

**MALABAR TOWN JOINT SPECIAL MEETING**  
**October 22, 2008                      6:00 PM**

This Special Workshop meeting of the Malabar Town Council and Planning and Zoning board was held at Town Hall at 2725 Malabar Road.

**A.     CALL TO ORDER:**

The meeting was called to order at 6:00 pm by Chair, Mayor Eschenberg. The prayer and pledge were led by P&Z Chair Bob Wilbur.

**B.     ROLL CALL:**

COUNCIL	
MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	JEFF MCKNIGHT, excused
	PAT DEZMAN
 P&Z MEMBERS	
CHAIR	BOB WILBUR
V-CHAIR	PAT REILLY
MEMBERS	RICHARD CAMERON
	BUD RYAN
	DON KRIEGER
 ALTERNATES	LIZ RITTER
	CINDY ZINDEL, excused
 STAFF	
TOWN ADMINISTRATOR:	BONILYN WILBANKS-FREE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

**C.     ADDITIONS/DELETIONS/CHANGES:    none**

**D.     PRESENTATIONS:**

EVALUATION AND APPRAISAL REPORT (EAR) AMENDMENTS REVIEW WITH  
PRESENTATION BY CALVIN GIORDANO AND ASSOCIATES, INC.

Lorraine Tappen started off and introduced herself and explained the process that led to this meeting. The comp plan provides basis for development and how it is organized. She reported that almost 10% of town's population was here for the scoping meeting last year. They prepared the EAR and DCA reviewed it and found it compliant. Now we have the amendments. Every 7 years you do the report and then write up the amendments. FS 163 and F.A.C.9.J.5. govern growth management in Florida.

She then review on a power point presentation the items the Town had expressed as important: Enhancing the IRL; Enhancing the mail route; creating a Corridor plan; creating a Greenway plan; Protect rural atmosphere; Address blight.

Future Land Use:

She explained that each element has two sections – a data inventory section and a goals objectives and policies section (GOPs) that inform how your development happens in Malabar. The Comp Plan provides the big picture for the town.

Tappan went over the existing land use map and data. The Existing Land Use Map is not regulatory. It is informational showing the current use. It shows developed SFR is 25%. The conservation area is significant for a town our size.

The future land use map is regulatory and shows RR makes up 60% and this fits this community. Looking at population projections going from 2500 to 4000 in year 2030 is the projection. Malabar has only seen incremental development. If Malabar is *discovered* and develops it is very important that we have the comp plan in place and current. The vacant acreage could bring more than 3000 new persons. The new census in 2010 will provide updated information to compare with these estimates.

Going through the policies:

- Create performance standards to regulate commercial growth.
- Urban service standards to include signage and tree protection
- Malabar Vernacular has been adopted for non-residential commercial and limited com.
- New requirement in 2008 will add green standards. This requires language to provide for energy conservation.
  
- Conservation lands will have new designation with definition. Recommend that within two (2) years the town will update the FLUM to provide for these new designations.
  
- It would be helpful to include regulations for the Coastal Preservation area
- Enhance the PUD regulations to require rural compatibility.
- For the area along Malabar Road, add a corridor plan to that area to encourage compatible uses: low density office and similar uses.
- For non-residential to regulate the intensity (FAR) combination of height and building coverage and came from the land dev code.
- To discourage blight, increase nuisance abatement code. Perhaps more proactive code enforcement.
- More recognition of the Mailboat route. Homes that are reaching the historic status. Amend LDC to preserve and conserve historic building and sites.
- Any development along the IRL shall have minimum impact on it.

Transportation:

Jeff Maxwell of CGA was introduced and presented this element.

He explained they developed policies with safety, convenience and efficiency in mind. They looked at existing conditions and they were rated with the standards – The towns LOS on local roads we have a D and that is good. For federal it is a C for I-95. The two that are failing under existing conditions are Babcock and I-95. There are plans to widen I-95 In the 5-year plan. They will be doing intersection improvements at Babcock and Malabar. This is in the 5-year plan. The widening from Valkaria to Melbourne is in the 2025 plan.

He explained the high crash rate that FDOT uses in their determinations. The intersections with high crash rate were looked at. Future conditions came up w/ scenarios. US 1 will be failing and there is nothing scheduled at this time to address this. All other roads were shown at acceptable LOS.

