PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, May 3, 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
Member Coleen Doyle

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

II. APPROVAL OF MINUTES

April 5, 2010

Moved by Member Schwartz; seconded by Member Dieterle to approve the minutes of the April 5, 2010, meeting with corrected typo on page 2 and wording change on page 7. Question called; motion carried, 5-0.

April 19, 2010

Moved by Member Dieterle; seconded by Member Flanagan to approve the minutes of the April 5, 2010, meeting with wording change on page 2 and typo correction on page 6. Question called; motion carried, 5-0.

III. PUBLIC HEARINGS

1. Comprehensive Plan

Member Schwartz questioned the definition of "ACCESSORY DWELLING" on page 10. He stated that since the definition mentions "dwelling unit" and that there is no definition of "dwelling unit", the definition of "ACCESSORY DWELLING" is made vague and confusing.

Chairman Campbell read the definition of "dwelling unit" from the zoning code.

Planner Ragsdale asked if the board wanted the definition of "dwelling unit" from the zoning code to be listed in the Comprehensive Plan. He also stated that the definition of

"ACCESSORY DWELLING" does not need to be in the Comprehensive Plan since it is not listed anywhere in the Comprehensive Plan.

Chairman Campbell stated that the definition of "ACCESSORY DWELLING" should be removed from the Comprehensive Plan and that the definition of "dwelling unit" should not be added to the Comprehensive Plan. All board members agreed.

Member Dieterle stated that she had made a note about the definition "DEVELOPMENT PERMIT" on page 15 and asked if rezoning was supposed to be taken out because rezoning requires a referendum.

Town Attorney Gougelman answered that the definition is statutory.

Planner Ragsdale stated that it does not mean we do not have to have a referendum for rezoning.

Member Doyle questioned the wording in the definition of "COMPATABILITY" sub (1) on page 12. She stated that the wording "unduly negatively impacted" was too wordy. She and Attorney Gougelman agreed that "adversely" should replace "unduly negatively."

Planner Ragsdale stated that the term "adversely" is too broad and that the term "adversely" needed a qualifier since it is too subjective.

Attorney Gougelman stated that the term "materially" should be used in place of "unduly."

Planner Ragsdale agreed that the term "materially" should be used but that the wording should be changed from "is unduly negatively impacted" to "has a materially negative impact."

Member Dieterle asked a question about Table 1 on page 28. She asked "were we going to include back to 1985 or did we decide the old one was still there and people can access it if they wanted to."

Planner Ragsdale answered that it was on there before and it was taken off.

Member Dieterle stated that she thought 1985 was going to be added.

Planner Ragsdale stated that it did not need to be added since the table presents projections for the future.

Chairman Campbell stated that the 26 acres for multi-family that was listed in the Future Land Use tables on page 44 and 147 was missing from the acreage counts in the Existing Land Use Table on page 33.

Planner Ragsdale stated that the multi-family acreage was combined with residential acreage.

Chairman Campbell stated that the residential acreage still did not add up.

Member Schwartz asked if the board could allow Planner Ragsdale to resolve the discrepancy in the table on his own.

Chairman Campbell agreed.

Town Attorney Gougelman stated that the date "1900" in subscript (a) in Table 1 on page 28 should be "1990."

Member Schwartz stated that the 'D' in the word "De minimus," on page 38 under the 'Transportation' heading, should be lowercase and the whole word should be italicized.

Chairman Campbell stated that the word "nor" should be "not" on page 38 under the "Transportation" heading.

Member Dieterle asked if the board had decided at the last meeting to add a definition for "SERVICES" to the definition section, in reference to the first sentence in the "Downtown Business" heading in Table 5 on page 35.

Planner Ragsdale answered that he thought the decision was to include the zoning code definition of "RETAIL SALES." He stated that the definition was added to the definition section of the Comprehensive Plan.

Member Dieterle stated that she thought that either a definition of "SERVICES" was going to be added or that "and services" was going to be removed.

Planner Ragsdale stated that he did not recall having to put in the definition of "SERVICES" into the Comprehensive Plan or of having to take it out of the table.

Chairman Campbell read the definitions of "retail sales" and "personal services" from the zoning code. The board discussed the inclusion of these terms in Table 5 on pages 34-35 of the Comprehensive Plan.

Planner Ragsdale asked the board if he should remove the term "and services" from Table 5 to clarify things.

Chairman Campbell agreed.

Member Dieterle stated that the heading of "Maximum Density or Intensity Units/ Acre or Residential Floor Area Ratio (FAR) Commercial" in Table 7 on page 44 is still incorrect. Chairman Campbell agreed.

