

MEETING MINUTES OF THE
PLANNING AND ZONING BOARD MEETING
MONDAY, JUNE 28, 2010 AT 7:00 P.M.
TOWN HALL BUILDING, 4240 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Planning and Zoning Board Meeting of June 28, 2010 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
Board Member Denni Burr
Board Member Allen Webb
Alfred Strandgard (Alternate 1)
David VanAsdale (Alternate 2)

Town Administrator Richard Hood
Administrative Assistant Jessica Williams

MOTION TO EXCUSE VICE CHAIRPERSON ROBINO, BOARD MEMBER THIEM AND BOARD MEMBER KING

Motion by Board Member Burr, second by Board Member Webb and vote unanimous to excuse Vice Chairperson Robino and Board Member Thiem due to being out of town and Board Member King due to her work schedule.

CHANGES TO AGENDA

There were no changes to the agenda.

PUBLIC HEARING – CONDITIONAL USE PERMIT. CUP-2010-01 (Board Action)

Discussion/Action Re: Conditional Use Permit (CUP) submitted by Deputy Dog Holdings, LLC for Dippity Dogs, LLC located at 6060 Highway U.S. 1 To serve beer and wine, consumption on premise (State Liquor License 2-COP)

Chairperson Whitehouse read Conditional Use Permit # CUP-2010-01 by title only, and stated for the record the public hearing was advertised in Florida Today on June 11, 2010. Chairperson Whitehouse then declared the public hearing open.

Town Administrator Hood explained that Ms. Debra Willman of Deputy Dog Holdings, LLC owner of the proposed Dippity Dog Ice Cream & Sandwich Shop located at 6060 Highway U.S 1 has submitted a request for a Conditional Use Permit at their location. The request is to sell and consume alcohol on the premises. Town Administrator Hood explained that the property was zoned as BU-2. Town Administrator Hood then explained that the applicant is currently in review for a new site plan at 6060 Highway U.S 1 for an ice cream and sandwich shop. Town Administrator Hood explained that Board Member King had called and stated that she was not in favor of outside sales of beer and wine. He explained that Board Member King was concerned with the combination of the alcohol and music which may become a problem for neighboring residents. Town Administrator Hood explained that he had also received a telephone call from Ms. Connie Tucker who was also worried about the combination of alcohol and music. Ms. Willman explained that the idea is to promote a family oriented establishment where parents can enjoy a glass of wine or a beer with a hotdog while there kids enjoy food and ice cream. Kathy Duck of 3893 Burton Road stated that she believed that this would be a great family oriented place and would love to see this type of establishment in the community. Ms. Robin Tibbitts co-

owner of the proposed Dippity Dogs stated that they wanted to take advantage of the scenery with outside seating and service. Martha Day stated that she lived next to Ms. Willman and they are good Christian people and believes that they would run a family oriented establishment.

Chairperson Whitehouse closed the public hearing.

Town Administrator Hood explained that the Willman's are residents to the Town and live on Fisherman Lane. Board Member Burr explained that she was in favor of the ice cream shop and asked if the patrons would be able to drink on the entire property or was the intention to have designated areas. Ms. Willman explained that they wanted the conditional use permit to cover the entire property. Board Member Burr asked Town Administrator Hood if the Town could issue a conditional use permit to the entire property. Town Administrator Hood explained that they were able to issue the conditional permit to the entire property or could add regulations. Town Administrator Hood explained that the reason they had regulated indoor sales to other establishments was because those establishments were not serving food and were only serving alcohol and the patrons were over 21 years of age. Town Administrator Hood explained that Treasure Coast Marine and Liar's Pub both had a conditional use permit to allow alcohol outside on decks. Alternate Board Member Strandgard explained that he liked the idea of the family oriented establishment and believed that serving beer and wine would be better than liquor. Mr. Strandgard then stated that he thought the Board should be open and promote new business. Alternate Board Member VanAsdale stated that he was in favor of the idea and stated that businesses are necessary to support residents. Chairperson Whitehouse asked if the individuals seated at the pavilion would be served. Ms. Willman stated that they would be served at the pavilion.

