

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY APRIL 28, 2010
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 – 03/24/10
Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve
- E. PUBLIC HEARING: none**
- F. ACTION: none**
- G. DISCUSSION:**
2. Continue Discussion regarding R/LC, CL and Density in Malabar
Exhibit: Agenda Reports No. 2
Recommendation: Discussion
- 3. Amendments to Fence Ordinance, Article V**
Exhibit: Agenda Reports No. 3
Recommendation: Discussion/ Action
- H. PUBLIC:**
- I. OLD BUSINESS/NEW BUSINESS:**
4. Comments from Council regarding P&Z Recommendations of Presentation of Land use Changes from Joint Meeting on February 24, 2010.
Exhibit: Agenda Reports No. 4
Recommendation: Discussion
- J. 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 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: April 28, 2010

Prepared By: Denine M. Sherear, 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 March 24, 2010
- Memo # 10-AABO-003 from P & Z Secretary Denine Sherear

"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
March 24, 2010 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,excused
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS
TOWN ENGINEER	MORRIS SMITH, P.E.

Also present: Mayor Eschenberg

C. ADDITIONS/DELETIONS/CHANGES:

Krieger suggests to change Item 2 to Item 1 was a tabled item; the Fence Ordinance is going to be a long discussion. Reilly also recommends doing this. Wilbur asks if any objections from the rest of the board. All in Favor

D. CONSENT AGENDA - none

E. PUBLIC HEARING: none

F. ACTION: none

G. DISCUSSION:

2. Amendments to Fence Ordinance, Article V

Exhibit: Agenda Reports No. 1

Recommendation: Discussion/Action

1. Continued Discussion regarding R/LC, CL and Density in Malabar

Exhibit: Agenda Reports No. 2

Recommendation: Discussion

Don asks about minutes, I explained that Debby was going to review them for me.

The last discussion at the previous meeting was about density, Krieger suggests about limits for businesses in R/LC there has to be mixed use, he same number of commercial and residential. The maximum residences should be 4 and commercial 6.

The board is discussing in depth about having 4 Residents to limit the number of living spaces Ritter and Krieger are discussing mixed use, and the flexibility to run a business.

Mills, suggest that a minimum & maximum on the existing table show the zoning category has a maximum of 4. If there is to be no more than 10% residential, you do not have to have a minimum. Mills explains on the residential you can not exceed 6 units per acre for multi family

Wilbur adds to take things to the max to get as much in one area.

Mills, explains to the Board the different parking for retail, doctors, employee, restaurants, lower number for sq footage

The Board suggests 4 units per acre period.

The Board is discussing the different variables, per 1 acre.

- Reilly, this started with 6 units per acre
- Krieger wants to have a min and max. per acre

Mills says it is the water meters that separate each unit. The mixed use is 4 single units per acre; multi family is 6 units per acre. Mills suggests to reduce 6 to 4; all R/LC would be Medium Density at 4.

Ryan suggests to have multi stories for population count, have each floor consider it a single unit there is a variety.

Morris, suggest that the min % on RLC table is 63' x 63'.

Krieger discussing if things could be switch between residential and business, Morris stated if it is within the zoning.

Ryan asks why have RLC if it so complex

The discussion among the Board is to have limits, and keep density low, and keep small shops and businesses for a rural community.

Mills proposes the simplest thing to do is go back to 4 units no matter the mix or match.

Wilbur's idea is to go back to formula to be more business; there are plenty of units that can work with 4 units. Each unit can have 4,000 sq ft max.

Mills, anything can be done, are you talking about mix?

The discussion amongst the Board is to have 4 business and 4 residences on same property.

Mills explains if we have floor ratio now with formulas, it was originally set up to have residence and business. If the goal is to tie businesses with people living therein residential site, it is simple to deal with 4 units per acre mixed use, and 4 businesses owned by owner of residences.

Ritter, open for litigation if it starts out business with residence and business is sold then there will be a problem.

Morris explains the fire codes will come into play with keeping things separated.

Ryan expresses it would be cost prohibited because of fire codes, sprinkler system and fire walls. Do fire codes have to do with this type of business?

Krieger, if they want mixed use 4 and 4 no other percentages if they have the acreage they can do with what they want.

Wilbur states, if you look at trends in any town, small homes with now doctors offices. For example, downtown Melbourne has mixed business and residential. The best way for Malabar to get some tax base

Ryan left at 8:55 pm excused

Board is looking at different scenarios;

Mills discusses about 8 to 4 the definition of a unit can be residences & a business the maximum number would be 8.

