

MEETING MINUTES OF THE
PLANNING AND ZONING BOARD MEETING
MONDAY, APRIL 27, 2009 AT 7:00 P.M.
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Planning and Zoning Board Meeting of April 27, 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
Denni Burr
Christine King
John Mafera
Bob Thiem
Allen Webb
Ron Jenkin (Alternate 1)
David VanAsdale (Alternate 2)

Town Administrator Richard Hood
Administrative Assistant Jessica Williams

CHANGES TO AGENDA

There were no changes to the agenda.

PUBLIC HEARING - VARIANCE NO. V-2009-01 (Board Action)

Applicant: Lifestyle Home Builders

Variance Requested: A variance on 2.5 acre requirement in order to obtain an ingress/egress along Parcel Id # 26-27-25-00-0350.0 to grant Parcel Id # 26-27-25-00-0351.0 access to Corey Road. Property currently zoned as: Agricultural residential, AU

Chairperson Whitehouse read the rules of the quasi judicial hearing and opened the public hearing on Variance No. V-2009-01.

For the record Vice Chairperson Robino arrived at 7:05 p.m.

Town Administrator Hood stated for the record that legal advertisement was published in the Florida Today newspaper on April 9, 2009, April 16, 2009 and was posted on the property. Town Administrator Hood explained that this request came about because of our current unpaved road ordinance. He explained that there were three types of accesses which include: building a road, access by easement, or access by flag lot. In this case access by building a road was cost prohibited because there was an existing wetland in the right-of-way and a huge ditch that runs through the area. The code requires that the parent lot must be 2.5 acres in size to grant an easement. One gentleman owns three parcels and a relative is building on the southern parcel. This was brought before the Town Council on March 4, 2009 and the Town Council recommended that the best way to handle this would be to apply for a variance. The Town Council expressed that they would like to make a change to this code because we have so many lots within the Town that are 1.3 and 1.4 acres in size. Many people will not be able to have access other than to build a road because of the acreage requirement they set up some new rules. These rules include: 1) Must have an existing home, 2) Easements cannot access more than 2 lots of 1.3 acres in size, 3) If the

road adjacent to the parcel is ever built, they must connect to the roadway and join in the payment of any reimbursement, and 4) If the parcel is on a 50 foot right-of-way the extenuating circumstances have to be greater than 25% of the cost of the road without extenuating circumstances. In this case this request has met all four of these tests and the Town Council instructed the applicant to apply for a variance request.

Chairperson Whitehouse explained that he had looked at this property and there are definitely wetlands right in front of you and he was not sure if the road would ever be extended. He mentioned that all of the properties are 1.3 and 1.4 acres in size.

Chairperson Whitehouse closed the public hearing and called on the Board for a motion.

Motions by Board Member Thiem, second by Vice Chairperson Robino, and vote unanimous to grant Variance No. V-2009-01 to Ronald DeVitto. Town Administrator Hood stated that this will be heard before the Town Council at their meeting on May 13, 2009.

PUBLIC HEARING - REZONING NO. Z-2009-01 (Board Action)

Applicant: Andrew W. and Alison M. Goodrich

Rezoning Requested: Change existing zoning classification BU1 (General Retail Commercial) to proposed zoning classification RU1-9 (Single-Family Residential) on the following parcel described as 5445 Highway US1 (Parcel ID: Township 29 South, Range 38 East, Section 34, Parcel 518) and containing .38 acres, more or less. A complete description of the property is available at Town Hall.

Chairperson Whitehouse read Rezoning No. Z-2009-01 by title only and opened the public hearing.

Town Administrator Hood stated for the record that legal advertisement was published in the Florida Today newspaper on April 9, 2009 and notices were sent out to owners within fifteen hundred feet. He then proceeded to explain that the applicant has applied for rezoning from BU-1 to RU1-9 to provide greater flexibility on the side setbacks of the residence making them seven and a half feet on both sides. Currently BU-1 zoning requires a fifteen foot side setback on the south side of the lot because the BU-1 zoning is abutting a residentially zoned property and a five foot setback on the north side of the lot because it abuts a BU-1 zoned property. However, in both cases the applicant's lot is abutting single family residential uses. The applicant wishes to build a new home on this lot and have it centered on the lot instead of meeting the setbacks of the current zoning to again have his home offset.

Mr. Goodrich, the owner of the property requesting the rezoning thanked Town Administrator Hood for coming up with the idea. He explained that this process has been going on since the hurricanes of 2004 and the back piece of the home was ripped off. He didn't want to rebuild without being able to center the home because due to current setbacks he is unable to walk beside his air conditioning and the fence without turning sideways.

Chairperson Whitehouse closed the public hearing and called on the Board for a motion.

Motions by Vice Chairperson Robino, second by Board Member Thiem, and vote unanimous to grant Rezoning No. Z-2009-01 to Mr. Goodrich. Town Administrator Hood stated that this will be heard before the Town Council at their meeting on May 13, 2009.

APPROVAL OF MINUTES

- 1) Local Planning Agency Meeting Minutes of April 6, 2009

Motions by Board Member King, second by Board Member Burr, and vote unanimous to approve the Local Planning Agency meeting minutes of April 6, 2009.

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Discussion/Action Re Site Plan For Royal Palm Charter School (Hood)
Applicant: Royal Palm Charter School
Site Address: 7145 Babcock Street SE
Site Plan Requested: Expansion of 6 modular structures

Town Administrator Hood explained to the Board that the applicant has applied for a site plan review to remove two modular units and for the construction of six new modular units as well as the parking, landscaping and retention on the existing site. The applicant also wants to tie into the City of Palm Bay for water and fire protection. This item was brought before Town Council at the last meeting. The applicant would like to proceed with the water and fire safety regardless of the outcome. Town Administrator Hood explained that the property is zoned AU, this property was annexed into Palm Bay prior to the Town's incorporation and that the City of Palm Bay allows schools to be placed in AU zoned properties. When the Town incorporated the legal description included these in our Town; however, legislative action supersedes the City of Palm Bay's annexation. When the property came back to the Town in was zoned AU with two classrooms on it. Town Administrator Hood explained that he discussed it with Attorney Bohne and this could be resolved with a simple agreement.

Mr. Christopher Glatz explained that he went in front of the Interim Town Council who created an Interlocal agreement so that the kids were not without a library. Mr. Glatz explained that the previous land owner recommended the annexation prior to his ownership. The land where the modular homes are is owned by a separate entity with the intention that when the school is ready financially they will be able to purchase the property.

Town Administrator Hood explained that the agreement would explain that it was an existing use and that the nonconformity would not be an issue.

Ben Elliot of Plata Engineering explained that they are following up with the outside agencies and have their St. John's River Water Management permit. He explained that they have already applied for the Brevard County right-of-way permit as well as the City of Palm Bay utility permit and they are in process. He stated that they are trying to ensure that they are ready for the upcoming school year.

Board Member Jenkin explained that due to the fact that it is a charter school and it is publicly funded they are trying to ensure that they are able to get kids in by the upcoming school year.

Motions by Board Member Burr, second by Vice Chairperson Robino, and vote unanimous to recommend that Town Council approve the site plan as per the memorandum from the Town Administrator.

PUBLIC COMMENT

There were no public comments

ADJOURNMENT

Motions by Board Member Mafera, second by Board Member King, and vote Unanimous to adjourn the meeting at 7:45 p.m.

(Signature on file)

Don Whitehouse, Chairperson

ATTEST:

(Signature on file)

Jessica Williams, Administrative Assistant