

**MEETING OF THE JOINT  
PLANNING AND ZONING BOARD AND THE LOCAL PLANNING AGENCY MEETINGS  
MONDAY, JUNE 22, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949**

The Planning and Zoning Board Meeting of June 22, 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 Administrator Richard Hood
Vice Chairperson Dan Robino	Administrative Assistant Jessica Williams
Board Member Denni Burr	
Board Member Bob Thiem	
Board Member Allen Webb	
Ron Jenkin (Alternate 1)	

EXCUSE BOARD MEMBER JOHN MAFERA, BOARD MEMBER CHRIS KING, AND DAVID VANASDALE ALTERNATE 2

Motions by Vice Chairperson Robino, second by Board Member Thiem, and vote unanimous to excuse Board Member John Mafera, due to a business meeting, Board Member Chris King due to personal reasons and Alternate 2, David VanAsdale due to illness.

CHANGES TO AGENDA

There were no changes to the agenda

APPROVAL OF MINUTES

- 1) Local Planning Agency Meeting Minutes of May 4, 2009
- 2) Special Planning And Zoning Board/Local Planning Agency Meeting Minutes of June 1, 2009  
On page one last paragraph replace "Tow" with Town," and Page two replace "Mr. McKasty did not speak" with Mr. McKasty Jr. did not speak."

Motion by Vice Chairperson Robino, second by Board Member Webb and vote unanimous to approve the Local Planning Agency Minutes of May 4, 2009, and the Special Planning and Zoning Board/ Local Planning Agency Meeting Minutes of June 1, 2009 as amended.

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Discussion/Action Re RJ's site plan for a restaurant/bar at 6097 Highway US1

Town Administrator Hood explained that he had attached a memo along with a couple sketches from Mr. Sisco. After speaking with the Town Attorney they believe that according to Code the facility is currently nonconforming. Since the property has been closed in excess of six months, according to Section 62-1183, Abandonment, it is considered an abandon site since it has been abandoned for a period of 180 consecutive days and would require a full site plan. This would require that Mr. Sisco has paved parking, landscaping, site lighting, and retention as well as any requirements that are set by the Brevard County Fire Department and the Health Department for water and sewer permits. Due to current economics, Mr. Sisco wanted to bring this in front of the Board before staff requires a formal site plan. In Brevard County Code there are two types of site plans which include either a minor or a formal site plan. Council has not yet set the

requirements for a minor site plan, but within the County a minor site plan is handled entirely by staff. A Minor site plan can require an engineered drawing and can allow a sketch type drawing, but must meet the requirements of code. After talking to Mr. Sisco the Town Administrator and Mr. Sisco decided to bring it before the Board to see how The Board would want this presented, whether that be a new site plan meeting all codes or would the Board accept less. Since this is a riverfront property zoned BU-2 it will require a conditional use permit for consumption of alcohol on the premises. Town Administrator Hood explained that he wanted to ensure that the applicant knows exactly what is expected of him so that he doesn't waste time or money.

Chairperson Whitehouse opened the floor for public discussion.

Mr. Sisco explained that the building had been there for fifty years as a bar/ restaurant and wants to reopen the facility and do what is necessary to do so within reason. A site plan was submitted to the County approximately five years ago and the County took his drawing as the site plan. He explained that the property has been closed because the County wanted to have the septic replaced. Mr. Sisco stated that he was willing to do this he just wants his property reopened. Board Member Thiem asked Mr. Sisco how long the property has been closed. Mr. Sisco stated that the property has been closed for about six months. He stated that he had to apply for a variance in Tallahassee which took approximately three months. Town Administrator Hood stated that he didn't believe that it had been opened since he began at the Town one year ago. Mr. Sisco stated that the way the property was laid out that there was no way to bring the property up to code. However, after meeting with Department of Environmental Protection they laid it out the best way that they could. He said that the individual from Department of Environmental Protection stated that he may have to go back to Tallahassee and explain the situation to get a variance from the Department of Environmental Protection. Board Member Bob Thiem asked Mr. Sisco if the Septic and the raised drain field were already in place. Mr. Sisco explained that they were not in place. Chairperson Whitehouse stated that there are many other issues that had to be brought into compliance.

