
CITY OF MELBOURNE
MINUTES OF THE REGULAR MEETING OF THE
LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD
NOVEMBER 5, 2009 ♦ 6:30 P.M.
IN THE COUNCIL CHAMBER, MELBOURNE CITY HALL



Glen Outlaw, Vice Chairman, Planning and Zoning Board, called the regular meeting of the Local Planning Agency/Planning and Zoning Board to order at 6:30 p.m., followed by the Pledge of Allegiance to the Flag and introduced the Board and City Staff members.

PRESENT:

Alan King	Chairman
Glen Outlaw	Vice-Chairman
Ed Coruzzi	Member
Don Laird	Member
Nat Clement	Member
Noel Droor	Member
Shane Norcross	Member
Bruce Waters	Alternate Member

ABSENT: Kathy Chambers Alternate Member (Excused)

OTHERS PRESENT:

Suzanne Crockett	Attorney to the Board
Cheryl Dean	Planning & Zoning Administrator
Dave Lindemann	Planner
Kathy Lee	Recording Secretary

3. Declarations of Conflict

Mr. Outlaw disclosed to the Board and audience that his father, Beville Outlaw, has worked with Mr. Menzel on the proposed site plan, and is also a member of the church referenced in Item No. 5, Chapel of the Holy Family (3385 North Wickham Road). He requested confirmation that this would not create a conflict of interest.

Mrs. Crockett affirmed there appeared to be no conflict with the aforementioned item based upon the information provided by Mr. Outlaw.

4. Approval of the October 1, 2009 Planning & Zoning Board Minutes

Moved by Coruzzi/Clement to recommend approval of the October 1, 2009 Planning and Zoning Board minutes.

Motion carried unanimously.

Mr. King congratulated Mr. Outlaw for completing 15 years of service as a volunteer Board member for the City of Melbourne.

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5. **Site Plan Approval Request (SP-2009-11) Chapel of the Holy Family (3385 North Wickham Road)**

Proposed Action

Mrs. Dean explained to the Board the applicant is requesting site plan approval for a proposed 4,764 square foot building addition to an existing church on 3.36± acres zoned I-1 (Institutional).

Location

The property is located on the east side of Wickham Road, south of Post Road and North of Parkway Drive (3385 North Wickham Road) in Township 27S, Range 37E, Section 6.

History

The property contains a church and associated parking, originally built in 1994. The property was originally zoned I-1 with a Public Lands and Institutions/Recreation future land use classification.

Adjacent Property Future Land Use and Zoning

Access: Wickham Road, along the west property line

To the East: Wickham Park
Zoning: I-1
Land Use: Public Lands and Institutions/Recreation

To the West: Across Wickham Road, commercial businesses (City and Brevard County)
Zoning: BU-1 (Brevard County) and C-1 (Neighborhood Commercial)
Land Use: CC (Brevard County) and Commercial

To the North: Undeveloped office parcel and Wickham Park
Zoning: C-1 and I-1
Land Use: Public Lands and Institutions/Commercial and Public Lands and Institutions/Recreation

To the South: Wickham Park
Zoning: I-1
Land Use: Public Lands and Institutions/Recreation

Site Plan Issues and Considerations

City Code, Appendix B, Article IX, Section 6 establishes general standards to consider when evaluating the merits for a site plan approval request. City Code, Appendix B, Article V, Section 2 (A), Table 1B permits the development of

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institutional uses in the I-1 zoning district. Since the project is zoned I-1, it must be reviewed as a formal site plan pursuant to Article IX, Section 6(B).

Based upon the threshold criteria for site plan review in Appendix B, Article IX, this plan will only require approval by the Planning and Zoning Board because it is less than ten (10) acres in an Institutional district.

Existing Development: The church received approval in 1993 to develop one, single-story, 26± foot tall, 4,000± square foot building on 0.82± acres, including 28 paved parking spaces and associated stormwater improvements. The seating was proposed at that time for 84 seats in the main sanctuary.

Proposed Development: The church property is now approximately 3.36± acres in size and the proposed addition will include a parish hall, offices, a library, a kitchen, restrooms and a mechanical room totaling 4,764 square feet. The number of required parking spaces does not change, since the number of seats in the main sanctuary has not changed; therefore, no additional parking is required. However, the church is proposing the additional stabilized parking for special events. The proposal adds two (2) additional handicapped parking spaces, which reduces the number of paved spaces to 27 in total. Since City Code allows up to 50% of the required parking for churches to be unpaved, the proposed, as designed, more than satisfies City Code requirements.

