

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
MARCH 11, 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, late 7:36PM
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	VACANT
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 2/25/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval

**Motion: Ritter/ Abare to Recommend Approval of Minutes of 2/25/15 as corrected All Vote:
Aye**

Ritter Corrections:

Page 3/28 in ROLL Call, George Foster is regular Board Member not an "Alternate".

Page 4/28 2nd parag. 6th line on right side sat instead of sit.

E. PUBLIC HEARING: none

F. ACTION: none

G. DISCUSSION

2. **Continue Discussion re: Future Land Use Maps and Defining R/LC**
Exhibit: Agenda Report No. 2
Recommendation: Discussion

Reilly explained to Board that in their packet Article III is updated from last meeting of 2/25/15.

The Board discussed page 9/28 second parag. Under "O" to add to last sentence Table(s) 1-3.1 & 1-3.3A.

Reilly discussed that the Council approved 0.20 density is the limit (Option #1) any acreage, no more 4,000sf. Reilly believes that anything over 4,000sf should be Condition Use VS Permitted. Reilly said if it is over a certain limit than a land change has to be done.

Ritter said why would you penalize land owners if it is the type of business that would fit in that zone. Reilly said he looked at the big picture changing Malabar Road, Babcock Street, and US 1 to a lot of R/LC. He is concerned with the huge buildings that could be built.

Foster said he knew the PZ Board has spent numerous hours on R/LC. Foster said instead of changing the zoning that he wanted to discuss an optional zoning for all the arterials. He said to let people come in on their own if they wanted that zoning. Ritter explained to Foster that R/LC is considered residential until landowners come in and request a limited commercial type business. Reilly said we are changing the land use to R/LC, not forcing the change.

Abare said the Town sees the future; they are not forced to change only if they come in to the Town.

Abare, Reilly and Board discussed about what can be done in the R/LC zoning.

Ritter said that no one should be forced into anything and whatever they bought the property at it should stay until they (property owners) decide to change these suggestions give them options.

Abare said the Town has a vision what they would like the land to be zoned, and it is not being forced on anyone. Ryan said this zoning allows you to do what you want.

Reilly said the verbiage needs to be fixed on page 10/28(PZ meeting 3/11/15). The Board looked at Table 1-3.3(A) on page 21/28 under R/LC commercial, take out ~~max. area 4,000~~.

Reilly said that we will be going by maximum building coverage of 0.20.

The Board worked on the verbiage on page 10/28.

Abare explained the R/LC to the audience and what this Board is presently doing, and that the P&Z is an advisory Board, ultimately everything goes to Council for approval. Abare said that Doug Dial is in the audience and has applied for an alternate position on this Board.

Reilly said to concentrate on next paragraphs on page 10/28 to correct verbiage. Reilly suggested that individually think of what to make these two paragraphs sound like. Make one paragraph "for" and one "not" to describe what is able to be done.

Reilly suggested that he and Liz would re-write the two paragraphs and the Board would bring their suggestions back to the next meeting. Ritter said to let what is in book do the work for us, then we just critique it.

The Board discussed the last paragraph on page 10/28 and moves it up to under second paragraph on page 9/28. Reilly suggested talking about "residential" first and "limited commercial" after that.

The Board discussed the district definitions. Abare asked about maps that go along with this R/LC.

Reilly showed the Board the Maps (June 2013) on overhead and discussed the maps. Reilly asked Sherear to email out to Foster, Abare, and Dial.

The board discussed "flag lots" and handouts (Town Attorneys opinion) were given to clarify that flag lots are only prohibited in our Code in subdivisions. (Section 1-17.2)

H. ADDITIONAL ITEMS FOR FUTURE MEETING

Flag Lot (Abare) no easement only ownership

I. PUBLIC

Juliana Hirsch 1035 Malabar Road, said in reference to the easements and flag lots, she had the front 5 acres of her property surveyed and she said she came up with an easement, she explained if someone buys the land the easement belongs to you but she can ease through it, but you can figure it into your 5 acres. Since we have a lot of people with 10 acre lots you cannot legally sell something that you do not have access to. Juliana said she would appeal to all the Boards since this is so different, we need to keep in mind to keep things reasonable and accommodate people of Malabar.

Abare discussed if you are going to do a flag lot, own the land instead of an easement.

Reilly suggested to clarify "flag lots" no easements only ownership.

J. OLD BUSINESS/NEW BUSINESS:

Abare introduced new P&Z Alternate.

Doug Dial 2580 Rocky Point Road, Malabar. Doug Dial said this is very interesting and he went through the book and it is very interesting, a lot of things you are discussing are very important to the Town. If I can learn more as an alternate I would be glad to serve. Abare told Doug about the Sunshine Law and explained to him that when he becomes an alternate they cannot talk any more about this stuff. Abare suggested coming to the Town and get briefed by staff on violating the Sunshine Law.

Ryan said for the record that he had called the Chair Pat Reilly to let him know he would be late for this meeting.

K. ADJOURN

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

BY:


Pat Reilly, Chair


Denine Sherear, P&Z Board Secretary

4/8/15
Date Approved: as corrected