PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, March 1, 2010
Community Center-509 Ocean Avenue
7:00 pm

MINUTES

I. CALL TO ORDER

Present were:

Chairman David Campbell
Member Susan Dieterle
Member James Flanagan
Member Steven Schwartz
Alternate Member Belsten

Town Attorney Paul Gougelman
Town Manager Jim Bursick
Town Planner Dennis Ragsdale
Jennifer Howland

Absent:

Member Doyle

II. APPROVAL OF MINUTES- February 1, 2010

Moved by Member Dieterle; seconded by Member Schwartz to approve February 1, 2010 minutes with correction of typo on page 10. Question called; motion carried, 5-0.

III. PUBLIC HEARINGS

None

IV. NEW BUSINESS

1. Comprehensive Plan
a. Definitions

Planner Ragsdale began by stating that the definitions were received at the last meeting and that he will make sure that the definitions match the definitions in the Land Development Code.

Member Dieterle verified that the definitions were additions, not deleting the old definitions.

Planner Ragsdale agreed that they were additions.

Town Attorney Gougelman recommended that any new definition should be restated in 1A of the Land Development Code.

Planner Ragsdale stated that the date in the definition of Antiquated Subdivision will be added later.

Chairman Campbell stated that the original Land Development Code was adopted in 1972.

Planner Ragsdale stated that the definition of compatibility on page 5 had an alternate definition added.

Chairman Campbell asked that the alternate definition be added to the original definition by creating subdivisions.

Planner Ragsdale said ok.

Town Attorney Gougelman stated that the definition of compatibility should be made consistent with 163.3 94 of the statutes.

Planner Ragsdale stated that he will make sure that the definitions are consistent between the Land Development Code and the Comprehensive Plan.

Chairman Campbell asked why the definition of "Development" on pages 6-8 was lengthy.

Planner Ragsdale answered that the definition is the State of Florida definition. He continued to state that the definition has an advantage and disadvantage. The advantage is that it covers everything. The disadvantage is that everything that happens on a piece of land is development. When the Land Development Code is revised, development will be segregated based on intensity.

Town Attorney Gougelman added that the definition needs to remain because of Florida Law. He stated that if it is compressed, you’ll lose the value of the definition.

Chairman Campbell questioned the lettering, "a-g" and, "a-h" in the definition of of "Development" on page 7.

Planner Ragsdale stated that he understood the concern and that he would change it to bullets.

Member Schwartz and Chairman Campbell agreed that they should be lettered.

Planner Ragsdale stated that he will label them in sections, perhaps 1 and 2 and make headings for clarification.

Member Dieterle asked whether letter "(e) demolition of a structure" could be done in the code.

Planner Ragsdale stated that the definition will neither stop nor allow the demolition of a structure.

Member Schwartz reiterated that they are reviewing definitions, not the code.

Alternate Member Belsten questioned whether the first 'c' is more than we can handle.

Chairman Campbell stated that it doesn't mean we allow it, it just says it is development.

Member Schwartz pointed out that the first set of letters represent what is development and the second set of letters represent what is not development.

Planner Ragsdale stated letter 'c' is in the code and statutes, but these are simply definitions. He also stated that the State can take action beyond the local level.

Town Attorney Gougelman also pointed out that development is regulated by all levels of government, not just local.

Alternate Member Belsten suggested the removal of the space in the word efficient on page 8. He also pointed out that the work 'enchance' should be 'enhance.'

Member Schwartz suggested that the definition of efficient be expanded to state, "efficient with less needless waste than current conventional methods."

Chairman Campbell agreed.

Town Attorney Gougelman stated that "(as a law)" should be removed from the definition of 'establish' on page 9. He continued to state that a law means a State or Federal law.

Chairman Campbell stated that the definition for 'floor area ratio' is too vague. He stated that the definition would work when one building is involved, but not when two are involved.

Planner Ragsdale agreed that the definition needs to be expanded.

Member Dieterle stated that an accessory building is not included in building area.

Planner Ragsdale stated that 'floor area ratio' only applies to commercial and non-residential buildings.

Alternate Member Belsten asked what 'floor area ratio' meant.

Planner Ragsdale answered by stating that 'floor area ratio' is used to regulate development of a site.

Chairman Campbell added that 'floor area ratio' is not currently used.

Planner Ragsdale stated that the Town must adopt intensity standards in the Comprehensive Plan. He continued to state that in the Future Land Use Element used an intensity standard, the floor area ratio, for non-residential zoning districts.

Alternate Member Belsten asked whether intensity standards are restrictive in our setback requirements.

Planner Ragsdale answered that both setbacks and floor area ratio apply. He stated that floor area ratio tells you how much building space, but the setbacks tell you the limits of that space. If you cannot meet setback requirements, then floor area ratio will get smaller.

