



**PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, MAY 9, 2007
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

CALL TO ORDER
ROLL CALL OF MEMBERS
ADDITIONS AND DELETIONS:
MINUTES FROM APRIL 25, 2007 ADVISORY BOARD MEETING:
PUBLIC HEARINGS

1. REZONING REQUEST FROM RS-15 TO RR-65, 1.5 ACRE, APPLICANT DIANE PARKER, 1573 WEIR STREET MALABAR, FLORIDA
2. LAND USE CHANGE REQUEST FROM RR TO OI FOR A 2.5 ACRE SITE, LOCATED AT THE NORTHWEST CORNER OF MALABAR AND COREY ROADS, APPLICANT STEVE MORGAN
3. ZONING CHANGE REQUEST, FROM RR-65 TO OI FOR A 2.5 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF MALABAR AND COREY ROADS, APPLICANT STEVE MORGAN

ACTION ITEMS:

1. REQUEST FOR FAVORABLE RECOMMENDATION ON RAILROAD AVE STORAGE PROJECT – 1450 W. RAILROAD AVE., MALABAR, CG ZONING, PRESENTED BY MBV ENGINEERING, APPLICANT: MARK ARCHER

DISCUSSION/REVIEW:

1. EAR issues

OLD BUSINESS

MALABAR VERNACULAR – RYAN TO PROVIDE INFORMATION

NEW BUSINESS:

ADJOURN:

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 & ZONING ADVISORY BOARD
5/9/07 MEETING MINUTES**

ROLL CALL:

Bob Wilbur, Chair	Bill Stephenson, Town Eng
Richard Cameron,	Debby Franklin, Secretary
Patrick Reilly, V-Chair, excused	Keith Mills, Town Planner
Kathleen Clasen, absent	
Don Krieger	
Bud Ryan, Alt. #1, voting for Reilly	
Cindy Zindel, Alt. #2, voting for Clasen	

Meeting called to order at 7:45 PM. Prayer and Pledge led by Chair Bob Wilbur.

ROLL CALL OF MEMBERS – see above.

ADDITIONS AND DELETIONS:

MINUTES FROM APRIL 25, 2007 ADVISORY BOARD MEETING:

MOTION: Krieger / Ryan to approve minutes of April 25, 2007 as corrected. Krieger stated that on second to last page, starting with Clasen says, “are” should be “our” many letters. On Last page “w palm” should be “West Palm”. Vote: All Aye.

Secretary noted for the record that Reilly called and asked to be excused and Ryan as alternate #1 would be voting for Reilly. Secretary did not hear from Clasen but Zindel would vote in her absence as alternate #2.

PUBLIC HEARINGS

Chairman stated that in the packet there was information for the following public hearings showing the surrounding zoning and residential use of the areas.

1. REZONING REQUEST FROM RS-15 TO RR-65, 1.5 ACRE, APPLICANT DIANE PARKER, 1573 WEIR STREET MALABAR, FLORIDA

Wilbur asked if Planning Consultant Mills had researched this any further? Mills stated he was not asked to research it. He had no further comments in addition what he said at the last meeting.

Krieger stated that he understood that the other issue was the suggestion from P&Z Member Reilly to provide some conditional use process. Krieger understands the applicant wants to continue with the rezoning request, but thought from the last meeting the determination was that it would be spot zoning. Ryan stated that this is not a good idea. He referenced the surrounding area and stated, if she had RR-65, she would be allowed any animal type allowed in RR-65 and it would be a disservice to the neighbors. He disclosed that he had a conversation with her at last election time. During that conversation, she stated she planned to do it at that time. He got with Franklin in Building Department and got back to Parker and told her she could not do what she planned to do in that zoning. There is no precedent for grandfathering.

Zindel had question for Planner Mills. The map shows depicts that these are all one parcel and they are actually individually laid out in the plat. Mills stated that the map depicts parcels that are homesteaded or taxed together. Cameron arrived at 7:55PM. Zindel stated the lot lines cannot be changed. Mills stated the lot lines can be redrawn when a replat is done. Yes, it can be done. There are other ways to legally add to a lot also as long as it meets the zoning. The plat lot lines don't change, but if someone used that to describe a parcel and developed it, it would be described as lot #X and half of lot #Y. Wilbur said that if this were rezoned, this would have to be replatted. Mills said no it would not have to be replatted. The original plat had 50' wide lots. Just rezoning a property would not require a replat. Wilbur stated that something would have to be done to require a 1.5 size. Mills said no, he is not an attorney but as a planner he can state that any person can sell any portion of his lot, no matter what the zoning requires. It only requires a willing buyer and the new owner would be required to meet the zoning to get permits.

