

**TOWN OF MALABAR**  
**PLANNING AND ZONING ADVISORY BOARD**  
**REGULAR MEETING**  
**WEDNESDAY JUNE 22, 2016**  
**7:30 PM**  
**MALABAR COUNCIL CHAMBERS**  
**2725 MALABAR ROAD**  
**MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA :**
  - 1. Approval of Minutes**                      Planning and Zoning Meeting – 05/11/2016  
**Exhibit:**                                      Agenda Report No. 1  
**Recommendation:**                      Request Approval
- E. PUBLIC HEARING: NONE**
- F. ACTION:**
- G. DISCUSSION:**
  - 2. Discuss the 5 year Capital Improvement Plan- 2016**  
**Exhibit:**                                      Agenda Report No. 2  
**Recommendation:**                      Discussion
  - 3. EAR Comp Plan- Letter from Department of Economic Opportunity (DEO)**  
**Exhibit:**                                      Agenda Report No. 3  
**Recommendation:**                      Discussion
- H. ADDITIONAL ITEMS FOR FUTURE MEETING**
- I. PUBLIC:**
- J. OLD BUSINESS/NEW BUSINESS:**
- K. ADJOURN**

**NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.**  
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 AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: June 22, 2016**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

**ATTACHMENTS:**

Draft minutes of P&Z Board Meeting of May 11, 2016

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

“The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board.”

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
May 11, 2016 7:30 PM**

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

**A. CALL TO ORDER, PRAYER AND PLEDGE:**

Meeting called to order at 7:30 P.M. Prayer and Pledge led Chair Pat Reilly.

**B. ROLL CALL:**

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN, excused WAYNE ABARE GEORGE FOSTER
ALTERNATE:	DOUG DIAL, excused
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

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

**D. CONSENT AGENDA:**

- 1. Approval of Minutes** Planning and Zoning Meeting – 03/23/2016  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval

**Motion: Ritter /Abare: To Recommend Approval Minutes of 03/23/2016 as present All Vote; Aye**

**E. PUBLIC HEARING: none**

**F. ACTION:**

**G. DISCUSSION:**

- 2. Discuss the 5 year Capital Improvement Plan - 2016**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion

Reilly explained that this will be coming before the Board; Council usually has all the Boards look at the Capital Plan for suggestions and comments. The last time this was reviewed was 2011.

Reilly reviewed the work sheet priority list, change “fire safety” to “public safety”.

The Board discussed the Fire Department (FD) staff. Abare explained it is approx. half a million to run the FD. Abare explained about the Fire Department and the Budget of the Malabar Fire Department. The Board discussed the function of the Malabar Fire Dept. vs Brevard County.

Abare explained that if we went to the County for the Fire Dept. you would pay on your taxes.

Reilly said page 9-25 is Malabar Comp Plan in 2009, Page 28 check list in 2011, page 36 2001 from Council. (All pages referenced from PZ Meeting 5/11/2016)

The Board discussed the improvement plan that was done in 2011 and went through list to see what had been accomplished.

Ritter explained that there should be a community center for the citizens of this Town to meet and get together. We are a Rural Residents Town and we have no community center for the people to meet. Abare explained that our Ad Valrum taxes are only 20%.

Reilly said an item for discussion could be: Does the roads for Stillwater Preserve and Oakmont get maintained by the Town?

Ritter commented that anything that has a gate on their subdivision/community, the road maintenance should not be paid by the Town.

Abare said the following subdivision does not have gates:

Weber Woods  
County Cove  
Brook Hollow

Abare said you add up all the roads and the cost to pave road it is 100,000.00's of dollars per mile, a road last approx. 25 years. There needs to be monies set aside for the repaving and maintenance of these roads. The taxes that these residents pay are only \$200-300 per year to the town. Abare said the big picture is that we need to put monies away per year to pave roads and we are not doing this.

Reilly suggested the Board review the list for 2011 Improvement Plan (page 27/75 of PZ Meeting 5/11/2016) to see what was done, and what was not done.

