**Town of Melbourne Beach**

**MINUTES**

**PLANNING & ZONING BOARD MEETING**

**TUESDAY DECEMBER 7, 2021 @ 6:30pm**

**COMMUNITY CENTER – 509 OCEAN AVENUE**

**Board Members:**

Chair David Campbell

Member Kurt Belsten

Member April Evans

Member Douglas Hilmes

Member Daniel Gonzalez

**Staff Members:**

Town Manager Elizabeth Mascaro

Town Clerk Jennifer Torres

Town Attorney Clifford Repperger

Notice: Commission discussion and possible action may occur during any Commissioner Meeting. The following sections of the Agenda are always subject to such discussion and possible action without further motion by the Commission: Changes to the Agenda, Public Hearings, Old Business, and New Business.

The public is advised that members of the Town Commission may be in attendance and participate in proceedings of the board. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

1. **CALL TO ORDER**

Chairman Campbell called the meeting to order at 6:30 p.m.

1. **ROLL CALL**

Town Clerk Torres conducted the roll call

Present:

Chairman Campbell

Vice Chairperson Belsten

Member Hilmes

Member Evans

Member Gonzalez

Staff Present:

Town Manager Mascaro

Town Attorney Cliff Repperger

Town Planner Corey O’Gorman

Town Clerk Jennifer Torres

Building Department Beth Crowell

1. **APPROVAL OF MINUTES**

* November 9, 2021 Draft Minutes

**Vice Chair Belsten moved to approve the November 9, 2021 draft minutes; Member Hilmes seconded; Motion carried 5-0.**

1. **NEW BUSINESS**
   1. Site Plan Approval for 402 Riverview Lane

**Vice Chair Belsten moved to approve the site plan for 402 Riverview Lane; Member Hilmes seconded; Motion carried 5-0.**

* 1. Site Plan Approval for 406 1st Avenue

In his report, the Building Official did not find the site plan to be in compliance with Town Code and did not recommend approval for this site plan.

The owner, Frank Kofflin approached the board to explain his interpretation of a common wall/roof and shared instances in which he said similar site plans were approved by the Town.

Town Planner O’Gorman said the Town code considers the garage to be an accessory use/structure and as such it can’t be in the front yard or be taller than the principal building unless it has a common wall or common roof. He went on to say that if it was built as a new structure – this would have to be an integral structure. He believes approval of this site plan would set an undesirable precedent.

Further discussion ensued.

After consideration, the board agreed to take the advice of the Town Planner and the Building Official – and

**Public Comments**

*Kate Wilborn*

*502 2nd Avenue*

Dr. Wilborn shared her concern over flooding.

Chairman Campbell directed her to address the issue currently being discussed.

Dr. Wilborn said she felt the property was a sponge and there should be better stormwater planning.

*Alison Dennington*

*413 Surf*

Ms. Dennington shared concerns over Town Planner O’Gorman - who is someone who is not from the Town - and no one has access to - interpreting the Code – she went on to say the code is vague – and if there is any question, the Town should favor the resident. She went on to say that people should not be subject to “King Gorman.”

**Member Evans moved to recommend denial for the site plan at 406 1st Avenue; Member Gonzalez seconded;**

The Town Attorney said that the applicant could request a continuance.

Mr. Kofflin asked for a continuance in order to discuss the issues with the Town Planner and hopefully come to a resolution.

**Member Evans withdrew her motion.**

**Member Gonzalez moved to approve a continuance of the site plan approval; Vice Chair Belsten seconded; Motion carried 5-0.**

Town Manager Mascaro addressed a comment made during public comments by Alison Dennington, in reference to Town Planner O’Gorman being “King Gorman”, She went on to say he is a valued member of the team, and the comment was inappropriate. The board agreed.

* 1. 2021-2022 Calendar Approval

The board agreed to change the January 4 2022 meeting to January 11, 2022 and the January 3 2023 meeting to January 10, 2023.

**Member Hilmes moved to approve the calendar with the changes noted; Member Gonzalez seconded; Motion carried 5-0.**

1. **PUBLIC HEARINGS**
2. **OLD BUSINESS**
   1. Discussion of definitions and clarifications of terms “kitchen” and multi-generational” in the Land Development Code

Kitchen –

In an effort to define the differences between single-family and multi-family homes, Town Manager Mascaro said they were looking to define the term “kitchen” – and what is considered a kitchen in our code?For example,a sink, a microwave, a refrigerator, etc.?

One definition she offered was:

*Kitchen means any room containing any or all of the following equipment, or area*

*of a room within three feet of such equipment: Sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment*

Member Gonzalez expressed concern over the wording related to the sink – and Member Hilmes related concern over including a refrigerator. Further decision ensued.

Town Attorney asked a few questions to clarify their intent.

The board agreed to the following edits:

*Kitchen means any (indoor) room (or area) containing ~~any or~~ all of the following equipment, ~~within three feet of such equipment~~: Sink* and/or *other device for dish washing, stove ~~or other device for cooking,~~ refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment.*

Multi-generational –

Town Manager Mascaro shared some information about multi-generational living.

Multi-generational homes are designed to provide space for multiple generations to live under one roof.

Some further discussion ensued.

Member Gonzalez asked about moving forward with the issue of requiring the principle entrance to the structure be accessible to all rooms in a home.

Town Manager Mascaro said the first step was defining terms.

Town Attorney Repperger asked if consent for the kitchen definition was agreed upon.

Town Manager Mascaro said she will bring back the definition for final approval at an upcoming meeting.

**Public Comments**

*Alison Dennington*

*413 Surf Road*

Ms. Dennington agreed with the Town Attorney on definition. She believes the Board should tailor the definition a little further – and be a little narrower. Between a microwave and stove – she feels the stove should be included – not a microwave.

1. **PUBLIC COMMENT**

Please limit comments to items that are not on the agenda

1. **REPORTS: TOWN MANAGER AND TOWN ATTORNEY**
2. **ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS**
3. **ADJOURNMENT**

Member Gonzalez moved to adjourn the meeting; Member Belsten seconded; Motion carried 5-0.

Meeting adjourned at 7:32 p.m.