

TOWN OF MALABAR

COUNCIL WORKSHOP MEETING

MONDAY, JANUARY 22, 2018

7:30 P.M.

MALABAR TOWN HALL

2725 MALABAR ROAD

MALABAR, FLORIDA

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE
- B. ROLL CALL
- C. WORKSHOP ACTION:
 - 1. Amending Land Use Designation Definition of R/LC (Residential/Limited Commercial) and Maps
 - Process Required by State
 - Incorporating Current Updates
- D. ADJOURNMENT

WORKSHOPS ARE INTENDED AS "SHIRTSLEEVE" MEETINGS WHERE COUNCIL DISCUSSES TOPICS INFORMALLY IN ORDER TO ACHIEVE A BETTER UNDERSTANDING.

WORKSHOPS ARE NOT FORMAL LEGISLATIVE MEETINGS; THEREFORE, NO OFFICIAL ACTION CAN BE TAKEN. IN ORDER TO ALLOW SOME UNDERSTANDING OF THE STATUS OF DISCUSSION ITEMS, UNOFFICIAL "STRAW VOTES" MAY BE TAKEN TO DETERMINE THE SENSE OF COUNCIL

If any individual decides to appeal any decision made by this Council 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 proceeding is made (FS 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 Clerk at 727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR
WORKSHOP AGENDA ITEM NO: 1
Meeting Date: January 22, 2018

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Amending the Future Land Use Map in the Comp Plan

BACKGROUND/HISTORY:

The State has required municipalities to adopt a Comprehensive Plan or *guiding plan*, since the 1970's. It consists of nine (9) Elements (Future Land Use, Transportation, Housing, Public Facilities, Coastal Management, Conservation, Recreation & Open Space, Intergovernmental Coordination and Capital Improvements). This is the document that all the land development ordinances subsequently adopted by Council must support. A city cannot adopt an ordinance that directly conflicts with their Comp Plan. The State requires each municipality to review its Comp Plan every seven years and report to the State that the Comp Plan is still current and relevant or that due to changes in local conditions, amendments must be made. This process is known as the "Evaluation and Appraisal Report (EAR).

The latest Evaluation and Appraisal Review (EAR) of the Malabar Comp Plan was done in 2007-2009; changes were proposed and approved by the State and adopted by Council in 2010. Those changes expanded the areas in Malabar that Residential/Limited Commercial (R/LC) Development could occur. It also added land use designations for Conservation lands.

Each of the nine Elements include a "Policy" section that the Town commits to – such as amending the Town's Land Development Code to comply with the changes made in the Comp Plan. There are time frames within the policy for this to occur, usually within one or two years. For example, Chapter 1, Future Land Use, Policy 1-2.10.4 stated that the Town would adopt an ordinance amending the language in the Land Development Code to recognize the conservation lands managed by the Brevard County Environmentally Endangered Lands program as "Conservation" land on our maps and in the text. This has not occurred yet.

Malabar reported in its Evaluation and Appraisal Notification Letter to the State in 2016 that we would be submitting text and map changes regarding regulations dealing with R/LC and would be updating the Future Land Use Map to show Conservation land use designations. Those updates were to be completed and submitted to the State within one year or by August 15, 2017. Council only approved the recommendation from P&Z on the proposed map changes in May of last year.

Here is a suggested plan for compliance:

Incorporate the text changes and maps into an ordinance format and hold a public hearing at P&Z meeting. Notices and legal advertisements would have to be drafted and sent out.

Hold a public hearing at Council to allow the proposed changes included in the ordinance to be "transmitted" to the State.

- Reference DEO letter dated 8/15/17: Submit the proposed amendments to DEO staff for review. These would include the map and text changes regarding R/LC and Conservation Lands and a statement regarding the FDOT widening project and the proposed high speed rail project.

The DEO staff will be reviewing the Malabar Comp Plan amendments for anything mentioned in the letter by Mayor Crews dated 8/11/16.

The DEO staff will also review the "Policy" sections in the Comp Plan for any other deadlines included for other changes proposed for either the Comp Plan or the Land Development Regulations.

The DEO staff will also review the Comp Plan to ensure that any State legislation passed since 2010 has been incorporated. That means that we also must include new language in the Coastal Management Element that was passed into law in 2015 dealing with "Peril of Flood" (F.S. 163.3178(2)(f)).

The State requires this process to be a "State Coordinated Review" meaning that these changes must also be sent to other outside agencies that can offer their comments to the State. These agencies include the St. Johns River Water Management District, the FDOT, FDEP, Brevard County, Town of Grant-Valkaria, City of Palm Bay, Florida Fish and Wildlife and the East Central Florida Regional Planning Council.

Then the DEO will combine all comments and submit their recommendations back to the Town.

- Based on the comments the ordinance could go back to P&Z for more rework or proceed to adoption.

ATTACHMENTS:

Letter from State DEO dated 8/15/2017

Letter to State DEO dated 8/11/2016

Evaluation & Appraisal Amendment Report dated 1/17/2018

Checklist for State Coordinated Review

Request for Exclusion on Approved Plan – Mr. Krieger

ACTION OPTIONS:

Staff requests additional time to work on text changes and map updates and proposes a follow-up workshop in late February.

Rick Scott
GOVERNOR



FLORIDA DEPARTMENT OF
ECONOMIC OPPORTUNITY

August 15, 2017

Cissy Proctor
EXECUTIVE DIRECTOR

The Honorable Patrick Reilly, Mayor
Town of Malabar
2725 Malabar Road
Malabar, Florida 32950-4427

RE: Notification of prohibition on adoption of plan amendments for failure to submit proposed Evaluation and Appraisal Amendments

Dear Mayor Reilly:

The purpose of this letter is to inform you of a statutory prohibition outlined in Chapter 163, Part II, Florida Statutes, which will have an impact on your jurisdiction's ability to adopt comprehensive plan amendments in the future.

Section 163.3191(4), Florida Statutes, states that if a local government determines that amendments to its comprehensive plan are necessary to reflect changes in state requirements, and fails to prepare and transmit such plan amendment or amendments to the statutory reviewing agencies for review pursuant to s. 163.3184(4), Florida Statutes, within one (1) year after notifying the Department of its determination, it may not amend its comprehensive plan until such time as it complies by submitting the proposed amendments.

According to our records the Town of Malabar has not submitted the proposed Evaluation and Appraisal amendments which were due on August 15, 2017; and therefore, the Town may not adopt amendments to its comprehensive plan until the proposed Evaluation and Appraisal amendments are submitted to the reviewing agencies.

If you have any questions concerning the processing of the proposed Evaluation and Appraisal amendments please contact Mr. Ray Eubanks, Plan Review Administrator, at (850) 717-8483 or Mr. Adam Antony Biblo, Regional Planning Administrator, at (850) 717-8503.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | 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.



