

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
August 11, 2010 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 7:30 P.M. Prayer and Pledge led by Vice-Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	BOB WILBUR, excused
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS, excused
TOWN ENGINEER	MORRIS SMITH, P.E. excused

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA -

1. Approval of Minute- Planning and Zoning Meeting- 07/14/10

Exhibit: Agenda Report No. 1
Recommendation: Action

Motion: Reilly/ Ritter to Approve Minutes for July 14, 2010 with below noted corrections. All
Vote: All Ayes.

Ryan has a change, it stated that he was noted as being excused at the meeting of July 14, 2010 need to correct this error. Ryan was at meeting and quoted in minutes.

E. PUBLIC HEARING: none

F. ACTION:

2. Review Packet of Land Use and Density that was Presented to Council

Exhibit: Agenda Reports No. 2
Recommendation: Discussion/ Action

Reilly explains to Board that he had gone to the Council Meeting where the Land Use was on noted to review on that Agenda. He looked at the maps and removed it from their Agenda until reviewed again by this Board.

Reilly is going through the packet of the presentation that he did by power point. He is going to take minutes and with red pen and make corrections on clean copy. He will forward this to me after he makes corrections on his power point presentation.

Krieger states that his understanding of the EAR is that it talks about Land Use, Future Land use it is elsewhere in the literature that related zonings are brought out. It is also my

understanding that you can have multiple zonings within a Land Use or a zoning can be less than the maximum land use. He explains what we have done here is basically an experiment it is not a complete experiment, we have not included Highway 1 it does not include the whole Town.

Krieger did some research and called up the County and asked, "If you want to increase the Land Use and don't change the zoning does that increase the taxes on the Land?" The answer I got was, "that is Art", it's not reality it is "Art".

Krieger thinks we the Board have created a great guideline to go by to show the Town Council it is an experiment that if we are going to increase land uses, this is the way we would go and now we have a set of guide lines. It is a future planning type of thing and we need to be careful of our wording of how we present to Council that this is not to go in instantaneously because we have still not addressed the problems R/LC and the relationship with Highway 1. Krieger thinks the presentation Pat did was great work.

Krieger would like to see the Town Attorney here at one meeting to discuss these matters with him. I called up the county to inquire about land changes to professional zoning or industrial zoning but you are RR-65 can you still have horse, what is the view of the county? I was told it was "Art" sometimes your taxes are going to go up and sometimes not. My view of that and of the Town would be that we have diagramed this whole thing out.

Reilly go to page 53 there is a Table that reads Future Land Use Map Designations, Corresponding Zonings, I chose the Corresponding Zonings for this presentation, if you relate this to the table 1-3.3A, in the very first column it says zoning district that is why I called it zoning verses Land Use.

Ritter adds that on all the Maps it says Land Use.

Zindel suggests about Land Use verses Zoning, Land Use doesn't have anything to do with taxes; it is not Land that is taxed. Krieger adds that the tax is on best use.

Ritter is discussing with the Board different scenarios and asks, We're doing future Land Use, how does this affect the guy on Present Babcock Street where it is RR-65 , changing to CL now he is in the Future Land Use area. The Board is explaining that he must come in to change the Land Use.

Reilly, explaining to P & Z Board we will do our presentation and present it to the Council, these are our ideas and if they want to go forward it will be up to Council.

Krieger adds that we were given a task and we looked at two corridors and said these are possible suggestions for the Future Land Use. Ritter would like to get rid of "Zoning" it is too confusing.

Reilly makes corrections to keep zonings the way they are and just suggests future land use.

Ritter, we are giving recommendation for future land use but not change present zoning.

Zindel, Future Land Use does not have anything to do with Corresponding Zoning , they are Zoning Districts but also Future Land Use Designation is re zoned then it becomes a corresponding zoning change but at the present time R/LC is zoned R/LC.

Reilly suggests doing the two roads (Babcock Street & Malabar Road), and presenting to Council and seeing what they do with this.

Ritter suggests to get away from Zoning references, we are not changing any zoning we are just recommending Future Land Use designation.

Reilly is going through pages with the Board making corrections and will forward correction on presentation to Board Secretary and Debby.

Reilly is going by table that says present zoning districts, there is nothing on table that says Land Use, and it says zoning the left side of chart there is less Land Use than there is zoning because when I did presentation Medium Density Residential it included the following:

- MH-4
- RS15
- RS10

Reilly will get rid of Zoning and use "Land Use" to clarify so there is no confusion.

Board is going through pages of presentation making necessary corrections to forward to Council.

