

Town of Grant-Valkaria  
Local Planning Agency Meeting Minutes  
Monday, January 5, 2009 at 7:00 p.m.  
Town Hall Building, 5120 Highway U.S. 1, Grant, FL 32949-2003

The meeting of the Town of Grant-Valkaria, Local Planning Agency was called to order at 7:00 p.m. by Vice Chairperson Don Whitehouse followed by the Pledge and roll call to the Board Members, with the following present:

Chairperson Don Whitehouse	Town Administrator Rick Hood
Vice Chairperson Dan Robino	Administrative Assistant Linda Munroe
Board Member Denni Burr	
Board Member Christine King	
Board Member Bob Thiem	
Board Member Allen Webb	
Board Member Allen Webb	
Board Member Ron Jenkin, Alternate 1	

**ADDITIONS AND DELETIONS TO AGENDA**

Vice Chairperson Whitehouse asked all the members to tell a little about themselves (during roll call) since there are two (2) new alternates on the Board.

**APPROVAL OF MINUTES**

1. Local Planning Agency Meeting of October 2, 2008
2. Local Planning Agency Meeting of October 16, 2008
3. Local Planning Agency Meeting of October 27, 2008
4. Local Planning Agency Meeting of November 6, 2008
5. Joint Workshop with Town Council on November 19, 2008
6. Local Planning Agency Meeting of December 4, 2008

Moved by Board Member Robino, seconded by Board Member Mafera to approve all the minutes above. Motion carried unanimously.

Council Member Kolar took a group photo for the Town newsletter of all the Local Planning Agency Board members present.

**NEW BUSINESS**

• **Election of Chairperson, Vice Chairperson and Pro Tem**

Board Member Burr nominated Vice Chairperson Whitehouse, seconded by Board Member Mafera. Board Member Thiem nominated Board Member Robino, seconded by Board Member Webb. Election was closed: there were five (5) votes for Vice Chairperson Whitehouse and two (2) for Board Member Robino. Vice Chairperson Whitehouse is now chairperson of the Local Planning Agency.

Board Member Mafera nominated Board Member Robino, seconded by Board Member Thiem. Election closed. Motion carried unanimously with all ayes. Board Member Robino is now Vice Chairperson.

Board Member Webb nominated Board Member Burr as Pro Tem, seconded by Board Member King. Board Member Burr nominated Board Member King as Pro Tem, seconded by Vice Chairperson Robino. Election closed: there were 4 votes for Board Member Burr and 3 for Board Member King. Board Member Burr is now Pro Tem.

- Review of School Element of the Comprehensive Plan

Both Chairperson Whitehouse and Vice Chairperson Robino agreed that this document seems to be “boiler plate”. Board Member Mafera stated it appeared to be language of Department of Community Affairs. Town Administrator Hood stated that Department of Community Affairs is looking for wording from all municipalities and counties to be the same. He also stated that the City of West Melbourne tried to tailor theirs to fit the City and was basically “shot down” by Department of Community Affairs. He also pointed out that the wording in this document is probably the same as Cape Canaveral’s since our consultants wrote it.

Town Administrator Hood stated that all the acronyms need to be defined in this document. Chairperson Whitehouse wanted to know if “staff” was us or the School Board. Town Administrator Hood stated that the School Board is staff and that everything is set by the School Board. Under Objective 2, Policy 2.1 Chairperson Whitehouse stated that the developments need to supply data for this to the Town. For the record: Board Member David VanAsdale, Alternate 2 arrived at 7:25 p.m. and gave the other Board Members some background about him. Town Administrator Hood stated that concurrency is a requirement of the developer. This information is required at the first phase of the S.I.A. (School Impact Analysis), and only applies to big developments of at least 150 homes. In reference to Objective 4 and the Capital Improvements Element, Board Member Webb asked if the Town is required to be sure there are sidewalks and access to the charter school in Town, should they decide to expand? Town Administrator Hood replied that the way State law is developed; they can choose to put in sidewalks or look to the Town to do it; Site plans to the Town from the School Board are a courtesy; the School Board does their own inspections. Board Member Burr inquired about the dates in Objective 3 and 4 being 2008 and asked if they should change them. Town Administrator Hood stated to change them to 2009. He stated to them that the map series is a part of the entire County with population projections. Board Member Webb stated that the population projections will change when the modular homes are built at Sebastian Beach and Tennis Club. Town Administrator Hood added it would also include Trout Creek Estates, Bear Creek and Grant Road areas are to be developed. Board Member Mafera stated that the 2010 census data will show the changes. Town Administrator Hood stated that the data and

analysis for this element come from the County. Vice Chairperson Robino mentioned that this should go through with Department of Community Affairs with no problem; Town Administrator Hood stated he checked with some planners from the City of West Melbourne and they think this is okay. Moved by Board Member Thiem, seconded by Board Member Webb to approve the Public School Element with changes in dates. Motion carried unanimously.

