



**PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, JUNE 27, 2007
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**
 - Regular Planning and Zoning Meeting – 06/13/07**
 - Exhibit: Agenda Report No. 1**
 - Recommendation: Motion to approve**
- E. PUBLIC: GENERAL ITEMS NOT ON AGENDA**
- F. PUBLIC HEARING**
 - 2. Land Use Change Request from CG to IND for three acre site south of Malabar Road and east of the Florida East Coast Railroad, aka 2735 Malabar Road, Malabar, applicant Mike and Tammy Russell, represented by Attorney Richard Torpy**
 - Exhibit: Agenda Report No. 2**
 - Recommendation: Motion to approve**
 - 3. Rezoning Request from CG and RLC to IND for three acre site south of Malabar Road and east of the Florida East Coast Railroad, aka 2735 Malabar Road, Malabar, applicant Mike and Tammy Russell, represented by Attorney Richard Torpy**
 - Exhibit: Agenda Report No. 3**
 - Recommendation: Motion to approve**
- G. DISCUSSION ITEMS**
 - Continue review of Goals in Comprehensive Plan for E.A.R. preparation**
 - Exhibit: Previously handed out**
- H. OLD BUSINESS/NEW BUSINESS:**
 - Florida Vernacular Ordinance**
- I. ADJOURN:**

**TOWN OF MALABAR – PLANNING & ZONING ADVISORY BOARD
6/27/07 MEETING MINUTES**

ROLL CALL:

Bob Wilbur, Chair, excused
Richard Cameron,
Patrick Reilly, V-Chair
Kathleen Clasen
Don Krieger
Bud Ryan, Alt. #1, excused
Cindy Zindel, Alt. #2

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

Meeting called to order at 7:35 PM. Prayer and Pledge led by Acting Chair Pat Reilly.

ROLL CALL OF MEMBERS – see above.

ADDITIONS AND DELETIONS: none

MINUTES FROM JUNE 13, 2007 ADVISORY BOARD MEETING:

MOTION: Krieger / Cameron to approve minutes of June 13, 2007 as corrected:
< Reilly: On page pg 4 s/b planted; page 6, 1st para has 2 periods; page 7 motion: Zindel voting on roll call, she is alternate and can't vote; page 9 Mills will check his email for professional...need to finish; Krieger: On pg 9, no one turned in homework. Delete. Use – All need to do their homework'; 2nd para up Wilbur said s/b showed; page 6, center of page, Reilly options, change "the" code; page 4 2nd para from bottom, but is it an illegal plant

Vote: All Aye.

E. PUBLIC – other than on the agenda - none

F. PUBLIC HEARING

- 2. Land Use Change Request from CG to IND for three acre site south of Malabar Road and east of the Florida East Coast Railroad, aka 2735 Malabar Road, Malabar, applicant Mike and Tammy Russell, represented by Attorney Richard Torpy
Exhibit: Agenda Report No. 2
Recommendation: Motion to approve**

Acting Chair read the item and called on applicant. Attorney Richard Torpy 202 N Harbor City Blvd., Melbourne, representing the owners Mr. and Mrs. Russell. He stated that since meeting with P&Z on June 13, 2007, he has talked to Town Attorney Karl Bohne and instead of developers agreement – he proposed a text amendment to the Code to allow additional storage square footage under certain conditions. If this Board supports this, Attorney Torpy will formally withdraw the application for land use change and zoning.

Chair Reilly opened the Public Hearing on the request as stated above – no speakers - and closed Public Hearing.

Attorney Torpy is here to ask for guidance on how to proceed - have workshops? Reilly said he should explain what his applicant proposes. They should submit this request in writing – explain what he is asking for so the staff and P&Z Board have something to work off with.

Cameron has reviewed what applicant wants and feels it will spur redevelopment in this area. We need development and have worked on this. This project and the one across the street have done much to improve the area from the dumps they were. He supports this project.

