

MEETING MINUTES OF THE  
PLANNING AND ZONING BOARD MEETING  
MONDAY, AUGUST 24, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Planning and Zoning Board Meeting of August 24, 2009 was called to order at 7:00 p.m. by Vice Chairperson Robino, followed by the Pledge of Allegiance, and roll call with the following Members present:

Vice Chairperson Dan Robino

Board Member Denni Burr

Board Member Christine King

Board Member John Mafera

Board Member Allen Webb

Board Member David VanAsdale (Alternate 2)

Town Administrator Richard Hood

Administrative Assistant Jessica Williams

EXCUSE CHAIRPERSON WHITEHOUSE, BOARD MEMBER THIEM AND BOARD MEMBER JENKIN (ALTERNATE 1)

Motion by Board Member King, second by Board Member Webb and vote unanimous to excuse Chairperson Whitehouse, Board Member Thiem, and Alternate Board Member Jenkin.

CHANGES TO THE AGENDA

There were no changes to the agenda.

PUBLIC HEARING-ORDINANCE NO. 2009-04 (Board Action)

An Ordinance Of The Town of Grant- Valkaria, Brevard County, Florida; Amending Section 62-1483 (2) Of The Code Of Ordinances Of The Town; Providing For The Elimination Of Roadside Stands In The BU-2 Zoning Category As An Accessory Use; Providing For Severability; Providing an Effective Date.

Vice Chairperson Robino read Ordinance No. 2009-04 by title only, and stated for the record that legal notice was published in the Florida Today Newspaper on August 17, 2009. Vice Chairperson Robino opened the Public Hearing. Vice Chairperson Robino then explained that the Owner of the Grant Grocery Store had made a complaint regarding the mobile vendor that had been located at the CITGO station at the previous Council Meeting.

Town Administrator Hood explained to the Board that depending on how they decide to proceed this would have to most likely be brought back in front of the Board because it is also an accessory use in the BU-1 zoning description and it was only advertised in BU-2 Section 62-1483.

Board Member Burr explained that she was leaning towards not allowing mobile vendors as an accessory use. Vice Chairperson Robino explained that the Roadside Stands were only allowed on BU-2 properties that have an existing business structure. Board Member Webb explained that he agreed with Vice Chairperson Robino that the Board would be too restrictive if they removed Roadside Stands as an accessory use. Board Member Webb explained that he agreed with Vice

Chairperson Robino that it was too restrictive and he believes that they should have the Board oversee what the vendor is asking to do. Board Member Burr stated that she believed that this was piggy backing and she was curious how the Town actually benefited from the Roadside Stands. Town Administrator Hood explained that the only revenue that the Town would receive would be that of the onetime business tax receipt fee. Vice Chairperson Robino explained that the owner of CITGO should be allowed to make a profit off of the property in order to keep his business operational. Board Member King asked Board Member Webb if he was suggesting that the Board require a Conditional Use Permit. Board Member Webb explained that this was what he was thinking. Board Member King asked Town Administrator Hood if this would increase revenues for the Town. Town Administrator Hood explained that it wouldn't really generate revenue because of the fees involved with advertising as well as the additional staff time it would take to process the Conditional Use Permits.

Comments were made by the following people regarding Ordinance No. 2009-04:

- Joseph of the Grant Valkaria Business Association explained that everyone has to start somewhere. Sometimes that means that they start at a corner and then eventually open a stable location. He also explained that businesses have competition that is the nature of business and government shouldn't get involved. He stated that government shouldn't make it hard on business to get started.
- Keith Ryan of the Grant Valkaria Business Association explained that he too was against removing Roadside Stands as an accessory use in Section 62-1483. He believes that the goal should be to help small business thrive in Grant Valkaria and anything that gets in the way of small business is wrong. He asked that the Board visit one of their next business round table meetings.

Vice Chairperson Robino closed the Public Hearing and brought the topic back to the Board Members for further discussion.

Board Member Mafera asked if this means that any Roadside Stand would be eliminated. Town Administrator Hood explained that this was correct. Board Member Mafera then stated that this is business for the CITGO. Board Member Burr explained that at first she didn't agree with the Roadside Stands but after listening to the public she stated that she has changed her opinion on the topic. Board Member Burr asked if someone were to stop on the side of the road would this be allowed. Town Administrator Hood stated absolutely not this would be totally different and it would have to be accessory to a business.

Motion by Board Member Mafera, second by Board Member Webb and vote unanimous to recommend to Town Council denial of Ordinance No. 2009-04.

Town Administrator Hood asked the Board if they felt the same regarding removing Roadside Stands as an accessory use in the BU-1 zoning Classification.

It was the Board's consensus that they felt the same way regarding the removal of Roadside Stands from the BU-1 zoning classification.

MOTION TO ADJOURN

Motions by Board Member King, second by Board Member Webb and vote unanimous to adjourn at 7:40pm.

(Signature on File)

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Dan Robino, Vice Chairperson

ATTEST:

(Signature on File)

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Jessica Williams, Administrative Assistant