

TOWN OF MALABAR

PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY AUGUST 26, 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 Meeting- 08/12/09
 - Exhibit: Agenda Report No. 1
 - Recommendation: Action
- E. PUBLIC HEARING: none
- F. ACTION: none
- G. DISCUSSION:
 - 2. Land Use on Malabar Road
 - Exhibit: Agenda Reports No. 2
 - Recommendation: Discussion
 - 3. Land Use along Babcock Street
 - Exhibit: Agenda Reports No. 3
 - Recommendation: Discussion
- H. PUBLIC:
- I. OLD BUSINESS/NEW BUSINESS:
- J. 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: August 26, 2009

Prepared By: Denine Fusco-Scarbro, Planning and Zoning Board 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 August 12, 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
August 12, 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 7:30 P.M. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR,
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL
ALTERNATE:	BRIDGET PORTS
SECRETARY:	DENINE SHEREAR
BUILDING OFFICIAL	ROGER CLOUTIER
TOWN PLANNER	KEITH MILLS

Also present: Mayor Eschenberg, Debby Franklin, Town Clerk/ Treasurer

C. ADDITIONS/DELETIONS/CHANGES: Chair added Staff Report

D. CONSENT AGENDA -

1. Approval of Minutes

Planning and Zoning Meeting- 07/22/09

Exhibit: Agenda Report No. 1

Recommendation: Action

MOTION: Reilly / Ryan to approve. Ritter has corrections to the narrative in the motion on page 5: west boundary OI should be to the east side of Weber Woods SD as OI not RLC and continues to the west of Isassa Lane ROW. The drawing was changed to reflect the correct intent. The rest looks good.

Krieger had corrections: pg 3, 3rd para 3rd line, ...we are legislating land values – the next sentence – "he thinks they are trying to go from higher to lower – if it is to negotiate the land use – delete out and it should be limited. If it is up to the land owner to come in and negotiate then make him come in and ask for the change.

Page 3, 6th line from bottom: Keith Mills said said

Pg 4, 9th line from bottom para – Krieger said spot land use. Keith said it should spot land use. Down from that line, 6 lines, alce sb place– change it from Krieger's land to Glatter Road or Krieger Publishing. Designate by exact location and not a person. Keep reference as Glatter Road.

Next para, last sentence. Change the regardless at end of sentence. Ryan asked why Krieger wanted that sentence taken out on page 3. Ritter said they are not verbatim minutes. It is discussion. There was much discussion and it is not included in the minutes.

Regarding Krieger's change on page 3, leave the sentence as is – and then the next sentence is state, then the next sentence and it is and make the owner come in and make the change.

Taking a vote on it. Then repeat the same language to land use and make owner come in and ask for the change.

VOTE: All Ayes.

E. **PUBLIC HEARING: none**

F. **ACTION: none**

G. **DISCUSSION:**

2. **Land Use on Malabar Road**

Exhibit: Agenda Reports No. 2

Recommendation: Discussion

Wilbur said we are working on the future land use map designations (FLUM) for the north side of Malabar Road, starting at the western boundary. Town Planner Keith Mills said the north side is more problematic than the south side. If you are trying to get the same land use as on the south, you have the Malabar Scrub Sanctuary and it is going to be infilling between those existing uses that aren't vacant.

Wilbur mention the large parcel with a large wetlands in "Y" shape east of Enchanted Lakes. The Turkey Creek tributary goes through Enchanted Lakes across this property that has three residences. It has large standoff Oaks and an Orange grove in back. St Johns would govern any development there. Wilbur talked to Palm Bay about designing a trail through that way along the FPL easement that goes north to the canal.

Keith Mills said you have to look at the depth. Ryan said he was at the Town Council meeting Monday night and the FPL executives were there and they stated they do move power lines. Ritter said to the north side there is residential use in Palm Bay. Mills said how sensitive do you want to be to your Palm Bay neighbors. Wilbur did not know how you would get there across the creek.

Mills said you could go RLC to a certain depth and then single family homes north of that to the boundary with Palm Bay. Wilbur said we could go 400' or 600' and still leave the most northern part as RR-65. You would have to access it from Palm Bay because you could not get across the creek. Mills said that access would be up to the property owner to determine how he would access the land. There is R-O-W in there in Malabar. Wilbur said the creek runs to the north to Fallon Blvd.

P&Z Secretary Denine Sherear showed the aerial of the north side of Malabar Road on the overhead. Krieger said looking at the line at Stillwater that is where he would make the line. Draw a straight line between there and the post office. Board discussed the depth on north side. Zindel said leave it alone.

Wilbur said go 660' to allow the three existing homes to be used. The 660' allows you a better chance to design it.

Ritter said if we go to 1320 it would go to the Palm Bay line. They decided to go RLC or OI between Enchanted Lakes and the western edge of the EELs property.

Wilbur stated the land use should be split; the two lots between Enchanted Lakes and the western edge of the EELs property. The front 660' would be RLC and the back would remain RR.

The EELs land would go to the new conservation classification.

The existing house to the east of Sandy Creek Lane R-O-W line that is already RR and surrounded by the Stillwater Preserve subdivision. We can leave it at RR or change it to RLC. If you continue the line over to Corey Road it would match up with those houses that are in RR65. Leave it at RR65. Wilbur said if we change it we would get resistance from the stakeholders within the subdivision. Mills said when you designate RLC you could allow six units per acre. Does the Board want that next to the Stillwater Preserve? There is water service.

Wilbur said the NW corner at Corey and Malabar Road was left out of the subdivision and they have asked for an OI designation. Franklin said they had applied for land use change to OI for future development, possible day care facility. More discussion.

