PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
MONDAY, DECEMBER 17, 2007
5:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

A. CALL TO ORDER, PRAYER AND PLEDGE

B. ROLL CALL

C. CONSENT AGENDA

1. Approval of Minutes
Regular Planning and Zoning Meeting – 11/28/07
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve

D. PUBLIC HEARING:

2. Review Evaluation and Appraisal Report for the Malabar Comprehensive Plan

F. ACTION

G. DISCUSSION ITEMS

General Items

H. OLD BUSINESS/NEW BUSINESS:
Malabar Vernacular Ordinance

I. ADJOURN:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a vertabim transcript may be required, and the individual may need to insure 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 & ZONING ADVISORY BOARD

12/17/07 MEETING MINUTES

ROLL CALL:

Bob Wilbur, Chair
Richard Cameron
Patrick Reilly, V-Chair
Don Krieger
Bud Ryan, excused
Cindy Zindel, Alt. #2,

Bill Stephenson, Town Eng, excused
Debby Franklin, Secretary
Keith Mills, Town Planner, excused

A. CALL TO ORDER - Meeting called to order at 5:30PM. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL OF MEMBERS – see above. Alt. Member Zindel will vote in the absence of Ryan.

C. ADDITIONS AND DELETIONS:

D. 1. MINUTES FROM NOVEMBER 28, 2007 ADVISORY BOARD MEETING:

MOTION: Reilly / Krieger to approve minutes of November 28, 2007 as corrected: Pg 3 of 5 3rd para - get s/b gets plural. Vote: All Aye.

E. PUBLIC HEARING –

Review of Evaluation and Appraisal Report on the Malabar Comprehensive Plan,

Wilbur introduces Lorraine Tappan from Calvin-Giordano and Associates. She reviews the Report and explained that this is required. Every year the legislature is adding requirements for the comp plans. At October 1, 2007 Scoping Meeting we had 1% of population turn out which is great. She reviewed the highlights. Access to the IRL - original plan required public access and over time it did not happen and is now not feasible. We should investigate grants and maybe partner with other agencies to acquire land. Look along Rocky Point Road for access. Coastal Mgnt element requires parking for river access. Historic features of the Old Mailboat. Is there potential to replace or rebuild that? Developing a sense of self. Work with Historic resources. Recognize this in the data inventory. Also along Malabar Road some would like to see some changes – it is hard to see more residential homes or even commercial until a corridor plan is in place. How to handle – overlay zoning or corridor plan would work. Town does support widening Malabar Road and it is time to get louder about that. Bike connectivity and a linear trail going through the town and the environmentally endangered lands is a big asset. Connect parks and hospital and lagoon and other parks. Brevard Trail system was mentioned and should be emphasized in plan. Looked at CIP and Infrastructure Element and some concurrency requirements are already mentioned. We recommend that you review all development not just development over single family homes. Also include specific references to requirements for sewer and water before Certificate of Occupancy and Transportation within three years of building permits and parks within one year.

She reviewed the existing land use map (ELUM) and went in to the issue #5 - enhance and protect rural atmosphere. Maintain Malabar vernacular, adopt a conservation land use designation for environmentally sensitive areas. It would be useful to create a land use for conservation. Design regulations for PUD so it would look like the rest of Malabar.

She addressed blight study that was done and some of the suggestions included a gateway plan, provide for trail ways, more active code enforcement so buildings come into compliance from current state of disrepair,

#7 is stormwater management for low income development – use more natural designs instead of concrete. Doesn't fit the character. Schedule an update to the stormwater management plan which hasn't been updated since 1990's.

The rest of the updates include statutory updates. The traffic element needs to be changed to transportation element and intermodal developments. The public schools concurrency by March 2008 and the CIP by December 2008.

She showed the future land use map (FLUM) and explained the areas should be changed to protect the environmental areas. Cameron thanks her for the presentation.

Opened to the public.

Tom Eschenberg, 2580 Beran Lane, is Mayor and Chair of Council but is speaking as a private citizen, His problem with this is the timing. This report was available in their meeting package on disc as of last Friday. He spent over two hours reading it on the computer this date. He found things that are going to require a lot of discussion. Very low housing is one item that will be very sensitive to. He suggested to P&Z that this deadline is not really important. The penalty for not submitting on time is the State will only prohibit us from making changes to the Comp Plan. He suggests that P&Z recommend a 30 day delay in making a recommendation. He thinks every member of P&Z and the TC should also get a hard copy of the report.

Jeff McKnight, Flashy Lane, also agrees with the Mayor and in addition thinks there should be another meeting open to the public that would allow public input. He also supports printed copies for all members.

Jim Taranto, not a Malabar resident, represents owners of property at Sandy Creek Lane and Malabar Road. What does the corridor plan mean. Wilbur responded and said that the Board is reluctant to support any changes until there is a corridor or gateway plan or blueprint for how the town would like to see the Malabar Road develop. Is the town supportive of changing the zoning? Cameron said that the State is giving us dictations.

