

TOWN OF MALABAR

PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, SEPTEMBER 10, 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 – 7/23/08
Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve
- E. PUBLIC HEARING: 1
2. **Conditional Use Permit Application for Commercial Stable and Wholesale Agricultural, 2265 Atz Road, Malabar; Applicants Dan and Marsha Michael, 17.3 acres in RR-65 Zoning.**
Exhibit: Agenda Report No. 2
Recommendation: Request Action
- F. ACTION:
3. **Pictures for Malabar Vernacular (Ord. No. 2008-10) AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE III, SECTION 1-5.29(c) and (e); PROVIDING FOR A DEFINITION OF "MIRROR BUILDING AND PROVIDING FOR ILLUSTRATIONS OF THE MALABAR VERNACULAR STYLE; AMENDING ARTICLE XX, DEFINITIONS, REVISING THE DEFINITION OF "MALABAR VERNACULAR STYLE"; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**
Exhibit: Agenda Report No. 3
Recommendation: Request Action
 4. **Request Zoning Approval for Wholesale Reptile Holding and Captive Breeding Project in RR-65 Zoning Applicant Mike Roberts to present**
Exhibit: Agenda Report No. 4
Recommendation: Request Action

G. DISCUSSION ITEMS:

5. Fencing in General

Exhibit: Agenda Report No. 4

Recommendation: Discussion

H. OLD BUSINESS/NEW BUSINESS:

6. Foundation Park Boulevard East – Update

Exhibit: Agenda Report No. 5

Recommendation: Discussion

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: September 10, 2008

Prepared By: Debby K. Franklin, Town Clerk

SUBJECT: Approval of minutes

BACKGROUND/HISTORY:

I have also proofed the minutes from 07/23/08, made the corrections P&Z recommended and present these for you review and approval before signing. The DRAFT minutes from 8/13/08 are not ready for Board review.

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

During this transition of having Denine do the P&Z meeting minutes I will assist and guide her as necessary. I believe she has a good grasp on the land use policies and language and will only get more proficient with time.

ATTACHMENTS:

- Draft minutes of 07/23/08

ACTION OPTIONS:

Motion to Approve

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
July 23, 2008 7:30 PM

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 7:36 pm. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR
VICE-CHAIR:	PATRICK REILLY, excused
BOARD MEMBERS:	RICHARD CAMERON
	DON KRIEGER
	BUD RYAN
ALTERNATE:	CINDY ZINDEL, excused
ALTERNATE:	VACANT
SECRETARY:	DENINE FUSCO-SCARBRO,
SECRETARY:	MICHELE KELLY
BUILDING OFFICIAL	ROGER CLOUTIER

Also present was Mayor Tom Eschenberg.

C. ADDITIONS/DELETIONS/CHANGES: None.

D. CONSENT AGENDA

1. Approval of Minutes

Regular Planning and Zoning Meeting – July 9, 2008

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

MOTION: Krieger / Cameron to approve P&Z minutes of 7/9/08 as submitted. **Vote:** All Ayes.
Question from Krieger- Cindy Alt #1- non-voting was not marked excused on minutes for July 9, 2008, she was on roll call. Wilbur clarified Zindel was excused and up north.

E. PUBLIC HEARING:

2. Amending Article XV of LDC, Tree Protection, Providing for a Tree Buffer (Ord. No. 2008-08)

Exhibit: Agenda Report No. 2

Recommendation: Recommendation to Town Council

Chair explained this is a Public Hearing amending Article XV providing a tree free buffer area; this came out after fires when FD recommended a greater distance between structures and vegetation. This ordinance provides a means to cut down pine trees within a certain distance of a structure. Ryan – asked what type of tree was a Slash Pine? Cameron- Answered question- same thing they make paper out of, fast grower. Division of Forestry recommends a wider buffer and lots of people that like to hug trees, that do not want to hurt trees. Chair asked Mayor to address Board.

Chair opened Public Hearing:

Tom Eschenberg (Mayor) - 2835 Beran Lane:

He stated he initiated this request. Under current code you cannot cut down a pine tree that has a certain trunk diameter, not sure of diameter you cannot even get a permit to cut them down. I brought this to Council, and asked what we can do about this, particularly after the fires it has come to peoples attention, I have noticed around Town, some pine trees have gone down,

people are starting to be aware that when those pine trees are close to their house it is very dangerous. What I recommended is #1 we have a buffer zone and #2 some how identify a tree not only for fires but for hurricanes if any of these pine trees can fall on your house, you could in all cases get a permit to cut them down, so Roger (building Official) can go out and make sure the tree meets the code. That it is with in so many feet of the house and a certain height that it can fall on your house. The basic change is that you can't get a permit to cut them down now, you now can get a permit if this Ordinance passes to cut any pine tree that is with in 30 feet of a structure or if the height of the tree is so high it will fall on a structure in a hurricane, that you can get a permit now to cut them down. Does any one have any questions?

Krieger- asked Mayor to explain how/where the height of the tree can hit the house or structure.
Mayor-The 30 feet is for the fire protection.

Cameron stated the 30 feet is for access for fire trucks to get around, if less than 30 feet trucks can not get around.

Ryan- If height of the said tree is equal to or greater than the distance from the canopy of the tree to the roof's edge of any structure..

Wilbur- Is this being done for fire protection?

Mayor- This is being done for fire protection and hurricane both.

Wilbur- Lets start with fire protection

Wilbur- states that the pine tree will crown out in fires, if it has ladder fuel and vines to carry the fire up to the crown. Unless vegetation mass underneath like palmetto trees, then it will create a heat column to set pine needles on fire. I think we need to address this with some kind of nuisance vegetation barrier or buffer so that the undesirable vegetation will be kept cut back.

Mayor- We don't need an ordinance for that because you can already keep that cut back.

Wilbur- States, the City of Palm Bay enforces this very strictly, the PBFd was out after the fires passing out letters to get the lots cut back. This has been very successful for them. I do not think that just cutting pine trees down is going to save a structure you need to get rid of the fuel, all the fuel within the 30 feet buffer zone minimum to protect a dwelling, because the heat and fuel load come off the vegetation and the radiant heat hits the side of the house, melts the soffit and the heat, fires, ash, smoke, and embers go into attic. That is what burns the house down, very seldom is it ever anything that falls on the roof from above. No problem to issue a permit to cut down pine trees close to your home. I think it is a no brainer to do that. I would not like to see it go into oak trees or anything like that.

Mayor- This provides the single exception for that species pine trees only. The way the code is written now it lists the species that are not protected and this Ordinance would make a special exception in certain cases.

Wilbur- This is a good idea, the other side of the coin is that if the tree is dead you are required to cut it down.

Krieger- It is not a tree when it is dead, it does not follow any rule if it is dead.

Wilbur- Regardless of what kills the tree, lightening, bugs; etc .once the tree is dead there is no permit required.

Mayor- I think you still need a permit.

Cloutier – You do need a permit but there is no charge. It is a type IV permit.

Cameron- What is the reason for the permit for something like that nature....

Roger- Just to make sure that it is legitimate to cut the tree down

Cameron- It is our land but we need permission from government.

Krieger- My problem is, I do not like it being limited to one species of tree because I think it is a tree racism going on. I do not like using one species of a tree because if you are talking about structural problems this can go with fire, hurricanes it could be any tree if it endangers the structure I think there should be a simple way for a homeowner to be able to cut down a tree to protect his house and I do not think it should be limited to Slash Pines because some parties

think this is the exploding tree but the Oak tree in a wind storm and rain storm can have poor roots and fall and destroy a house too. I find it not going far enough.

Ryan- agreed with Krieger.

Wilbur- I believe along with this a Vegetation Ordinance will cover Brazilian Pepper, Australian pine, Melaleuca trees, and any other species

Krieger- I think it should cover any species of trees that endangers a structure as long as you have to go up for a Type IV permit to cut the tree down it has to be evaluated. I think you can not limit yourself to pine trees because we had a fire I think we should look at it logically and make a ruling that has to do with solving as many problems at one time. More research has to be done.

Ryan – agreed. I think we should not exclude other trees

Krieger- I think it should cover any species of trees and take out Pinus Elliotti and put in "trees". I am not worried about Pinus Elliotti as I worried about structures in the Town

Cloutier relayed the recent incident for ladder truck, it had to come from Palm Bay FD, the fire truck could not get into the property due to overgrown trees.

Wilbur- Information for Malabar to become a Florida Fire Wise Community, if we do this we could be the first town to achieve that status. Board requests to staff to look at other communities and see what Ordinances they have in place.

Krieger- Fire Wise, dead vegetation and specific to fire. If we going to amend an ordinance or add, it should be about as many different problems that a Homeowner can have with large vegetation possibly include wind damage, rotten trees, etc.

Chair states the Public Hearing is still Open:

Ms Hirsch, 1035 Malabar Road:

If this is about the fire, if is going to end up in an ordinance that we need a fire break, that gets into serious costs. The way this Town is laid out, it would be unenforceable. She asked if this ordinance would only give permission if we so choose to cut this pine tree down, but Krieger is going over the edge talking about fire break, not a bad idea but how will you enforce it in this town. I just want everybody to think about it. The pine tree is fine because they are absolutely; they can snap over but so can oaks but not so much. Thank you.

Public Hearing closed.

Krieger- This is actually a relief ordinance so in essence it would not change anything except talking about Pinus Elliotti. I would rather talk about all species of trees that endanger a structure. Wilbur- Do we need a permit to prune trees? Cloutier- You need a permit for everything, because we need to look at what is going to happen when the tree is cut down.

Ryan – In favor of homeowner to protect property against very real potential danger regardless of the species of tree it is. Krieger- We should have type IV permits for any tree that can possibly damage any structure on a property that gives the right to the homeowner.

Cloutier- Forestry to widening driveways for fire safety and life safety, around houses all fire safety. Ryan- asked if there is a minimum footage for entrance to enter driveways?

Cloutier- stated the minimum is 20' to get into driveways; if we cannot get to the people we can not save them. Chair stated there was consensus for providing a tree buffer, and he agreed with Krieger we should expand it to other trees: any species of Palm trees and possibly Oaks if they endanger a structure, in conjunction with creating a fire break. Supported making this a Fire Wise Community. He suggested addressing the vegetative fuel line that could be the potential fuel for the fire. Krieger – Looking at the foundation the ordinance is basically a good idea except for limiting it to a single species. Took pine trees out and put "trees" everywhere and took the first "Whereas" out, take paragraph "D" out, you pretty much have a substantial ordinance, not referring to a species of trees. If we generalize this to "trees" it makes a lot of sense and includes Pinus Elliotti so it solves all problems presented. Wilbur- Do you need a

permit? Cloutier- Yes. Wilbur stated that there was Board consensus to direct staff to rewrite the ordinance as discussed in this meeting. Member Krieger will provide corrections via email to staff. Once changes are made it will be reviewed again by P&Z before Council.

3. Amend Article VII, Site Plan, of the LDC to Provide Requirement for P&Z Review of Site Plan Extension Requests

Exhibit: Agenda Report No. 3

Recommendation: Recommendation to Town Council

Public Hearing opened. No members of public speak. Public Hearing closed.

Chair explained the ordinance would require an applicant to request an extension first at P&Z if the Site Plan Approval period time runs out. Then P&Z would review and make a recommendation to Council. He asked if everyone was comfortable with wording? Board discussed the ordinance and consensus was to support.

MOTION: Wilbur / Ryan to recommend Council approve this ordinance. **Vote:** All Ayes.

F. **ACTION:** None

G. **DISCUSSION ITEMS – General Items:** None

H. **OLD BUSINESS/NEW BUSINESS:**

4. SCAT Bus Stops In The Town of Malabar

Exhibit: Agenda Report No. 4

Recommendation: Discussion

Chair referred to a memo from Town Administrator BWF: Bus does not have the funding to stop in Malabar. He suggested going to County Commission to get bus stops in Malabar.

Ryan stated the bus service should be done on county-wide basis unless you have transfers like in major cities. Chair stated there should be bus stops at the hospital, Malabar Community Park, Post Office and the Fire Station. He believed the ridership is there. He thinks that SCAT (Space Coast Area Transit) has decided that the ridership is not there. It applies all of Brevard County. Cameron- Due to economy, Orlando has cut back on routes, and less buses. Bus system might cut all together. Depends on economy.

