

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
AUGUST 12, 2015 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 Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN, Excused WAYNE ABARE GEORGE FOSTER
ALTERNATE:	DOUG DIAL
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES:

Reilly stated that Doug Dial will be voting in the absence of Bud Ryan tonight.

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 7/22/15

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

**Motion: Ritter /Abare to Recommend Approval of Minutes of 7/22/15 as presented All Vote:
Aye**

E. PUBLIC HEARING: none

F. ACTION:

2. **Vacate ROW on Johnston Avenue, East of Jennie Street-(Applicant Alisha Cline)**

Exhibit: Agenda Report No. 2

Recommendation: Request Approval

Reilly asked applicant to come to podium and explain the reason for the vacate.

Alisha Cline (Applicant) 2585 Johnston Ave, Malabar explained that she recently purchased the property to the north across Johnston Ave and has been maintaining ROW by mowing and keeping

invasive species cut back. Cline explained that Malabar ends at her mailbox. (the improved ROW of Johnston Ave. ends at her mailbox). Cline explained it doesn't serve any public purpose because Johnston Ave. does not go through to West Railroad Ave. The Storage Company (AAA Storage) has Oaks planted all along ROW area.

Reilly asked Cline to show properties on overhead map. Reilly asked if area is overgrown and Cline responded it is freshly mowed by them.

Abare asked if it would ever be a through street, the Board discussed the map that was email out showing the ROW of Johnston Ave. (on paper only). The official map platted. Reilly explained that from Marie Street to the east on Johnston Ave. is a dirt road with a sign at the eastern point that says "No Outlet".

Reilly explained to the Board that no properties would be land locked there is access from West Rail Road Ave, Jennie Street, and Mary Street. Ritter said that West Rail Road is not an approved ROW, so it would depend which was the shortest way to improve the ROW to access a property.

Board discussed letter received by property owner within the 500 ft. radius, Mr. Emilio Cirelli who objects the vacate, said he access his properties via Johnston Ave. Reilly pointed out that Mr. Cirelli would be cutting across private property if he accessed his property via Johnston Ave. The official way for Mr. Cirelli to access his two properties would be Mary Street. The Board discussed no matter what way Mr. Cirelli accessed his property he would have to improve a ROW. Reilly said that he went to site and it is all overgrown. Reilly asked if Jennie Street, north of Johnston Ave. was vacated, Sherear replied it is not vacated to the north only to the south of Johnston Ave. Reilly explained that Mr. Cirelli has two ways to his property, Johnston Ave to Jennie Street, and Across Mary Street or West Rail Road Ave north to Mary Street.

Reilly pointed out to Board that this is not creating any property to be "land locked" by vacating this ROW area. Ms. Cline showed Board pictures on her phone of the end of Johnston Ave.

Abare asked if all the property owners have been notified, Ritter explained the 500 ft. radius packet with address's attached to mail out notification.

Reilly explained to Board/Applicant that if it gets approved or disapproved it goes to Council. Reilly explained to applicant to send pictures to Denine for Council to see.

Juliana Hirsch 1035 Malabar Road, Malabar asked a few questions. Hirsch said that you (Town/Boards) have to be cautious before you take away the access to properties. The Board explained that properties do have access through West Rail Road Ave. and Mary Street, and Jennie Street.

Reilly said that this area has not been developed in a long time, and the point is that a "land locked" property is not being created.

Abare asked if there are any swales on either side of Johnston Ave, Reilly said it was flat in the area of the "proposed vacate".

Cline said she wanted to join the properties for tax purposes and make it one unified property.

Mr. Kim & Lisa Alford 2545 Johnston Ave, Malabar explained that he owns the property adjacent to Alisha, Mr. Alford showed where his property is located on overhead map. Mr. Alford asked if there

are any plans in the immediate future to pave Johnston Ave. Sherear explained the process of paving a road is done by petition.

Mr. Alford said he understands that a Mr. Cobb has bought several vacant lots in this area off Jennie Street and Mary Street and he might be looking to develop this area. If Jennie Street is developed, then all the traffic will be in front of my property. Ritter said unless they develop Mary Street off West Rail Road Ave., then the traffic flow will go that direction. Mr. Alford said maybe we should air on the side of caution about abandoning a street to park cars, more research should be done on what Mr. Cobbs plans are to develop this area. Mr. Alford's concern is that if you abandon this vacate request then nothing else will be done with this street (Johnston Ave.). Reilly explained that if there is going to be a development then there are rules that have to be followed for the roads and they have to be developed according to standards of the Town to the development. Mr. Alford said that tonight is just a recommendation for the vacate of Johnston Ave., maybe we should do more research. If the Board recommends this it is going to happen.

Reilly/Ritter explained that the accepted/approved road (Johnston Ave) ends at the beginning of Jennie Street. The ROW goes through to West Rail Road Ave., but not improved.

Mr. Alford said he doesn't have a problem with this vacate, he (Mr. Alford) said to just take a better look at what everyone is doing on Johnston Ave. But I do know once you abandon a street it is done.

Reilly reads from the street map that Johnston Ave is improved from Marie Street east to approx. Jennie Street 1,164 feet and (road Payback last 306 ft. 01-01).

