

**RESOLUTION NO. 13-09
(REVISED)**

A RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION APPROVING THE CUP OF ORGANIC TEMPORARY USE (TUP#13-A) VARIANCE APPLICATION FOR A PERIOD OF ONE YEAR AND DENYING THE SIGN VARIANCE.

WHEREAS, a Temporary Use Permit application (TUP #13-A) was submitted by Mr. Torres (Applicant) to approve a requested variance to operate a temporary use for drive-thru coffee and pastries sales from a portable concession unit for a continuous period (Monday through Saturday) of up to one (1) year pursuant to the LDC Article VIII, Special Exception, Conditional and Temporary Uses, and a variance to the LDC Article XI, Sign Regulations; and

WHEREAS, a public hearing meeting was advertised and held on February 11, 2013, before the Town of St. Leo Town Commission, which gave full and complete consideration to the recommendations of the staff and evidence presented at the public hearing; and

WHEREAS, on July 8, 2013, the Applicant requested an extension of time for the temporary use variance due to the delay in permitting and construction of the required infrastructure for the site; and

WHEREAS, on July 8, 2013, the Town Commission approved an amendment to Resolution No. 13-09 authorizing the temporary use until July 7, 2014.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. LEO COMMISSION:

SECTION A. REQUEST

The Applicant is requesting the following variances.

1. Variance to LDC Section 8.3 C. Temporary uses, the relevant section of the code is as follows:

“The following uses/events may be permitted temporarily for a period of up to six (6) weeks in any six-month period after issuance of a Temporary Use permit, and if necessary, a building permit by the Building Official, any permit required by the Pasco County health Department and required liquor license.”

The Applicant is requesting to operate a temporary use for drive-thru coffee and pastries sales from a portable concession unit for a continuous period (Monday through Saturday) for one (1) year.

2. Variance to LDC Section 11.9.1 Business Zoning District – Single User

This section limits the maximum permitted signage in the Business Zoning District to a total of 80 square feet for all signs on a property.

The Applicant is requesting 132 square feet of signage on the portable concession unit.

SECTION B. FINDINGS AND CONCLUSIONS

Based on the facts and analysis presented in the staff report (Exhibit A), and the Applicant's application and submittal documents, approval of the variance to LDC Section 8.3 C. Temporary Uses is warranted for a limited time period.

SECTION C. TOWN COMMISSION DECISION

The Town Commission hereby APPROVES the temporary use variance request only for a period of up to twelve (12) months commencing on July 9, 2013, ending on July 8, 2014, and DENIES the sign variance request. The temporary use approval is conditioned on the following:

1. Submit a revised signage plan that meets the Sign Code.
2. Submit a scaled site plan for review and approval by the Town Planning Consultant, addressing the issues identified in the Staff Analysis.
3. Submit approved building and/or fire permits to the Town Clerk.
4. No Certificate of Occupancy shall be issued until the above conditions have been approved by Town staff.
5. The Town staff shall conduct periodic inspections to determine if there are traffic conflict issues and if the site is being maintained relative to trash and grass surfaces.
6. The Town Commission can terminate the Temporary Use permit at any time if it is determined that continuing the use is not in the best interest of the Town and the public health, safety and welfare.

SECTION C. EXHIBIT A

The following exhibit is attached to this resolution and incorporated by reference:

Exhibit A: Town Staff Report with exhibits and Applicant's application supporting documents.

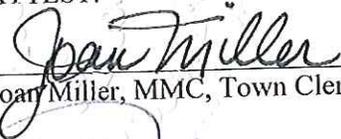
SECTION E. TOWN COMMISSION MOTION

The foregoing resolution was adopted by the Town of St. Leo Town Commission vote as follows:

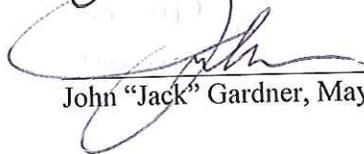
John "Jack" Gardner, Mayor
Sister Donna DeWitt, O.S.B.
Brother James Hallett, O.S.B.
Robert Inslee
James Wells

DULY PASSED AND ADOPTED THIS 8TH DAY OF JULY, 2013.

