

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
AUGUST 8, 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 7:30 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

C. ADDITIONS/DELETIONS/CHANGES: Abare asked about the legal challenge to the ALF.

D. CONSENT AGENDA:

1. Approval of Minutes Planning and Zoning Meeting – 7/25/2012

MOTION: Reilly / Ritter to approve minutes of 7/25/12 as corrected.

Corrections: Ritter suggested adding more to minutes when recording corrections to prior minutes so they can recognize the changes made. Ryan changes pg 3 of 28: should be “way”. Just for clarification. Abare says “should be. Krieger asked if the minutes on the web are the corrected ones. Yes.

Pg 4/23 4th line middle of line, should be “input”. Last word Municode should be capitalized. 4th para down, project. Should be “ie”?

Pg 5/23 1st sentence should be “it” states instead of “is”

Pg 7/23 2nd line we have still have “to” define RLC

VOTE: All Ayes.

PUBLIC:

Eddie White and Frank ?, owner operators of River Gas LLC, hope to locate in Malabar for their business. They handed out a brochure. Wanted to introduce their project to P&Z. They have spoken to Building Official. Franklin said if this requires a site plan it would come back to P&Z to review and make recommendation to Council. Land Use issues are quasi-judicial.

They showed a diagram of the location and a artistic rendering of proposed project. They are proposing the tank in the back of the property. Trucks would come in, fuel up once a month - a 12,000 gallon tanker truck once a month and then they would distribute it out in small trucks holding 3,000 gallons. Would bring in additional financial stability to Town. P&Z Member Saylor commented that this is not a paved road. Are they going to propose paving the roads? They will maintain the road. In future they would look at paving it. They could convert town vehicles to gas and can do it themselves. That would save the town money. Propane powered vehicles is cleaner fuel. Saylor asked if they would provide this conversion service as part of their business? Yes, they have been in service since November, 2011. They currently have deals with Fla City Gas and Amerigas to do work. Ed White holds the State license to do anything pertaining to propane. They are an independent operation. They would be competing with Amerigas.

The proposed site is on Garden Street and was previously used by a well driller. They would clean it up. They are getting so much work. It is all above ground. Yes. The tank would sit on a saddle. New laws and so much safety built in to prevent accident. They are getting strict with propane. We have always been doing that. They have to test the underground tanks.

Propane gas goes to the ground. Comes out like a torch but goes to the ground. There has not been a recorded incident in the last 20 years.

Ed White used to be a distributor for Horizon Gas. Saylor asked if it is their long term goal to get it under ground. Eddie White said it is now on a case by case basis. Even governments are switching over their generators from diesel to gas. They have talked to Fla Gas as a sub contractor. Natural Gas would be even cheaper. If we switched over to natural gas we would no longer need foreign oil.

E. PUBLIC HEARING: none

F. ACTION: none

G. DISCUSSION:

2. Continued - Checklist and Permit Requirements for Decorative Water Features and Ponds

Exhibit: Agenda Report No. 2

Recommendation: Discussion

Got up to Section 3 at last meeting. Board thanked Denine for her good efforts. Denine is making changes in real time as the meeting progressed.

Ritter appreciates her putting the changes in red. Krieger goes back to 2nd page 2.0, A 2nd line, wants to replace "obtain" with "apply for" – at the end it references if a permit is required. Under B ponds do same thing. And eliminate the rest of the sentence. He thinks that is more appropriate. The next line is a cross-out.

10/23, B, 2nd para, is required to submit 2 site plans of the affected area. They haven't defined the definition of site plan and project site. Reilly thinks it needs to stay as is. Don't change this.

11/23 #3 Krieger said dimensions to show the side slope elevations. Reilly said 2 is top view and 3 is side view.

#4 – leave as is.

#5 – need definition of project site. Change area to site. It is defined on top of 10/23.

#7 – change "pond area" – should be "pond project site" is not in a wetland. Abare would hate to motivate Roger to call and ask.

#8 on – leave it

#8 – leave it as engineer. Saylor recommends we don't make a change.