Board Member Burr stated for the record that she knows Mr. Sisco and until last September she kept her boat at Mr. Sisco's therefore she is familiar with the property. She asked Mr. Sisco about the parking in the front of the property and recalled that you had to pull out into the street. She asked the distance of the Right-of-Way from the building to the Street. Mr. Sisco stated that he believed that it was thirty five feet. Town Administrator Hood stated without a survey it was hard to determine the actual distance. Chairperson Whitehouse asked Mr. Sisco if his Marina was in fact an approved Marina. Mr. Sisco stated that it was in fact an approved Marina. Chairperson Whitehouse stated that it then is required to have one parking space for every three wet spots and one parking spot for every three seats in a restaurant. Chairperson Whitehouse explained that he was unsure if he would have the space to meet the parking requirements. Vice Chairperson Robino asked Mr. Sisco if he had intended to modify the building. Mr. Sisco explained that he was not planning on modifying the building. Mr. Robino stated that he had been to the building when it was opened and didn't believe that the bathrooms were large enough to be handicap accessible. Mr. Sisco explained that the building had been updated approximately five years earlier and that they had in fact increased the size of the bathroom. Town Administrator Hood explained that they wouldn't have a dimensioned floor plan with a site plan. The building department and the Health department would worry about this. He explained that the site plan would have the seats planning to propose so that the Board

could determine if there is in fact enough parking. Town Administrator Hood then asked to read Board Member Mafera's comments for the Board. Board Member Mafera's email explained that he agreed with the Town's Attorney and that the building must be brought up to the current codes and current zoning since it is riverfront property and may still have an impact on the river. He was also concerned with parking and the traffic backing out onto US Highway 1 when leaving the proposed site. Another problem that Board Member Mafera addressed was the outdoor music and consumption that might cause neighboring residents to complain because of the mixed use in the area. Town Administrator Hood explained that this is an allowable use and the restrictions would have to be brought up at the time that Mr. Sisco applies for a conditional use permit. Town Administrator Hood also stated to the Board that they must look at the current zoning not the proposed zoning. Board Member Thiem stated that since the building was abandoned does it give them the right to go back fifty years ago. Town Administrator Hood answered no.

Mr. Ronald Griffin a neighbor of the proposed site explained that when the building was operational. The cars would be parked on his property, the individuals would not obey signs and the sheriff's department had to visit several times. This problem made it impossible to see when exiting the property onto US Highway 1. The customers would also throw beer bottles over the fence causing a mess in the neighboring yards. The music was always extremely loud and Mr. Griffin would prefer no outside music so that it doesn't disturb the neighboring residents. Mr. Griffin stated that he didn't believe that there was enough parking for the seating and the boats. When they park they have also backed into the alley and often times they break Mr. Griffin's fence. Mrs. Joyce Griffin explained that the band, drinking and the behavior of the customers was awful she mentioned that she has seen residents stripping down and also urinating outside which makes her uncomfortable going outside. Chairperson Whitehouse explained that most of these issues would be addressed at the time when Mr. Sisco would apply for his conditional use permit. Mr. Thomas Poore explained that when the facility was run by RJ he was told to come to him with any issues regarding the parking. However, when he confronted RJ regarding the problem there was no resolve. Mr. Poore also stated that he believes that the septic should definitely be handled. Mr. Sisco responded stating that the neighbors knew that they were purchasing next to the restaurant /bar. He explained that the septic never ran into the river and that he would do whatever was necessary to fix it. Mr. Sisco stated that he has maintenance walk his dock every Friday to ensure that it is maintained. He also stated that if a site plan was required he would do so. Board Member Burr stated that she believed that the issues were about a poorly run establishment, and that the topic that was an issue was the items in the package such as parking and lighting. Board Member Burr also asked who would be running the establishment. Mr. Sisco responded that he would be running the establishment and that he lives two houses down from there. Alternate Board Member Jenkin stated that he would like to see a detailed survey and a site plan. Chairperson Whitehouse explained that he really wants to see a formal survey/ site plan. Town Administrator Hood stated that Mr. Sisco's drawing was a good start but a survey and site plan would be needed to see the full picture.

