

Town of Grant-Valkaria
Planning and Zoning Board Meeting Minutes
Monday, September 8, 2008 at 7:00 p.m.
Town Hall Building, 5120 Highway U. S. 1, Grant, FL 32949-2003

The meeting of the Town of Grant-Valkaria, Planning and Zoning Board was called to order at 7:00 p.m. by Chairperson Lisette Kolar followed by the Pledge, and roll call to the Board Members, with the following present:

Chairperson Lisette Kolar	Town Administrator, Rick Hood
Board Member Christine King	Administrative Assistant, Linda Munroe
Vice Chairperson Don Whitehouse	
Board Member Denni Burr	
Board Member Bob Thiem, Alternate 2	

ADDITIONS AND DELETIONS TO AGENDA

Moved by Board Member King, seconded by Board Member Burr to excuse Board Member's Mahaney and Mafera due to work reasons and to excuse Board Member Webb whom was attending the meeting at the Grant Community Club. Motion carried unanimously.

Noted for the record that Board Member Webb showed up at 7:06 p.m.

APPROVAL OF MINUTES

1) Planning and Zoning Board Minutes of July 28, 2008

Moved by Board Member King, seconded by Board Member Burr to approve the minutes of July 28, 2008 with the following change which is italicized:

Discussion/Action Re: Site Plan submitted by Brevard County Parks and Recreation, Christensen Landing, boat ramp located at 5355 Highway U.S. 1

Moved by Vice Chairperson Whitehouse, seconded by Board Member King to approve ~~the concept~~ site plan *noting the offsite improvements may change regarding the Florida Department of Transportation permit*. Motion carried unanimously.

Town Administrator Hood stated to the Board that Brevard County has appealed Florida Department of Transportation's decision regarding having to make a u-turn and will be attending a hearing in Deland on Thursday, September 18th. He stated there was a video made of vehicles with boats on trailers trying to make the u-turn at First Street which will be brought to the meeting.

NEW BUSINESS - PUBLIC HEARING

Discussion/Action Re: Conditional Land Use No. CUP-2008-04 submitted by Bonnie Roberts of Treasure Coast Marina located at 5185 Highway U.S. 1 to serve alcohol beverages, consumption on premise.

Chairperson Kolar read the proceedings for quasi-judicial hearings. Town Administrator Hood explained that the request from Treasure Coast Marina and Boat Yard is for is a 4 COP License which is a full liquor license which does not need food related business with it. He stated to the Board that he discussed this request with Town Attorney Bohne who said the Board can make serving food a condition of the conditional use permit. Board Member Mafera emailed Town

Administrator Hood since he would not be available at the meeting and his concern was that the neighbors on the north and south sides of the marina are residences and he would like to hear from the neighbors to see if they should set any conditions or limits. Chairperson Kolar asked the Board if there was any ex-parte communication. Both she and Board Member Burr had been to the Marina at different times talking with Bonnie Roberts in regards to Grant-Valkaria Day. Chairperson Kolar stated that Stuart Borton also was in attendance when she was at the marina. Richard Barrette, the architect of the restaurant/bar that the owners of the Treasure Coast Marina want to build was in attendance to explain the construction to the Planning and Zoning Board members.

Richard Barrette, the architect of the restaurant/bar that the owners of the Treasure Coast Marina want to build was in attendance to explain the construction to the Planning and Zoning Board members. Also in attendance was Tom Oyler a co-owner of Treasure Coast Marina and Stuart Borton, owner of Yellow Dog Café in Malabar. Mr. Barrette addressed the comments from Town Administrator Hood and stated there is no ingress/egress problem on the property since there is plenty of frontage on Highway U. S. 1 which allows for ample parking. There will be poured concrete as a buffer of the south side of the building which will house the kitchen. The property to the north is being constructed of concrete so they do not anticipate any problem with noise. He also stated there will be a lot of exterior lighting all around which will be helpful to the marina as well. Mr. Barrette stated there will also be a package store on site which he knows will have to be addressed in a site plan to the Town. Stuart Borton stated the liquor license allows a bar to be open till 2:00 a.m., but they may close at 11:00 p.m. in keeping with the community atmosphere; they actually have to stop serving at 2:00 a.m. Town Administrator Hood stated to the Board that they can restrict the hours of operation in a condition of the conditional use permit as was done with the conditional use permit of Bill's Discount Marine and Winnerz Pub. He also stated that this public hearing was advertised in Florida Today newspaper on August 23, 2008 as well as posted on the property. Ms. Roberts stated that the marina has always been a family area; there will be a small bar off to the side with finger food and kids will not be allowed at the bar. The bar will look out to the Indian River. She also said the package store will be open first and then submit a site plan to the Town for the restaurant and bar once it is ready. Mr. Oyler stated the 4 COP allows them to open a package store; their request is to serve alcohol on premise; also with that license they can open a package store. Their intention is to bring all together and open a restaurant/bar. They would like to be able to open the bar first. Board Member Burr stated she likes the idea of having a restaurant along the river but her only concerns are the hours of serving and selling alcohol. Mr. Borton of Yellow Dog Cafe in Malabar told the Planning and Zoning Board their guests are usually gone by 11:00 p.m.; sometimes they are still there around 1:30 a.m. to sober up. He also mentioned if restrictions, that restaurants are a difficult business and that the properties north and south are zoned BU-2 even though they are residences. There is a renter in the property to the south and we don't know what is going to happen in the future; stressing for the Board to be mindful of restrictions.

Chairperson Kolar asked if there are any restrictions associated with hours and State laws. Town Administrator Hood stated the State allows for 12:00 am closing but the County supersedes that.

Law allows counties and municipal government to make their own hours. He pointed out that one beachside community had a 3:00 a.m. closing time. Board Member Burr asked about if there are any special laws on Sunday. Mr. Borton stated different cities/towns different hours. Town Administrator Hood stated that most start at noon. Ms. Roberts stated if they establish a midnight closing time no one will want to go there. Town Administrator Hood stated Treasure Coast Marine could be given a development agreement like the one for Honda R & D America which has a review time of 6 months after opening. Mr. Oyler stated that having to come back in 6 months for a review could eliminate their ability to get financing. Ms. Roberts added that they have had parties and picnics at the location and have not had any problems in the past. Moved by Vice Chairperson Whitehouse, seconded by Board Member Burr to recommend approval of Conditional Use Permit No. 2008-04 serve alcoholic beverages for consumption on premise on the Property subject to the following conditions:

- A. The hours of operation for consumption of alcoholic beverages shall be the following:
 - Sunday through Thursday, 7:00 a.m. until midnight
 - Friday through Saturday, 7:00 a.m. until 2:00 a.m.
 - Sunday prior to a Federal Holiday where the Holiday falls on a Monday, 7:00 a.m. until 2:00 a.m.
- B. There will be music allowed in and outside the building according to section 62-2271 of the Code of Ordinances;
- C. Consumption is limited to the proposed restaurant and bar area shown on the submitted drawings and on the outside deck and docks east of the building shown on the submitted survey.

Motion carried unanimously. Chairperson Kolar stated there will be a public hearing at Grant Community Center on Wednesday, September 10, 2008 at 7:00 p.m. which is the Town Council's next scheduled meeting.

Moved by Vice Chairperson Whitehouse, seconded by Board Member King to adjourn the meeting at 8:48 p.m. Motion carried unanimously.

(signature on file)

Lisette Kolar, Chairperson

ATTEST:

(signature on file)

Linda Munroe, Administrative Assistant