ATTEST:

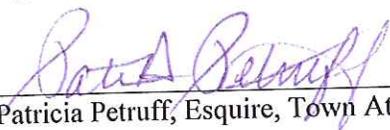


Joan Miller, MMC, Town Clerk



John "Jack" Gardner, Mayor

Approved as to form by:



Patricia Petruff, Esquire, Town Attorney

EXHIBIT A



Town of St. Leo

TEMPORARY USE PERMIT REVIEW (TUP) STAFF REPORT
TUP#13-A: Cup of Organic
Town Commission Meeting February 11, 2013

Case File #: Temporary Use Permit (TUP#13-A)

Applicant/Owner: Fay McKean

Representative: Douglas Torres

Location/Legal Description: Lots E, F, G and H, Block 3 of J.S. Flannigan's Subdivision. Folio number 01-25-20-0010-00300-00F0.

Request:

1. Variance to LDC Section 8.3 C. Temporary Uses

Relevant section of the code is as follows:

" The following uses/events may be permitted temporarily for a period of up to six (6) weeks in any six-month period after issuance of a Temporary Use permit, and if necessary, a building permit by the Building Official, any permit required by the Pasco County Health Department and any required liquor license."

The applicant is requesting to operate a temporary use for drive-thru coffee and pastries sales from a portable concession unit for a continuous period (Monday through Saturday) up to one (1) year.

2. Variance to LDC Section 11.9.1 Business Zoning District- Single User

This section limits the maximum permitted signage in the Business Zoning District to a total of 80 square feet for all signs on a property.

The applicant is requesting 132 square feet of signage on the portable concession unit.

Future Land Use Designation: Business

Zoning District Designation: Business

Temporary Use Review Application Overview

The applicant is requesting to operate a temporary use for drive-thru coffee, tea and pastry sales from a portable concession unit (8' x 16') for a continuous period (Monday through Saturday) up to one (1) year. In addition, the applicant is requesting 132 square feet of signage on the portable concession unit.

Appendix A contains the application, site plan (with no scale, but written dimensions) and photographs of the portable concession unit and signage. The portable concession unit is set back at least fifty (50) feet from S.R. 52 on the north and S.R. 52 on the west. The LDC requires a 50' front yard setback on the west and 10' street side yard setback on the north. Setbacks on the south and east are required to be 10'.

The required parking for 128 square feet of retail is two spaces and the plan provides 16 spaces. The parking area is outlined utilizing railroad timbers. The timbers are set back ten (10) feet from S.R. 52 along the north and west. Based on the Applicant, FDOT has approved access to S.R. 52 from the west as right-in only, and sharing the driveway utilized by Mr. Flott's restaurant for full access at the S.R. 52 north entrance. The FDOT approval letter has been provided to the Town Clerk (Appendix B). As a result of this access, to Mr. Torres' business, Mr. Flott will lose two parking spaces and landscape buffer. Mr. Torres has provided two (2) parking spaces for Mr. Flott's patrons at the southeast corner of the subject site. Mr. Flott has submitted a letter of support (Appendix B).

Traffic cones are provided to direct and control traffic entering the site from S.R. 52 on the west, no traffic cones are shown for directing entering and exiting traffic through Mr. Flott's site to S.R. 52. The portable concession unit has an order/pick-up window on each side and a pedestrian order/pick-up window in the front.

Staff Analysis

The principal intent of the Temporary Use provisions is to allow compatible uses within a zoning district that are limited in duration. Principally this applies to special events, seasonal activities and construction projects. This request is for a commercial use for a duration of one (1) year, which exceeds the intent of the code. However, the Commission had in the past assisted a start-up business through the Temporary Use provisions, specifically Mr. Flott's restaurant, which started out as a portable mobile trailer. Mr. Flott was initially granted a six (6) week permit for the Rattlesnake Festival and was later granted a six (6) month extension.

As noted previously, the plan submitted is not to a scale. Given the duration requested there are a number of significant issues that need to be addressed, which requires submittal of a scaled site plan. These issues include the following:

1. The parking spaces shown on the plan are only 9' x 12'; code requires 9' x 18'. In addition there needs to be at least another 20 feet for vehicles to back-out of the parking space and not conflict with the concession unit or vehicles stationed at the service window or stacked behind the service window.
2. No handicapped space is provided. Based on the required parking, one (1) signed handicapped parking space must be provided. This space must be a minimum 12' x 19' and delineated by use of painted timbers or other approved material set into the ground.