Landscaping/Buffering: The applicant intends to meet the landscaping requirements of Appendix D, Chapter 9, Article XV, which will be reviewed during construction plan review.

Environmental Impact Analysis

Environmental impacts were reviewed and permitted during the previous site plan process. The proposed building addition, paving and stormwater pond are located in an existing cleared area historically used for parking. The entire site is in Flood Zone X.

As with all development projects, applicable permits will be required prior to construction plan approval, if necessary.

JPA review Comments

This site is not located within the JPA.

Concurrency

Total daily trip generation for this project is estimated to be 43 trips per day via access from Wickham Road. However, churches typically generate more traffic on Sunday when parishioners attend worship services. According to figures contained within the Trip Generation, 7th Edition, ITE (Institute of Transportation

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Engineers), the Sunday trip generation for the proposed church building will be approximately 174 trips. In both of the cases describe above, City Code deems the traffic generated by the proposed project insignificant since the impact of the project does not exceed 3% of the threshold level of service standard for Wickham Road. Sufficient capacity is available on Wickham Road to accommodate the proposed addition. Accordingly, the project meets all traffic concurrency requirements.

Capacity Reservation

Project capacity reservation fees have been estimated based on a church/place of worship, and the overall 10% capacity reservation fee for this project is **\$203.81**. The following is a breakdown of the fees for water, sewer and traffic.

Capacity Reservation Breakdown

- The water and sewer capacity reservation fee is not applicable with this redevelopment project, as no new meter, nor any increase in meter size is proposed.
- Traffic: The 10% traffic capacity reservation fee is estimated to be **\$203.81** based on total traffic impact fees of \$2,038.14 using the fees effective October 1, 2009 for church use.

Mrs. Dean referenced the findings contained in the Planning and Zoning Board agenda memorandum dated November 5, 2009.

Recommendation

Based upon the findings contained in the Planning and Zoning Board agenda memorandum, for a single 3.36± acre parcel of land, located on the east side of Wickham Road, south of Post Road and North of Parkway Drive (3385 North Wickham Road) in Township 27S, Range 37E, Section 6, the Planning and Economic Development Department recommends:

Approval of SP-2009-11, site plan approval for a proposed 4,764 square foot building addition to an existing church, zoned I-1, on a 5-sheet plan prepared by MAI Design Build Inc., with a signed and sealed date of October 19, 2009, with the following conditions:

- a. Any change to the Site Plan will require reevaluation by the City Engineering Department and Planning and Economic Development Department.

Any substantial change to the Site Plan as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff and/or the Planning and Zoning Board, Local Planning Agency.

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- b. Appropriate environmental permits must be obtained as part of the construction plan review process.
- c. The proposed building shall be substantially consistent with the rendering submitted by the applicant.
- d. As required by Chapter 10, Appendix D, and Chapter 32, Melbourne City Code, to reserve capacity, the Owner/Developer shall be required to pay the capacity reservation fee (10%) in the amount of \$203.81 for transportation impact fees. Payment must be received by the City of Melbourne within ten (10) business days of the date of rendition of this Development Order by Planning and Zoning Board approval. The transportation capacity reservation shall not become effective until payment of the capacity reservation fee has been made payable to and received by the City of Melbourne. Failure to have reserved capacity shall be a basis for withdrawing approval of this development order.

Dave Menzel, MAI Design Build, 2200 Front Street, noted the project is adding additional functions, and not people. He indicated the church would be seeking relief from landscaping requirements due to the lack of funding available at the present time. He said there would be no additional parking provided; therefore, he felt some relief from the landscaping requirements would not be inappropriate.

Mr. King opened the public hearing; there being no public comment, the public hearing as closed and discussion was brought back to the Board.

Moved by Laird/Coruzzi to approve SP-2009-11 based upon the findings and conditions contained in the Planning and Zoning Board agenda memorandum dated November 5, 2009.

Mr. Norcross asked if the applicant had removed any landscaping or trees that would require replacement.

Mrs. Dean replied no; the proposed unpaved parking created an outlined area for landscaping. She said the applicant has expressed concern with the affect the landscaping may have on any future expansion. She indicated stormwater retention is being provided with the current proposed expansion.

The question was called.

Motion carried unanimously.

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6. **Conditional Use Request (CU-2009-11) Greater Allen Chapel AME Church (2416 Lipscomb Street)**

Proposed Action

Mrs. Dean explained to the Board that the applicant is requesting the granting of a Conditional Use permit to expand a paved parking lot at a previously approved church facility on an overall 1.28± acre parcel of land, zoned R-1A (Single-Family Low Density Residential District).