Chair supported asking County Commission for 1 or 2 stops in Malabar.

Ryan and Wilbur suggest staff put a survey in the Mail Boat and ask about potential ridership, who would ride the bus if it was offered in the Town. Also put article in Mail Boat, ask if we have stops in the Town who would ride? Review the survey results and then go to County Commission. Krieger thought the two stops should be at MIMA and Park, put signs up for stops.

5. Landscape Code Art. XIV – Florida Friendly Landscape

Exhibit: Agenda Report No. 5

Recommendation: Discussion

Chair said this is related to the Water wise program brought to them by the Mayor.

Krieger- Water wise and developers doesn't understand why the Town is getting involved. He asked who the greater water users are. He thought the greatest user is Palm Bay pumping water from our wells. It is high density that makes high water use. He referred in last minutes- Some developments are going to put in deep wells. County regulates deep wells economics. I think everyone is water wise in this community. Chair stated the Mayor's focus was on new development & structures and proposed an ordinance to go to these water wise building standards. Ryan said the subdivisions Stillwater Preserve, Country Cove and Brook Hollow want nice grass.

Chair stated Palm Bay was allowed to draw water for phase 1 & 2 of Brook Hollow and Country Cove. We need to check how much usage Malabar makes of the water. He stated Malabar needs to install an out flow meter.

Krieger said it is not a matter of shutting it off, it is a matter of understanding how much is coming back verses to how much is going out. Obviously those wells aid in Palm Bay and other areas and fair is fair. He wants to make sure we are getting credit for it. Those wells are in, and in the future they will be asking for more and that is when the meters come in and we know what is going on. He said that was only one aspect. He also supports rewarding people for saving water rather than punishing people for using too much.

Ryan believes we can control the amount of water to be used by controlling development ultimately that is the way to do it. Krieger said we will see in the future the utilization of rain water and use of cisterns to preserve water.

Chair supports changing LDC to require developments to design for 100 year storm events instead of 25 year. Design for water retention and detention ponds.

Krieger - Building houses with holding water tanks.

Krieger- Nothing specific in the articles, it is an independent organizations that is putting stamps on house to entice developers to come into their area. Not for the town for water usage. Town is not more advanced than other towns. I think the County advisors should be the spearhead of this and the agricultural department should be telling us to be water wise not an independent organizations working with developers.

Chair stated rather that putting an ordinance in place, what about an incentive to encourage developers to build with water-wise methods.

Krieger and Ryan support this.

Cloutier said there is new law to conserve energy by 15%, a lot of turmoil before Dec 1, 2008 anything to save energy new ideas, FPL affect in new buildings. NEC is trying to come up with new ideas on energy conservation.

Ryan asked about property on Eva Lane with non-compliant fence/wall. Cloutier stated the height to six feet was approved by Council, the applicant brought in the necessary proposed revisions this date and he is going forward with wall permit as per revision.

I. ADJOURNMENT:

There being no further business to discuss, **MOTION: Krieger / Ryan to adjourn this meeting.**
Vote: All Ayes. The meeting adjourned at 8:41 PM.

BY:

Bob Wilbur, Chair

Denine Fusco Scarbro, Secretary

Date Approved

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2

Meeting Date: September 10, 2008

Prepared By: Debby K. Franklin, Town Clerk/Treasurer

SUBJECT: Request for CUP for Commercial Stable/Breeding and Wholesale
Agricultural for Wood Mulching /Gravel

BACKGROUND/HISTORY:

This request was received and sent to staff for review. Their comments are included. The applicants were given Article VI, Conditional Use and Article VII, Site Plan and were provided the signage requirements. Their property has been posted and legal notice was advertised in the Florida Today for a Public Hearing.

Notices were sent to all property owners within 500 feet.

A Draft Resolution was written to address the commercial stable portion of the CUP.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

- Application from Dan and Marsha Michael
- Comments from Staff

ACTION OPTIONS:

Staff seeks recommendation to Council to approve, deny or approve with conditions.

TOWN OF MALABAR
2725 MALABAR rd.
MALABR, FL.32950



DAN & MARSHA MICHAEL, Husband/Wife,

Have been residents of Malabar since June of 1998.

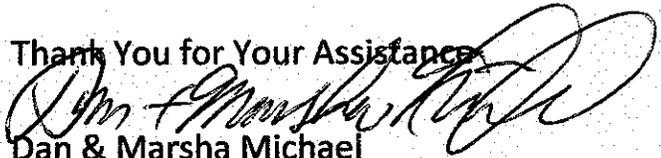
**We have had the pleasure of growing and participating
along with the town for the past ten years. We are
requesting assistance in obtaining a "Conditional Use"**

**Permit for Commercial Stables/Breeding on our
#2, 9, 10, 33, 35,43,59,87 Malabar properties.**

Also, assistance in regarding "Wholesale Agricultural"

**Permit for wood mulching /gravel on the attached
subjectproperties #9, 10, 33, 43,59,87.**

Thank You for Your Assistance


Dan & Marsha Michael

March 20, 2008

TOWN OF MALABAR
2725 Malabar Road, Malabar, FL 32950
Tel. 407-727-7764

APPLICATION FOR CONDITIONAL USE AND SPECIAL EXCEPTION USE

Before completing this application please refer to the attached:

- General Information
- Article VI Conditional Use and Special Exception Use Criteria
- Articles VII Site Plan Review & VIII Surface Water Management

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s) Dan, Marsha Michael Tel 728-5780 Mailing
Address: 2265 ATZ rd. Malabar, FL 32950

Legal description of property covered by application: (SEE ATTACHMENT)
Township _____, Range _____, Section _____, Lot/Block _____, Parcel
Subdivision _____, Present zoning classification _____ Other
Legal _____ Property Address _____

Intended use for property: COMMERCIAL STABLES / BREEDING,
WHOLESALE AGRICULTURAL / MULCHING + GRAVEL

✓ Fees:

Conditional Use -\$175.00 which includes advertising, administrative time and mailing.
Any additional costs* shall be paid by the applicant.

PLUS

~~Minor~~ Site Plan Review - ~~\$150.00~~ plus all costs, excluding advertising, administrative time and mailing.

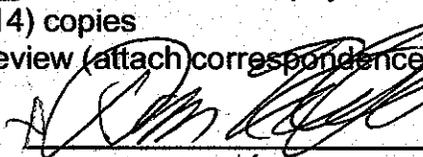
OR

✓ ~~Major~~ Site Plan Review - \$300.00 first acre, ⁵⁰ \$25.00 per acre for each additional acre, plus all costs, excluding advertising, administrative time and mailing.

(*Additional costs may include, but are not limited to, engineering fees, attorney fees, etc.)

Required attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$ _____, in cash, or check payable to the Town of Malabar.
- Site plan - Fourteen (14) copies
- Reason for site plan review (attach correspondence, drawings, etc.).


Marsha Michael
Signature of Applicant(s)

MARCH 7, 2008
Date

TOWN OF MALABAR
APPLICATION FOR CONDITIONAL USE AND SPECIAL EXCEPTION USE

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a site plan review of the property.

I/we Dan Michael, being first duly sworn, depose and say that I/we, am/are the legal representative(s) of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my/our knowledge and belief.

A Dan Michael

Applicant(s)

3/7/08

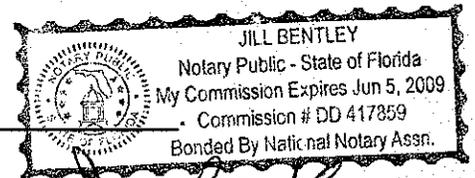
Date

Sworn and subscribed before me this 7 day of March, 2008

Notary Public, State of Florida

Commission No. _____

My Commission Expires 6/5/09



Jill Bentley

I/we, Marsha Michael, being first duly sworn, depose and say that I/we, am/are the Owner(s) of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my/our knowledge and belief.

Marsha Michael

Applicant(s)

3/7/08

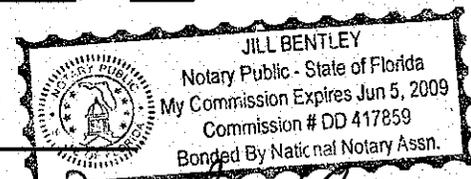
Date

Sworn and subscribed before me this 7 day of March, 2008

Notary Public, State of Florida

Commission No. _____

My Commission Expires 6/5/09



Jill Bentley



TOWN OF MALABAR

2725 MALABAR ROAD, MALABAR, FLORIDA 32950
(321)727-7764 OFFICE • (321)722-2234 FAX
www.townofmalabar.org

COURTESY NOTICE

Dear Resident:

Re: Case No. SP-CUP-3-2008
Conditional Use Application and Site Plan for Commercial Stable and
Wholesale Agricultural Mulching in RR-65 Zoning
Parcel ID: 29-37-12-00-0087, 9, 43, 59 2, 35, 33 and 10, AKA 2265 Atz
Road, Malabar, Florida – Applicant: Dan and Marsha Michael

Notice is hereby given that the Malabar Planning and Zoning Board will convene on Wednesday, September 10, 2008 at 7:30 P.M. to consider a request for a Conditional Use Permit and Site Plan Approval for a Commercial Stables/Breeding and Wholesale Agricultural Mulching/Gravel as provided in the Land Development Code, Article VI, Conditional Use Permit and Article VII, Site Plan Review in RR-65 Zoning.

The intent of this Notice is to provide adjacent property owners within 500' of the project site the opportunity to appear and be heard concerning this request.

Citizens are encouraged to attend and offer comment. A similar Notice will be sent to you prior to the Plan being heard by Town Council in October.

If you received this notice then you are listed as an owner of property, as shown in the records of the County Property Appraiser's office, within 500' of the applicant's project and stated in the Site Plan application.

Respectfully,

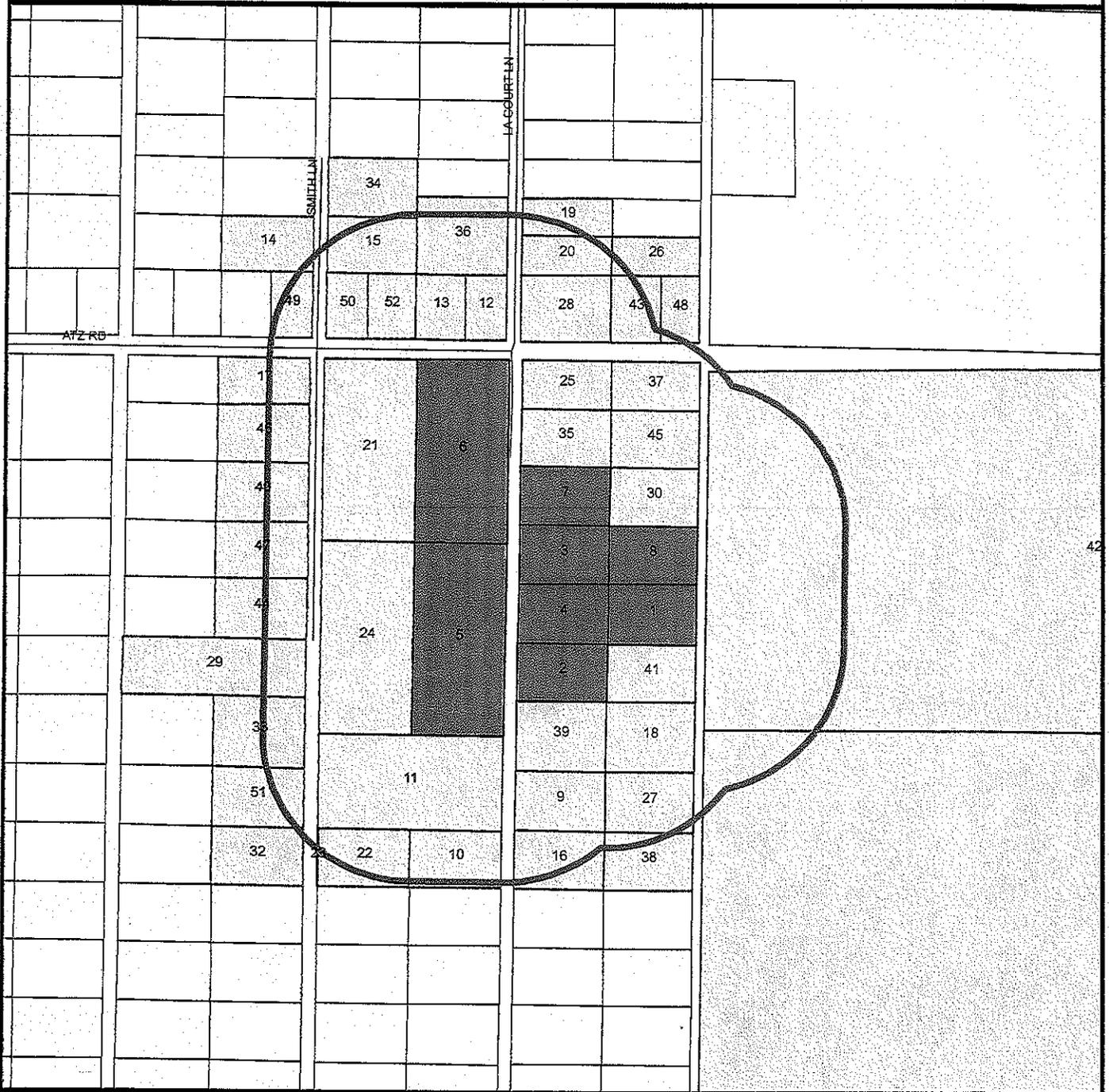
Debby K. Franklin
Town Clerk

FULL LISTING - SORTED BY RADIUS MAP PROPERTY NUMBER (michael500)