Last thing on page – water source should be in definitions. Included but "not" limited to and move it to Sec definition, L – also add into A and B. no, it is already in design considerations. ok – but will become C –

Regarding reference to 660' length, (Franklin verified that the information on farm ponds from the University of Florida did reference 660 feet in length) Wilbur thinks this is circumference. Ponds should have adequate freeboard to keep water from washing over side of pond due to wave action. Abare asked if this is a berm? Krieger reads the definition. Put in parenthesis (berm). They discuss this at length. On page 9/23 added height (berm). Abare asked what they are designing for regarding flooding – a 100 year? If yes it will be a high berm.

Ryan asked what a berm would be built of – dirt and sod. Each pond needs to be reviewed on its own merit. What word, minimum, reasonable or maximum in freeboard requirement. Wilbur says he thinks it has to do with design not with act of god.

Krieger said ponds should have min of 1 ft of freeboard or minimum amount determined by Florida registered engineer to keep water from washing over side of pond due to wave action. Board agreed.

Current Sec E – Ritter wants to change the word loam; it was already changed from loamy.

Ritter wants to re-arrange the sentence. Franklin said it is from UF and intended to educate and provide guidance. A pond area with high amounts of clay is desirable for retaining water. Ritter wants to add “but not as effectively” after loamy – Reilly said no. Wilbur said leave it like it is. Reilly says change the first sentence. Board agrees to change.

F/E duplicate – remove as it is already said elsewhere in the ordinance.

12/23

4.A.(now 5) Krieger major problem is compliance. A.1. for review, 2, if all info is consistent, if all is “compliant with town code” instead. Permit fees will be consistent with resolution adopted by Council. Abare agrees with part of that. Review is a better word, compliant is a better word. Saylor also likes “review”. The Building Official may visit the project site to verify information. And delete the rest.

Next is change compliant instead of consistent.

Ryan said merge 3 and 4. Ritter said switch them around but keep it separate.

4B (now 5) do the same way

Also say engineer will approve instead of “sign off”

Krieger 4.B.2.(now 5) if all info is complaint is with town code – leave it.

3. if a permit is denied

Board said leave it.

13/23 –

5.0 (now 6) Change this to match what they changes above. Shall have the right to appeal such conditions or denial.

Krieger did not change anything but change it to 45 days. Do not reference meetings. This is under C.

a. An appeal made to town council by the applicant must be made within 10 business days to Bob said this part should be made by attorney and Board would to be changing this.

Bob said leave it alone. He stated that they are beating this up; should have been done with this by now.

6. C.any related

D. all excavated topsoil shall remain on site

E. Disposal of excavated material and eliminate all ref to topsoil.

D.1. eliminate topsoil

change “the” to “an”

Abare said when you rewrite it you take the chance of dropping something.

He agrees with Wilbur and if it is not broke, let it alone. They are wordsmithing it to death.

Wilbur said leave it alone. He would like to finish this. It is not wrong like it is written. Ritter said if it is not intended to be allowed.

Reilly said take "disposal of" out of that and leave everything alone.

Topsoil shall remain on site.

Wilbur said change to "Uses of excavated material"

C. The impact of onsite uses instead of disposal.

D. shall be used on site. Disposal to

14/23 6.D.

If you don't want it why can't they sell it? Someone may want to buy the muck and the engineer has determined it as unusable material. Give them an out – some conditions to allow it. Ryan gave example of his pool construction. Pool contractors routinely remove fill from property. Unless you specify to keep it on the property. Wilbur said leave it.

Stopped at Section 7.0

These items not covered:

- 3. Define "Light Industrial" Zoning
- 4. Code Requirements for Assisted Living Facilities

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

I. PUBLIC: none

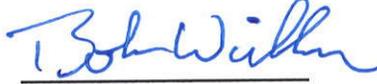
J. OLD BUSINESS/NEW BUSINESS:

Bud Ryan noticed a semi parking turning onto W. Railroad Ave and going into the storage facility. Is that allowed in the approved site plan? Franklin said they do not do proactive code enforcement. If there is a complaint, Town Administrator will investigate.

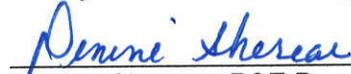
Board Secretary reminded the Board that the September 12, 2012 meeting was cancelled due to Public Hearing on millage and budget for next year.

L. ADJOURN

There being no further business to discuss, **MOTION: Ryan / Reilly to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:45 P.M.

BY: 
Bob Wilbur, Chair


Debby Franklin, Recording Secretary


Denine Sherear, P&Z Board Secretary

8/22/12 as corrected Date Approved