- Community Center – no
- Town Hall Land- use Fire Dept/community park area
- River Front access- no
- Extend Marie to Atz-no
- Corey Right Turn Ln- in process
- Fire Department Emergency Light- no
- Resurface West Hall- yes?
- Resurface West Atz Rd- ?
- Resurface Old Mission- no
- Trailhead Restrooms- yes in progress
- Huggins Park Upgrade- no
- Malabar Rd Bike Path-
- Weber Right Turn Lane-
- Artesian Hydrant-
- Baseball Field Dugouts & Concession Stand-

Map of Malabar with hydrants

The Board Suggestion of 5-year Priorities:

- Ritter said the Community Center
- Reilly suggested Town Drainage Plan (comprehensive plan for the ditches)

Abare explained to the Board that our new Town Admin. Doug is working on drainage on a state level, contacting Sen. Nelson.

- Foster suggested using the Fire Dept. for multiple uses. Abare said if we went to county then you can use FD as community center and New Town Hall.
- Reilly discussed the Town Equipment (Public Works, Malabar Fire Dept., Town Hall) life expectancy list
- Foster suggested road maintenance and re-paving. Abare said we have approx. 18 miles of paved roads.

The Board is looking at the following for the priority list:

1. Drainage
2. Roads
3. Equipment for Public Works
4. Town Hall/Community Center

Abare asked Krieger about commenting on Land Use Plan:

Donald Krieger 2345 Lineberry Lane explained that the land use is on hold until R/LC is defined, the Council has tried to have workshops but it did not occur. The R/LC comes first; Council did not like it, the problems are with density. If an RR-65 was brought into R/LC it could be immediately increase density to the maximum that you could increase density in the Town. The Question was do you keep the same density as 1.5 acres per residence or if it R/LC do you go to the density it allows 6 units per acre. The Board discussed with Krieger about the density issue and city water column on Table 1.3(A) in the code book. Krieger explained that other items have come up and the workshops have not occurred yet.

Krieger explained to the Board that the new TA Doug Hoyt is working on the drainage plan and the process he is going through.

Reilly to continue the 5-year Capital Improvement plan at a later date, this for the benefit of Council, we are giving them a list.

Krieger suggest that the priority lists come from the different areas, like public works, fire dept, etc so that the PZ Board has an idea of the different situation to plan priorities. Reilly said that he believes that the other Committees and Boards go to Council. Ritter recalled that a workshop occurred with all the Boards and Committees.

- H. ADDITIONAL ITEMS FOR FUTURE MEETING**
- I. PUBLIC**
- J. OLD BUSINESS/NEW BUSINESS:**

Old Business:

Ritter asked if the Town has heard anything about the ALF on Highway 1. Sherear responded nothing.

Sherear shared with the Board that Route 1 Motorsports brought in clearing permit for 1300 Highway 1.

New Business:

Reilly discussed the future meetings,

Next meetings:

May 25- Ritter out of Town –**no meeting**

June 8- Reilly out of Town – **no meeting**

Reilly asked Board about studying the 5 year plan for a bit and suggests next PZ Meeting JUNE 22, 2016.

**K. ADJOURN**

There being no further business to discuss, MOTION: Abare /Foster to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:10P.M.

BY:

\_\_\_\_\_  
Patrick Reilly, Chair

\_\_\_\_\_  
Denine Sherear, Board Secretary

\_\_\_\_\_  
Date Approved: as presented/corrected

**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: June 22, 2016**

**Prepared By: Denine Sherear, P&Z Board Secretary**

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**SUBJECT: Five-year Capital Improvement Plan -2016**

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**BACKGROUND/HISTORY:**

PLEASE BRING 3 RING BINDER GIVEN AT LAST P & Z MEETING ON 5/11/2016

**ATTACHMENTS:**

- Worksheet (06/22/2016)

**ACTION OPTIONS:**

Discussion

**TOWN OF MALABAR  
 FIVE YEAR PLAN PRIORITIES  
 JUNE 22, 2016  
 (WORKSHEET)**

<b>LAND ACQUISITION</b>	<b>INFRASTRUCTURE</b>
1. Town Hall Land	1. Drainage – In Process
2.	2.
3.	3.
4.	4.
5.	5.
<b>FACILITIES</b>	<b>PUBLIC SAFETY</b>
1. Community Center	1.
2.	2.
3.	3.
4.	4.
5.	5.
<b>EQUIPMENT</b>	
1. Public Works	
2.	
3.	
4.	
5.	



**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**  
**Meeting Date: June 22, 2016**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

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**SUBJECT: Evaluation and Appraisal Letter on Comp Plan- Notice from Department of Economic Opportunity (DEO)**

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**BACKGROUND/HISTORY:**

Malabar is required to submit a letter to the State every 7 years stating the status of their Comprehensive Plan. If necessary the letter should state that due to changes in local conditions, changes will be necessary to make to the Comp Plan. The due date for this notification letter is August 1, 2016.

