

**TOWN OF MALABAR**  
**PLANNING AND ZONING ADVISORY BOARD**  
**REGULAR MEETING**  
**WEDNESDAY JUNE 28, 2017\***  
**7:30 PM**  
**MALABAR COUNCIL CHAMBER**  
**2725 MALABAR ROAD**  
**MALABAR, FLORIDA**

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**AGENDA**

- A. **CALL TO ORDER, PRAYER AND PLEDGE**
- B. **ROLL CALL**
- C. **ADDITIONS/DELETIONS/CHANGES**
- D. **CONSENT AGENDA :**

- 1. **Approval of Minutes**                      Planning and Zoning Meeting – 6/28/2017
- Exhibit:**                                      Agenda Report No. 1
- Recommendation:**                      Request Approval

- E. **PUBLIC HEARING: none**
- F. **ACTION: none**
- G. **DISCUSSION:**

- 2. **Continue Discussion: Review & Revise Table 1-19.18 "Zoning District Sign Regulations"**
- Exhibit:**                                      Agenda Report No. 2
- Recommendation:**                      Discussion

- H. **ADDITIONAL ITEMS FOR FUTURE MEETING:**

\* Next Meeting- July 12, 2017

- I. **PUBLIC:**
- J. **OLD BUSINESS/NEW BUSINESS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

- K. **ADJOURN**

**NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.**  
If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: June 28, 2017**

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

**ATTACHMENTS:**

Draft minutes of P&Z Board Meeting of June 14, 2017

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
JUNE 14, 2017 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 7:32 P.M. Prayer and Pledge led Chair Liz Ritter.

**B. ROLL CALL:**

CHAIR:	LIZ RITTER
VICE-CHAIR:	WAYNE ABARE, absent
BOARD MEMBERS:	BUD RYAN
	DOUG DIAL, Late
	GEORGE FOSTER
ALTERNATE:	ALLEN RICE
ALTERNATE:	MARY HOFMEISTER
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:  
COUNCIL MEMBER

**C. ADDITIONS/DELETIONS/CHANGE:**

Ritter said that Rice can take Abare's place as alternate & Hofmeister can take Dials place as alternate until he arrives.

**D. CONSENT AGENDA:**

- |                        |  |
|------------------------|--|
| 1. Approval of Minutes | Planning and Zoning Meeting – 05/31/2017 |
| Exhibit:               | Agenda Report No. 1                      |
| Recommendation:        | Request Approval                         |

**Motion: Foster/Rice to Approve Minutes for May 31, 2017 as amended, All Vote  
; Aye**

**Corrections:**

Ritter page 4/46 4<sup>th</sup> parag , second line " based on frontage  
Ritter page 4/46 last parag. By Ritter \*

- After (Route 1 Motorsports) but a safety issue on how often it will refresh should be considered...

Ritter page 5/46 approx. 4<sup>th</sup> line from top.. The consensus.....digital sign should be limited.

Rice page 5/46 under "Old Business" last sentence ... The Shores developers ~~had~~ went to.....(just take out had)

Rice page 5/46 under "New Business"... Dial will be late on 7/14/2017 should be 6/14/2017.

- E. PUBLIC:**  
**F. ACTION:**

**G. DISCUSSION:**

2. **Review & Revise Table 1-19.18 "Zoning District Sign Regulations"**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion

The Board discussed the signs for Route 1 Motorsports, comparing what was submitted for permitting vs what was approved by Council on 3/6/2017.

PZ Board discussed the following:

- Increased in size for the digital portion
- Decreased in height 2 feet
- Top sign "Route 1 Motorsports" increased in width approx. 4 feet

**Public:** Don Krieger 2435 Lineberry Lane spoke about sign for Route 1 Motorsports. Krieger asked if signs are compliant. Krieger asked when something is out of compliant is it normal for Council to become involved or should it be sent to Board of Adjustment (BOA) for a Variance?

Ritter responded that "staff" recommended & sent this to Council. Ryan added it still does not conform to code, neither sign design has been sent to PZ Board for discussion or approval.

Sherear explained to the Board that what was sent to PZ Board from Council was the Table 1-19.18 Zoning District Sign Regulations to revise.

The Board discussed the proper procedures as to how to handle this signage:

- Go the BOA for a variance
- Go back before Council
- Wait for PZ to revise signage Regulations (Ordinance)

Ryan said the signage is not in compliance & should go for a variance because that protects the town if someone else comes along they must go through the same procedure. Ryan had called FDOT inquiring how many feet the signage needs to be off Highway 1, and was told 10 feet.

