**Town of Melbourne Beach**

**PUBLIC NOTICE**

**MINUTES**

**PLANNING & ZONING BOARD MEETING**

**TUESDAY NOVEMBER 12, 2019 @ 7:00pm**

**COMMUNITY CENTER – 509 OCEAN AVENUE**

**Board Members:**

Chair David Campbell

Member Kurt Belsten

Member April Evans

Member Douglas Hilmes

Member Daniel Gonzalez

Alternate Member Libby Brown-Brock

Alternate Member/School Board Representative Christian Lindbaek

**Staff Members:**

Town Manager Elizabeth Mascaro

Town Clerk Nancy Wilson

Town Attorney Clifford Repperger

Town Planner Corey O’Gorman

1. **CALL TO ORDER**

Chairman Campbell called the meeting to order at 7:03 p.m.

1. **ROLL CALL**

Town Clerk Wilson led roll call:

Present: Staff Present:

Chairman David Campbell Town Manager Elizabeth Mascaro

Member Kurt Belsten Town Clerk Nancy Wilson

Member April Evans Town Attorney Cliff Repperger

Absent:

Member Doug Hilmes

Member Daniel Gonzalez

**III. APPROVAL OF MINUTES**

September 10, 2019 Planning and Zoning Board minutes

**Member Belsten made a motion to approve the minutes from the September 10, 2019 meeting as presented; Member Evans seconded. Motion carried 3-0.**

**IV. PUBLIC HEARINGS**

Ordinance 2019-06 amending and restating various provisions of the Land Development Code

Town Attorney Repperger read Ordinance 2019-06 by title:

AN ORDINANCE OF THE TOWN OF MELBOURNE

BEACH, BREVARD COUNTY, FLORIDA, AMENDING

VARIOUS PROVISIONS OF APPENDIX “A” OF THE

CODE OF MELBOURNE BEACH, THE LAND

DEVELOPMENT CODE; AMENDING SECTION 3A-80 (b),

AMENDING THE MINIMUM LEVEL OF SERVICE

STANDARD FOR STORMWATER RETENTION;

CREATING SECTION 3A-80 (d), WAIVING APPLICABLE

EXEMPTION FROM DRAINAGE CONCURRENCY FOR

SINGLE FAMILY RESIDENTIAL LOTS WHERE

MODIFICATIONS OR RENOVATIONS EXCEEDING A

FIFTY PERCENT APPRAISED VALUE THRESHOLD ARE

MADE TO EXISTING RESIDENTIAL STRUCTURES;

AMENDING SECTION 4A-238 (1), REMOVING

REGULATIONS PERMITTING MINOR NONSTRUCTURAL

FILL IN COASTAL HIGH HAZARD AREAS; AMENDING

SECTION 7A-50 (e), PROHIBITING

MARL AS A PERMITTED SURFACE FOR PARKING

AREAS AND DRIVEWAYS; AMENDING SECTION 7A-51,

PROVIDING FOR CIVIL ENGINEERING REVIEW OF

SITE PLANS, ADDING STORMWATER RETENTION AND

DRAINAGE FROM PROPERTY TO SITE PLAN REVIEW,

AMENDING SITE PLAN REQUIREMENTS TO INCLUDE

ALL EXISTING TREES, OUTBUILDINGS, AND

ACCESSORY STRUCTURES, REQUIRING

PROFESSIONALLY PREPARED DRAINAGE PLANS, AND

PROVIDING FOR CIVIL ENGINEER CONSIDERATION

OF SUBSTANTIAL DEVIATIONS; AMENDING SECTION

7A-51.1, PROVIDING FOR CIVIL ENGINEERING

REVIEW OF SITE PLANS, ADDING STORMWATER

RETENTION TO SITE PLAN REVIEW, AMENDING SITE

PLAN REQUIREMENTS TO INCLUDE MAJOR

FEATURES AND FENCES, INCLUDING ALL EXISTING

OUTBUILDINGS, ACCESSORY STRUCTURES, AND

TREES, REQUIRING PROFESSIONALLY PREPARED

DRAINAGE PLANS, AND PROVIDING FOR

CONSIDERATION OF SUBSTANTIAL DEVIATIONS;

AMENDING SECTION 7A-87, AMENDING USES UNDER

SPECIAL EXCEPTION PROVISIONS; PROVIDING FOR

SEVERABILITY AND INTERPRETATION; PROVIDING

FOR THE REPEAL OF INCONSISTENT RESOLUTIONS

AND ORDINANCES; PROVIDING FOR TRANSITION;

PROVIDING FOR ENFORCEMENT; PROVIDING FOR

INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE

DATE; AND PROVIDING AN ADOPTION SCHEDULE.

Chairman Campbell said, in the past, the Board has asked the Town Commission to approve the expenditure of funds to engage the Town Planner so they could address drainage in residential areas. The Chairman said he has lots of problems with the draft ordinance. On page 3, regarding drainage concurrency, he asked if changing the service standard of retention of the ~~first ½ inch of runoff from a 25 year, 24 hour storm event~~ to 8 inches of runoff from a 10-year/24 hour storm event is a SJRWM requirement to which the Town Attorney replied that it was recommended by the Town’s engineering consultant: BSE Consulting. The Chairman and Member Belsten said the new proposed service standard can’t be done.

The Chairman then commented on the new verbiage added to 3A-80(c): Notwithstanding the exemption provided for in subsection 3A-80(c), any new construction on any residential lot, any modification or renovation to any existing residential structure on any residential lot of greater than fifty percent (50%) of its appraised value and any regrading of any residential lot shall require compliance with subsection 3A-80 (a) and (b) saying that drainage on residential property and drainage on commercial property are entirely different.

Chairman Campbell said there are other changes made that don’t make any sense for Melbourne Beach adding that civil engineers don’t necessarily know anything about drainage. He preferred that the proposed changes in the ordinance not be adopted until meetings are held to determine what is needed in our residential areas. Town Manager Mascaro said that the Town Planner Town Attorney and the Town Engineer collaborated on the changes and that the Commission then requested that BSE Consulting sign off on drainage plans both before and after development. The Chairman responded that there are no requirements specified other than for drainage and retention plans and even with those, there are no specifics; the designer of the property must have guidelines to follow. Member Belsten asked what compliance is going to cost the homeowner.

The Town Attorney and Town Planner thought the Board had been given the opportunity to provide input to the Commission. Since that didn’t occur, his recommendation was to continue the matter to the December meeting at which time, both the Town Planner and Town Engineer would be available to answer questions. Town Attorney Repperger thought some of the technical requirements were self-explanatory. Member Belsten commented that he wouldn’t know how to approve or disprove a site plan based on the proposed changes; clearer criteria is needed. The Chairman said he’d also like more specifics on how much knowledge our engineer has on the subject of drainage.

**Member Evans made a motion to continue the Public Hearing to consider Ordinance 2019-06 to the December 3, 2019 meeting; Member Belsten seconded. Motion carried 3-0.**

V. NEW BUSINESS

1. Site Plan Review for 321 Banyan

The project is for an addition to a single family dwelling located in zoning district 1RS. It meets the requirements of minimum lot area, lot coverage, maximum height and setbacks.

**Member Belsten made a motion to approve the site plan for 321 Banyan and forward to the Commission; Member Evans seconded. Motion carried 3-0.**

1. Site Plan Review for 1507 Pine

The project is for an addition to a single family dwelling located in zoning district 3RS. It meets the requirements of minimum lot area, lot coverage, maximum height and setbacks.

**Member Evans made a motion to approve the site plan for 1507 Pine; Member Belsten seconded. Motion carried 3-0.**

1. Site Plan Review for 222 Sixth

The project is for a patio roof addition to a single family dwelling located in zoning district 3RS. It meets the requirements of minimum lot area, lot coverage, maximum height and setbacks.

**Member Belsten made a motion to approve the site plan for 222 Sixth and forward to the Commission; Member Evans seconded. Motion carried 3-0.**

VI. OLD BUSINESS

No old business

VII. PUBLIC COMMENT

No public comments

VIII. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

The Town Manager asked the Board members what they would like funds for so she can discuss their request with the Commission. Chairman Campbell said they need specific criteria for builders to use when designing their drainage plans such as, is the Town going to require retention on the property such that they are going to need to have ponds or is water going to be directed to the street? Since the goal is to not dump water on a neighbor’s property, it looks like a pond will be necessary. He also asked for the Town Manager to find out if our Town Engineer specializes in drainage and said that drainage on residential and commercial properties should be considered separately since there are no requirements imposed by SJRWM for residential property. In conclusion, Member Belsten asked how requirements can be the same for all properties since some lots drain well and others don’t; the proposed requirements are too vague.

IX. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

X. ADJOURNMENT

Meeting adjourned at 7:32 p.m.

**Member Belsten made a motion to adjourn; Member Evans seconded. Motion carried 3-0.**

ATTEST:

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David Campbell, Chairman Nancy Wilson, Town Clerk