

TOWN OF MALABAR

PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, APRIL 23, 2008
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
- D. CONSENT AGENDA
 - 1. Approval of Minutes
Regular Planning and Zoning Meeting – 4/09/08
Exhibit: Agenda Report No. 1
Recommendation: Action
- E. PUBLIC HEARING:NONE
- F. ACTION:
- G. DISCUSSION ITEMS –
 - 2. Fencing in General
Exhibit: Agenda Report No. 2
Recommendation: Discussion and possible action
- H. OLD BUSINESS/NEW BUSINESS:
Malabar Vernacular Ordinance
Foundation Park Boulevard – Update from Town Administrator

I. ADJOURN:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim 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 AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: April 23, 2008

Prepared By: Michele, Kelly, Secretary to P&Z

SUBJECT: Approval P&Z Minutes

BACKGROUND/HISTORY:

ATTACHMENTS:

- DRAFT Minutes from Planning and Zoning regular meeting April 9, 2008

ACTION OPTIONS:

Motion to Approve

TOWN OF MALABAR – PLANNING & ZONING ADVISORY BOARD

04/09/2008 MEETING MINUTES

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE

Meeting called to order at 7:35 pm. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL

Bob Wilbur, Chair

Patrick Reilly, V-Chair – Excused

Richard Cameron

Don Krieger

Bud Ryan

Cindy Zindel, Alt. #3 – voting

Michele Kelly, Secretary

Roger Cloutier, Building Official

C. ADDITIONS/DELETIONS/CHANGES - None

D. CONSENT AGENDA

1. Approval of Minutes

Regular Planning and Zoning Meeting – 03/36/07

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

Motion: Krieger / Ryan to approve minutes

Vote: All Ayes

E. PUBLIC HEARING: None

F. ACTION:

2. Proposal from Calvin-Giordano and Associates for E.A.R. amendments

Exhibit: Agenda Report No. 2

Recommendation: Action

The Chair asked representative for Calvin-Giordano and Associates to speak. Lorraine Tappen with Calvin-Giordano and Associates (C-G&A) presented proposal. The E.A.R., State required report, was found sufficient. The proposal went to Town Council (TC) who suggested it go to P&Z. The scope (the bulk is in the data) includes: property projections, usages, etc.; traffic; concurrencies; conservation element with full species and plant list; evacuation lists. Calvin-Giordano representatives will meet with the Town through public workshops to make sure the needs and expectations are being met. The overall project would be given in small sections. One project will look at "future" land usage.

Wilbur asked about the process. If town approves the contract C-G&A works on the plan then in the public workshops members gather to discuss the plan, however, if questions are raised outside of the public workshops C-G&A can be contacted for the information. Wilbur would like to see a bi-weekly update/synopsis so P&Z can review the process.

Question from Lorraine Tappen. Setting up workshops, would the two (2) public workshops be sufficient. Wilbur & Wilbanks-Free (Town Administrator) believes it would be good to hold a joint P&Z & TC meeting/workshop prior to the two (2) public workshops.

Zindel asks about the monies. Grant money and/or funding does not appear to be currently available due to economic issues. Krieger questions the cost of the project/contract. Questions if the Town actually needs to follow all of the bulleted items. Asked why the TC sent this issue back to P&Z; to review the proposal, the cost, the contract, to accept what has been done to date, etc. Tappen stated that the bulleted items are State required. Optional items are the public workshops under Task 4, however Task 5 (workshops), are required to have the plan reviewed by TC & P&Z.

Franklin (Town Clerk) clarifies that TC wanted P&Z to review what is being given, if it is inclusive of everything that P&Z can foresee that is and will be needed. Wilbanks-Free stated that the Town can hold as many meetings as they feel necessary without having C-G&A involved. Then questions can be forwarded to C-G&A for a response.

Request to staff, upon approval of plan, would like Town Administrator to come to P&Z meetings to provide updates. Also, would like to have staff check on the proper procedures to have EEL/State/conservation lands re-zoned.

Further discussion:

Zindel & Wilbur want to be kept in the loop and to hold public hearings without [organization] then get feedback from [org].

Motion: Krieger / Ryan P&Z agree to recommend that TC should continue with the preparation of the Town Comp Plan amendments.

