

**TOWN OF MALABAR – PLANNING & ZONING ADVISORY BOARD**

**3/12/08 MEETING MINUTES**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

**A. CALL TO ORDER, PRAYER AND PLEDGE**

Meeting called to order at 7:34 PM. Prayer and Pledge led by Chair Bob Wilbur.

**B. ROLL CALL**

**ROLLCALL:**

**Members:**

Bob Wilbur, Chair  
Patrick Reilly, V-Chair, excused  
Richard Cameron  
Don Krieger  
Bud Ryan  
Cindy Zindel, Alt. #2, will be voting in Reilly's place

**Staff:**

Michele Kelly, Admin Asst to Bldg Official  
Roger Cloutier, Building Official

**C. ADDITIONS/DELETIONS/CHANGES**

**D. CONSENT AGENDA**

1. **Approval of Minutes**  
**Regular Planning and Zoning Meeting – 2/27/07**  
**Exhibit: Agenda Report No. 1**  
**Recommendation: Motion to approve**

Revised minutes

**Motion:** Krieger / Ryan to recommend Council approve minutes

**Vote:** Wilbur: Aye; Cameron: Aye; Krieger: No; Ryan: Aye; Zindel: Aye

Ryan asked for verification from the last P&Z meeting that the E.A.R. motion would not be recommend to Council. The board agreed this was the decision.

**E. PUBLIC HEARING:**

2. **Approval of Appurtenance Height (ORD 2008-04)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE V, SECTION 1-5.1 OF THE LAND DEVELOPMENT CODE OF THE TOWN; PROVIDING FOR EXCEPTIONS TO HEIGHT LIMITATIONS; DECLARING THAT ELEVATORS ARE INTENDED FOR HUMAN OCCUPANY AND SHALL NOT BE CONSIDERED FOR AN EXCEPTION TO THE HEIGHT LIMITATIONS; AMENDING SECTION 1-20.2 OF ARTICLE XX OF THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING THE DEFINITIONS OF STORY AND BUILDING HEIGHT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit: Agenda Report No. 2**  
**Recommendation: Motion to approve**

Motion: Krieger / Ryan motion to approve Ordinance 2008-04.

Chair states that the item was advertised as a Public Hearing in the Florida Today Newspaper

**Open Public Hearing:**

Tom Eschenberg, 2835 Beran Ln. Malabar, FL. stated that before any land change can be done there must be a public hearing. The Mayor stated that this ordinance is the same P&Z had seen in the last meeting but he had suggested, and the Council had accepted but is not in P&Z's copy, that on pg 2 section 3, it should read "...intended for human occupancy except for roof maintenance then such..."

**Close Public Hearing**

Chair then asked for Board comments.

Krieger still had a question that if changes are made to the ordinance then would it have to go back through Council and to another public hearing?

It was agreed that regardless of the wording a request to have one of the appurtenances would have to go through staff first. Ryan agreed that Eschenberg's addition to the wording should be included. Wilbur was comfortable with the wording.

**Vote:** All aye

**F. ACTION:**

No Action Items.

**G. DISCUSSION ITEMS - General Items**  
**Road Access from Babcock across from Foundation Park Boulevard**

Wilbur explained the item. The goal is to create a road that would allow traffic flow in that area and that would utilize the current signal light at Foundation Park Boulevard. This could allow for commercial businesses in that area with less impact on residents and residential environment. Currently the commercial district is basically landlocked in an attempt to keep traffic away from residential homes. He would like to discuss the possibility of working with the current property owner to obtain the vacant property after research had been conducted on the land to determine if the concept is doable. If results are favorable then would like to bring the item to the Council to obtain their insights and thoughts on the issue. Members discussed what Wilbur is looking for and the ultimate goal. Ryan verifies that obtaining this property would be for a ROW to permit a more direct access to the commercial property in the area.

Staff was requested to research area, check aerials, wetlands, SJRWMD, owner information, etc.

**Motion:** Wilbur / to ask staff to research the property opposite Foundation Park Blvd.

**Vote:** All Aye

**H. OLD BUSINESS/NEW BUSINESS:  
Malabar Vernacular Ordinance**

Wilbur raised the Green Resolution discussed in last meeting, he believes it makes ecologically sense to implement it, but he would like more information such as other towns whom enacted the resolution, what, if any, red tape issues were encountered, the pros & cons of enacting the resolution, and so on. Krieger disagreed believing that the Town should not be associated with one specific group due to possible future problems or future requirements of the organization. However, if the Town were to implement an ordinance, request, action plan, to be more green he would agree to it as a Town implemented goal. DCA had stated that regardless of the Town joining the organization they would offer guidance, direction, and information. Cameron asked if Mayor Eschenberg could look into other cities who created such an ordinance and what outcomes these cities have come across. Cameron would like to know if these organizations would require changes or directions that could be counter to the current and desired natural environmental setting of Malabar.

Wilbur suggested the board think about the future appearance of Malabar's downtown.

Krieger stated that he was asked to go to the March 11, 2008 EEL meeting. The EEL's resolution for Malabar is being moved ahead and is being sent to another committee. The current accepted plan is to move the fence and create pathways. Krieger placed a copy of the report in the Town Clerk's inbox.

It was also determined that P&Z wanted staff to check into this and get more information from other Cities and Towns that had gotten involved with the EEL's.

**I. ADJOURN:**

**Motion:** Krieger / Ryan to adjourn. Meeting adjourned at 8:35 PM

Michele Kelly  
Michele Kelly, Secretary

Bob Wilbur  
Bob Wilbur, Chairman

February 27, 2008  
Date approved