Krieger said in reviewing EAR and being owner of warehouse he wants to explain that there are different kinds of warehousing. He does not think this should be considered on basis of square footage of storage but rather setbacks and uses. In Krieger's opinion, warehouse should be in CG not IND. Some warehousing is associated with transportation and big trucks coming in all the time and traffic. We should describe the type of warehousing. He likes the idea to include flex space.

Torpy said there is a specific phrase for this type of use – he will get it. Krieger said he is the largest warehouser in Town.

Torpy will work with Town Planner and Attorney. Mills said Torpy should propose something that would fit clients needs.

Torpy thanked Board.

Cameron said warehouse is place where material is stored. Quantities come in large and go out small. He explains his use as plumber buying materials and sending small quantities going to customers site. Mills agreed and said they discussed an earlier project that proposed a similar use.

Mills stated if the gross floor area is partly for retail and part for flex space, that means that unless something changes to add more parking, If you have two units and then the flex space area changes, parking issues come up. Cameron says we can change parking requirements to accommodate this use.

Mills said he is in agreement. But if they change the use the parking has to meet the requirements. Cameron said that the Town needs to be flexible. Mills said that is everywhere. Cameron if they can't use it and then it becomes abandoned and a code enforcement issue.

Krieger – discussed warehouse prohibited in CG in Comp Plan. Mills explained in the Land Development Code in Definitions, it defines mini-warehouse as having under 500sf and being permitted in CG. Krieger said we need to create definition for Flex space.

Cameron – said we need to create definition and what are their requirements. Reilly said Torpy said at last meeting there was discussion on similar projects in both Melbourne and Palm Bay. We need to contact those cities and get their restrictions and rules.

Mills said if this use continues and grows and the building will be used continuously for this type of purpose then the parking issue won't come up.

Mills explained that the State is interested in the general state of how we are complying – Cameron is talking in more specific.

Krieger's concerns with condo type uses, he would like to see the covenants and how perpetual they are and how it can all fall apart and become a issue for the Town. The nature of construction has changed. Buildings are constructed differently and can add and subtract areas within buildings. He proposes bringing each project before the Board and Town Council similar to what we do with accessory structures over 1000sf.

Krieger gave example of Sugar Pines Subdivision where it stated in the covenants that they expired in 20 years. They were the first subdivision in Malabar. That goes with business too. Mills said if that situation ever occurred, the Town would care for roads (repave/repared) for health and safety then each homeowner would be assessed appropriately to cover cost. He explained that commercial condos are different – it is different when a parking lot needs repaving – it would be a code enforcement – not safety.

- 3. Rezoning Request from CG and RLC to IND for three acre site south of Malabar Road and east of the Florida East Coast Railroad, aka 2735 Malabar Road, Malabar, applicant Mike and Tammy Russell, represented by Attorney Richard Torpy
Exhibit: Agenda Report No. 3
Recommendation: Motion to approve**

Withdrawn by applicant's representative Attorney Richard Torpy, 202 North Harbor City Blvd., Melbourne, Florida

G. DISCUSSION ITEMS

**Continue review of Goals in Comprehensive Plan for E.A.R. preparation
Exhibit: Previously handed out**

Acting Chair Reilly began where Board left off and read Objective 1-1.2 - asked for yes/no from Board members. Cameron said no – lost all our industrial and need more allocation along our corridors. Most on Malabar is RR-65 and yet you have main arteries that are growing.

Reilly said yes - felt we did have it allocated so we have met it.

Clasen said no - agreed with Cameron.

Krieger said yes –

Reilly explained that when this was written and did we allocate it – yes. He asked for opinion from planner.

Mills said if the zoning map and land use map look the same as it did then – then we have not met the goal. If you consider the goal and the related objectives were to increase commercial.

Mills said that the State has no minimum standard requirements for various land uses. Some communities may have requirement for a ratio of residential to commercial.