Zindel finds on page 117 of agenda packet on the last paragraph that the District Provisions for residential use is 6 units per acre.

Krieger suggests that the change should be to 4 units (residential).

Mills explains the paragraph to the board, as long as you do not exceed 6 units.

Morris, is explains to the board about the 4000 sq ft residential & business area per 20,000 per property.

Mills, states the minimum living does not apply to commercial, the max. building is 20%. The intent is to limit building coverage area to 4,000 sq ft or 63' x 63'. You can still have the 4 residences.

Ritter expresses to have 4 residential units, how many maximum businesses with 4,000 sq ft?, and not lower than 900 sq ft?

Mills explains the limited total max area of 4,000 sq feet of commercial, it does not matter the scenario. Get rid of % and go on.

Board is looking at District Provisions (page 117)

Morris states that Item A will change
G will change, D will change
C will change on these charts

Mills matches up with columns to the left, max. pervious surface is 20 % open space is 80% units are obviously not working; it is tied to the remainder of pervious surface.

Note: Ask Debby per Reilly to find old table of district before the chart was change.

Motion: Reilly/ Ritter to Continue Discussion at next Meeting about Fence Ordinance
ALLVOTE: All AYES

H. PUBLIC:

Open to the public:

Lyn Hansel, 50 Plantation Drive, Titusville, browsing through the Ordinance the floor area ratio, in response to Krieger, R/LC is subjected to floor ratio and or 4 residential units.

Tom Eschenberg 2835 Beran Lane, the fences suggested a total separate Ordinance for entrance ways you have my suggestion.

Comments about R/LC; I was not clear on whether you can have commercial only and no residential. If that is the case make it CL. You could have 4 residential in R/LC ,if it is not R/LC

make it multi family ideally to see a row of building with businesses downstairs and residences upstairs . If that is what we want write the land use code to force that to happen. It is not that difficult, you can have a single residence if someone wants to live there you do not want to get overload on units. The idea is to get business with some residences.

I. OLD BUSINESS/NEW BUSINESS:

3. Feasibility Study- Foundation Park Blvd East- Update

Morris, states we have had 13 responses in reference to the "Triangle Property west of I-95" sent out 32 letters.

Morris explains the meeting with 2 land owners, and this land developer from Miami, and I-95. They do not like to deal with multi owners. It looks exciting.

Wilbur asks if it is going to be a Commercial PUD, for businesses.

Morris explains that the commercial zoning now includes wetlands and you do not have storm water plans. The master plan is that every one has common values across the table, and they all like the idea of dealing with a Corporation.

Krieger asked if it include the presentation that was seen by the board Foundation Park Blvd.

Morris reads letter to the Board that was sent to people in "Triangle" that was written to all property owners.

Krieger asks about Morris' presentation to be put on Web Site.

Morris explains to the Board about bringing this all together. The Board asks what is the cost to the Town, and who establishing this entity?

Krieger asks about Hall Rd signs, Morris explains to board about the pipe failure.

J. ADJOURN:

There being no further business to discuss, **MOTION:** Reilly / Krieger to adjourn this meeting.

Vote: All Ayes. The meeting adjourned at 10:04 P.M.

BY:

Bob Wilbur, Chair

Denine M. Sherear, Secretary

Date Approved

TOWN OF MALABAR

MEMORANDUM

Date: April 24, 2010 10-AABO-003
To: P & Z Board
From: Denine M. Sherear, Administrative Assistant to the Building Official & P & Z Board Secretary
Ref: P & Z Minutes

At the April 28, 2010 P & Z Meeting I will have minutes for your review to bring back for approval at the May 12th, 2010 Regular P & Z Meeting. I apologize for the delay in presenting these minutes but will ensure to accomplish all future minutes in a timely manner

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: April 28, 2010

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

SUBJECT: Permitted Land Uses Within R/LC and CL Zoning

BACKGROUND/HISTORY:

Continue Discussion on Land Use Map. Discussion of Land uses and Zoning classifications within R/LC and CL concerning Density in Malabar

ATTACHMENTS:

- Memo #10-TC-017 from Debby Franklin in reference to Article III , District Provisions Table

TOWN OF MALABAR

MEMORANDUM

Date: April 21, 2010 10-TC-017
To: Planning and Zoning Advisory Board
From: Debby K. Franklin, Town Clerk-Treasurer
Ref: Article III, District Provisions Table

Per your request, I have done research on the error appearing in Table 1-3.3(A) that states incorrect density numbers. The numbers work if the title were corrected to read "Minimum Open Space %."