3. Ensure proper traffic flow and minimize conflicts by controlling traffic flow into and exiting the site. This will require additional traffic cones to establish directional traffic flow and directional signage at both S.R. 52 driveways as follows and as shown on Exhibit A:
 - a. West S.R. 52 driveway: The west driveway needs to have a "Do Not Enter" sign to preclude patrons from using that driveway to exit. The driveway also needs to be reduced in width to 12' to ensure patrons will not try to exit via that driveway. Further, additional cones are necessary to extend at least 30 feet from S.R. 52 for traffic control. In addition, there needs to be cones lined along the west side between the entrance and adjacent parking spaces to ensure vehicles do not cut across S.R. 52 to enter or exit the site.
 - b. North driveway: This driveway must accommodate ingress/egress traffic, and therefore, must be 24 feet wide. Additional cones are necessary to control traffic flow entering and exiting this driveway. In addition, there needs to be cones lined along the entire north side along S.R. 52 to ensure vehicles use the designated driveway and not cut across S.R. 52 to enter or exit the site.
 - c. All traffic cones need to be secured to the ground to ensure they are not toppled by winds or vehicles.
4. The entrance to the drive-thru shall not conflict with general access to the site. To ensure that there is sufficient stacking space from the S.R. 52 north entrance to the Cup of Organic entrance, there should be at least 36 feet (accommodate at least 3 cars stacked) of stacking space from the S.R. 52 driveway to the Cup of Organic entrance (Exhibit A). This requirement would minimize vehicles backing-out into S.R. 52. This requirement could also result in additional lost parking for Mr. Flott.
5. Stacking at the drive-thru shall not conflict with ingress/egress from parking spaces. To ensure the drive-thru west service window accessed from the north S.R. 52 driveway provides for vehicles to maneuver around vehicles stacked at the service window, and to avoid conflicts with cars exiting parking spaces along the north side of the site adjacent to this window, there should be at least 20 feet of clear space between a vehicle stationed at the service window and the adjacent parking spaces. This will ensure that vehicles can back-out of a parking space without conflicting with vehicles stacked at the service window (Exhibit A).

Further, it is not clear whether there is sufficient turning radius for vehicles exiting the west service window to maneuver around to exit to the north driveway and not conflict with adjacent parking spaces.

As noted above, these are significant issues that need to be resolved. To ensure these issues and standards identified above can be attained, provide for the functional operation of the business, minimize impacts to Mr. Flott's restaurant and ensure public safety, submission of a scaled site plan, addressing the dimensions of the site and all the dimensional standards referenced above, is critical.

In regards to the sign variance, there is no hardship. The requested variance represents a 65 percent deviation from the maximum requirement. All signage on the portable concession unit shall be limited to a total of 80 square feet. Directional signage is limited to four (4) square feet in area and two (2) feet in height. Per the Applicant, directional signage will be 18" x 24" (3 square feet), but indicates the signs will

be 10" from the ground. Total height of a directional signs cannot exceed two (2) feet; therefore, the total height of these signs cannot exceed two (2) feet.

It is important to note that approval of this request (one year temporary use duration and sign variance) could establish an ill-advised precedent.

Town Commission Alternatives

The Town Commission has at least three (3) decision-making alternatives:

Alternative #1: DENY the application based on the significant issues identified in the Staff Analysis, and only approve the temporary use as permitted by the LDC, section 8.3 as follows:

Permit the temporary use for a period of up to six (6) weeks in any six-month period.

Alternative #2: DENY the sign variance and APPROVE the duration of the temporary use on a continuing basis for only a six (6) month period ending on August 12, 2013, subject to the following conditions.

1. Submit a revised signage plan that meets the Sign Code.
2. Submit a scaled site plan for review and approval by the Town Planning Consultant, addressing the issues identified in the Staff Analysis.
3. Submit approved building and/or fire permits to the Town Clerk.
4. No Certificate of Occupancy shall be issued until the above conditions have been approved by Town staff.
5. At the applicant's discretion, submit an application requesting a six (6) month extension, which must be received by the Town Clerk by July 22, 2013 in order to be heard at the August 12, 2013 Town Commission public hearing meeting.
6. The Town staff shall conduct periodic inspections to determine if there are traffic conflict issues and if the site is being maintained relative to trash and grass surfaces.
7. The Town Commission can terminate the Temporary Use permit at any time if it is determined that continuing the use is not in the best interest of the Town and the public health, safety and welfare.

