

TOWN OF MALABAR

PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY MAY 27, 2009
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA

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 Meetings: 5/13/09
 - Exhibit: Agenda Report No. 1
 - Recommendation: Action
- E. PUBLIC HEARING: none
- F. ACTION:
 - 2. Capital Improvement Projects for 2010 – 2015
 - Exhibit: Agenda Report No. 2
 - Recommendation: Action
- G. PUBLIC:
- H. OLD BUSINESS/NEW BUSINESS:
- I. ADJOURN:

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 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 AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: May 27, 2009

Prepared By: Denine Fusco-Scarbro, Planning Zoning Secretary

SUBJECT: Approval of minutes

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 May 13, 2009

"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
May 13, 2009 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 7:33 P.M. Prayer and Pledge led by Vice-Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	BOB WILBUR,
VICE-CHAIR:	PATRICK REILLY, chaired meeting
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN, excused
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL, voting for Ryan
ALTERNATE:	BRIDGET PORTS, excused
SECRETARY:	DENINE FUSCO-SCARBRO

Also present: Debby Franklin, Town Clerk/ Treasurer, Mayor Eschenberg, and Council Member Vail.

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA

1. Approval of Minute- none

E. PUBLIC: none

F. ACTION:

2. Request for extension to Site Plan – RR Avenue Storage – Mark Archer

Exhibit: Agenda Report No. 2

Recommendation: Action

Applicant Mark Archer, 1450 West Railroad Avenue introduced his mother Dorian Clark and daughter Tegan Clark. He is seeking extension of Site Plan approval. St Johns permit is good for 5 years. They would like to ask for extension for 2 years. They are hoping things turn aground but it has not yet. Business is managed by mother expertly but with existing competition they are struggling to survive. He stated nothing is happening in economy and the market that would allow them to go forward with expansion plans. They will ask again next year if extension is approved for one year. Ritter said we should approve he request. It is a local business that has been in existence. Wilbur supported the extension but said limit to one year. Hopefully things will turn around, but if not they can ask for another. Krieger disagrees with any extensions. One aspect of running a business is future expansion and the Town should be able to expect a return on expansion. Krieger thinks looking at what has happened in the past, he thinks there should be no extensions. It was approved a long time ago. The Town can be lenient. Reilly said he supported a one year extension for the following reasons:

- They came in last year and asked for 1.5 years and Council gave only one year.
- It would not be fair to grant a larger extension.
-

Ritter said if nothing is going to change on site plan, they should support the extension. We don't want to run them out of town. Krieger said they should come back to Board. They can be relieved of fees. Or you are grandfathering in. Krieger stated that when the site plan first came in, they didn't have the septic located.

Economic woes are not a reason for extension. Krieger referred to a recent complaint that we have too many storage facilities in Town. Krieger asked why we would ask for extensions to come before the Board.

Mr. Archer replied that they were trying to execute alternatives. They had financing and could have gone forward with the expansion, but chose to wait for better economy. They would like to retain the right to keep the site plan approved. Krieger said this would increase the value of the property if they are marketing it.

MOTION: Krieger/Ritter to recommend Council approve the extension to the Site Plan for one year for Mr. Archer's Railroad Avenue Storage facility. Vote: All Ayes.

3. **Continue Review of E.A.R. Maps**

Exhibit: Agenda Report No. 3

Recommendation: Action

Discussion. CGA had forwarded a statement regarding hydrology. The latest info was 2003. Copies were given to Board.

When updated information comes in, we should upgrade. We will be getting the maps in updated. Pat said we could get the maps updated and kept the updated maps for our selves and then update comp plan

Pat asked for a Motion: to go forward with approval of maps at council. Krieger said the dead line is June 19, 2009.

FLU maps 9 show property property east of US1 and sb west of US1. On FLU9 the protrusion east of US 1 – we have them working on that now.

Glatter Road should show as a 2 lane road. The point is it is east of Marie Street. Add that to her comment.

Last line of page 2. No reference to zoning on a land use map. Remove note from FLU map 9. The juttred out area showing SFR needs to be fixed.

Motion: Wilbur / Ritter to recommend Council approve maps with changes noted and P&Z would like to see corrected maps prior to going to council.

Krieger said he thinks this board should look at all the changes. The changes need to be done within one year and then it can't be done. The process leaves much to be desired.

Krieger asked about FLU 1 and FLU 9. FLU 9 will be *identified as of 1988*.

