

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
March 9, 2011 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 Vice-Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	BOB WILBUR, excused
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN, excused
	LIZ RITTER
	WAYNE ABARE voting
ALTERNATE:	CINDY ZINDEL voting
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**
Planning and Zoning Meeting- 02/09/2011
Planning and Zoning Meeting- 02/23/2011
Exhibit: Agenda Report No. 1
Recommendation: Action

MOTION: Krieger/Ritter To approve Minutes of 01/26/2011 as corrected. **Vote:** All Ayes

MOTION: Ritter/Krieger To approve Minutes of 02/09/2011 as presented. **Vote:** All Ayes

MOTION: Ritter/Krieger To approve Minutes of 02/23/2011 as presented. **Vote:** All Ayes

E. PUBLIC HEARING: none

F. ACTION:

- 2. Five-Year Plan Projection For Town of Malabar**
Exhibit: Agenda Report No. 2
Recommendation: Action

Reilly suggests to take page 2 of the last meeting on 2/23/2011 and put into excel spread sheet to present to Council at joint Meeting.

The discussion amongst the Board is to review the existing Five-Year Plan that is projected for the Town of Malabar.

Facility:

- 1.) Historic Preservation/Community Center

- 2.) Public River Front Access/Dock
- 3.) Town Hall

Land (Property) Acquisition:

- 1.) Property south of Old School house for Town Hall (2- 4 Acres)
- 2.) Community Center/ Historic Preservation-(Old School House?)
- 3.) Public River Front Access- Dock (Logue Property/ Rocky Point north and south ends?)

Abare and Krieger are discussing the areas along Rocky Point Road for public river access. Abare explains there is a lot of right-of-way that takes up the area and what is not right-of-way is owned by the Skora family. Alan is in the audience.

Equipment:

Town of Malabar Staff/Appropriate Agency

MVFD:

Malabar Fire Department Staff/Appropriate Agency

Infrastructure:

- 1.) Extend Marie Street past Hall Road- south (Look at feasibility & necessity to extend Marie Street from Hall Road to Atz Road)
- 2.) "Glue Rock Roads" 4- each Glue Rock Roads
Hall Road west of Weber Road
Atz Road west of Weber Road
Old Mission Road west of Weber Road
All of La Court Lane
Replace glue Rock Road Capping and replace as needed, investigate roads paving and completion of glue rock roads repave and repair as needed.
- 3.) Appropriate culvert maintenance & replacement as needed, Corey Road- Replacing culverts
- 4.) Malabar Road on north side sidewalk from Hospital east to US HWY 1- multipurpose use pedestrian path or trail.
- 5.) Neighborhood revitalization & beautification
- 6.) Corey Road / Malabar Road turn lanes

Parks & Recreation:

Appropriate Board

The Board discussed about the joint meeting to be held on Wednesday April 13, 2011@ 7:30 with all Boards.

Motion: Krieger/Ritter to Accept what is presented for 5 year Plan as noted at this meeting March 9, 2011, **Vote:** All Ayes.

G. DISCUSSION:

3. **Continue Land Use Review – Highway 1 Corridor**
Exhibit: Agenda Reports No. 3
Recommendation: Discussion

The discussion amongst the Board to re do maps that pertain to the US 1 corridor. Reilly is explaining that on the 16 pages of maps to draw in your lines of the different land uses. Some needs to volunteer from the Board to take the 16 pages of maps and create the overlays.

Mr. Abare is going to volunteer to create the over layed maps and bring back to Board using FLU-9 Future Land Use map.

Zindel adds that the Land Use is not zoning.

Per this Board this Agenda item will remain tabled until next meeting on March 23, 2011.

H. PUBLIC:

Tom Eschenberg, 2835 Beran Lane, Malabar. There are three things to talk about:

First Item:

At the Council meeting about the Assisted Living Facility the Council basically tabled it until such time they could change the code to accommodate it, they decided that there is nothing in the code that covers assisted living centers, no criteria to give the conditional use permit. The only reason I mention this it will be somewhat fast track now because the whole project is on hold. One of the developer people asked how long will all this take, and I said, that they were looking at a minimum of 60 days to get the code changed, that is the fastest we could do it to get it done so I expect that there will be a pressure to get it done as quickly as possible. Someone is going to write the Ordinance change, Debby or Karl (Town Attorney). I don't know, you need to be thinking about in advance such things as ; minimum site size, minimum length/width dimensions, set backs, buffering, parking requirements a lot of things to discuss. Zindel adds to this open space and storm water management. Tom also adds there are a lot of things to discuss when that code change comes through.

Zindel is discussing about the developer splitting property, they are talking about subdividing, how is al that going to be doing when things are shared such as : driveway, sewer system, storm water drainage area.

Krieger asks if Council had the minutes of the P & Z Boards discussion of the assisted living facility (1/26/2011). Tom explained that Council had them and they had received the information about two weeks before the meeting date.

Tom explained that the draft Ordinance will come to P & Z first, it is in the Land development code, and it is required that P & Z review it first and make recommendation.

Krieger adds what is what the plan is they want to write a code change to incorporate what these people want to do to? Tom responds that is makes sense because that code is old and there is nothing in there except nursing homes and group homes, neither one fit.

Reilly discusses that the only problem that he has it we cannot individually do every little thing because he changed his assisted living from 55 to 60, then it was 80 to 90 the age group, there are different levels. Tom adds we do not necessarily have to write the code to fit there development but we have to upgrade the code and make him meet it.

Ritter also adds that we need a specific definition as to which level they are going to fall under.

