

**TOWN OF MALABAR  
PLANNING AND ZONING ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY JANUARY 13, 2010  
7:30 PM  
MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

---

**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. SWEAR IN BOARD MEMBER FOR NEW TERM**
- C. ROLL CALL**
- D. ADDITIONS/DELETIONS/CHANGES**
- E. CONSENT AGENDA :**  
**1. Approval of Minutes**  
Planning and Zoning Meeting - 10/28/09  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Motion to Approve
- F. PUBLIC HEARING: none**
- G. ACTION:**  
**2. Request for Gates Columns higher than 54" in RR-65 Zoning, 2000 Weber Road, applicant Don Foley**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Request for Action  
**3. Accessory Structure larger than 1000 square feet, 2290 Raulerson Lane, applicant William Morrison**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Request for Action
- H. DISCUSSION:**  
**4. Final Review of Future Land Use Designation along Babcock Street**  
**Exhibit:** Agenda Reports No. 4  
**Recommendation:** Discussion
- I. PUBLIC:**
- J. OLD BUSINESS/NEW BUSINESS:**
- K. ADJOURN**

**NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.**

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 AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: January 13, 2010**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

---

**SUBJECT: Approval of minutes**

---

**BACKGROUND/HISTORY:**

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

**ATTACHMENTS:**

Draft minutes of P&Z Board Meeting of October 28, 2009

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
October 28, 2009 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 Bob Wilbur.

**B. ROLL CALL:**

CHAIR:	BOB WILBUR,
VICE-CHAIR:	PATRICK REILLY,excused
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN,excused
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL
ALTERNATE:	BRIDGET PORTS,excused
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS

Also present: Mayor Eschenberg

**C. ADDITIONS/DELETIONS/CHANGES:**

**D. CONSENT AGENDA -**

**1. Approval of Minutes**

Planning and Zoning Meeting- 09/23/09

**Exhibit:** Agenda Report No. 1

**Recommendation:** Action

**MOTION:** Krieger / Ritter to approve minutes. Krieger has corrections to the narrative in the motion on page 6. The Second paragraph starting with Wilbur back to board for discussion, "~~now it is on inevitable path to speeding~~", should be "on an inevitable path to spending." Same paragraph, "~~try an open up a commercial development,~~" should read try to open up a commercial development. Same paragraph, we have not spent a red cent yet just monies that would not have been utilized anyhow. Should be "used".

The 4<sup>th</sup> paragraph on page 6, "Krieger states they only thing we do not want to do is improve the booth side of this", to replace they with the and to add the word "project" at the end of this sentence.

On page 7, the first paragraph which reads:

"Krieger would like to see motion include a detail of expenditures thus far and even though it is free, would like to see what costs are at next board meeting and I would like the Town Council to be aware of this." This paragraph should be on page 6 before the "Motion".

**VOTE: All Ayes.**

**E. PUBLIC HEARING: none**

**F. ACTION: none**

**G. DISCUSSION:**

**2. Future Land Use Designation on Malabar Road**

**Exhibit:** Agenda Reports No. 2

**Recommendation:** Discussion

There is discussion amongst the Board about the map, Ritter has a question about the north side of Malabar Rd east of the Ell's property there was a little section in there that was supposed to be RLC also the corner of Marie Street and Malabar Road is RLC and north at Old School house is RLC designation.

Wilbur explains that the Trail Head which is north of Old School House on Marie Street is a designation all of its own, it is not a Park it is a Trail Head, if you call it a Park you do not get grants from Greenways Trails. Trail Head would be open space and recreation.

The board is going over the maps and making corrections accordingly. Krieger is discussing east of Marie Street and the "OI" on the one south side it is 400' and the north side it looks about 200'.

Wilbur expresses getting into a residential area by Blanche Street and Florence Street. Krieger says as we progress east we are into residential land and try to determine what the future of the properties border.

Krieger states "OI" is a little more intense than "RLC", Ritter states we should look at making it less intense, due to the fact the parks and environmental area are surrounding. Krieger suggests keeping it "RLC" on the neighborhood side and "OI" on the south side that is opened up area.

Krieger asks about triangle of land by Glatter Rd, west of Marie Street if it is all "CG", Mills answers that is all "CG"

Wilbur is discussing with the board members that the north side of Malabar Road would be the best side for a pedestrian sidewalk.

The discussion among the board members is of the areas east of Marie Street on the North and South sides of Malabar Road; the depth on the south side is 400 feet and 250 feet on the north side. Krieger and Wilbur discussed the area along the railroad tracks being "CG". Mills is asked about OI about 300 feet deep on north side

Mills explains if you want to leave it "OI" and if you want a district through that part of Malabar Road that has mixed use areas on both sides of the Malabar Rd, if you want more of a district that encompasses both sides of the road allows mixed use you would have to change it to "RLC" which is not a bad idea.

Ritter suggest to leave the "OI" zoning on the south side of Malabar Rd. Wilbur adds if you are going to leave it "OI" on the south, extend the depth to 600 feet.

Wilbur is looking at Camelot ditch on maps and discussing depths off Malabar Rd. to the south.

Krieger, on the south side of Malabar Rd, drawing lines with standards or you are following property lines we are going to have to change everything if we are following property lines.

Mills, it depends on what area you are looking at, Krieger states you have an area going from "OI" to Rural Residential.

Mill is pointing out it is all vacant now it is different at looking at something that is in a straight line across in an existing use. Krieger is looking from Glatter Rd side it is butted up against "OI" property, so do we need to make it "R/LC" to make it work through that area.