Wilbur felt we had enough RR-65 and the RS-15 is at a premium. Felt the Comp Plan required a certain amount of land to be used for higher density, and this request if granted would reduce that amount. It would be his recommendation that RR-65 in this area would not be appropriate.

Cameron thought the discussion at last meeting left if clear that if the entire area wished to come in for a change, that would be more agreeable. Wilbur explained that the applicant indicated she wanted to pursue the zoning change for her one property. Mills said there was discussion on whether the entire neighborhood wanted the rezoning. If that was the case, then it could go forward. But there were many issues that came up in the discussion, mainly that the other owners can't meet the minimum required lot size on 1.5 acres.

Chair asked applicant to present/respond: Diane Parker, 1573 Weir Street, addressed Board. She is not opposed to a Conditional Use, she will work with Town. She just wants to protect her birds. All she wanted was to have her garden and her birds and maybe a goat, so she could have milk. If Board agrees to rezoning, she would sign whatever the Town required to prohibit her from selling any portion of her property, ensuring she kept the 1.5 acres. She will do whatever it takes to protect her lifestyle. She doesn't want someone moving in and causing her pain over her birds. She doesn't bother anyone, wants to be a good neighbor, wants her birds and is looking for some protection. She has had complaints and is working with Town on those complaints to come into compliance with everything. If Board wants to do a conditional use, she would be happy with that. Wilbur said Board was not in position to discuss that at the meeting. It would have to come back through staff, do some research on it, have some meetings on it, etc. Tonight's meeting is the zoning change.

Chair opened the PUBLIC HEARING.

Anthony Cristoff, 1545 Corey Road, does not support this request. He had to get a permit for everything he did. He had to follow the rules. As for being a good neighbor, he did not think working until 2 or 3 in the morning with nail guns and skill saws is being a good neighbor. He stated he is bothered by the chickens crowing and not being taken care of. Another time the chickens got loose. Another neighbor ate them. He can't understand everything being done without a permit.

Wilbur said those are other issues. Cristoff stated that she opened it up and he had a right to state it. He is definitely opposed to the zoning change. So noted by Chairman.

Dave Beaudry, 1540 Gilmore, wanted to go on record as opposing this request. He applauds her efforts in cleaning up the property. It needed cleaning up. Prior to him purchasing he did research on area. It was not a deed restricted area but was a smaller lot residential area. He wanted to go on record that he owns a horse and it stays on the south side of the Malabar Road, where it is designated for livestock and other farm animals. He doesn't want to hear chickens and roosters when he is sitting outdoors. He did not complain at the time, but did not like it when he moved in and the pigeons flew over his house. But he is a firm believer that when something is there when you move in, you don't complain. But they have been gone for quite some time. As a previous code enforcement officer for Malabar, he wants to state that it is difficult to deal with spot zoning. He agreed with Mr. Wilbur and Ryan, there are plenty of places where you can have a farm. Agreed with Cristoff, there are so many things being built over there. He did not have a problem with noise at 2 or 3 in the morning. He had to get a permit for everything. There are issues that need to be addressed on her property and he will go to the proper department. He feels there is no code enforcement and it will fall on deaf ears. Hopes Town checks out what is going on over there for everyone's protection.

Diane Parker, moved there in 1994 and had birds. She did not know her neighbors feel so strongly on getting those cleared up. She does not know what is going on at 2 or 3 in the morning – she is feeding her birds at night because it is cooler. Regarding the permitting and code enforcement, she is working with Franklin (Building Department) on getting the code issues corrected.

After the hurricanes, she was limited on what she could do and it was hot and she as a single woman could not find anyone to help her and she had medical issues. When she got financial ability, she has made improvements. There was so much wrong with the place and so much to do, she started pushing to get it done. She is trying to get it nice looking so the neighbors can be happy with it. She doesn't understand why anyone would be upset with a rooster. She's been doing it since 1994. Cameron said it wasn't zoned for farms in 1994. She said there is a lot of illegal stuff going on in subdivisions. She made mistakes and she will own it and pay what has to be paid and rectify situation. Let's be amiable. She wants to be at peace. If she needs to find other property, help her. Her birds don't even go out right now. She wishes her neighbors would come and talk to her. She is doing the best she can.