It was the Boards consensus to have a professional survey.

Motion by Board Member Thiem, second by Vice Chairperson Robino and vote unanimous to recommend that Council requires a professional survey and a professional site plan if Mr. Sisco pursues placing a restaurant at the location.

#### ADJOURN PLANNING AND ZONING BOARD MEETING

Motion by Vice Chairperson Robino, Second by Board Member Burr, and vote unanimous to adjourn the Planning and Zoning Board Meeting at 7:40 P.M.

LOCAL PLANNING AGENCY MEETING CALLED TO ORDER

Local Planning Agency Meeting was called to order by Chairperson Whitehouse at 7:45 P.M.

LOCAL PLANNING AGENCY AGENDA ITEM

1) Discussion/ Action Re: BU-1 and BU-2 allowable uses along US1 and Babcock Corridor. Town Administrator Hood explained that the Board was asked to revisit the BU-1A, and BU-1 Zoning Designations to determine if they would be willing to make some changes to ensure that the parcels along US Highway 1 and Babcock Corridor that currently have BU-1 zoning will not lose their rights with a future land use change since BU-1 is not allowed in Local Commercial Land Use. He explained that if these buildings were damaged or inhabitable for six months they would be considered nonconforming. Council asked that they look to see if they could make a recommendation to ensure that the existing buildings were able to stay. Chairperson Whitehouse made a list using the BU-1A, BU-1, and BU-2 zoning uses and after much discussion the Board decided to have Chairperson Whitehouse edit the list of uses and resubmit it to the Board during the next meeting for review.

- Section 62-1917.5 Change of Nonconforming Use
  - Town Administrator Hood will check and revisit at next meeting
- Section 62-1921 Commercial Entertainment
  - Move large scale to industrial
- Section 62-1921.5 Composting Facility
  - No Change
- Section 62-1923 Convenience store in BU-1-A zoning classification
  - Title remove A and make BU-1
  - (3) Remove this section
- Section 62-1924 Crematoriums
  - No Change
- Section 62-1927 Farm Animals and Fowl
  - Remove stricken area RRMH-1, RRMH-2.5, and RRMH-5 and leave in RR-1
- Section 62-1929 Farmers Market
  - No change
- Section 62-1930 Flea Markets
  - No Change
- Section 62-1932 Guest Houses
  - No Change
- Section 62-1933 Hazardous Waste Facility
  - No Change
- Section 62-1934 Hog Farms
  - Replace in Section 62-1334
  - Change from a limit of four hogs to six hogs
- Section 62-1935 Horses, Mules and Goats
  - Remove no longer have SEU zoning
- Section 62-1936 Land Alterations
  - No Change

- Section 62-1937 Marinas
  - No Change
- Section 62-1938 Metal salvage yards and junk yard
  - No Change
- Section 62-1339 Mining and smelting operations
  - No Change
- Section 62-1940 Motorcross
  - No Change
- Section 62-1941.5 Performance Overlay District
  - Pick up at Next Meeting

MOTION TO ADJOURN THE LOCAL PLANNING AGENCY MEETING

Motion by Board Member Thiem, second by Board Member Burr, and vote unanimous to adjourn the Local Planning Agency meeting at 9:39 P.M.

(Signature on File)

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Don Whitehouse, Chairperson

ATTEST:

(Signature on File)

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Jessica Williams, Administrative Assistant