The Board is discussing that there has to be categories for the difference licenses. Reilly point is that they are going to change the table, the nursing home , etc they are going to add to it, and you can only use tables as guideline we cannot think of every little thing there are similar to assisted living and it is conditional use. I do not think we have to write a code, they met the "OI" zoning setbacks. Tom explains they meet the "OI"; they did not meet the requirements for Condition Use because they were no requirements. Reilly explains the Conditional Use is at the whim of the Council. Tom said they are not, that there is a Table for Conditional Use; I only brought all this up so you would be thinking about all this.

Reilly adds that it is out of its proper zoning that is why you have conditional uses. Zindel has a problem with the applicant splitting the property, and leasing it to a management company.

Reilly adds that this can be fixed by saying that assisted living facility need to be on 5 acres or more.

Zindel asks about schools and what is the minimum acreage for school? Abare says it is a learning center.

Abare, they are residents of the Town of Malabar the point is limit number of people and density on the site. Personally 98 people on 1 ½ acres it is like a hotel. The whole thing does not make sense in so many dimensions the city has to deal with a density that they are comfortable with.

Abare talking about them having 35 parking spaces and employees, mention of 18 staff and 16 at staff, Krieger common sense before plans written. A lot of work done. Ritter this is a phase project. It has to be re evaluated every time it is built.

Tom adds that you need to think about what is coming with new code.

Second Item:

About not setting prioritizing on the 5-Year Plan, Reilly responds that it was brought up about not prioritizing, we voted not to do it. Tom says the only reason you would prioritize when you get to joint meeting, Tom says I do not know why park Board is not included, they certainly should have been, it is suppose to go to Park Board absolutely, in April you should have your priorities set so you can advocates for top three the most important. The Council will put a master list together to get the top of the list.

Tom agrees with joint meeting.

Tom explains the main thing with this particular applicant with assisted living facility, was that there was a quasi judicial hearing at the Council meeting Monday night and the main thing you have to be sure of is that the applicant gets "due process." I let them talk.

Abare said that you were fair and I give you high marks for that.

Third Item:

Tom asks the P&Z Board after reviewing the US 1 Corridor your job will be complete as far as all areas for FLU- future land use when done with US-1 then what happens? Reilly that he will make a presentation to Council and add to previous presentation to include the US 1 Corridor.

Tom intent to bring to Council and move forward and back to P&Z to move forward for public hearing then back to Council for approval then to state.

Alan Skora, 720 W.Lance, IL, owns property along US Highway 1/Coastal Jewel LLC, I notice on the future land use there are several different zonings the parcel just north of mine is zoned as "High Density Residential" (HDR), the parcel I own is designated "Low Density Residential" (LDR), my questions is how are these classification established initially when they are emptied land.

Abare and Board is discussing location of Mr. Skora's parcel and that his zoning is "RS-21" it is located at the north end of Rocky Point Road and west side of US HWY 1, known as "Costal Jewel Property."

Zindel asks Skora if he would be interested in donating to the Town for Public River Front access a portion of land along river at north end of Rocky Point Road. Skora says it is a possibly, what part? Ritter explains we are trying to make a passive dockage area. Skora says it depends on the long term usages of the property.

Skora asks what is the prevision for change, to make things work for the best possibility for everybody to get the benefit from the change. He would like to know why the classification abutting his parcel is one classification and his is another.

Reilly responds, this is a good point, it was established way before all of us her at this Board, we could research and see how this occurred. Reilly asks if Skora would like to change the use and Skora says from an owner's point of view of course the higher and best use.

Krieger adds if you go back in time a lot of the higher density areas even in the "RS", because of the thought of the trailer parks and trailer parks have their own independent water system and

higher density. That may be why in the past there is higher densities along US 1, because there is no water or infrastructure along US 1.

Skora asks what are the provisions for alterations for planning and zoning changes. Abare explains you have to apply with the Town.

Reilly, land use and zoning change you have to be compatible with the neighbors with abutting area, you can always go to a lower density with no issues. If you want a change you have to do a Land Use & Zoning change. There is a process of fees and you would have to come to P & Z Board and we would approve it or disapprove it and make recommendation to Council accordingly and then to state as a small/large scale comprehensive plan amendment.

Skora there is nothing contemplated at the moment due to economy, for future ideas.

I. OLD BUSINESS/NEW BUSINESS:

Reilly, talks to Boards about having joint meeting on April 13, 2011. Krieger adds that it is premature; the Parks Board has not even reviewed the 5-Year Plan.

Zindel, about the FD they are a volunteer organization the Town should not be responsible, other than for their workers comp. insurance and whatever safety equipment that the Town should set aside for them. Anything over and above the FD should have fund raiser to buy what they want. Krieger Council and staff should deal with Fire Department.

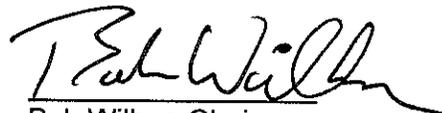
Ritter I do not know why the Fire Department has taken precedence over the Park Board has not even been involved. Tom says, I do not know why the Park Board has not either I will call in tomorrow morning and find out.

Reilly votes to have the joint meeting April 13, 2011 to get things started. Reilly; Aye, Zindel; Aye, Abare; Aye, Ritter; Aye, Krieger; Nay, too premature. The Council already voted to have the meeting.

J. ADJOURN:

There being no further business to discuss, **MOTION:** Reilly/Abare to adjourn this meeting.
Vote: All Ayes. The meeting adjourned 9:20 P.M.

BY:


Bob Wilbur, Chair


Denine M. Sherear, Secretary

3/23/11
Date Approved