

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING**  
**January 13, 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 7:33 P.M. Prayer and Pledge led by Vice-Chair – Patrick Reilly.

**B. SWEAR IN BOARD MEMBER FOR NEW TERM**

The Swearing in of Donald Krieger by Debby Franklin- Town Clerk / Treasurer, to serve on P & Z Board for another term. Krieger reads the Oath.

**C. ROLL CALL:**

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

Also present: Debby Franklin, Town Clerk/ Treasurer and Mayor Eschenberg

**D. ADDITIONS/DELETIONS/CHANGES: none**

**E. CONSENT AGENDA**

**1. Approval of Minute- Planning and Zoning Meeting- 10/28/09**

**Exhibit:** Agenda Report No. 1

**Recommendation:** Action

Motion: Krieger/ Ritter to Approve Correct minutes as noted and corrected below. All Vote: Aye.

Krieger corrections:

- Page 2, the 5<sup>th</sup> paragraph last sentence on the south side that is opened-up area. Change the opened up to "vacant" area.
- Page 4, last sentence Ell's site selection committee, Change Ell's to EEL's.

**F. PUBLIC HEARING: none**

**G. ACTION:**

**2. Request for Gate Columns higher than 54" in RR-65 Zoning, 2000 Weber Road, applicant Don Foley**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request for Action

Mr. Foley, 3851 Atlantic Ridge Lane, Grant- Valkaria purchased the property located at 2000 Weber Rd Malabar, Mr. Foley's daughter Holiday is expressing and explaining the point of the gates is to embellish property with an entrance to have 7' 6" inch columns. Mr. Foley did explain this will be agricultural land and he would not be building a residence for approximately 1 year or so.

Reilly asks if they can build a gate before the actual residence. Cloutier, explains they can put a gate before a residence.

Mr. Foley, expresses this problem has been going on for several years with the height issues, we would like permission to go to Council. The property is in the "RR-65" zoning.

Mr. Foley expressed about the different Columns in the Town and presented pictures to the Board, one of the examples being Oakmont Subdivision, (Roy Pence) which is located on Marie Street.

Reilly expressed that the reason there is a height limit is so something like the columns at Oakmont does not happen again. This is the limit in the RR-65 Zoning is 6 feet.

Mr. Foley is asking to allow this request to be passed on to Council for review and direction of the 7 foot Column request for the front gate.

Wilbur explains about "entrance ways" and arches, that what were proposed is 6 feet height limits.

Krieger says anybody can go before Council to ask for a review it does not have to be recommended by this Board.

Recommendation has to do with distance from road and

Wilbur, explains to

Zindel, asks how tall are your gates going to be? Foley says the Columns will be about 7 foot in height and gate about 6 inches lower.

Reilly suggests temporarily conforming to the fence height then proceed when the Ordinance is in place.

Krieger explains that we can recommend to Council, with a 6 foot rule to comply.

Mr. Foley explains that this gate entrance sets back, approximately 30 feet,

Wilbur closes discussion to applicant, back to board for discussion.

Ryan, stick to 54" height if it goes to Council.

The discussion is among the board and discussion to Staff of direction.

Board is discussing the Motion to allow Mr. Foley to apply for a 6 foot gate opening.

**MOTION: Krieger/Ryan: Recommend Council approve the six (6) foot height for columns for front gate @ 2000 Weber Road.**

**VOTE: All Ayes**

**3. Accessory Structure larger than 1,000 square feet, 2290 Raulerson Lane, applicant William Morrison**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request for Action

Mr. William Morrison, 2290 Raulerson Lane, explaining the limit too long asking for variance to allow the size of the building which is 1,096 square feet. I need to have approval to build a large Accessory Structure.

Mr. Morrison explains to the Board that he is incorporating two buildings into one large building, under 1 pad and 1 roof.

Wilbur asks the location of the building. Mr. Morrison explains it is east of Wilson and west of Pollack, it backs up to Wilson.

Board would like to make a Motion to allow Mr. Morrison to build the Accessory structure as per specs submitted,

Ryan asks Cloutier if there is anything not acceptable in plans submitted.

Cloutier says as long as he meets the required setbacks, there should be no problem.

Discussion among the Board about location of Accessory structure, Mr. Morrison explained this structure is to park a Motor Home, and a portion enclosed as a shed which is 15' x 15', a height of 14 feet tall with no doors on the front and back.

Reilly brings the discussion back to the Board.

**Action: Ryan/Krieger To Build Accessory Structure with square footage of 1,096 located at 2290 Raulerson Lane, Malabar, FL as submitted by Mr. Morrison property owner as per reviewed by Building Official with proper specs and setbacks.**

**Vote: All Ayes**

#### H. DISCUSSION:

##### 4. FINAL Review of Future Land Use Designation along Babcock Street

**Exhibit:** Agenda Report No. 4

**Recommendation:** Discussion

Discussion among the board, Reilly explains the "R/LC" zoning, to re evaluate the areas that the Board changed the land use to "R/LC".