Mr. Anthony Cristoff asked to go on record, he has never complained or come down before because he was told that everything was being done legal with permits. Once it is done, it is hard to undo. When he cleared the land, he was harassed but did it with a permit. The pigeons, chickens and buildings on her property are not legal. Everything that was done there was illegal.

Wilbur stated that he needs to talk to Code Enforcement on those issues; it is not for this board.

Wilbur then read into record comments mailed in from Robert Spilipini, 1585 Corey Road, opposing the request (attached),

HEARING Closed to Public.

Ryan is trying to remove sympathy from the decision. This would be spot zoning to the detriment of the rest of the neighborhood. He cannot in good conscience support this for that reason.

MOTION: Ryan / Krieger to recommend Council deny the rezoning request. No further discussion. Vote: All Aye.

2. LAND USE CHANGE REQUEST FROM RR TO OI FOR A 2.5 ACRE SITE,
LOCATED AT THE NORTH WEST CORNER OF MALABAR AND COREY ROADS,
APPLICANT STEVE MORGAN

Wilbur read the agenda item (typo on agenda referred to it as NE and should be NW corner.

Applicant, Steve Morgan summarized from last P&Z meeting. He thinks it is appropriate and a good location for OI. He did this after discussions with the Town on leaving that parcel out of the subdivision. The Town was working on a corridor land use change and rezoning for Malabar Road. There have been staff changes and it never proceeded, so he decided to submit the application. He will answer questions.

Cameron – what does he plan to do with it if it granted. Office/professional..How large is the piece? Morgan replied that it is 2.50 acres including the creek section. After putting in the buffer for St. Johns easement then it would be 1.5 acre left to develop. Cameron asked what was his time frame? Morgan said demand. There is some activity at the hospital. There are things starting to happen along the corridor.

Wilbur asked how much is left between this property and Stillwater. Wilbur said it was a potential site for town hall and committee was told it was 4 acres. Morgan said no, it would have to be combined with the first lot. They, as controllers of the subdivision would have to add one lot from Stillwater if the town wanted to buy it for a town hall site.

Zindel asked how he would access the lot. Morgan replied that it is vacant land but he would anticipate Corey Road, because of the speed limit on Malabar Road. Zindel asked the dimensions appeared to be 350 along Malabar and 378 on Corey. Zindel stated that Corey is a collector but what does it collect? It doesn't collect any other streets, besides the dead end streets in the subdivisions. Cameron said that the driveway decision would be up to FDOT. Cameron said there is no north connection to Pt. Malabar Road. Krieger asked why this would not also be considered spot zoning? Wilbur said that we have been talking about corridor and gateway development plan, but we are not there yet. In some of the discussion they talked about making some OI along Malabar Road because of the hospital. Nothing has been formalized.

Planning Consultant Mills stated that technically it is not spot zoning because there is OI across on the south side of Malabar Road. Cameron said they discussed this with Council because it is not conducive to residential development along 514. Unless it is widened the road is not good for a large shopping center but could support small office development. Wilbur stated traffic considerations could be a problem. There is no traffic signalization. Malabar Road traffic is at its maximum capacity. He said if Morgan plans to use Corey to access land, he would have a very short distance leaving that property and getting to Malabar Road. Wilbur would want to see some traffic counts as Corey Road gets backed up at Malabar Road. Zindel asked what the setbacks are for Malabar Road. Morgan said 100'.

Cameron said FDOT is not interested in putting a signal there. They have turned down every request we have made. Cameron thinks his request is ideal for this corner and for this

corridor. When we get to that point, with the plan for the overall community he should bring his request back. With the traffic from the south and the north along Corey and the State looking at it because Malabar will have to be widened. Cameron thought it is not the proper time. They are working on the issue.

Morgan said that for two years they have been told that the Town is looking at doing this. Then after two years of being told to wait, Booth said he did not know if or when the town would do this and to go ahead and submit. Morgan stated that the town hall selection committee has looked at it for a possible site for the town hall and then it would have to be OI. The intent was there by the Town. It was agreed to be left out of the subdivision for this type of development. This is not unexpected. Morgan is ready and willing to help the town, but it has been three years.

Wilbur stated that they are working on the E.A.R. and the town is looking for a planning consultant to work on these issues on into the fall. Wilbur felt it was premature to do anything until that is done.