Location

The property is located on the NW corner of Lipscomb Street and Line Street (2416 Lipscomb Street) in Township 28, Range 37, Section 3.

History

The property contains a church and several accessory buildings, originally built in 1966. The church received conditional use approval in 1989 to construct an expansion of the church on a portion of the property (CU-1989-04, Ord. No 1989-16). An unpaved parking area, zoned R-1A, exists west of the main parking lot on Line Street.

Property and Adjacent Property Future Land Use and Zoning

The property has a Commercial/Low Density Residential future land use classification and C-R-1A and R-1A zoning.

Access: Lipscomb Street, along the east property line
Brothers Avenue, along the north property line
Line Street, along the south property line

To the East: Across Lipscomb Street, single-family homes, church property
Zoning: C-3 (Central Business District)
Land Use: Commercial/High Density Residential

To the West: Single-family home, vacant multi-family lot, apartment building
Zoning: R-1A
Land Use: Medium Density Residential

To the North: Across Brothers Avenue, single-family home and a retail store
Zoning: R-1A
Land Use: Commercial Low Density Residential

To the South: Across Line Street, retail store, single-family home, vacant commercial and residential land
Zoning: C-1 (Neighborhood Commercial District) and R-1A
Land Use: Commercial/Low Density Residential and Low Density Residential

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Issues and Considerations

Specifically, the applicant is requesting a Conditional Use permit to expand and pave an existing church parking lot, since a portion of the parking area is not contained with the original conditional use. Places of worship require a Conditional Use approval in the R-1A zoning district. The Conditional Use standards are presented in Appendix B, Article IX, Section 5.

The Conditional Use standards require a determination that the Conditional Use will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and are in harmony with the general purpose of the zoning ordinance. The character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings, and traffic conditions in the vicinity, are all factors that shall be taken into account. The surrounding area contains a mix of commercial, residential (single and multi-family) and institutional uses. No changes are proposed for the existing church, which has been in existence for more than 40 years. A formal site plan is not required, since the building will not be altered by more than 50%; however, staff is coordinating with the applicant to update the front parking and landscaping through the Informal Plan Review process. Any work proposed within the right-of-way will require prior approval by the City of Melbourne.

Currently, existing parking is sufficient to accommodate the church. The parking required for this church, based on seating, is 50 spaces. The original conditional use permitted up to 50% of the parking to be unpaved; however, the existing dirt parking does not meet the practical needs of the congregation. The new configuration of the existing parking, plus the expansion to the adjacent western lot on Line Street will provide a total of 60 parking spaces, once the 39 proposed spaces are paved.

In addition, the proposal incorporates an associated stormwater area for the church on the property. Construction of the pond will be subject to the standards contained with Chapter 27, City Code.

Landscaping/Buffering: The applicant intends to meet the landscaping requirements of Appendix D, Chapter 9, Article XV and the screening requirements of Appendix D, Chapter 9, Article III. With the proposed modifications, the site would need to provide new buffering to the west and north, and the applicant is required by City Code to provide a 6-foot opaque fence around the new parking area and stormwater pond. In addition, the proposal incorporates an associated stormwater area for the church on the property. The details of the opaque buffer are subject to approval by the Planning Department and Code Compliance Division during the construction plan review process.

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Environmental Impact Analysis: Environmental impacts were reviewed and permitted during the previous conditional use process. The proposed paving and stormwater pond are located in an existing cleared area historically used for parking. The entire site is in Flood Zone X.

As with all development projects, applicable permits will be required prior to construction plan approval, if necessary.

JPA review Comments

This site is not located within the JPA.

Concurrency Information

The project proposes additional parking spaces for use by parishioners of the Greater Allen Chapel AME Church of Melbourne. The proposed modifications will not generate additional automobile trips. Accordingly, area roads will not be impacted by this project.

The proposed project will not result in the addition of any fixture units. Consequently, the project will not result in an increase of water consumption or effluent generation. There is sufficient water and wastewater treatment capacity to accommodate the development. The project will be required to provide stormwater retention and solid waste disposal in accordance with all applicable requirements.

Capacity Reservation

The water and sewer capacity reservation fee is not applicable with this redevelopment project, as no new meter, nor any increase in meter size is proposed. The City Engineer determined that the transportation capacity reservation fee is not applicable with this infill project as the threshold for the increase in square footage did not trip new impact fees.

