

MEETING MINUTES OF THE JOINT  
LOCAL PLANNING AGENCY/LOCAL PLANNING AGENCY MEETINGS  
MONDAY, MARCH 23, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Planning and Zoning Board Meeting of March 23, 2009 was called to order at 7:00 p.m. by Chairperson Whitehouse, followed by the Pledge of Allegiance, and roll call to the Members with the following present:

Chairperson Don Whitehouse	Town Clerk Susanne Krueger
Vice Chairperson Dan Robino	Attorney Karl Bohne
Board Member Denni Burri	
Board Member Christine King	
Board Member Bob Thiem	
Board Member Allen Webb	
Board Member Ron Jenkin, Alternate 1	
Board Member David VanAsdale, Alternate 2	

EXCUSE BOARD MEMBER JOHN MAFERA

Motions by Board Member King, second by Board Member Burr, and vote unanimous to excuse Board Member John Mafera, due to a business meeting.

CHANGES TO AGENDA

There were no changes to the agenda

PUBLIC HEARING –CONDITIONAL USE PERMIT #CUP-2009-01

Conditional Use Permit # CUP-2009-01-Request by Philly Boyz Inc to Serve Beer and Wine, Consumption On Premise (State Liquor License 2-COP) At 5890 US Highway 1.

Chairperson Whitehouse read Conditional Use Permit # CUP-2009-01 by title only, and stated for the record the public hearing was advertised in Florida Today on March 5, 2009. Chairperson Whitehouse then read the rules of the quasi judicial hearing and declared the public hearing open.

Mario John Nicolo of 5890 US Highway 1 then proceeded to present his case. Mr. Nicolo explained that he would like to serve beer and wine in the front screened in area of the East building. He explained that they had not had any previous problems while serving alcohol in the existing western building facility. Board Member Burr verified the hours of sales and/ or service from the Resolution No 04-2007. These hours will be from 10 a.m. to 10 p.m. Sunday through Thursday and from 10 a.m. through 11p.m. Friday and Saturday. Board Member Robino asked Mr. Nicolo if he had removed his gaming machines. He assured the Board that those gaming machines had been removed. Chairperson Whitehouse explained that this would be limited to the same restrictions as the existing conditional use permit.

Attorney Bohne explained that if approved, the Board could make recommendation that it is a condition upon Council approving an amendment to Resolution No 04-2007. This would remove section D which states "The Conditional Use Permit shall only be for and applicable to the western building on the property;" This would then make section F which states, "No adult entertainment,

as that term is defined by the Brevard County Building Code of Ordinances, except that the current adult arcade operated in the eastern building, shall be operated on the property,” not applicable; Modifying section K, which states “There shall be no sales or consumption of alcoholic beverages outside of the walls of the western building as it exists as of the effective date of this resolution. The Town Council recognizes that there is a wraparound porch on the western building and a portion of it is currently outside.” Mr. Bohne also mentioned to the Board that they could also recommend that if the restaurant ceases to exist the Conditional Use Permit would be void.

Chairperson Whitehouse Closed the public hearing.

Motion by Board Member Thiem, seconded by Board Robino and vote unanimous to approve the Conditional Use Permit Application subject to the following conditions: The primary use of the building will be the restaurant, if the restaurant ceases to exist so will the Conditional Use Permit, the conditions of Resolution No 04-2007 apply to the new Conditional Use Permit as applicable, and the Board will make a request to the Town Council to make an amendment to Resolution No 04-2007 section D, F and K.

#### APPROVAL OF MINUTES

- 1) Planning and Zoning Board Meeting Minutes of December 4, 2008
- 2) Local Planning Agency Meeting Minutes of January 26, 2009  
On page 2 delete, Board Member Jenkins comment, “Generally.”
- 3) Local Planning Agency Meeting Minutes of February 2, 2009  
On the Last Page, Paragraph 3, replace “singed” with “signed.”
- 4) Local Planning Agency Meeting Minutes of March 2, 2009

Motion by Board Member Robino, second by Board Member Thiem, and vote unanimous to approve the meeting minutes of Planning and Zoning Board Meeting Minutes of December 4, 2008, Local Planning Agency Meeting Minutes of January 26, 2009 with the deletion of the word “Generally”, Local Planning Agency Meeting Minutes of February 2, 2009 replacing “singed” with the word “signed”, and Local Planning Agency Meeting Minutes of March 2, 2009.

Town Clerk Krueger requested that the Board Members approve the meeting minutes for the Local Planning Agency and/or Planning and Zoning Minutes regardless of which meeting agenda they are on and this was approved by consensus of the Board.

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

None

PUBLIC COMMENT (on non-agenda items)

None

For the Record, Chairperson Whitehouse excused Attorney Karl Bohne at 7:12 p.m.

ADOURN PLANNING AND ZONING BOARD MEETING

Motion by Board Member Burr, second by Board Member Thiem, and vote unanimous to adjourn the Planning and Zoning Meeting at 7:13 p.m.

LOCAL PLANNING AGENCY MEETING CALLED TO ORDER

Local Planning Agency Meeting of March 23, 2009 was called to order at 7:15 p.m. by Chairperson Whitehouse.

LOCAL PLANNING AGENCY AGENDA ITEM

1) Continued Discussion of Land Development Regulations

a. Starting at Section 62-1572- Government managed lands, GML

Board Members continued discussion of the Land Development Regulations with the following comments:

Chairperson Whitehouse reviewed where the Board had left off, asking if Section 62-1571 Environmental Areas, EA was necessary. Town Clerk Krueger explained that Brevard County submitted a comprehensive plan change to the state, and all EELs properties were designated as Environmental Areas, EA. Chairperson Whitehouse then asked when the county purchases more would it automatically change or do we have to make the changes. Chairperson Whitehouse also mentioned that the Maps must be changed to reflect this. Town Clerk Krueger explained that Town Administrator Hood was already looking into this.

- Section 62-1572- Government Managed Lands, GML
  - Chairperson Whitehouse explained that we have GML properties already existing so we must keep this section.
  - Board Member Burr asked if we could take Airports out of conditional uses and grandfather them in so that they can't buy land and expand without coming before the Board.
  - Board Member Robino stated that they already have to come to us to expand.
  - It was discussed by the Board to remove Prison Camps from the Conditional Uses; however Board Member Robino and Board Member Thiem were not in favor of doing this; Board Member Thiem stated "they have to go somewhere."
  - After a brief discussion it was Board consensus to skip the Government Managed Lands until Town Administrator Hood was present.
  
- Section 62-1573- Institutional Use, IN(L) and IN(H)  
Sue explained to the Board that Group Homes were regulated by state statute.

The Board asked if while Rick was researching building height if he could also look into steeple height requirements.

It was the Boards Consensus to wait until Rick was present to make any further decisions.

The Board explained that they would like to review the Land Development Regulations again before they were submitted to Council.

Chairperson Whitehouse asked the Board to read General Provisions up to page 361.

ADJOURN LOCAL PLANNING AGENCY MEETING

Motion by Board Member Burr, second by Board Member Robino, and vote unanimous to adjourn the Local Planning Agency Meeting at 7:54 p.m.

(Signature on file)

---

Don Whitehouse, Chairperson

ATTEST:

(Signature on file)

---

Susanne Krueger, Town Clerk