



**PLANNING AND ZONING ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY, APRIL 11, 2007  
7:30 PM  
MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

CALL TO ORDER

ROLL CALL OF MEMBERS

ADDITIONS AND DELETIONS:

MINUTES FROM JANUARY 24, 2007 ADVISORY BOARD MEETING:

PUBLIC

ACTION ITEMS:

DISCUSSION/REVIEW:

1. WORK ON E.A.R. – ISSUES TO ADDRESS IN COMP PLAN
2. DISCUSS SECONDARY USE REQUESTS AFTER SITE PLAN APPROVAL
3. PROPOSE CHANGES TO ORDINANCE 2007-02 FLORIDA VERNACULAR

OLD BUSINESS/NEW BUSINESS:

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 & ZONING ADVISORY BOARD  
4/11/07 MEETING MINUTES**

**ROLL CALL:**

Bob Wilbur, Chair	Bill Stephenson, Interim T Admin, excused
Richard Cameron,	Debby Franklin, Secretary
Patrick Reilly, V-Chair	Keith Mills, Town Planner
Kathleen Clasen, excused	
Don Krieger	
Bud Ryan, Alt. #1, voting for Clasen	
Cindy Zindel, Alt. #2	

Meeting called to order at 7:35 PM. Prayer and Pledge led by Chair Bob Wilbur.

**ROLL CALL OF MEMBERS** – see above.

**ADDITIONS AND DELETIONS:** Reilly/Cameron to add the Request by secretary as an item under Action regarding proposed Palm Bay ordinance.

**MINUTES FROM MARCH 28, 2007 ADVISORY BOARD MEETING:**

**MOTION:** Krieger / Ryan to approve w/ corrections. Pg 3 Reilly said that Council – strike that. Under that, the subdivision plan - delete. Bottom of page 4 Zindel said we need new ? sb goals. Pg 7 sb Booth not boot; also Krieger pointed out on pg 2, 3<sup>rd</sup> line from bottom should be he does not know how. Pg 3, 9 lines down Wilbur stated that wetlands and exiting grade can not meet – add “requirements”. How that can should be how can that. Wilbur asked planner Keith Mills, then 2 sentences down. The fence could be much shorter not shorted. 2<sup>nd</sup> to last – what the use – what to use for reference. Pg 4 go down 10 lines, that review process is called. It used to be and should be width. Who EAR compares should be “how well”; pg 5 para 2, at end. Board should meet every “scheduled” time As corrected. Vote All Aye.

**PUBLIC:** none

**DISCUSSION:**

1. WORK ON E.A.R. – ISSUES TO ADDRESS IN COMP PLAN

Reilly asked about Council meeting results. P&Z has packets that secretary gave Town Council. Wilbur asked Mills where we should start. At end of day it will all have to be updated. He referred to memo that listed the elements. One way to go is to go element by element. Sometimes they overlap. As you do one you may find that some of it has been done. One thing you are ahead of the game on is the school element. He does not know what Town Council wants to do. He suggests that P&Z can talk about. Reilly said the table of contents lists the goals and then the objectives. He suggests going through it - is goal “a” still relevant? Has the objective worked? Did you use the objectives? Mills suggested secretary print out and distribute to Town Council and P&Z the Florida Statute referencing the statutory requirements dealing with EAR. Mills mentioned the population projections. This is unique. That could be in our favor. Since we are not at where we thought we would be. Reilly asked about the data and analysis part. Yes. Reilly suggested splitting up and having someone working on data and analysis inventory. Mills said that the some of the work will have to be done before but then we can do some of it after Jan 1, 2008.



Wilbur suggests starting with the Land Sue Map and asked Mills how the gateway requirements would fit in. Mills said it would be added as a new goal with "x" number of objectives or as an objective under an existing goal. Wilbur asked if we are working on this in the 18 months are we prevented from submitting other requests? No. We will be in compliance and will be able to submit.

Wilbur asked Board for comments. Krieger said the draft timeline secretary prepared is very nice. He said we should be cautious about using it. We should send only the requirements and send a very succinct set of issues. If you let this go to the deadline we could have problems. Tonight's meeting should discuss issues. Wilbur asked about data inventory – is the map part of that? Is our current map deficient in Mills opinion? Mills does not think so. When we make the changes to the preservation land and make them preservation and take off the PUD and Industrial. Mills said we could do that in our twice a year submittals. Then we could change the zoning to match the land use. You could do it as part of this but you don't have to. Wilbur feels it is important to change the designations. Mills asked who owns it – the State owns the land. They discuss the lands in the Industrial area.