Motion by Board Member Webb, second by Alternate Board Member Strandgard and vote unanimous to recommend approval of CUP-2010-01 to Council with conditions as listed:

- A. The hours of sale and/or service of alcoholic beverages shall be 7 a.m. – 10 p.m. Sunday through Saturday.
- B. The seating requirement will be in accordance to the Fire Safety Law;
- C. There will be music allowed in and outside the building according to Brevard County Code section 62-2271.
- D. There will be outside sales and consumption of beer and wine in the seating area as indicated on the site plan.
- E. Applicant shall apply to the Council for an amendment to the CUP in the event of future expansion of the Property and any improvements requiring a permit located thereon;
- F. The Applicant shall comply with all requirements as set forth in applicable Brevard County ordinances and codes, as adopted by the Town on the date of the Town's incorporation, and future codes and ordinances of the Town.
- G. The conditional use shall only be allowed for this applicant at 6060 Highway US1, and is non-transferable to any other person, firm, corporation or other entity or to any other property. If the applicant is a corporation, partnership, limited partnership, Limited Liability Company or other similar legal entity, the transfer of more than fifty (50)

percent of the legal or equitable interest in such legal entity to any other person, firm, corporation, or other entity shall be deemed a prohibited transfer hereunder.

- H. No noise or vibration from any source shall be audible or discernible to a person of normal sensibilities located on any residentially zoned property in the Town from the property line from which the noise or vibration is emanating;
- I. There shall be no sale or service of alcoholic beverages until the applicant obtains a State of Florida alcohol beverage license for the consumption of beer and wine on premises;
- J. The primary use of the building shall be a hotdog/ice cream restaurant. Should the primary use of the building cease as a restaurant, then this CUP shall be null and void.

APPROVAL OF MINUTES

Planning and Zoning Board Meeting Minutes of May 24, 2010

Motion by Board Member Webb, second by Alternate Board Member Strandgard and vote unanimous to approve the Planning and Zoning Board Meeting Minutes of May 24, 2010 with the following amendments change “home” to “property” on page five of the last paragraph, and change the vote on page six from “4 to 3” to “4 to 2.”

NEW BUSINESS

- 1) Discussion/Action Re: Site Plan submitted by Debra Willman, Deputy Dog Holdings, LLC. to build outdoor restaurant located at 6060 US Highway 1

Town Administrator Hood explained that the proposed site plan was for Dippity Dog Ice Cream & Sandwich Shop located at 6060 US Highway 1. Town Administrator Hood explained that the property consisted of 1.25 acres and was zoned BU-2 with a future land use of neighborhood commercial. Town Administrator Hood explained that they site was previously Ozzie’s. Town Administrator Hood explained that the facility will consist of a stand-alone walk up restaurant with outdoor seating for 65, which includes an outdoor pavilion with a detached restroom facility. Town Administrator Hood explained that the current owners are trying to utilize as much of the existing pavement and parking as possible and have placed the building in a way to accomplish this. Mr. Hood stated that he did have some comments for the engineer which would have to be addressed; however they are not major issues that cannot be resolved. Mr. Hood explained that one of the main issues was using the right-of- way swales for stormwater containment. Board Member Webb explained that he was concerned with the lighting on the detached restroom facility. Town Administrator Hood explained that there was lighting however the plan does not show the lighting that will be under the pavilion. Board Member Webb also stated that he wanted to ensure that the neighboring residents did not flood because of drainage. Town Administrator Hood explained that this is why he had requested further surveying to ensure that this will not have an impact on the residents to the west. Board Member Burr explained that she agreed with Board Member Webb regarding the lighting. Board Member Burr stated that she was comfortable as long as comments were taken care of.

Motion by Alternate Board Member Strandgard, second by Board Member Webb and vote unanimous to recommend approval of Dippity Dogs site plan to Council subject to staff comments being corrected and additional lighting at the cross walk being provided.

2) Discussion of Comprehensive Plan Land Use

Town Administrator Hood explained that prior to going to Transmittal Public Hearing for the future land use a property owner had contacted him asking that the Boards reconsider their position on a couple of lots on the river. Mr. Hood stated that the parcels were just north of Treasure Coast Marina and currently have a land-use that allows two homes to be located on each parcel as long as setbacks are met. Town Administrator Hood explained that he had taken this to Council and they have agreed to make the change; however they requested that it be revisited by the Board. Board Member Burr stated that if it was already approved by Council it was unnecessary to come back before the Planning and Zoning Board.

Motion by Board Member Burr, second by Alternated Board Member Strandgard and vote unanimous to adjourn the meeting at 8:30 p.m.

(signature on file)

Don Whitehouse, Chairperson

ATTEST:

(signature on file)

Jessica Williams, Administrative Assistant