(*note look up Ordinance 01-01)

Reilly said that the improved road (Johnston Ave.) ends at Jennie Street. Reilly said that probably the Ordinance came after Ms. Cline's house was built.

Reilly sums up suggestions of the Board for further research:

- To determine is Johnston Ave. a ROW or a Road?
- Determine if the improved road (Johnston Ave.) stops at Jeannie?
- Suggestions for Applicant to modify application to put fence across Johnston Ave, to stop people from coming up driveway and give Town a key.

Ritter commented to research the proposed vacated area before we (the Town) give up the ROW, and the ROW should be shown all the same.

Reilly explained that the property owners have had 50 years to develop this land and have done nothing.

The Board discussed how many houses are on Johnston Ave? There are three (3) with others on side streets, (Marie Street, Florence Street, and Blanche Street).

Abare said that the applicant can still clear and fence property, just not the ROW until issue is resolved and research is done.

Foster asked the applicant why the vacate request, and applicant Ms. Cline explained that people come down the end of the road to turn around and almost hit their dogs. People do not pay attention to the "No Outlet" sign that is posted. Ms. Cline said that after they bought the house they

found out it was a "drug house". There are some questionable people that would come down to the end of the road, and the Sheriff said that there was drug activity at this house.

Abare suggested his opinion to Ms. Cline that if the Town would allow you to fence across the ROW of Johnston Ave and you give the Town a key, would that solve your problem. Reilly said they (Ms. Cline) would still not be able to unite their properties for tax purposes. Abare said we do not have the authority, but it might be a compromise. The Council would have that authority.

Sherear pointed out that the property east of Ms. Cline is CG (Commercial General) that abuts residential.

Ms. Cline pointed out that there is a pond east of her property (2585 Johnston Ave) that appears to be in the Johnston Ave. ROW.

Reilly explained that Ms. Cline's driveway came in off of an approved road as seen on map.

Motion: Abare/Ritter To Table Pending further research on Vacate Request and Allow Applicant to Modify the Application: VOTE: All Ayes.

3. **Amend Signage Code Article XIX, Recommend by Town Council & Town Attorney**
Exhibit: Agenda Report No. 3
Recommendation: Request Approval

Reilly explained to Board the Amended Ordinance 2015-06 that the Town Attorney recommended after a Supreme Court case.

Abare asked for explanation of why the Amendment for Signage Code. Reilly explained that there was a church in Arizona that wanted to put out signs directing people to their church. It was taken as not a stationary sign, so someone said it is like those political signs. The people went to the Town and said we should follow the same rules and that is how it went all the way up to the Supreme Court.

Correction in Ordinance 2015-06 page 3 Section 3(B)f take out ~~No~~ as the first word and put sign(s) as second word. **Political sign(s) may not be.....**

The Board discussed and made the following motion with above correction:

Motion: Ritter/Dial To Recommend Approval of Attorneys Amendment with one correction: (Correction in Ordinance 2015-06 page 3 Section 3(B) f take out ~~No~~ as the first word and put sign(s) as second word. Political sign(s) may not be.....) to Signage Code Ordinance 2015-06 VOTE: All Ayes

G. DISCUSSION

4. **Final Discussion and Review of Future Land Use Maps**
Exhibit: Agenda Report No. 4
Recommendation: Discussion/Action

Reilly went over each FLUM map and updated to July 22, 2015 all changes proposed. The Board went over each map page by page:

Page 2 FLUM map:

Ritter said that "CP" Coastal Preserve is missing from list. Reilly said he would add it to page 2.

Page 3 FLUM map:

- Need Aerial Maps of Corridors for Reilly to presentation to Council (Denine)

Page 4 FLUM map:

Ritter suggested in two large lots on Osage Street by I-95 to insert "CL"

Page 5 FLUM map:

Good

Page 6 FLUM map:

Good

Page 7 FLUM map:

Board discussed, remove Alexander Lane from heading, it is not show on map

Page 8 FLUM map:

Board discussed clarification of R/LC area (Reilly noted)

Page 9 FLUM map:

Board discussed no changes

Page 10 FLUM map:

Board discussed clarification of area north on Highway 1 (Reilly noted)

Page 11 FLUM map:

Board discussed no changes

Page 12 FLUM map:

Good

Page 13 FLUM map:

Board discussed no changes

Page 14 FLUM map:

Board discussed no change.

Reilly/Board went over verbiage of R/LC and District Provisions Article III only changes noted:

- Center numbers on table for R/LC

*Reilly noted for the next meeting make this Agenda Item on FLUM & R/LC definition an action item.

H. ADDITIONAL ITEMS FOR FUTURE MEETING

- ALF next meeting discussion of "OI" zoning in Ordinance.

I. PUBLIC**J. OLD BUSINESS/NEW BUSINESS:**

Old Business:

Abare asked if we have heard from Paladin for ALF, Sherear responded the only contact was an email given to this Board a few weeks back from Gary Parish who works with Paladin about they were moving forward with City of Palm Bay about the water/sewer infrastructure.

New Business: none

K. ADJOURN

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

BY:

Patrick T. Reilly
Pat Reilly, Chair

Denine Sherear
Denine Sherear, P&Z Board Secretary

8/26/15
Date Approved: as corrected