Morgan said that he is hearing that the request is a good use. The traffic considerations, and setbacks, etc., will come later with the site plan. Morgan wants to state that this is not on sewer, we are talking about 2.5 acres on septic, with setbacks from creek and from ditch on Malabar Road, and you are looking at a much smaller piece.

Cameron said that six months ago there was much discussion on changing the zoning and also about expanding the water and sewer and building up the Malabar Utility Department. Cameron said Booth leaving and the drop in the economy has changed a lot of things. It is possible to get water and sewer along Malabar Road without too much trouble. The one system to kick it off along Highway 1 has not happened because condos have gone soft. He is not saying it is a bad request; it is not the right time to make a recommendation to council.

Morgan asked for a time frame when this might be addressed. Cameron could not give such a time frame.

Wilbur said we are at mercy of Council. Morgan has been patient for three years and he is hearing a consensus of support and asked P&Z for favorable consideration. Cameron asked if he had met with new administrator? Morgan said he would be glad to meet with her.

Opened to PUBLIC:

Juliana Hirsch, 1035 Malabar Road. She thought this request would smoothly go through. She is getting the impression they want to just keep Malabar Road as a thoroughfare that others use for zipping through. We have gone over this for the past many years, discussion the rezoning to ad nausea. When she bought her 350 feet along Malabar Road, the property was commercial, and then it was changed. She came twice before the Board to ask for studio office and it was denied. The amount of money lost over twenty years...the time has come to do something with this corridor. Attack from back end. Build the stuff and do it now. The traffic is getting denser whether we build anything or not. When they had to grand meeting and decided to change it to OI, some Board members did not know what property they were talking about. She thinks it is criminal to give property owners false hope. Go ahead and build it. She was told by Mr. Booth that Malabar Road would be changed and now he is gone. If we go ahead and build a couple things FDOT will be forced

to put in lights. FDOT does not plan to widen this for the next ten years. She does not support spot zoning. She is tired of hearing the traffic as an excuse. Why should we just be a thoroughfare? She will be posing this to Council. She thinks the request is a good idea for this property; it is a highway. Turning this guy down is ridiculous. It would be a great spot for this use. He is not asking for a gas station. It was commercial in the 1970's. Need to use common sense.

Cameron said when time passes, new laws are passed and zoning changes.

Hirsch asked them to stop using traffic as an excuse. Cameron said the handicap is the State DOT. She thanked Board.

Murray Hann, 1365 Corey Road, lives 3/10ths of a mile north of this parcel. He did not feel the applicant submitted enough information to come before this Board. He and wife dug around in the town ordinances. According 1-12.5C. the Board is supposed to check for consistency with town comp plan, compatibility, adequate public facilities, effects on property values on local residences, orderly development and the applicant did not attempt to address any of these things. As of April 25, there is no response from town staff regarding the request being consistent with town code. He read from code regarding the Planning and Zoning Board maintaining adequate information and materials to understand past trends, present conditions, forces at work that may cause changes to these trends, such as traffic.

Hann said that in his opinion the only safe use of the property is for a single-family home with one driveway. He explained the problems in the morning with the line of cars trying to get on Malabar Road and the existing turn lane. It is being used as a passing lane. The turn lane has made matters worse and there are only about five houses occupied in Stillwater.

Hann thinks in reference to the comp plan that it is essentially spot zoning. It is not consistent with current comp plan for land use plan. When they moved in they checked a one mile radius and the surrounding zoning was all rural residential except for the town park. His wife is a professional planner and they did not want office buildings on residential corners.

Hann stated OI also supports a day care center. He can't imagine the traffic if that were the use. He does not understand the applicant stating he has waited two years for a zoning change. He and his wife have been there for 15 years and moved here because of the zoning. He did not understand the suggestion of supporting the request and making the road congestion worse so FDOT will be forced to do something.

Hann said that per the code, the applicant or staff is supposed to do certain things and that has not been done. He came in last week and there was not anything in the package from the applicant for the zoning board to review. There were no staff reports. It is unfair to the planning board. Hann said that the board correctly referred to the traffic and the access needing to come in from Corey. They discussed the traffic back up in the morning hours.

Cameron said it is difficult to enforce the code when you are run over by growth and don't have consistent leadership providing advise and guidance. They can't deny people from applying. Cameron acknowledges Hann's request for no-support of the request.