Planner Ragsdale stated that the word "Residential" should be moved to before "or" to say, "Maximum Density or Intensity Units/ Acre Residential."

Member Dieterle asked why public buildings were not included in Table 7.

Planner Ragsdale stated that this had been talked about many times and it is still confusing. He stated that according to the zoning map public buildings and parks make up the 9I zoning district, therefore, he included public buildings and parks under the recreation category in the chart.

Chairman Campbell stated that the acreages did not add up under the recreation category if public buildings were included.

The board discussed the acreage designations, but no final conclusions were made.

Chairman Campbell stated that since there was still confusion on the acreage that it was important for Planner Ragsdale to really look at the charts on pages 44 and 147 to make sure the numbers match up. Chairman Campbell clarified with Planner Ragsdale that recreation on the Future Land Use table (Table 7) is 9I and that the school acreage was moved to single family residential. Chairman Campbell stated that Planner Ragsdale should straighten out the map and when the board looks at the maps to refer back to the Table.

Chairman Campbell stated that the information in the first sentence on page 53 under "Existing Traffic Circulation System" was incorrect in that Map 5 does not show peak hour, peak direction levels of service.

Planner Ragsdale stated that "Map 5" should be "Table 8" and that the sentence should be, "Table 8 shows the average daily traffic counts…"

Member Schwartz asked if is acceptable to the State to use the averages instead of peaks.

Planner Ragsdale stated that only available data can be used. He stated that if the State finds the peak data that they will require us to insert it in the Table.

Member Schwartz stated that page 59 mentions the term "trip" and asked if a definition of "TRIP" should be added to the definitions.

Planner Ragsdale stated that he would have to include the definition from the Institute of Transportation Engineers since that is where the information on trips is from.

Chairman Campbell stated that under the category of "Percent of Units Lacking," subheading "Central Heat" there is no percent sign.

Planner Ragsdale stated that the number there represents a number not a percent and that he will make a separate subheading "Number of Units Lacking" with a subheading "Central Heat."

Chairman Campbell stated that the map references on page 78 under "Analysis of Existing Conditions" are incorrect. He stated that Map 6 should be Map 7 and Map 3 should be Map 1.

Planner Ragsdale stated that Table 10 in the same paragraph should be Table 1.

Chairman Campbell asked whether subelement was spelled correctly.

Planner Ragsdale answered that "subelement" should be "sub-element."

Chairman Campbell stated that the table on page 117 is the same as Table 1 and will need to be corrected.

Chairman Campbell stated that the sentence in the tenth paragraph under the heading, "Impacts of Future Development upon Natural Resources," on page 132, "It is pointed out that the Turtle Society is located in Melbourne Beach," needs to be removed since it is not true.

Member Schwartz stated that on page 155 the third sentence after "2. Community Parks" does not make sense.

Planner Ragsdale, after reading the current Comprehensive Plan, stated that the sentence should be, "A minimum of 20 acres is recommended, with acreage needs based on two acres per 1000 population."

Chairman Campbell stated that there should be a colon after "Goal to provide." On page 166, first sentence.

Planner Ragsdale stated that he will fix it.

Chairman Campbell stated that the initials "TPO" in Table 22 should be spelled out.

Planner Ragsdale stated that he will fix it.

Chairman Campbell stated that the last sentence on page 180 should be expanded to say, "Town of Melbourne Beach" rather than "Town" and "City of Melbourne" instead of "City."

Chairman Campbell asked Planner Ragsdale what he had changed in regards to the zoning of 9I on the maps.

Planner Ragsdale answered that he had changed some designations on Map 2 Future Land Use map. He stated that since the zoning category 9I in the zoning code allowed for both recreation and public buildings, that the map in the Comprehensive Plan should reflect the same designation.

Planner Ragsdale asked the board what he should name the designation, either "Recreation/ Public Buildings" or "Recreation/ Institutional."

Member Doyle suggested it be "Recreation/ Public Buildings." Chairman Campbell agreed.

Planner Ragsdale stated that the naming of "Recreation/ Public Buildings" will probably give the Town flexibility if it decided to add an auditorium or public facilities in the future.

Chairman Campbell questioned the zoning for schools and asked whether the zoning for schools can be legally changed to residential single family.

Planner Ragsdale stated that schools are designated as single family residential on the future land use map which means that since the Town is going through the Comprehensive Plan adoption process the change will happen automatically.

Town Attorney Gougelman confirmed that it will happen automatically, but also that the land designation change has to be advertised in a legal ad before the public hearing with the Town Commission. Town Attorney stated that the Town will have to be sure that the change is adopted in the zoning code.