TOWN OF MALABAR

2725 MALABAR ROAD, MALABAR, FLORIDA 32950
(321)727-7764 OFFICE • (321)722-2234 FAX
www.townofmalabar.org

RECEIVED
Bureau of Community Planning

AUG 15 2016

Div. of Community Development
Dept. of Economic Opportunity

August 11, 2016

D. Ray Eubanks
Plan Processing Administrator
Dept. of Economic Opportunity
Caldwell Building
107 E. Madison Street
Tallahassee, FL 32399

RE: The Town of Malabar's Evaluation and Appraisal Letter

Dear Mr. Eubanks:

The Malabar Planning and Zoning Board, the Local Land Planning Agency, has been working on updates to our Land Development Codes to comply with the adopted Comprehensive Plan. In addition, they have prepared several recommendations for Council's consideration regarding a revision to the Future Land Use Map providing for the areas purchased by the State for conservation that were designated for Industrial and Planned Unit Development as well as residential.

The Town of Malabar is also working on some changes to the Comp Plan that reflect the changes in local conditions, such as the widening of SR 514 and the addition of the All Aboard Florida rail that will impact residents and commuters alike.

We propose to have a complete report ready for submittal within one year of this date.

Sincerely,

Mayor Phillip R. Crews, Council Chair
Town of Malabar

EVALUATION AND APPRAISAL

AMENDMENT REPORT AS OF 01/17/18

Local Governments that have not SUBMITTED Proposed Evaluation and Appraisal Amendments and are PROHIBITED FROM AMENDING PLAN until Proposed EAR-based Amendment is received.

LOCAL GOVERNMENT	PROPOSED EAR-BASED AMENDMENT DUE DATE	RPA
BAY HARBOR ISLAND	02/01/13	AB
*BRADENTON	09/01/17	BW
BROOKER	05/30/15	SS
CROSS CITY	05/03/13	SS
*DELAND	11/02/17	SS
DUNEDIN	12/01/16	BW
EATONVILLE	12/16/15	AB
FLAGLER BEACH	01/03/13	SS
FORT MYERS BEACH	10/18/17	BW
GULFPORT	04/01/17	BW
*INDIALANTIC	10/18/17	AB
JUNO BEACH	05/01/13	AB
KENNETH CITY	11/12/16	BW
MALABAR	08/15/17	AB
MARGATE	12/30/17	AB
MIAMI SHORES	07/01/16	AB
MICANOPY	10/21/15	SS
NAPLES	09/06/17	BW
NORTH PALM BEACH	01/03/18	AB
ORANGE PARK	12/30/17	SS
PAHOKEE	10/21/17	AB
PALATKA	07/15/16	SS
PORT RICHEY	3/02/17	BW
REDINGTON BEACH	12/01/16	BW
SANFORD	10/14/17	AB
SUNRISE	07/01/17	AB
TEQUESTA	02/01/17	AB
WALDO	09/01/15	SS
WINTER SPRINGS	11/16/17	AB

***LOCAL GOVERNMENT HAS PENDING PROPOSED AMENDMENTS THAT CAN NOT BE ADOPTED UNTIL PROPOSED EAR-BASED AMENDMENT IS RECEIVED.**

***BRADENTON 17-1ESR**

***DELAND 16-1ESR**

***INDIALANTIC 17-1ESR**

SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR STATE COORDINATED REVIEW
Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.

TOWN OF MALABAR

MEMORANDUM

Date: June 15, 2017 17-AABO-005

To: Debby Franklin, Town Clerk/Treasurer
Town Council

From: Denine M. Sherear, Administrative Assistant to the Building official DS

Ref: Recommendation to Council from PZ Board- Concerning Council R/LC Workshop; Discussing Land Use Map Changes per "Public" – Resident, Don Krieger (Krieger Enterprises, Inc)

At the PZ Meeting June 14, 2017, Mr. Donald Krieger of 2345 Lineberry Lane, spoke under "Public" his concerns were for changes that occurred at a Council Workshop about the Residential/Limited Commercial R/LC on page 7 of the "Proposed Land Use Maps" dated May 15, 2017.

Mr. Krieger (Krieger Enterprises, Inc) would like to put on record, that he wishes to **not have** the property between the Golf Disc Park (1845 Malabar Road) and Krieger Publishing (1725 Krieger Drive), known as parcel # 29-37-01-00-250(vacant land) changed to R/LC. He would like the whole parcel to remain RR-65 (Rural Residential).

The PZ Board made the following Recommendation:

Motion: Ryan/Dial Recommendation to Council: The vacant property (parcel id# 29-37-01-00-250) on south side of Malabar Road east of the Golf Disc Park & west of the CG Parcel known as 1725 Krieger Drive per the property owner (Krieger Enterprises, Inc) wishes his full parcel be unchanged and remain RR-65 Zoning. **VOTE: All Ayes**

Please note, that addresses and parcel id numbers were inserted for clarification of location of parcels.

ATTACHMENTS:

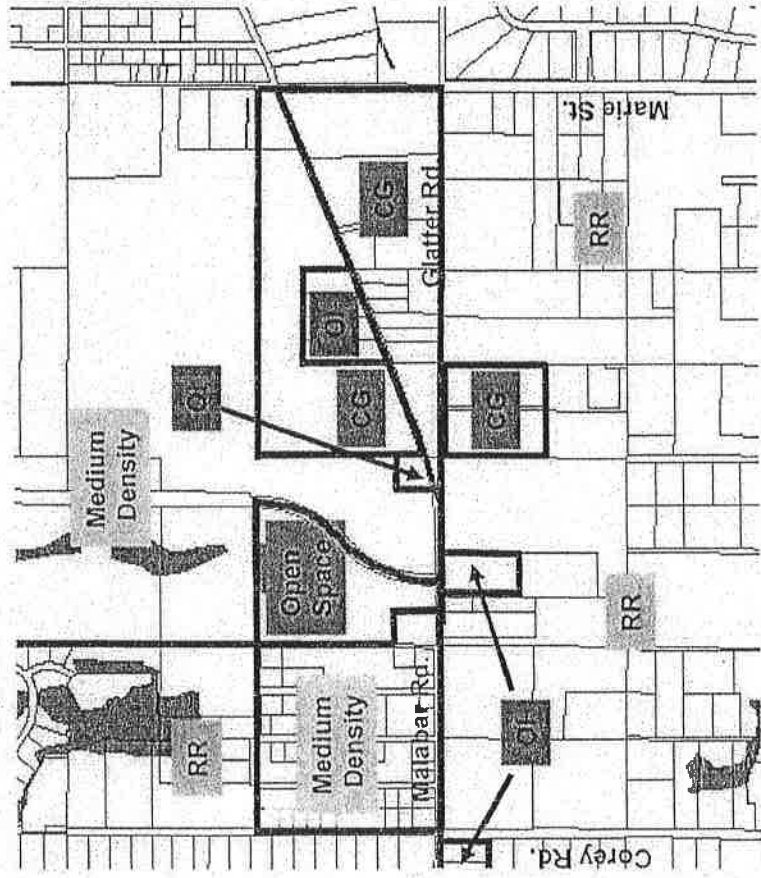
- R/LC "Proposed Land Use Map" Page 7 (dated 5/15/17) that Krieger handed out at PZ Meeting (6/14/2017)