The page stating reference to:

Related Data:

Along Highway 1 was not addressed- Highway 1 should be addressed in the future

Krieger explaining about R/LC – specifically along Highway 1 needed to be changed about leaps and bounds related to it, and we suggests pandemic town. Krieger suggests this is a great preliminary job, for the future.

Reilly goes on that the use of the FLU-9 Map for the Present Land Use. Reilly is explaining the Present land Use is the way it looks today, this is what we proposed.

Reilly discussing the additions that were added to Maps over by Babcock Street:

- "I-95" added to Map
- CG is whole triangle
- Why is RR-65 crossed out?

"CG" & "OI" changed and approved add to present map and not the future

Reilly moving on to discuss Malabar Rd, (west end). Board is discussing the inserts of Land Use designations.

Ritter explaining what was changed on maps changing what was on the "Present Land Use" where we had zoning designation, to corresponding "Land Use" designations.

Land Use: Weber Road to Alexander Lane Map:

- Open Space became "Conservation"
- RMH became HDR
- RS ?????

Land Use: Malabar Rd, Alexander Lane to Corey Road Map:

- Institutional where the Fire Department is located
- MDO ???
- LDR = RS21

Land Use: Marie Street to US Highway 1, Reilly will get with Debby about this Map.

Reilly sums up that he will make the corrections and get with Debby and the changes that she has made to the Maps.

Ritter reiterates to take out "Zoning" references out and replace with "Land Uses" references.

Pat will review and send to Debby the Land Use changes.

Krieger states we are sending this to Town Council with what recommendations. I think that the Council should review this and give P & Z feedback to what they think.

Krieger suggests that we have done the experiment on these two roads, we are sending to Town Council we would like to use as guidelines for the future.

Motion: Ritter / Krieger To Present Our Results to Council on Future Land Use for Babcock Street & Malabar Rd and intend to finish the rest of the Town in the near future. We would like to see if there are any suggestions or feedback on our progress from Council after reviewing. All Vote: All Ayes

We will recommend sending to Council after Labor Day, for the first meeting in September 2010.

Board discusses Table 1.3-3A, Reilly explains the different Tables that are marked as follows:

- Old Table
- Corrected Table
- Supplement

Reilly is looking at the revisions that Supplement 16 is presently in your Code Book. If you go back to Supplement 15 the "Old Table", some changes made to ratios.

Reilly discussing the Ordinance 2004-08 that was written to delete the septic tank portion of the column. The town has no control over septic tanks that is the reason why that one column was taken out.

Reilly explains that he would go on and continue to try to get that column back on to the table, but it was purposely taken off the table.

Ritter states it was to remove all reference relating to maximum density requirements which would be subdivision that cannot or not suppose to have septic tanks.

Reilly goes to supplement #9 the maximum density is up at top and underneath is two columns, they removed all reference to the last column. The new Tables have maximum density with septic tanks. It became a ratio again. Ritter stated it became what minimum open spaces were they moved it over, and deleted floor open spaces.

Krieger adds that the Ordinance states you have to comply with septic permit of Brevard County.

Reilly discusses if not an added column, Ritter suggests putting a reference on the bottom, without central water and sewer the County would have to recommend either septic or drain field.

Place below #7 on Table:

*Ref # 7 Lots without central water and waste water would comply with the septic requirements of Brevard County.

Reilly suggests separating the Table 1-3.3A to bring it back the end of the month for review. I will check the headings about floor ratio to change. The EAR fixed the Table, I will re create and bring back

Ritter suggests we are more restricted with the lot size then Brevard County.

Krieger adds if you look at the Ordinance 2004-08 it does not say specifically it's removed the table line it just says we are not in control by crossing that out. I think there might be a means in which you can just correct the Table and not do another Ordinance.
Put on Agenda for next meeting August 2010.

3. Fence Ordinance Corrected Version Quick Review

Exhibit: Agenda Reports No. 3
Recommendation: Action

Motion: Krieger / Ritter Recommend to Council with added changes to pass on for Fence Ordinance Replace Section1-5.8 All Vote: All Ayes

Ritter correction page 2 of 3-d, take the 1 out.

G. DISCUSSION:

H. PUBLIC:

Open to the public:

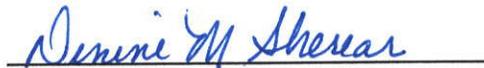
I. OLD BUSINESS/NEW BUSINESS:

J. ADJOURN:

There being no further business to discuss, **MOTION: Ryan / Ritter to adjourn this meeting.**
Vote: All Ayes. The meeting adjourned 9:15 P.M.

BY:


Bob Wilbur, Chair


Denine M. Sherear, Secretary

08/25/2010
Date Approved