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**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
JULY 23, 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
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

Krieger added “Housekeeping” under Discussion between Item #2 & #3.

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

- 1. Approval of Minutes** Planning and Zoning Meeting –7/9/14(not ready)

Exhibit:	Agenda Report No. 1
Recommendation:	Motion to Approve

E. PRESENTATION:

F. ACTION:

G. DISCUSSION:

- 2. Discuss Off-Street Parking and Contiguous Parking**

Exhibit:	Agenda Report No. 2
Recommendation:	Discussion

Krieger said the right-of-way (ROW) is not solved on Highway US 1. Krieger wanted to make sure no one (property owners) lost their riparian rights, the danger is crossing the street, and other municipalities have in their code if the road ROW is greater than 35 mph that business should not be on both sides of the road.

Ritter explained that the discussion is definitions. Reilly went down the list of definitions submitted by Ritter at the 7/9/14 meeting. Reilly said that “right-of-way (ROW) line” definition is in the Code

Book, Krieger said in "Off Street Parking". Reilly said that ROW is established in Florida Statutes, not in the Code.

Ball asked if all parking is within the property of the business, Ritter responded that is "contiguous" The Board discussed that definitions only related to businesses. Krieger said that definitions are going into section 20 (XX) Languages & Definitions.

Ritter suggested describing the definitions as related to businesses for clarification purposes.

Page 1183 of Code Book

Reilly suggested:

Parking, Terms (definitions):

- 1.) Contiguous
- 2.) Off site
- 3.) Off Street
- 4.) On Street
- 5.) Roadway

The verbiage is from the 7/9/14 meeting, Reilly said that we are trying to solve "Off Street- Parking" areas in the Code Article 1.9.1 **Applicability**

Krieger suggested changing the pre-amble and stating that non-contiguous parking is not allowed unless... then give the reasons.

Ritter/Krieger suggested to insert non-contiguous in Article 1.9 Krieger suggested it should read like... "Parking should be provided in all districts at the time any building structure is erected, enlarged, or increased in capacity. Ritter suggested that 60% of parking like other municipalities. Krieger said that non-contiguous should be added in that section (1.9) unless 60% is contiguous; also add about health, safety, and welfare of the public. Reilly said the definitions go in the back of the Code Book (Article XX)

Homework for next meeting:

June 25, 2014 packet

- Page 62,63,64/79 work on adding paragraph to Section 1-9.1
- Update words in Definition

Reilly suggested adding "Safety & Welfare of the Public" into Code in #6 of 1.9-3 also, heading of "Location of "Off Street Parking Space & Non- Contiguous Parking"

2a. Housekeeping of the P&Z Board (suggested by Board Member Krieger)

Krieger discussed about Ordinance 2014-08 relating to Boards and Committees. He spoke about absentees under this new Ordinance. He had a question for the consensus of this Board. Krieger asked, if someone comes in late and leaves early how does this effect attendance. Reilly responded that he would take care of this and use discretion relating to attendances.

Krieger said that apparently this Ordinance has eliminated discretion; it is just talking about time. The Municode as it formally was left it to the committee's discretion to determine their own rules. Now we have "non-rules", we should go in the future with the consensus of the committee, does this Board agree?

Krieger talked about the "alternates" and their position of alternating in the "new Ordinance" Krieger asked about at the beginning of a meeting the consensus of the Board determines the experience of the alternate. At times we had a quorum and by consensus the Board did not pick the Alternate

for a voting position. Has that ended now? Reilly suggested if an Alternate is new; bring up a voting issue at a future meeting.

Krieger read also in the Ordinance that a committee requires one meeting a month, is this Board going to one meeting or two meetings a month. The Board expressed that if we need two we will have two.

Krieger expressed it is hard to do things without minutes from previous meetings. We have minutes pending from October 2013. Sherear explained that if you are talking about the 10/23/13 minutes they were approved in November of 2013. Sherear explained they have to be retyped. Sherear also said you are missing a November 2013 set of minutes and she will do her best to get caught up. Krieger said he was not at the meeting when the 10/23/13 minutes were approved and asked for a copy.

Krieger said he read the Park Board minutes and was very confused about the ELL's property being cleared, he heard different explanations. Ritter said she was at the Council meeting, they explained they were supposed to just take out the underbrush and pines.

Sherear explained to the Board that they are welcome to contact BW who has been in touch with Mike Knight and Chris O'Hare with ELL's. Also, Chris O'Hare has said if anyone has questions they are welcome to contact him directly.

Krieger said that it is a road right-of-way in the Town of Malabar to Brook Hollow, when we look at the roads.

Krieger said that last Tuesday was a Town Budget meeting, but it included roads and stormwater issues. Sherear explained that the town engineer was present to explain issues of stormwater to be corrected. Ritter said that resident Mr. Hard was at Monday night's Council Meeting talking about roads and how holes form. Mr. hard talked about the simple solutions to road repairs. Ritter said the engineer was at that meeting, Morris Smith (Town Engineer) and it was very informative.

Krieger asked if any decisions were made at that meeting. Ritter said she thought the engineer has to approve the stuff with the roadways. Sherear said that Morris Smith works on the roadways and stormwater. Ritter said it was discussed about bringing the Roads & Drainage Committee back. Krieger said he was on that Committee.