Mrs. Dean referenced the findings contained in the Planning and Zoning Board agenda memorandum dated November 5, 2009.

Recommendations

Based upon the findings contained in the Planning and Zoning Board agenda memorandum, for a 1.28± acre existing church property, located on the northwest corner of Lipscomb Street and Line Street (2416 Lipscomb Street) in Township 28, Range 37, Section 3, the Planning and Economic Development Department recommends:

Approval of CU-2009-11, granting of a Conditional Use permit to expand and construct a paved parking lot at a previously approved church facility on an overall 1.28± acre parcel of land, zoned R-1A, including the following conditions:

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- a. The parking lot shall be constructed substantially consistent with the 3-sheet plan prepared by PLATA Engineering, Inc. of Melbourne, Florida, Project #209017, with a signed/sealed date of October 14, 2009.
- b. Any modification/removal of improvements in the rights-of-way will need to be coordinated with the Engineering Department during the construction plan review process.
- c. The adjacent residentially zoned property north and west of the parking lot is to be adequately screened as required by Appendix D, Chapter 9, Article III, Section 9.45. (a), unless a variance is granted by the Zoning Board of Adjustment.

Charles Jackson (*2638 S. Harbor City Boulevard, Melbourne*) introduced the pastor of the church, Reverend Joyce Moore. He said the church owns the property to the west, and would prefer not to provide a buffer that would block access to the church for the adjacent apartments.

Mr. Outlaw recognized Mr. Jackson for his 33 years of voluntary service with the City of Melbourne.

Mr. King opened the public hearing; there being no public comment, the public hearing as closed and discussion was brought back to the Board.

Moved by Clement/Outlaw to recommend approval of CU-2009-11 based upon the findings and conditions contained in the Planning and Zoning Board agenda memorandum dated November 5, 2009.

Mr. Coruzzi indicated he was not sure the Board was taking a clear cut action due to the applicant's request with regards to the buffering for the property to the west. He asked if Condition c. would remain in tact.

Mr. King affirmed Condition c. was included in the motion.

The question was called.

Motion carried unanimously.

Mrs. Dean noted staff has worked with property owners in the past to adjust buffering provisions, and pointed out there is no site plan tied to this conditional use request. She said the buffering requirements can still be met if relocated and/or put in an appropriate place.

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7. **Conditional Use Request (CU-2009-13) Lime Cactus, LLC (811 E. New Haven Avenue)**

Proposed Action

Mrs. Dean explained to the Board that the applicant is requesting a Conditional Use permit to allow consumption of alcohol on the premises within an existing building zoned C-3 (Central Business District), on a portion of an overall 0.21± acre site.

Location

The property is located on the south side of East New Haven Avenue, west of Vernon Place and east of Waverly Place, and will occupy the easternmost business unit of the existing building currently identified as 811 East New Haven Avenue.

History

The property is zoned C-3 with a Future Land Use of Commercial/High Density Residential. Previous occupational licenses indicate various retail uses.

Access: New Haven Avenue, along the north property line

To the East: Vacant commercial parcel

Zoning: C-3

Land Use: Commercial/High Density Residential

To the North: Across New Haven Avenue, mixed-use commercial property

Zoning: C-C-3

Land Use: Commercial/High Density Residential

To the West: Antique Store; Matt's Casbah

Zoning: C-3

Land Use: Commercial/High Density Residential

To the South: 15-foot alley

Issues and Considerations

Specifically, the applicant is requesting approval of a Conditional Use permit to allow the consumption of alcohol on the premises. The sale of alcohol for consumption on the premises requires a Conditional Use approval in the C-3 zoning district. The Conditional Use standards are presented in Appendix B, Article IX, Section 5. Additional stipulations for on-premise alcohol sales and consumption are presented in Appendix B, Article VI, Section 2(L).

Surrounding Area: The Conditional Use standards require a determination that the Conditional Use will not be injurious to the neighborhood or otherwise detrimental

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to the public welfare, and are in harmony with the general purpose of the zoning ordinance. The character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings, and traffic conditions in the vicinity are all factors that shall be taken into account. There are no existing residential properties within 200 feet of the proposed use. There is a mixture of single and multiple-family residences beyond that distance. Otherwise, the surrounding area contains mainly other commercial and office uses.