When Supplement 15 incorporated Ordinance 06-06 into the Land Development Code, the title in the columns of Table were shifted. Supplement 14 has the columns titled correctly. The column in question should be titled "Minimum Open Space %" and the next columns should be titled "Maximum Density."

I am getting the table corrected.

When supplements come in from the vendor, it is the Clerk's job to review the supplement to ensure that the ordinances were incorporated correctly. In this case, the review was not done.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: April 28, 2010

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

SUBJECT: Amendments to Fence Ordinance, Article V

BACKGROUND/HISTORY:

This item was on the Agenda at the last P & Z Meeting on 3/24/2010. It was tabled at that meeting and to be brought back to the next P&Z Meeting 04/28/10.

Please bring your packets from the meeting of 3/10/2010

The Mayor asked Council at the RTCM of 2/1/2010 to allow his recommendation regarding the fence ordinance to be considered by the P & Z Board. His proposal was brought back to P&Z on February 10, 2010 for your review and comments, looking for Action to bring back to Council for closure. The topic was tabled at that meeting.

In order to continue this discussion, a MOTION will be necessary to remove the item from the table.

Staff was asked to prepare historical documentation from the many times that this issue was previously discussed.

Council agreed with the Town Attorney's legal opinion based on the definition within our Code. Attorney Bohne determined that stand alone columns are not part of a fence, per the definition. Also the setback within the Code applied to buildings, porches and accessory structures. We have enclosed that as well.

ATTACHMENTS:

- Article V
- Minutes from P&Z
- Memo 10-TC-011

ACTION REQUESTED:

Formulation of recommendations to bring to Council to bring this subject to final disposition.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: April 28, 2010

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

SUBJECT: Council Comments in Regards to P&Z Land Use Changes

BACKGROUND/HISTORY:

At the Joint meeting held on February 24, 2010, Pat Reilly made a presentation to Council of the Proposed Land Use changes. At that time it was suggested that Council give there feedback to the P & Z Board within 30 days, so P & Z can discuss them.

ATTACHMENTS:

- Copy of Joint TC and PZ Meeting Approved minutes 2/24/2010
- Mayor Eschenberg comments to the Proposed Land Use Changes
- Portion of Approved RTCM from April 5 , 2010 (**in bold print**)

MALABAR JOINT MEETING OF TOWN COUNCIL & PLANNING AND ZONING BOARD

February 24, 2010 7:30 PM

This meeting of the Malabar Town Council and P&Z Board was held at Town Hall at 2725 Malabar Road, Malabar, Florida.

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Council Chair Thomas Eschenberg. The prayer and pledge were led by Council Chair Thomas Eschenberg.

B. ROLL CALL:

COUNCIL:

MAYOR/CHAIR TOM ESCHENBERG
VICE-CHAIR JEFF MCKNIGHT, excused
NANCY BORTON
BRIAN VAIL
STEVE RIVET
MARISA ACQUAVIVA

PLANNING & ZONING BOARD:

CHAIR BOB WILBUR
VICE-CHAIR PAT REILLY
DON KRIEGER
BUD RYAN
LIZ RITTER
BRIDGET PORTS
CINDY ZINDEL, ALT., excused

STAFF:

TOWN ADMINISTRATOR:
TOWN PLANNER:
TOWN CLERK/TREASURER:
P&Z BOARD SECRETARY

BONILYN WILBANKS
KEITH MILLS
DEBBY FRANKLIN
DENINE SHEREAR

Mayor asked all to allow Reilly to do presentation on Babcock Street corridor and then ask questions. Then Reilly will present the Malabar Road corridor and then take questions and discussions.

**D. PRESENTATION: P&Z RECOMMENDATION ON FLUM P&Z VICE-CHAIR PAT REILLY MADE PRESENTATION OF LAND USE CHANGE RECOMMENDATIONS TO COUNCIL FOR THREE MAIN CORRIDORS –
BABCOCK STREET AND MALABAR ROAD CHANGES RECOMMENDED
HIGHWAY 1, NO CHANGES RECOMMENDED**

Reilly introduced himself, has been on P&Z Board for 9 years. Explained the difference between land use and zoning. Land use designations are approved by the State and the zoning are set by the Town. It is the Future Land Use Map or FLUM that they are discussing updating.

Board is making no recommendation along US1.