Wilbur has expressed there has to be a buffer between two different usage areas.

Krieger is asking boards on the south side of Malabar Rd, do we prefer it to be "OI" or "R/LC", remember there are some wetlands; all property will not be utilized.

Wilbur suggests, if we go "R/LC", keep it at 400 feet, if we go "OI" we need to give them a bigger piece to work with, you could utilize back portion as "RR-65" lots are big enough. Krieger asks if you left it "OI" and went back to ditch area, what would you use the back portion as "RR-65" or bump it up to "R/LC" and now changing character to Glatter Rd.

Ritter and board members discuss areas and depths to be suggested along Malabar Road on south side east of Marie Street

Krieger said we can keep it "OI" and 400 feet on south side and see what the future brings, Ritter says "R/LC" behind it. Wilbur says if we are thinking long term think "OI". If you are thinking short term think "R/LC".

Krieger says if we are going to leave it "OI" why don't we take it to 660 feet on the south side of Malabar Road from Marie Street east to the railroad tracks.

Leave east of railroad along Malabar Road as is.

Krieger and board suggests, north side of Malabar Road 300 feet in depth to railroad tracks "R/LC"

**3. Future Land Use Designation along Babcock Street**

**Exhibit:** Agenda Reports No. 3

**Recommendation:** Discussion

**H. PUBLIC:**

**Open to the public:**

Juliane Hirsh, 1035 Malabar Rd, nice quiet meeting tonight, two things 300 feet etc, caution on the depth of 200/300 feet, originally these maps were probably done 60 years ago and there was not so many requirements, keep in mind the retention and landscaping keep in mind that what you could build 10 years ago on a 200 foot lot you end up with nothing, a little shack and landscaping, I am exaggerating but that needs to be considered of what you end up with now.

From Glatter Rd to Babcock Street, she is discussing where her 10 acres are that they did a different zoning and jogged back, Krieger asks if it is the ditch around Duncil Street. Hirsh explains she vacated where Duncil should go through. Hirsh says Duncil is a street and stops at the end of my property, what is the reasoning of going around this area. Krieger explains the reasoning was to wrap subdivision if I remember correctly to go around Weber Woods Subdivision. Hirsh asks why make it "OI", right next to Weber Woods, it should be "R/LC", my property is so gorgeous to put "OI" and put three story offices, it is really criminal. Ritter explains there are some one story offices. Hirsh explains she has a creek on her property, and half the property cannot be built on due to a flood zone. I do not see "OI" 1300 feet back, why didn't we do the other ones around me. Ritter explains it gives the property owners a nice piece of parcel to develop.

Hirsh, asks why not go through all the way to Eva Lane following line of property's to develop are 1300 feet deep.

Wilbur says it only goes to Waring Ln.

Krieger is asking what Ms Hirsh wants; you don't want it to go back 1300 feet.

Hirsh say no, if you're going to go back give me "R/LC". A buffer of "R/LC" is more feasible.

Ritter explains the zoning in the area of Hirsh's residence.

Hirsh shows her property on overhead map, approximately 10 acres, she is not fine with the "OI" because her house in the back of the property. Ritter explains this is just future land use suggestions.

Krieger suggests why we don't take the line up to change the zoning to "R/LC"

Wilbur, future land use "OI" is fine for long term, "R/LC" to have a business and residential.

Wilbur suggests from the end of Duncil to come up with the "OI" to 660 feet and make it "R/LC" across the front. Leave it "OI" west of the Duncil and north up to road frontage "R/LC". The dividing line is Duncil Lane instead of Waring Ln.

The board is discussing Weber Woods and surrounding area.

Wilbur, bring back to the table.

Wilbur asks board if they want to move on to Babcock Street or save for another night, Krieger says it is a good stopping point.

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

Wilbur, suggest reviewing maps at next meeting with all board members.

Ritter asks if there is any other information about Logue's property on Highway 1 that is For Sale. Sherear responds to Ritter that Franklin is still investigating and waiting on response from someone.

Wilbur, discussing calendar for November 2009, next meeting is Veterans Day, Town Hall is closed, and we have the opportunity to move it to Tuesday November 10<sup>th</sup>, 2009. Krieger will be out of Town.

Wilbur suggests November 10<sup>th</sup>, 2009 will work for him; see if it will work for other board members.

Krieger asking about November 25, 2009 for meeting, Wilbur suggests for November 10, 2009,

Wilbur has new business; Sue Hann from the Town of Malabar has been selected as the Scientific EII's site selection committee.

**I. ADJOURN:**

There being no further business to discuss, **MOTION:** Krieger / Ritter to adjourn this meeting.  
**Vote:** All Ayes. The meeting adjourned at 9:18 P.M.

BY:

\_\_\_\_\_  
Bob Wilbur, Chair

\_\_\_\_\_  
Denine M. Sherear, Secretary

\_\_\_\_\_  
Date Approved

**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: January 13, 2010**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

---

**SUBJECT: Mr. Don Foley- 2000 Weber Road, Wants to place Front Gate with Height above 54" along with Pillars to lead into driveway on property**

---

**BACKGROUND/HISTORY:**

Mr. Don Foley would like to construct a front entrance gate that is above the height of 54", he is coming before this board to present his case and reason. He has provided documentation and pictures.

