

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
APRIL 22, 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
ALTERNATE:	DOUG DIAL
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

**C. ADDITIONS/DELETIONS/CHANGES:** none

**D. CONSENT AGENDA:**

- 1. Approval of Minutes** Planning and Zoning Meeting – 4/08/15  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval

**Motion: Ryan/ Ritter to Recommend Approval of Minutes of 4/08/15 as corrected All Vote: Aye**

Reilly Corrections:

Pg 3/33 under "C" 2<sup>nd</sup> parag. add after Reilly would like to pull Agenda...

Ryan Corrections:

Pg 4/33 4 parag up from Agenda Item "3" sentence that starts with Ryan, at the end take out ~~nut~~ and put in to extremes.

Pg 5/33 2<sup>nd</sup> parag 1<sup>st</sup> sentence problem should be problems & is should be are

Pg 5/33 under "H" 2<sup>nd</sup> parag starts with Foster... is should be are

**E. PUBLIC HEARING:** none

**F. ACTION:** none

**G. DISCUSSION**

- 2. Direction from Council to Review the Offsite Parking and Clarify**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion

Reilly explained about CM Krieger questioning the "non-porous vs non-pervious". Ritter said that the "porous" would be correct, "pervious" in the dictionary has to do with pervious membranes so the "porous" would be more towards the roadway base, where "pervious" would be through an instrument membrane.

The Board discussed under Art IX Off-Street Parking Sec 1-9.5(E) 1 & 2 to keep the word "porous" and add the following enlarged words into #2

**2. Porous Surfaces. Part-time or temporary use such as, but not limited to, Church, Park, Fair, and Festival parking. All parking areas must be up to specifications of the Town Engineer, Town Planner, and/or Building Official as to composition, compaction, and drainage/grade.**

Reilly asked if anything else needed to be changed. Ritter said in Art XX Definitions & Language definition for: "Recreational and Landscaped Open Space" there is a "." period on the last line after ...service areas.

*Recreational and Landscaped Open Space.* Unroofed or screen roofed ornamental landscaped areas and recreational areas which are easily accessible and regularly available to occupants of all dwelling units on the lot wherein the open space is located. **Not calculated as open spaces are** rooftops, porches, raised decks, parking spaces, driveways, utility and service areas. ~~are not calculated as open space.~~

Reilly said since this was an "Action Item", All in favor of changes made, **All Vote: All Ayes by PZ Board** to send back Recommendation to Council.

**(Reilly moved to Agenda Item #4 then came back to Agenda Item #3)**

**3. Continue Discussion re: Future Land Use Maps and Defining R/LC**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Discussion

Reilly explained to the Board the corrections and changes made to R/LC definition. Ritter added a correction on page 23/33 Infrastructure change to small "i".

Foster said he is against the Table 1-3.1 and what we are requiring with the table the combination of commercial and residential, it is not fair to property owners. Foster made a point that there has not been any residential homes built on Malabar Road except one house that burned down had been replaced in 10 years. Foster discussed extensively the Table 1-3.1.

Reilly explained that the land presently is RR65 and now we are going to change it to R/LC. So we are giving property owner the opportunity to build Limited Commercial on their property. But it is Residential first.

The Board discussed the Table 1-3.1.

Abare suggested having the public come in to interact with the Board when going over the maps defining the R/LC areas along Malabar Road, Babcock Street, and US Highway 1.

Sherear said to the Board about the newsletter coming out and possibly this would be a good article to include from the PZ Board. Reilly said he delegated Ritter to write an article. It needs to be given to Debby Franklin.

Ritter said this article would explain that the PZ Board is reviewing the lot lines positioning for the R/LC.

Reilly explained that on the maps that have been reviewed they did lot depths of 330 feet, 660 feet, or to include the whole lot if owned by one property owner. Ritter explained that this land use does not change until the property owner comes in to change it.

The Board discussed the 6 units per acre.

Board would like Roger, Building Official to look at Table 1-3.1 and get feedback.

Reilly said for the next meeting the Board will review the maps for the (3) arterial roads, and clean copy of R/LC definition.

Abare said that he asked the Attorney, even when he was on Council that if he owned property on a road and involved in approving Ordinances or involved in generating Ordinances, does he have to withdraw from voting. Abare said the Attorney said, "no". Reilly also said, no. the only time you have to make it known is when we have a Public Hearing, or going to vote on an item, you declare it at the beginning of the meeting. Ritter said we are an advisory Board only Council makes those decisions.

#### 4. Discussion on "Flag Lots" in Malabar

<b>Exhibit:</b>	Agenda Report No. 4
<b>Recommendation:</b>	Discussion

Reilly said to look at page 31/33 (PZ Agenda 4/22/15) Debby Franklins email to Town Attorney correction made about "flag lots only being in prohibited in subdivisions..." take out the word "in". Reilly suggested corrections to clarify the meaning of the question. The key point Reilly wanted to start with is that "flag lots" are only prohibited in subdivisions.

The Board discussed flag lots in Malabar. Foster said if the fact is that "flag lots" are only prohibited in subdivisions then he is 100% agreement and he will drop the issue. Abare suggested being open to situations concerning flag lots.

Juliana Hirsch 1035 Malabar Road, what happens down the road, I prefer to have an easement rather than a ROW, with the ROW it doesn't affect me, and it is for utilities and Town use. The ROW takes away from the square footage of the property that you own. It will cause problems with an easement, but it does exist with the deed restriction and recorded in County records. The easement would belong to the property owner that I would sell the property to and I am "easing on through". Ms. Hirsch said to leave things as they are and deal with this on an individual basis as needed. She said we do not need to prohibit flag lots or easements at this time. It can be challenged if necessary; it is not for the PZ to decide what monies property owners need to spend.

Foster said that as a committee we are denying people the use of their property. He said that Ritter said that people can put in a proper road.

Reilly said there are no guidelines except in subdivisions. Reilly explained that a flag lot is only a flag lot if it is off of a driveway or an easement, if it is on a roadway the road is there.

Abare said to have a consensus of the PZ Board statement.

Reilly said a conclusion statement is that Flag Lots are only prohibited in subdivisions; Abare said that is the opinion of the Attorney and the consensus of the Board.

**H. ADDITIONAL ITEMS FOR FUTURE MEETING**

**I. PUBLIC**

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

The Board discussed about the ALF going in on water in Palm Bay. (700 units)

Foster discussed as they widen Malabar Road, perfect time for water/sewer from City of Palm Bay. He suggested that the Town Administrator or Mayor discuss with City of Palm Bay and see if they would assist Malabar in putting in water/sewer lines at this time that the widening of Malabar Road.

Reilly explained that we, (Town of Malabar) are not in the business of water anymore and they, (City of Palm Bay) would want someone to pay for it. It would have to be a developer to put in the water/sewer.

**K. ADJOURN**

There being no further business to discuss, MOTION: Ryan/ Abare to adjourn this meeting. Vote: All Ayes. The meeting adjourned 8:55 P.M.

BY:

Patrick T. Reilly  
Pat Reilly, Chair

Denine Sherear  
Denine Sherear, P&Z Board Secretary

5/13/15  
Date Approved: as corrected