

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
MARCH 28, 2012 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 Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR
VICE-CHAIR:	PAT REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	WAYNE ABARE
ALTERNATE:	CINDEL ZINDEL
BOARD SECRETARY:	DENINE SHEREAR
RECORDING CLERK:	DEBBY FRANKLIN

C. ADDITIONS/DELETIONS/CHANGES:

Ryan asked to make a statement. He has had to endure several physical challenges and may have to miss the next two meetings and would like to have them excused without prejudice. He has faith in Wayne Abare to vote in his absence. He asked to continue to get the meeting minutes. With that said he left the meeting.

D. CONSENT AGENDA:

1. Approval of Minutes Planning and Zoning Meeting – 3/14/12

MOTION: Reilly / Ritter to approve 3/14/12 minutes as corrected.

Corrections: pg 2, Reilly would question, 3rd line down – did not trip the requirement for their permit. Pg 5, ¾ way down, also change to “do. Pg 6/44 Abare, last sentence, if you want to, you have to have a bigger piece of land. 3rd para below that, selected or sb if. Last para, 2nd line missing letter, ask what instead of hat.

Pg 9/44 4th para, the 48 hours is for parking in the ROW. Ritter said they would not have said that. Franklin said she will listen to tape. Krieger said that is what they were talking about. Wilbur said that is problem we are having. Listen to tape.

That sb than Palm Bay. Last para, first line, if its sb if it is on your property.

Pg 10/44 Krieger mentioned about the 1000 sf – doesn't match with the previous statement. He was saying you shouldn't have to go through whole site plan. Add shouldn't to that sentence.

Krieger said the minutes there said to make this a discussion item, referring to the excused absence procedure and yet it wasn't made an item on the agenda for tonight.

VOTE: all Ayes

E. PUBLIC HEARING: none

F. PUBLIC: none

G. ACTION: none

H. DISCUSSION:

2. R/LC Zoning Clarification

Exhibit:	Agenda Report No. 2
Recommendation:	Discussion

Chair Wilbur would like to set a goal that we identify two items for action at next meeting. Krieger said they should be Items 2 and item 6. Wilbur said they are in the order for moving to action.

People are waiting and they are in order that they have been on their list. Some of these we were on before Cindy left. Abare said he thought the setbacks were done. Denine, check out setbacks in residential zoning. Reilly said the Mayor wanted them to look at other residential zones and Board did not feel the need to change those.

Ritter said regarding the R/LC, they need to clarify the bullets by adding a maximum of 4 residential and a maximum of 4 commercial. Zindel said that would mean 8, more than they intended to allow. Ritter said they took the ratio out of their earlier draft. Reilly said that is not what it means and referred to 3rd paragraph, with 1 commercial you could have 2 residential. If it is mixed, it is then limited to 3 units. The bullets are clear to Reilly. Ritter said regarding the residential units or use; it should be one or the other.

Ritter said to go with units instead of uses. Abare asked Ritter if she created a paragraph. Ritter said she did but it was changed to the 2 bullets. Ritter wants to add the language with a maximum density of up to 4 units.

Reilly asked if the Code uses the word "use" elsewhere and we change it here it could change other areas they didn't intend to change. A unit is building. A use is a use. Board consensus to change the language back to unit. Wilbur said someone building new structure could have a business downstairs and a residence upstairs. Krieger posed the question of a landlord upstairs renting to two units downstairs. The landlord would be a business.

Wilbur is asking the difference of home businesses. So you could have 4 commercial businesses. They discussed the vacation homes and possible involvement by the state. Abare said it is the density issue. Wilbur said we have to try it and see how it works. Wilbur said there are a million different scenarios they could consider but they need to start somewhere.

Ritter added the maximum to the paragraph above the bullets then you don't need to add it to the bullets. She read it to Board.

Ritter questioned footnote 6. Franklin said it is in Institutional and refers to park development. Krieger said for the record, we didn't have to make any of these changes.

Consensus of Board to move this to action at next meeting with changes showing so Council will know what they changed.

VOTE: All Ayes

3. Continue Review of Checklist and Requirements for Decorative Water Features and Ponds

Exhibit: Agenda Report No. 3

Recommendation: Discussion

Under 1000 is decorative water feature and over 1000 is a pond. Reilly hasn't worked on this anymore. Reilly noted that when they cleaned up the formatting the diagram is missing showing the slope on the ponds. Krieger said the requirements are too complex.

Wilbur said we are not talking about a small kiddy pool or an above ground pool that is partially submerged in ground.

Reilly said the code came straight from our existing code. He kept it redundant intentionally to address both DWF and ponds. There is a 1.A and a 1.B, 2.A and a 2.B, etc.

Krieger stated he doesn't want a person to have to get a permit for a pond if they are doing this at the same time of building a home. Abare said that is handled within the building permit process.

Zindel asked for history of why they are dealing with this. Wilbur gave example of the person who wanted to build a pond on a vacant lot adjacent to their home. And it involved an adjacent wetland. The Board decided a ¼ acre pond was too large to allow without a permit and also conflicted with Art VII for disturbing 1000 sf of land that requires a site plan process. They would have to do topo, demonstrate other permitting had been applied for and received. What was being allowed with the current code was not in best interest of Town or environment. The Board decided to use the 1000 sf as the separation point. Less than that would not have to have an elaborate topo and engineering but would still have a permit process and show DWF on a sketch and they would get a different permit.