**ATTACHMENTS:**

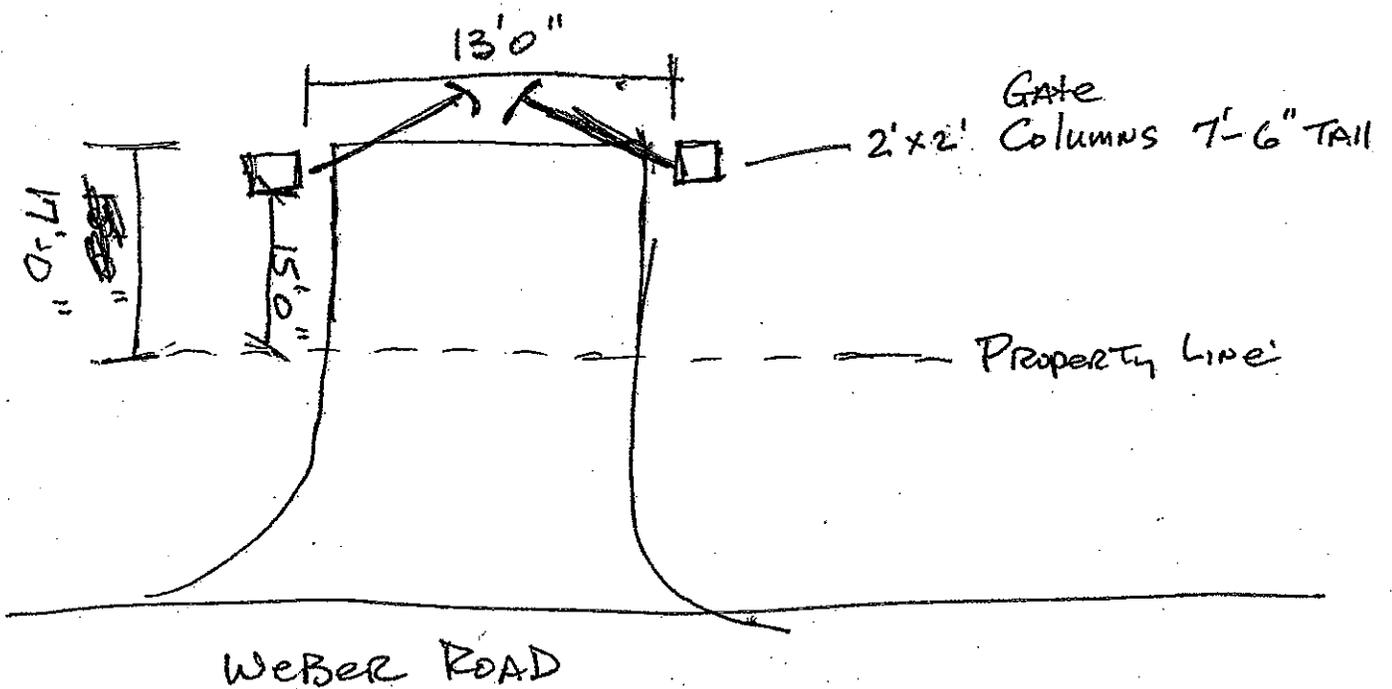
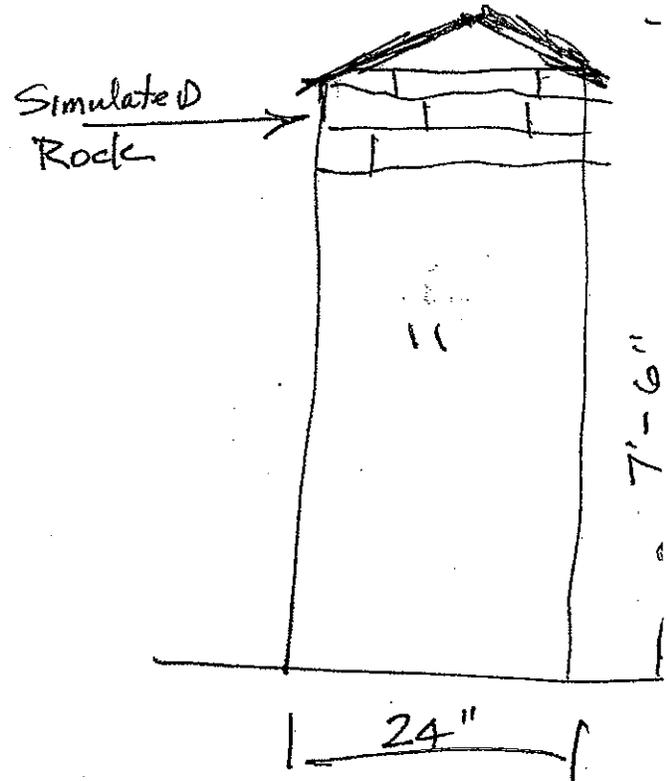
- Document 1 & 2- Shows Height and drawings of Entrance Way
- Document 3 & 4 - Survey and Property Location
- Pictures are on Overhead for Presentaton

