



**PLANNING AND ZONING ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 14, 2007  
7:30 PM  
MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**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 – 10/10/07**  
**Exhibit: Agenda Report No. 1**  
**Recommendation: Motion to approve**
- E. PUBLIC:**
- F. ACTION**
- G. DISCUSSION ITEMS**
  - 2. 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 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

11/14/07 MEETING MINUTES

**ROLL CALL:**

Bob Wilbur, Chair

Richard Cameron

Patrick Reilly, V-Chair

Don Krieger

Bud Ryan

Cindy Zindel, Alt. #2, not present

Bill Stephenson, Town Eng, excused

Debby Franklin, Secretary

Keith Mills, Town Planner, excused

Mayor Eschenberg also present.

Meeting called to order at 7:37PM. Prayer and Pledge led by Chair Bob Wilbur.

**ROLL CALL OF MEMBERS** – see above.

**ADDITIONS AND DELETIONS:** Vice-Chair pointed out that Board should appoint members at the first meeting after the election.

**NOMINATION FOR CHAIR** – Reilly/Krieger nominated Wilbur for Chair. No other nominations. VOTE: ALL AYE

**NOMINATION FOR VICE-CHAIR** - Ryan / Krieger nominate Reilly for Vice-Chair. No other nominations. VOTE: ALL AYE

**D.1. MINUTES FROM OCTOBER 10, 2007 ADVISORY BOARD MEETING:**

**MOTION:** Reilly/ Ryan to approve minutes of October 10, 2007 as presented: Vote: All Aye.

**E. PUBLIC – other than on the agenda –**

Mayor Tom Eschenberg, 2835 Beran Lane, spoke on structures above the roof line. Paladin Shores. They got one extension. Clock runs out on Dec 6, 2007. He did a memo to Council back then. He then shared it with P&Z. Anything placed above the roof is not intended for human habitation. General discussion on this project. Code allows seven types of appurtances to exceed the maximum height. What is their vision for keeping the rural character of Malabar.

Reilly referred to Article VII, Section 1-7.5 for Site Plan extension. Actual construction has to start within one year of the Site Plan approval. No permits have been issued. Mayor means the 35 feet to the peak. Town Attorney Karl Bohne has given a legal opinion to Council that the Malabar Code clearly means that 35 foot height meant to the peak not the mean or middle of the roof line.

Krieger was not at the last P&Z meeting but the meeting before that, about 45 days ago, the Paladin developer was present and he said that he would have water and sewer construction under way in 45 days. It is not underway.

Juliana Hirsch, 1035 Malabar Road, thinks Town should keep Code very clear on the maximum height will be 35 feet. Otherwise, the pitch could increase it even higher. Hirsch

stated developers hire architects because they have such a way of explaining projects and they get things through the boards. She thinks we should be very clear. No need to discuss this any further.

Krieger asked if Council should continually renew projects that have dragged out their site plan approval. Ryan agreed. Krieger stated if Council is going to approve extension, it should go back before P&Z. That would require a code change.

**MOTION:** Krieger / Ryan to recommend to TC to send the Paladin project site plan review back to P&Z. Discussion.

**Krieger amended motion** (Ryan seconded) was to recommend that TC allow the extension to expire and require the applicant to reapply. Discussion.

Ryan thought they should get one extension only. Cameron thought we should have them reapply. **Vote: All Aye.**

**MOTION:** Reilly / Krieger to recommend TC review the verbage of Article XX, Section 1-20.2, Language and Definitions, Building Height, to help maintain the maximum 35' roof height means to the peak of the roof from the first floor level.

Wilbur is satisfied that the height issue is in our Code clear enough and the Town Attorney has confirmed that. It is the Board's responsibility to make sure that the project complies – if it doesn't tell them to bring it back when it does comply.

Wilbur said the apurtences should be restricted to a 5' or 6' height above the roof height. Ryan said they should eliminate the extra words after "height" in the definition. Krieger stated there should be some flexibility. Krieger had to measure the building on the site plan and wants to go back to 2.5 stories. Building into the dormers. By changing it to 3 stories TC opened it up to 52 and 65 foot heights. They discussed the finished heights. We have another discussion – finished grade before the project or the finished grade after project. They rode through Oakmont the grade was so low that those houses will have to build up 4 feet. Ryan had to replace septic – talked about adding a sewer requirement to new developments. **Vote: All Aye.**

## **F. ACTION**

## **G. DISCUSSION ITEMS**

2. EAR letter to DCA - P&Z members want to see it. Krieger understood from last meeting that P&Z job is done. Wilbur stated it is the Boards duty to work on the Comp Plan and land use regulations. Understanding of Board that the letter to DCA would be put on website by October 15, 2007. Krieger has issue with being cutoff from the process and for the next meeting we should have the letter in the packages – and on the website – this item should be on the P&Z agenda constantly throughout this entire process. Keep it before the Board.

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

Reilly asked for the status for the new Section "X" that will address fences/wall heights in subdivisions. Staff working on it.

Cameron asked about Eva Lane fence heights. Secretary stated the owner was explained the options and has not done anything and the issue will go before the Special Master/Magistrate.

Wilbur asked about the tree protection ordinance or mitigation. County has process of requiring a process one must follow if they cut down a tree. Weber Woods cut down everything. They did mitigation and the Administrator walked the property with the developer.

Krieger asked about the motion making process. P&Z vote was not to support the Doggie Dining ordinance. Chair explained that motions should be phrased in the affirmative.

**I. ADJOURN:**

**MOTION:** Reilly / Ryan to adjourn. Vote: All Aye. Meeting adjourned at 9:15 PM

BY:

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Bob Wilbur, Chair

ATTEST:

\_\_\_\_\_  
Debby Franklin, Secretary

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Date approved