
CITY OF MELBOURNE
MINUTES OF THE REGULAR MEETING OF THE
LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD
MELBOURNE CITY HALL COUNCIL CHAMBER
FEBRUARY 15, 2018 ♦ 6:30 P.M.

Ed Coruzzi, 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 introduction of the Board and City staff members.

PRESENT:	Ed Coruzzi	Vice-Chairman
	Don Laird	Member
	Nat Clement	Member
	George Lebovitz	Member
	Erin Trauger	Member
	Carol Hudgens	Alternate Member
	Suzanne Crockett	Assistant City Attorney
	Jessica Freeman	Alternate Member
	Cheryl Dean	Planning Manager
	Todd Corwin	Planner
	Kelly Hyvonen	Planner
	Kathy Gangwer	Recording Secretary
ABSENT:	Alan King	Chairman (Excused)
	Bruce Waters	Member (Excused)

Mr. Coruzzi reminded the Board and staff to silence their electronic communication devices, as these devices may not be used during the meeting.

3. Declarations of Conflict

None

4. Approval of Minutes: February 1, 2018

Moved by Laird/Clement to approve the February 1, 2018, Planning and Zoning Board minutes as presented.

Motion carried unanimously.

5. Public Comment

There was no public comment.

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6. Conditional Use Request (CU-2018-01) Executive Cigar Bar and Lounge

Mr. Corwin identified the location of the property on the map and provided an analysis of the request contained in the staff report. He provided a brief history and identified the subject property and adjacent properties future land use and zoning designations.

Mr. Corwin 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 developed 0.39±-acre property located on the south side of East New Haven Avenue, west of Municipal Lane and east of Vernon Place, more specifically known as 843 East New Haven Avenue, the Community Development Department recommends:

APPROVAL of CU-2018-01, for a Conditional Use to allow the consumption of beer and wine on premises, in conjunction with the retail sale of cigars, in a 4,032±-square foot portion of an overall 0.39±-acre developed site zoned C-3 (aka 843 East New Haven Avenue), pursuant to the following conditions:

- a. The consumption of alcohol on premises shall be limited to beer and wine.
- b. The sale and consumption of beer and wine shall be located completely inside the building unit identified as 843 East New Haven Avenue except in accordance with a Special Activity Permit and in accordance with the floor plan indicating the two outdoor seating areas.
- c. The applicant/owner must meet all applicable building code requirements for any renovations to the building unit identified as 843 East New Haven Avenue.
- d. The applicant/owner must receive Historic and Architectural Review Board (HARB) approval for any applicable exterior modifications to the site.
- e. The applicant, its employees and its agents shall follow the City Code requirements outlined in Chapter 6, Alcoholic Beverages.
- f. Outdoor amplification of sound is prohibited, except in conjunction with a Special Activity Permit issued by the City Clerk, and all City Code requirements for noise shall be followed.

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- g. If the premises in the building unit located at 843 East New Haven Avenue ceases to be used for on-premises consumption of alcoholic beverages in conjunction with a bar for a continuous period of six months, the conditional use for on premises consumption of alcohol shall expire and become null and void. The use of the premises shall revert to the previous and more restricted use classification.
- h. Should the occupancy of the site increase beyond 75, or should the site be altered such that consumption of beer and wine is no longer accessory to the retail sales of cigars, the owner/applicant shall provide a security team consisting of one security person per 150 occupants who have each successfully completed a two-hour on-line crowd management training course or other similar training program developed by the City of Melbourne, to perform crowd management services (including but not limited to patron ID verification, crowd control, management of ingress and egress, supervision of queue lines, and occupancy counts) on Friday and Saturday nights and during special events held on other nights of the week (Sunday through Thursday) on the property or in the right-of-way adjacent to the property, from 10:30 pm to 2:30 am. While performing crowd management services, crowd managers shall be easily identifiable by their clothing and shall carry proof of their crowd management training. Crowd managers or the manager on duty shall produce occupancy counts and proof of training upon request of any law enforcement officer, code enforcement officer, or fire marshal.
- i. Two or more violations of the City's noise regulations within any 365 day period is a breach of this conditional use.
- j. The approval of this conditional use and site plan will repeal Ordinance No. 2007-03.

Anthony Nardone, applicant, advised he was available for questions or comments.

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

Moved by Laird/Hudgens to approve CU-2018-01 based upon the findings and conditions contained the agenda memorandum dated February 1, 2018.