Roll Call Vote: Krieger: Aye; Wilbur: Nay; Cameron: Aye; Ryan: Aye; Zindel: Aye

3. Request for Exception to Fence Height, Applicant Shondalyn Roberts, 1890 Eva Lane, Malabar
Exhibit: Agenda Report No. 3
Recommendation: Action

Cloutier would like to see this as a fence/wall issue and not just as a wall. Shondalyn Roberts came before P&Z; P&Z sent her to Board of Adjustment (BOA) because it exceeded 54 inches; Town Lawyer stated BOA can not make determination because TC has the authority. The wall at the entrance way is over six (6) feet. With recommendation of P&Z height can go to six (6) feet then it can go to TC for final approval.

Motion: Krieger / Cameron recommend to have TC accept fence height if it is within height limitations and meets regulations -- Motion Retracted by Krieger & Cameron

Ryan would like to amend the motion to state if height is no higher than 54 inches. Clarification of the proposed fence, this will be a solid concrete wall. The Roberts are agreeing to change the current wall but are requesting to go to the maximum height allowable by TC for the entry gate.

Motion: Cameron / Krieger recommend that the line post be no higher than 54 inches from the existing ground level to the top of the columns and that the entry columns be no higher than 6 ft (72 inches) from the existing ground level to the top of the columns.

Vote: All Ayes

Tape Failed to Continue to Tape #2. Tape #2 manually started - approximately 10 minutes are missing.

4. Amend LDC for Fences/Walls for S/D Developments (Proposed Ord No. 2008-99)

Exhibit: Agenda Report No. 4
Recommendation: Action

Cloutier stated that fencing standards are commonly six (6) ft. Cameron believes that the 48 inches was to allow for street view for safety, however, field fences—higher fences—for animals should be higher.

Motion: Krieger / Ryan to recommend Council approve Ord 2008-99 as written.

Vote: All Ayes

G. DISCUSSION ITEMS – General Items

5. Fencing in general

Exhibit: Agenda Report No. 5

Recommendation: Discussion and possible action

Gateways, Entrance Way, or Archways in RR-65. Exceed the six (6) foot heights, if the fence is inside the property setback. Allow a fence if it is far enough back as to not block the road when a person is pulling into the driveway, approximately 40 foot from the setback from road.

Motion: Ryan / Krieger to recommend this issue be tabled and raised it in the next meeting.

Vote: All Ayes

H. OLD BUSINESS/NEW BUSINESS:

Zindel raises the issue of "Existing Ground Level." Standards change with different organizations, time periods, and new laws.

Wilbur asks about the time frame on Paladin Shores extension? Did TC grant another extension?

Cloutier states that Malabar Senior Care Center basic plans are being currently being reviewed by Town staff. They are looking at a package plan for sewer and water from Palm Bay.

Krieger ask about plans that have been approved and/or recommended to TC. It is being requested that P&Z get feedback on plans that P&Z had previously approved.

Mayor Eschenberg was asked about the New Town Hall. TC has discussed it, but it still is being discussed and researched. Zindel noted that the Town Hall was part of the last Comprehensive Plan and should be a main item in the New Comprehensive Plan.

I. ADJOURN:

Motion: Ryan / Krieger to adjourn

Vote: All Ayes

Meeting adjourned at: 9:44pm

Michele Kelly, Secretary

Bob Wilbur, Chairman

Date Approved

**TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: April 23, 2008

Prepared By: Michele Kelly, Secretary to P&Z

SUBJECT: Fencing in General

BACKGROUND/HISTORY:

At the April 9, 2008 meeting, P&Z requested to continue discussion regarding fences and entryways.

ATTACHMENTS:

None

ACTION OPTIONS:

Discussion and direction on the matter.

TOWN OF MALABAR

MEMORANDUM

Date: April 18, 2008 08-TA-021
To: Bob Wilbur, Planning & Zoning Board Chairman
From: Bonilyn Wilbanks-Free, Town Administrator *BW*
Ref: Follow-up to Board Recommendation on 4/9/08

At the request of this Board, we presented to the Town Council at the RTCM of 4/7/08 an action item regarding road access at Foundation Park Road. They agreed to investigate this request and at the present time we are getting a determination from SJRWMD, regarding wetlands and we have the Town Surveyor working on this area survey.

Regarding the request to get the town agendas in the FL Today newspaper. We have made contact and we hope this will be started for all May meetings. They have deadlines and we decided that kicking it off in May was the best approach. Thank you for the suggestion.