Exclude
↓

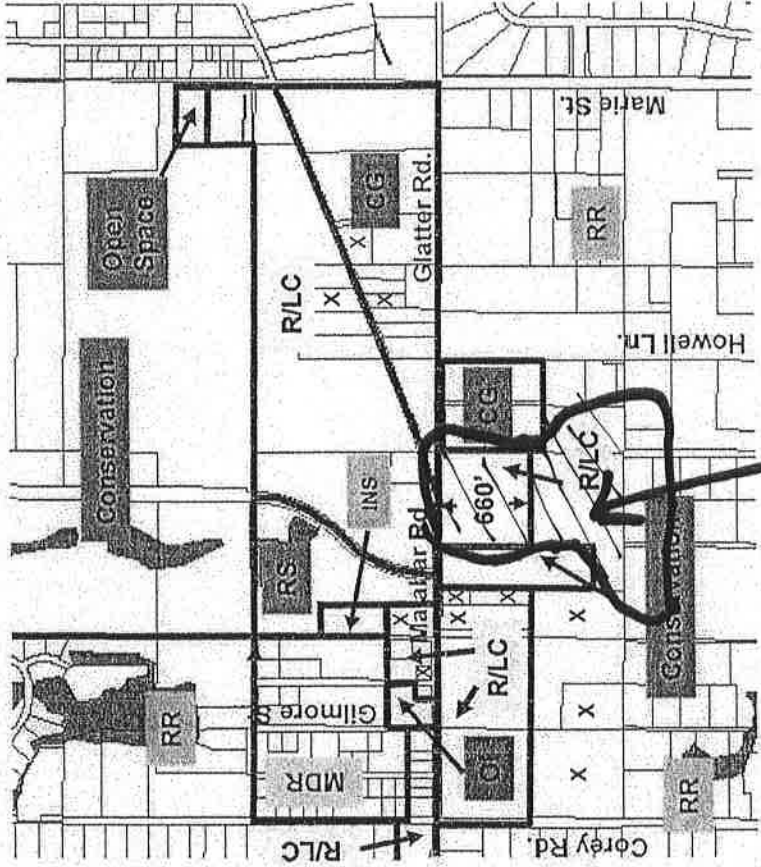
passed by meeting
 @ 6/11/17
 D. Kreibitz

Land Use Along Malabar Rd. (Corey Rd. to Marie St.)

Present Land Use



Proposed Land Use



~~This is referenced~~
 property ⑦ in

May 15, 2017

X = Homes

MEMO # 17-AAB0-005
 (parcel id # 29.37.01.00.250)

TOWN OF MALABAR
WORKSHOP AGENDA ITEM NO: 1
Meeting Date: January 22, 2018 – Part 2

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Incorporating Updates to Comp Plan

BACKGROUND/HISTORY:

As stated in the Agenda Report dealing with compliance, until Malabar is found to be in compliance with the EAR process, the Town can not propose any further changes to its Comp Plan, essentially freezing it at 2010.

Once the previous requirements are met, then the Town can proceed with the other recommendations made by P&Z Board or proposed by Council.

The Comp Plan already states that mixed use with limited commercial can be considered along Malabar Road but there is neither emphasis or guidelines on buffering, traffic considerations, a corridor plan or an overlay showing how the Town can allow some property owners/developers to develop commercially while providing protections to the rural interior character.

This is where Technical Assistance would be extremely beneficial. The State DEO can award grants for technical assistance if the Legislature provides funding. We propose to apply for this when the window opens in Spring.

Nearly all of the Elements are in need of update, most for the planning horizons but some also for the data updates on land use population, level of services, demand and available resources.

Updates required by Legislative action will also affect other elements beside the Coastal Management.

I am working on a redline version to send out so Council can get an idea of the enormity of this project. I do not propose to have this ready by the next meeting. Perhaps by Spring.

TOWN OF MALABAR PROPOSED FUTURE LAND USE CHANGES

PRESENTED BY THE MALABAR TOWN COUNCIL

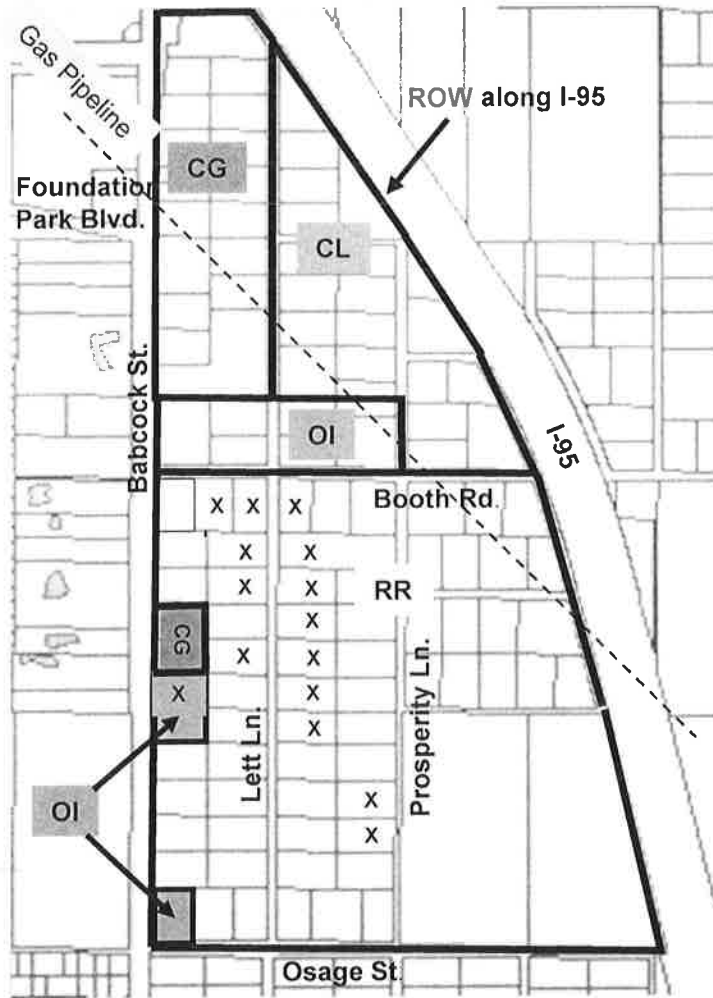
August 25, 2017

Present Land Use Designations

- Residential/Limited Commercial (R/LC)
- High Density Residential (HDR)
- Medium Density Residential (MDR)
- Low Density Residential (LDR)
- Rural Residential (RR)
- Commercial General (CG)
- Commercial Limited (CL)
- Industrial (IND)
- Office Institutional (OI)
- Institutional (INS)
- Open Space and Recreation (OSR)
- Multiple-family Residential or Office Space (MRO)
- Conservation (CON)
- Recreational Services (RS)
- PUD (Residential or Commercial)
- Coastal Preserve (CP)