Motion carried unanimously.

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7.	Conditional Use (CU-2017-15) with Site Plan Approval Request (SP-2017-16) 4855 Wickham Mini-Storage
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Mrs. Dean displayed the location of the property on the map and itemized the details within the staff report. She provided a brief history and identified the subject property and adjacent properties future land use and zoning designations.

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

Recommendations:

Based on the findings presented above, for the previously developed 6.05±-acre property located at the southeast corner of North Wickham Road and Mariah Drive, the Community Development Department recommends:

1. **Approval of CU-2017-15**, Conditional Use to allow a mini-storage use in a C-C-2 zoning district; and
2. **Approval of SP-2017-16**, site plan approval to construct a three-story, 120,000± square foot, mini-storage building with a total of 460 units, prepared on a single sheet plan by Vaheed Teimouri, P.E., Project Number 2017-136, with a signed and sealed date of January 19, 2018, pursuant to the following conditions:
 - a. Any change to the Site Plan will require reevaluation by the City Engineering Department and Community 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, the Planning and Zoning Board, Local Planning Agency, and/or the City Council, as applicable.
 - b. Appropriate environmental permits must be obtained as part of the construction plan review process, consistent with Appendix D, Chapter 9, Article IV, prior to construction plan approval.
 - c. The proposed building addition shall be substantially consistent with the rendering submitted by the applicant.

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- d. Storage units shall only be accessible by a central interior building corridor and no rental unit shall be directly accessible from the outside of the building.
- e. The constructed buffer along the total length of the east property line shall be continuously maintained.
- f. Loading areas for the mini-storage building shall be located away from drive aisles.
- g. Mini-storage units may not exceed 400 square feet and may not be utilized for the operation of any business establishment.
- h. *Concurrency:* As required by Chapter 3, Appendix D, and Chapter 58, Melbourne City Code, to reserve capacity, the Owner/Developer shall be required to pay the capacity reservation fee in the amount of **\$100.00** for the water impact fee. The payment must be received by the City of Melbourne within ninety (90) days of the date of rendition of this Development Order by City Council/Planning and Zoning Board approval. This Development Order shall not become effective until payment of the capacity reservation fee has been made payable to and received by the City of Melbourne.
- i. *Mobility:* As required by Appendix D, Chapters 3 and 10, to address mobility, the Owner/Developer shall be required to make the 1% mobility fee deposit in the amount of **\$456.00**. The payment must be received by the City of Melbourne within ninety (90) days of the Planning and Zoning Board approval. This Development Order shall not become effective until payment of the capacity reservation fee has been made payable to and received by the City of Melbourne.
- j. The approval of this conditional use and site plan will repeal Ordinance No. 2009-43 (CU-2009-12).

Ms. Hudgens inquired about recent storage facility approvals and asked if the County or City monitored the number of approvals for population purposes.

Mrs. Dean said she was unaware of any specific mini-storage inventory.

The applicant's representative was present but did not speak.

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Mr. Coruzzi opened the public hearing.

Anthony Boehm, resident of Summer Brook Subdivision, stated his concerns were based upon the lack of previous activity on the site and the height of the proposed three story building. He expressed additional concerns related to the lighting of the facility and the possible lack of maintenance following development. He said his critical concerns were the potential reduction of his property value and the view he will have from his home.

Jenny Sugito, resident of Summer Brook Subdivision, expressed similar concerns regarding possible property value reduction and the end result of facing a wall. She objects to the proposed development.

Mr. Laird sought confirmation that the proposed project complied with City Code.

Mrs. Dean confirmed that the site plan does meet City Code.

There being no further public comment, the public hearing was closed and discussion was brought back to the Board.

Moved by Trauger/Hudgens to recommend approval of CU-2017-15, based upon the findings contained in the Planning and Zoning Board agenda memorandum dated February 15, 2018.

Motion carried unanimously.

Moved by Trauger/Hudgens to recommend approval of SP-2017-16, based upon the findings and conditions contained in the Planning and Zoning Board agenda memorandum dated February 15, 2018.

Motion carried unanimously.

8.	Finding of Consistency (FOC-2018-01) and Administrative Zoning Amendment Text Amendment (Z-2018-1269AD) Mobile Catering Kitchens
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Mrs. Hyvonen provided a detailed PowerPoint presentation and summarized the agenda report, including the areas of City Code affected by the proposed amendments for the proposed establishment of a new accessory use category called Mobile Catering Kitchens.

