

MALABAR COUNCIL WORKSHOP MEETING

March 27, 2017

7:30 PM

This meeting of the Malabar Town Council was held at the Malabar Town Hall, 2725 Malabar Road, Malabar, Florida.

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Chair Mayor Reilly. Prayer & Pledge were said by Council Chair, Mayor Patrick T. Reilly.

B. COUNCIL:

COUNCIL CHAIR:

MAYOR PATRICK T. REILLY

VICE-CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL, not present

LAURA MAHONEY

DICK KORN

RICHARD KOHLER

ADMINISTRATOR

DOUG HOYT, excused

CLERK/TREASURER:

DEBBY FRANKLIN

C. WORKSHOP ACTION: DISCUSSION ON R/LC - Definition

Chair recapped their homework assignment.

Referred to the Council Member Notebook each got for the FLUM and R/LC issue. In book under Land Use Code, Section 1, definition "O" - current and proposed language - see what you like and what you don't like. Done in April 2015. Chair gave summary of P&Z intent was to make residential use first and then limited commercial below it. Then they created a table if you wanted to put multiple uses of R/LC. It is plus or minus one. The attorney suggested that they take it out but he believes it should remain in. This is the key thing on what R/LC. CM Rivet does not have a problem with the words, only with where it is. Mayor wants a straw vote on the words.

CM Korn does not like the quotas. Do not need to be so tight on the rules. Built reputation on live and let live in this rural community. CM Korn said it is hard to regulate. Chair gave example of current residential and adjacent property owner wants to put in six LC. That was P&Z thinking.

CM Mahoney asked about the four units vs. six units. Yes, presently zoned on Hwy 1, and changed the use from 6 to 4 that was a hardship. She asked about the Maximum height in R/LC. Mahoney said it should be two stories. Can they have that in R/LC? Chair said the regulations are the same for all zonings. CM Korn asked if they can have other restrictions for newly developed areas on Malabar and Babcock. CM Kohler asked if they could do that? Ask the Attorney. CM Mahoney, if it is going to be for apartments there should be consideration for the rural nature and the possibility of more voters. CM Rivet said they should consider the intended uses first without consideration of the potential voters. CM Korn said they should develop business corridors. If they want to encourage businesses on the arterial roads they should develop something similar.

Ask Atty – can they have different regulations for R/LC re: parcels on Hwy 1 vs. parcels on Babcock and Malabar Roads? (Note: Attorney's response: Generally, I think the answer is yes if we have a rational basis so if privacy, aesthetics, compatibility, and any other rational reason is a concern then they can. You might want to consider a height adjustment if they want to go higher as a conditional use but you would need to establish objective criteria for the conditional use for instance height of the neighboring structure, distance from neighboring structure, etc.)

CM Korn said we are known as "Rural living at its best". Need to develop business districts. They could have different requirements in Palm Shores and Grant Valkaria have designated business districts. We should develop something similar. CM Rivet does not have problem with business on

arterial roads but if they go beyond 660' in depth, then it is encroaching on the RR lifestyle. Problem when it encroaches into the rural areas.

Then they started reviewing the maps from 12/7/2015. Clerk brought up Map 4: the left side is current land use and the right side is proposed. Consensus to change the R/LC from OI along Babcock only the depth of one lot until Osage and then continue east to Prosperity. The "X" indicate homes. Consensus to change the five lots behind back to RR – only those 5 lots. Continue the CL along I-95 – yes. Consensus to keep.

Map 5: north side of Malabar Road: consensus to support the proposed changes.

Map 5: south of Malabar Road. Currently used for cow grazing. The depth is 1320' to keep the parcels intact. Consensus to keep as indicated on the "Present land use" on the parcels west of Weber Road.

Mayor said the OI is 8 to 5 type of businesses. CM Kohler said for operating purposes the OI is for 8 to 5 pm but it could be used after hours. CM Rivet said by splitting the land use from front to back would only occur if property owners request the corresponding rezoning. CM Mahoney said one of those parcels will be adjacent to current building of a home in Weber Woods SD.

Mayor went through the approved uses for OI in commercial in venture. For community services, he listed others uses – he does not see it as high intensity usage near the hospital.

Map 6: For the parcels, east of Weber Road change to 660' maximum depth but make them R/LC not OI. CM Kohler stated his notes indicate the property owner of one of the large lots wanted her entire parcel to become R/LC. CM Mahoney wants to protect existing houses from being peered into by adjacent higher commercial structures.

Map 7: Go with P&Z recommendation

Map 8: Go with recommendation on north side. On south side change depth to 660'

Map 9: Go with recommendation

Maps 10 and 11: Go with recommendation

Map 12: parcel identified as RR should be Conservation – same issue on Maps 113 and 14.

CM Rivet appreciates members agreeing to compromise on the depth to retain the rural characteristics.

Council took a straw vote to hold the next workshop on April 24, 2017 at 7:30pm. CM Korn will be out of town.

Chair Reilly, without objection, adjourned the meeting at 8:45 pm.

BY: Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST:

Debby K. Franklin
Debby Franklin, C.M.C.
Town Clerk/Treasurer

Approved: RTCM 3/6/2017 as amended