

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
MAY 14, 2014 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 Pat Reilly.

**B. ROLL CALL:**

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON KRIEGER
	GRANT BALL, EXCUSED
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

**ADDITIONAL ATTENDEES:**

Reilly stated that George Foster will be voting in place of Grant Ball.

**C. ADDITIONS/DELETIONS/CHANGES:**

**D. CONSENT AGENDA:**

- 1. Approval of Minutes** Planning and Zoning Meeting – 3/12/2014  
Planning and Zoning Meeting – 12/11/13

<b>Exhibit:</b>	Agenda Report No. 1
<b>Recommendation:</b>	Motion to Approve

Chair asked for a motion to approve P&Z minutes of 3/12/14

**MOTION:** Krieger/Ritter to approve with corrections.

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Krieger, 4<sup>th</sup> parag. from top 7<sup>th</sup> line down told should be suggests

Ritter 2<sup>nd</sup> parag from top 4<sup>th</sup> line 000 should be small

**Vote:** All Ayes

Chair asked for a motion to approve P&Z minutes of 12/11/13

**MOTION:** Ryan/Ritter to approve with corrections.

Page 7/41

Ritter 2<sup>nd</sup> parag 6<sup>th</sup> line form the top add acre after "1" at the end of line

Page 8/41

Ritter 2<sup>nd</sup> parag from bottom, 2<sup>nd</sup> line flair = frail

Page 9/41 4<sup>th</sup> parag from top, 3<sup>rd</sup> line ....how do you find out.

The Board suggested listening to the tape again.

**MOTION: Krieger/Ritter to table minutes of 12/11/13 VOTE: All Ayes**

Foster commented that Denine did a great job on the agenda packet and that he likes the idea of including the Town Council minutes with the packet. He said it is a positive thing to share minutes between the Boards.

**E. PRESENTATION:**

**F. ACTION:**

**G. DISCUSSION:**

2. Continue Discussion on Future Land Use Maps and Defining R/LC

<b>Exhibit:</b>	Agenda Report No. 2
<b>Recommendation:</b>	Discussion

Reilly said that Krieger updated the verbiage for R/LC and it was emailed out to you and a copy is at your seat tonight. Krieger said that what he included is underline, italic, and bold.

Krieger said that the problem with the whole concept of R/LC originally this was set up to protect people already existing, but now it is becoming more a "mixed use". Krieger said he thinks it is going to be the biggest zoning in our town and take a lot of thinking. It is R/LC and we talked about all other commercial zoning, depending on density. The Town Council had said 6 units per acre.

Ritter will send changes to update verbiage for R/LC, she explained keeping R/LC "residential" until such time the property owner comes in and wants to change to R/LC adding commercial.

Foster said that we should decide that these property owners have the ability to get the "R/LC" it should remain "residential" until they petition for the R/LC.

Reilly disagrees with the R/LC setbacks, the Board discussed suggestions to add to verbiage and bring back to next meeting.

Reilly said that for R/LC you need 20, 000 sq ft and in RS-10 & RS-15 it could never be R/LC due to setbacks.

Krieger said you already have density in place. When a property owner changes to R/LC there are two different scenarios, those with buildings and those that are going to build.

Foster said to help property owners increase property value by increasing the zoning of the property is a perfect idea and people should be able to get R/LC at any point.

Reilly explained the six (6) units per acre is what Council approved because those that bought R/LC property is presently have 6 units per acre. The consensus of the P&Z Board is 6 units per acre.

Ritter explained to the Board that due to restrictions and setbacks this would limit the density. Reilly added that only two areas have "RM-6", if we go to R/LC.

Foster suggested to "Grandfather" those areas that have been approved and are presently 6 units per acre.

Krieger asked if you look at RR-65 zoning, it is 1.5 acres, now with "units" a commercial unit 1 and a people unit are how many? Krieger said the intent is to protect those that already have homes

and can grow if they choose into commercial. The density has to be lower than RM-6 or else you are opening the whole town up to apartment complexes.

Ryan reminded the Board that the preamble to the Code is that this Town is intended to be a rural community.

Reilly suggested putting Ritter's suggestions in the document and Krieger will do the verbiage.

Ryan suggested about 4 units per acre again and present to Council and let them know why. Krieger said the larger properties will have a way to slip major development in with these 6 units per acre.

Ritter discussed the chart about R/LC being "residential" first, than "commercial" you have to have same amount residential and commercial.

Krieger explained an example to the Board, if a property owner has 10 acres, and it is 6 units per acre, Reilly said that would be 60 units. Krieger added that 6 units had a multiplier of 2.6. Krieger said we need a definition of "unit".

Ritter/Reilly said the multiplier is only for ALF's. They explained the units for ALF's is different because it was "resident/beds".

Denine said that she sent (emailed) the approved Ordinance for ALF's and Vernacular Ordinance as requested by this Board.

Reilly discussed if a house has 4 persons in a house and there is 6 units this = 24 people.

