PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, April 5, 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 Davis

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

Absent:

Member Doyle

II. APPROVAL OF MINUTES- March 1, 2010

Moved by Member Dieterle; seconded by Member Schwartz to approve the minutes of the March 1, 2010 meeting. Question called; motion carried, 5-0.

III. PUBLIC HEARINGS

None

IV. NEW BUSINESS

1. Comprehensive Plan Final Draft

Chairman Campbell stated that he would like to receive a hard copy of the final draft of the Comprehensive Plan when it is ready.

Planner Ragsdale stated that he will send in color maps to the clerk to be distributed to the board members.

Planner Ragsdale stated that he wanted to review the maps with the board.

Chairman Campbell stated that he would like to go through the document page by page.

Chairman Campbell asked whether the community character goal was placed in the document since he did not see it after the definitions.

Planner Ragsdale stated that he thought it was in the document, but will make sure that it gets put in.

Member Dieterle stated that the history of the development of the Comprehensive Plan had been struck out, but she thought it was important to include.

Planner Ragsdale stated that he will put it back in the plan since it is important to the heritage of the Town.

Member Dieterle stated that the word 'bean' on page 7, in the second paragraph, should be 'began.'

Member Dieterle stated that the third sentence under the heading "Town Governmental Structure" should be restated to say that there are four Commissioners at large, rather than three Commissioners.

Member Dieterle stated that the date in "Antiquated Subdivision" was missing.

Planner Ragsdale stated that the date should be 1972.

Chairman Campbell stated that the formatting for the definition of "Compatibility on page 10 should be consistent.

Planner Ragsdale stated that he and April, his assistant, will go throughout the document and correct formatting issues.

Chairman Campbell stated that the word "Develop" for the definition of "Develop" should be struck through since the definition has been struck through.

Member Dieterle questioned the wording in the definition of "Development."

Town Attorney Gougelman stated that the definition is statutory.

Planner Ragsdale stated that the definition doesn't give anyone any rights.

Town Attorney Gougelman stated that the definition for "Florida-Friendly Landscaping" should be moved down after the definition of "Floor Area Ratio."

Member Dieterle questioned the inclusion of the definition of "Floor Area Ratio."

Planner Ragsdale stated that there has to be a standard for measuring intensity for non residential development and the Floor Area Ratio is the means.

Attorney Gougelman stated that the acronym "FAR" should be placed in parentheses after the word "Floor Area Ratio."

Attorney Gougelman stated that the number '209' in the definition of "Level of Service (traffic)" should be 2009.

Member Dieterle asked whether a cross reference for the definition of "Proportionate Share Transportation" should be in the code?

Attorney Gougelman stated that the definition is statutory, not code.

Member Dieterle asked whether workforce housing had to be provided since there was a definition for it.

Planner Ragsdale stated that providing workforce housing was not feasible in the Town.

Member Dieterle asked whether the struck through information on pages 21-22 should be in the Comprehensive Plan.

Planner Ragsdale stated that it is in the old plan and since the old Plan will be archived the information did not need to be restated in this Plan.

Member Dieterle asked whether the "Ocean Avenue Fishing Pier" mentioned at the bottom of page 27 should be included in the new Comprehensive Plan.

Planner Ragsdale stated that he did not see where it could fit into the new Plan, but will try to put it in somewhere else.

Member Dieterle asked whether the addition of the library to the Town changed the land use designation listed in the Table 4 on page 29.

Planner Ragsdale stated that he was not sure and stated that the Library may be in a different category. Planner Ragsdale also stated that he will check to see whether the information in the table represents land designation or building designation.

Planner Ragsdale stated that he will research the purpose of the table and make sure the table is correct.

Planner Ragsdale stated that he will also make sure that the information in the table is represented correctly on the map.

Town Attorney Gougelman asked where the map came from.

Planner Ragsdale stated that he got the map from the current Comprehensive Plan.

Chairman Campbell asked why the maps were not printed out on 11" x 14" paper to make it easier to study the maps for review.

Planner Ragsdale stated that he will get the Board some 11" x 14" maps for review.

Planner Ragsdale stated that he will also give Town staff the maps on CD along with the program to view the maps.

Member Dieterle asked why restaurants were not listed under General Commercial in page 31.

Chairman Campbell stated they are not listed because they are allowed only by special exception.