4. **Set May 27, 2009 at Joint Workshop to Discuss Fence Regulations**

Exhibit: Agenda Report No. 4

Recommendation: Action

MOTION: Ritter / Wilbur have joint meeting on May 27, 2009 at 7PM. Vote: 4 Ayes; 1 Nay (Krieger)

5. **Capital Improvement Projects for 2010 – 2015**

Exhibit: Agenda Report No. 5

Recommendation: Action

Get updated CIP from 2007 - it was done during the Comp Plan review by P&Z. Wilbur said that it was depressing the amount on the list that has not been done. The only thing done is for the FD. Check off the items that have been done. Or items not done: The well water sites, town hall and community center, river front access, R-O-Ws from Marie Street south to Atz Road. Wilbur did not think Marie should go down to Leghorn. We can't handle traffic from Grant Valkaria. There is no mechanism to 4 lane Marie Street. Infrastructure for development – gateway plan should fit in there for Malabar, US 1 and Babcock. In conjunction with recreation, acquire the land west of the Malabar Community Park. We can't afford to build a municipal

center and community center now but we should lock up the land in that area before it is gone. He is referring to the area north of the Post Office, east of Gilmore Street and west of soccer fields – it is like 17 acres. It would be perfect for municipal complex. Krieger said it should be in line with EAR and add land acquisition either north or south of Rocky Pt Road for river access. Get the newer list. Come back with changes and updates. Send to P&Z when I come across it.

G. PUBLIC: Brian Vail, 2700 Smith Lane in regard to Capital expansion - Town purchase of .95 acre parcel next door. Wilbur said we had positive response from all those owners around park. Suggested we get municipal bond to cover the purchase of the land. As population increases, we are going to need more recreation area and we will have outgrown this facility. We are in dire need of community center. The sad part is this town hall was the community center. The social wellbeing of the citizens of the Town would be improved with a community center. We can offer brown bag lunches with MRC and Ag center and others.

H. OLD BUSINESS/NEW BUSINESS:

Franklin asked about outside storage and what they thought would be extensive outside storage. The mini-warehouse was approve for that but is allowing some outside parking of vehicles. Code allows for parking lots. This is commercial general zoning not industrial. County does not allow contractors to have home businesses. They must rent a 5 x 10 space in a commercial zoned area. We have had issues with commercial storage next to residential and no buffering. The place put out their tractor trailers and we are now told they are parking at the new place. Franklin asked if they wanted to provide more definition for storage. Board thought if you can drive it with a regular license then it was alright to park there, but if you need CDL then it is not ok. The enforcement of this was discussed. Zindel wants a definition of extensive to be provided. Wilbur said to have BWF report what is parking over there so they can get an idea of the type of vehicle parking there. Do for all storage places. If there is a problem with commercial Industrial vehicles we will look at all of them. Franklin will report back in June. Under old business Wilbur asked about status of feasibility study for Foundation Park Blvd east. It has been awarded to Calvin Giordano and Associates and they are drawing up the contract. Wilbur said the storage of vehicles in that area would help resolve this problem. It is closer to I-95.

I. ADJOURN:

There being no further business to discuss, **MOTION:** Wilbur / Ritter to adjourn this meeting.
Vote: All Ayes. The meeting adjourned at 9:22 P.M.

BY:

Bob Wilbur, Chair

Denine Fusco-Scarbro, Secretary

Date Approved

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: May 27, 2009

Prepared By: Denine Fusco-Scarbro, Planning Zoning Secretary

SUBJECT: Capital Improvement Projects

BACKGROUND/HISTORY:

P&Z reviewed an older Capital Improvement list at the last meeting. There was a newer list drawn up by Board members in 2007. It is attached.

The Capital Improvement Plan should identify projects that can be accomplished in the next year and forecasted out for the following five years. Funding is also a major component. You can't say you want a new town hall without identifying a method to pay for it, for example taking out a loan that is guaranteed by our FPL Franchise revenue. Or identify grants that could pay for a portion of the cost. Another consideration is the property Bob Wilbur mentioned to the west of the Malabar Community Park that could be purchased now and held until we could afford to build. We also need to acquire right-of-ways and riverfront access. There is property for sale (Mr. Logue) that may be available. The property town hall sits on is non-compliant and the purchase of 2715 would resolve that.

ATTACHMENTS:

- P&Z Member's list on Capital goals accomplished, and needing to be accomplished
- Memo from Franklin to new Town Administrator summarizing the capital improvement status when she started work here.
- Capital items presented to Council in 2007
- Capital items from Engineer

P & Z

GOALS

What we have accomplished:

1. Trail-ways system to encourage recreation and Eco-tourism.
2. Acquisitions of parkland via outside funding sources such as preservation 2000.
3. Storm-water and ditch system enhancements.
4. Paving of roads and upgrading Town road system.
5. Maintaining our rural atmosphere and slow controlled growth policy.

What major things we need to accomplish currently:

1. EAR letter to DCA followed by the professional completion of our five-year plan.
2. Continued workshops focusing on our major arteries business zoning and growth.
3. Updating Town land use designations as related to zoning categories.
4. Protective fencing of Town properties.
5. Completing the Marie Street bicycle path.