Krieger said we are getting away from what the town is supposed to be. It is supposed to be "rural" we are doing this to help people, but what we are really doing is building our own demise.

Foster thought that on the arterial roads this R/LC is a good thing. There are countless other communities that have protected their rural residential areas and have also consciously sought clean development and clean businesses. He thinks "mixed use" is the whole concept, to do the best for your community. The R/LC can very clearly enhance the value of the properties and the safety and well being of the community.

Reilly suggested that we have to stay within the Charter and keep low density. Ritter said that the definition of "unit" be put in the Code Book.

The Board discussed extensively the residence vs commercial table and that there can never be more than one (1) more than the other residents or commercial.

Krieger said that the rural aspect of the town changes when you have high density, it is not rural.

Ryan said the way the town is situated now we are doing well, our tax bases is the lowest of any place around. We don't need commercial tax revenue. There is a limit to what the commercial portion should actually be it is primarily to serve the residents of Malabar. Ritter said it is not far to go for something you may need, maybe 4 miles.

Foster said the general complexion of the arterials is going to dramatically change when Malabar Road is widened. There is going to be pressure to develop these properties along the arterial sections.

Ritter said to Foster that we have a "Charter" to abide by. We don't have to conform to other municipalities around us.

Ryan said we have to respect the rights of the people that bought here, that is why they moved here into a rural community.

Reilly said for next meeting:

- Krieger is going to work on verbiage with suggestions
- Definition of "units"
- Ritter submit suggestions to be included

Krieger suggested keeping agricultural in verbiage and looking at:"LC"

The Board read the "LC" definition out of Article III District Provisions for clarification.

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|----|---|
| 3. | Discuss Off-Street Parking and Contiguous Parking |
|    | <b>Exhibit:</b> Agenda Report No. 3               |
|    | <b>Recommendation:</b> Discussion                 |

Ryan said to look at page 14/41 the code that Brevard County's Code. He suggested changing our code to go along with Brevard County/City of Melbourne. I think we should keep in mind with this parking situation the health, safety, and welfare of the general public. A safe operation.

Krieger asked how do you know when people are in compliance or out of compliance. For a new building it is one thing.

Ritter read page 15/41 #9 TO THE Board about safety and welfare of the public.

The Board discussed "off street parking" on the property of the business, not in adjacent areas.

Krieger suggested that when you get a BTR (Business Tax Receipt) that an inspection is conducted. Denine explained that when a new BTR is submitted the Building Official does an inspection before the RTR is issued.

Reilly explained that for a new building the site plan addresses the parking. This discussion is "off street parking which means "other than" on property of business.

Ryan talked about exceptions such as downtown Melbourne, that there are store fronts with limited parking in front of stores with public access parking in the back, as long as no one has to cross a major road, which has to do with health and welfare, then you are allowed to have non contiguous parking.

Ritter said that down town Melbourne has "public parking".

The Board discussed the City of Melbourne and Brevard County Codes for "Off Street Parking".

Ritter said on page 18/41 read that 60% of required parking has to be on site and the shared parking is for joint properties.

Reilly suggested the following for the next meeting:

- A list of what we want to add to our Code for "Off Street Parking"
- Look at our Code Article IX (9)

**H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:**

Denine told Board about modification coming before this Board for the Palm House who purchased property across railroad tracks at the "old post office" property. The owner Doug Proctor wants to keep property rural and just put large trees on this site. Our Building Official Roger Cloutier and Town Engineer Morris Smith have reviewed the modification to forward information to Board.

**I. PUBLIC**

Juliana Hirsh 1035 Malabar Road, Malabar FL commented that there is something wrong with the encroachments of the gate.(AAA Storage)

Reilly suggested to Ryan to meet one on one with BW to find out what is going on.

**J. OLD BUSINESS/NEW BUSINESS:**

Ryan asked about AAA Storage using side gate that was never in the original plans to use for ongoing business. Denine said they are working with some issues right now.

Krieger said there are other problems beside the gate access with other properties.

Denine did explain that AAA Storage is not the only business using that W Railroad road, other businesses use it as well, Ryan said he is not concerned with the road, he is concerned with who goes through the back gate.

Reilly suggested addressing BW about the Code enforcement issue and if you do not get satisfaction go to Council.

**New Business**

Reilly said the next scheduled meeting is 5/28/2014. I will be gone, Grant Ball will be gone, and Krieger will be gone. It is suggested to cancel this meeting by Chair. The June 11, 2014 meeting Reilly gone and Grant Ball gone, go ahead with meeting Ritter will Chair the meeting on 6/11/14. The second meeting in June is 6/25/14 everyone will be back.

Ryan said a quorum is only a Board Member not an Alternate.

P&Z Meeting cancelled for 5/28/12

**K. ADJOURN**

There being no further business to discuss, **MOTION: Krieger/ Ryan to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:27P.M.

BY:

Patrick T. Reilly  
Pat Reilly, Chair

Denine Sherear  
Denine Sherear, P&Z Board Secretary

6/25/14  
Date Approved: as corrected