Town Attorney Gougelman stated that with residential properties, setbacks are applicable based on units per square mile, which is a measure of development. For commercial, floor area ratio is used.

Planner Ragsdale stated that standards and setbacks in the plan are set at the maximum, but they can go down if the standards and setbacks do not meet other land development rules.

Member Dieterle stated that floor area ratio controls the maximum percentage for commercial properties.

Member Schwartz stated that maximum percent is for residential and relays that this is the definition which is used to express intensity of development.

Chairman Campbell added that floor area ratio encourages building up.

Member Schwartz states that on page 11, the 'o' should be removed from definition of implement.

Member Schwartz also points out that the word 'indentify' on page 10, should be 'identify.'

Member Schwartz suggests that the word 'explains,' in the first line of the definition of "Land Use Designation" on page 12, be changed to 'specifies.'

Town Attorney Gougelman stated that the definition of the word 'intensities' does not match the definition of "Intensity" on page 11.

Planner Ragsdale stated that he will fix it.

Chairman Campbell asked why the definition of "plat" was there.

Planner Ragsdale stated that you may plat or replat all land in the Town, although the Town will only replat. He continued to state that the term is applicable to the Land Development Code. If the term is not in the Future Land Use Element, then it will be removed.

Member Schwartz stated that in the definition of "Parcel of Land" on page 14, there should be a period after the word 'established' and the next sentence should begin, "It may be."

Chairman Campbell asked why "Urban Sprawl" is in the definitions.

Planner Ragsdale answered that it must be there so that the Town can say that it will not have urban sprawl. He continued to state that sprawl is not infilling and that any development in Town will be infill not sprawl.

Alternate Member Belsten asked whether phone and cable should be added into the definition of "development," letter b (the second one) on page 7.

Planner Ragsdale stated that he did not object.

Alternate Member Belsten stated that he thought a period should be placed after the word 'permit' in the 5th line of the definition of "Land Use Designation" on page 12. A new sentence should be started after that.

Town Attorney Gougelman stated that 7A-15 of the Land Development Code should be referenced in the definition of "Zoning District."

b. Coastal Management Element (New)

Planner Ragsdale stated that he eliminated the code section of this element and started over. He also stated that many of the items crossed off in this element are in the Conservation Element. He also stated that there is a lot of information not needed according to the 9J5 Florida Administrative Code. He finished by stating that he created a new section and added what was needed from the 9J5 Florida Administrative Code.

Member Dieterle asked where the information on the conservation of the beaches dunes, etc. was.

Planner Ragsdale answered that the information was in the conservation element. He continued to state that critical parts of the element are the affects of development on the coastal zone and the means of protecting life via hurricane evacuation and emergency plan.

Town Attorney Gougelman stated that the information of pages 45-49 needs scrutinizing.

Planner Ragsdale stated that the element repeats itself, but must be done to satisfy the State.

Chairman Campbell asked when map numbers and the maps be added.

Planner Ragsdale answered that they will be added soon.

Member Schwartz asked if a grid could be added to the maps so that it would be easier to locate places on the map.

Planner Ragsdale stated that he would try.

Planner Ragsdale stated that Table 11 on page 40 is from the existing Comprehensive Plan.

Alternate Member Belsten questioned whether St Johns River Management District, under Regional #1, on page 41, did the permitting.

Planner Ragsdale stated that St Johns Water District is the point of entry for permits.

Member Dieterle asked whether the word 'evacuated' in the last paragraph 4th sentence should be 'evacuate' or 'to be evacuated.'

Planner Ragsdale answered that it should be 'evacuate'.

Planner Ragsdale stated that he will get information form the county and he stated to the board that they should let him know if they have any additional information. He also stated that he thought 16 hours was enough time for evacuation.

Member Schwartz thought the last paragraph on page 42 should either be worded differently or a table should be made of the data presented.

Planner Ragsdale stated that he will look into creating a table.

Planner Ragsdale stated that the Coastal High Hazard Area will change based on the SLOSH model. He stated that he will get the information from Brevard County for the map.

Chairman Campbell asked when the new information will be obtained.

Planner Ragsdale answered that they will use the latest map of the SLOSH model. He then showed the board the most recent SLOSH model. He stated that the whole Town is in yellow. He also stated that he will make a map for the Element.

Member Dieterle asked if the section labeled 'H' is needed according to the new ordinances for redevelopment.