They added a recommendation to create a policy to provide a corridor plan and a limited access plan for Malabar Road. Continue with the feasibility study for widening.

Bicycle Pedestrian Greenway and Transit Facilities. Come up with a master plan by 2010 – this may be aggressive but plan early rather than later. Require these in new developments. Provide bike stalls and garages to encourage alternative transportation.

Continue to coordinate with SCAT and MPO to get bus service here.

#### Housing:

Malabar has a very high homeownership percentage compared to the County. People are invested here and are staying here. The age of the housing here in Malabar show 30% built between 1980-1989 and 11% between 1950 to 1959.

Housing cost burden. The percentages are similar to Brevard County. 30% is the norm. Nearly 20% of population has a housing cost burden. Policies would include a possible public/private land trust. Look at historic resources. Look at what was built before 1960. Master site file doesn't show the significance of the individual structures.

- Adopt Green Building Stds by 2011 – team up with and get initiatives from ECFRPC to implement.

#### Intergovernmental Coordination:

This includes participation with common areas of concern with adjacent agencies will be worked out. Trans plan, MPO, School population projections. Coordination with MPO. Franklin is working on the Public School Facilities Element and this will come to same meeting for PH. Coordinate with FDEP on issues related to IRL.

What happens next? Take questions from the TC P&Z and residents and make adjustments as needed or present to P&Z and Council for approval.

Meeting next week will go over next four elements.

Nov 19 P&Z will have PH

Dec 1 TC will have PH for transmittal to DCA

Then DCA has three (3) months to review and submit the objections, comments and recommendations (OCRs):

Reilly: Policy 1.3.1.3 – why can't we amend the thing now. Tappan explained this policy recommends that Council would amend the LDC – the reason is because the small towns have small staff – it is hardship to put a short time frame in policy. Two years to change LDC is reasonable – it can be any time within that timeframe. Tappen referenced changing the land use plans and the bundle them. The EAR amendments are considered one of the two LSA the Town is allowed each year.

Mayor asked about population. He thought projection was low – where does it come from? Bureau of Economic Review – same people that provide population data to State for revenue sharing. The good news is the new census will provide solid numbers and we can compare.

Mayor asked about affordable homes – land trust method – Tappen explained the Town could buy land and then have someone build homes and rent to provide affordable housing. What is required? DCA and Regional Planning agencies want us to participate – it is difficult for small towns. Follow-up – we are supposed to assess this. For this one and the ones that we state two years – who is going to check up on it? The DCA may in their review. Lorraine stated they could state we would continue to access alternatives for affordable housing.

Mayor asked about Jeff's report that Babcock was a failing LOS – was that Babcock south of Malabar Road or just the area north. It is showing failing for both north and south of Malabar

Road. Regarding high crash rates – get crash reports from law enforcement agency. Look and compare them to other areas for anomalies. Statistics will vary so look at all intersections. Comparing to a national level may not apply – compare with similar traffic counts and count the accidents.

The two major intersections are Corey and Weber at Malabar Road. Avoidance accidents are still tracked and they could be used. Mayor about LOS – would Malabar Road be a failing LOS if not widened? Yes.

Regarding the bicycle plan – the Towns writes the plan and it is for the Town – it is not sent to any agency to review or approve – it is for Town use. Mayor asked how far out for implementation. It is not restricted.

Reilly asked regarding housing, the data had only up to 2000, can we get newer information – they tried using tax roll data and that information was not clear on what is new builds verses improvements. They will have to wait for the next census.

Bob Rowan asked about how we can use this transportation data to get traffic lights. Jeff explained the threshold on the need for a traffic signal is very defined and it is a last resort for FDOT. They will use only when the volume is there. They would prefer the other changes, lane additions. Putting these statements into our plan and then they review it. Don't be discouraged about the thresholds.

Corridor plan and the FDOT plan – are they going to work together? Yes. They (FDOT) are looking at R-O-W and volume and we are looking at how they will feel about while they are driving through there. Does coming up with the corridor plan ASAP the better to incorporate it and send it to FDOT. BWF and Mayor attend the MPO and FDOT and they are going to look at this. They have also been listening at EOC and this would strengthen this input.