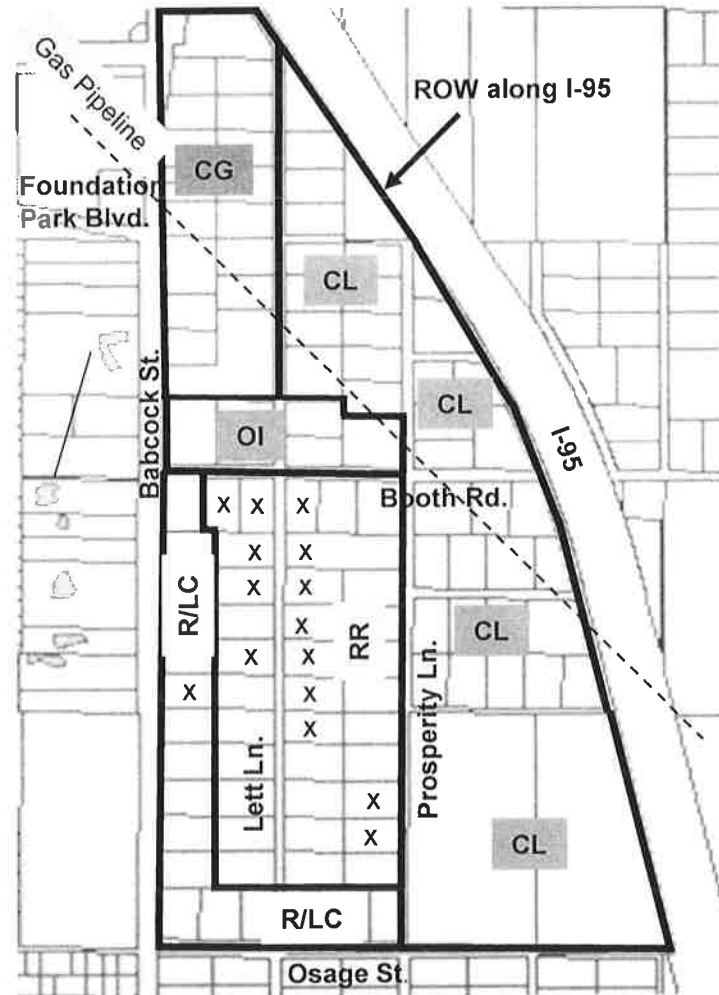
Land Use Along Babcock Street

Present Land Use



X = Homes

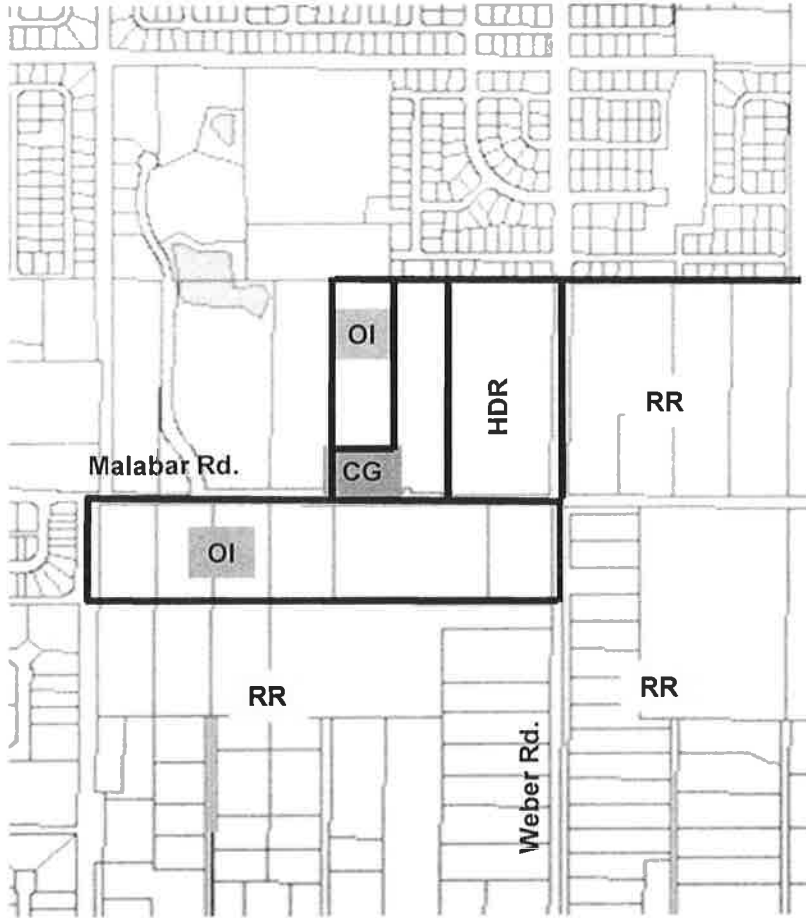
Proposed Land Use



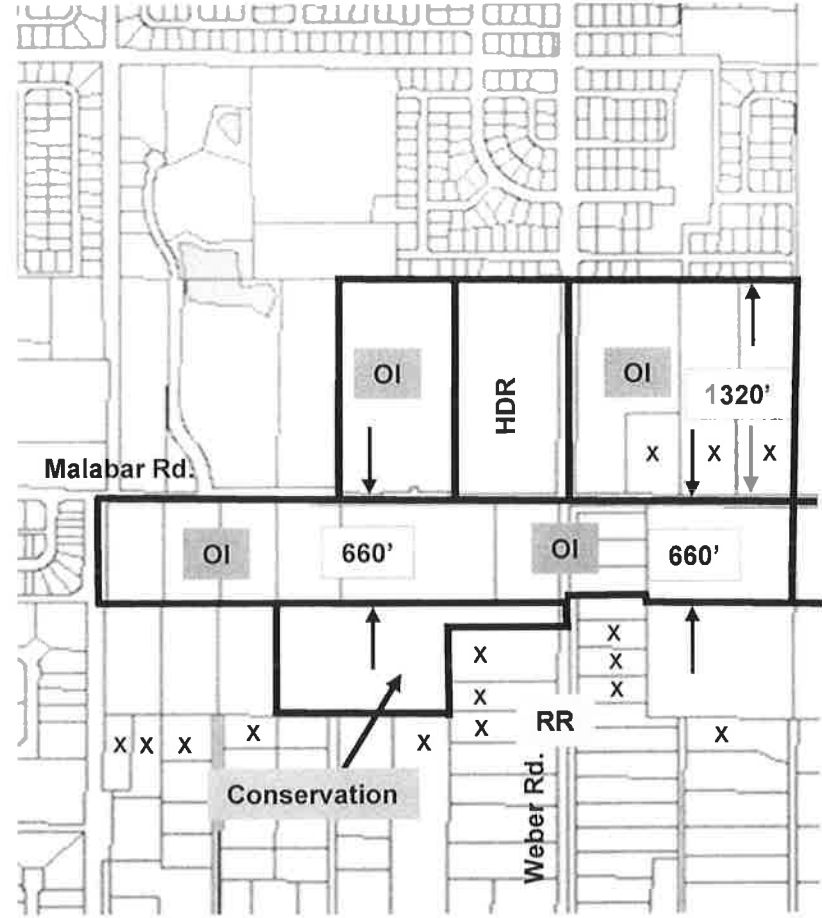
August 25, 2017

Land Use Along Malabar Rd. (West end)

Present Land Use



Proposed Land Use