If the Town determines that changes are required, then the P&Z Board works on the full report known as the Evaluation and Appraisal Report.

One change that staff is aware of is that the School Concurrency is no longer required but if you don't remove it from your Comp Plan you are required to continue attending the meetings and complying with their standards. Staff would recommend removing this from the Intergovernmental Element of the Comp Plan.

**ATTACHMENTS:**

Letter from DEO (formally known as: DCA)  
Memo from Franklin, 2007 (last update)  
DEO info on Evaluation and Appraisal Review  
Florida Administrative Code (F.A.C.) 73C-49.001  
Florida Statute 163.3191

**ACTION OPTIONS:**

Secretary requests recommendation to Council

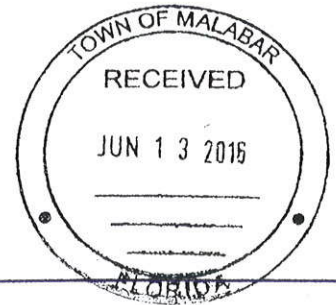
Rick Scott  
GOVERNOR



Cissy Proctor  
EXECUTIVE DIRECTOR

June 9, 2016

The Honorable Phillip Crews, Mayor  
Town of Malabar  
2725 Malabar Road  
Malabar, Florida 32950-4427



RE: Malabar Evaluation and Appraisal Notification Letter Due Date

Dear Mayor Crews:

As you know each local government in the State of Florida is required to regularly review its comprehensive plan pursuant to Section 163.3191, Florida Statutes (2015). The Department of Economic Opportunity, Bureau of Community Planning created a submittal schedule for the Evaluation and Appraisal Notification Letters which was posted on the Department's website on July 1, 2011.

The purpose of this letter is twofold: first to remind you that your Evaluation and Appraisal Notification Letter is due on **August 1, 2016**; and second, to make you aware of the implications of not timely submitting your notification letter.

The Legislature made three processing changes to Section 163.3191, Florida Statutes, regarding the evaluation and appraisal process. The law eliminated the need to adopt an Evaluation and Appraisal Report. **The law requires local governments to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements and notify the Department by letter to its determination.** If local governments determine amendments are necessary to their comprehensive plan, the local government shall prepare and transmit amendments within one year of notification letter. Further, the law provides that a local government will be prohibited from amending its comprehensive plan if it fails to timely submit its notification letter or transmit proposed amendment to update its plan within one year of notification if necessary.

**It is important to complete the Evaluation and Appraisal notification process and you are encouraged to comprehensively evaluate and, as necessary, update your comprehensive plan to reflect changes in local conditions.** Department staff is available to assist and provide technical guidance to your questions concerning this new process.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

10/14

To: Planning and Zoning Advisory Board Members  
From: Debby Franklin, Secretary to the P&Z Board  
Date: March 14, 2007  
Subj: Malabar Comprehensive Plan

When the State adopted the Growth Management Act in 1985 (Florida Statute 163 Part II), it directed that each county and municipality create and adopt a local government "comprehensive plan" to guide future growth and development. This Act authorized the Department of Community Affairs to review these comp plans for compliance to the Act. These "comp plans" were then to be used in conjunction with the local land development codes in directing growth and development.

It is important for the Planning and Zoning Advisory Board members to be familiar with the Comp Plan and understand how it is put together. Malabar's consists of two volumes and in the front of the Goals and Objectives booklet, on page xvii, there is a brief history and explanation of these booklets. The Data Inventory and Analysis is background information that supports the Goals and Objectives.

Malabar is required to submit a letter to the Department of Community Affairs (DCA) describing what our local issues are with our Comp Plan and how we propose to address those issues. DCA will review and either agree with our letter or offer additional input. Staff is working on statutory requirements but input will also be needed from the Public and from this Board. The Comp Plan must cover certain "elements" and in our Goals booklet these are referred to as "goals." They address land use, traffic circulation, housing, public facilities, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. Under each of these "Goals" (Elements), specific objectives and policies are defined to insure that the goal is achieved.

Over the years Malabar has amended the comp plan with ordinances. I have included those ordinances that have been adopted to change certain portions of the comp plan, usually the future land use map, but also recently adopting a new "goal" by creating a "school siting element."