Zindel asked about the retention and detention ponds in Town's subdivisions. Wilbur said they are all engineered and permitted by St. Johns. If you want to do a large pond that is fine, but you have to demonstrate you have met the requirements of our code and any other jurisdictional agencies.

Reilly went over the outline for the code and how each dealt with both the DWF and a pond. Subsection as follows:

1.0 is Definitions and defines both as well as other terms. Reilly added I and J. When the ordinance is sent for codification, they can be changed and put in alphabetical order. That is how they did it with fence ordinance.

2.1 is Permits for DWF

2.2 is Permits for Ponds

3. is Review Process

3.1 is Review process for DWF

3.2 is Review process for Ponds (fix formatting for 3.2; it should not be a bullet in ordinance)

4. is Appeal Process – deals with both DWF and Ponds

5. is Performance Standards and deals with both DWF and Ponds

6. is Failure to Compete deals with both DWF and Ponds

7. is Standards for Fill activities and deals with both DWF and Ponds

Reilly separated them so there would be two processes; one for DWF and one for Ponds. Ritter said if they are basically the same then make it simpler and eliminate some pages.

Staff to do a separate checklist and permit application for each; a DWF and a Pond.

Consensus of Board to put on for Discussion for one more meeting.

4. Define "Light Industrial" Zoning

Exhibit: Agenda Report No. 4

Recommendation: Discussion

Wilbur explained the change to LI for along the west side of RR and also the triangle made by Babcock/I-95 and Booth Road. The Board looked at other towns and county and came up with their definition that fit this area. Krieger wanted to combine the two, LI and CL and he was concerned and thought there should be two separate uses.

Wilbur said we need to get more tax revenue. What about passenger service.

This will be on next agenda for further discussion. Ritter said there was some information missing on the page submitted by Wilbur. Staff will get definition from IHB.

Chair said they should stop here. They have done well in getting things ready to go forward to Council. He stated again that Board should try and move these discussion items up to action and then on to Council at each meeting.

Krieger said that Board should move the order for Board consideration by putting #5 after the setbacks issue (#6). Staff will do research on setbacks. Did recommendation go to Council and then get sent back to PZ? If the Board has dealt with this then it does not need to be on any future agenda.

5. Code Requirements for Assisted Living Facilities

Exhibit: Agenda Report No. 5
Recommendation: Discussion

I. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

6. Setbacks in Residential Zonings

7. Discuss Procedures for P&Z Excused Absence Policies

J. PUBLIC:

Tom Eschenberg, Beran Lane, told Board about recent Teen Council meeting. He gave Board his scenario he presented to Teen Council. There was a person that wanted to mine 15 acres. And donate land 5 acres to town. Teen voted 3/2 to pass it and bring it back to set conditions.

Other issue given to Teen Council was tractor trailer parking, meaning 18 wheelers. If you can fit it in back yard, you could keep it on property. That was their vote.

When he was on council he would ask: Does this give more freedom. If yes, he would vote yes. He would recommend Board give rationale to council on why you want to change density on R/LC from 6 to 4. Bob said it was to allow more green space and open space for landscaping.

Abare stated he liked Tom's comment that we should give explanation of why it was brought here and share that and he would love to get that background if he were on Council. When they take action and at that Council meeting someone from Board should attend and give that background.

Reilly and Wilbur stated that in the past that is exactly what they did. They have not had an item go to Council in a long while.

OLD BUSINESS/NEW BUSINESS:

Old – Cindy asked about ALF place, wanted to know. It did not pass. Cindy was under the impression that FLUM is the best use of land on into the future. Didn't realize designations would be zoning changes. They could be zoning changes if they are requested. If existing residential you can stay there and use that as long as you want. Burden on land owner to come in a pay for the zoning change. Burden of buyer. You don't have to do that? Then the zoning map would change.

Abare said how are you going to keep track of the changes. Is that the default. Bob said they were changed administratively. Franklin explained the problem. What about the landowner. The state was reserving ROW on Glatter. That is where a lot of that came from. Much was changed to CG and now can't get a loan to remodel their house. That is how they came up with RLC.

Cindy said the demand for the road. When they did the first FLU map to figure out some way a core center of the town rural and allow some downtown area without wrecking. Had a clean slate but it did not happen that way. We are dealing with the unintended consequences of the way it was developed.

Abare said if Council changes a RM6 to a RM4 then it can be harmed and make land owners nervous.

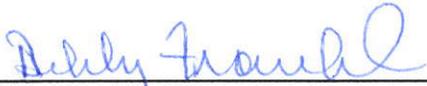
New: Denine stated that the lady that came in tonight and is interested in old school house for women and possibly a school. She wanted to see how the Board meeting works. That could be something that could be coming. Also got a call from a realtor for the same property to use for a Korean children home with a new structure in back for an ALF for Koreans.

L. ADJOURN

There being no further business to discuss, **MOTION: Reilly / Abare to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:30 P.M.

BY:


Bob Wilbur, Chair



Debby Franklin, Recording Secretary



Denine Sherear, P&Z Board Secretary

4/11/2012 as submitted
Date Approved

Wayne said he will not be at next meeting, April 11, 2012; he will be in Amsterdam.