

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
July 14, 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 7:30 P.M. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL, excused
ALTERNATE:	BRIDGET PORTS, excused
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS
TOWN ENGINEER	MORRIS SMITH, P.E., excused
TOWN CLERK/TREASURE	DEBBY FRANKLIN

Also present: Mayor Eschenberg

C. ADDITIONS/DELETIONS/CHANGES:

Notes from Sherear for Roll Call:

Cindy Zindel excused sick, this is her second excused. Bridget Ports, going through the process of resignation from this Board.

Reilly would like to move "I" Old Business regarding Ronald Egoroff move up to in front of "Actions", so he can leave.

Wilbur, so noted

Motion: Reilly/ Ritter: To Move "I" Old Business/ New Business to go before "F" Actions, all in favor. Vote: All Ayes

D. CONSENT AGENDA :

E. PUBLIC HEARING: none

I. OLD BUSINESS/NEW BUSINESS:

Bill Currie from BRC Septic could not make it tonight, he is out of town.

Mr. Ronald Egoroff, Remax Reality 2000 Melbourne FL,

Bill is looking to relocate his business, to 2735 Malabar Rd, it is a septic tank business he has and the zoning looked like it would allow it to a certain degree because of the storage in the back , but he is or would be storing heavy equipment. Such as back hoes and trucks.

Mr. Egoroff is explaining that he would use the "Old Post Office" as his office and the rear as storage area. He believes he would have access off old Railroad Ave to the east of railroad tracks. He would use the back part of this property for storage of new tanks and trucks, etc. The front of the property being Commercial zoning allowing office area, but not sure of the rear property allowing heavy equipment and storage.

Wilbur, asking about ingree and regress of property, Egoroff explains it looks to be right along Malabar Rd., next to railroad tracks.

Wilbur asks if this road is accepted, Board is discussing that it dead ends at Century Oaks, along the east side of Railroad tracks.

Ryan asks about "Compounding In" property what would he be doing? Egoroff responds with fencing in or what the Town requires that is what we need to find out.

Ryan, asks if he does pump outs as far as his business? Egoroff said yes, Ryan asked if the filled trucks would be stored on this property and Egoroff responded that he asked Mr. Currie and he said filled trucks would not be stored on property.

Wilbur, concerns with trucks and trailers as you come from the west, making turns just pass east side of RR tracks.

Ryan explains there is room to the east of the building for better driveway to access property.

Krieger, what is the status of the road, next to RR tracks, it is gravel and dirt what about the heavy equipment? What matters is if "CG" fits the description to have this business activity.

Wilbur suggest whatever the ROW, the road would be have to be brought up to standards.

Ryan, if he uses east side of building as access to his property, does he need to call it a road it is just driveway to enter his property.

Reilly asks Mills, about split zoning, CG & R/LC, is this ok or should we make it the same. Nothing prohibits, that 2 different properties the use of office.

There is nothing that prohibits a piece of property having two different zoning categories, typical not desired in this case the use of office building appears to be on the parcel that will allow that but not the other use, hypothetically it can exist as two separate zoning categories.

Krieger it is not a total parcel.

Mills, it is all separate parcels with different zonings.

Reilly, discussing about small comp change, due to two different zonings and R/LC you are suppose to live on property, so this is another possibility.

The board is discussing that the property and the triangular piece is landlocked.

Kreiger discussing about joining properties is a possibility.

Mr. Egoroff is explaining about ROW going down the side of the RR Tracks. Ritter is explaining that the road is not maintained by the Town.

Reilly, the decision is with Building Official if that road is acceptable. We need to deal with just the issue of the parcels being zoned differently, CG and R/LC.

Mills, the use itself is not specifically listed the intent of CG, Mills is reading CG his business is strictly phone, and septic tank some other equipment, prepare installation with that he has some other equipment.

Mr. Egoroff

Wilbur asks Mr. Egoroff if they manufacture their own septic tanks, the answer is no.

Krieger, closest type of business would be the well drilling business with equipment.

Wilbur adds if we are trying to create a downtown corridor, do we want heavy trucks and equipment running in between, not sure if it fits the district it is in.

Kreiger says just because it is a septic tank business there is no reason it cannot be clean and quiet. Mr. Egoroff adds if you look at the location you are not going to attract much different type of business then that. Kreiger it is a matter of set backs and how you run your business.

Mills asks how this got to P & Z, Sherear explained that it was suggested by staff for Septic Tank owner to come to P & Z Meeting and introduce idea of location of business to Board. Presentation was totally informal.

Ritter says the only problem she sees like with the storage facility with the use of vehicles with gasoline and flammable materials. You are on the back side of residential areas.

Mr. Egoroff was asked if Septic Owner has a "Pump out" truck, he noted that his business was more of an installation company.

Mr. Egoroff explained that the company is now presently in Melbourne and his lease is coming up, so he is looking to buy property due to attractive price.

Wilbur suggests if you want to proceed with this idea about this property that you go to staff, and have staff provide this Board with the history of road and ownership of road, what we are going to do about the R/LC parcel #15, How we satisfy the residential component with that and maybe show staff some kind of site plan with equipment and storage parking lot.

Mills, his business is strictly installation of changing septic tanks and repairs, contractor I think the buffering with the residential area might be a concern.

Mr. Egoroff is explaining to Board to keep storage of heavy equipment away from residential area and more towards the railroad tracks.