Bud Ryan asked about FDOT criteria. What are the standards? Safety is nebulous. They have thresholds, signal warrants have eight (8) warrants, they have thresholds for volume, turn lanes etc. If AM and PM peaks are failing then they will work their way out from there. BWF spoke about the widening issues, and the issue with the open drainage. They don't have the money to buy the R-O-W. Alternative for now could be to pipe the ditches. Other areas where they already have the row or have closed drainage go forward sooner.

Bob Wilbur said they talked about piping the ditch on north side for bikes and encourage access or parallel to Malabar. We also want to look at how much we are going to need for commercial land development, widening, set backs buffering, etc.

Bud Ryan said the FPL just put in new concrete poles. Bob Wilbur explained the two methods FDOT had in 1986 to widen either Malabar Road or at Township. The State was in the process of reserving ROW when the project got taken off the list.

Bob Wilbur had questions – regarding Sand Hill Trail head – it is part of a proposed trail system and was funded under transportation because it was bought with greenways and trails.

The (DCA) don't want land use changes to come with EAR amendments for review.

The Commercial designation for Harris and IND for Data Mgmt. Look at maps.

FLUM shows Cochrane property as IND and it was bought for conservation mitigation – Tappen explained that the use is ok if it is less intense than the designation.

Liz Ritter asked about the strip of commercial along the RR? Is there access? There is R-O-W.

Don Krieger asked about FLUM - Tappan said it is from the Town and it is regulatory – Town can allow development at a less intense value. The existing land use map is informational – not regulatory. The conservation areas are not on the FLUM. They will be changed later through ordinances. Then if the State sold the land the re-designation would protect them. The FLUM changes are done through ordinances from the town. The map under review is from 1989 with the few changes that have been made since with ordinances.

They discussed the IND and COM designations and the location of Data Mgmt and Harris Corp. Reilly stated that Data Mgmt prints and stores data – they don't manufacture. Harris also does not manufacture - the assemble stuff.

Don Krieger asked if the conflict is with the map. Data mgmt does not fit their FLU. Probably more analysis is needed. If they want to explain we may want to correct.

Bob Wilbur explained the CG was intended for that 500' strip along RR and the access is from W. Railroad and Westland but the adjacent property was bought and developed by Oakmont SD.

Then they discussed the area at the south of town designated as park land. It is called Valkaria Park. It lies within the boundary of Malabar but is shown as being owned by the County. Franklin said that in the early time of the Town the County offered it to the Town but it was never formalized or completed or accepted and still shows as owned by county. Staff will do more research – take action item to solve this per Pat Reilly. He asked if Valkaria Park is owned by the County or the town. We should have passive use of it. We will work with the county. There are plans to put in restrooms.

Mayor said the county has put some facilities at the north side of the airport.

Ask Lorraine to pull up FLU 8-A and get from G-V and work with them. This goes back to the intergovernmental; coordination. It would be interesting to look at their plan. They should be done.

Bob pointed out that on the map 1 the Brevard Hardwoods is CL not institutional. The trailheads are under the transportation. It was purchased with greenways and transportation. On the FLUM it should be designated as such. We need to come up with a term for it on that map. It is not a park.

In future land use we designated all land uses. The existing use map shows all the existing uses. Should the designation show as industrial? It now conflicts with the FLUM and consider discussion with property owner and see what they plan to do?

We don't make the changes to land use at this time. If they want to make the change they may have to do additional traffic studies.

Bob asked about the differences in the acreages on the Tables 1-2. existing uses vs. FLU – they should follow along closely but not exactly. Bob asked how land that has mitigate within the industrial LU then how can you leave it at that? If they are conservation uses but under the regulatory FLUM designation of IND. It does not reflect exactly what is on the ground.

Existing – use property tax office

FLUM is the comp plan and any additional ord to make change.

The correction can be made when we update the FLUM. Liz asked how the property was taxed. They asked if they had a map showing tax designation of properties. Staff doesn't have such a map.

Going to transportation. 2

10 minute break at 8pm.

Krieger asked why some items had 2 year time to change the code and some earlier. This is the place to state that. Don said he would like to have no deadlines or the maximum timelines. The comp plan has a 5 and ten time frame. Lorraine said it should be between 1 and 5 years. Don said make it 5 years for all items.

1-32. stds for RR density - Don said in some places it says 1.5 and in other it says one and a half. And the definition does state gross acres. Don continued. Gross acres.