Some people are concerned if we change the land use we would be allowing more density. That is why they were given the definitions of the zoning classifications in their package. He began the Power Point presentation explaining that the depiction on the left of each page in the presentation is the existing land use designations. The depiction on the right is what the P&Z Board proposes to change the land use designations to.

Babcock Street corridor and triangle west of I-95:

Reilly said the Board spent the most time on this area. People have brought proposals for development within the area currently established as CL and OI and have been met with resistance. Reilly acknowledged that the changes they are proposing will also have people against this but they have to look to the future. Reilly explained there has been a study on the ability to bring a road in from Foundation Pk Blvd to connect and open this area up.

The developer would have to put the road in.

Came up with OI down Babcock and down Osage. Osage roadway would have to be upgraded. The RR land use has been cut back in this area to where the existing homes are.

Wilbur said the development of this area as a PUD would be relying on the Foundation Park Road going through. They were not looking at Booth or Osage to be access roads for development in this area. They did this with the understanding that the entrance road would be from Foundation Park Road.

Borton asked why not CL along Babcock? Reilly said OI offers more uses. Ryan said they also considered the existing residents in the area.

Reilly asked Mills if he had anything to add – Mills stated Reilly had covered all items from Board meetings.

Malabar Road –

Reilly started at the west end of Town – go back 1320 feet on the south side – that is equal to how far back the hospital went back on the north side. He continued along Malabar Road explaining the current FLUM assignment and the proposed changes.

Reilly stated we will also be reassigning zoning classifications of our 17 acres parcel off of Weber to a more definitive conservation zoning term, but for land use designations, it is considered OSR or Open Space Recreation.

Continuing east to the Corey Road intersection they are proposing the NW corner of Corey and Malabar to be changed to RLC and also a narrow strip along the north side of Malabar Road from Corey east to the Post Office be made RLC. From the Post Office east to Malabar Woods Blvd the strip would be OI. Continuing on the north side of Malabar Road, east of Malabar Woods Blvd the area for a depth of 660' would also be OI. Regarding the EELs lands, it will also be reclassified as a conservation designation but for now the land use designation should be OSR. We have been working on additional breakdown of OSR to an S1, S2 and S3 designation to define conservation, parks and recreation type land uses. These terms are in the next step of process.

Fern Creek is OI but is only the very SW corner of Malabar Road and Corey Road. The two lots to the west of Fern Creek are also OI. On the south side of Malabar change land use to OI from Corey Road and head east all around the Golf Disc park and Krieger property to join the already designated OI that is east of Krieger property. On north side change to RLC so they can do business from their home.

Marie Street, CL is Brevard Hardwoods and then the Sand Hill Trailhead to the north of that. Make the NW corner RLC and then to the north, make the Trailhead OSR.

They are proposing to change the current OI on both the north and south side of Malabar Road east of Marie Street to RLC. This would go to Pine Street. On the south side of Malabar Road the CG from Pine Street to the FEC railroad would remain and the area on the north side of Malabar Road across from that would be changed to a CG land use classification. That is where the feed store and the storage place are located. The strips on the west side of the railroad tracks north and south of Malabar Road are CG and they propose changing to CL.

They made no recommendations on the east side of the FEC railroad. Reilly asked if Mills had any comments. Mills said the Board's point was to get the land use to the most appropriate designation and there was some adjusting that had to be made to work around existing developments and consider parcel ownership. Ritter said they pulled the CG because of the feed store and storage place.

Acquaviva asked why the CL along the railroad and the OI along Malabar Road. Mills said the OI decision was to be compatible with hospital and limit the retail.

Acquaviva asked about the RR taken away from the area off of Weber Road - was it also for the hospital related development? Mills said the depths were increased on the south side for development. Wilbur said if they are doing a large development they will need water and sewer. They will need enough depth to get into the development. Ritter is hoping that the businesses stay on Malabar Road.

Borton said she has a question about not allowing pharmacies and restaurants in OI. Borton also stated that RLC would allow businesses and homes to be adjacent and when they are next to each other it can cause problems. Malabar Road will be a 3 or 4 lane road in the future. Borton thought we should keep businesses with businesses and homes with homes.

Reilly said the benefit in OI, the businesses close at 5PM. Retail would stay open longer. He hears what she is saying and asked Mills. Mills said that CL doesn't allow the types of businesses you would want to keep out. There was a lot of discussion when RLC was brought up. When he reads the code, it is a mixed use environment, business below the residential. Board had more in mind of living in and running a business from the house. The Board talked about these things. Do you want more commercial or do you want to keep it more limited to offices. One of the latest changes was to extend the RLC to the west. That is a fundamental decision - does the town want more commercial along Malabar Road. Some of the depths were based on the ability to have an office park.