Staff accessed the Brevard Property Appraiser website and looked at the properties on the north side of Malabar Road from the NW corner lot at Corey Road east to Marie Street. As the Board discussed the land use on the north side, they considered what they had already done on the south side for consistency. They decided to use the lot line of the north side of the corner lot. From the plat of Stillwater Preserve subdivision it appears to be 264 feet plus half of the R-O-W for about 300'.

Board consensus to draw a straight line from the top of the NW corner lot at Malabar and Corey Roads to the east edge of the Malabar Community Park property. See drawing.

The Board discussed mixed use. Mills asked what they intended. It is intended for mixed use with residential and office use. Wilbur referred to Dunedin. He did not the size. Law office downstairs and residence upstairs.

Wilbur asked FLUM means at some point in the future. If you make it RLC then you allow An existing property owner more use of his existing home. Keith Mills likes RLC. You are not going to achieve what Strawbridge Avenue has in Melbourne. Wilbur said we are talking about is a design that would encourage sidewalks. It could be accessed from Corey Road also. Mills said in Malabar someone may buy all the lots and design something like Melbourne has. Zindel said what about access. She asked Mills how they would access the property, saying they can't use the residential roads and can't change the land use on an existing platted subdivision. Mills said technically all of Malabar is in one subdivision or another. Franklin said this area Zindel is referring to is in the Horace Price subdivision. Malabar approved the replatting of a subdivision when they approved Oakmont Preserve subdivision. Much discussion.

Town Planner Keith Mills said mixed use is becoming very popular. It will lend itself to that kind of development and may encourage similar development.

The Board reviewed the maps on the overhead and developed a line from the west boundary of Malabar on the north side of Malabar Road and worked east until they got to Marie Street. Franklin said the map will be reviewed and approved by P&Z and then go to the Planner and Attorney to work up the legal narrative.

The next meeting on August 26 will continue this review from Marie Street to US1, and then review the south side of Malabar Road from Glatter Road to US 1 and then move to the Babcock Street corridor.

4. Building Official Roger Cloutier stated he is looking for guidance from P&Z Board. He has had some BTRs, business tax applications, for using the areas within the mini-storage facilities for parking of tracker trailers (Denine – listen to tape – please do verbatim).

Ritter said this had already been discussed and the P&Z Board recommended using the type of license required to provide guidance. Tractor trailer require CDL license. RVs and boat trailers do not. Franklin said the previous Building Official was very clear to Malabar Oppen Storage that a certain square footage was permitted for automobile storage only and the fee was based on that square footage. Over time, he had expanded and allowed tractor trailers and refrigerator trucks and complaints came in and cod enforcement evolved and they were told to move. They moved to Malabar Mini and Malabar Open Storage complained.

Reilly said staff should look at the site plan that was approved with entrance on Malabar Road. Anything else is a violation. Very straight forward.

Ritter said we must be fair. Zindel suggested changing to allowed uses to allow for certain other type of parking. Compliance with other governing agencies would be required.

Franklin said Railroad Avenue Storage was grandfatherd in from the original owner that had the approved site plan to allow recreational vehicle parking.

Cloutier said that they don't have any other parking, only recreational.

H. PUBLIC:

H. OLD BUSINESS/NEW BUSINESS:

Franklin said for the September 9, 2009 P&Z meeting, Council will need it for first public hearing on budget. P&Z may want to consider postponing to 8PM or moving to the conference room for the meeting. Reilly said that they may want to attend the budget public hearing. They discussed holding their meeting on the 10th but Bridgett and Don could not attend. Board decided to cancel the P&Z for September 9 and only have a meeting on September 23. Franklin will notify Calvin Giordano representative to reschedule to the 23rd for presentation of feasibility study. Franklin has given the study to Keith Mills to review. Board asked for Keith to continue to come during these land use discussions. Franklin said he would.

I. ADJOURN:

There being no further business to discuss, **MOTION:** Reilly / Ryan to adjourn this meeting.
Vote: All Ayes. The meeting adjourned at 10 :20 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: August 26, 2009

Prepared By: Denine Fusco-Scarbro, Planning and Zoning Board Secretary

SUBJECT: Review Land Use Along Malabar Road

BACKGROUND/HISTORY:

At the last P & Z Meeting on August 12, 2009 the north side of Malabar Road was reviewed starting at the western end of Town and working east to Marie Street.

It was consensus that the recommendations be noted on the maps during the meetings and leave the narrative legal description to the planner and the attorney.

On 7/22/09 P&Z made a series of recommendations for the south side of Malabar Road to the point of Glatter Road.

This meeting will complete the review of Malabar Road, north and south to US1.

The discussion of land use changes along the east side of Babcock Street within Malabar will be the next item. Staff has contacted Calvin Giordano and Associates and requested they hold their presentation on the feasibility study for Foundation Park Boulevard be held until September 23, 2009. The property owners in that area have also been invited to attend the meeting

Please bring packets from P & Z Meeting August 12, 2009 with maps.

ATTACHMENTS:

Malabar Road Map of Boundaries and Zoning recommendations discussed to date.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: August 26, 2009

Prepared By: Denine Fusco-Scarbro, Planning and Zoning Board Secretary

SUBJECT: Review Land Use Along Babcock Street

BACKGROUND/HISTORY:

At the P & Z Meeting on August 12, 2009 we did not get to this Item No. #3 of the Land usage along Babcock. We need to Discussion and make Recommendation for possible Land Use changes for the Malabar side of Babcock Street

Please bring your P & Z Packets from August 12, 2009 with the maps.

ATTACHMENTS: