PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, NOVEMBER 28, 2007
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

A. CALL TO ORDER, PRAYER AND PLEDGE

B. ROLL CALL

C. ADDITIONS/DELETIONS/CHANGES – ADDED NOMINATIONS FOR CHAIR

D. CONSENT AGENDA

1. Approval of Minutes
Regular Planning and Zoning Meeting – 11/14/07
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve

E. PUBLIC:

F. ACTION

2. Conditional Use Permit application – Equestrian Boarding and Training 2905 Weber Road, Malabar, Applicant Diana Gonzales-Villamil

G. DISCUSSION ITEMS

General Items

H. OLD BUSINESS/NEW BUSINESS:
Florida Vernacular Ordinance

I. ADJOURN:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a vertabim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service.

In compliance with the Americans With Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR – PLANNING & ZONING ADVISORY BOARD

11/28/07 MEETING MINUTES

ROLL CALL:

Bob Wilbur, Chair
Richard Cameron, absent
Patrick Reilly, V-Chair
Don Krieger
Bud Ryan
Cindy Zindel, Alt. #2, voting for Cameron

Bill Stephenson, Town Eng, excused
Debby Franklin, Secretary
Keith Mills, Town Planner

A. CALL TO ORDER - Meeting called to order at 7:30PM. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL OF MEMBERS – see above.

C. ADDITIONS AND DELETIONS:

D. 1. MINUTES FROM NOVEMBER 14, 2007 ADVISORY BOARD MEETING:

MOTION: Reilly / Krieger to approve minutes of November 14, 2007 as corrected:
Pg 4 delete Boa before Krieger
Vote: All Aye.

E. PUBLIC – other than on the agenda – none

Name, address, topic – Board does not have to respond

F. ACTION

2. CUP for Commercial Stable, 2905 Weber Road, Applicant Diana Gonzalex-Villamil

Reilly disclosed that the applicants had boarded at his facility for three weeks and that would not bear on his discussion.

Applicant introduced herself – they propose a small scale facility with five stables. They do ride themselves and own two horses - do hunters and jumpers. Relocated from Puerto Rico. Clients horses or horses in training. Do not want to go over any regulations or limits that the town has. They have provided pictures of the facility. Dedicated to sport and run a professional operation. Kept very neat. Riding ring is in the back. Protected with vegetation on all sides. Ring has irrigation sprinkler to prevent dust nuisance. She responded to the comments submitted to her by staff. She is open to questions.

Reilly – location of neighbors houses – need to be addressed. She showed on the overhead that the house to the south was two parcels away and the house to the north was close to the front. Much more to the front than their house.

Ryan asked if there would be amplified equipment – No
Existing property – yes
Was barn new or existing – existing

The office was used as a pottery shop and in-law quarters by previous owners. Grooming location was where the kiln was. Previous owners took kiln. Ryan asked if there would be competitions held at the site – No

Zindel – you have five acres – you can have up to 9 horses. Do they graze? Applicant responded that unlike most horses in this area, her horses are not turned out to graze for most of the day – they are athletes and only get about an hour of grazing. She showed on the overhead the small paddock is all they use. They eat well in the stall.

Krieger – are there other stables similar places. Dr. McClure's is similar on Glatter Road but his is larger. Krieger says that if and when the east road get improved then the arena will be only 25 from the property line.

Chairman called for a short break at 7:55PM for secretary to provide aerials of the site for all members and staff.– back on at 8PM

Wilbur asked if that answered the questions – Krieger says that the way it is drawn then the three lots to the east will – he is asking about the dedication – is applicant responsible for getting right-of-way from other property owners. Franklin explained no – that the Town does not deny use of property. Malabar Code requires dedication of right-of-way prior to pulling a permit – it is a prerequisite. Town would allow a narrower road to be built to access lots. Asked Planner Keith Mills to address the possibility of adding condition that applicant dedicate the needed right-of-way as a stipulation of the CUP. Mills said it is possible but would be in conflict with the other code. He doesn't relate it to this request. County Plat tax map is not a survey. This project would not be applying for building permits. It is already existing.

Reilly stated the arena is not a structure and is easily correctable. Nothing here has to be changed or built. Krieger asked about requirement on roads. Board discussed. Ryan asked about setbacks. Board discussed.

Mills referenced the Plat map and said it appeared the lots to the north are not platted. They have tax parcel numbers. When that was done, is when that r-o-w was created. He does not know the history. Some of the houses were built before the r-o-w was probably required.

Krieger said the applicant's parcel encroaches into what would be the r-o-w that we need. When the lots were established these r-o-ws were given.

Krieger stated the facility offering dressage on Corey Road recently had a large number of guests and there was traffic issues. Reilly – point of order – this time is for questions to the applicant. Applicant stated that they do not cater to client gatherings. As for the parking, they do not foresee an issue and have assigned an area for the two or so cars that may come. The way the facility is kept will be very compatible.

Ryan asked if it was a commercial for profit operation. She agreed it would be. Ryan said the package was very professional – the best he has seen.

Back before the board – Wilbur asked Mills to comment – He has no objections but does have questions for the applicant – how many horses will be boarded and trained. They own two horses and will have an additional three. Do the owners of those three others come

regularly? No, some may only come to the horse show to see them perform. How wide is driveway area for the parking. 20' or so. Mills said the dimensions that were provided, even if you add the halve r-o-w it still doesn't come to 5 acres. The Attorney's opinion related to the Table and SFR not CUP. Minimum requirement for this CUP is 5 acres. Wilbur stated the Property sheet shows 5 acres. Mills did the calculations. Perhaps the attorney can make a ruling. The structures are existing but if you approve it then you would be allowing something that doesn't comply. Structures #1 and #12 – He is making the statement.

Ryan asked if the structures were built with permits. The use was for residential. The one to the north is next to a r-o-w. There should be some reconciliation. Wilbur said he could see if this was a proposed use but this is existing.

Zindel reads from the Site Plan review requirements. CUP is the request – it is not a zoning change. She is not changing the use of the land. Now she cannot run a business.

Mills said they can make the recommendation and the town can give a ruling. In the future if you are asked if this complies – no – the size and setback don't meet the requirements. A CUP stays with the property.

Reilly stated if they had less than five acres. They could do it – we just wouldn't know about it. If the town has determined it is less than five acres we should stop right now. Mills said they can ask for a variance. Board suggested with the setbacks they could put conditions. Mills stated the Building Official would not issue a permit.

Speakers Card: Juliana Hirsch, 1035 Malabar Road, Malabar, asked if the stables were there – yes. She thinks it is a wonderful. She suggests getting a surveyor in and see if there is five acres. If there are not 5 acres then she can't have a commercial operation. Make them put in the road.

Wilbur said the attorney said we could consider the r-o-w in determining the lot size and read his opinion. Mills reconsidered the 65' width on the northern row and half of that is 32.5 – not 20' and she would have enough land. Franklin asked if the r-o-w along Weber was also added? Wilbur asked if the setbacks would be an attorney call? Mills pointed out that this property has r-o-ws on three sides and if you add half of all of them then there is five acres. Krieger stated that it is a platted five acre parcel and should be considered as five acres. The Tax Office is taxing them on five acres.

Franklin asked for clarification that the size is not an issue – five acre size has been determined to be met. Southern setback is the remaining issue regarding structure #12 on Site Plan. Reilly believes the setbacks rule is too severe – 100' – he would argue that at another meeting. Ryan debated the setbacks were intended for use on new structures or developments.

Wilbur explained the intent was to allow someone with five acres and a home to board a minimal number of horses. By giving them a CUP the Town can regulate the business with licensing. Krieger said be consistent. He is not against the project – he wants the board to be consistent.

Ryan asked if the neighbors should be contacted – there is no requirement. Franklin stated that a resident did ask if the neighbors had been notified. Re-zonings and variances require

notification but not CUP. Board could make recommendation to change Code. Wilbur said that would be for another meeting.

Reilly asked about comments from Town Engineer – proposed to applicant that they answer A – I of his comments in the presentation package. That would provide a smoother review - Also from Mills, she has answered his questions, but should respond to them sequentially. Then the Fire Marshal, regarding the jurisdiction over the office. Meaning the residence does not get inspected by the Fire Marshal

MOTION: Reilly/Ryan to recommend approval of CUP application for equestrian facility at 2905 Weber Road for applicant Diana Ganzales-Villamil. Discussion. Krieger stated we should add that it is 5 acres. Board stated that size was not an issue or the motion couldn't be made.
VOTE: All Ayes, Zindel voted in Cameron's absence.

DISCUSSION ITEMS

Reilly – asked about the extension recommendation – amended motion should go to Council. Franklin said the first motion was reviewed with the Attorney and his opinion was that it was not in their realm of authority. Board corrected Franklin and directed the AMENDED motion be sent to Council. The other motion made regarding maximum building height should also go before Council.

H. OLD BUSINESS/NEW BUSINESS:

Board asked about Eva Lane columns and wall –will be going to Special Master. Culvert replacement on Marie – waiting on "boxes" to be confirmed by Engineer and ordered and delivered for pipe replacement to go forward. Asked about tanks at the church on Marie. Tanks will be leaving.

Krieger – wants the recommendation to go to Council. Minutes can be read. Krieger says that it can say draft. P&Z wants to get TC minutes again in their packets. Krieger wants draft minutes on website. Get them on ASAP. Wilbur said Florida Today includes the agenda in the paper. We should send out to be included.

Discussion under last meeting. On EAR. They want to know what going on. They want a copy of DCA letter and response and want to be involved in the entire process.

I. ADJOURN:

MOTION: Reilly / Ryan to adjourn. Vote: All Ayes. Meeting adjourned at 9:30PM

BY: Bob Wilbur
Bob Wilbur, Chair

ATTEST: Debby Franklin
Debby Franklin, Secretary

12-17-07
Date approved