Krieger asked for a copy of the road inventory.

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

Exhibit: Agenda Report No. 3

Recommendation: Discussion

The Board discussed R/LC on page 7/9 this packet. The Board added "R/LC" before district in the last paragraph

.Krieger talked about different definitions of the districts, sometimes it is units per acre, and all these districts were formally residential. The RR-65 is 1.5 acres and will equal .75 units per acre.

Ritter said if it is R/LC it is R/LC it is all irrelevant. Reilly said it is six (6) units per acre. Krieger said that when you are changing to R/LC it is mixed use. There needs to be some sort of control, what was there verses the change. When you change to R/LC it is a mix use with that density.

Krieger reviewed the following:

R-21= 2 units per acre

R10= 3 units per acre

RM4 = units per acre

RM 6 = units per acre

R-15 = described by square foot of the lots

R-21 = described by square foot of the lots

R-10 = described by square foot of the lots

Krieger said that we need to review the maps again, Ritter said all the R/LC are on main roadways and arterial roads, and property owners are restricted due to water and sewer.

Krieger said that we are talking about Future Land Use and not zoning. Krieger said that R/LC should just be in the downtown area as an experiment like Mayor Eschenberg suggested.

The Board reviewed (on over head projector) the colored FLUM maps that Chair Reilly revised on July 2013.

Krieger pointed out that last time there was a major change in zoning was in the 80's and that was because of "DCA", who said you had to have so much high density, etc.

Reilly said the definition of R/LC is one thing, where it is used is another issue. Reilly pointed out to Krieger that nothing was changed along US Highway 1.

Reilly asked Krieger where he was headed with all this and Krieger responded that this is all "Future Land Use", it doesn't bother anyone, and it is all a thought experiment on how we affect other people's lives. Ritter added that we are envisioning the future.

Krieger said that this is a good future thought it is a work in progress and we just wait till property owners come in to ask what they want to propose on their property.

Ritter said to Krieger why do we all come here if we are not trying to do something, how long does it take to do something and get it through to Council. Krieger said we want to do things right and go line by line.

Krieger said that changes can hurt people, we are body of consensus here, the fact is we have been told and in memos that the intent is to change zoning with land use and he can never be for that.

Ritter said this is the future it is not changing anything now. Ball said that there is no guarantee that the zoning that we have today is going to be tomorrows zoning because if it was there would be no way for a community to expand.

Ritter commented that we are an advisory Board and we should advise Council what is best after doing a year's worth of work.

Ryan asked where R/LC came up originally. Krieger responded for saving houses along US Highway 1, if a house burned down it could be rebuilt, that was basically the purpose for all this.

Krieger said the Comp Plan doesn't have to change till 2016, that is when we have to look at it.

Reilly would like to go on with the verbiage.

Krieger understood the creation of R/LC and that it was for those buildings that if they changed that particular zoning to commercial zoning and they lost their house, you are putting people out of compliance with the zoning.

Ball said the best thing we (the Board) can do is when people come to the Board we can look at the properties. I know Krieger wants to keep things rural. The Town has the flexibility, we are setting the ground work for what we would like to see the town accomplish.

Krieger said he likes planning but it has been over a year, and he asked for the Future Land Use Maps (FLUM) to be put out in the "Mail Boat", if we submit the maps to the news letter the residents will come. Ritter said the Town solicited and asked for something to be put in the newsletter. Krieger said he asked and that we did submit something, Ritter said no we did not submit anything. Ritter said we (the Board) should submit the maps and say we want this in the newsletter. Ritter said to Krieger you can say a lot of things but you have to go and submit it (the maps) to be put in "Mail Boat". Reilly said it would cost a lot. Ritter suggested an article describing changes on Malabar Road properties to R/LC, and if concerned to come to Town Hall and Planning & Zoning Meetings.

Foster said that R/LC allows both residential and commercial which accommodates all the current residents and gives growth.

Krieger asked the Board if we at least have the consensus of this Board that we are changing land use and not changing zoning at the same time. Reilly responded that land use and zoning go hand and hand.

Ritter said as a Board we try to do our best for the citizens and if we make them aware of the changes and try to get an Article in the "Mail Boat" we are doing our due diligence.

Ryan asked to be excused at approx 9:15PM, Rielly said you met your 75%
Foster asked to be excused also 9:15PM

Krieger said he doesn't mind the future land use changes but not to change the zoning.

Ball said we are not taking anything away from anybody. Krieger said if you (Town) change the zoning you are increasing the maximum use of the Town. The property tax will increase. If you change just the Land Use the property tax will not increase, this is forcing a rural place to become a non-rural place.

Homework:

Update word on page 7/9 on Agenda packet (7/23/14)

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

Roads and Drainage, also to get minutes from the Budget Workshop that talked about the drainage.

Reilly asked Krieger if he wanted Roads and Drainage for "Discussion Item" at the next meeting. Krieger responded yes.

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

K. ADJOURN

There being no further business to discuss, **MOTION:** Ball/ Krieger to adjourn this meeting. **Vote:** **All Ayes.** The meeting adjourned 9:39P.M.

BY:

Pat Reilly, Chair

Denine Sherear, P&Z Board Secretary

Date Approved: as corrected

DRAFT