

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
JULY 25, 2012 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 7:35 P.M. Prayer and Pledge led Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR
VICE-CHAIR:	PAT REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	WAYNE ABARE
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR
RECORDING CLERK:	DEBBY FRANKLIN,excused

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 6/13/12 & 6/27/12

MOTION: Reilly/Ritter to approve 6/13/12 minutes as corrected / submitted.

Ryan corrections page 3/28 second sentence... Ryan adds that is the smartest ~~was~~-should be way.

Abare corrections page 5/28 5th paragraph up from bottom ... Abare says you have to ~~put~~-should be use

Vote: All Ayes

MOTION: Ryan /Ritter to approve 6/27/12 minutes as corrected / submitted.

Abare corrections page 9/28 last sentence ... Abare said if you want to fill a septic tank you have to condemn it add the under line words to sentence.

Vote: All Ayes

E. PUBLIC: none

F. ACTION:

G. DISCUSSION:

2. **Continue Discussion on Checklists and Permit Requirements for Decorative Water Features and Ponds**

Exhibit:	Agenda Report No. 2
Recommendation:	Discussion

Reilly stated we should be on section 2. Krieger adds that he read it as a full feature finished product and was impressed with reorganization which made it good.

Sherear comments that she did not receive any input from Board before this meeting to include in agenda packet. Sherear also adds that format will be taken care of by Municode.

Reilly says we should be up to 1-5.28. Abare comments that we should go through each paragraph.

The Board is going through "Definitions" page 14/28...

"B" Construction debris... pip should be pipe

Krieger is talking about construction debris...generally non-hazardous in nature. Wilbur is explaining the list is what they do not want in the ground.

Leeanne adds nowhere in that definition says it is not allowable. It is just a definition of construction debris. Wilbur is explaining this is referring to construction debris from a demolition project. ie. existing building on property and a pond behind it you pump the pond down demo the building push it in the pond and cover over it. This is to prohibit that from happening.

Reilly comments that this is the only place that construction debris is mentioned. Also correction the period after Town is in wrong spot.

Leeanne suggests adding pipe for ~~pip~~.

"F" Excavated Material- . add project site after remove from should be...removed from the project site.

Krieger "I" To Fill take out ~~permit is required~~ page 14/28

Page 15/28

Abare suggests taking out the last sentence.

The Board is discussing the definitions and eliminating the last sentence. Wilbur suggests keeping "to fill"

Corrections: A. DWF Any person wishing to construct, alter, or to fill a DWF within the Town of Malabar must, as a precondition, obtain a DWF permit.

Leeanne comment it is addressed in the first sentence.

Corrections page 15/28 #6:

Abare adds if you put a DWF in the middle of wetland you're in serious trouble. You have to get permission to do anything on property anymore.

The Board is discussing wetland delineation.

Krieger comments that this is so much for this little thing you are doing, we determined this is a little thing and this is a big thing that you have to get a letter from Dept of Environmental Protection (DEP) Agency. Ritter/Reilly explains that it "could be" required. Ritter explains there are four (4) options.

Page 15/28 #6

Add the coma after property appraisers.

Wilbur comments that you need more than an aerial when you are talking ponds.

Leeanne suggests in order to make things clear and have some consistency maybe you may need to bullet the different options.

Ritter explain it states "could be". Wilbur explains depending on the location you may need more than an aerial you may need a few of these important items.

Leeanne suggests adding "including but not limited to..." Krieger adds it may be understood as you may need all items. Ritter says, if you leave as is, it is understood as one of four items or something else.

Ryan.Ritter to add in #6 Evidence that the DWF area... Board agreed.

7 Reilly reviewing to change "OR" to small or. Ryan suggests to change "to filling" to for filling" the Board is discussing

Reilly adds that this sentence is a two action sentence too many things going on in sentence.

#7 corrected version-Board agreed:

#7 Plan for use excavated material or written statement on method of disposal. If being used on site, show on sketch where materials will be used or type of material to be used for filling the DWF.

Ryan excused at 8:27 PM.

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"B" Ponds corrections:

Ritter to correct: Ponds any person wishing to construct, alter or to fill an existing pond within the Town of Malabar must as a precondition, obtain a pond permit.