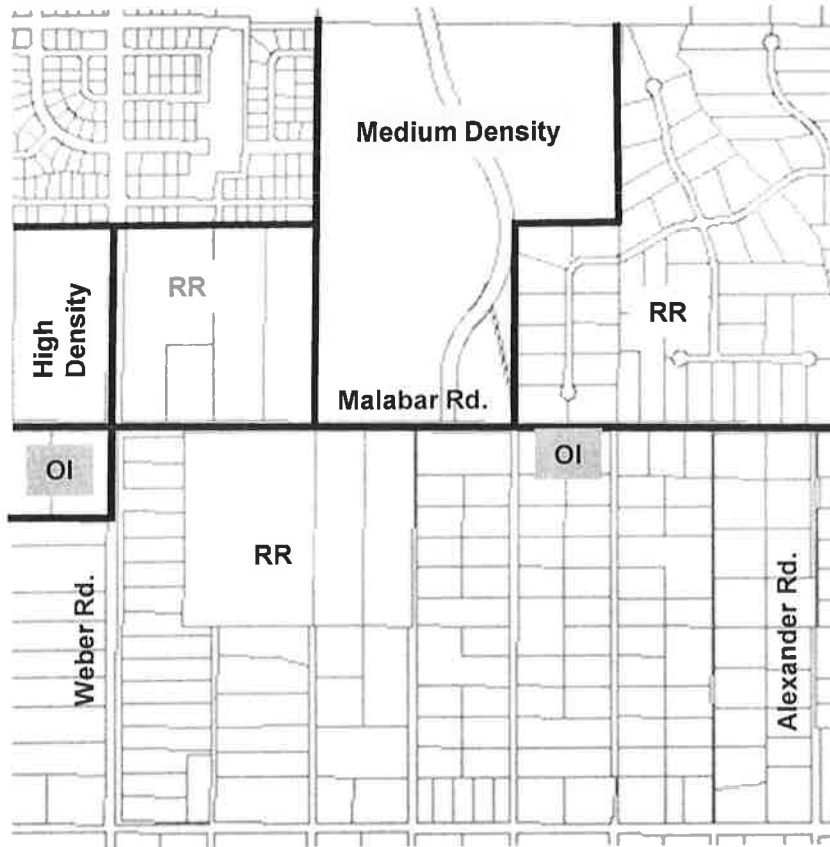


X = Homes

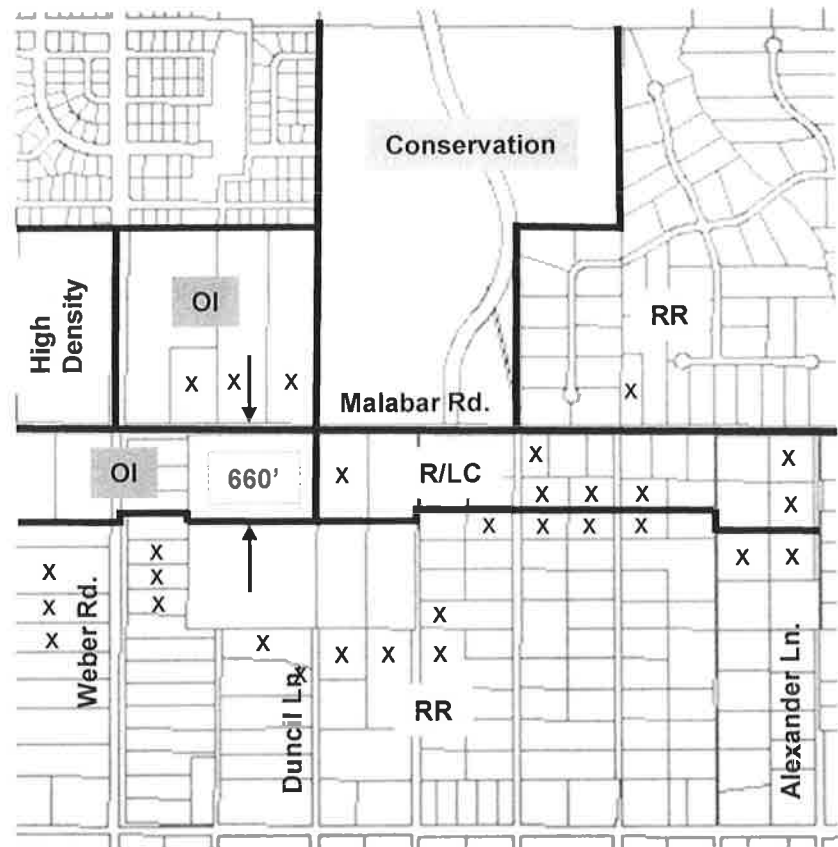
August 25, 2017

Land Use Along Malabar Rd. (Weber Rd. to Alexander Ln.)

Present Land Use



Proposed Land Use



X = Homes

August 25, 2017

Land Use Along Malabar Rd. (Alexander Ln. to Corey Rd.)