Alternative #3: DENY the sign variance and APPROVE the request for one (1) year duration of the temporary use subject to the following conditions.

1. Submit a revised signage plan that meets the Sign Code.
2. Submit a scaled site plan for review and approval by the Town Planning Consultant, addressing the issues identified in the Staff Analysis.
3. Submit approved building and/or fire permits.
4. No Certificate of Occupancy shall be issued until the above conditions have been approved by Town staff.
5. The Town staff shall conduct periodic inspections to determine if there are traffic conflict issues and if the site is being maintained relative to trash and grass surfaces.

6. The Town Commission can terminate the Temporary Use permit at any time if it is determined that continuing the use is not in the best interest of the Town and the public health, safety and welfare.
7. No additional extension of time will be granted beyond February 11, 2014. If the Applicant desires to continue operations on the site, then a site plan pursuant to LDC section 10.5 must be submitted addressing all relevant LDC requirements. A revised site plan must also be submitted by Mr. Flott related to the lost parking spaces and relocation of those parking spaces on the subject site.

This report has been prepared by:



Jan A. Norsoph, AICP
Engelhardt, Hammer & Associates, Inc.
Town of St. Leo Planning Consultant

Engelhardt, Hammer & Associates reserves the right to update this report upon becoming aware of new or updated information.

APPENDIX A
Temporary Use Application Submittal Documents

TOWN OF ST. LEO
TEMPORARY USE PERMIT APPLICATION

P.O. Box 2479, St. Leo, Florida 33574
352.588.2622 Fax 352.588.3010

Date 1/9/13

Applicant A Cup of Organic Cafe, LLC, Douglas Tolson Telephone 813-546-6659
Email Address donr@acupoforganic.com Fax _____
Property Address SE CORNER OF STATE ROAD 52 W OF 33030 SR 52
Property Parcel ID. # 01-25-20-0010-00300-00 F0
Property Owner PANAMA Canal Land TRUST, L.L.C. Telephone _____
Address of Owner 38102 SUNSET AVE, Dade City FL 33525-5429
Description and Duration of Time for Temporary Use Temporary Use of Coffee
CONCESSION UNIT for Drive Thru, Request Permit for one year.
Please See Narrative Letter A

Zoning District for proposed Temporary Use: (circle one) Agricultural, Business, Institutional

Application must include the following:

1. Application must include an affidavit from the property owner authorizing the applicant to utilize the property for the proposed temporary use and its duration of time.
2. A site plan or scaled dimensioned drawing of the total area to be utilized for the temporary use including setbacks from all streets and property boundaries, parking and any additional information deemed necessary to adequately review the temporary use permit application (see LDC Section 10.13 attached).
3. It is the responsibility of the applicant to obtain all other permits and licenses required for the operation of the temporary use, for example, building permit, fire permit and inspection, business tax license or sign permit. These permits must be submitted to the Town Clerk prior to the issuance of the Temporary Use permit.

The applicant shall be billed for the actual expenses related to the Town of St. Leo's Planning Consultant review, and/or Attorney fees related to the application review. This may include, but is not be limited to, time spent reviewing the application for completeness, preparing a report to the Town Commission, telephone conversations and/or written correspondence to the applicant, and attending any meetings with the applicant, including Commission meetings, if necessary. The Town Commission may request an advanced partial payment based on an estimate of all fees and expenses.

St. Leo Signature for Temporary Use Permit Approval

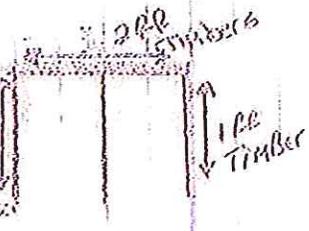
Date

ON Q-EDGE OF DRIVEWAY

← N

ON Q PARKING AREA
150'

DRAWING IS NOT TO SCALE



75'

Drive circles not less than 20' each

HWY 52

Walk up
Aussing
Drive Thru

1 RR Timber

176'