Acquaviva asked if Leedy could put a beauty parlor in her facility - no, not in OI. Would fit in CL.

Rivet stated the P&Z Board have done a good job - RR65 is the character of the Town.

Wilbur explained the history of RLC and the need to have some more tax basis.

Ryan said it is a rural community with a state road going through it. Malabar Road for the foreseeable future will be a 2 lane road and they want to limit the cuts. Every thing they need can be accessed close by in Palm Bay.

Ritter said the CL does not allow residential use. That is why they proposed RLC. They were more concerned with the people already living here.

Krieger said the largest debate the P&Z Board had was between OI and RLC which allowed more density. The CL was limited to the Babcock area. It is not the town's responsibility to develop the area, but you are allowing the property owners to develop.

Krieger said we have a foundation now to ask the questions, if there is a counter proposal back from Council rather than piece-mealing this together at a joint meeting. There is no rush here. We should be looking for input from the public.

Borton said she thinks they have done a fabulous job. She was only pointing out the problems with the Woods and Malabar Mos next door and then her restaurant and the residence to the north. There have been problems.

Vail said they should all study the actual uses allowed in those zonings. Read the District Provisions.

Mayor said look at the tables in the code book and go through it and see what can be done. Mayor said there is a hurry. It is either this group or the voting populace to make the decisions. Wait til after November. By going through the E.A.R. process it takes a long time. If amendment 4 passes, it will go into affect probably in Jan. Acquaviva said we are elected to represent the people.

Mayor's opinion on this is philosophical. Babcock Street land use has been set by Palm Bay. Malabar Road between Weber and Marie Street should have no changes. East of Marie St – keep as suggested. He has been going to transportation mtg – long range out to 2050. Big maps showing road conditions. They don't identify Malabar Road as a failing road. They don't see any 4-laning of Malabar Road until way in the future. Mayor said don't allow any commercial until Malabar Road is 4-laned.

Vail said if you don't plan then it is shame on us. When things were booming they came in ask for us to change our land uses. We should study it, make our decisions, and then stick to it when the developer's come in.

Krieger said Reilly has done a phenomenal job. They were given a problem. Most of the comments were about density. Tonight is not the night to decide – digest it and look at the permitted uses in the code book.

Mayor asked if Krieger agreed with the changes. Krieger doesn't think it is a completed plan. Mayor asked him to go back and do the same thing he is asking Council to do.

Property owners that may be affected should be involved.

Wilbur said it is needed to plan how it should develop.

Krieger said he doesn't think 10 people are a consensus – he thinks all property owners should be asked. Put articles in the newsletter.

Wilbur said we have to get the FLUM laid out so we can put a gateway plan – then they will invest in Malabar because they know the neighbors also will have to comply.

Ryan said he wants Malabar Road to stay RR and we are not that far from Palm Bay to get a haircut or a coffee.

Ports said she grew up in Lake Washington – they could ride horses to stores. Then they were pushed out. She doesn't want that to happen to Malabar. Keep it low density overall.

Wilbur said instead of OI on Babcock maybe it should be CG. Krieger said the largest problem they had was OI and RLC along Malabar Road. It isn't finished yet. Pick it apart and send the questions back to them.

Krieger was on Council in the 1980's and his land use was professional and it was changed.

Krieger doesn't think they can reach consensus. Acquaviva thought it was a beautiful presentation and wanted to ask questions. Ritter said it is never completely done.

BW said we can do a mailing and invite the property owners to a public meeting. Then we can put up signs. Mayor said once they have a final consensus.

Ryan said if this is a matter of public choice and some of this is pretty abstract. Mayor said average citizens would know OI and RLC, etc.

Wilbur asked if Council wanted to see more CL or some CG on Malabar Road. They could use more feedback. Mayor hopes this Council will provide written feedback to the P&Z.

Vail said there is more to digest in the definitions. Get a good understanding of these.

Wilbur said staff could get info from Dunedin in Pinellas County on an example of RLC. It is the least intrusive and allows the most flexibility. Look at these areas and then downsize the density use to 2 or 4 units per acre, instead of 6. 4000sf is quite big and if they have to do a Florida vernacular. He has been envisioning this for a long time.