Present Land Use



Proposed Land Use



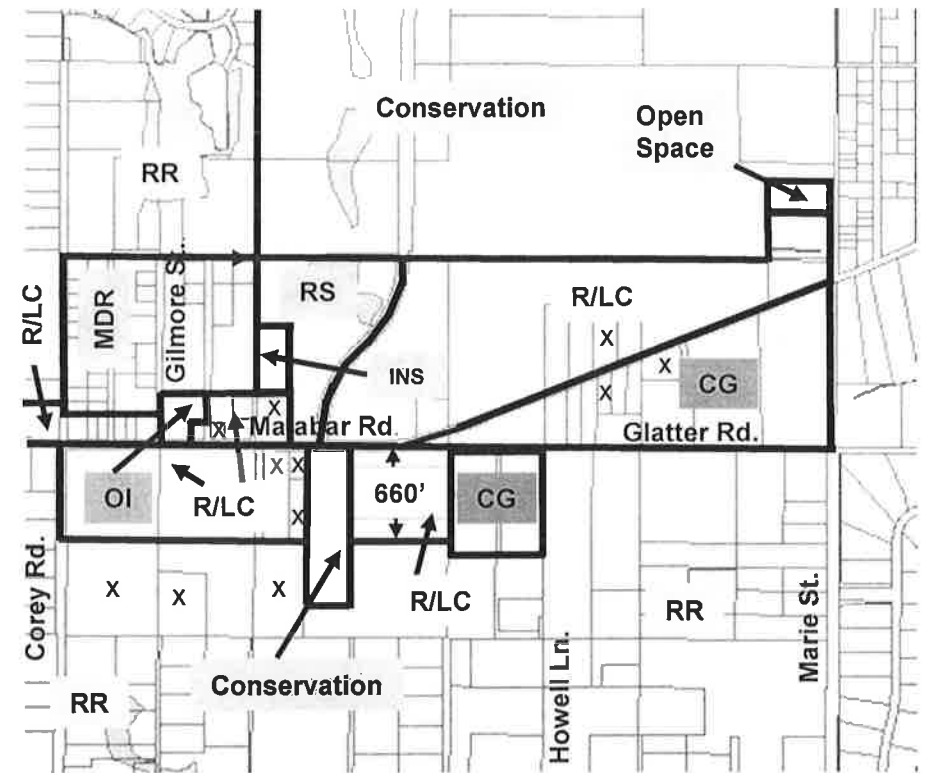
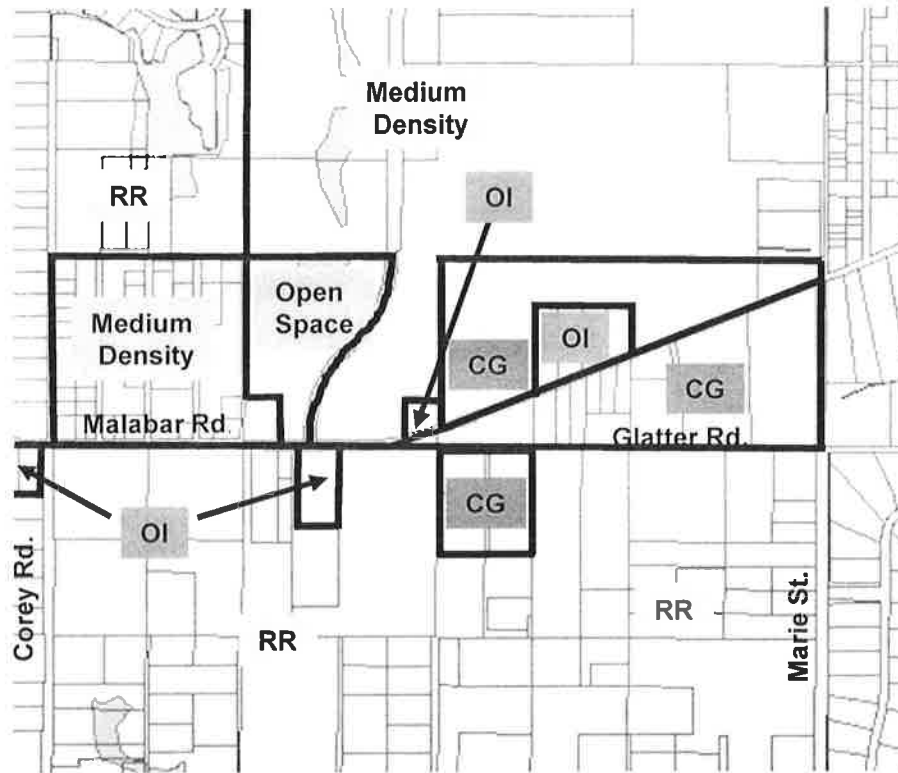
X = Homes

August 25, 2017

Land Use Along Malabar Rd. (Corey Rd. to Marie St.)