Rank	Applicant	Property Number	Property Description	Owner Name	Address	City/State/Zip
1	- <Applicant>	1	MICHAEL, MARSHA ANN, TRUSTEE		2265 ATZ ROAD	MALABAR, FL 32950
2	-	2	MICHAEL, MARSHA ANN TRUSTEE		2265 ATZ ROAD	MALABAR, FL 32950
3	-	3	MICHAEL, MARSHA ANN TRUSTEE		2265 ATZ RD	MALABAR, FL 32950
4	-	4	MICHAEL, MARSHA ANN TRUSTEE		2265 ATZ RD	MALABAR, FL 32950
5	-	5	MICHAEL, MARSHA ANN TRUSTEE		2265 ATZ RD	MALABAR, FL 32950
6	-	6	MICHAEL, DAN TRUSTEE		2265 ATZ RD	MALABAR, FL 32950
7	-	7	MICHAEL, MARSHA ANN TRUSTEE		2265 ATZ ROAD	MALABAR, FL 32950
8	-	8	MICHAEL, MARSHA TRUSTEE		41 SYCAMORE DRIVE	MALABAR, FL 32950
9	-	9	NIXAROS, ARTHUR		1130 SE 12TH ST	WESTWOOD, MA 2090
10	-	10	BELL, MICHAEL LEE		2700 SMITH LANE	STUART, FL 34996
11	-	11	VAIL, BRIAN G		20 CLEARVIEW TERRACE	MALABAR, FL 32950
12	-	12	ZERLO, PETER R		2260 ATZ RD	MANCHESTER, CT 6040
13	-	13	HAAAS, JOAN		P O BOX 500794	MALABAR, FL 32950
14	-	14	GREENE, DAVID P		681 CROWBERRY RD NE	PALM BAY, FL 32907
15	-	15	BOLEN, MELINDA R		1074 BELLERUE RD	HALIFAX, VA 24558
16	-	16	POWELL, A B		2535 SMITH LANE	MALABAR, FL 32950
17	-	17	GRATTAN, ADELE C		2333 DUBOIS ST	MILPITAS, CA 95035
18	-	18	CHU HUNG-WEN		2445 LA COURT LANE	MALABAR, FL 32950
19	-	19	DORAN, JAMES J		2465 LA COURT	MALABAR, FL 32950
20	-	20	SWEET, JOSE W		2225 ATZ RD	MALABAR, FL 32950
21	-	21	VARCO, LEO		2750 SMITH LANE	MALABAR, FL 32950
22	-	22	CHADWICK, BOYD JOHN		2640 SMITH LA	MALABAR, FL 32950
23	-	23	ORTES, GREGORY		506 TULIP RD	RIVA, MD 21140
24	-	24	PEREZ, ARTHUR		2485 LA COURT LANE	VALKARIA, FL 32950
25	-	25	LA VANTURE, VERA		2333 DUBOIS ST	MILPITAS, CA 95035
26	-	26	LA VANTURE, VERA		2485 LA COURT LN	VALKARIA, FL 32950
27	-	27	LA VANTURE, VERA		2635 SMITH LANE	MALABAR, FL 32950
28	-	28	LEEDY, CHARLES		1596 DEL WAR AVE	MALABAR, FL 32950
29	-	29	KORPI, GLEN K		C/O FL DEPT/ENVIERN PROTECT	LAGUNA BCH, CA 92651
30	-	30	FLORIDA, STATE OF (LITE)		1999 OHIO STREET NE	TALLAHASSEE, FL 32399
31	-	31	GARNIER, SHANNON		3504 PINESMOKE CRIS	PALM BAY, FL 32907
32	-	32	WA, TE-CHAO		3900 COMMONWE	MISSISSAUGA O
33	-	33	FORD, RUTH CONRAD		2756 E DAHLIA DRIVE	PHOENIX, AZ 85032
34	-	34	MERCIER, DANIEL R		2460 LACOURT LANE	MALABAR, FL 32950
35	-	35	HARTWELL, JAMES R LIFE ESTATE		1423 ATLANTIC STREET	MELBOURNE BCH, FL 32951
36	-	36	RAFFA, DOLORES		1821 SCHOOL RD	HATFIELD, PA 19440
37	-	37	CHU, HUNG-WEN		P O BOX 500266	MILPITAS, CA 95035
38	-	38	PANG, KWEIN-LIEN LIANG		649 NE LIMA VIAS	MALABAR, FL 32950
39	-	39	EDWARDS, KATHY D		C/O FL DEPT/ENVIERN PROTECT	JENSON BEACH, FL 34957
40	-	40	FLORIDA, STATE OF (LITE)		2485 LA COURT LANE	TALLAHASSEE, FL 32399
41	-	41	LA VANTURE, VERA		2635 SMITH LANE	VALKARIA, FL 32950
42	-	42	LEEDY, CHARLES		1423 ATLANTIC STREET	MALABAR, FL 32950
43	-	43	HARTWELL, JAMES R LIFE ESTATE		2555 SMITH LANE	MELBOURNE BCH, FL 32951
44	-	44	LOONEY, MICHELE T		2575 SMITH LANE	MALABAR, FL 32950
45	-	45	PANG, CHIOU-LIENG		2845 LA COURT LN	MALABAR, FL 32950
46	-	46	LA VANTURE, VERA		2480 SMITH LANE	MALABAR, FL 32950
47	-	47	MILLER, SHANE A		160 D NORWOOD AVE	MALABAR, FL 32950
48	-	48	PHILLIPS, CANDY		2705 SMITH LANE	LODI, NJ 7644
49	-	49	MC CRACKEN, COLOMBUS		110 BRIARWOOD CTR	MALABAR, FL 32950
50	-	50	CUSUMANO, FRANK			HOLLYWOOD, FL 33024
51	-	51				
52	-	52				

RADIUS MAP

MICHAEL, MARSHA TRUSTEE
michael500



MAP SCALE IS: 1:6,000 OR 1 inch equals 500 feet

BUFFER DISTANCE: 500 feet



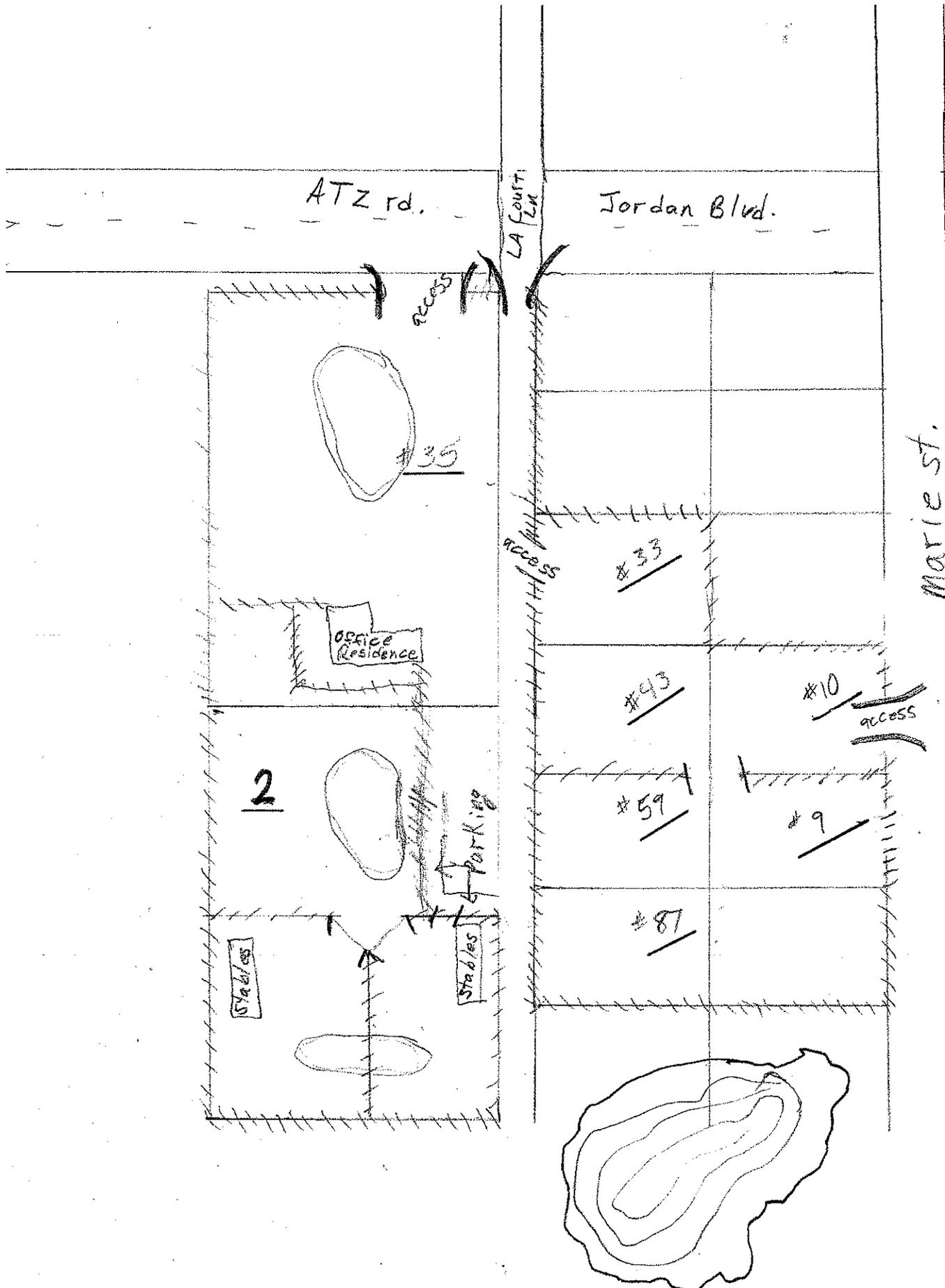
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of Commissioners does not assume responsibility for errors or omissions contained hereon.