This is the second meeting on the required changes the State wants. This is one of the few places left. Numerous meetings over Malabar Road and how to develop. No conclusions have been drawn for how it should be determined.

In 1960 it was very antiquated and we are trying to support our rural roots. Cameron stated that much of the agricultural uses have left our town.

Reilly responded and said five years ago this board stated that we were going to change Malabar Road to RLC and change on both on north and south side for a depth of 600 feet

and based on that people sold or ask for development plans. And now we are backing down.

Taranto agreed that the Town Administrator said that the corridor would definitely change to commercial. Wilbur said creating a blueprint will be setting the tone rather than allow piece meal development.

Wilbur closed to public. Board Discussion:

Reilly stated that this was needed and the town was told in Feb and March that this was the deadline and that is why the board is meeting back to back with council. His comment is that another public meeting may bring two other members of the public in. This is due by Jan 1, 2008. Reilly said the next stage is to create the ordinances that will make this happen. Wilbur agreed. This report does not include any show stoppers. He does not have a problem with moving this along.

Reilly had redlines:
Page i, add P&Z to the acknowledgements and CM Bobbi Moccia also.
Page 38, table 2-3, show results
Table issue refer to 2-19 s/b 2-16

Other than that he is perfectly happy with the report that was written.

Zindel asked if this was a prerequisite to changing the Comp Plan. The goal is to redo and update with now laws and regulations required by the State. Since we are the Town's P&Z Board. Should we have a copy of the State laws as they are coming down the road. Anything that must be changed is primarily in FS 163 and FAC 9J-5.

Zindel asked if it was available in a booklet. No. She could help staff with some resource information to pass on. Funding is also important. Wilbur stated that she could contact Debby. Reilly said that it is not part of this Board's responsibility. The Administrator should be looking for grant funds not the Board. What about Malabar Road. Without the widening how can that happen. Wilbur said that is part of the corridor plan.

Wilbur said this report is not to cover the mechanics of the plan it is the requirements of the State. We have to file this and the DCA will let us know.

Krieger asked about the due date. The deadline date is for the EAR adoption. Once it is adopted it is sent to St. Johns and DEP and the DCA. The original letter sent to DCA came back with some other suggestions. Is Calvin Giordano going to address those also. Yes. The infrastructure responsibilities are for the developers. If the developer and the town make an agreement for certain improvements.

Krieger said it was over 200 pages and he could not get through all of it. Problems he saw were the issues - in the report the issues were numbered which implies importance. Also no mention of alternative vehicles. He cannot in good conscious recommend this going forward. He thought the deadline was 1-8-08. Different dates for different cities.

Ms. Tappen said the numbers were not rankings. Krieger asked if any other entity asked for extensions to the deadlines. Brevard County's report was found insufficient and they are reworking it.

She explained the process will include more public meetings as ordinances are drafted as recommended in the report and when you amend the comp plan it does not lay out regulations– it is a plan. The ordinances you adopt are your regulations.

Tappen offered as an example - If conditions change between adoption of EAR and the amending ordinances; for example, you decide that Malabar no longer wants to be rural, you would have to explain to DCA why you are changing the ordinance but it could be done.

Addressing the low income housing requirement is State mandated.

Krieger asked about boiler plate responses – 50% to 75% of responses and state mandates are unique to Malabar.

MOTION: Reilly / Cameron to recommend Town Council approve with the comments made by Reilly adding to acknowledgements and correcting the tables.

Reilly said that delaying the vote for 30 days will not accomplish anything. There are certain issues that you could argue but they are not important to all residents. He considers it a well done and worthy document for the Town of Malabar. Wilbur said it opens a door to allow us to amend our Comp Plan that has been needed for years.

Zindel said that Calvin-Giordano was hired to draft the EAR and they have done that.

Krieger had no problem with the quality of the work – his issue was the amount of time to go over it. We are going in the right direction. Someone on this Board wants Council to know that the public should have more input. Wilbur said it was the same public (referencing Ms. Hirsch in audience) that attended most meetings. Reilly said we invited other cities and agencies and no one attended.

Vote: Krieger, Nay; Reilly, Aye; Wilbur, Aye; Cameron, Aye; Zindel (voting for Ryan) Aye; Motion passed.

F. ACTION

G. DISCUSSION ITEMS

Zindel would like to be kept up to date on new legislation requirements Tappan suggested the DCA email newsletter. Zindel suggested discussing Comp Plan at every meeting.

H. OLD BUSINESS/NEW BUSINESS:

Franklin said that land inventory and directive from TC will be on next P&Z agenda.

I. ADJOURN:

MOTION: Reilly / Cameron to adjourn. Vote: All Aye. Meeting adjourned at 7:05 PM

BY: Bob Wilbur

Bob Wilbur, Chair

ATTEST:

Debby Franklin, Secretary

1-23-08

Date approved