6 RR Timbers

1 RR Timber

4 RR Timbers

2 RR Timbers

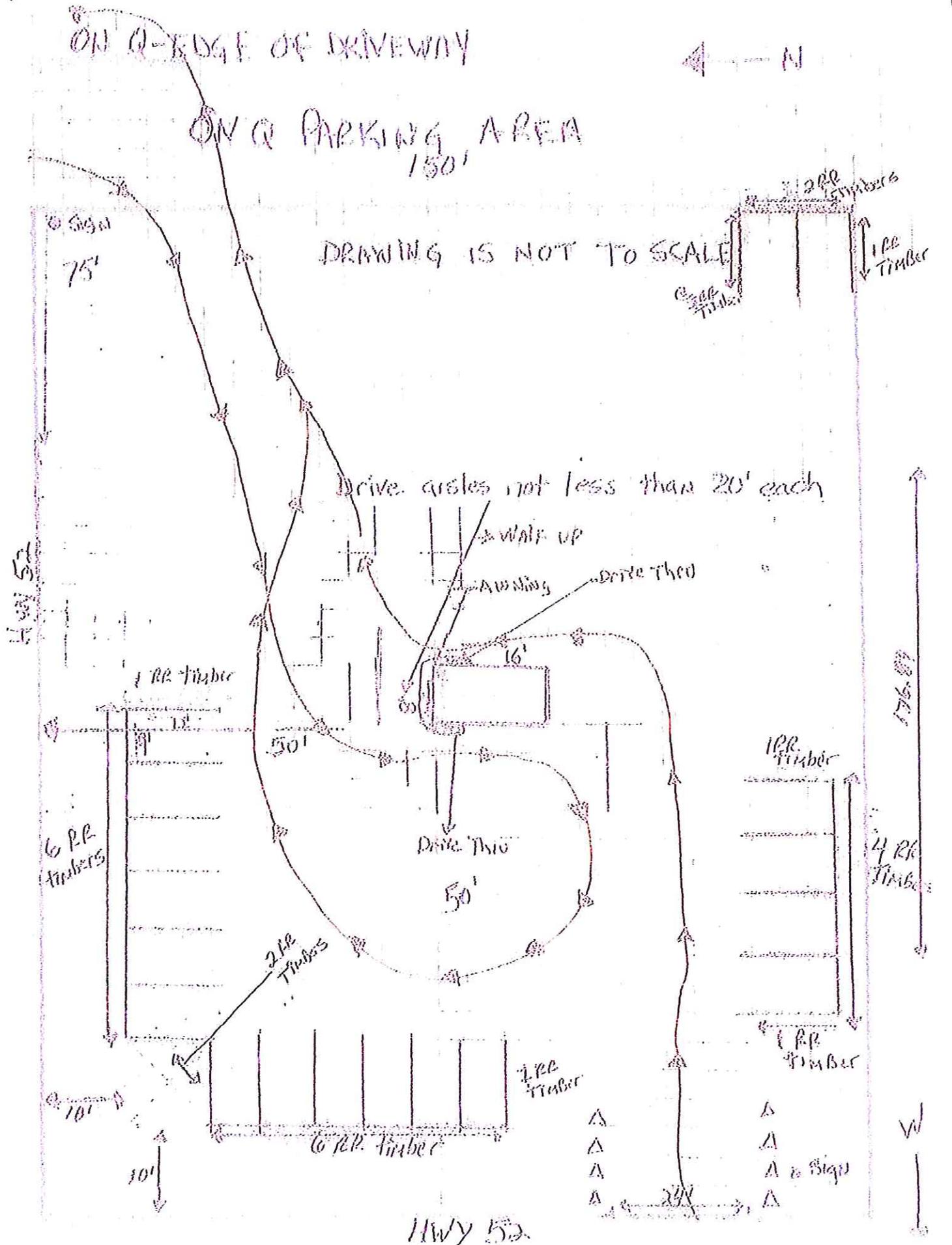
1 RR Timber

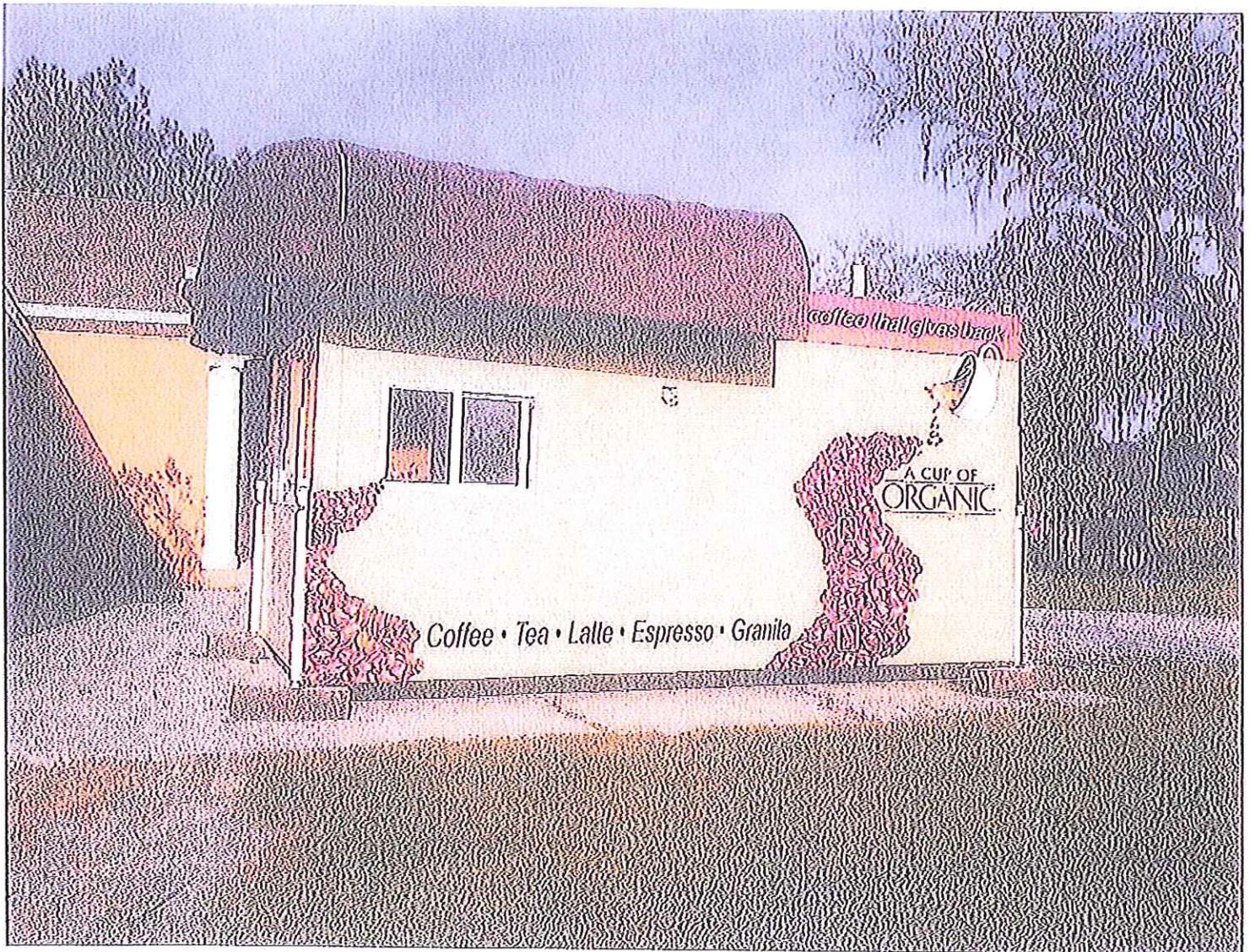
1 RR Timber

6 RR Timber

W

HWY 52







awning extends 2' from unit.

Town of St. Leo, Florida
Affidavit of Ownership/Agent Authorization Affidavit

Property Owner (Company or Individual): PANAMA CANAL LAND TRUST #1
Mailing Address: 38102 SUNSET AVE DADE CITY FL 33525-5429
Officer's Name and Title: FAY MCKEAN Executor of Trust

Being first duly sworn depose(s) and say(s):

1. That I am (we are) the owner(s) and record title holder(s) of the following described property legal description, to wit: LOTS E, F, G and H in Block 3 of J.S. PLANNING'S Subdivision in the City of St. Leo, County of Pasco State of Florida. (parcel ID# 01-25-20-000-20300-0000)
2. That this property constitutes the property for which a request for Temporary Use Permit to Place (concrete) Concession Unit for Drive Thru Coffee Shop. (Type of Application Approval Requested) is being applied for to the Town of St. Leo, Florida;
3. That the undersigned has (have) appointed and does (do) appoint One year A Cup of Organic Cafe, LLC, Douglas Torres as agent(s) to execute any petitions or other documents necessary to affect such petition; and request that you accept my agent(s) signature as representing my agreement of all terms and conditions of the approval process;
4. That this affidavit has been executed to induce Town of St. Leo, Florida to consider and act on the foregoing request;
5. That I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Executor of Trust Fay McKean 1-9-13
Owner's Signature/Print Title