By RxxK - Malabar Id

Debbie Franklin

Town Hall

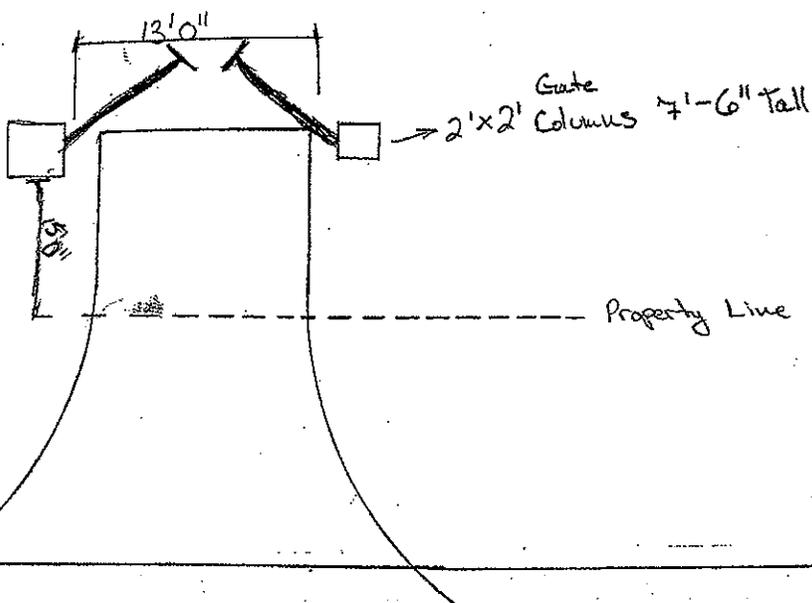
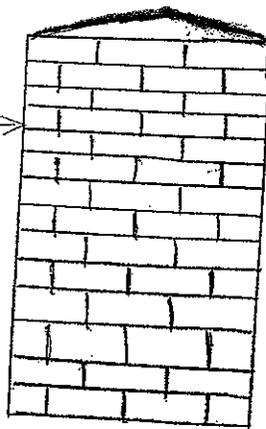
# Document 1





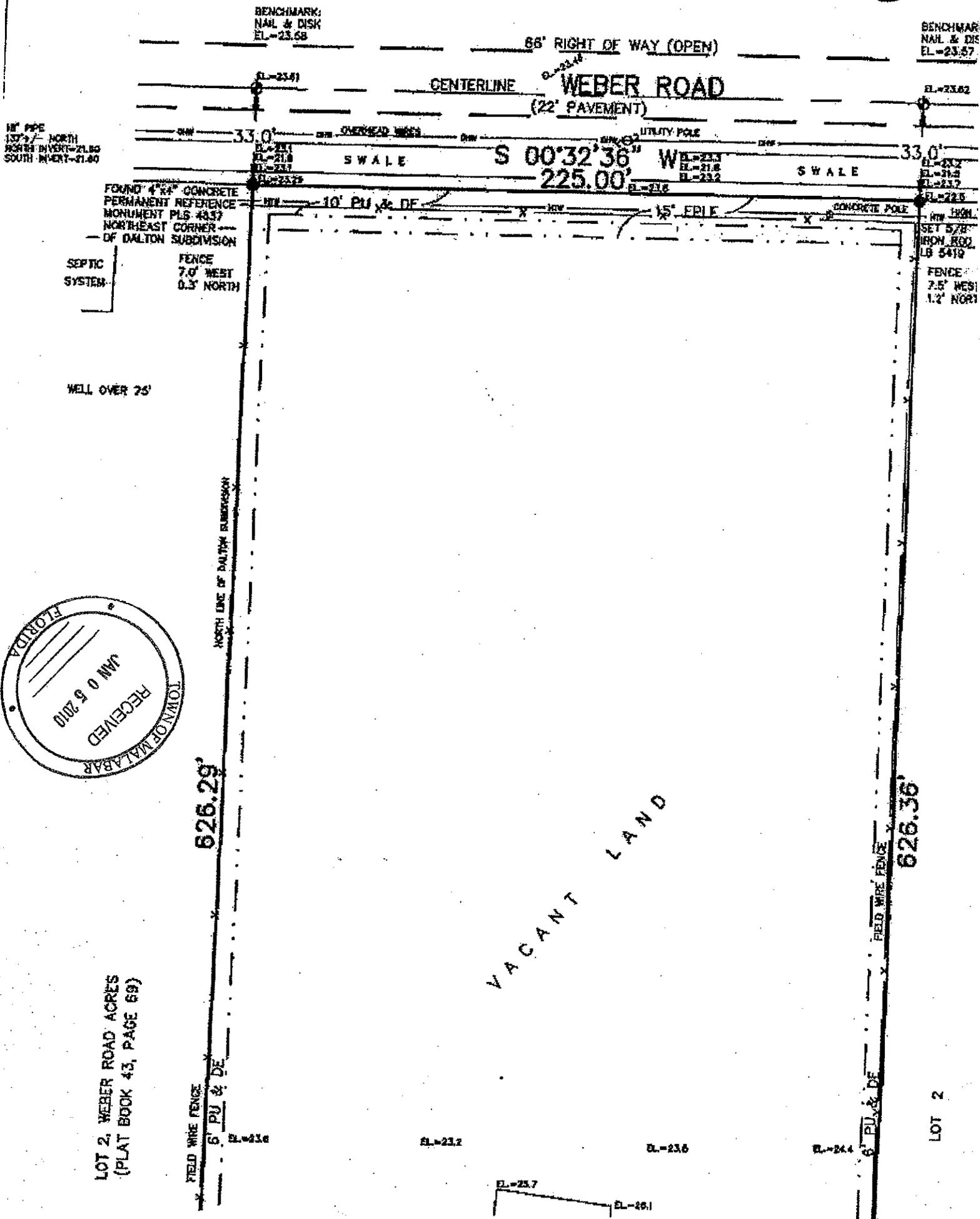
Gate  
Column

Simulated  
Rock



2000 Weber Rd.  
Don Foley

# DOCUMENT 3



BENCHMARK:  
NAIL & DISK  
EL.-23.68

BENCHMARK:  
NAIL & DISK  
EL.-23.57

66' RIGHT OF WAY (OPEN)

