



**PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, APRIL 25, 2007
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

CALL TO ORDER
ROLL CALL OF MEMBERS
ADDITIONS AND DELETIONS:
MINUTES FROM APRIL 25, 2007 ADVISORY BOARD MEETING:
PUBLIC
ACTION ITEMS:
DISCUSSION:

THE FOLLOWING REQUESTS WERE RECEIVED AND THE PROPERTIES POSTED FOR 30 DAYS PRIOR TO THE DISCUSSION AT PLANNING AND ZONING ON APRIL 25, 2007 AND LEGAL ADVERTISING TEN DAYS BEFORE THIS MEETING

1. REZONING REQUEST FROM RS-15 TO RR-65, 1.5 ACRE, APPLICANT DIANE PARKER, 1573 WEIR STREET MALABAR, FLORIDA
2. LAND USE AND REZONING REQUEST, 2.5 ACRES, FROM RR-65 TO OI, APPLICANT STEVE MORGAN
3. EVALUATION AND APPRAISAL REPORT: CONTINUE DISCUSSION ON ISSUES

OLD BUSINESS
MALABAR VERNACULAR – RYAN TO PROVIDE INFORMATION

NEW BUSINESS:
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 & ZONING ADVISORY BOARD
4/25/07 MEETING MINUTES**

ROLL CALL:

Bob Wilbur, Chair	Bill Stephenson, Interim T Admin, excused
Richard Cameron,	Debby Franklin, Secretary
Patrick Reilly, V-Chair	Keith Mills, Town Planner
Kathleen Clasen	
Don Krieger	
Bud Ryan, Alt. #1, excused	
Cindy Zindel, Alt. #2	

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

ROLL CALL OF MEMBERS – see above.

ADDITIONS AND DELETIONS:

MINUTES FROM APRIL 11, 2007 ADVISORY BOARD MEETING:

MOTION: Reilly / Krieger to approve with corrections on pg 3, 2nd para, should be Land Use Map. On Pg 2 minutes of March 28, should be “not know how”, Pg 3, 3rd paragraph, is against s/b cautious about using the memo. Vote: All Aye.

PUBLIC: none

DISCUSSION:

THE FOLLOWING REQUESTS WERE RECEIVED AND THE PROPERTIES POSTED FOR 30 DAYS PRIOR TO THIS DISCUSSION AT PLANNING AND ZONING. REQUIRED PUBLIC HEARINGS WILL BE HELD AT THE PLANNING AND ZONING MEETING OF MAY 9, 2007 IF THE APPLICANTS WISH TO PROCEED.

1. REZONING REQUEST FROM RS-15 TO RR-65, 1.5 ACRE, APPLICANT DIANE PARKER, 1573 WEIR STREET MALABAR, FLORIDA

Wilbur asked Planner Keith Mills to comment. He just got it a few days ago. This would change the land use also from MDR to RR. Parker is asking for this to protect her pigeons, keep them safe and she would like to continue to keep Malabar rural. Cameron asked about lot size. 1.3 but adding the adjacent r-o-w gives her the 1.5 acre requirement. Reilly asked if she was in the middle of the block. Yes. Wilbur asked if other owners also had multiple lots. Parker explained that P&Z member Cindy Zindel also has multiple lots and person across the street has multiple lots. Most of the people have multiple lots. Some of her neighbors have agricultural type animals. She thinks the neighbors would support this. Wilbur referenced the lots and thought the request would be spot zoning. Cameron referenced the documents handed out at meeting (provided by Zindel) referencing spot zoning. Cameron stated she is asking for the proper zoning for the way the neighborhood has lived for the last 30 years. He has seen other zoning changed that is not compatible with rural. This applicant is simply asking to go back to the way it was. If this got changed to RR-65 then it would be more compatible with surrounding area than the existing zoning. Reilly thinks it would require each owner to have a minimum of 4 lots and he would not support the zoning change request. Clasen said there may be some people that are on a single or on only two lots.

Cameron asked if the land use changed would a person be forced to move or would they become grandfathered in? They are talking about an area that has horses and other farm animals all around it. Cameron clarified that the area surrounding her is RR-65 and she has been using it that way. The agricultural uses going on in RS15 are there because there have been no complaints.

Wilbur said that unless the area is changed as a whole, it is unfair to the other people who just wanted a little bit of space but not the animals.

