

MEETING MINUTES OF THE LOCAL PLANNING AGENCY
OF MONDAY, SEPTEMBER 28, 2009
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Local Planning Agency Board Meeting of September 28, 2009 was called to order at 7:00 p.m. by Chairperson Whitehouse, with the following Members present:

Chairperson Don Whitehouse
Vice Chairperson Dan Robino
Board Member Denni Burr
Board Member John Mafera
Board Member Bob Thiem
Board Member Allen Webb
Board Member Ron Jenkin (Alternate 1)
Board Member David VanAsdale (Alternate 2)

Town Administrator Richard Hood
Administrative Assistant Jessica Williams

EXCUSE BOARD MEMBER CHRISTINE KING

Motion by Board Member Burr, second by Vice Chairperson Robino and Vote unanimous to excuse Board Member King due to illness.

CHANGES TO AGENDA

Chairperson Whitehouse requested that an update on the Comprehensive Plan be placed on the agenda.

Chairperson Whitehouse requested that an update from Town Administrator Hood on the Adult Entertainment Ordinance be placed on the agenda.

APPROVAL OF MINUTES

- 1) Planning and Zoning Board Meeting Minutes of August 24, 2009
- 2) Local Planning Agency Meeting Minutes of August 24, 2009

Motion by Board Member Webb, second by Board Member Mafera and vote unanimous to approve the minutes with the following changes: Planning and Zoning Board Meeting Minutes page two, paragraph one, change "he should be allowed to make a profit" to "the owner of CITGO should be allowed to make a profit;" add , "For the record: Chairperson Whitehouse, Board Member Thiem and Alternate Board Member Ron Jenkin were excused at the August 24, 2009 Planning and Zoning Board Meeting" to the Local Planning Agency Minutes.

UNFINISHED BUSINESS

Subdivision III. Performance Standards

- Section 62-2251- Generally
 - No Change
- Section 62-2252- Applicability
 - No Change
- Section 62-2253- Determination of violations
 - Change "Town Manager" to "Town Administrator"
- Section 62-2254- Smoke
 - No Change
- Section 62-2255- Dust and particulate matter

- No Change
- Section 62-2256- Odor
 - No Change
- Section 62-2257- Lighting standards
 - No Change
- Section 62-2259- Vibration
 - No Change
- Section 62-2260- Electrical radiation
 - No Change
- Section 62-2261 Heat and Humidity
 - No Change
- Section 62-2262 Fire and explosion hazards
 - No Change
- Section 62-2263- Radiation
 - No Change
- Section 62-2264- Waste disposal
 - No Change
- Section 62-2265- Airborne emissions
 - No Change
- Section 62-2266- Water quality
 - No Change
- Section 62-2267- Water consumption
 - No Change
- Section 62-2268- Signs
 - No Change
- Section 62-2269- Hazardous Materials
 - No Change
- Section 62-2270- Access
 - No Change
- Section 62-2271- Noise
 - e (10)- Remove “unincorporated”
- Section 62-2272- Performance standards for industrial uses in commercial classifications
 - No Change

Town Administrator Hood asked the Board if they would skip the Subdivision and Plats section. Town Administrator Hood explained that these were regulated by Florida Statute and that Brevard County’s regulations do not meet the needs of the Town. Town Administrator Hood explained that he had been reviewing Brevard County, Melbourne, and West Melbourne’s regulations and they are almost identical in content, however he believes that the process needs to be improved and would like to create a process that would better work for the Town and bring it back to the Board for review.

It was the Board’s consensus to skip the Subdivision and Plats section until Town Administrator Hood brings his suggestions back to the Board for review. Town Administrator Hood also asked the Board to look at Section 62-3206 Traffic parking and loading requirements. He stated that there are some things in there that they might want to change. He also mentioned that this section might need to be pulled out of Subdivisions

and Plats and be its own section. Town Administrator Hood asked the Board to look at this section and determine how they would like the sites developed.

Article IX, Signs

- Section 62-3301- Definitions
 - No Change
- Section 62-3302- Enforcement
 - (a)(8)(e)- Reword for Code Board instead of Courts
 - (a)(8)(f)- Remove “ by the clerk of the court,” “replace with “by the Town”
- Section 62-3303- Purpose and applicability
 - No Change
- Section 62-3304- Nonconforming signs
 - No Change
- Section 62-3305- Removal of illegal or abandoned signs
 - No Change
- Section 62-3306- Permits generally
 - No Change
- Section 62-3307- Exemptions from permit requirement
 - No Change
- Section 62-3308- Maintenance
 - No Change
- Section 62-3309- Prohibited signs
 - (a)(12) check to see if date must change to date of incorporation
- Section 62-3310- Construction Standards
 - No Change
- Section 62-3311- Obstruction to line of sight
 - No Change
- Section 62-3312- Obstruction to openings used for exits and ventilation
 - No Change
- Section 62-3313- Clearance from utility lines; erection in easement or right of way
 - No Change
- Section 62-3314- Illumination
 - No Change
- Section 62-3315- Interference with radio and television transmission
 - No Change
- Section 62-3316- On-premises signs
 - (1) Remove “If the parcel has street frontage in excess of 200 feet, one additional freestanding sign shall be permitted for each 200-foot increment.”
 - (2) Change from “150 square feet” to “100 square feet”
 - (4) Change setback to the “property line”
- Section 62-3317- Temporary signs
 - (4)(e) Add “ No flashing signs”
- Section 62-3318- Off-premise signs
 - Add: “Off- premise signs are prohibited in the town limits
 - (5) Change date
- Section 62-3319- Waivers and appeals

- Change “Town Manager,” to “Town Administrator”

NEW BUSINESS

1) Comprehensive Plan Update:

Town Administrator Hood explained to the Board that he would be taking a work authorization from Miller Legg to Council. He stated that the existing work orders are poorly written. He explained that they have an agreement to complete the Comprehensive Plan and the Land Development Regulations. He explained that if changes continue to be made that the town would then have to pay Miller Legg to complete these changes. Miller Legg has made changes in staff and he is now working with the principal of the company. Town Administrator Hood then explained to the Board that he believed that the Comprehensive Plan would be back in the next thirty to sixty days. After reviewing the Comprehensive Plan there were some items that Miller Legg had been asked to change in the notes sent; however, those items have not been changed so they are making some revisions. Town Administrator stated that the Comprehensive Plan should go to transmittal public hearing within the next sixty days.

2) Adult Entertainment Ordinance:

Town Administrator Hood explained to the Board that an individual came in and applied for a business tax receipt for an Adult Bookstore. He explained that he had to deny this request because the business location was within 1500’ from a residentially zone property. At the last council meeting Town Administrator Hood brought this to Council. When Council heard this they mentioned that an existing moratorium was in place in 2007; however with other issues this one was pushed aside. Council asked that this moratorium be put back into place. Town Administrator Hood explained that the existing code is a good code; however in our town many residential homes are built on BU-1 and BU-2 zoned properties in the town. Town Administrator Hood explained that he believed that we need to make some changes to the Land Development Regulations to protect the existing homes that are not on residentially zoned property.

MOTION TO ADJOURN

Motion by Board Member Burr, second by Board Member Mafera and vote unanimous to adjourn the meeting at 9:50 pm.

(Signature on File)

Don Whitehouse, Chairperson

ATTEST:

(Signature on File)

Jessica Williams, Administrative Assistant