Produced by: Brevard County Planning & Zoning Office - GIS 3/25/2008

Legend

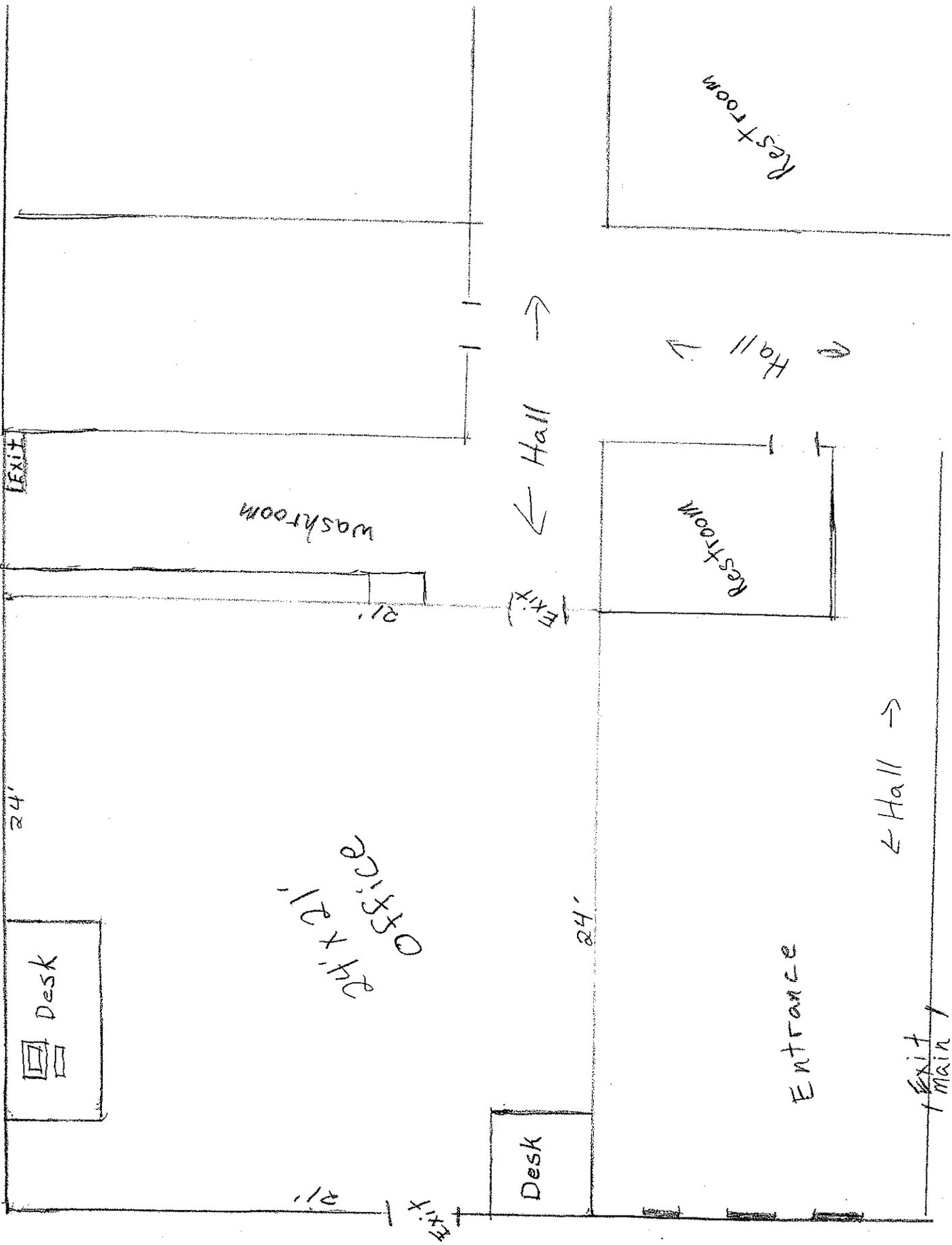
-  Notification buffer
-  Parcel/lot boundaries
-  Notified Properties
-  Subject Properties





DAN + MARSHA MICHAEL
 2265 ATZ RD, MALABAR

E.



DAN + MARSHA MICHAEL
2265 ATZ RD, MALABAR.

N.

**Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET**

PROJECT:	Michael CUP # 03-2008	DATE ROUTED:	05/07/2008
BP.:		DATE RETURNED*:	05/20/2008
APPLICANT	Dan & Marsha Michael 2265 Atz Road	DEPT.:	<input type="checkbox"/> BILL STEPHENSON, TOWN ENGINEER <input type="checkbox"/> KEITH MILLS, TOWN PLANNER <input type="checkbox"/> DAVID ABERNATHY, FIRE MARSHALL <input type="checkbox"/> ROGER CLOUTIER, BUILDING OFFICIAL

Included: Letter from Mr. & Mrs. Michael, CUP application, Property location (3 pgs), Home Office location plan, Mailing list for Public Notice (3 pg), 2007 Tax Form & Assessment, Proof of Ownership (8 pg)

COMMENTS:

David Abernathy (1 hour)

>Area will transition from residence to commercial/residence. Annual fire inspections and associated fees will be required.

>No provisions identified for fire protection water. Ponds, dry hydrant may not be adequate. Recommend artesian hydrant installed.

Roger Cloutier (1 hour)

>Bathroom facilities and parking must be handicap accessible.

>Gated entrance must be accessible for Fire Equipment and Siren Operated gate opening required.

Bill Stephenson (1 hour)

I reviewed the information provided with the application, current aerial photographs of the site and roadway right of way width for La Court Lane. I generally do not support commercial activity within single-family zoned neighborhoods but, in this case, the applicant provides a large open space without vehicle traffic nuisance to this immediate neighbors.

My concerns for the business are as follows:

Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET

COMMENTS:

Keith Mills (cont.)

>Are restrooms to be provided?

>Is the Building Official requiring handicap parking and access?

>Any feedback from the neighbors about this proposal? (Paraphrased from submission)

Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET

PLEASE RETURN ATTACHED SITE PLAN(S)

PROJECT:	Michael CUP # 03-2008	DATE ROUTED:	05/07/2008
BP.:		DATE TO BE RETURNED*:	05/16/2008
APPLICANT	Dan & Marsha Michael 2265 Atz Road	DEPT.:	BILL STEPHENSON, TOWN ENGINEER KEITH MILLS, TOWN PLANNER DAVID ABERNATHY, FIRE MARSHALL X ROGER CLOUTIER, BUILDING OFFICIAL

MARK IF NO COMMENTS:	REVIEWER'S SIGNATURE: <i>Roger Cloutier</i>
-----------------------------	--

PLEASE RETURN WITHIN 5 BUSINESS DAYS

TOTAL HOURS WORKED ON REVIEW: *1hr*

Included: Letter from Mr. & Mrs. Michael; CUP application; Property location (3 pg); Home Office location plan; Mail list for public notice (3 pg); 2007 Tax form & assessment proof of ownership (8 pg)

COMMENTS: *MUST BE ACCESSIBLE FOR HANDY CAP
 BOTH ROOM FACILITIES AND PARKING.
 GATED ENTRANCE MUST BE ACCESSIBLE FOR
 FIRE EQUIPMENT & SCREW OPERATED OPENING.*

*Due to the deadline requirements, if there is no response within allotted time frame it will be considered as No Comments.

TOWN OF MALABAR

MEMORANDUM

Date: May 6, 2008 08-TE-09
To: Michelle Kelley, Int. Administrative Assistant to the Building Official
From: Bill Stephenson, Town Engineer
Ref: Conditional Use Permit request for 2265 Atz Road

I reviewed the information provided with the application, current aerial photographs of the site and roadway right of way width for La Court Lane. I generally do not support commercial activity within single-family zoned neighborhoods but, in this case, the applicant provides a large open space without vehicle traffic nuisance to his immediate neighbors.

My concerns for the business are as follows:

- The customers and emergency vehicles must traverse unimproved La Court Lane, south of Atz Road. No provisions are made for R/W width to meet Town Comp Plan requirements or Code required minimum dirt road specifications and cross section.
- No provisions are shown for stabilized public parking areas
- The application shows no provisions for sanitary or solid waste disposal.
- No fire protection or potable water provisions are made for the public use area.
- There are several un-fenced ponds on the site creating an attractive nuisance for the public.

I recommend the Applicant provide additional information to indicate how the above listed concerns are proposed to be resolved.

Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET

PROJECT:	Michael CUP # 03-2008	DATE ROUTED:	05/07/2008
BP.:		DATE RETURNED*:	05/20/2008
APPLICANT	Dan & Marsha Michael 2265 Atz Road	DEPT.:	<input type="checkbox"/> BILL STEPHENSON, TOWN ENGINEER <input type="checkbox"/> KEITH MILLS, TOWN PLANNER <input type="checkbox"/> DAVID ABERNATHY, FIRE MARSHALL <input type="checkbox"/> ROGER CLOUTIER, BUILDING OFFICIAL
Included: Letter from Mr. & Mrs. Michael, CUP application, Property location (3 pgs); Home Office location plan; Mailing list for Public Notice (3 pg); 2007 Tax Form & Assessment Proof of Ownership (8 pg).			
COMMENTS:			
David Abernathy (1 hour)			
>Area will transition from residence to commercial/residence. Annual fire inspections and associated fees will be required.			
>No provisions identified for fire protection water. Ponds, dry hydrant may not be adequate. Recommend artesian hydrant installed.			
Roger Cloutier (1 hour)			
>Bathroom facilities and parking must be handicap accessible.			
>Gated entrance must be accessible for Fire Equipment and Siren Operated gate opening required.			
Bill Stephenson (1 hour)			
I reviewed the information provided with the application, current aerial photographs of the site and roadway right of way width for La Court Lane. I generally do not support commercial activity within single-family zoned neighborhoods but, in this case, the applicant provides a large open space without vehicle traffic nuisance to this immediate neighbors.			
My concerns for the business are as follows:			

Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET

COMMENTS:

Bill Stephenson (cont)

>The customers and emergency vehicles must traverse unimproved La Court Lane, south of Atz Road.

>No provisions are made for R/W width to meet Town Comp Plan requirements or Code required minimum dirt road specifications and cross section.

>No provisions are shown for stabilized public parking areas

>The application shows no provisions for sanitary or solid waste disposal.

>No fire protection or potable water provisions are made for the public use areas.

>There are several un-fenced ponds on the site creating an attractive nuisance for the public.

I recommend the Applicant provide additional information to indicate how the above listed concerns are proposed to be resolved.

Keith Mills (unknown)

The application and/or drawing does not address the following:

>Are the stables existing or proposed?

>Square footage and dimensions of stables not shown.

>There are no dimensions of the drawing to show setbacks. The drawing is not to scale so it can't be measured.

>Is the access to the parking from LaCourt Drive?

>The # of parking spaces is not shown; also no dimensions. Is a stabilized area proposed? It is difficult to tell what the drive aisle for the parking is for vehicle maneuvering.

>No buffering is shown.

>Adjacent residences aren't shown or described. Compatibility cannot be determined.

># of horses not indicated.

># of employees not indicated.

>Traffic generation not addressed.

>Hours of operation not indicated.

Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET

COMMENTS:

Keith Mills (cont.)

>Are restrooms to be provided?

>Is the Building Official requiring handicap parking and access?

>Any feedback from the neighbors about this proposal? (Paraphrased from submission)

**Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET**

PLEASE RETURN ATTACHED SITE PLAN(S)

PROJECT:	Michael CUP # 03-2008	DATE ROUTED:	05/07/2008
BP.:		DATE TO BE RETURNED*:	05/16/2008
APPLICANT	Dan & Marsha Michael 2265 Atz Road	BILL STEPHENSON, TOWN ENGINEER KEITH MILLS, TOWN PLANNER DEPT.: X DAVID ABERNATHY, FIRE MARSHALL ROGER CLOUTIER, BUILDING OFFICIAL	

MARK IF NO COMMENTS:

REVIEWER'S SIGNATURE: *[Signature]*

PLEASE RETURN WITHIN 5 BUSINESS DAYS

TOTAL HOURS WORKED ON REVIEW *[Initials]*

Included: Letter from Mr. & Mrs. Michael; CUP application; Property locations (3 pg); Home Office location plan; Mail list for public notice (3 pg); 2007 Tax form & assessment proof of ownership (8 pg).

COMMENTS:

- ① Area will transition from residence to commercial/residence. Annual fire inspections and associated fees will be required.
- ② No provisions identified for fire protection water. Ponds, dry hydrant may not be adequate. Recommended artesian hydrant installed.

[Signature]
Fire Marshal

*Due to the deadline requirements, if there is no response within allotted time frame it will be considered as No Comments.

Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET

PLEASE RETURN ATTACHED SITE PLANS(S)

PROJECT:	Michael CUP # 03-2008	DATE ROUTED:	05/07/2008
BP.:		DATE TO BE RETURNED*:	05/16/2008
APPLICANT	Dan & Marsha Michael 2265 Atz Road	DEPT.:	BILL STEPHENSON, TOWN ENGINEER KEITH MILLS, TOWN PLANNER DAVID ABERNATHY, FIRE MARSHALL X ROGER CLOUTIER, BUILDING OFFICIAL

MARK IF NO COMMENTS:

REVIEWER'S SIGNATURE *Roger Cloutier*

PLEASE RETURN WITHIN 5 BUSINESS DAYS

TOTAL HOURS WORKED ON REVIEW *1hr*

Included: Letter from Mr. & Mrs. Michael, CUP application, Property locations (3 pg), Home Office location plan, Mail list for public notice (3 pg), 2007 Tax form & assessment proof of ownership (8 pg)

COMMENTS: *MUST BE ACCESSIBLE FOR HANDYCAP
 BATH ROOM FACILITIES AND PARKING.
 GATED ENTRANCE MUST BE ACCESSIBLE FOR
 FIRE EQUIPMENT & SIRENS OPERATED. OPENING.*

*Due to the deadline requirements, if there is no response within allotted time frame it will be considered as No Comments.

Michele Kelly

From: Keith Mills [kmills@cfl.rr.com]
Sent: Tuesday, May 20, 2008 1:31 AM
To: Michele Kelly
Cc: Town Clerk / Treasurer
Subject: CUP

Michele,

I assume you gave me everything you have, but I will ask anyway: Do you have any more information for the Michael CUP application? It is difficult to review with so little information. The application and/or drawing does not address the following:

- Are the stables existing or proposed?
- Square footage and dimensions of stables not shown.
- There are no dimensions on the drawing to show setbacks. The drawing is not to scale so it can't be measured.
- Is the access to the parking from La Court Drive?
- The # of parking spaces is not shown; also no dimensions. Is a stabilized area proposed? It is difficult to tell what the drive aisle for the parking is for vehicle maneuvering.
- No buffering is shown.
- Adjacent residences aren't shown or described. Compatibility cannot be determined.
- # of horses not indicated.
- # of employees not indicated.
- Traffic generation not addressed.
- Hours of operation not indicated.
- Are restrooms to be provided?
- Is the Building Official requiring handicap parking and access?

Did anyone ask about any of these things prior to submittal? Do you or anyone else know if there has been any feedback from the neighbors about this proposal? When is this scheduled to go to P&Z?

Keith Mills
kmills@cfl.rr.com

TOWN OF MALABAR

MEMORANDUM

Date: May 6, 2008 08-TE-09
To: Michelle Kelley, Int. Administrative Assistant to the Building Official
From: Bill Stephenson, Town Engineer
Ref: Conditional Use Permit request for 2265 Atz Road

I reviewed the information provided with the application, current aerial photographs of the site and roadway right of way width for La Court Lane. I generally do not support commercial activity within single-family zoned neighborhoods but, in this case, the applicant provides a large open space without vehicle traffic nuisance to his immediate neighbors.

My concerns for the business are as follows:

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- No provisions are shown for stabilized public parking areas
- The application shows no provisions for sanitary or solid waste disposal.
- No fire protection or potable water provisions are made for the public use area.
- There are several un-fenced ponds on the site creating an attractive nuisance for the public.

I recommend the Applicant provide additional information to indicate how the above listed concerns are proposed to be resolved.

Michele Kelly

From: H2O3MAN@aol.com
Sent: Thursday, May 08, 2008 9:21 AM
To: Michele Kelly
Subject: CUP application for Atz Road and La Court lane
Attachments: MalMemo0809AtzCUP.doc

Good morning!!! Attached, as a file, is my memorandum of review/comments of the subject CUP.

Time spent on review and memo is one hour

Wondering what's for Dinner Tonight? [Get new twists on family favorites at AOL Food.](#)

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3

Meeting Date: September 10, 2008

Prepared By: Debby K. Franklin, Town Clerk/Treasurer

SUBJECT: Amend LDC to Provide Clarification to Malabar Vernacular (Proposed Ord No. 2008-10)

BACKGROUND/HISTORY:

This was discussed and P&Z and recommendations were sent to Council. Council discussed this at the RTCM of 07/21/08 and Council directed it go back to P&Z with some changes made by the Attorney. Council wanted Board to know that Council was split on whether to attach pictures as part of the ordinance.

The P&Z Board recommended Council approve this ordinance. In the minutes from the 08/13/08 P&Z minutes there was no recommendation whether pictures should be included as part of the ordinance.

While preparing the Council packet for September 8, 2008, with the P&Z recommendation, I felt Council would want to know P&Z position on the pictures.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

- Proposed Ordinance 2008-10
- Pictures
- Portion of minutes of RTCM 07/21/08
- Memo 08-AABO-011

ACTION OPTIONS:

Staff seeks recommendation to Council concerning the pictures. This will be added to the P&Z recommendation made at your regular Board meeting of 08/13/08.

ORDINANCE NO. 2008-10

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE III, SECTION 1-5.29(c) and (e); PROVIDING FOR A DEFINITION OF "MIRROR BUILDING AND PROVIDING FOR ILLUSTRATIONS OF THE MALABAR VERNACULAR STYLE; AMENDING ARTICLE XX, DEFINITIONS, REVISING THE DEFINITION OF "MALABAR VERNACULAR STYLE"; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. Section 1-5.29(c) and (e) of Article V of The Town of Malabar Code of Ordinances, Land Development Code is hereby amended to read as follows:

"Section 1-5.29. Design requirements for Development within Office Institutional, Commercial Limited, Commercial General and Residential/Limited Commercial along arterial roadways.

•••

(c) The design requirements listed above shall be applicable to all new construction in these zoning districts, and in the case of additions or renovations to, or redevelopment of, an existing building or project, where such addition, renovation or redevelopment exceeds fifty percent (50%) of the square footage of the existing structure(s). A mirror building, defined as a building meant to compliment a pre-existing structure, of adjacent or connected properties, by use of identical material finishes, scale and form, shall be exempt from the design requirements. New buildings that are part of an overall campus plan that has an established architectural theme may be exempt from the design requirements herein with the approval of Town Council.

•••

(e) Compliance with the requirements set forth in this subsection shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review. By way of illustration and not by way of limitation the styles depicted in illustration numbers E (1)-E () are deemed "Malabar Vernacular Style".

SECTION 2. The Town of Malabar Code of Ordinances, Land Development Code, Article XX, Section 1-20.2 is amended to revise the following definition:

“Malabar Vernacular Style. An architectural style representing Florida’s historical influences from upon the development of the Town of Malabar. ~~These include the simple wooden Cracker or the mellow wooden Caribbean dating to the turn of the 19th century that This eclectic style includes elements of such as~~ elevated first floors, covered porches, verandas and overhangs and that create a relationship to the street at human scale. This may include Cracker, Mediterranean, Caribbean, as well as, other documented local common archetype styles dating back to the turn of the 19th century. The design standards provided in Section 1-5.29 of the Land Development Code of the Town shall apply to any structure required to be built in the Malabar Vernacular style.”

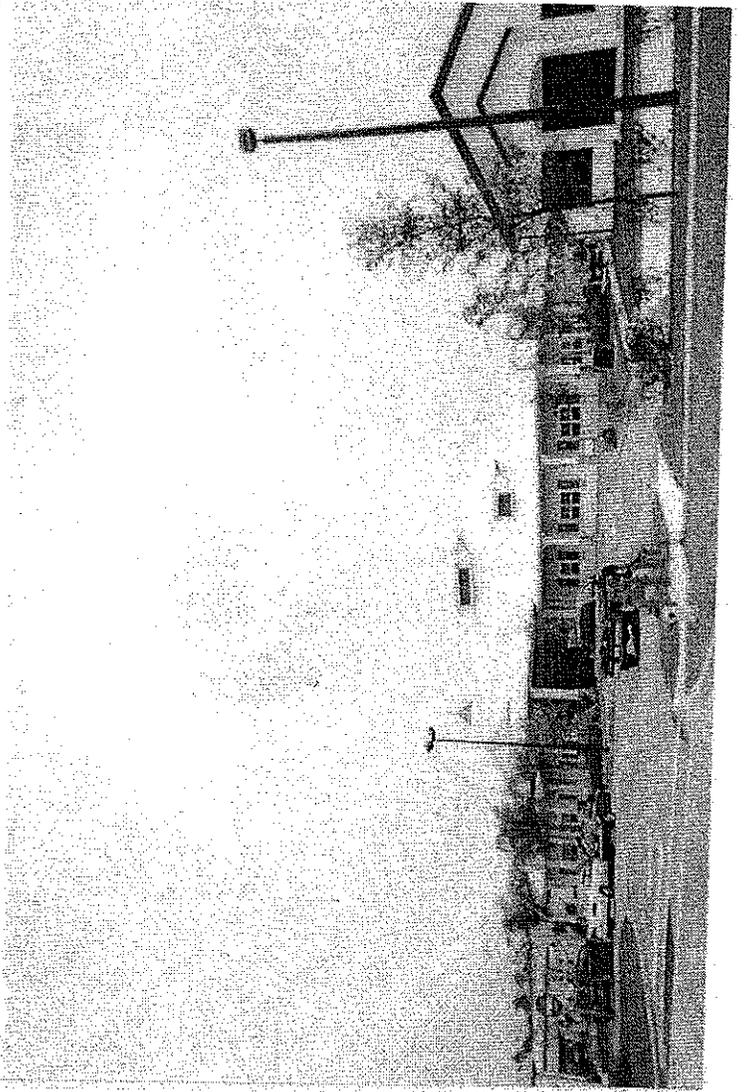
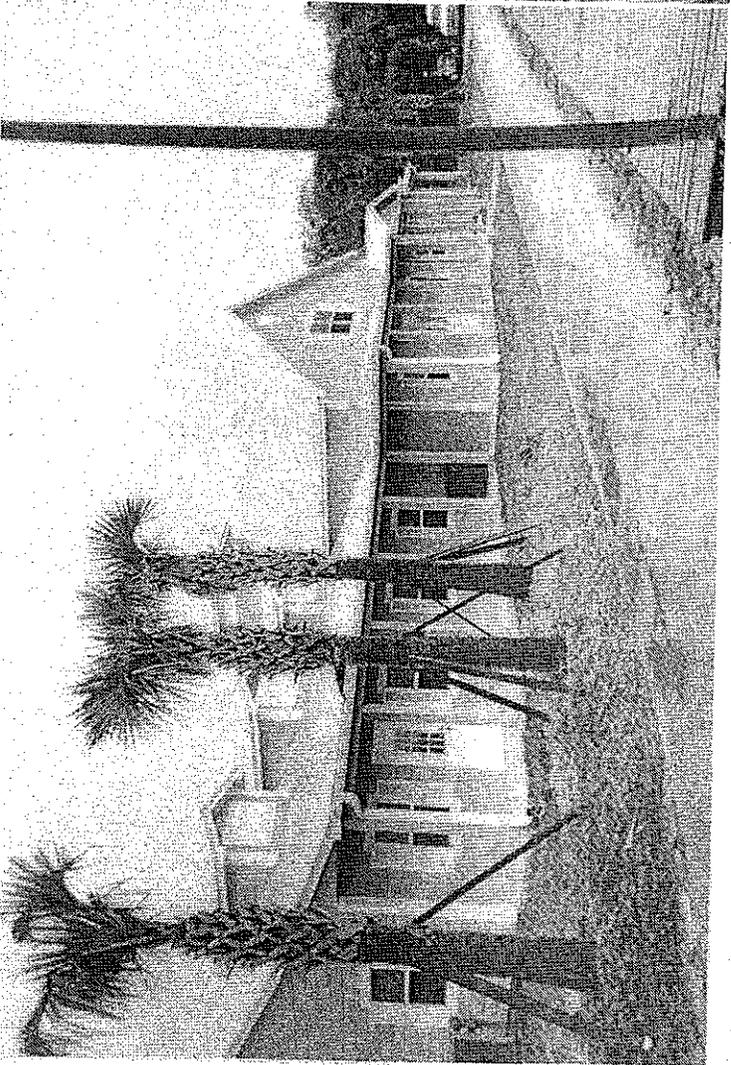
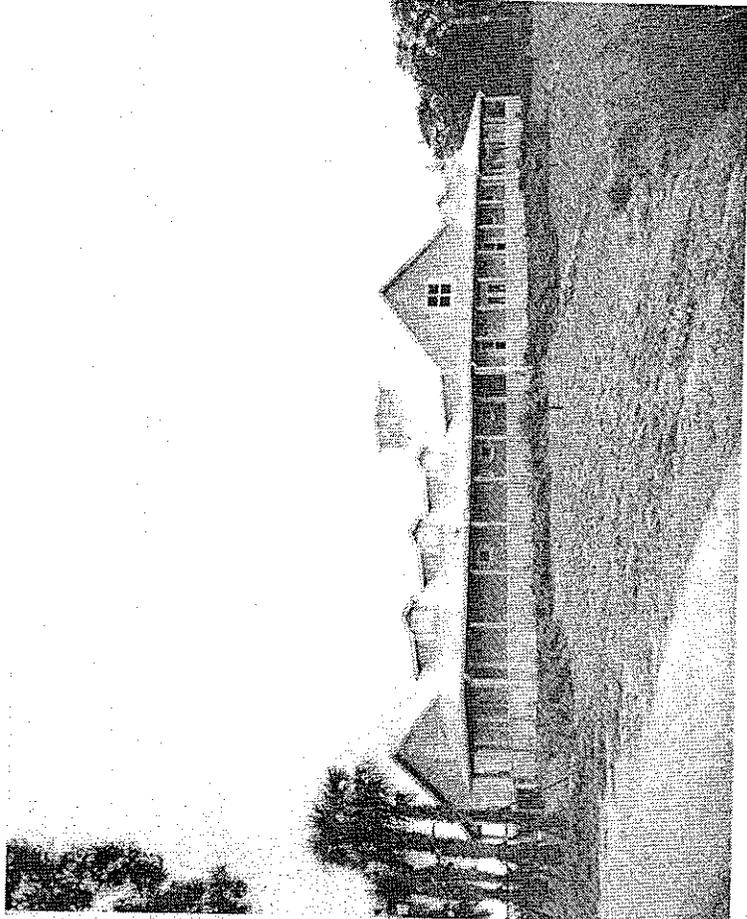
SECTION 3. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

