputy Town Clerk | David Campbell<br>Chairman |