Chairman Campbell asked if there were any other alternatives than the process just described.

Town Attorney Gougelman answered that there is no other alternative.

Chairman Campbell asked why one of the churches was not designated as a place of worship on the existing land use map.

Planner Ragsdale stated that it since it is not listed correctly he will look at the property appraiser's map and change the properties owned by the church to the proper designation on the map.

Chairman Campbell stated that, on the Existing Land Use map, the property on the corner of First and Orange is listed as a vacant lot, but is newly renovated.

Planner Ragsdale stated that he used the property appraisers website for this information and since it is only been renovated for four months it will not show up on the property appraisers map.

Member Doyle stated that there is a vacant lot on S. Palm that is not listed as vacant on the Existing Land Use map.

Member Dieterle stated that there are two lots on the north side of Sunset that are vacant.

Planner Ragsdale stated that sometimes when lots are combined that both lots will show up as the same even if they are different.

Planner Ragsdale stated that the maps are subject to change and are used as a general guide for land use designations.

Chairman Campbell asked if anyone had any issues with the Future Land Use map.

Planner Ragsdale stated that sometimes the property line will look jagged on the map and that it is due to the technology at the time. He stated that it does not change the map.

Planner Ragsdale stated that he has a black and white version of the Future Land Use map and will get a copy to the board.

Planner Ragsdale stated that the legend on the Flood Zone map did not print right and that he will fix it.

Chairman Campbell stated that there is a jag in the traffic flow line on the Traffic Flow Maps 5 and 6.

Chairman Campbell stated that he spoke with Town Manager Bursick about the number of drainage outfalls and Town Manager Bursick said that the number of outfalls is correct.

Member Dieterle verified with Planner Ragsdale that he did not find a public beach access on Sunset.

Town Manager Bursick stated that he went though the map with Public Works Superintendent Hosmer and noted that the accesses shown were the only ones.

Chairman Campbell stated that it looks like there is an access between two properties on Atlantic St, one block to the right of Sunset.

Town Manager Bursick stated that it is a private access owned by a homeowner association.

Member Doyle asked if the access to the left of Sunset on Atlantic was a private or public access.

Town Manager answered that it is a public access.

Member Flanagan asked what the difference was between public access and neighborhood access.

Planner Ragsdale answered that it depends on whether it is deeded of not.

Planner Ragsdale asked the board if they preferred the color maps or the black and white maps.

Chairman Campbell and Member Doyle answered black and white. Member Dieterle answered a large black and white map. Member Schwartz answered that he'd like to see color ones in electronic format.

Ms. Fisher, Planner Ragsdale's assistant, reviewed the discrepancy between the Existing Land Use category and the Future Land Use category. She stated that the Future Land Use category represents the zoning categories and the Existing Land Use category represents what is operating on the parcel. After the acreages were calculated for both land use categories, there is a small discrepancy in acreages. She stated that the most important thing to remember when comparing the Existing Land Use and Future Land Use categories is that they do two different things.

Member Schwartz stated that on Map 1 the ocean front lots seem to be subdivided a lot.

Ms. Fisher stated that the parcel lines shown are from the Property Appraiser and that the lots are legally divided as separate parcels.

Member Doyle stated the divisions are due to the existence of town homes in that area.

Member Schwartz stated that it makes sense, but that by using black and white for the maps, things may not look right.

Planner Ragsdale stated that the choices of shading will make the map readable.

Chairman Campbell asked what it meant that the Comprehensive Plan had to be in compliance with itself.

Town Attorney Gougelman stated that the Comprehensive Plan needs to be consistent with itself, financially feasible, and in compliance with State requirements.

Chairman Campbell asked for public comment. There was none.

Moved by Member Schwartz to recommend approval and forward the Comprehensive Plan to the Town Commission for approval with the changes suggested, as it is internally consistent with itself. Seconded by Member Dieterle. Question called; motion carried, 5-0.

IV. NEW BUSINESS

None

V. OLD BUSINESS

None

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

1. Discussion of eating and drinking establishments as a principal use in the 6-B zoning district.

To be discussed at the June 7, 2010 Planning and Zoning meeting.

2. Site plan for storage building

May or may not be ready for the June 7, 2010 Planning and Zoning meeting.

3. Site Plan - Ocean Park

May or may not be ready for the June 7, 2010 Planning and Zoning meeting.

4. Capital Improvements Plan - FY 2011

To be discussed in July.

Member Schwartz suggested the discussion of land rules for building docks in canals and the board will review whether or not to discuss it.

VIII. ADJOURNMENT

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

Meeting adjourned at 8:47 pm.

_____ _____

Jennifer Howland

David Campbell
Chairman