What major things to do in the future:

1. Refrain from accepting large-scale building projects prior to infrastructure placement.
2. Large-scale projects and community subdivisions should be self sufficient and non-taxing to the existing residents.
3. Review of major north south Town roads for Possible County maintenance.
4. Improve public communications keeping our Townspeople involved.
5. Follow the spirit of our Town charter to enhance and protect our rural atmosphere.

[Don Krieger]

What we have accomplished:

1. On the Comprehensive Plan Goals, Objectives & polices, we generally met the following goals:
 - A. Land Use
 - B. Future land Use Map
 - C. Implementing land Use Goals
 - D. Traffic circulation
 - E. Housing
 - F. Public Facilities
 - G. Drainage
 - H. Groundwater
 - I. Coastal management
 - J. Conservation
 - K. Recreation Space
 - L. Intergovernmental
 - M. Capital Improvements
2. 5 yr plan

What major things we need to accomplish currently:

1. Coastal river parks
2. 5 year plan update
3. Future Land Use Map update
4. Capital Improvement monies collected by town.
5. Better codes for subdivisions. We got taken!!

What major things to do in the future:

1. Drainage
2. Roads – Upgrade & paving
3. Blighted areas
4. New Zoning designations for EEL's and other property (S1: Rec Lands; S2: Conservation),
5. Update Comprehensive Plan Goals, Objective, & Policies

[Pat Reilly]

What we have accomplished:

1. Light Industrial
2. Gateway Development
3. Blueway greenway connection with river access at south end corner of town
4. Sideway with side Malabar Road. 2-1-4.
5. Mailboat dock at river

What major things we need to accomplish currently:

1. Land use – could be enhanced with addition of Gateway Development Plan for US1 – Malabar & Babcock.
 - a) Residential Quality
2. Housing
3. Costal Management
4. Conservation Management Plans?

What major things to do in the future:

1. 4.1 Needed Public Facilities
Community Center/Shelter
Town Hall
2. 7.14 Recreation & Open space access to Indian River
3. 9.1 Management of Capital Improvements
 - a) 91.13 P & Z Not part of process
4. 1.3.11.9 Special Land Use Studies
5. 2.1.311 – Four Lane Malabar Rd.

[Bob Wilbur]

Final Suggestions for Council for town

File in
P & Z
minutes

- 1) Trails & Fireways finish set aside lands.
- 2) Utility Department set up with a 5 year plan for operations
- 3) Repair roads that are deteriorating, plus pave or put milling on dirt roads to hold road in use able repair.
- A) enforce ordinance on U.S.I + Malabar Road to clean up our main corridors for the General Public Vision
5. Time to finish Towns Drainage Plan to come into compliance with states requirement.

R. Cameron
P & Z

250.

**CAPITAL IMPROVEMENT PLAN UPDATE
AUGUST 2007**

**NOT ADOPTED – JUST UPDATED BY STAFF
AND SENT TO P&Z**

**TOWN OF MALABAR
5-YEAR PLAN PRIORITIES
UPDATE - August 2007**

Land Acquisition	STATUS
Town Hall/Municipal Complex	Currently working with EELs and Rep. Needelman
library	None to date
community center	None to date
well water sites	None to date
Stormwater	
Corey and Malabar \$300,000	Snow Stillwater Preserve
Recharge Areas	Still a great concern for future needs for water
Parks and Recreation	
Riverfront (FRDAP grant, boating grant)	Shoreline has been cleaned but replant with native habitat has not been planned out or completed
Industrial	
Babcock area	
Right-of-Ways	
Marie to Leghorn	None purchased but Building department acquires road r-o-w at time of permitting Request to property owners not well received so we have obtained ROWs as building permits are approved
Facilities	
Town Hall	Currently looking at potential property and working with the EELs
Community Center/Library	Current Town Hall could be refurbished for this project
Public Works storage	Built PW building in 1995 but never finished the 2nd floor storage
Recreation	We have met our Comp Plan commitment of 2 acres per 100 population as follows: 20 acres Malabar Park; 5 acres Huggins Park; 8.48 Golf Disk Park; 1.1 acres Fern Creek Crossing 17 acre parcel; 100 acre Cameron Wilderness Preserve
pavillions	Pavillions and water and electric to sites completed
trails	Bridle paths are along Hall, Marie, and Atz with biking/walking trails (considering a FRDAP grant for restrooms at Trailhead)
piers	
Expand water treatment facility	

RECOMMENDATIONS TO CAPITAL IMPROVEMENT BY TOWN ENGINEER

Water system

- Delete references to well sites, aquifer recharge and stormwater retention areas because the PBUC Agreement supersedes any of the named considerations and it is felt that the ideas were probably not scientifically based initially
- The Town should discuss the water and sewer system future.
- Town should implement a requirement to have developments install water distribution systems and fire hydrants even where the potable system is presently unavailable.
- A simple master plan for both water and sewer systems should be prepared and adopted by Council

