

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING**  
**February 09, 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 Chair Bob Wilbur.

**B. ROLL CALL:**

CHAIR:	BOB WILBUR
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
	WAYNE ABARE
ALTERNATE:	CINDY ZINDEL
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS, excused
TOWN ENGINEER	MORRIS SMITH, P.E. excused

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

**D. CONSENT AGENDA -**

**1. Approval of Minute- Planning and Zoning Meeting- 01/26/2011**

**Exhibit:** Agenda Report No. 1

**Recommendation:** Action

**MOTION:** Reilly / Ryan to Approve Minutes for January 26, 2011 with below noted corrections.  
All Vote: All Ayes.

**Corrections**

Krieger page one last paragraph, "Plata they will be connecting to existing property is the word to be added.

Krieger page one last paragraph, "Krieger wanted the applicant to explain the 3-story and the number of beds." Add the word of.

Krieger page two first paragraph "opening main door but still keep it like a home like." Take out like a.

Krieger page two first paragraph second to last sentence, "Pat asked if these would be bought or rented?" Add? to the end of sentence.

Krieger page two second paragraph "Plate explained the three classes that are licensed by the State" Plate should be Plata.

Krieger page two last paragraph second sentence "Frank Plate" should be Plata.

Krieger page four, third paragraph starts out with "Don asked about fence? There is no mention barbwire and neighbor???"

Ryan, page two second paragraph from the bottom five lines up "just for the lighting or can it operate the elevator" staff should check with Fire Department about elevator operation during prolonged electrical outages also will generator operate the a/c in an enclosed building besides lighting?

Ritter page six, second to last paragraph second sentence "There are no sites more suitable that that would be more suitable." Take out more suitable that. It should read "There are no sites that would be more suitable."

Ryan page 6 the third paragraph from the bottom, the third sentence "We are dealing with a depreciated asset." It should be "We are dealing with a depreciating asset".

**E. PUBLIC HEARING: none**

**F. ACTION:**

**2. Five-Year Plan Projection For Town of Malabar**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Action

**MOTION: Reilly / Krieger to bring the Five-Year Plan Project off the Table. Vote: All ayes**

Reilly explains to the Board that they did a Five-Year Plan in 2007 it is not due till 2012 we do not have to do this tonight if you want to still think about this as long as we have it by the end of the year to present to Council to meet our Charter.

Reilly passes out a sheet to Board with 5 Sections listed, each individual can mark on this sheet and then we as a Board can prioritize in each category. There are two steps:

- First identify what needs to be done based on the 2001 & 2007 5-Year Plans to see what did not get done so we can carry forward
- Then pick 5 for each category and prioritize

Ryan said he asked the Town Administrator for a short list of high prioritized items to share with Board.

The Board is discussing what is to be placed in the five different categories.

Reilly explains about prioritizing chapter 9 in EAR book for Land Developing Capital Improvement Element on improving Sanitary Sewer Facilities, Potable Water Facilities, Solid Waste Facilities, Storm Water Management Storage Facilities, Park & Recreation Facilities and Public Education & Health we should look at this Capital Improvement packet.

Krieger discussing 5-Year Plan- everything is in Infrastructure a considered effort to understand our road systems.

Krieger discussing Facilities, space is limited but we do not have a lot of building going on right now, a minimalist of facility growth right now just maintenance of what we have for now.

Facilities:

- Community Center/Library Old School House
- Purchase of dock

The only Water systems are private systems they are the responsibility of the owner and nobody in town only the ones using the system.

Krieger discusses that the Mayor had brought up a few years ago about strategically locating some deep wells throughout the Town for the Fire Department to access water when needed.

Reilly discusses, Facilities:

- Add Old schoolhouse & Land Acquisition

Wilbur discusses, Facilities:

> To add extension of Sand Hill Trail where it stops at Hall Road south end down east side of Marie Street to EEL's property down to Jordon Blvd on EEL's side straight extension in front of Oakmont Preserve down the road. We can work with the county to improve the trail south to Valkaria Road for Bike Trails.

Discussion amongst the Board about the facility from Marie Street south to Valkaria to connected to Valkaria Road, continuation of multi use trail south on Marie Street to Jordan Scrub Blvd to go to Valkaria.

Wilbur, this extension has been on the five years plan forever.

Abare, if Jordan Blvd would connect it would be Atz Rd, Wilbur explaining that Atz Rd stops at LaCourt Lane; there is a gate there at Marie St & Atz Rd.

Zindel, the discussion is roads and trails the roads would be under the capital improvement and trails is not a capital improvement project. The bridal path and trail facility from Hall Rd to Jordan Blvd.

Reilly wrote:

Using existing ROW to complete:

- Phase I Complete the Continuation of Multi Use trail from Hall Rd to Jordan Blvd;
- Phase II Continue the Multi Use trail from Jordan Blvd to Grant/ Valkaria line

Abare, use existing ROW so projective cost to give reasonable estimate of cost and Zindel adds that it is grant monies that are used.

Cindy, Facilities:

- Purchase of School House- Community Center
- New Town Hall- Purchase

Wayne, Facilities:

Asks if there is enough land to Build Town Hall on Old School House Property and Board explains there is property to south to build a Municipal Complex.

Liz, Facilities:

> Public River view access/ Logue Property

Wilbur explaining about a Municipal Bond if you going to move to Land Acquisition and Town Hall/Municipal Complex it should be under Land Acquisition so the Land can be locked up make payments , it was one of the strategies for purchasing the Old School House rather than take a mortgage out to do a Municipal Bond and take the money from that and buy the land for the Municipal Complex , have a Community Center ready to go, then if they did not use all the money in the Bond , I do not believe there is a penalty. Council might want to look at and solve a lot of these issues that have been on the 5 year plan for along time.

Krieger and Wilbur discussing the combination of Community Center and Library facility.

**Facility:**

- Town hall
- Old School House/ Community Center
- Public River Front access/ Logue Property

**Land Acquisition:**

- Town Hall/ Municipal Complex
- Public River Front Access/ Logue Property
- Old School House/ Community Center
- Property south of Old School House for Town Hall
- Storm Water recharge areas /enhancement of existing wetland areas
- Promote the enhancement of wetland areas

**Equipment:**

- New Utility Tractor for Public Works- surplus or used 60 HP Plus consult a tractor person to get what is needed.
- (Krieger define problem of what you want to solve)
- Computer for Town/ Software
- Investigating and contracting work and out sourcing- cost benefit

**Malabar Fire Dept:**

- Pursue sites to identify strategic well heads locations

**Infrastructure:**

- Completion of Road a collector a good road base on Marie St hall Rd to Jordan & Atz Rd  
Krieger asks if those have to pay for road improvement?  
Abare asks how long is the road.
- Culverts, who pays for culverts? (Culvert up grades)
- Corey Road- About replacing culverts) - is it infrastructure of the Town or Property Owner?
- Replace glue rock roads Capping- asphalt lime mix with glue mix and pave road has no base under road.
- Malabar Rd north side sidewalks from Hospital east to US HWY 1- path or trail
- Neighborhood revitalization? & beautification

**Parks & Recreation:**

- Wilbur and Ritter, discussing about the pepper trees & removing along the river
- Abare identify sites to place Fire Hydrants from deep wells
- Krieger discussing about lender Library – donating book

Krieger discussing about double cul-de-sac a gate system to put wells for Fire Department access

Wilbur, suggests that the Fire Department to identify high risk ponds for water use.

Krieger suggest making a general news letter item about large capped wells to use for Hydrants for fires and Fire Depart. Abare adds to put in news letter if the cost sharing is done about people that have wells and add a large well connection and could possibly assist with insurance discounts then every one wins.

Continue Five-Year Plan at next meeting.

3. **Recommendation from Town Attorney**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Action

**Motion:** Reilly/ Ritter to Un-Table & Discuss Recommendation from Town Attorney **Vote:** All Ayes

Wilbur is reading the Memo from the Town Attorney dated 1/31/2011- reference to: Minimum Square Foot Requirement for SFR in RM-6.

The Board is discussing minimum square feet in other areas of the Town.

Reilly is explaining to Board that the Single family was left out of the Table 1-3.3(A).

Zindel discussing the minimum size is 5 acres and the width and depth. There are not the requirements of land needed.

Abare adds that his property should not even be zoned RM-6.

Reilly, explaining that in RM- 6 & RM- 4 there are min 5 acre lot sizes. The 1200 square feet is more in line with the RM-4, Ritter adds the lot depth is the same 200 and 200. The setbacks are different they are 60 feet for RM- 4. The maximum density units per acre is 50 that is for RM-4 & RM-6 for a 5 acre parcel.

Krieger this seems to be a "Grandfather" lot out of compliance. In the 80's there was a minimum size house for Malabar.

Ritter adds that in RS-10 it is 1,200 square feet. Krieger is explaining that has to do with acreage.

Zindel, in 1994 that area was changed from CG to RM- 6 because the property owners requested it be residential it should be single family. The zoning should be changed and the man should not have to get a variance.

The Board is discussing set backs to see what criteria this parcel might fit. The RS-10 is the minimum lot size in Malabar.

Krieger discusses about smaller lots if plated before a certain year, are buildable.

Reilly suggests a Recommendation to Council to adopt a minimum square foot for RM-6 zoning put another row for SFR.

**Motion:** Reilly / Krieger Recommendation to Council that we adopt Items noncompliant with Table 1.1-3.3(A) shall have a minimum living area of 1,200 square feet for a Single Family Residence in the Town of Malabar.**Vote:** All Ayes

## G. DISCUSSION:

4. **Continue Land Use Review** – Highway 1 Corridor  
**Exhibit:** Agenda Reports No. 4  
**Recommendation:** Discussion

\* To be discussed next meeting

## H. PUBLIC:

Tom Eschenberg, 2835 Beran Lane. An Observation in the discussion of the RM-6 lot, and Don had mentioned about the lots in the RR-65 and that were only 1 acre you could still build a house (if plated a certain date). This person never had the right to build, in the RM-6 no matter who owned the property if it was change form CG to RM-6. I don't know why they would have the right to build if it never existed in the past.

The observation that the right to build a house was there in the past and through no fault of land owner it got changed,

Wilbur, the land was changed to CG in the early 80's or 90's and was changed

The lots on Marie Street, last year someone owned a lot there had come to Council and wanted the Town to approve the road so they can build. The Council decided that since the Town is using the road to drive down to the "Town Dump" it should be approved so they approved Marie Street all the way to the "Town Dump".

The Council accepted the road (Marie Street) for maintained all the way to Atz Road.

In reference to the 5-Year Plan that sometime in March the plan is for Council, P &Z, Staff, and the Fire Department to have a joint meeting. When we get that joint meeting with Council they are going to listen to everyone's pitch of why there 5-Year Plan is most important, when everyone is done the Council is going to take the input from the three sources then they are going to set the final priorities as to what they want to do to find funding.

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

**J. ADJOURN:**

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

Vote: All Ayes. The meeting adjourned 10:11 P .M.

BY:

Patrick T. Reilly for Bob Wilbur  
Bob Wilbur, Chair

Denine M. Sherear  
Denine M. Sherear, Secretary

3/9/11  
Date Approved