Hann said if this was serious application they would have included what they plan to do to get traffic off the road from the land. Cameron said when the Stillwater developers came in with their project it was discussions with the leader at that time that it was decided to set that parcel aside for future light commercial or OI. Residential along Malabar will not support the Town. Hann's opinion is if the town needs to make that corner commercial they need to consider if the current residents who bought in there when it was residential will have a safe way to get out onto Malabar Road. The town could make another access point onto Malabar by the Post Office. If the town is going to put a commercial lot on that corner to get more taxes, they need to have some consideration for the traffic and the safety issues of accessing Malabar Road.

Wilbur stated that is why they are asking for a gateway plan for traffic and roadway alignments, without resources to hire a consultant it is difficult for this board to do that with any expertise. That is why it has taken so long. Administration did not support this and Council did not fund the consultant. Wilbur is hoping with new administration they will move on this in a professional manner.

Hann said thank you

Morgan asked to respond. Regarding traffic, he said he heard this discussion when they did the subdivision. He has been there during the improvements, and has not seen it. The traffic is not stacked up. We are talking about a land use change. You deal with traffic issues at site plan. Site Plan would come before this Board first. If a day care was proposed it would be reviewed and could be rejected by Council.

Board discussed the traffic at Corey and Weber and morning and evening hours.

The lot was set out at the current size and it is not haphazard, they thought it out so they could set the driveway back at least 225' back from Malabar Road, not 50' as was stated.

Morgan said if the Town is going to develop a gateway plan, he has no objections to tabling this. Mills said that tabling would not serve any purpose.

Public closed.

Ryan stated he thinks this is spot zoning. It preempts any decision Council may make in the future. He thinks they should have the master plan in place first.

Zindel said that changing to OI would allow more run-off because the creek is so close and the uncertainty of the widening of the road. The town is working on the FLUM (future land use map). She does not know about zoning.

Cameron stands with his comments.

Krieger said that he likes slow government. He doesn't think it would be too long of a wait. They have had joint meetings and they have discussed it. They have already discussed the south side of Malabar Road. He does not think it will take that long. He thinks the north side should be discussed. Get some answers for these people. The comp plan and the corridor plan and the EAR are separate issues. They are related. Krieger thinks a tabling is in order. It is not a good process to take the applicant's money and not give direction.

The visioning meetings have stated what is desired on the south side and it would not be difficult to finish the north side. Wilbur thinks that it is appropriate to do this.

Krieger said it is appropriate to table, discuss at the joint workshop and bring back to the next meeting. There is a visioning process going on and work on the comp plan. What is wrong with tabling for one month? Wilbur said until there is a gateway plan he would not support.

MOTION: Krieger / table for one month and bring to the joint workshop. Dies for lack of a second.

MOTION: Ryan / Krieger to recommend Council deny land use change request application. Krieger does not think it should be done this way. We should table for one month. It can still be brought up at the joint workshop. Once we get all our answers, the applicant may find that he has been granted his request.

Vote: Aye: Ryan (voting for Reilly), Zindel (voting for Clasen) Wilbur; No, Cameron, Krieger. Motion passes.

2. ZONING CHANGE REQUEST, FROM RR-65 TO OI FOR A 2.5 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF MALABAR AND COREY ROADS, APPLICANT STEVE MORGAN

Chair read second request and asked Morgan to present. Morgan thanked the Board for taking action. The corner of a major intersection is not appropriate for a rural residential, that is why it was left out. Please move this along.

Chair opened to Public: none. Chair closed to Public. It is mute point at this time.

MOTION: Krieger / Ryan to recommend Council deny rezoning request. Vote: All Aye.

ACTION ITEMS:

1. REQUEST FOR FAVORABLE RECOMMENDATION ON RAILROAD AVE STORAGE PROJECT – 1450 W. RAILROAD AVE., MALABAR, CG ZONING, PRESENTED BY MBV ENGINEERING, APPLICANT: MARK ARCHER

Krieger asked why this has been brought to us as an Action item and not a discussion item. Secretary stated that the procedure allows an applicant to provide a conceptual plan but does not require it. This project was mentioned to Board by Town Administrator many times.