In order to obtain a pond permit, the applicant is required to submit an original and (2) sign/sealed engineered Site Plans with the following information shown:

Wilbur suggests copying #1 from DWF, but Leeanne adds, in copying #1 we should remove not, Board agrees.

#1 Boundary of property will be shown by heavy line-i.e. sketch, property survey, aerial survey, plat map and topography.

Wilbur/ Krieger explaining that back in the 80's the roads and drainage committee decided that we (the Town) were an arterial drainage system and that a property owner's responsibility is to drain to some existing drainage ditch. That swales were put in place and homeowners would have to drain into them.

Krieger suggests in these Ordinances, rather than specifics to draw to whatever the limitation of the larger entity is in other words DEP or SJRWDC you have to reference that there may be thresholds that require more information needed.

Leeanne comments we can handle things in generalities with saying the appropriate government agencies, that things have been checked. Appropriated to these situations.

Board is discussing corrections:

Page 16/28

#2 change OR to or

#3 take out ~~and wet season water table.~~

The Board is discussing line by line points & correcting accordingly

#6 take out ~~and that are affected by project area~~

#7 add the following Evidence that the pond... & comma after property appraiser,

#8 Site Plan to show use of top soil and estimate volume of excavated material on the project site. ~~Including estimates ...~~

Show on site plan where material will be used including engineered estimates of post construction topography. (take out ~~depth~~)

The Board is discussing contaminations.

#9 When take out If

Abare asks what an overflow plan is...

Ritter explaining to Abare, your suppose to keep all your water on site, but if you have a 10 year rain your suppose to show where you would put that rain. We have detention/ retention ponds required if it rains we have to have a certain depth to catch overflow of flood water. Wilbur also adds you have to have an area to hold water that runs off the impervious surface that runs into swales and drains properly.

Next meeting start at 3.0 Design Considerations for DWF or Ponds.

The Board is stopping here and go on with agenda at next meeting.

- 3. **Define "Light Industrial" Zoning**
Exhibit: Agenda Report No. 3
Recommendation: Discussion

- 4. **Code Requirements for Assisted Living Facilities**
Exhibit: Agenda Report No. 4
Recommendation: Discussion

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:
I. PUBLIC:

Cindy Zindel 1533 Weir Lane, Malabar- at the Council meeting there was never anything said about my resignation and the welcoming of a new member. Than here there was nothing on the Agenda to welcome the new member. Leeanne comments or thank you Cindy for you service to the P&Z Board.

Cindy comments about "Wet season water table" that Brevard County told her it is two feet below surface of natural ground; In Florida .

I know there is Wetland map in comp plan that were updated.

Topographical maps where I come from show you the veins of the different types of soil that run through the land.

Wilbur explains that topographical maps show elevations.

J. OLD BUSINESS/NEW BUSINESS:

Wilbur asks about future meeting agenda items Sherear explains that Land Use will be coming back on Agenda in the future Sherear also informed that the Building Department has received calls in reference to assisted living facilities in the Town.

Krieger comments that assisted living comes before the land use because we already made a recommendation to Town Council we have to define "R/LC" better look at the "Light Industrial" the big question do we want to change the land use , when we change land use will we be changing zoning? Is that going to affect the cost for people. We have done a lot of work and we set guidelines that doesn't mean we have to change it, it means now we have a set of guidelines that if someone comes in an asks; now we have talked about it. I would like to understand what it does to the tax base I wouldn't want to go forward with land use. Reilly said that Debby has already told you. Krieger/Ritter said that Debby did not have a definitive answer.

Krieger explains because it is simpler to change the land use and zoning at the same time, I would be against that. If they wanted to change the land use and then have the individuals come for the zoning that's another issue.

Reilly explains that the Comp Plan zonings need to match the land use you cannot go higher than what it states. The land use can be lower but not higher than what zoning is.

Ritter said thank you to Cindy for being on the Board.

K. ADJOURN

There being no further business to discuss, **MOTION: Reilly/Krieger to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:53P.M.

BY:

Bob Wilbur, Chair


Denine Sherear, P&Z Board Secretary

As corrected 8/8/12
Date Approved