Douglas Torres 1/9/13
Owner's Signature/Print Title
Appointee

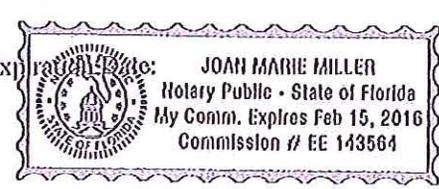
State of Florida
County of Pasco

The foregoing instrument was sworn to (or affirmed) and subscribed before me this (date) 9/09/2013 by (person swearing or affirming) Fay McKean - Executor who is personally known to me/ has produced identification (type of identification produced) FL DL ON RECORD.

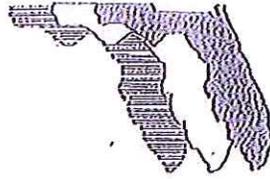
Joan Marie Miller
Notary (print name)

Joan Marie Miller
(Signature)

Notary Seal Stamp with Commission Number and Expiration Date:



APPENDIX B
FDOT Approval letter
Mr. Flott's Letter of Support



Florida Department of Transportation

RICK SCOTT
GOVERNOR

11201 North McKinley Drive
Tampa, Florida 33612

ANANTH PRASAD, P.E.
SECRETARY

ACCESS MANAGEMENT REVIEW COMMITTEE (AMRC)

PELICAN ROOM

January 30, 2013

11:15 AM Doug Torres --A Cup of Organic
 Section/MP: 14 120 000 / 27.060
 Location: SR 52 at Pompano St and College Ave in St Leo
 Status: Pre-Application Meeting
 Design Speed: 40 MPH
 Typical Section: 2-lane undivided
 Access Class: Class 3
 Permit Manager: John Kilkenny
 Presenters: Doug Torres
 Applicant Request: Allow two driveways.

The applicant request is: Approved Disapproved Conditionally Approved Tabled

Comments:

only
 • South of College Ave, a right-in^{only} drive will be allowed.
 • A joint use access will be allowed at Col Q Supermarket
 GWH

A ruling by the Access Management Review Committee (AMRC) only defines the number and type of access points and associated features that may be permitted and is not the final action in your permit process. Committee approval, or other favorable ruling, generally means that the property owner may develop plans complying with the ruling and submit them within six months to the Department for permit processing. Department permits personnel have the duties of checking the viability of the design plans in terms of standards compliance and constructability and of assuring that the plan substantially complies with the engineering drawings approved by the Committee. Committee approvals or rulings, which are at variance with Department rules or standards, are not binding in the permitting process for more than one year. Please submit a copy of this letter with your permit application.

ACCESS MANAGEMENT REVIEW COMMITTEE

With the above ruling I:

	Agree	Disagree	Date
Ron Chin, PE <i>Ronald A. Chin</i> District Design Engineer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>1/30/13</u>
Gary Thompson, PE <i>Gary D. Thompson</i> District Traffic Operations Engineer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>1.30.13</u>
Randell Prescott, PE <i>Randell Prescott</i> District Maintenance Engineer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>1/30/13</u>

02/04/2013

To whom it may concern,

This letter is to certify that I, Willie Flott agree on having the driveway connected with A Cup of Organic.

Thanking you in advance I, remain.

A handwritten signature in black ink, appearing to be 'Willie Flott', written over a horizontal line.

EXHIBIT A
Marked-Up Copy (in Red) of the Applicant's Plan by the
Town Planning Consultant

ON Q EDGE OF DRIVEWAY



ON Q PARKING AREA
150'

DRAWING IS NOT TO SCALE



6 Sign
75'

Hold
CURVES
ALONG
SR52

Drive circles not less than 20' each

2 Walk up
Awning
Drive thru

1 RR Timber
18' x 20'

50'
Drive thru
50'

10 RR Timber
9'x18'

175.87

4 RR Timber

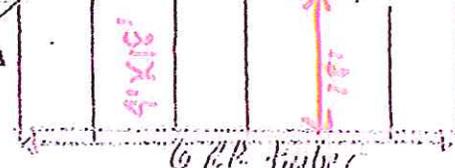
2 RR Timbers

20'
15'

1 RR Timber

Q 10'

10'



HWY 52

Do not add sign

10'



Town of St. Leo

NOTICE OF PUBLIC HEARING

PROPOSED VARIANCES TO PERMIT A TEMPORARY USE TO EXCEED THE MAXIMUM PERMITTED TIME PERIOD OF SIX (6) MONTH AS SET FORTH IN THE LAND DEVELOPMENT CODE (LDC) SECTION 8.3 AND EXCEED THE MAXIMUM SIGNAGE PERMITTED PURSUANT TO SECTION 11.9.1.