Chairman Wilbur asked Bill Stephenson to lead out. Stephenson said his comments are included in the package. They have met with staff for over a year. They have a unique property that has four streets around the property. In meeting with Town staff applicant has agreed to comply with staff requests listed in his memo. The Town of Malabar built a Public Works facility without improving Centre Street. The road must be improved. The applicant has agreed to pay for half the cost of improving that road. They will meet all the other set back requirements. They will install the landscaping on the north and west side of project in Phase 1. They will install all the drainage in Phase 1. With those changes, he recommends approval of this project.

Planning Consultant Keith Mills had reviewed it and had several comments and they have been addressed except for the landscaping. He is satisfied that they will address those concerns.

Stephenson said they would dedicate the additional 10' of right-of-way along Centre Street. Malabar would be required to do the same on their side in order to be in compliance with the Comp Plan. They will share 50% in the cost to improve Centre Street to the dirt road standard. Krieger asked how we got to the 50%. Staff discussions. They will give half the r-o-w and Malabar has to give half.

Stephenson did not require the additional r-o-w improvements on Garden, east of the existing house and on West Railroad Avenue. Wilbur thought there should be a loop around the project to serve Garden Street east of the house. Secretary explained that Oakmont Preserve owns the property east of the residence and it is dedicated as a conservation easement. Krieger said he thought most of the customers would use West Railroad Avenue rather than Pine Street. Stephenson said there was no purpose to require improvement to Pine in front of the project. Wilbur said that he understood that West Railroad Ave would be cleared to the end of the property. Yes. Stephenson said they have been very cooperative in all aspects. They have met Malabar drainage requirements and St Johns requirements with post development run-off being less than pre-development. They will install the landscaping on the north and west sides in Phase 1. Krieger asked about diagonal line in NE portion of plan.

Wilbur asked applicant's representative to present. Mark Reagan, M.B.V. Engineering, is representing applicant Mark Archer. He apologized for not bringing the project to P&Z for an introduction presentation. He has been working with Town staff for past year. He showed sheet C-3 from the Site Plan package on the easel. There are three existing buildings and storage of RVs in the open field. They are proposing a 2-story self-storage 34,000sf building. It is a footprint of 17,000 sf and together with the existing buildings is still less than the 20% allowed in the Code.

They intend to build in two phases. Phase 1 would be construction of the building and the drainage system around it. The second phase would be to pave the field and around the existing buildings. Around the existing residence they will not develop. The residence is not part of the Site Plan. They will leave the huge trees. They are saving the five Oak trees. They are weaving the drainage system through that area.

From meetings with staff they learned that along the south side of Garden Street, east of the house, is a conservation easement. That is why they did not dedicate additional right-of-way along there, but rather designed the drainage conveyance in that area, which would flow east and then north to a drainage pipe that would connect to the existing drainage system along Garden Street and into a retention basin and ultimately over to Pine Street. They also they learned that the town needed West Railroad right-of-way in order to reach a drainage ditch to the south, so they will clear the r-o-w.

They will dedicate ten (10) feet along Centre Street and improve it to the current dirt road standards. They will also dedicate additional r-o-w along Pine Street and also along Garden Street west of the residence.

The existing gated entrance is just past the intersection of Centre Street on West Railroad Avenue. That would remain but the main entrance would be in the center of Centre Street

as depicted. Access is proposed from Malabar to West Railroad Avenue to Centre Street to entrance and then a one-way road around the building.

The Malabar staff said they needed West Railroad Avenue cleared to access to the drainage ditch. They have agreed to brush out this area in front of their property. The stormwater requirements are for both phases and all on their property.

Krieger asked how you access the existing buildings. Reagan replied from the existing entrance on West Railroad Avenue, just past Centre Street.

Krieger asked how much retainage is in the right-of-way. Stephenson said none. All the drainage is on their property.

Ryan asked Stephenson why they are paving the large area. Is it planned for outside storage? Reagan said yes in Phase 2 they would seek a permit to pave it for outside storage. Stephenson said the drainage plan includes all the impervious areas. Reagan stated that the paving reflects the maximum lot coverage allowed by the Code. Reagan stated they showed the area paved for St. Johns drainage permitting purposes. It is permitted for a 25-year storm over the entire site.

Ryan stated In CG zoning extensive outside storage is not allowed. Mills said that the truck rental is not outside storage. They are not getting a license to store a truck they are leasing. Having a business that uses trucks is not outside storage.

Reagan said that if the outside storage is not allowed, it is not allowed. If another building is not allowed, then it is not allowed. They will abide by Malabar requirements.