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Mr. Coruzzi asked if the intent is to limit the operation of the mobile catering kitchen to only associations with Special Activity Permits.

Mrs. Hyvonen said no; the intent is to allow a restaurant, bar or brewpub that is already licensed to have an accessory use of a mobile catering kitchen. These are currently authorized with a Special Activity Permit.

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

Recommendation

Based upon the findings presented above, the Community Development Department recommends:

- A. Approval of FOC-2018-01**, a Finding of Consistency amending City Code, Chapter 46, Article II, Section 46-19; amending Chapter 56, Article II, Division I, Section 56-35; and amending Appendix B, Article II, Definitions; and create a new accessory use in Appendix B, Article VII, Section 2(G), Mobile Catering Kitchens.
- B. Approval of Z-2018-1269AD**, Administrative Zoning Code text amendment for changes proposed to amend City Code, Chapter 46, Article II, Section 46-19; amending Chapter 56, Article II, Division I, Section 56-35; and amending Appendix B, Article II, Definitions; and creating a new accessory use in Appendix B, Article VII, Section 2(G), Mobile Catering Kitchens.

The Board briefly discussed the allowances for food trucks in Brevard County and within Brevard County parks.

Ms. Freeman questioned why it was decided that City staff would generate the proposed amendments.

Mrs. Hyvonen explained that Intracoastal Brewing Company approached City Council and asked about the possibility of changing City Code to allow an existing mobile kitchen trailer to be permitted.

Mr. Clement asked if an ice-cream truck could pull into city hall and stop to sell ice-cream.

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Mrs. Hyvonen said an ice-cream truck can stop temporarily and then continue on as this is considered temporary in nature.

Mrs. Crocket inquired as to whether a restaurant, bar or brewpub could have a different mobile catering kitchen every day.

Mrs. Hyvonen replied yes; however, only one mobile catering kitchen is permitted on site at a time.

Ms. Freeman requested clarification for the \$500 per year fee.

Mrs. Hyvonen clarified that this fee allows licensed principal business to utilize a mobile catering kitchen. The applicant can then submit for different kinds of food trucks and staff will have to verify that all vehicles are licensed properly by the State.

Mrs. Crockett requested confirmation that the additional \$25 fee covers additional trucks.

Mrs. Hyvonen said yes; any time an application is amended, there will be an additional \$25 charge.

Mr. Coruzzi referred to Page 6 of the draft ordinance, Section I, Utilities, that states “each mobile catering kitchen must be self-sufficient per Florida Division of Hotels and Restaurants”, and questioned the requirement.

Mrs. Hyvonen explained that a mobile catering kitchen is a State licensed mobile food dispensing vehicle and must meet State regulations.

Mr. Coruzzi pointed out that Utilities states that the mobile catering kitchen must be self-sufficient and the next sentence says they can hook up to water, sewer and electric with a building permit. He believes this is contradictory.

Mrs. Hyvonen said they have to be able to be self-sufficient per state requirements, which means they have to contain their own cooking fuel and water and storage tanks. They have to have the ability to be self-sufficient, but the City would allow them to connect to drinking water or sewer.

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

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Moved by Trauger/Clement to recommend approval of FOC-2018-01, based upon the findings contained in the Planning and Zoning Board agenda memorandum dated February 15, 2018.

Motion carried unanimously.

Moved by Trauger/Clement to recommend approval of Z-2018-1269AD, based upon the findings contained in the Planning and Zoning Board agenda memorandum dated February 15, 2018.

Motion carried unanimously.

9.	Future/Additional Business
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Mrs. Dean provided the Board with a brief summary of the preliminary business items.

Mrs. Crockett acknowledged an article in the paper regarding a mural and an appeal coming before the Planning and Zoning Board. This has not been scheduled to date. The notice of appeal is due to be filed no later than 5:00 p.m., February 16, 2018. She encouraged the Board to avoid having ex-parte communications with anyone regarding the merits of the appeal. There are detailed procedures for disclosure of ex-parte communications. She advised the Board that should any correspondence be received regarding a recommended decision, they not respond, but instead forward the correspondence to the Community Development Department. Avoidance of ex-parte communications gives less of an appearance of impropriety.

10.	Adjournment
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There being no further business, the meeting was adjourned at 7:27 p.m.



Cheryl A. Dean, AICP
Planning Manager

Approved by the Planning and Zoning Board: _____