The Site: The proposed business is to be located in the commercially developed downtown area. The property is almost completely covered by a single-story, concrete block building (47± feet wide by 125± feet long). The western two units are occupied by a retail antique store. The applicant will be occupying the easternmost unit within the building, which is approximately 1,969± square feet (15.77' x 124.88') in size, including restrooms and a storage area. The proposed use (primarily consumption of alcohol with no substantial food service) is to remain wholly within the building. Although a site plan is not required, since the building will not be altered by more than 50%, the property lies within the Downtown Melbourne Redevelopment District, and the Architectural Review Board must approve exterior building renovations.

Occupancy: Due to the unique dimensions of the building (less than 16 feet wide and 124 feet long), the applicant is proposing a maximum occupancy (employees and customers) of 49 people. The proposed hours of operation are Tuesday through Saturday, from 6:00 p.m. until 1:00 a.m.

The proposed Conditional Use is necessary to allow a City zoning designation that will provide consistency with the Comprehensive Plan.

Concurrency:

The site is developed and occupies part of an existing building. Accordingly, the proposed use should not significantly impact public infrastructure systems and facilities.

Mrs. Dean referenced the findings contained in the Planning and Zoning Board agenda memorandum.

Recommendation:

Based on the findings contained in the Planning and Zoning Board agenda memorandum, for a portion of a building located on the south side of East New Haven Avenue, east of Waverly Place, occupying the space currently identified as 811 East New Haven Avenue, in Township 28, Range 37, Section 3, the Planning and Economic Development Department recommends:

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APPROVAL of CU-2009-13, for a conditional use to allow the sale of alcohol for consumption on premises within the existing eastern unit containing approximately 1,969 square feet and zoned C-3, on a portion of an overall 0.21± acre site, with the following conditions:

- a. The sale and consumption of alcohol is to be located completely within the unit of the building identified as 811 East New Haven Avenue.
- b. Maximum occupancy for the bar is to be limited to 49 people (employees and customers).
- c. The applicant must receive Architectural Review Board (ARB) approval for any exterior modifications prior to a Certificate of Occupancy for the proposed business.
- d. The applicant must meet all applicable building code requirements for the renovation of this unit, prior to receipt of a Business Tax Receipt.
- e. The establishment shall close by 1:00 a.m. each evening, consistent with the hours of operation proposed by the applicant.

Joseph Columbo, 2351 West Eau Gallie Boulevard, Melbourne, attorney for the applicant, said Mrs. Dean had summarized the application precisely. He indicated that Lime Cactus would be renting approximately 1/3 of the building. The intent is to put a small bar at this location with a maximum agreed occupancy of 49 people, which includes employees and patrons. He said the only issue his client has is with Condition e. He stated his client was of the impression that the City stopped serving alcohol at 1:00 a.m., but has since found out the serving of alcohol stops at 2:00 a.m. He affirmed his client would like to stay open until 2:00 a.m. and serve alcohol until that time.

Mr. King opened the public hearing; there being no public comment, the public hearing was closed and discussion was brought back to the Board.

Mr. Droor asked if all other bars were permitted to be open until 2:00 a.m. He further questioned why the applicant would not be allowed the same benefit.

Mrs. Dean confirmed that bars are permitted to open until 2 a.m. The applicant presented the times and days of operation to staff, which was ultimately included as a condition of approval. She said staff has no objections with Lime Cactus staying open for business until 2:00 a.m., since the business is small and contained indoors.

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Moved by Outlaw/Coruzzi to recommend approval of CU-2009-13, based upon the findings and conditions contained in the Planning and Zoning Board agenda memorandum dated November 5, 2009, with the exclusion of Condition e.

Motion carried unanimously.

8. **FUTURE BUSINESS**

Mrs. Dean provided the Board with a summary of the Preliminary Business items.

Mr. King advised he has always been a big proponent for bars downtown. However, he indicated he has heard some concerns with the noise and number of people going to these bars. He requested input from staff for possible solutions to these concerns.

Mrs. Crockett noted that Code Enforcement and Planning and Zoning staff has been looking into these issues. Sound readings have been taken and staff is working on feasible solutions.

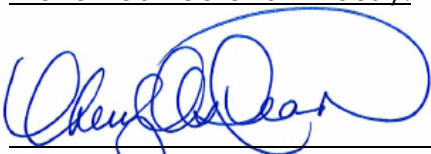
Mr. Laird asked how many liquor licenses have been issued downtown.

Mrs. Dean stated there are several types of liquor licenses. Staff is now learning how these licenses are issued, and have met with the State/ABT to learn more about how to address the issues.

There being no further business,

Moved by Outlaw/Clement to adjourn at 7:10 p.m.

Motion carried unanimously.



Cheryl A. Dean, AICP
Planning and Zoning Administrator