Planner Ragsdale stated that it is only needed on individual parcels. He stated that if the parcel is destroyed, action will be consistent with the Land Development Code. He also stated that options 1 and 2 were put in the plan because it is something that will need to be analyzed, although it is not going to happen. Planner Ragsdale continued to state that regulatory solutions are to use Town Ordinances for Town redevelopment. Finally, he stated that he removed a third option because it was unreasonable.

Member Dieterle asked if the Land Development Code required vegetation to be predominately native as stated in Policy 1.3.

Planner Ragsdale stated that it is not in the Land Development Code right now, but there is a big push to include the use of less water and the non-use of exotic invasive species. He also stated that native species are more durable.

Town Attorney Gougelman asked that all occurrences of development code be changed to Land Development Code.

Planner Ragsdale agreed.

Alternate Member Belsten asked where the Costal Construction Control Line, on page 46, comes from.

Planner Ragsdale answered that it is set by the state since they monitor rules about development. Planner Ragsdale continued to state that the construction line is the line of development, not prohibition.

Alternate Member Belsten asked how often the line is set.

Planner Ragsdale answered that it is set periodically or as needed.

Chairman Campbell added that it was probably last established in 1986.

Town Attorney Gougelman stated that the line was set in December of 1986.

Alternate Member Belsten asked a question about Policy 3, Objective 3.1 on page 45. He asked whether the Town is responsible for controlling the emission of light.

Planner Ragsdale answered that the Town is responsible and that there is an ordinance requiring coastal buildings to have light shielded and for the Town to have its light shielded at certain times.

Member Schwartz asked that the word 'nine' be changed to sixteen to coincide with the number '(16).'

Alternate Member Belsten asked who enforces the light emissions requirements.

Planner Ragsdale stated the police department or code enforcement.

Alternate Member Belsten asked what the amount of light is to be maintained.

Member Dieterle and Chairman Campbell agreed that it is '0.'

Planner Ragsdale stated that the number '(16)' at the top of page 48 is correct. He continued to state that there are a lot of variables that affect the time frame. The number should remain at this higher number so that the Town is not held to a lower number.

Chairman Campbell asked why, "If rebuilt" was put at the beginning of the sentence under Policy 7.5 on page 49.

Town Attorney Gougelman stated that the "if rebuilt" should be removed and the word 'built' on the second line should be 'rebuilt.'

Chairman Campbell agreed.

Member Schwartz asked whether the "Recovery Task Force", in Policy 7.5 on page 49, is the emergency government for building permits. He also asked whether it was new and if it is how the Town operates.

Member Dieterle answered that the Task Force is the commission, the police department and the building code inspector.

Chairman Campbell answered that it is not in effect right now since there is no infrastructure damage and in the event of destruction, it cannot go into effect until roads are cleared and power lines are up. No permits are issued then.

Alternate Member Belsten asked whether appraised value, listed in Policy 7.5 on page 49, included land.

Planner Ragsdale answered that the property appraiser shows structure value as determined by certified independent inspectors.

Town Attorney Gougelman stated that according to the Land Development Code 7A-83 and 84 cites replacement cost, not appraised value for the purpose in Policy 7.5.

Planner Ragsdale stated that he will have 'appraised value' changed in the element to state 'replacement cost' so that the Land Development Code and Comprehensive Plan are consistent with one another.

c. Capital Improvements Element (New)

Planner Ragsdale stated that he took out a lot of the repeating information and tables and left only what was needed for the Capital Improvements Element. He also stated that this is not a big Capital Improvements Plan, but is required to be updated yearly and when improvements are made. Finally he stated that the numbers will be lined up accordingly.

Member Flanagan noted that the wording in the beginning of the 'Local Conditions and Practices' section on page 15 needed to be fixed.

Alternate Member Belsten stated that the word 'or' in the first sentence on page 15 should be 'nor.'

Chairman Campbell stated that the word 'are' in the same sentence should be removed.

Planner Ragsdale stated that 'Ad Valorem Taxes' in the chart should be 'Taxes" only, but ad valorem taxes were included in that category.

Member Dieterle asked where electric franchise fees were.

Town Manager Jim Bursick answered that they are included in 'Taxes.'

Chairman Campbell stated that the word 'greater' in Policy 1.1 on page 17, should be 'more.'

Member Schwartz stated that the guidelines listed in Policy 1.2 on page 17 are not clear. He stated that 'a)' and 'b)' should be broken down into smaller parts.

Planner Ragsdale stated that he will make it into a list.

Alternate Member Belsten asked what 'coastal high hazard areas' in Objective 2, page 18, meant.

Planner Ragsdale stated that coastal high hazard area is the area in Hurricane 1 evacuation area, which is covered by the SLOSH model.

Alternate Member Belsten stated that the words 'coastal high hazard areas' should be capitalized. He also stated that the order of the same words change in Policy 2.1 of the same page.

