

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