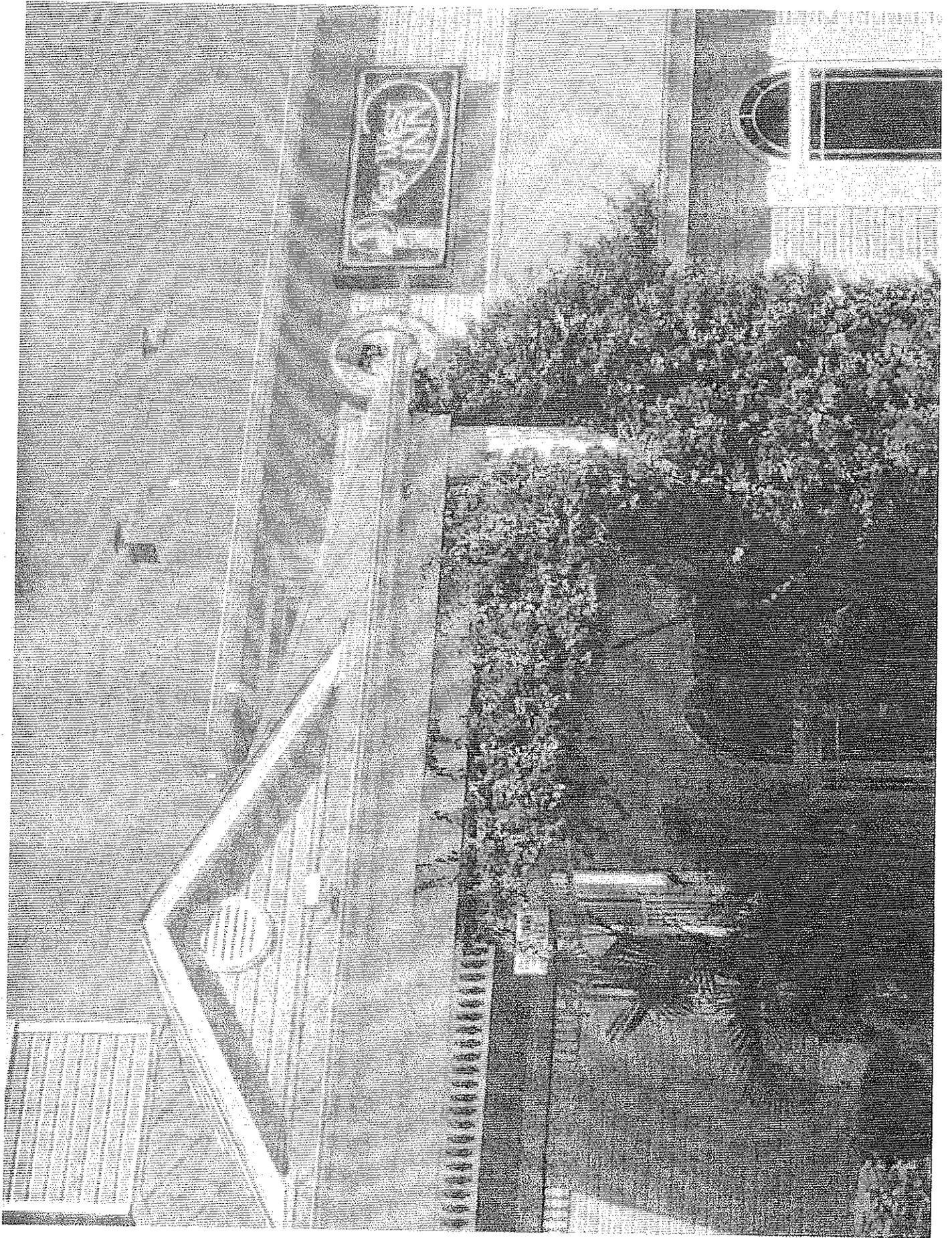
SECTION 4. Conflicts. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

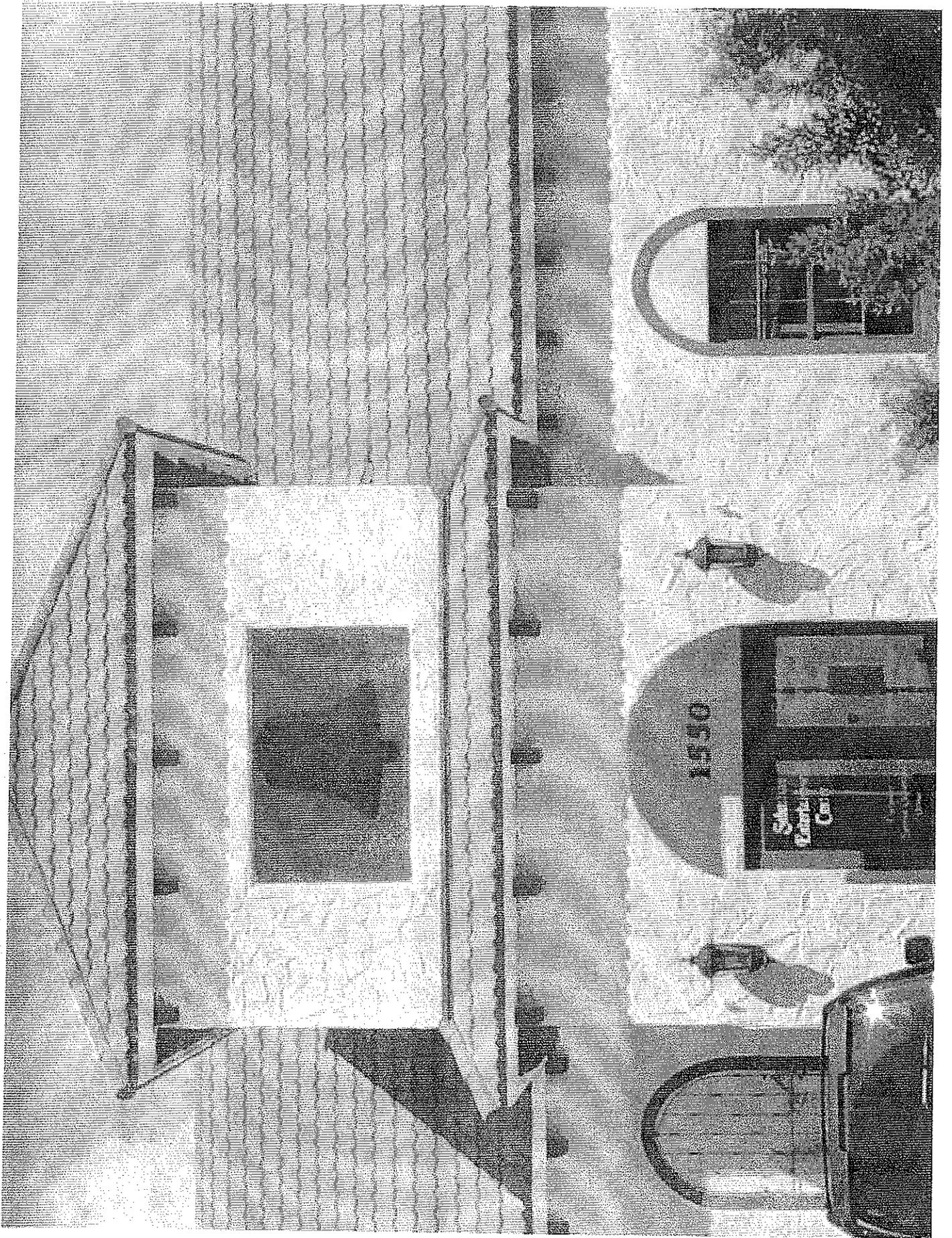
SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its adoption.

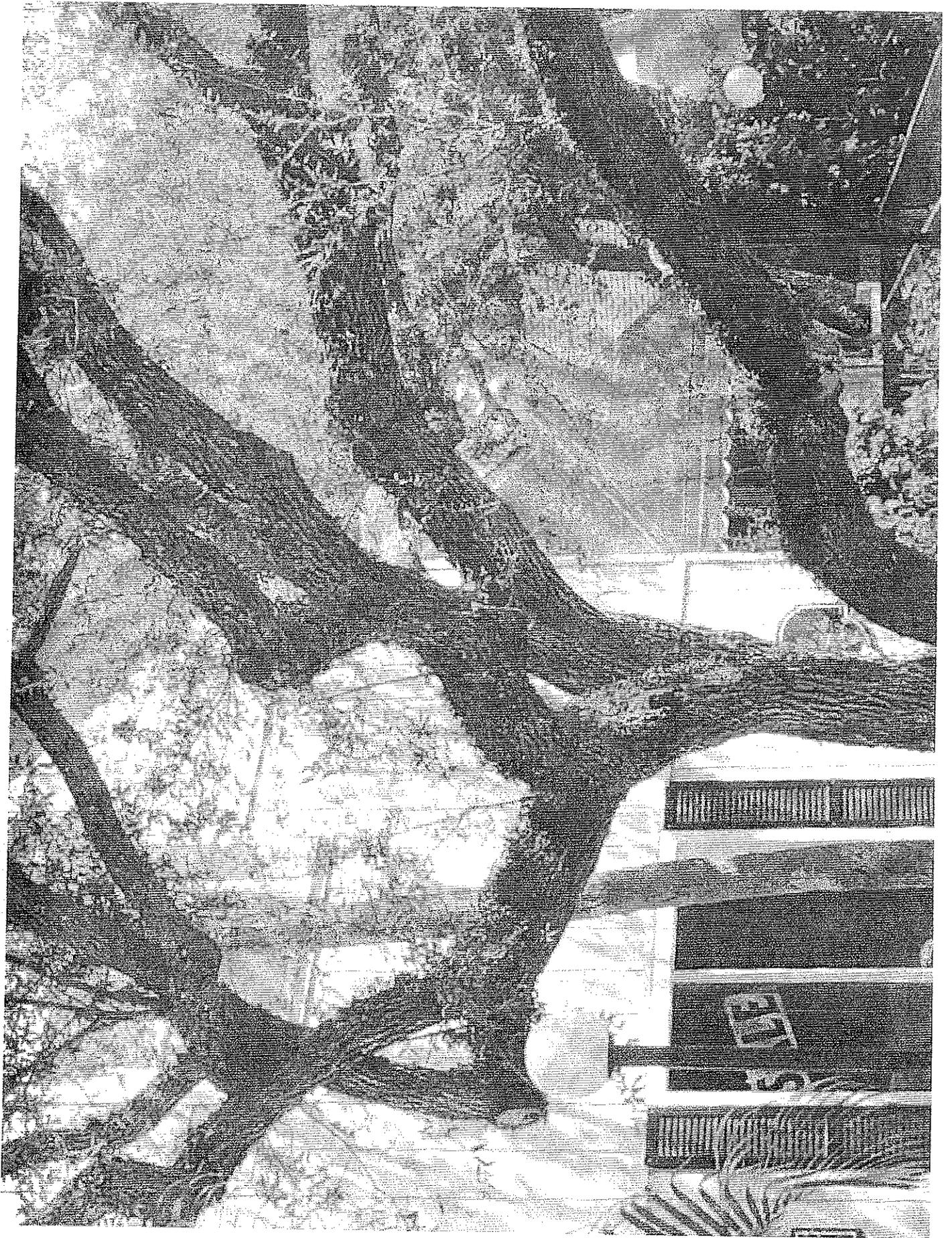
The foregoing Ordinance was moved for adoption by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