Clasen and Cameron said she should get her neighbors together with 1.5 acres Cameron supports her request.

Zindel stated that an earlier zoning use of this land was agricultural and that is why the applicant is asking. She has not researched that. But she thought those uses are grandfathered. When you sell the property the grandfathering goes away. Zindel said she and Parker are the only ones with at least 1.5 acres. She said no one else could meet the minimum lot size requirements of 150' wide and 250' deep.

Clasen agrees with Wilbur and if the neighborhood as a whole wants to apply then she would support that but if it is just one owner, then she thinks it is spot zoning and could not support it.

Wilbur said that we have to have a certain mix of zoning and we have to have a certain amount of RS-15. Mills said it is problematic for the whole neighborhood to go to RR-65 with the way the lots are laid out. There is no provision in the code for livestock. Yes, in RR-65 you are allowed to keep hoofed grazing animals.

Reilly asked why this wasn't an action item. Secretary explained the legal ad in the paper had to run ten days prior to the Public Hearing. Krieger asked about the \$325 application fee. Krieger asked if there is any cost adjustment that the town could offer. The Council could approve return of her application fee. Mills explained that the item would be at the Public Hearing at P&Z – not Council.

Reilly suggested a possible solution as listing this as a conditional use. If you have enough land to qualify for RR-65 you could ask for a conditional use that would allow her to do this if the neighbors don't disagree. Mills said the problem is if there are only one or two neighbors that would qualify, if it is big enough to contain that. Board thought that was a good solution to her request. Wilbur asked Mills if the Board should seek legal advice at this time. If there is a problem or a neighbor. Board talked about the conditions that could be placed on the property.

Wilbur is asking staff to come up with criteria for her CUP. Cameron asked what she had – she has pigeons and chickens and wants to get a goat and turkeys.

Clasen asked about setback requirements. They discussed the setback requirements.

Action Item as Public Hearing for next meeting May 9, 2007.

2. LAND USE AND REZONING REQUEST, 2.5 ACRES, FROM RR-65 TO OI, APPLICANT STEVE MORGAN

Morgan said this is a follow-up to what the town has been working on regarding the corridor changes. He knows there were visioning meetings and there is a new administrator. Morgan wanted direction. He understood from the meetings that from Corey Road east along Malabar Road it would be commercial. Secretary explained earlier workshops consensus was for CL and subsequently that was changed to OI for specific areas along Malabar Road.

Zindel asked if his concern was that the town was considering a change to CG and he wanted OI? It seemed to be the intent of the town at the time. He was just going ahead with the request since the town's process was much longer.

Reilly said that other people have come before them and have gotten it. He believes the request is compatible. Surrounding areas are compatible. Morgan plans to attend on the 9th of May.

Sue Hann, 1365 Corey Road, just north of the proposed area. The concern she and her husband have is the spot zoning. They bought their property with the intent of it remaining residential. Whatever is approved for the corner should comply with the corridor plan. There is no staff analysis and much information lacking. She will not be here in May but hopefully her husband will attend.

Planner left due to illness at 8:40PM.

3. EVALUATION AND APPRAISAL REPORT: CONTINUE DISCUSSION ON ISSUES

Secretary did not have any new information. Wilbur said we need direction from administrator and planner. We need to advertise for a planner. What is the possibility. Clasen asked if there is a possibility for extensions. Should be. Zindel asked if step 1 had been done. Council wanted to get the administrator in place.

Reilly asked what the minimum was we have to provide. If we know what the minimum is then we can go forward. A planner would state the most requirements to keep the job going. We should look at the minimum of what is required. What is required by Jan 1, 2008. Find out what the minimum requirement. Zindel said we should ask a DCA rep to attend the next meeting.

Krieger said the Guidelines state what is required and from it all we have to do is provide a synopsis of what we have in place, how well it is doing and have them review and approve. The 23rd of May will be a joint workshop with Town Council and Board will discuss the process.

Wilbur started with the overview of Goals, pg 1.1 – have we done that? Clasen said yes we have done that. We have general agreement that we want a corridor on Malabar and Babcock. The zonings have been gone over. Wilbur said that it has to go with health and welfare due to compatibility. Clasen stated that it would be great if we could get road widening and storm drainage, but those are under State control.

She felt we have already addressed these items. We have not allowed direct access to the subdivisions from Malabar Road. The traffic level along Malabar Road is reaching maximum capacity. Clasen said have we not already addressed this with our many letters to the State.