Ryan suggests that crews leave in the morning and out all day not a lot of coming and going; Mr. Egoroff believes that the only traffic is office staff.

Kreiger, suggest to bring site plan to presentation to staff, eventually it will be a public meeting and people from Century Oaks will be coming to the meetings and voicing their opinions and it will have to be a very palatable presentation.

Reilly points out two points:

- People live in Lots 17&18, 20- the bad part is using #15 to get to #26 the CG is perfectly ok. i.e.: Heide Kruger Well Drilling out during the day and keeps equipment there at night.
- Major hurdle using 15 to get to 26, suggestion to convert 15 to CG a small site plan. Reilly explains people do not like CG up against residential without a buffer.

Ritter, states the worst scenario you could put a concrete wall, for buffer of noise and sound.

Ryan expresses this would not fit in with future plan of downtown district.

Wilbur explains to Mr. Egoroff if you want to go further with project to coordinate with staff on particulars of road ROW and site plan information.

Mills explains that getting information together with staff would eliminate problems with access Malabar Rd directly and to know the information about road along railroad tracks

Ryan said that last person inquiring about this parcel wanted to put a storage area. As far as noise goes it is no worst than trains blowing the whistles.

Mr. Egoroff asks to contact for more information, it was suggested by Board to contact Building Department and Building Official.

F. ACTION:

1. Final Review Amendment to Fence Ordinance, Article V

Exhibit: Agenda Reports No. 1

Recommendation: Remove from Table/ Action to Council

Motion: Reilly/Ryan to Recommend to Council the Fence Ordinance, Article V with corrections accordingly All: Vote: All Ayes

Discussion:

Tom Eschenberg 2835 Beran Lane, I have two items:

- One applies to Definitions in two places "Entrance Gate" and "Gate" it has to do with where the last meeting you added Southern Building Code. (I spoke to Roger- Building Official and he stated we have not used that in over 3 years). What is used now is the Florida Building Code. I asked Roger if the Florida Building Code have any specification for gates. He said no.
Kreiger suggest taking out Southern Building Code and putting in Appropriate Building Code.
Eschenberg suggests, maybe the building code does not provide specs for gates. It might for fence. (Recommend to talk to Roger).
- Second Item "C-1" it looks like change made there was to raise height from 4 feet to 5 feet, however, if we look back at the current Ordinance, the current Ordinance in residential did allow 6 feet on the sides and rear, not in front.
Kreiger, if you look at C-1 it does not mention anywhere R/LC so it is under commercial.

Eschenberg, the exact words from the current Ordinance are "that the any fence or wall located to the rear of the front building line shall be 6 feet or less in residential"

The Board is discussion corrections to be made to Fence Ordinance and marked on Ordinance directly to be corrected.

2. Review of District Provision Table 1.3-3A (Pages 123-124) Changes and Ordinance 2004-08 (Last Column)

Exhibit: Agenda Reports No. 2
Recommendation: Action to Council

Reilly explains in 2004 the last column was taken out in an Ordinance, the think back then was that septic tanks were not in controlled by the Town that it is controlled by the State and County. That is why it was taken out. I guess Mrs. Ritter wants to put that column back in, it goes to Council next Monday night.

Ritter, I do not like things to be assumed and if we have it **with** central water and waste water why don't we have **without**. Because our Town is mainly without
Reilly explains they went through this six years ago and this is what they came up with this Ordinance 2004-08.
Reilly we are presenting it go to Council with the Column.

Ryan has a question if you read 2 B; it says all proposed development within areas not served by central water which is drinking water and waste water services shall comply with the septic permitting requirements. Do we have to say something in regards to central water treatment not septic treatment but water. It is two separate entities. We are only addressing septic. Reilly answers are by looking ate septic requirements by county. (75 feet from well and septic)

Board just discussing that it makes things easier to look at with added column explaining with and without.

Wilbur asks Mills, I do not know for a fact I assume that my assumptions are the numbers are the same the county will take care of this it is possible to put back in for clarity to all.
Reilly adds that the county is going to take care of the numbers in the columns.
Ritter, I would just like to have information in there too much is not enough.

Wilbur we are sending it to Council and let them make a decision if they want to add the column back or not. Kreiger just point out the reason we added it back for clarity.

Reilly explains that this Board already made a motion two weeks ago to go to Council to add last column, no motion is needed already did it.

G. DISCUSSION:

H. PUBLIC:

Open to the public:

Mr. Jack Little, 1442 Knave Lane owns company called Aero Decals; he explains about his company manufactures and designs signage for large aircrafts. I would like to have a shop in Malabar, here where I live. I presently have an office in Palm Bay.

I believe a light industry zoning area would fit in to be part of the manufacturing process, similar to a sign shop. The photography part of the shop will stay in Palm Bay. I have looked in the area near Babcock and Foundation Blvd, in the commercial zoning area.

Ritter ask about how you get customers, do they come to you? Mr. Little explains that a lot is done by sending pdf files via e mail and going to job sites, then send hard copies.

I would like approx. 8,000 sq ft building, two stories, and need big spaces to lay out designs and for storage. We have Fed Ex pick up boxes for delivery.

The Board suggests speaking with Roger the Building Official, to see what areas are prospective building sites for this type of business.

J. ADJOURN:

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

Vote: All Ayes. The meeting adjourned at 9:00 P.M.

BY:


Bob Wilbur, Chair


Denine M. Sherear, Secretary

8/11/2010
Date Approved