Present Land Use

Proposed Land Use

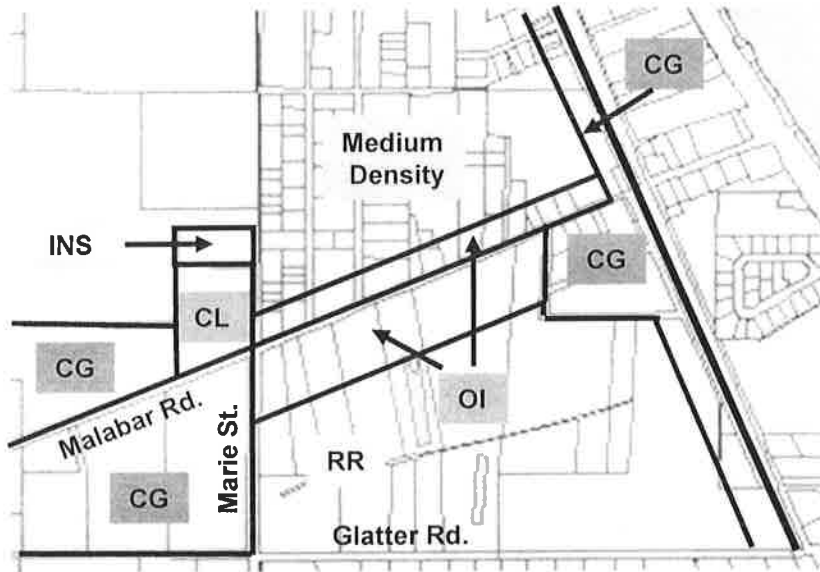


X = Homes

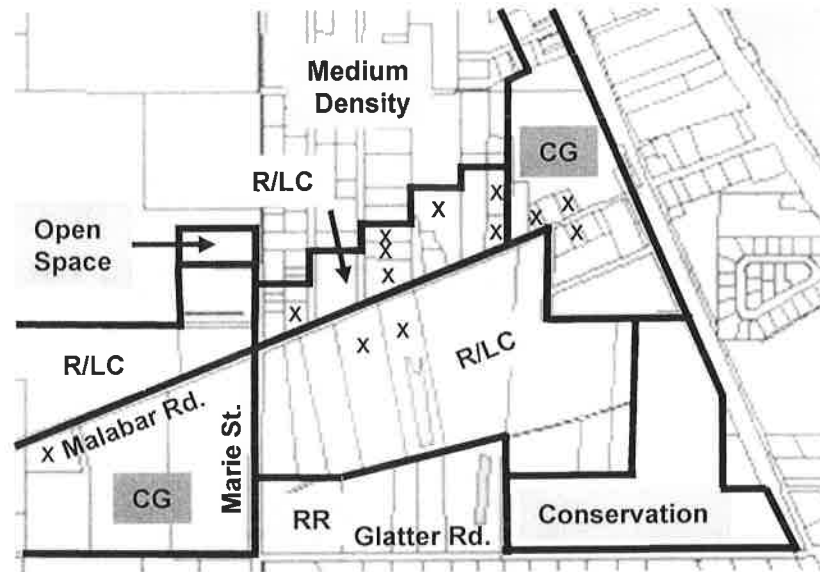
August 25, 2017

Land Use Along Malabar Rd. (Marie St. to RR Tracks)

Present Land Use



Proposed Land Use

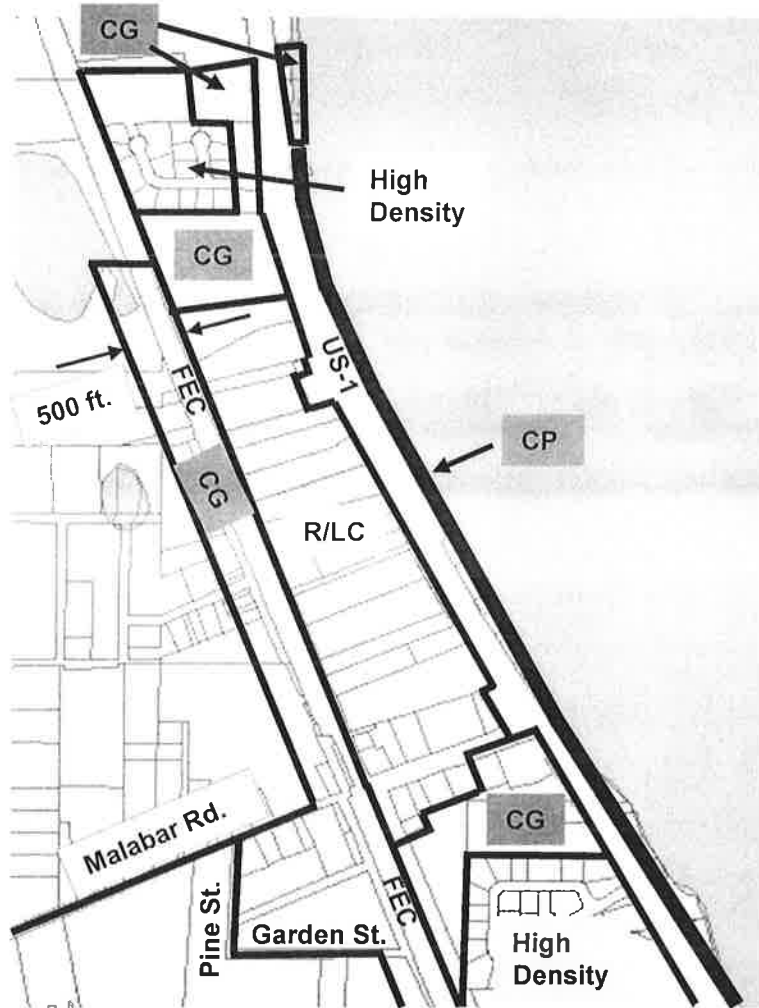


X = Homes

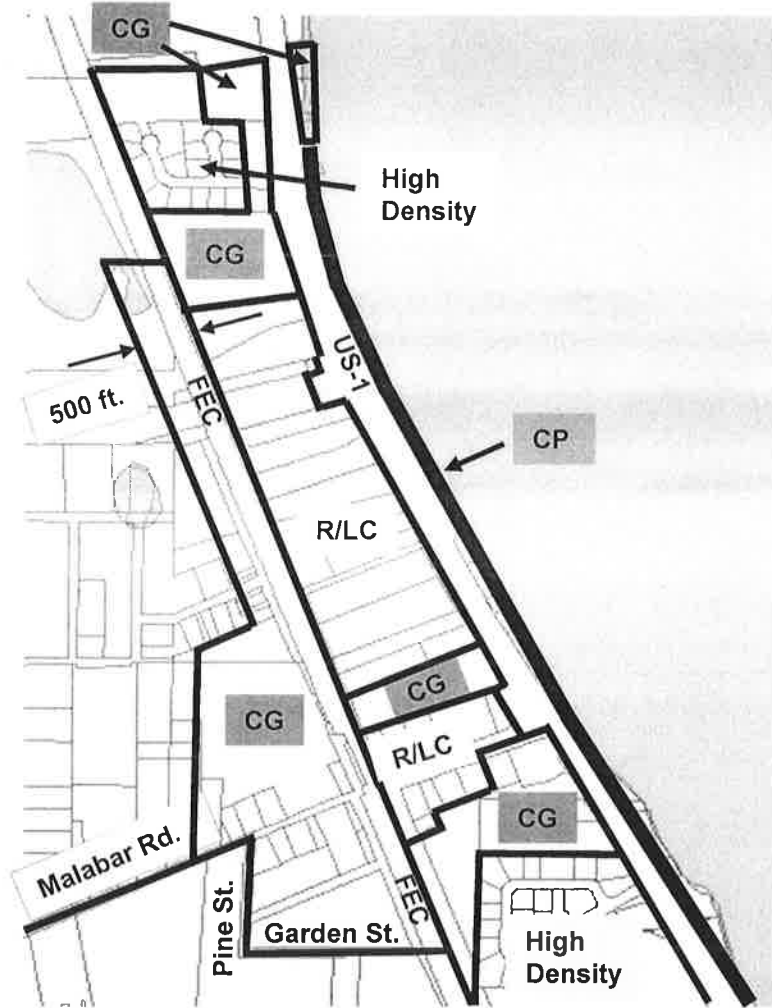
August 25, 2017

Land Use Along US-1 (North end of Malabar)