Mills explains the theory that there is water along the Babcock Street, and to have Commercial along Babcock Street

Business at the residences for RLC

Mills, to add one of the big things for "R/LC" is to have Businesses at Residences.

Krieger expresses that land use is not zoning, we need to modify the "R/LC".

Mills explains you can always modify the zoning.

Mills looks at a downtown situation with "x" number of units per acre, in this area by Babcock Street. The fear is if you assign "R/LC" next to a subdivision, if the ordinance is not clear to differentiate what the Town would except per acre this would cause a problem. The suggestion among the Board is to limit the "R/LC" to areas we discussed to the east side of Town.

Mills said properties that have their land use changed, will then re zone the land use and the town will deliberate these issues.

Purposing to change the land use by "RR-65" or later to buffer the Commercial property the code now allows the variety of different uses.

Ritter explains that we made "OI" along Osage.

Krieger expresses to put "R/LC" between residential and light "OI" this has some commercial and not high density.

Mills, reads the "R/LC" description for mixed use limited residential development, he reads out of code book describing the situated along the west side of US 1, the mixed use was the goal of establishing some businesses mixed with residents to bring "R/LC" west along Malabar Rd, expanding to other areas could happen.

Mills explains we need to start allowing "R/LC" in other areas of the Town, also he explains the situation, that it is hard to direct specific uses on the "R/LC" property.

Mills suggests having a down town setting; if the Town does not want this then you do not need this in your code for the "R/LC"

Krieger likes the idea of the country combination with business settings.

Mills describes this as a small grid pattern, in this area or buildings that take up a whole block section such as nursing homes, private schools.

The board is discussing mixed use of property and Mills, states that it is popular to have home occupations

Wilbur, expresses that "R/LC" Zoning along US Hwy - 1, may also work along Malabar Road, but is concerned that we do not have that "Down Town Center", how will it turn out with different areas to the west of the Town of Malabar, it is possible "OI" may be better suited.

The Board is discussing changing the "R/LC" to "OI" in several areas, to see what would best suit specific areas and create a greater tax base. The thinnest areas in Malabar that is along Hwy US-1 is designated "R/LC". Krieger expressed that the intent was to facilitate the people already living in the designated areas zoned "CL" and "R/LC".

Reilly suggest making "R/LC" to "CL", Mills explains and defines to protect the changing of the land uses except for existing residences, if you are trying to create an economic base.

Ryan's input is that "CL" is fine for this area off Babcock Street along I- 95. Wilbur said we need a commercial tax base

Mills, said something to think about is that the area off Osage and Prosperity about it the commercial aspect you are not going to have any exposure because it sits back off Babcock Street.

Krieger suggests going back to "OI", Ritter changes to "OI" with all Board members in favor.

Wilbur, said to make "OI" the whole corner of Osage and Prosperity area. Ryan suggests moving one more line over to west from Prosperity Lane (in the RR-65 zoning.)as shown on corrected map.

Reilly, suggests for the next P &Z Meeting (January 27,2010) to provide a blank map of the area west of I-95 with Roads and Lot designations so each Board member can re create land use for this area.

#### I. PUBLIC

Mayor, Eschenberg, 2835 Beran Lane, talks about "Entrance Ways" and whose court the ball is in the P & Z or the Council. The Council did not understand either one of the Ordinances that were presented. "Entrance Ways" needs to be totally separate from "Column and Gates".

Krieger discusses about the Gate and Column being behind the designated setbacks for the property. It is suggested that there needs to be a completely separate permit for "Entrance Ways".

Eschenberg discusses that the "Land Use" changes are on the clock, it is running the deadline is in November for the Amendment IV. I propose that the P&Z Meeting on February 10, 2010 be a Joint Meeting with Council. One of the Board Members can make a presentation to Council, asking Council to be quiet and take notes and discussion after presentation.

Ryan suggests making a chart and classification of different areas of future "Land Uses", when presenting this to Council.

Krieger suggests that P & Z needs to have one more meeting to go over maps and all future land use before presenting this to Council and perhaps to have a Joint Meeting the second meeting in February.

Eschenberg then suggests meeting with the Council for a Joint Meeting on February 24<sup>th</sup>, 2010.

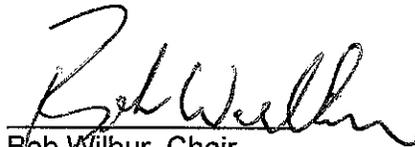
#### J. OLD BUSINESS/ NEW BUSINESS:

#### K. ADJOURN:

There being no further business to discuss, **MOTION:** Ryan / Wilbur to adjourn this meeting.

**Vote:** All Ayes. The meeting adjourned at 9:34 P.M.

BY:

  
Bob Wilbur, Chair

  
Denine M. Sherear, Secretary

1/27/10  
Date Approved