Table of land use data – intensity standard came from LDC. Pat asked about the Data Inventory is part of this. Yes. It won't be two separate documents? No they will be combined. When there is a new plan you could pull the GOPs.

Bob asked about the northern most lot on Rocky Pt. Road. It is showing as commercial and should be residential. He also said the Coastal preservation should be on the FLUM and Existing LUM. No it is only on the zoning map. She will take a look at that to change to the land use map. When looking at property he thinks it is important. She will look at this.

Going to the FLU 5 map showing elevations this map is full of errors. The area by the RR showing 0 feet and that is completely wrong – Pat said to use terra-server with Microsoft. Lorraine will check and correct. Bob's experience with the land area, the elevations are wrong.

Re: the FLU4 map it is based on the 100 and 500 year flood area. Area A is an area where no designation has been determined. She will bring the stormwater engineer to discuss Patrick civil engineer and conservation.

In the Data Inv. - the homes from 1950 or older. He would like to know where the older homes are located. She will see if they can find that information on the tax office. They have to be somewhat careful to designate the home historic. You may be obligating them to certain requirements. Unless it is requested by the owner.

Re: the shell midden – there may be information but it would be expensive to investigate. Also Krieger asked if cemeteries are historic. Yes they could be. Should I send her information on the cemeteries?

The ranch at the west end of Atz Road is active agricultural and give it to staff. The Existing map is for our relevant uses. If you know of some corrections they will update the map. Bob is confused with the existing map shows the scrub and the FLUM shows those areas as ind and res. Is that because it is not showing the changes we are going to make.

Mayor ref the LOS – can she verify the widening of Malabar by 2025 or if it doesn't get widened by 2025 what it would show. They will do

Don Krieger, 2-6 bicycles – questions the statement of no sidewalks - isn't the paved boundary path in Malabar? Yes. Also sidewalks in Weber Woods. In the bullets. Is there a need to add sidewalks – separate bicycle from motorized traffic? Jeff said these are recommendations not policies. Next page 2-7 multi use corridor will be kept natural and not paved. He changed that *to leave as natural as possible*.

In 2-14, sidewalks, change with pedestrian ways. Fat tires and skinny tires. On Valkaria there is a great paved path. Also cater to carts and wheel chairs and motorized wheel chairs and segways. Need to change that. Gainesville has bike path along road and go up a ways and have a walkway. You don't want bikes on all sidewalks. Come up with an addition. Add new sidewalks and/or pedestrian ways. Lorraine said that this plan is not the master plan for the sidewalks and trails – this is the recommendation. We will lay out the master plan.

Prepare an annual report – change to bi-annual report. How often do you have to do the report? You have to do an annual update to the CIP annually and this would coincide with this. Pg 2.19.1.8.connectivity through cross access rows. Setting up a pseudo roadways. The next one, non-motorized –

2-20. For the dates he wants to change from 2010 to 2015 – do as memo to send to P&Z and then to council.

2-21. 2-22 change to 2015

Page 8-3 transportation - .Trails and Grnways committee. Should use this name or change to appropriate committee.

Keep changes separate from what is in original document.

Bud asked about horses. Majority of horses are south of Malabar Road. The Horse trails are north of Malabar Road. Provide for safe crossing on Malabar Road. Bob Wilbur explained the Al Tuttle trail. The County designates the use on their trails. The spine of the trail is multi-use. It is already in the process to continue the paved trail to the trailhead. He envisions further paving of the trail going south and connections to that at some point of time. Some will remain natural. Most of the people that walk in the road. It is important to provide for both surfaces for the town. Need some

Vail said we are not limiting the words to sidewalks or pavement but use the suitable surfacing. Wilbur said that the signage was supposed to go up at Malabar Road and Marie. Flashing light for safe crossings.

Ports said in north Melb at Lake Washington, when they developed them put push button at parkway and Wickham so a rider on a horse could use and the path is grass I those areas for horses. They can't just use mulch or asphalt. Needs some kind of recognition of that. They will include that. They will look at Wickham Park as sample. Bud said they should extend 30MPH west to Marie Street.

#### N. **ADJOURNMENT**

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

**VOTE:** All Ayes. The meeting adjourned at 9:05 PM.

BY: Thomas Eschenberg  
Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

Debby Franklin  
Debby K. Franklin, Town Clerk/Treasurer

11/03/08  
Date Approved