Member Dieterle asked what will happen if restaurants are made into a permitted use.

Planner Ragsdale stated that the Comprehensive Plan will have to be amended if restaurants are made a permitted use.

Member Dieterle asked why churches were taken out and asked whether a definition of 'service' could be added.

Member Schwartz suggested that the board brainstorm possible definitions of 'service.'

Town Attorney Gougelman stated that there are a couple of different approaches to adding a definition of 'service' to the Comprehensive plan. He stated that the board could 1) insert a definition of 'service' into the zoning code, which implements the Comprehensive Plan, or 2) add in the definition after state review and before adoption of the Plan.

Planner Ragsdale stated that the definition can also be added before the public hearing.

Attorney Gougelman stated that the board could get some clues for a definition of 'service' by looking in the zoning code.

Chairman Campbell listed the permitted uses in 6B from the Land Development Code.

Planner Ragsdale, Chairman Campbell, and Attorney Gougelman agreed that if a permitted use is added to the zoning code, it must be added to the Comprehensive Plan, unless it is a use permitted only by special exception. Then it doesn't need to be added to the Comprehensive Plan.

Planner Ragsdale stated that the Comprehensive Plan can be structured differently to state that general commercial uses are as defined in the Code of Ordinances. Mr. Ragsdale stated that this structure is more open to interpretation than the Town had indicated that it wanted.

Alternate Member Davis asked whether someone would use the Comprehensive Plan against the zoning code.

Attorney Gougelman stated that it could happen, Florida Law provides that the Comprehensive Plan supersedes the zoning code.

Town Attorney Gougelman stated that the compatibility chart on page 34 clarifies how the permitted use map and the future land use map work together.

Attorney Gougelman stated that retail sales/ service is included in both the downtown business and general commercial sections on pages 31 and 32. He stated that retail sales/service is an open category which includes almost anything commercial. He stated that this will open the door somewhat for interpretation, but is not too open because it still provides a list of allowable uses. If there were any changes to in allowable use in these categories, both the Comprehensive Plan and the zoning code will need to be amended.

Chairman Campbell asked what would have to happen if an allowable use was listed in the Comprehensive Plan, but not in the Zoning Code.

Planner Ragsdale stated that the Comprehensive Plan rules over the zoning code and that the zoning code implements the Comprehensive Plan.

Member Schwartz stated that the disadvantage of special exceptions is the restrictions on businesses making it difficult for a new business to open. Member Schwartz stated that the advantage of special exceptions is that they do not allow unwanted businesses to enter the Town.

Chairman Campbell stated that the board needs to keep in mind the community care goal which states that the Town wishes to remains residential community.

Chairman Campbell stated that Planner Ragsdale should make sure that the current uses for 6B and 7C be reflected in permitted use categories on pages 31 to 32.

Chairman Campbell stated that places of worship are to be included by special exception.

Planner Ragsdale stated that there is a special exception clause in most of the Future Land Use categories.

Chairman Campbell stated that a heading is needed for the last paragraph on page 37.

Planner Ragsdale stated that he will move it to the intro for this section or place it in a better place.

Chairman Campbell asked why .50 Floor area ratio (FAR) was listed for General Commercial in the bottom section of the chart on page 45.

Planner Ragsdale stated that an intensity standard needs to be implemented in the Comprehensive Plan.

Chairman Campbell stated that a FAR was missing for 'Downtown Business.'

Planner Ragsdale stated that it should be .5 FAR, but will look into it and fix it.

Town Attorney Gougelman stated that Policy 2.2 on page 47 is important in any future court decisions.

Member Schwartz asked whether the Policy can be changed.

Planner Ragsdale stated that it is required by the State of Florida.

Member Dieterle stated that the map number 12 in Policy 2.1 should be map 2.

Planner Ragsdale stated that he will fix and find other inconsistencies and have them fixed. Ragsdale stated that he will also fix date inconsistencies such as the one on page 50 under Policy 9.1.

Chairman Campbell asked whether Policy 13.1 on page 51 is needed.

Planner Ragsdale stated that it was necessary, but that he will change the wording and add the word 'additional' between 'discourage' and 'strip.'

Chairman Campbell stated that the gap in the traffic line on Ocean Ave on the map should be closed.