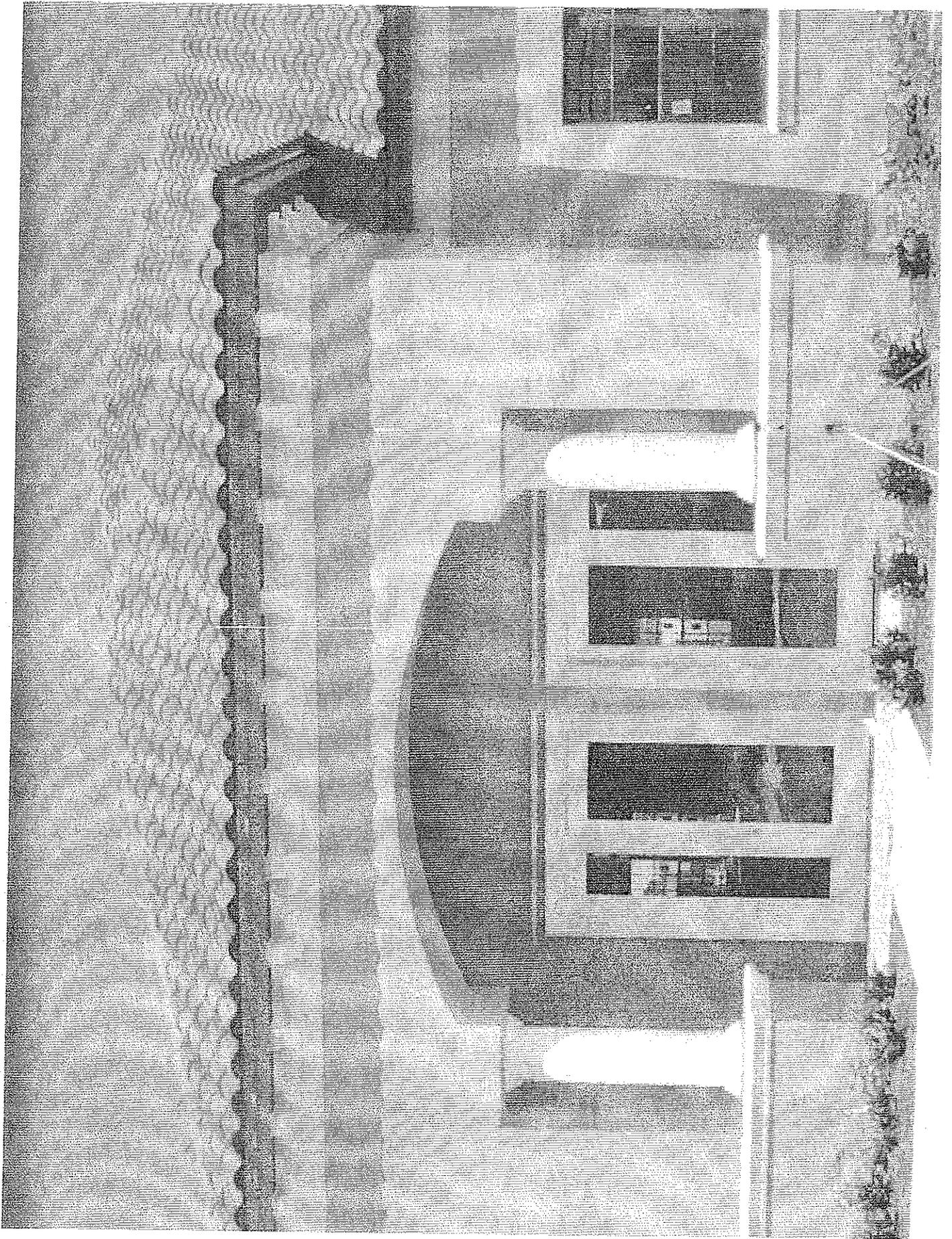
- Council Member Nancy Borton _____
- Council Member Brian Vail _____
- Council Member Charles (Chuck) McClelland _____
- Council Member Jeffrey (Jeff) McKnight _____
- Council Member Patricia (Pat) Dezman _____