Wilbur wants to protect them from being used for affordable housing in the future. Mills said you want the Future Land Use Map to reflect what the town wants and also accurately reflect and be consistent. Reilly asked a question. What is the difference between the land use designation and zoning designation? Land use designation is the overriding. Mills explained that the zoning fits the land use. You could have several zoning designations that fit in a land use designation. Mills explained on the zoning map so that everyone could understand. The color map that we used in the workshop was actually a zoning map. It was used because it was large and colorful. Wilbur said we should compare the existing land use map the future land use map and see what has changed. Wilbur suggests adding some maps – an aerials etc on Council walls like we used to have.

Reilly asked if there are requirements to have certain amounts of various land use areas. Mills said that there is no requirement. Reilly said so if we wanted to be strictly rural we could. Yes. Wilbur said we could have a certain mix along US 1. We could make it a requirement to include some commercial in their condo projects. Ryan asked Mills about affordable housing. It is a tough issue. There are different ways for it to be addressed. It is difficult to find any affordable housing in Malabar or Palm Beach. Part of that may involve data analysis on general land prices and an inventory of available lands. Ryan is seeing it more and more. Mills said we don't have a Housing authority. If the town is interested in this we could offer incentives maybe multi family projects would have to provide a certain percentage available perhaps 5% of project would have to be affordable housing. Mix it in the project. Other tradeoffs are in density. Mills said he has seen it work. Reilly does not think it would ever work here. He can not see Paladin providing part of his project for low income housing. Wilbur said it doesn't mean that – it means affordable housing for fire, police EMTs, etc. Wilbur said mobile homes will be phased out. Mills agrees that implementing that would have issues. Mills said DRI often include a requirement for reasonable housing for the workers that will be created in the project.

Krieger, getting back to issues, the result of this EAR is we send the issues to DCA and they concur and then we work on data and analysis and then send the EAR in Oct. Then we do the actual update.

(Note: Make copy of Guidelines for Ryan – he does not have it) Zindel asked about road width. She saw where a road width was 60 feet. Mills said that Malabar has designated

different types of roads. Ryan relayed the story of the permanent building at Enchanted Lakes.

Wilbur suggested we look at the existing / future / suggestions from workshop and the zoning map and work on that so it is ready for the workshop.

Cameron asked about rezoning on conservation land. Wilbur asked about process. Mills said that we could administratively change the zoning after. Wilbur asked Mills to advise Debby to start that process. Krieger said it should be only 6 or 7 issues and then do more in October. Wilbur said that all issues that need to be addressed should be included. Mills said changing these lands could be done as part of it or as a separate process during the twice a year. It is not as simplistic as Krieger would like.

Wilbur asked Mills which is the one to start with. Mills said Future Land Use. It should not be too much. Large part of town is RR65 and is going to stay that way. The corridors along Malabar, Babcock and US1 and discussions have already started on that process. Start with the land use element – not just the map. Mills and Franklin said that Council wants to know.

Wilbur asked about another name listed in the acknowledgments of the Guidelines provided by DCA – a company called RPC - how much could they help? They can be a great resource. Wilbur asked Mills who to contact there. Mills will get name. The only two private planners were Solin and one in Fort Myers.

Reilly asked about scanning process. It is going slowly – Clerk Susan Kabana has done about a third of the Goals booklet and she will show me how to do it so I can help. Krieger asked for this subject – the update to the Comp Plan and the work on the FLUM to be included on the website and the newsletter including the map.

Zindel asked what the Regional Plan was. Each RPC (regional planning council) has a plan. Mills explained the East Central Florida Regional Planning Council is region we are in. There is a plan. The EAR must include new law requirements, FAC, 9J5 and Regional Plans. When we invite their participation we will get those updates. Wilbur asked Mills - whatever planning firm we use, should they be in the East Central Planning – Mills said it may help, but he would not require it. Planning firms that do this kind of work could pick this up. Krieger asked about inviting adjacent cities and will be invited to participate and there is not much time. Should there be a letter drafted to Palm Bay and Grant-Valkaria. We will be compatible with Grant/Valkaria. Mills said they are still subject to the County. Debby will try and work on maps for the next meeting.

## 2. DISCUSS SECONDARY USE REQUESTS AFTER SITE PLAN APPROVAL

Wilbur agrees with requirement for another site plan. Reilly disagreed. Mills said he didn't necessarily say it required a site plan. There was site plan based on mini-storage. Is the truck rental a separate business? Yes. It will be using the same site plan. They will simply be parking the trucks there. Mills said that the building was not looked at for each unit or a number of units operating a business from. It is a normal function of a storage facility. No – it is another business. Wilbur feels that this should be shown on a site plan since it was not on his first site plan. Just duplicate the paperwork from the site plan. Mills said what are you going to review. You can also require a drawing showing the concrete area and how many will be there. Not a full blown site plan. Reilly agrees with that. They would need to show what type of vehicle – haul type of vehicle not tracker trailer. That would be a zoning

issue. A business has to submit the required sketch and. A site plan is required when there are more impervious surface changes. These vehicles will be parked on paved areas already approved by site plan. Fill out the application and the diagram can be the first page of the site plan. Mills said the term site plan is. . The sketch would show if the parking and restroom situations that may require more like a site plan. Ryan asked if it was the same.