CENTERLINE

WEBER ROAD

(22' PAVEMENT)

33.0'

OVERHEAD WIRES

UTILITY POLE

SWALE

S 00°32'36" W

225.00'

SWALE

33.0'

1/2" PIPE  
137' NORTH  
INVERT=21.80  
SOUTH INVERT=21.80

FOUND 4"x4" CONCRETE  
PERMANENT REFERENCE  
MONUMENT PLS 4337  
NORTHEAST CORNER  
OF DALTON SUBDIVISION

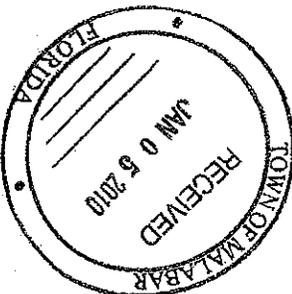
SEPTIC  
SYSTEM

FENCE  
7.0' WEST  
0.3' NORTH

WELL OVER 25'

CONCRETE POLE  
SET 5/8"  
IRON ROD  
LB 5419

FENCE  
7.5' WEST  
1.2' NORTH



NORTH LINE OF DALTON SUBDIVISION

LOT 2, WEBER ROAD ACRES  
(PLAT BOOK 43, PAGE 69)

VACANT LAND

626.29'

626.36'

FIELD WIRE FENCE  
6' PU & DE

FIELD WIRE FENCE  
6' PU & DE

LOT 2

EL.-23.2

EL.-23.6

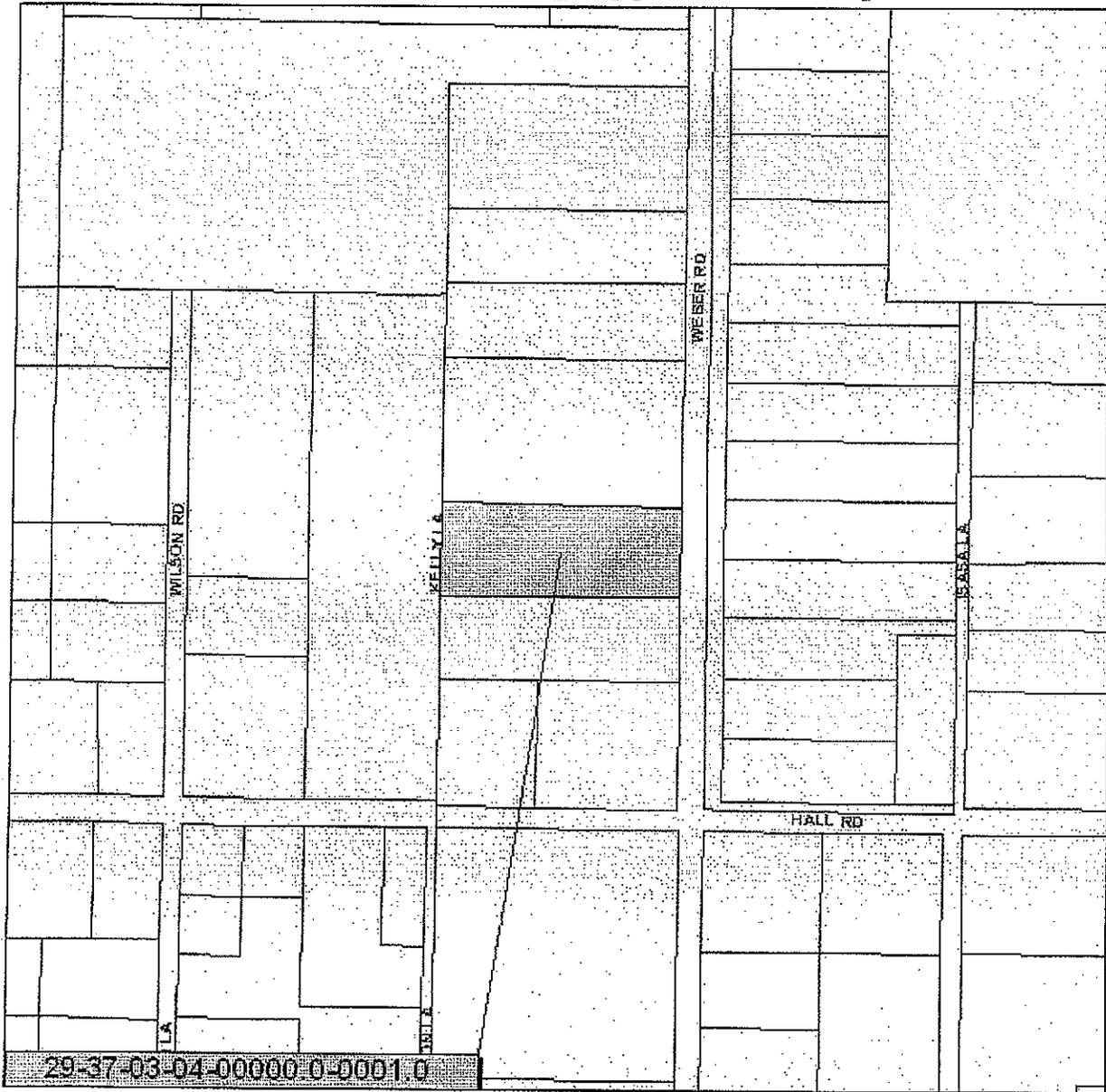
EL.-24.4

EL.-23.7

EL.-26.1

**DOCUMENT 4  
(LOCATION)**

**Jim Ford, CFA  
Brevard County Property Appraiser - Map Search**



**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**  
**Meeting Date: January 13, 2010**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

---

**SUBJECT: Mr. William Morrison- 2290 Raulerson Lane- Accessory Structure over  
1,000 square feet**

---

**BACKGROUND/HISTORY:**

Mr. Morrison has submitted a permit application for 2290 Raulerson Lane to build an accessory structure of 1,100 square feet.