E. PUBLIC –

Juliana Hirsch, 1035 Malabar Road, it was a marvelous job. She has been to some of the meetings. Asked if we considered what the CGA consultants had recommended. She has 10 acres on Malabar and it was commercial when she bought it. There are a lot of uses for RLC – not so much for OI. To say Malabar Road should stay RR 65 is irresponsible. If it is asked of the people in the back they don't want it changed. There needs to be a buffer from Malabar Road. RLC allows restaurants. Mayor is not in favor of 4-laning Malabar Road. We are going to have this anyway.

Len Hansel, from Titusville, represents the owner of the 25 acres east of Weber Road. What has simmered up here tonight; discussion between OI and CL. Perhaps Council would consider the conditional and allowed uses in the existing land uses. Some commercial in the front and some moderate residential in the back. He is thinking a PUD would be the most flexible way to develop.

Mayor said the E.A.R. was not a change to our FLUM and they did not make any recommendations to change any future land use whatsoever. It is only an update of our Comp Plan.

 New Business: Deadline date for information. They ask Council to get their comments, questions and suggestions back to staff within 30 days so P&Z can discuss them.

F. ADJOURNMENT

There being no further business to discuss, **MOTION: Reilly / Ryan to adjourn this meeting. VOTE: All Ayes.** The meeting adjourned at 9:15 PM.

BY: Thomas M. Eschenberg

Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

Debby K. Franklin

Debby K. Franklin, Town Clerk/Treasurer

Date Approved: 3/15/2010

March 15, 2010

To: Malabar Planning and Zoning Board
From: Tom Eschenberg, Mayor
Subject: Feedback from joint meeting on proposed land use changes.

My comments are directed to the maps as presented at the joint meeting.

BABCOCK STREET

I agree with the proposed changes.

MALABAR ROAD (WEST END)

I agree with the changes west of Weber Road.

MALABAR ROAD (WEBER RD. TO ALEXANDER LN.)

I disagree with the changes except for the open space on the north side.

MALABAR ROAD (ALEXANDER LN. TO COREY ROAD)

I disagree with the changes.

MALABAR ROAD (COREY ROAD TO MARIE ST.)

I disagree with changes on the south side. On the north side, I disagree with the changes except OI on the proposed town hall site and open space for the balance of the EEL'S land.

MALABAR ROAD (MARIE ST. TO RAILROAD TRACKS)

I agree with the proposed changes including the R/LC on the north east corner of Malabar and Marie.

I do not wish to criticize P&Z by having so many disagreements. You have worked hard for many hours on this effort. It is just my personal opinion that we should not add any more commercial zoning between Weber Rd. and Marie St. It is strictly a safety issue on a two lane 55mph road. Fifteen or twenty years from now when there is a possibility of Malabar Road being widened, that area could be reconsidered for changes.

RESIDENTIAL/LIMITED COMMERCIAL

As a follow-up to the last P&Z meeting, here are the suggestions I made.

R/LC may be kept at six units per acre with the following restrictions.

Each parcel must have one residential unit as a minimum if it has a commercial unit.

The number of residential units may not exceed the number of commercial units.

Combinations would be:

5 commercial, 1 residential

4 commercial, 2 residential

4 commercial, 1 residential

3 commercial, 3 residential

3 commercial, 2 residential

3 commercial, 1 residential

2 commercial, 2 residential

2 commercial, 1 residential

1 commercial, 1 residential

0 commercial, 1 residential

PORTION OF APPROVED RTCM APRIL5, 2010

CLERK:

- SCLC April dinner is in Cape Canaveral: SCLC Rep Council Member Borton and her husband will be attending, Council Member Acquaviva and her husband, Mayor Eschenberg and Town Administrator will also be attending.
- Would like to propose we amend out road ordinance to provide for another type of road improvement: on local "lanes" only that dead-end, add a "country lane" with grass strip in center as well as grassed edges within the 22' travelway. This would be in addition to the current dirt road standards, paved roads, milled roads. The right-of-way and drainage would still be required.
- **Need Council suggestions on land use changes along Malabar, Babcock and US1. We will be putting up signs and asking for public input very soon. Rivet is fine with P&Z recommendations.**

EELs want to buy the area in Oakmont Preserve S/D that is not part of the S/D. They have a willing seller. There will be a tour on Wednesday, April 14, at 9AM. Our concern is the power line trail that cuts through there. BW said that Sue Hann asked Malabar for their opinion. They wanted to get this through before the HOA takes over. BW said Mr. Alcott, project manager for Oakmont Preserve subdivision wants to also give the maintenance of other areas in the subdivision to EELs.