Ryan asked if the trucks would be on site or would they be delivered. Good question to ask. What size trucks? Wilbur is concerned with service and repair and tire care.

### 3. PROPOSE CHANGES TO ORDINANCE 2007-02 FLORIDA VERNACULAR

Council approved this 5-0 to adopt this. There were four P&Z members there to speak against it. Council felt that something might be built that did not agree with Malabar. Wilbur will bring pictures. Krieger problem with the ord was the technical and he will bring the list to next meeting. It was changed to Malabar vernacular and he did not like the measurements. Put on the next agenda. Wilbur said to put it on back burner. Gather information and put it on agenda as Old Business. Ryan will get something from Sebastian.

### 4. PALM BAY ORDINANCE 2007-30

Wilbur read part of the ordinance showing that the intent was to locate this activity to certain streets within the SE corner of Malabar and Babcock Streets. He is concerned that Malabar was not notified, asked, etc to comment. This activity draws unpleasant / undesirable activities. Mayor said he will speak at Palm Bay council meeting. Mayor attended the dedication of the boundary canal and spoke with Palm Bay representatives. He will not be at April 30 meeting. With current Palm Bay ordinances, these types of establishment can go anywhere in Palm Bay. There strategy on the map is that nothing directly fronts on Babcock or Malabar. This would discourage them from wanting to locate there. Ryan does not think it will discourage them. Wilbur continues to read about the studies referenced in the ordinance. Why would Malabar want this at our entrance? Mills said that this is a typical ordinance that has come about – the wording is typical – it has withstood challenges in courts. There are court cases that say you can't prohibit this type of business. Some establish a certain percentage of area that can allow this type of business. You can also require distances from major roads and this types of businesses like to be on main roads. They can withstand challenges including the designated areas. A lot of cities are placing these areas in their industrial areas. Palm Bay is very big - is this area big enough to meet the requirement? He does not know. Wilbur reads section 3 regarding distances from schools and churches. Wilbur said he would have them change the language to put the burden on the adult entertainment – not the church or school. This will drive out existing uses. Typically you would have another paragraph that said that you couldn't locate an adult business within so many feet of an existing school or church. Wilbur says he sees this as spilling over into Malabar. With the current mix they have of business and residential and multi-family he thinks this is a poor choice. Ryan can't believe they would put this in a residential area. Mills said W. Melbourne used a special attorney and they set it up with similar requirements but did not allow it near residential. Wilbur says residential is within all the proposed area in this ordinance. You can object to Palm Bay as a neighboring community to their Council but you may not have a standing. Have someone represent the town – the Mayor will attend the first meeting. Wilbur said the concerned businesses in the area will be having a meeting. Ryan would like to attend. Wilbur suggested P&Z make a resolution not supporting the adoption of the ordinance. Krieger read a possible motion. (he had written sample wording) Wilbur said if the school board locates a school in that area it

will roll right down Convair into Malabar. The law enforcement issues, the possible school sitings, Mills said a resolution is the way to do it. MOTION: Krieger/ Reilly recommend Council consider a resolution or letter to Palm Bay strongly objecting to the location shown in Exhibit "A" in Ordinance 2007-30 due to Malabar's concerns regarding property values, law enforcement, school sitings and quality of life are some of the points you wish to present. Vote: All Aye. Mayor stated that unless a resolution is available, Malabar Council will not meet again until May. Board asked Secretary to draft resolution for Monday's Town Council meeting.

**ACTION ITEMS: see Palm Bay ordinance discussion.**

**OLD BUSINESS:**



**NEW BUSINESS:**

Debby asked for input on sign to be posted on properties proposing zoning changes. There are several coming up and right now they are made up signs. Wording is acceptable to all. The information directs persons to call the building department for more information.

**ADJOURN:**

**MOTION:** Reilly / Ryan to adjourn. Vote: All Aye. Meeting adjourned at 10:10 PM

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Debby Franklin, Secretary

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Bob Wilbur, Chairman

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Date

Date approved Put on the next agenda. Wilbur said put it on back burner. Gather information and put it on agenda under Old Business. Ryan will get something from Sebastian.



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