Stormwater activities

The Town should focus its efforts on up-grading & replacing conduits and conveyance structures/ditches because of the following:

- The SWIM plan substantiates the minimal impact of any Malabar off-line stormwater storage/retention.
- The SJRWMD permit for the improved drainage system and off-line storage was amended in 2006 to delete that feature (the WMD committed insufficient funds to accomplish it)
- The baffle boxes in Malabar do not trap significant trash and sediments
- Many of the direct Indian River Lagoon discharge pipes belong to the State (FDOT) and not to Malabar
- The recently developed large S/Ds in Malabar incorporate off line stormwater storage and occupy large portions of the developable Malabar property. The database for SWIM should be updated by the WMD to reflect the water quality improvements resulting from these developments.
- The most successful regional off-line water storage projects are constructed in conjunction with water reuse systems such that a revenue base is created.

Roadways and Paving

Recommendation is for a roadway improvement program to include paving streets and Right of Way acquisition is a Council issue for roadways wherever they think the funds are best spent.

Public Works Storage

Complete the second floor segment in the PW Building.

Equipment

Continue the current installment purchasing for purchasing of large equipment.

Other issues (non-engineering)

- Setting up a simple process for probate/estate/business donations of property/assets to the Town with public education
- Initiating public education on reasons for roadway R/W width requirements and soliciting participation in R/W dedication to the Town
- Explain that property area includes R/W for permitting purposes)

TOWN OF MALABAR

MEMORANDUM

Date: May 30 2007 07-ABD-20
To: Bonilyn Wilbanks-Free, Town Administrator
From: Debby Franklin, Administrative Assistant to the Building Official
Ref: Capital Improvement Plan – 5 year

In reviewing the handout I can offer that no land acquisition has been made for future well site locations, stormwater ponds, library/community center or a new town hall. The Town needs to make some serious decisions on how they plan to handle future water and sewer needs. We also are aware that stormwater retention areas have been required and sought for the past ten years unsuccessfully.

The Town pursued CDBG grant money to get water and sewer to the Riverview Subdivision and the residents overwhelmingly rejected the proposal.

No rights-of-way have been purchased. The Building Department asks for additional dedications of right-of-way at permitting time to meet the local street goal of 60 feet. The Town needs to decide on a traffic flow for the Town and then strictly require the acquisition of rights-of-way to make the plan work. The Town also needs to enforce the requirement for cul-de-sacs at the terminus of the roads. This is a rural community but we don't really support the agricultural side. Perhaps we could plan a horse trail system throughout the town and then work toward acquiring those specific r-o-w needed to accomplish.

The shoreline was cleaned during Mr. Booth's tenure of the pepper trees. We got a lot of positive feedback from citizens on that project because we could see the river again. Even Palm Bay followed suit and cleaned their shoreline.

Recreation needs stated in our Comp Plan at two acres per 1000 population has been met with our:

- 20 acre Malabar Community Park with ball fields and playgrounds,
- 5-acre Huggins (neighborhood) Park.
- 8.48 acre Golf Disc Park
- 1.1 acre Butterfly Park
- The 17-acre parcel we are trying to trade to the State for the future Town Hall site is also set aside for passive recreation.
- 100-acre Cameron Wilderness Preserve is passive recreation

There are some parcels at the south end of town, located in Malabar but showing as owned by the County, that we could pursue asking the County to give to us. We made a similar request in 1994.

We promoted Neighborhood Watch programs but no other revitalization projects. Council seems opposed to proactive code enforcement. When there is a complaint it is more difficult because the offender then says "you let me do it for the last ten years" and we have to agree.

We built a public works building in 1995 but never put in the second floor storage.

We accomplished all but one of the capital improvements specifically called for in the 1988 Comp Plan:

- New Fire Station
- 10 acre park developed
- Purchased new fire truck
- Paved Weber and Corey

We still haven't got a new town hall. We could put a road paving master plan into the capital improvement 5-year plan. The location of the town dump is in RR-65 zoning. It is on a portion of road the Town never improved – properly. We could plan to clear off the dump site or improve the road to it or sell it. We don't own any land large enough to use as a staging area or holding area. We realized that when we were paving roads and had to use the ball field at the park to stage road materials.

It has been discussed to offer to buy the land to the west of town hall owned by Mr. Billie. At one point we had a deal and then he backed out.

We need to budget for updating the Land Development Code and the Code of Ordinances. We need to do what is required so we can increase OL fees. I think a rate study is required because we did not do one in 1995 we haven't been able to increase our OL fee.

WE NEED MAPS – If we could budget for new maps for the next five years so that we have up to date, GIS type maps with overlay capability and flood zone information that would be very helpful, useful, etc.

We need to budget for computer replacements and related equipment.