Planner Ragsdale stated that he will fix it.

Member Dieterle questioned the '8.32 lbs' in Policy 3.1 on page 19 and stated that the old policy stated 10.4. Member Dieterle also asked how this matched up with cubic yards in the new waste management proposal.

Planner Ragsdale answered that it is still broken down into pounds per capita for residential, not cubic yards. Planner Ragsdale continued to state that the number listed is

correct. The number listed is the minimum so that the level of service is guaranteed. A minimum of 8.32 lbs per capital is the amount of guaranteed landfill service.

Alternate Member Belsten stated that 'LOS' in Policy 3.1 should be spelled out.

Planner Ragsdale stated that he will have it spelled out.

Planner Ragsdale stated that the level of service standards listed in this policy are from the other elements.

Member Schwartz requested that the acronyms be listed in the definitions.

Member Dieterle asked why the Ball Fields on page 20 were listed in the Level of Service.

Planner Ragsdale stated that the Town claims half of the level of service since it is in an inter-local agreement.

Member Dieterle asked where there is a 'Multi-purpose field' as listed on page 20.

Chairman Campbell stated at the school.

Member Dieterle asked a question about the 'Playgrounds at 1 per 4000 population. She asked what would happen if the population went over 4000.

Planner Ragsdale stated that the Town would have to add another playground. He also stated that it doesn't matter right now since the information is based on the past Census. He also stated that the level of service could be changed, if desired.

Planner Ragsdale stated that the racquetball court and shuffle board court were removed from the level of service.

Member Dieterle asked what Objective 4 on the bottom of page 21 meant.

Planner Ragsdale stated that it is impact fee - if you propose a new development, you create an impact fee and must fund part of it.

Chairman Campbell added that if you add enough people to this facility to raise any of the levels of service, then you must provide funds.

Attorney Gougelman stated that the word 'conform' in Policy 3.2 on page 21 should be 'be consistent.'

Attorney Gougelman stated that the word 'and' should be removed from the end of the second line in Policy 3.3, on page 21.

Planner Ragsdale stated, in reference to page 22, that he took the debt management standards out of the existing plan, but will check with Jim Bursick to make sure it is still consistent with operational policies.

Town Manager Jim Bursick stated that 5.2, ii on page 22 should state, "The maximum ratio of non-voted debt service should not exceed 15 percent."

Member Schwartz asked what revenue bond meant, in reference to Policy 5.2, i.

Town Manager Bursick answered that a bond is something that is supported by a revenue source, for example with a water utility revenue bond, the water revenue serves as the debt service payment.

Alternate Member Belsten asked why a revenue bond cannot exceed 15 percent.

Planner Ragsdale answered that it cannot exceed 15 percent so that you're not reliant on revenue streams due to fluctuations.

Town Planner Jim Bursick stated that the numbers presented in this section are safe numbers since he conferred with Jane, the Town accountant.

2. Consideration of proposed uses for Ryckman House

Jim Bursick introduced the proposed uses for Ryckman House to the board. He stated that the proposal had already been to the Town Commission and that the Commission asked that it be presented to the Planning and Zoning Board and to the Parks Board. He stated that the Planning and Zoning Board should decide whether the proposed use is allowable use in the Zoning District.

Chairman Campbell compared the use of the building to that of the library selling art work. The library sold the art work as an ancillary service, which does not change the purpose of the building.

Member Dieterle briefly explained the proposal to the board. The purpose is to use the house for history education by docent artists, rather than leaving it empty.

Chairman Campbell asked for the square footage of the first floor.

Member Dieterle answered 600 square feet. She also stated that the space under the stairs be used for office space.

A motion was made by Alternate Member Belsten to approve the use as acceptable. Member Flanagan seconded. Question called; Motion carried, 5-0.

V. <u>OLD BUSINESS</u>

None

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

Planner Ragsdale stated that a composite of the Comprehensive Plan will be presented at the next meeting incorporating the Continual Water Supply Plan.

Consideration of the elimination of the Special Exception for the 6B Zoning District: Eating and Drinking Establishments.

Bruce Black, of 405 Avenue A, proposed the elimination of the Special Exception requirement for the 6B Zoning District for eating and drinking establishments. He explained that the Special Exception application is required whenever an eating or drinking establishment wishes to provide tables and seating arrangements, either inside or outside. Mr. Black stated that the requirement is expensive, outdated, and causes inconvenience.

Member Schwartz questioned the required procedure and stated his interest in further discussion.

Chairman Campbell stated that he would like to discuss the matter at the meeting after the next.

VIII. ADJOURNMENT

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

Meeting adjourned at 8:45 pm.

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Jennifer Howland

David Campbell
Chairman