Zindel read the part from the Code in District Provisions and it states "extensive" outside storage is not allowed. Who determines extensive? Mills said that it is not well written.

Krieger said that contractor storage yards are what they may have in mind. Phase 2 may never happen. Mills said if they propose to pave it and use it for outside storage, that would not be allowed. If they wanted to rent Uhauls that is not outside storage. That is his opinion as a planner.

Ryan stated that FPL has outside storage along Malabar Road.

Krieger stated that we are looking at a two-phase project and only have construction in Phase 1. Krieger asked if they approve the plan as a whole or as phases. Franklin explained the town has approved other projects as phases such as the church on Marie Street or as the whole plan, such as Serene Harbor.

Reagan stated that the Phase 2 paving would be for a parking lot, and that is allowed in CG zoning.

Stephenson said they have agreed to install all the drainage and the landscaping for Centre and Pine Streets in Phase 1. He is asking for approval for the site plan; he is not asking for a business operation. Reagan said that he will modify the site plan at permitting to show the entire drainage system built in Phase 1. Wilber wants it built in Phase 1.

Krieger is worried about Pine Street. The traffic will either go past town hall or use Pine Street and Pine Street needs improving from Malabar Road. Krieger also asked about the plans for the existing buildings. Reagan said he would forward the question to the owner. Would the building have its own septic since there is a bathroom in the building.

Wilbur would like to see the drainage match the St. Johns permits. He wants to septic tank connections shown on the plans. Wilbur wants Pine and Garden brought up to the town standards. Cameron said that it is not up to the newcomers to improve the existing roads that the town failed to improve. There is no code requirement to do that. Stephenson said they are arguing a mute point. Malabar is the owner of the road.

Krieger said that if tractor-trailers are used in conjunction with the business in CG then they could also park there.

Stephenson stated the septic field and tank permitting is not regulated by the Town or this board. They are regulated by the county Health Department. There will be a well for fire protection and irrigation.

Krieger asked for a timeline. Reagan stated that the owner's intention is to do Phase 1 now. Phase 2 was included for the drainage permitting purposes only. The owner has no plans to do this at this time.

They briefly discussed the type of building. There is a hallway there and there are storage units there. The elevator does not go to the rooftop and does not exceed 35 feet. The elevator is to a passenger type. It is not on main corridor.

Stephenson says that the P&Z can recommend the approval of this site plan with the stipulation that the drainage and landscaping be done in Phase 1.

Ryan stated we should get a better definition for outside storage and extensive storage. Outside storage is not allowed and will not be allowed in this project.

Krieger said that the code provides that during construction, if the road is damaged, it must be repaired.

Krieger would like to focus his concern on the Pine and Centre Streets road improvement. He felt developer should be required to improve both Centre and Pine Streets. Stephenson said there is no provision for the applicant to improve Pine Street when the town abuts the property. They discussed requiring funding for half of the improvements. Wilbur felt Pine Street south of Centre Street should be required to be improved.

Krieger is not as concerned with that portion of Pine or Garden Streets.

MOTION: Krieger / Ryan recommend Council approve the Site Plan for Railroad Avenue Storage Project, 1450 West Railroad Avenue, CG Zoning, with the following conditions. All drainage should be included in Phase 1; the required landscaping along Centre and Pine Streets (north and west sides) should be done in Phase 1 and inclusive of any requirements of the Town engineer and planner. Vote: All Aye.

It is very tough to do a commercial plan when there is no water and sewer.

OLD BUSINESS: Stephenson said that in Cocoa they assign a liaison person from the Board to attend the pre-application meeting with staff and the applicant and then they report back to the board. That is typical and Malabar P&Z may want to select someone to do that. He also explained that Cocoa had an exemption from requiring site plan if the project was under a certain size. The small ones just meet with staff and if they meet the code requirements the site plan is approved. Then P&Z can focus on planning and zoning issues and getting out of the site plan review business. The code addresses the requirements the applicants must meet.

The need for the building official was discussed. This board relies on memos and recommendations from the building official, planner and engineer. Need to request that Council move on this.

Due to the late hour, the continued discussion of the E.A.R. was postponed until the joint meeting. When we come to that meeting with doing our homework.

NEW BUSINESS:

ADJOURN:

MOTION: Kreiger / Ryan to adjourn. Vote: All Aye. Meeting adjourned at 11:00 PM

Debby Franklin, Secretary

Bob Wilbur, Chairman

Date approved