Krieger suggested a review process. He proposes they read each Goal and answer yes or no and make a short note. And then at the next meeting they could address the notes. In reference to the Goal, Wilbur said we need a gateway plan. Krieger said that sounds like the Florida vernacular issue.

For the joint workshop we should have yes and no and discuss at the next meeting so we have unified answers. Wilbur thinks we are deficient because we don't have the water and sewer and don't have the growth we thought we would have. Krieger said we for the most part have accomplished most of these things. We are evaluating the system, not the results. What do you think? Yes.

For tonight we can do this but we could have done this at home. Let us do about 10 pages and see how it goes.

Goal 1-1. Krieger read. Krieger said yes we have worked towards that goal. Reilly yes, Cameron yes Clasen yes, Zindel yes.

Goal 1.1.1 was read. Krieger yes, Reilly yes Cameron yes Clasen yes; we have one of the largest residential areas, plus two mobile home parks.

Goals 1-1.1.1: goods and services protected from incompatible uses. Krieger yes Reilly yes, Clasen yes Wilbur yes Cameron yes, Discussed landscaping buffering. This would be addressed in gateway and could be enhanced. Policy would make sure gateway plan would increase requirements for businesses within the corridor. Wilbur wants residential community protected from commercial usages.

Clasen asked about gateway and thinks of it as an entrance. Discussion of gateways and what it does. It creates wellcrafted protection processes. Have we accomplished this. Wilbur said that we have gotten negative feedback on the project across the street. If we get a gateway plan, that would not happen. The applicant has done everything to code. Clasen said that we have the storage building, and the old building for town hall.

Wilbur said on a Grading schedule we were a C or D. Reilly, per the words we have met it and have an A. In the future, we could improve on this. Clasen said if we could have requested a brick facades.

Zindel said if we make buffers in the front. Wilbur said we could increase the requirements. Krieger said that we have covered this.

Krieger said that it is FDOT and we need to involve them. The issue is we need better communication with them.. That is an example. Wilbur said no to accomplishing this goal. Clasen said yes. Cameron said yes.

Clasen left at 9:10PM.

Cameron said the storage facility is nice and the only difference is the rod iron. They are putting up concrete. When the landscaping fills in it will be nice. Krieger asked if the ficus is evasive. In West Palm they are using Australian Pines. Board digressed.

Kreiger said we should work on this for one hour at each meeting. Reilly said that we should limit it to yes and no and then come back. All agreed.

Goal 1112: Buffering – All yes; Zindel said if it complied then no one would complain about the property across the street.

Goal 1113 – Density – yes – all

Goal 1114 – vista – yes – Cameron said 50 / 50 with no. Malabar Road is looking better every year. The hurricanes took care of Hwy 1. If the houses across the street were painted. Krieger said he thought it was more about nuisances. The vistas refer to parks and amenities. They discussed the dock at the south end of Rocky Point as town for a non-motorized boat launching facility. Don't need money – need grants.

Goal 1115 – Encourage separation between urban and rural uses. Krieger yes Wilbur yes .

1112 – pick up at this. Mark them up at home and take this up at next meeting.

Reilly asked if DCA has a copy of our Comp Plan. Yes.

ACTION ITEMS:

OLD BUSINESS: Ryan's item – Florida Vernacular from Sebastian. Ryan gave to Reilly to bring tonight. Rose will copy for the next meeting. It will stay as old business.

NEW BUSINESS:

Wilbur brought up the adult entertainment issue with Palm Bay. Their concern was that they don't want it on their main thoroughfares. They are concerned that won't be able to find alternate locations. They are using GIS data. The population requires they have "x" number of spots. Kirby industrial park is part of the "Bayside Development" area. Keep an eye on it.

County commission passed the EELs management plan and it included the paved trail inside the fence along Marie Street in Malabar (part of the Boundary Canal Trail).

Also, Wilbur stated the trail in front of Oakmont Preserve (Marie Street) is looking better. It was cleaned up.

Krieger mentioned chickens. 1.5 acre neighbor and they have a house and pond. Not much room for horse and not much grass. When it gets hot and windy – do we have code for no grass? No. Feed horse hay.

ADJOURN:

MOTION: Reilly / Krieger to adjourn. Vote: All Aye. Meeting adjourned at 9:45 PM

Debbly Franklin, Secretary

Bob Wilbur, Chairman

Date approved