In 2005, an accessory structure was permitted that was not in compliance with Town Code and it cause much discord within the Town. Staff was directed to have P&Z review all requests for accessory structures over 1,000 sf to ensure the location and setbacks are compliant with Town Code.

The applicant will also be required to sign an affidavit that the accessory structure will not be used for residential use.

**ATTACHMENTS:**

Permit application  
Site plan  
Elevation of building

ACCEPTED BY: \_\_\_\_\_

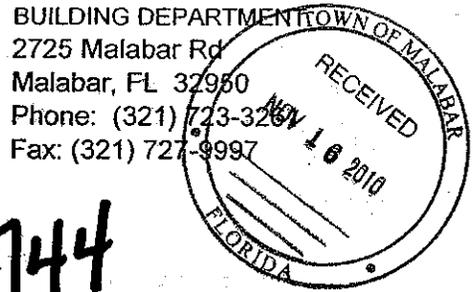
DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



BP# 5744

BUILDING DEPARTMENT TOWN OF MALABAR  
2725 Malabar Rd  
Malabar, FL 32950  
Phone: (321) 723-3269  
Fax: (321) 727-9997

### Construction Permit Application

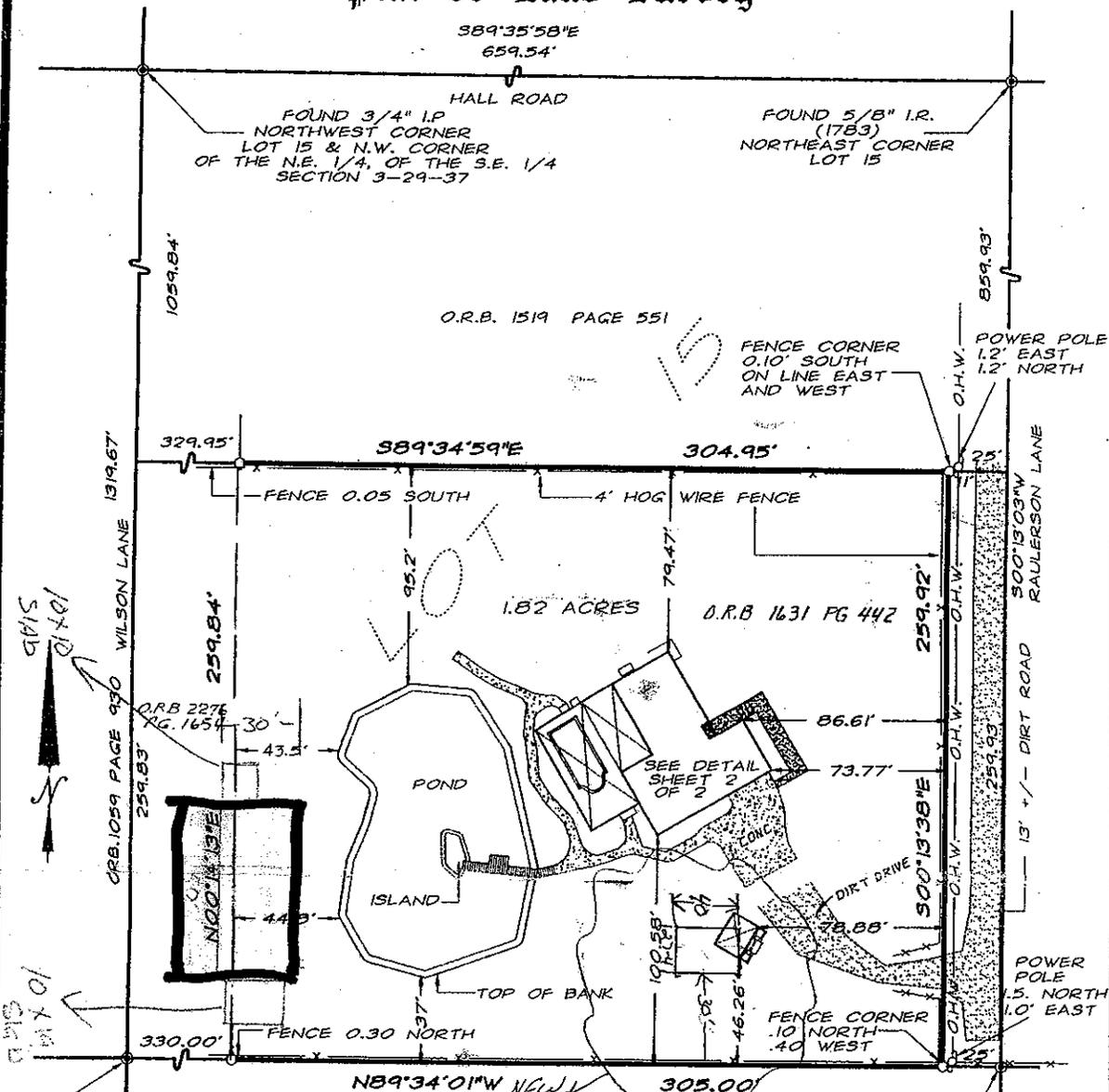
This application shall be completed in its entirety and shall not be altered in any way.