- Discussion/Action Setting A Schedule For Future Meetings

Town Administrator Hood stated to all the Board Members that he wanted to make sure everyone is on track with meetings on the first (1<sup>st</sup>) and fourth (4) Mondays of each month. He mentioned the next scheduled meeting is January 26<sup>th</sup> and asked the Board Members if they want to meet more to get through the Land Development Regulations. Board Member Mafera asked what the time frame is for the Land Development Regulations and Comprehensive Plan getting approved by the Department of Community Affairs. Town Administrator Hood stated that Town Council still has to finish the Future Land Use Element and the School Element and then send to Miller Legg. Once it comes back from Miller Legg then there have to be public hearings. Then it goes to the Department of Community Affairs and they have 120 days to respond. Then there are more public hearings, the best case scenario is August. Board Member Mafera stated that the Land Development Regulations and the Comprehensive Plan have to agree with each other. Town Administrator Hood stated that lot size minimum could be the biggest conflict changing 1:1 to 1.4 or 1.25.

Board Member Webb stated that the Local Planning Agency having back to back meetings and having to read 100 plus pages each week when most of them work full time jobs will be a bit much. Town Administrator Hood stated that on the forth Monday the attorney will be present for the Planning and Zoning Board meeting.

### **UNFINISHED BUSINESS**

#### Continued Discussion of Land Development Regulations with pages 148-240

Discussion began on page 148 with Sec. 62-1331. General Use, GU. Town Administrator Hood stated currently with AU zoning anyone can open a farm and do anything on it, he also stated that Council wants to explore discussing that in a workshop. Chairperson Whitehouse asked Town Administrator Hood if he could do administrative changes and he answered him that not staff but the Planning and Zoning Board can review it and make that decision. Board Member Burr stated how she had gone through each zoning classification and wondered what "pre-existing use" means. Town Administrator Hood stated that it means "if it was there then it is allowed". While discussing Private Heliports under Conditional Uses, Board Member Mafera pointed out that everyone within 2 miles of one has to be notified as well as the Federal Aviation Administration and the County. Board Members Thiem and Webb stated they both have a neighbor with one.

Town Administrator Hood stated what the difference between:

- 1) Permitted Uses – allowed
- 2) Permitted Uses with Conditions – ex. Sales office must be on site of property
- 3) Conditional Uses – Public hearings and require a lot of criteria to be met

It was the consensus of the Board to move Resort Dwellings under Conditional Uses. Under Setbacks, (5) b. Vice Chairperson Robino stated that garages should be allowed in front of the rear building line. He has no problem with anyone building one that way if they meet the setbacks and as long as it fits in. Board Member Webb stated that they all live in a rural community and to be careful of what we exclude; we became a town to be rural not like a subdivision. Town Administrator Hood stated the problem in Town is that this rule was in County Code and not enforced by the County. There are a lot of non-conforming lots. He also pointed out that some zoning codes restrict size and amount of sheds allowable on property. Board Member King stated, “yes, it is a rural area; these rules are County. A lot of people have not abided by them; you do not want to give people “free reign” to put anything up, leave it the way it is written. There will be some exceptions; remember not everyone is reasonable, if we leave it the way it is we are not making restrictions”. Town Administrator Hood stated the County should not have done it with these codes, write it as an accessory structure and not call it a detached garage. Vice Chairperson Robino stated that stables should be allowed in front of homes just as long as people get a building permit for them. Board Member Mafera stated to think of the property value of the whole neighborhood. Board Member Webb stated that it bothers him there are restrictions on zoning classifications. He is zoned RR1 and cannot have horses, bees, or chickens; if we follow these rules there probably is a violation of everyone’s property. Board Member Mafera stated he bought his property under these guidelines; maybe we can give people more rights than they have now. Board Member Webb stated the County took a much lax view of this area; he doesn’t want Code Enforcement to be pro-active. Town Administrator Hood stated that we are reactive only addressing those violations that are presented to us; we don’t go looking.

