

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
FEBRUARY 25, 2015 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
	WAYNE ABARE
	GEORGE FOSTER, excused
ALTERNATE:	VACANT
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA:

- Approval of Minutes** Planning and Zoning Meeting – 2/11/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval

Motion: Abare / Ryan to approve Minutes of 2/11/15 as corrected Vote: All Ayes

Reilly & Ritter corrections: George Foster is regular member not an "Alternate"; there are two vacant "Alternate" positions.

E. PUBLIC HEARING: none

F. ACTION:

- Recommendation to Council for Clarifications made to Article IX Off-Street Parking & Contiguous Parking & Article XX Definitions**
Exhibit: Agenda Report No. 2
Recommendation: Action

Reilly said the Board did very well last meeting going over this Agenda.

The Board discussed "Definitions" and made the following corrections:

- page 17/26 (PZ Meeting 2/25/15) *Parking Space(s), Off-Street*
- page 10/26 (PZ Meeting 2/25/15) 1st parag.

Parking shall be **in the best interest of the health, safety, and welfare of the general public in the promotion and preservation of traffic safety. Parking shall be** provided in all districts at the time any building or structure is erected, or enlarged, or increased in capacity by a change of use or **with** the addition of dwelling units, floor area, seats, employees, or other factors determinative of parking demand as stated in this Article IX.

- page 14/26 (PZ Meeting 2/25/15) "3 (a)" take out the ~~City Engineer and approval of the Planning and Zoning Commission.~~
"F" 2nd line take out Staff and put Town Building Official.
- Page 13/26 (PZ Meeting 2/25/15) "3" last line Town Building Official.

Motion: Ryan / Ritter to recommend to Council changes made in Article IX Off-Street Parking and Internal Traffic Circulation & Article XX Definitions and Language.

Roll Call Vote: Abare, Aye; Reilly, Aye; Ryan, Aye; Ritter, Aye. Motion carried 4 to 0**G. DISCUSSION****2. Continue Discussion re: Future Land Use Maps and Defining R/LC****Exhibit:** Agenda Report No. 2**Recommendation:** Discussion**Motion: Ritter / Ryan to un-table this Agenda Item. Vote: All Ayes**

Speakers card: Juliana Hirsch 1035 Malabar Road, said she made notes (attached and made part of these minutes) about R/LC it has been going on for over a decade, Hirsch recommend to the Board Members of the PZ Board to read page 18, 19, and 20 of the 2010 Comp Plan where it is repeatedly stressed that this zoning is intended primarily for limited commercial and it appears now that certain members of this Board favor to overturn the R/LC zoning that was long approved or disapproved by the Council, to predominantly residential. The entire R/LC zoning was created to insulate the existing residents at the time from higher taxes and insurance. It seems to Ms. Hirsch that over the times she has been here there is no clear understanding, it needs to be finalized. The zoning and suggested ratio needs to be understood.

The zoning and ratio by Board Member Ritter is unworkable, and cannot be implemented for example, a resident could not build a home without a business occupying the same parcel. The ratio is unrealistic and does not comply with what the R/LC zoning was created for. Hirsch recommended the Board Members review the 1995 and 1985 zoning maps and minutes of the Reg. Town Council Meeting of September 20, 1988 this gives a history of what the R/LC is supposed to mean and why and is stressed over and over and is mainly for commercial. Ms. Hirsch said she has sat here meeting after meeting and it has been stressed by the member it should be "residential" predominantly. It is contrary to what this was established for. Hirsch said if you think the zoning should be changed it should go back to 1995 zoning. In her opinion it is not a bad zoning, but it has taken a wrong turn for what it was originally, that was to insulate the existing homes at the time. Ms. Hirsch recommended to the Board to review the available, Ordinance, Comps., and Zoning Regulation to familiarize yourselves with the actually meaning and intensions of the R/LC Zoning to minimize the obvious confusion for entire decade, it appears the Board is rehashing items that have already been approved or disapproved by Council.

Reilly explained to Ms. Hirsch, the chart on page 22/26 (PZ Agenda Packet).

Ms. Hirsch said that Ritter pushes the residential. Ritter explained that is when there is already an existing residence.

Hirsch explained that the R/LC District is intended and shall be interpreted to be a commercial district. Ritter said the reason the Board is discussing this is to bring things up to what it should be currently.

The Board discussed with Ms. Hirsch the R/LC zoning. Ms. Hirsch said it should be predominantly commercial. Ritter said property owners have an option.

Abare said that what this Board is doing is making it comfortable for existing residents so they can get insurance, they can live there and put a business if they want or you can just put a business. It is the best of all worlds. Hirsch said she agreed, but her argument is the constant push to lean towards residential. Ritter explained a house does not have to be built on property. But those that do shouldn't be classified as commercial.

Abare said to Ms. Hirsch it is important for people like you to come here and speak your mind and it is appreciated. Ms. Hirsch said to Board she appreciates everybody and all their work "Thank you" for listening.

Ryan asked Ms. Hirsch if she was going to be here the rest of the meeting. Hirsch ask if Ryan would he be here. Ryan wanted to talk to her after the meeting and Hirsch said talk right now.

Reilly said to change Article II & III

The Board discussed the definitions of Article III District Provisions.

Reilly and Board discussed verbiage for Article III 1-3.1 "O" R/LC (page 21/26 PZ 2/25/15)

Corrections: (page 21/26 PZ 2/25/15)

- Ritter said to take out the word ~~low~~
- Abare said to take out ~~density~~
- Reilly said to take out ~~moderate density~~

Corrections: (page 21/26 PZ 2/25/15)

- Reilly gave Table # 1-3.1

Ryan told Chair he had to leave @ 8:30PM

The Board continued discussion on clarifying verbiage. Abare suggested to list location of Malabar Vernacular Style, reference location in Code Book.

The Board discussed on page 23/26(PZ Meeting 2/25/15) the uses we will have to address if more than 4,000 sf are allowed. Reilly said to wait until PZ receives the information from the Councils last meeting.

The Board discussed the clarifications that they have made with the verbiage has allowed people to do what they want without being penalize.

Abare suggested that when this Ordinance goes through to invite residents to come into change zoning to R/LC for free or whatever fee. Abare said to send out letters to all those that would be affected and to give rezoning and this would invite people that want to build in Malabar. Ritter suggested putting this out in the "Mail Boat" as a big article.

Reilly said that last time that an Ordinance was done changing zoning/land use that every property was listed in the Ordinance.

The Board discussed the process that could be used with residents to include property owners for the zoning/land use change.

Reilly said for Board to look at Table 1-3.2 Land Use By District. Provide updated Table Supp. 21 for next meeting.

The Board reviewed Table 1-3.2 and discussed existing Table.

Reilly said for next meeting stay on R/LC and think of what types of business would work along Babcock Street, Malabar Road, and Highway 1 in R/LC District.

Reilly explained that the maps go with the Comprehensive Plan that shows the changes in the different areas of Town.

Juliana said for the Board to look into flag lots or driveway. Sherear explained the option of a driveway vs flag lot. (get information on flag lots for next meeting)

Put Article III District Provisions in next packet. (3/11/15)

H. ADDITIONAL ITEMS FOR FUTURE MEETING

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

Abare said that he has a gentleman that is going to join PZ Board. He will be a positive addition.

K. ADJOURN

There being no further business to discuss, MOTION: Abare/Ritter to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:00P.M.

BY:

Patrick T. Reilly
Pat Reilly, Chair

Denine Sherear
Denine Sherear, P&Z Board Secretary

3/11/15
Date Approved: as corrected