

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING**  
**February 10, 2016 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 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
RECORDING SECRETARY:	

ADDITIONAL ATTENDEES:

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

**D. CONSENT AGENDA:**

1. **Approval of Minutes** Planning and Zoning Meeting –01/27/2016 not ready  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval

**E. PUBLIC HEARING: none**

**F. ACTION:**

2. **Recommendation to Council: Amend the Code Book to insert the 500 ft. Radius notifications for Public Hearings**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Recommendation to Council

Reilly asked Board for recommendation to send to Council for approval.

Foster responded he agreed with all changes.

Ritter suggested inserting a time frame of mailing letters to the radius packet. Reilly went over process of site plan notifications with Sherear.

Reilly said he does not think that this process is needed; the letter sent out for radius packet notification goes according to process when application is received and is sent out in a timely manner.

Ryan said the newspaper notification is required by law and the letter sent out is the most effective notification for surrounding residents.

Foster said that the whole area is getting notification and you would expect people would talk. We (the Board) should aim for what is reasonable, bad instances can cause bad laws and can affect everyone adversely, we should aim towards reasonable and what works for everybody for the vast majority if the time, then we will be where we want to be as far as notifications.

Reilly said there are three avenues of notification: newspaper, a sign on the property, and letter to the surrounding residents.

Sherear explained that the notification letter is sent out the week it goes in the newspaper. Reilly said the residents get the letter at least in 3 days.

Reilly asked consensus of the Board if there should be a time sensitive on notification letters sent to residence within the radius area.

Reilly said ok, the Town process works

Foster said ok

Abare said ok

Ryan is in between

Dial is trying to understand process

Ritter said she would like this to be processed in a timely manner

**Motion: Ryan/Ritter To Recommend to Council to Amend the Code Book to insert 500 ft. Radius notifications for Public Hearings in the following locations All Vote: Aye**  
**Motion passed 5 to 0**

Reilly asked Ritter if she could be present at Council Meeting on March 7, 2016 for "action items" he will not be able to attend to represent PZ Board or answer questions. Ritter will attend.

3. **Recommendation to Council: Amend the Assisted Living Facilities (ALF) Ordinance 2014-01 ref: Office/Institutional (OI) Zoning.**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Recommendation to Council

Reilly said that the Board has just amended some items on this Ord 2014-01 and will send back to Council for approval. Reilly went over corrections with Board and briefly discussed.

**Motion: Ritter/ Ryan To Recommend to Council to Amend the Assisted Living Facilities (ALF) Ordinance 2014-01 ref: Office/Institution (OI) Zoning All Vote: Aye**  
**Motion passed 5 to 0**

**G. DISCUSSION:**

4. **Discuss Malabar Land Development Code; Table 1-3.2 Land Use by District R/LC column to consider more freedom for Land Owners on major road arteries (George Foster)**  
**Exhibit:** Agenda Report No. 4  
**Recommendation:** Discussion

Foster said he has lived on Malabar Road for 10 years; the Board has done a lot of work on R/LC. Foster passed a map around for the Board to see it is a detailed map that the FDOT is going to do when they 4 lane Malabar Road. The FDOT realizes we have an area of high growth and they are building this road in acknowledgment. Foster said that the property owners have been restricted from any development along Malabar Road; Foster appreciates what this Board has done to move R/LC around where the RR-65 residential zoning is to give more options and in the right direction.

Foster would like to see our arterial road look like other communities with arterial areas. Foster said you cannot make major changes quickly, he is thankful for hard work that the PZ Board has done and the proposed changes to go before Council.

Ritter said that she has attended the meetings that FDOT has had and seen the proposed map changes for the Malabar Road corridor.

Foster said the map that he passed around for PZ Board to see, he received a few weeks ago it shows the area on Malabar Road where his residence is located.

Foster said that he has been talking to Lance De Cuir, head engineer for Atkins Engineering.

Reilly responded to Foster wanting Malabar to look like other towns, and other towns would be zoned CG or some commercial zoning. Reilly said presently the zoning is residential first, then Limited Commercial second. The vision of our town is to not look like Palm Bay Road or west of I-95 on Malabar Road. If we want to keep our rural nature we should not promote the high commercial usage on Malabar Road. Foster said there has been very little residential building on the arterial roads and there is going to be even less. Ryan said to Foster that he bought an existing house. The purpose for R/LC is so if people want to rebuild a residence they can in this zoning.

Foster said that the arterial roads and property owners are not interested in building a residential house. No one is going to put a SFR on a high traffic area. The property owners are locked up and the commercial is very limited. Ritter said that when someone buys a property they know the zoning.

The Board is going over Table 1-3.2 Land Use By District the R/LC column.

Foster said it is a step forward to what the PZ Board has done and the Council is involved. Reilly said the R/LC has opened a big door for those along arterial roads page 38/53 in PZ packet shows businesses that are allowed.

Abare said that water is available at Weber Road and Malabar Road, most small businesses would work with well.

**H. ADDITIONAL ITEMS FOR FUTURE MEETING**

**I. PUBLIC: none**

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

Old Business:

Ryan would like an update on AAA Storage using the side gate as an entrance. Reilly suggested to Ryan to set up a meeting with new Town Admin. Doug Hoyt to bring him up to date of situation. Ryan asked Sherear to get a short history on the AAA Storage situation on using side gate as entrance. (Original site plan).

New Business:

**K. ADJOURN**

There being no further business to discuss, MOTION: Abare /Ryan to adjourn this meeting. Vote: All Ayes. The meeting adjourned 8:35 P.M.

BY:

Patrick T. Reilly  
Patrick Reilly, Chair

Denine Sherear  
Denine Sherear, Board Secretary

3/23/16  
Date Approved: as corrected