Chairperson Whitehouse stated that Council gave the message they do not want garages in front of property. Vice Chairperson Robino stated he did not take it that way. (The Board was referring to the home on Edisto Drive that the homeowner wanted to put a garage on the front of their property and it was turned down by Council before interpretation was given by Miller Legg early in 2008.) Board Member Webb asked if this could be changed; he sees it in every zoning classification. Town Administrator Hood stated his concern is about that making it a conditional use is quite costly to the homeowner costing close to \$1,000. Board Member Burr stated that before she purchased her property she drove around Town and looked everywhere. When she purchased her property she saw some disasters and didn’t want to live in a deed restricted area. She chooses to purchase her property where she did and put her out

buildings in back. If people started building in their front yards and putting “stuff” in them it could lower the property values of the neighborhood. She stated she does not want to change this. Chairperson Whitehouse stated that on page 98, Sec. 62-1102 shows the definition of an Accessory Structure and that there needs to be some restrictions. Town Administrator Hood stated that on page 362-363, Sec. 62-2100.5 Accessory Building and Accessory Use Standards are explained. He also stated that the Local Planning Agency could keep it uniform or make changes for each category; AU zoning is exempted. He pointed out that “whatever is allowed someone will try to take it to the max”. Alternate Board Member VanAsdale stated he has been here since 1991 and has seen everything, it does not bother him. He also stated “we have to be careful of what we do with 80% of Town. Town Administrator Hood stated “the ones out there are out there illegally, without permits maybe”. Board Member Mafera stated “we are not changing anything; we are going to make you legal if you broke the law”.

The Planning and Zoning Board took a break at 9:05 p.m. and Chairperson Whitehouse reconvened the meeting at 9:15 p.m.

Board Member Thiem stated that he is a former facilitator and would like to be “time manager” to keep the meeting focused and that, “it is important to do these sections one at a time, not jump around; Don you are in charge...” Chairperson Whitehouse stated that “everyone should be able to say their piece”. Board Member Webb stated “when you are talking about a definition we need to address it to talk about it”; he stated he agrees with Board Member Thiem to a point. Board Member Thiem stated they need to stay focused. Board Member King stated, “We all understand where other members of the Local Planning Agency are, we don’t need to repeat things and go on and on”.

Board Member Mafera asked if the height of each zoning is acceptable to everyone. Town Administrator Hood stated “in today’s world”, we need to come up with a better manner of addressing building heights. Board Member Webb stated “minimum floor changes drastically with each zoning category. He is concerned about values of property; it looks like the bigger lot has the smaller building”. Town Administrator Hood stated he thinks a lot of this came out during farming days past. Board Member Webb stated “we are not an agricultural community; we are a rural high-end community”. Town Administrator Hood stated that GU classification (General Use) is a “holding” class for unimproved property. These are typically larger tracts; we need to look at the square footage.

Chairperson Whitehouse stated there is nothing in Town zoned Productive Agricultural. Town Administrator Hood stated the only agricultural zoning used in town is Agricultural Residential. Board Member Burr stated it would be better to keep PA (Productive Agricultural). Chairperson Whitehouse stated that everywhere in AU (Agricultural

Residential) where it says “spacious character” to strike it out. Board Member Webb stated to make all agricultural pursuits as conditional use. Alternate Board Member VanAsdale stated if he wanted to have a roadside stand on his property he would like to be able to do so without paying almost \$1,000 for it, by having to get a conditional use permit. Board Member King stated there is no limit on the number of animals people can have; she doesn’t know what is reasonable. Town Administrator Hood stated the only animal restriction he has seen in the codes is for horses in certain zonings. Board Member King read the definition of the term “and” on page 20 of the code book. It states “**and** indicates that all the connected items, conditions, provisions or events shall apply”. Town Administrator Hood stated that AU (Agricultural Residential) zoning states there has to be a farm and a house on the property. Chairperson Whitehouse suggested they look at other towns and see what they have for limits. Town Administrator Hood stated that most limit horses. Vice Chairperson Robino stated you have to have so much acreage to have a cow on your property. He also stated he doesn’t want any more mobile homes in town. Board Member King stated “we need to keep our property values up”. Town Administrator Hood stated we could see a temporary construction trailer on building sites; under “Conditional Uses” in AG (Agricultural Residential) zoning the following items were deleted by the Local Planning Agency:

- Airplane runways
- Hog Farms
- Veterinary hospital, office or clinic, pet kennels
- Zoological parks

Moved by Board Member Burr, seconded by Board Member King to adjourn at 10:10 p.m. Motion carried unanimously.

(signature on file)

---

Don Whitehouse, Chairperson

ATTEST:

(signature on file)

---

Linda Munroe, Administrative Assistant