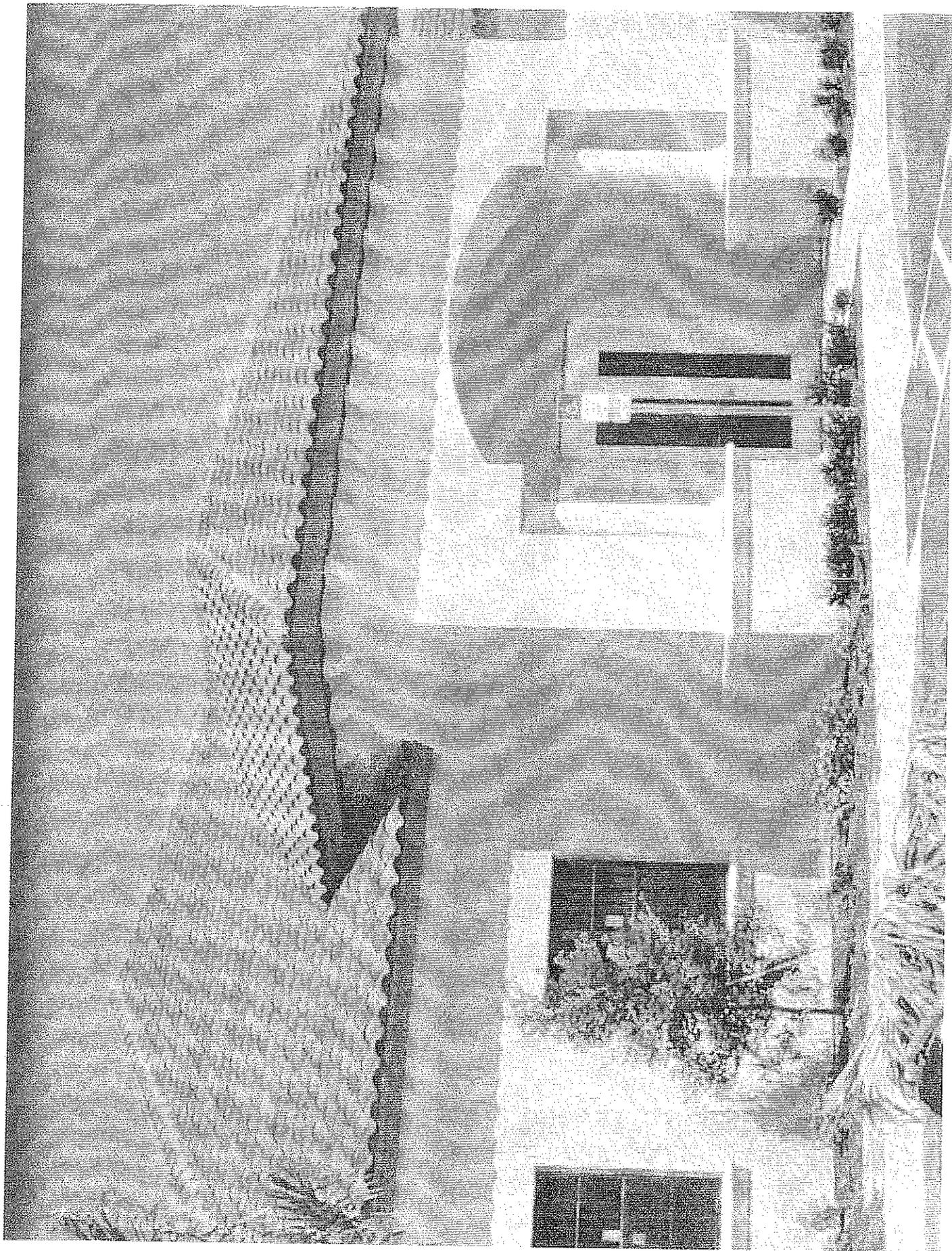


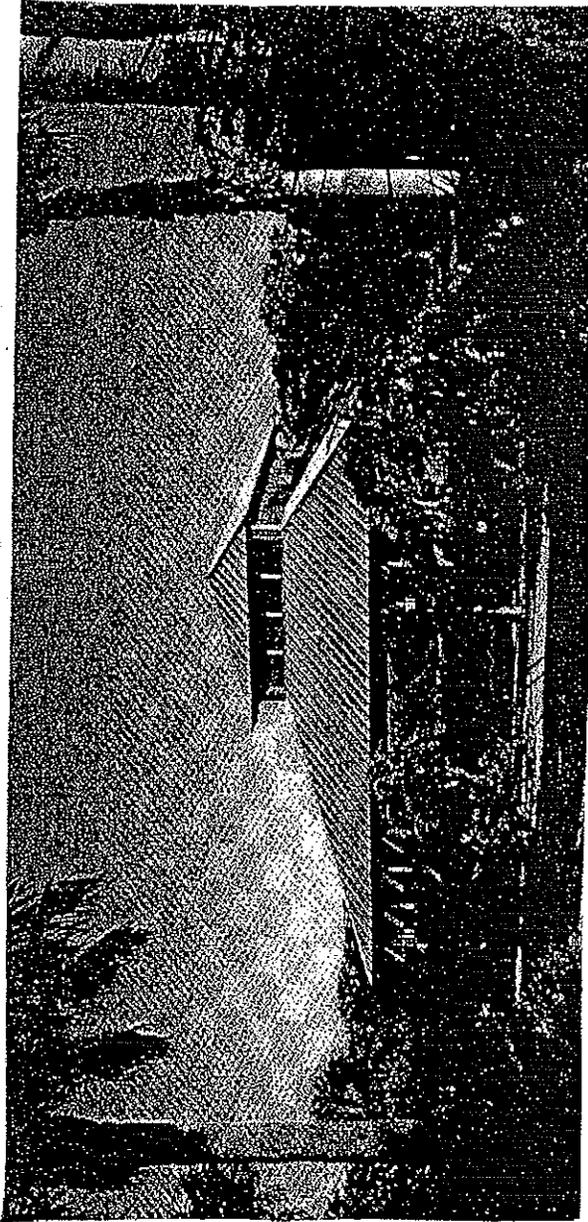




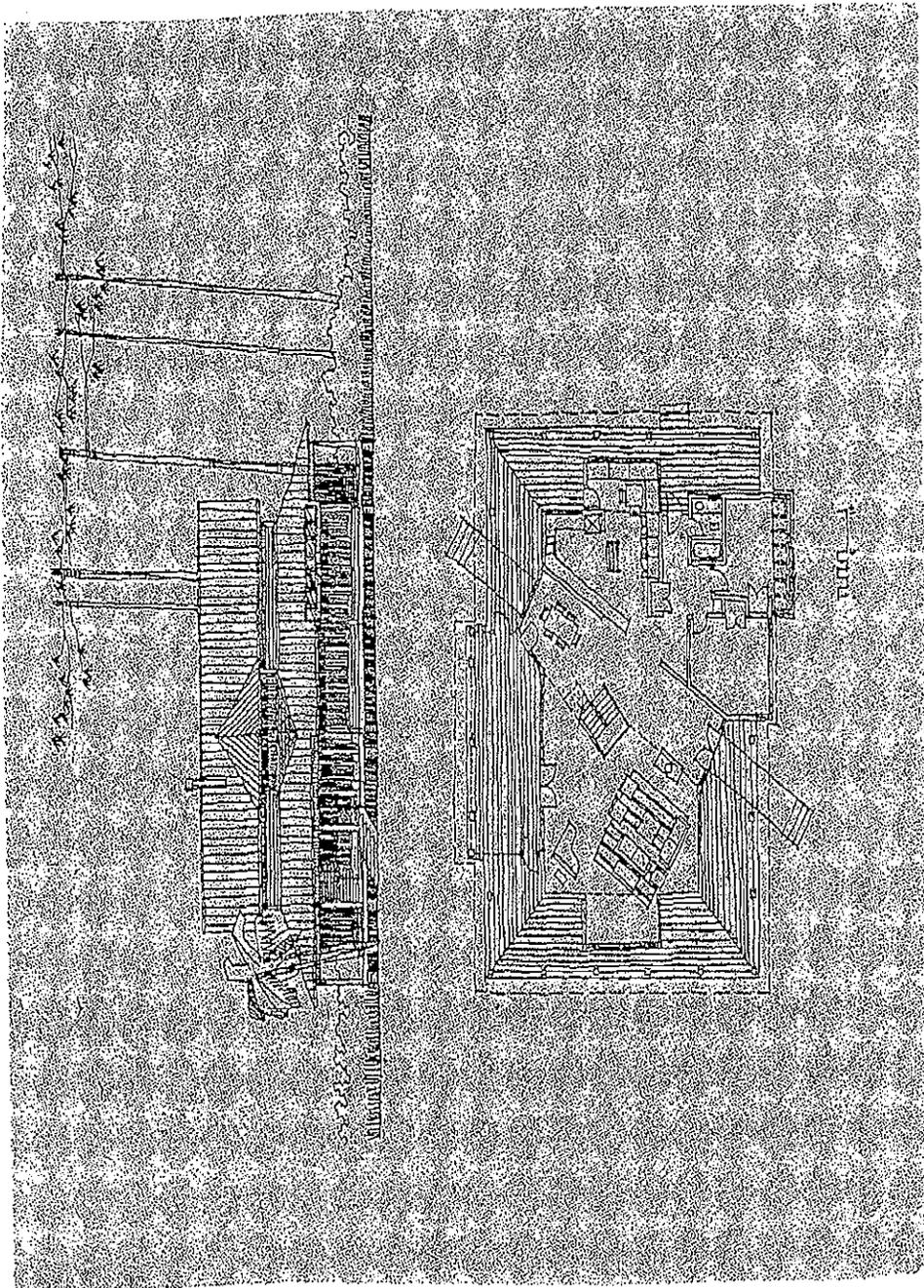


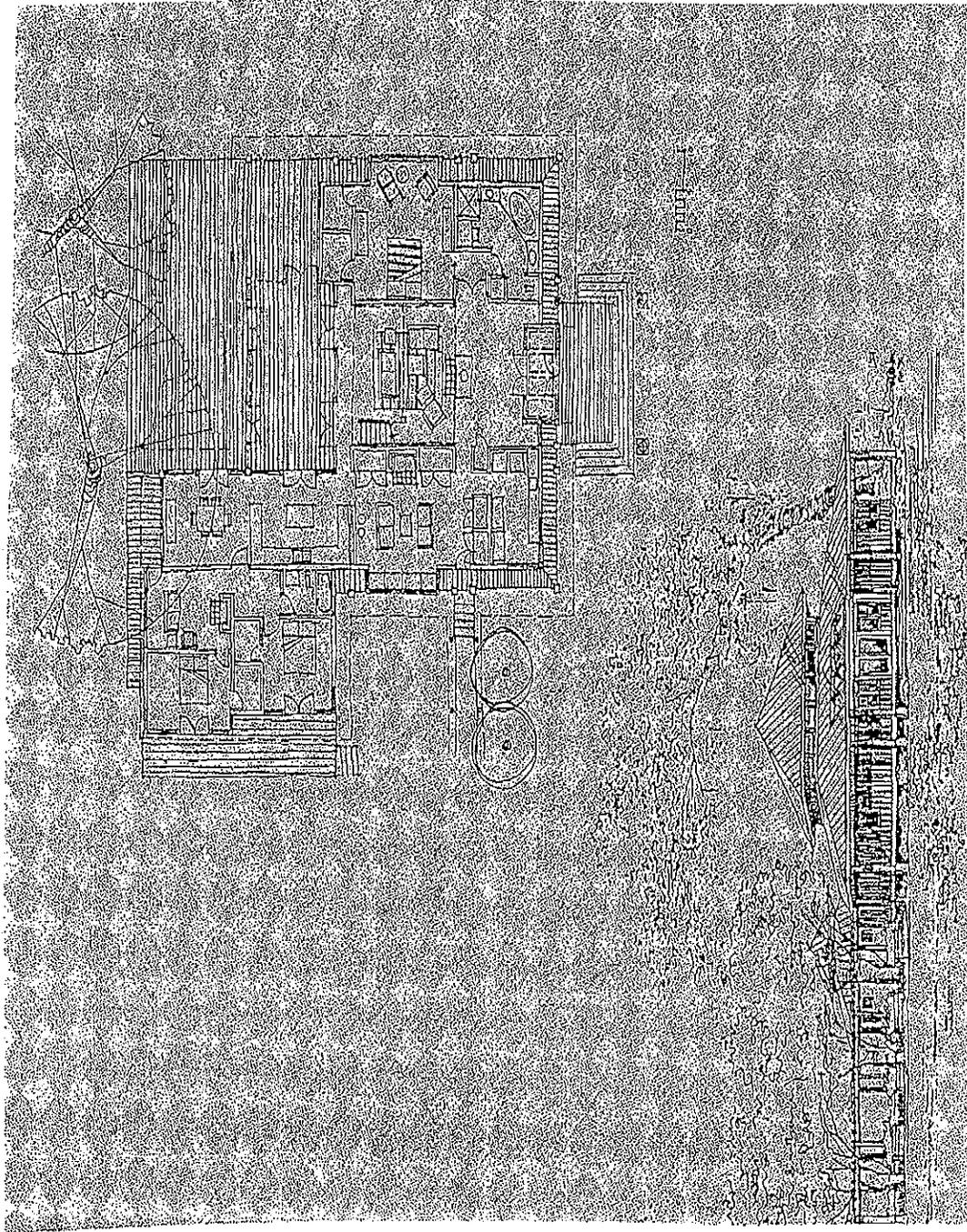












I. PUBLIC: ITEMS DIRECTLY RELATED TO PLANNING AND ZONING BOARD RECOMMENDATIONS

2. Recommendation from P&Z Board – Malabar Vernacular

Exhibit: Agenda Report No. 2

Recommendation: Request Action

MOTION: Borton / Dezman to approve P&Z recommendation as submitted. Vote: All Ayes.

McKnight wanted P&Z to know the Council discussed the pictures. Clerk showed the pictures that were used when the ordinance was adopted. They were not included in the ordinance that was adopted. Dezman thinks the pictures should be part of the ordinance. Council reviewed the pictures on the

overhead and made comments about the need for flexibility. Mayor stated that the minutes should reflect that some of Council support including the pictures and some do not.

Borton wants to find some other pictures to send to P&Z. Mayor said it should go to P&Z without any undue influence from Council. Let the Board send them their recommendation after they get the draft from the Attorney. Attorney stated this will have to have a Public Hearing at P&Z before it comes back to Council.

BWF asked to add the Lt. from the BSCO for his report to Council. BWF called up the Lt. and he said that there have been no class 1 burglaries. Since the last meeting there has not been much activity. There have been some smash and grab so keep stuff out of site. Hurricane preparedness is a priority. End of report. No questions.

Attorney asked Chair to address Council. He cautioned Council about the side conversations during the meeting. It got 2 member of the G-V board in trouble. The audience can not hear. It could be a violation of the sunshine. His job is to keep Council advised on items that could be problems.

TOWN OF MALABAR

MEMORANDUM

Date: July 3, 2008 08-AABO-011
To: Debby Franklin, Town Clerk/Treasurer
From: Michele Kelly, Administrative Assistant to the Building Official MK
Ref: Motion by P&Z to Town Council to accept Florida Vernacular

Florida Vernacular Ordinance

Motion: accept Ryan / Reilly to recommend it

Vote: Wilbur, Ryan, & Reilly Ayes, Krieger Nay

Suggestions by Don Krieger:

In the Ord. pg 3, section 10c: "A mirror building, defined as a building meant to compliment a pre-existing structure..." Krieger suggests, "...compliment a pre-existing structure, of adjacent properties or connected properties..."

Krieger rewrote the Malabar vernacular style paragraph:

"Malabar vernacular style, an architectural style representing Florida's historical influences upon the development within Malabar. This eclectic style includes elements such as elevated first floors, covered porches, verandas, and overhangs, that create a relationship to the street at human scale. This may include Cracker, Mediterranean, Caribbean, as well as, other documented local common archetype styles dating to the turn of the 19th century."

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: September 10, 2008

Prepared By: Denine Fusco-Scarbro, Planning and Zoning Secretary

SUBJECT: Zoning Verification

BACKGROUND/HISTORY:

Mr. Mike Roberts came into the Building Department looking for land in zoning that would permit him to operate his wholesale reptile operation. The District Provisions in Article III of the LDC does not address reptiles.

I asked the Town Clerk and she felt this use should be discussed by Planning and Zoning.

ATTACHMENTS:

- Presentation package from Mr. Roberts
- From Staff: US Fish and Wildlife Permit Info and Oversight Authority
- From Staff: Information on CITES – Conventional on International Trade in Endangered Species:
 1. What it is
 2. How it works
 3. The Species Covered
 4. Appendices

ACTION OPTIONS:

Discussion and Recommendation to Staff

Mike Roberts
2833 Maderia Circle
Melbourne, FL 32935
(321) 254-4410
mjroberts1@juno.com
August 28, 2008

Town of Malabar
2725 Malabar Road
Malabar, FL 32950-4427
(321) 727-7764
(321) 727-9997 (fax)

NOTE:
Original
Package
AVAILABLE
in Biology
Dept.

Walking Through This Packet::

Who I Am:

1. Who I am and why I feel I am qualified for this venture.
 - a. I have been working with animals my entire life from working as a cowboy at A. Duda & Sons, in Rockledge, FL, as a teen, to owning and operating a Guyanese Government Licensed Wildlife station, in the Amazon Basin.
 - b. I have included letters of recommendation from importers as well as the highest-ranking official in the wildlife division of Guyanese Government.

Governing Authorities:

2. In this packet/presentation, I intend to show, this is a plan where I have invested years of thought and planning. Along with the required permits and licenses from the City of Malabar, I am required to abide by the extremely strict guidelines of the State of Florida as well as the Department of the Interior U.S. Fish and Wildlife Services. They both tightly police this trade and their rules and regulations almost always far surpass the requirements of the local governing authorities. I have included their applications for your review in the first section.

How Animals Are Kept:

3. Contrary to public opinion, the housing of reptiles is a relatively simple and clean process. Because their metabolism is so slow there is little cleaning and maintenance involved. On an average, captive reptiles are fed and defecate once every 10-14 days. This enables a keeper to store them in a heated racks system as demonstrated in this packet. This being the case, one is able to keep many individuals and species in a small space, such as an office, spare bedroom or garage.