Clasen said the percentages used in the Comp Plan could have been based on healthy communities. We are a bedroom community. If we are not going to do that then state it. What we do and what we say are not the same.

Mills agreed in part. If the Town states that if we should decide that and make the goals realistic. The Board discussed the probability of the build out of IND. Clasen said if the IND area had been built then there would be water and sewer in that area. Clasen said that the large chunk (IND) needs to be changed. Mills said that Booth started working on that. Perhaps you want to look at other areas for industrial. The Town may be in a position to create more CG. Cameron said that is why RLC was created. Mills said the Town Council three years ago seemed to want commercial along Malabar and now they are not sure.

Cameron said we need to encourage commercial along the corridors to help fund running the Town. The Town can't survive on the residential RR-65 tax. Said we don't have infrastructure. Town can't pay you (Mills) for full time. That has got to change. Residents can't support their house and the government. We need commercial.. We need to change the agricultural definition of Malabar.

Mills said there are rural communities that made their decisions and are thriving. They have to decide what they want to provide. Malabar is a bedroom community. There is nowhere to work here or shop for food.

Mills said Malabar was founded on rural character. Clasen said the majority of people want large lot rural residential but on major corridors it does not make sense. Need to concentrate on Malabar Road and make the changes.

Clasen said the road is not conducive to development. Mills said several factors come into play. People coming and going. Traffic counts have to be reviewed. Town can require applicant to go to FDOT. Mills said the State would not have to 4-lane to add capacity. There are other methods. Mills said it is unfortunate that they did not continue the study.

Clasen stated that Micco Road will be 4-laned.

Acting Chair Reilly called the Board back to order.

Krieger again suggested that each member summarize the 9 goals. Perhaps we should say simply "Major roads should be more commercial friendly." Instead of stating specific conditions, and specific considerations and road widening problems, etc.

Krieger stated that in general make basic generalities. Don't include the minutia. He can summarize this discussion as "keep rural residential and allow some type of commercial along main roads"

Mills said Board wasn't getting down to minutia. It needs certain information for building consensus. Mills said they should make motions on the objectives.

Zindel said she said no and said widening Malabar Road would be top priority. She said that the Charter said that there should be no property smaller than 1.5 acre.

Krieger said we need to generalize items in section 1, however we find our main arteries should become more commercial friendly along major corridors and that the State may have to incorporate plans for expansion.

Clasen said three members have said no to #1 because Malabar Road is not 4-laned. Cameron said it takes deaths.

Tom Eschenberg, (Malabar Mayor and Council Chair) addressed Board. He received a letter from the MPO Director regarding 4-laning Malabar Road. The letter explained the hold up is that Malabar Road only has 50 foot rights-of-way. The MPO has a list current projects, then there is a list of future projects and that is where Malabar 4-laning is.

Mills said that cost is not the only consideration. If acquiring r-o-w was a reason to not proceed, no projects would go forward. Malabar has reduced the cost the State will bear by requiring 100-foot setbacks.

1-1.3 Yes however we don't plan to add any more in the future.

Talked about FEC maintenance costs.

1-1.4. Yes

1-1.5 Yes – in site plan process and adopted Florida Vernacular

Do we want to go further or adjourn.

Cameron – getting EELs to change the zoning designations and Malabar has also got lands that we need to change zoning designation. Identify them as OSR. Krieger said it is more important for the EELs to do it than Malabar. State owns land. Priority to get this done. Krieger said what is the process – do the issues up and send the State a letter. Acting Chair asked Franklin to get status of the five-year capital improvement plan staff updated.

**H. OLD BUSINESS/NEW BUSINESS:
Florida Vernacular Ordinance**

Reilly said he still has issue with height of fences in subdivisions

I. ADJOURN:

MOTION: Krieger / Cameron to adjourn. Vote: All Aye. Meeting adjourned at 9:30 PM

Debby Franklin, Secretary

Pat Reilly, Vice-Chair

Date approved