The Board discussed the digital portion of signage. Ryan said that he had gone to a Council meeting (6/5/2017) and spoke about the signage, Council was unaware that there was a digital portion. Ryan brought up to Council that maybe there should be a minimum time that elapses of 30 seconds.

The Board discussed general signage codes, those in compliance & out of compliance concerning specific standalone sign at Route 1 Motor Sports. Also, discussed approval procedures for signage for Route 1 Motorsports as it was proposed, accepted, and executed.

**Motion Ryan/Hofmeister Recommend Chair & Board Members go before Council on 6/19/2017 to make feelings be heard that things are not going through proper protocol. All Vote: Ayes**

(Questions discussed during meeting to present to Council)  
 Was there original site plan w/ signage  
 If signage was not presented to PZ with Site Plan what I procedure?  
 Is this the new procedure?  
 If signage is out of compliance should a signage variance be sought?  
 Does BO (Building Official) decide what is acceptable instead of Code?  
 What is procedure/protocol?  
 Why was PZ excluded?

Why is staff's recommendation approved over Boards recommendation? Staff should not be able to by-pass procedures.

Ryan said to discuss all questions tonight...in a public forum & bring to Council:

Questions to be asked of Council?

- 1.) What is by-pass procedural guidelines? (Bud)
- 2.) What is the procedure to approve the sign if it was not on the original site plan? (Mary)
- 3.) Every time procedures are by-passed the Town ends up in a lawsuit
- 4.) What is the value of the PZ Board if it doesn't come by the Board?
- 5.) Does the BO (Building Official) have the authority to override the Code?

Dial arrived 8:45

Ritter brought Dial up to date on Recommendations.

**Motion: Ryan/ Dial: The PZ Board recently became aware of Route 1 Motor Sports sign that the original sign that was approved by Council on 3/6/2017 has been revised. The new sign revisions were received by the Town 6/6/2017. It is our understanding this has been approved by the BO. The PZ Board believes the sign is still out of compliance. Therefore, the PZ Board recommends it goes to the BOA for a Variance Hearing. All Vote Aye**

Krieger suggested to the PZ to control real-estate signage.

The board discussed about signs that are obsolete and the removal process (check Code).

**For next meeting:**

- H. ADDITIONAL ITEMS FOR FUTURE MEETING**
- I. PUBLIC**

Don Krieger 2345 Lineberry Lane, spoke about Krieger Drive property for the record at the Workshop Meetings that were held at, discussed two changes page 7 on R/LC (working maps dated May 15, 2017).

Krieger discussed the land use in Town, He never wanted his property to change as R/LC. He believes an Ordinance is in the process. The property is uniquely situated.

Krieger would like to put on record, as a recommendation to Council not change the property "land use" for the property located between Golf Disc Park & Krieger Publishing. The property owner (Krieger Enterprises, Inc) would like the whole parcel to remain RR-65.

Foster explained to Mr. Krieger that the no zoning changes occur unless a property owner comes in and petitions for upgraded zoning.

Krieger also noted that in the past it was noted that if a property owner did not want their "land use" changed it would be respected and that is why he making note of this for the record.

**Motion: Ryan/ Dial Recommendation to Council: The vacant property on south side of Malabar Road east of the Golf Disc Park & west of the CG Parcel known as 1725 Krieger Drive. The property owner (Krieger Enterprises, Inc) wishes his full parcel be unchanged and left at RR-65 Zoning. VOTE: All Ayes**

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

Old Business:

New Business:

**Reminder:** Next Meeting – June 28, 2017

**K. ADJOURN**

There being no further business to discuss, MOTION: Ryan/Dial to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9: 59 P.M.

BY:

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Liz Ritter, Chair

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Denine Sherear, Board Secretary

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Date Approved: as presented/corrected

DRAFT

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: June 28, 2017**

Prepared By: Denine Sherear, Planning & Zoning Board Secretary

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**SUBJECT: Review & Revise Table 1-19.18 "Zoning District Sign Regulations"**

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**BACKGROUND/HISTORY:**

Continue discussion on revising Table 1-19.18 "Zoning District Sign Regulations" as directed by Council.

The PZ Board reviewed the codes that Indian Harbour Beach has in place and would like to include these suggestions in their revisions.

Reminder for each PZ Board Member to bring working documents containing ideas for suggestion to meeting of 6/28/2017 and previous packets from the meetings listed below:

**Please bring your packets from the past PZ Meetings  
4/12/2017, 4/26/2017, 5/10/2017, 5/31/2017, 6/14/2017**

**ATTACHMENTS: none**

**ACTION OPTIONS: Discussion/Action**