F.S. 163 also requires the comp plans to be reviewed and updated regularly but provided exceptions to communities with populations under 2500. These reviews are formally called the "Evaluation and Appraisal Reports." Malabar staff will begin working on this and will be bringing items to the Board for discussion and recommendation during this period.

We will assess how well we have followed our land use guidelines in planning and development. We will make amendment recommendations to incorporate changing conditions and trends, address community objectives and comply with changes in State requirements. This process will require input from our planning consultant, information from outside agencies, joint workshops with Council and participation from the public.

But the first step is to become familiar with the Goals and Objectives booklet.



# Evaluation and Appraisal Review of the Comprehensive Plan

Home > Community Planning, Development and Services > Community Planning > Community Planning Table of Contents > Evaluation and Appraisal Review of the Comprehensive Plan

## Community Planning

### Community Planning Table of Contents

- Areas of Critical State Concern Program
- Accessing Comprehensive Plans and Plan Amendments (Florida Papers)
- ORC Reports, Notices of Intent, and School Interlocal Agreement Consistency Findings
- Evaluation and Appraisal Review of the Comprehensive Plan
- General Information About Developments of Regional Impact and Florida Quality Developments
- List of Local Governments Qualifying as Dense Urban Land Areas
- Revitalization of Expired Homeowners Association Declarations and Covenants
- Community Planning Staff Directory (Alphabetical)
- Community Planning Review Team Assignments

Effective June 2, 2011, local governments have more discretion in determining whether they need to update their local comprehensive plan. As such, local governments no longer need to submit evaluation and appraisal reports to the department for a sufficiency determination. Instead, local governments must follow these new provisions:

1. At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. See the Evaluation and Appraisal Notification Schedule 2012 - 2018.
2. Notify the state land planning agency by letter of this determination.
3. If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination. For guidance and more information about these processes, see Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes.
4. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its comprehensive plan until it complies with the requirements.
5. The evaluation and appraisal should address changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions.

### Evaluation and Appraisal Information

- Evaluation and Appraisal Notification Schedule 2012 - 2018
- Rule Chapter 73C-49, Florida Administrative Code

### Contacts

Ray Eubanks  
 Plan Processing  
 Administrator  
 E-mail  
 (850) 717-8483

## Community Services

## Community Development

**73C-49.001 Purpose and Effect.**

The purpose of this chapter is to establish the due dates for the evaluation and appraisal notification letter to be submitted by the local governing body and sent to the department pursuant to Section 163.3191(1), F.S. The evaluation and appraisal notification letter is the principal process for updating local comprehensive plans to reflect changes in state requirements in Chapter 163, Part II, F.S., since the last update of the comprehensive plan. The schedule divides the workload for the department over the submittal period and meets the required local governments deadlines set in Section 163.3191, F.S. Local governments which fail to submit the notification letter by their scheduled due date are subject to provisions of Section 163.3191(4), F.S.

*Rulemaking Authority 163.3191(1), 163.3191(5) FS. Law Implemented 163.3191 FS. History--New 9-26-12.*

Select Year:  

## The 2016 Florida Statutes

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Title XI  
COUNTY ORGANIZATION AND  
INTERGOVERNMENTAL RELATIONS

Chapter 163  
INTERGOVERNMENTAL  
PROGRAMS

View Entire  
Chapter

**163.3191 Evaluation and appraisal of comprehensive plan.—**

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. [163.3184](#).

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed pursuant to s. [163.3184\(4\)](#).

(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.

(5) The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

**History.**—s. 11, ch. 75-257; s. 10, ch. 85-55; s. 11, ch. 86-191; s. 10, ch. 92-129; s. 13, ch. 93-206; s. 6, ch. 95-322; s. 29, ch. 96-410; s. 5, ch. 96-416; s. 4, ch. 98-146; ss. 6, 14, ch. 98-176; s. 5, ch. 98-258; s. 17, ch. 2000-158; s. 9, ch. 2002-296; s. 905, ch. 2002-387; s. 4, ch. 2004-230; s. 8, ch. 2005-290; s. 12, ch. 2005-291; s. 13, ch. 2007-196; s. 5, ch. 2007-198; s. 4, ch. 2007-204; s. 5, ch. 2010-205; s. 20, ch. 2011-139; s. 8, ch. 2012-96; s. 9, ch. 2012-99.

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