Planner Ragsdale stated that he will change the counts in Table 8 on pages 56 and 57 if the DOT had made changes.

Chairman Campbell stated that '9I' should be added to the zoning district listing in Policy 3.3 on page 67.

Town Attorney Gougelman stated that the word 'Zoning Ordinance' be changed to 'Code of Ordinances" in Policy 3.3, on page 67.

Chairman Campbell stated that the words 'plans and' be removed from the first sentence on page 70.

Planner Ragsdale stated that he will redo Table 9 on page 72 since it is very difficult to read.

Member Dieterle asked what 'Overcrowding' meant in the table on page 72.

Planner Ragsdale stated that overcrowding is figured by counting the number of people per room in a house.

Member Dieterle asked how the number is derived.

Planner Ragsdale stated that the number comes from the Shimberg Center and it is based on the number of people per the size of the house.

Member Dieterle stated that she thought that replacement housing is a significant consideration, per the sentence in the third paragraph on page 73.

Planner Ragsdale answered that the sentence is in the current plan and that there has not been a move to change the housing program and there are no documented substandard housing conditions.

Member Schwartz questioned the last sentence of the first paragraph under 'Drainage Impact of Future development and Level of Service' on page 79.

Town Attorney Gougelman stated that the word 'storm' should be added after the word 'year' in that sentence.

Chairman Campbell asked where Table 2 mentioned in the last paragraph on page 79.

Planner Ragsdale stated that he will remove that sentence since the table had already been removed and he will review the section for accuracy and content.

Chairman Campbell stated that he would like Policy 8.1 on page 85 to be reworded to include single family residences.

Chairman Campbell stated that he would like the word 'virtually' taken out of the first sentence on page 106.

Planner Ragsdale stated that he will change the wording.

Planner Ragsdale stated that the table on page 107 to 108 needs to be labeled and that Map 6 has been misplaced and will be moved to the correct place.

Planner Ragsdale stated that the evacuation plans and maps are written by East Central Florida Regional Planning Council.

Member Schwartz asked if 18.35 in the second paragraph under 'Hurricane Evacuation/ Disaster' heading on page 108 should be changed to 18.35 percent.

Planner Ragsdale stated that it should say 18.35 percent. Ragsdale also stated that Tables 12 and 13 are based on the data in the paragraph at hand.

Chairman Campbell asked when the Coastal high Hazard Model was going to be redone.

Planner Ragsdale stated that it had already been done and that it is based on the SLOSH model.

Planner Ragsdale stated that the Coastal High Hazard Area has been changed back to where it was before and that it is more consistent with velocity zones.

Member Schwartz asked that the words "1 inch equals .11 miles" be removed from the map on page 110, due to the map sizes being small.

Planner Ragsdale stated that the map on page 112 needs to be clarified.

Planner Ragsdale stated that the larger color maps will be sent to Town Manager Bursick in about a week.

All board members agreed to continue the meeting on the draft Comprehensive Plan to a special meeting to be held on April 19, 2010, as long as the Community Center was available.

2. Ten-Year Water Supply Facilities Work Plan Supplement

The board agreed to review the Ten-Year Water Supply Facilities Work Plan Supplement.

Planner Ragsdale stated that this plan is based on the City of Melbourne's water supply plan since the City of Melbourne supplies the water to the Town of Melbourne Beach.

Attorney Gougelman stated that the Town is headed into some water supply problems in the future.

Planner Ragsdale stated that in the future the Town may have to look for an alternative water supply.

Member Schwartz questioned the wording in the last full paragraph on page 1.

Planner Ragsdale stated that the word 'to' should be added after the word 'agreement' in the last sentence of the last full paragraph on page 1.

Planner Ragsdale stated that he will change the word 'Subelement' in the title of the document to 'Sub-Element.'

Member Schwartz asked wither the last sentence under letter 'c' on page 4 should be made into a note or whether the wording should be changed.

Planner Ragsdale stated that the wording cannot be changed because it is statutory.

Chairman Campbell stated that the letter 'd' be moved up next to the word 'Amendments.'

Member Schwartz stated that the word 'the' be added before the word 'established' in the last sentence under number 6 on page 4.

V. OLD BUSINESS

None

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

None

VIII. ADJOURNMENT

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

Meeting adjourned at 9:23 pm.

Jennifer Howland	David Campbell Chairman