Public Hearing Date: February 11, 2013

Case File: TUP #13-A

Applicant: Panama Canal Land Trust #1 (Fay McKean, Trust Executor)

Representative: Douglas Torres

Location/Legal Description: Lots E, F, G and H, Block 3 of J.S. Flannigan's Subdivision, folio #01-25-20-0010-00300-00F0.

Request:

1. Variance to LDC Section 8.3 C. Temporary Uses

Relevant section of coded is as follows:

" The following uses/events may be permitted temporarily for a period of up to six (6) weeks in any six-month period after issuance of a Temporary Use permit, and if necessary, a building permit by the Building Official, any permit required by the Pasco County Health Department and any required liquor license: "

The applicant is requesting to operate a temporary use for drive-thru coffee sales and pastries from a mobile trailer for a continuous period (Monday through Saturday) up to one (1) year.

2. Variance to LDC Section 11.9.1 Business Zoning District- Single User

This section limits the maximum permitted signage to a total of 80 square feet for all signs on a property.

The applicant is requesting 132 square feet of signage on the mobile trailer.

Notice Letter must be mailed by: January 25, 2013, via Certificate of Mailing by the U.S. Postal Service.

Dear Property Owner:

You are hereby notified that a PUBLIC HEARING before The Town of St. Leo Commission to consider the above-mentioned request will be heard at 7:00 pm, or as soon thereafter as the same may be heard, on February 11, 2013, at the town hall, located at 34544 SR 52, St. Leo, FL.

Records indicate you own property within 1000 feet of the land in question or you may have an interest in the land in question. There is a site plan on file with the Town Clerk and we urge interested citizens to examine the site plan. You may contact the Town Clerk, Joan Miller, at (352) 588-2622 to view the site plan. Please refer to case file TUP #13-A.

It is considered as improper for an applicant or objector to discuss a case prior to the hearing with any Commission Member. Please direct your remarks to the Town Clerk in writing and those documents will be presented to the Commission.

In accordance with Florida Statutes, Chapter 80-150, if a person decides to appeal any decision made by a governmental board, commission or agency, they will need a record of the proceedings. It is up to the potentially adversely affected citizen to ensure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is to be based. Any persons who may need such a record may arrange for a court reporter to attend the public hearing.

Quasi-Judicial Proceedings Overview

All variances, rezonings and PUD proceedings of the Town Commission are Quasi-Judicial and require that certain specific procedures be followed by the staff, applicants, and the public. Under the Quasi-Judicial process the Commission acts in the role of a "judge" and therefore, is required to follow certain procedures and base their decision of factual evidence. In general, the Quasi-Judicial procedures involve the following steps:

- 1) The swearing in of witnesses will be done en-masse at the beginning of this meeting. Anyone who wishes to speak on any item must be sworn-in prior to testifying.
- 2) The applicant and town staff will each have a total of twenty (20) minutes each to present their case.
- 3) At the conclusion of the presentations, the public hearing will begin. Each member of the public or each representative of the public will have five (5) minutes to speak. If you wish to speak please fill out a card and submit this to the Clerk. When called on to speak, please come to the podium and state your name and address. We ask that your remarks be brief and not repetitious of prior testimony and provide factual information. Once the Mayor has closed the public hearing no one from the public may speak.
- 4) If anyone wishes to utilize the time provided for cross-examination and rebuttal as an Opponent, said individual shall notify the Mayor prior to the conclusion on the Public Hearing. Persons opposed to the application may select one person to represent them during this phase of the process and shall declare their intent prior to the close of the public hearing. If more than one person wishes to be the Opponent representative then the Town Commission will choose a single representative or appropriate representatives to participate in the process.
- 5) The Cross-examination and Rebuttal phase allows each participant (staff, applicant, and the representative(s) of the public) ten (10) minutes each to ask questions of each other. All questions shall be directed to the Mayor, who will direct the question to the appropriate person.

The Mayor will then close the proceedings and go into Executive Action and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.