Please visit our web site for forms at [www.townofmalabar.org](http://www.townofmalabar.org)

2004 EDITION OF THE FLORIDA BUILDING CODES AND THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE

<p>Application Date: _____</p> <p>Application Number: _____</p> <p>Project Name: _____</p> <p>Project Address: _____</p> <p>LOT _____ TWP _____</p> <p>BLK/PAR _____ RNG _____</p> <p>SUB# _____ SEC _____</p>	<p>Description of Work: <u>Aux Building</u></p> <hr/> <p>VALUE: \$ <u>25,000</u> ZONING: _____</p> <p>CHECK ONE: RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/></p> <p>CONSTRUCT. TYPE: CBS <input checked="" type="checkbox"/> FRAME <input type="checkbox"/> OTHER <input type="checkbox"/></p> <p>COND. SQ FT.: _____ FLD ZONE: _____</p> <p>NON-COND SQ FT: <u>1100</u> ROOF PITCH: <u>12-3</u></p> <p>TOTAL SQ FT: <u>1100</u> # SQUARES: _____</p>
<p>PROPERTY OWNER INFORMATION</p> <p>NAME: <u>Bill Morrison</u></p> <p>ADDRESS: <u>2290 Raalerson Ln</u></p> <p>CITY: <u>Malabar</u></p> <p>STATE: <u>FL</u> ZIP: <u>32950</u></p> <p>PHONE: <u>(321) 727-9841</u></p> <p>CELL: <u>(321) 288-5288</u></p> <p>FAX: <u>(321) 951-4308</u></p> <p>E-MAIL: <u>Bill@Marketref.com</u></p> <p>MORTGAGE LENDER'S NAME: <u>Chase</u></p> <p>ADDRESS: _____</p> <p>BONDING COMPANY: _____</p> <p>ADDRESS: _____</p> <p>CITY: <u>Melbourne</u> STATE: <u>FL</u> ZIP: _____</p>	<p>CONTRACTOR INFORMATION</p> <p>BUS. NAME: _____</p> <p>ADDRESS: _____</p> <p>CITY: _____</p> <p>STATE: _____ ZIP: _____</p> <p>PHONE: ( ) _____ FAX: ( ) _____</p> <p>CELL: ( ) _____</p> <p>E-MAIL: _____</p> <p>QUALIFIER: _____</p> <p>CERT. OF COMPETENCY #: _____</p> <p>CERT./REG. #: _____</p>
<p>ARCHITECT/ ENGINEER'S NAME: <u>Ben Schwartz</u></p> <p>ADDRESS: <u>4230 Lee Hall Place</u></p> <p>CITY: <u>Cocoa</u> STATE: <u>FL</u></p>	<p>SUB CONTRACTOR INFORMATION</p> <p>ELECTRICAL CONTRACTOR: _____</p> <p>ADDRESS: _____</p> <p>PHONE: ( ) _____ CERT #: _____</p> <p>PLUMBING CONTRACTOR: _____</p> <p>ADDRESS: _____</p> <p>PHONE: ( ) _____ CERT #: _____</p> <p>HVAC CONTRACTOR: _____</p> <p>ADDRESS: _____</p> <p>PHONE: ( ) _____ CERT #: _____</p>

# Plat of Land Survey



FOUND 5/8" I.R. (1783)  
SOUTHWEST CORNER LOT 15  
& S.W. CORNER N.E. 1/4 S.E. 1/4  
SECTION 3-29-37

- SURVEYOR'S NOTES**
1. BEARINGS BASED ON THE ASSUMPTION THAT THE NORTH BOUNDARY OF THE S.E. 1/4 OF SECTION 3-29-37 BEARS SOUTH 89°35'58" EAST.
  2. LOCATION OF UNDERGROUND UTILITIES AND FOUNDATION ARE NOT ABSTRACTED AND HAVE NOT BEEN LOCATED EXCEPT AS SHOWN.
  3. PROPERTY SITUATED IN FLOOD ZONE "X" ACCORDING TO MAP 12009C0605 E. BREVARD COUNTY FLORIDA.
  4. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES AFFECTING SUBJECT PROPERTY.

LEGAL DESCRIPTION (ORB 1631 PAGE 442)  
THE EAST HALF OF THE SOUTH 1/2, LESS THE NORTH 400 FEET, OF LOT 15, SECTION 3, TOWNSHIP 29 SOUTH, RANGE 37 EAST, PLAT OF FLORIDA INDIAN RIVER LAND COMPANY, PLAT BOOK 1, PAGE 165, BREVARD COUNTY, FLORIDA LESS THE EAST 25 FEET FOR ROAD, UTILITY AND DRAINAGE RIGHT OF WAY, TOGETHER WITH : ( ORB 2276 PAGE 1654)  
THE WEST 1/2 OF THE SOUTH 1/2, LESS THE NORTH 400 FEET, OF LOT 15, SECTION 3, TOWNSHIP 29 SOUTH, RANGE 37 EAST, PLAT OF FLORIDA INDIAN RIVER LAND COMPANY, PLAT BOOK 1, PAGE 165, BREVARD COUNTY FLORIDA . LESS THE WEST 25 FEET FOR ROAD, UTILITY, AND DRAINAGE RIGHT OF WAY.

(CERTIFICATION)  
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

RICHARD A. PUTZ P.E. DATE OF SIGNATURE 10/2/01  
L.B. 6610 / FLORIDA REGISTRATION NUMBER 4505

NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL

**B.L.S.&C. INC.**  
LAND SURVEYORS AND CONSULTANTS  
1300 PINETREE DRIVE SUITE 7  
INDIAN HARBOUR BEACH FL 32937  
LAND SURVEYING / LAND PLATTING

**LEGEND**

- IR-IRON ROD
- PP-POWER POLE
- O.H.W.-OVERHEAD WIRE
- N&D-NAIL AND DISK
- R/W-RIGHT-OF-WAY
- CONC-CONCRETE
- IND-FOUND
- CL-CENTER LINE
- OR-MEASURED
- N.I.D.-NO IDENTIFICATION
- CM-CONCRETE MONUMENT
- P.O.B.-POINT OF BEGINNING
- P.O.T.-POINT OF TERMINATION
- ORB-OFFICIAL RECORDS BOOK
- P.O.C.-POINT OF COMMENCEMENT
- T.B.M.-TEMPORARY BENCH MARK
- (C)-CALCULATED FROM CLOSED TRAVERSE
- (P)-PLAT (D)-DEED IR-IRON PIPE

DRAWN BY	DATE DRAWN	DATE FIELD	DESCRIPTION	CHECKED BY
RAP	11/4/96	11/4/96	BOUNDARY SURVEY	RAP
RE		10/11/01	RECERTIFY	



**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4**  
**Meeting Date: January 13, 2010**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

---

**SUBJECT: Review Land Use Along Babcock Street**

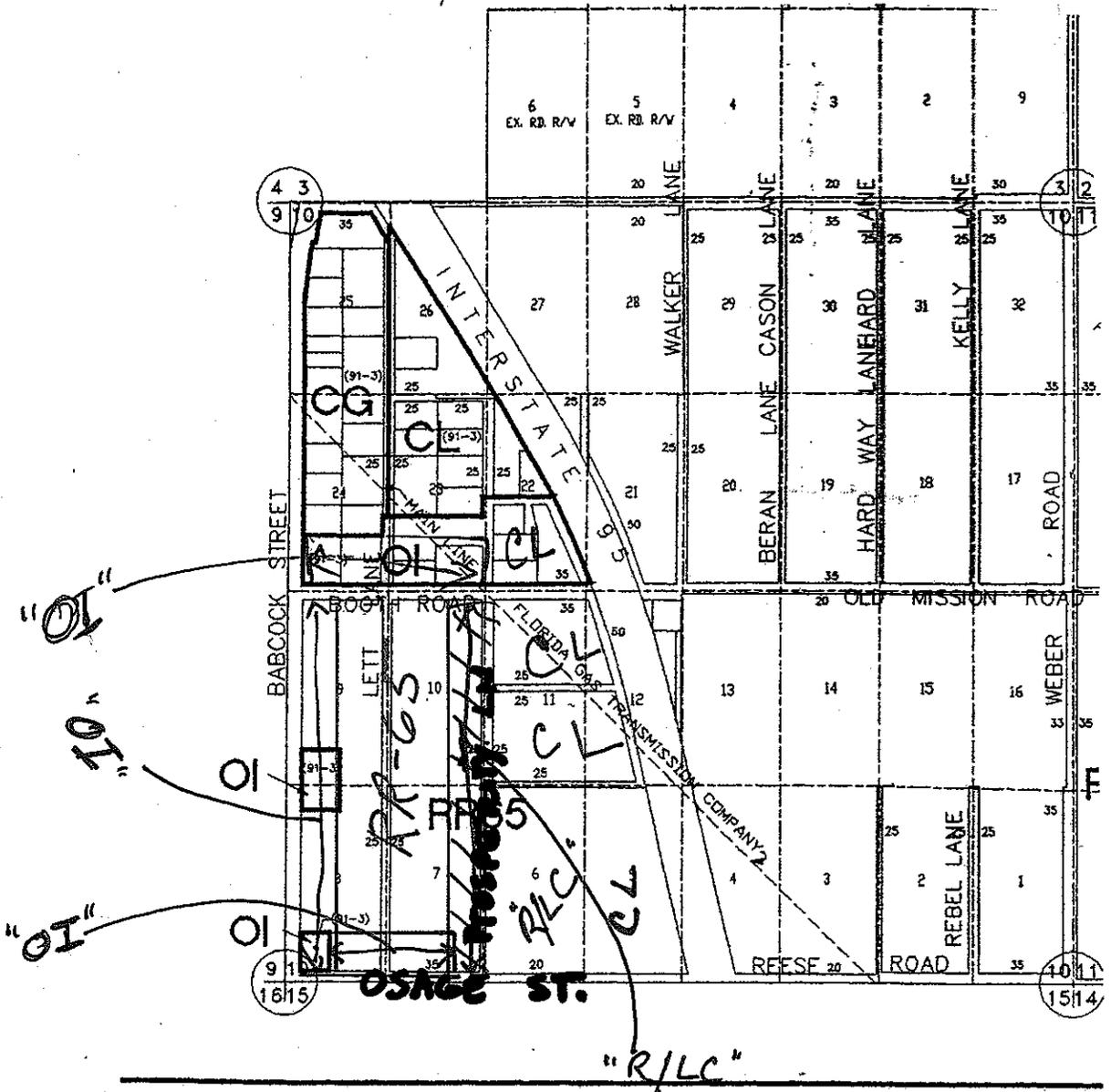
---

**BACKGROUND/HISTORY:**

Final review of FLUM maps before recommendation to Council for joint meeting.

**ATTACHMENTS:**

Map of FLUM along Babcock Street



**RECOMMENDATION FOR FUTURE  
LAND USE.**