Present Land Use

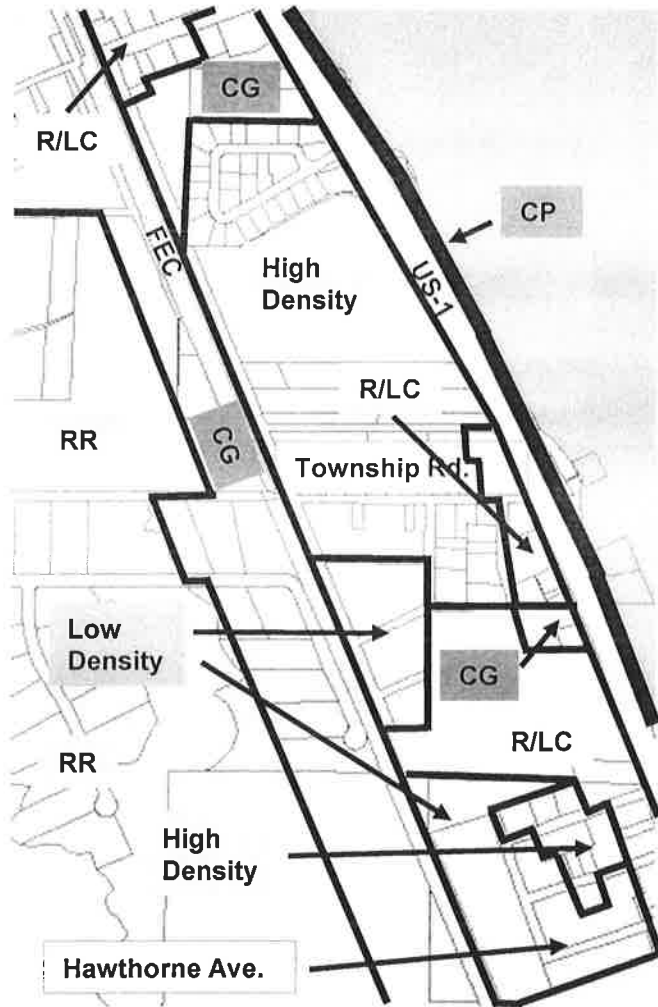


Proposed Land Use

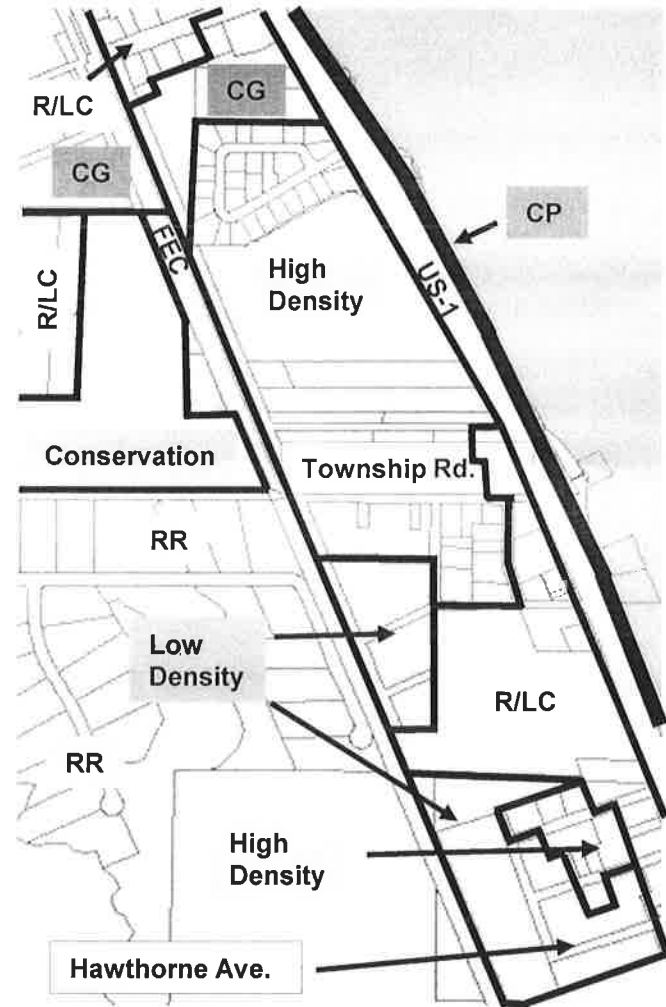


Land Use Along US-1 (Malabar Rd. to Hawthorn Ave.)

Present Land Use



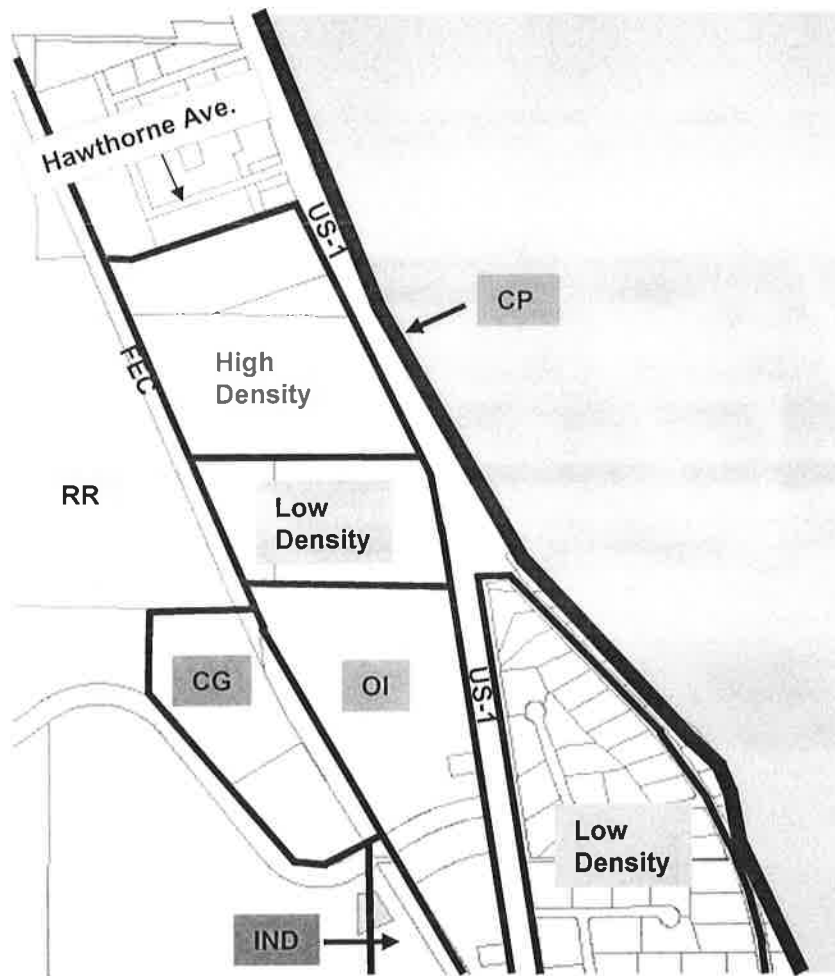
Proposed Land Use



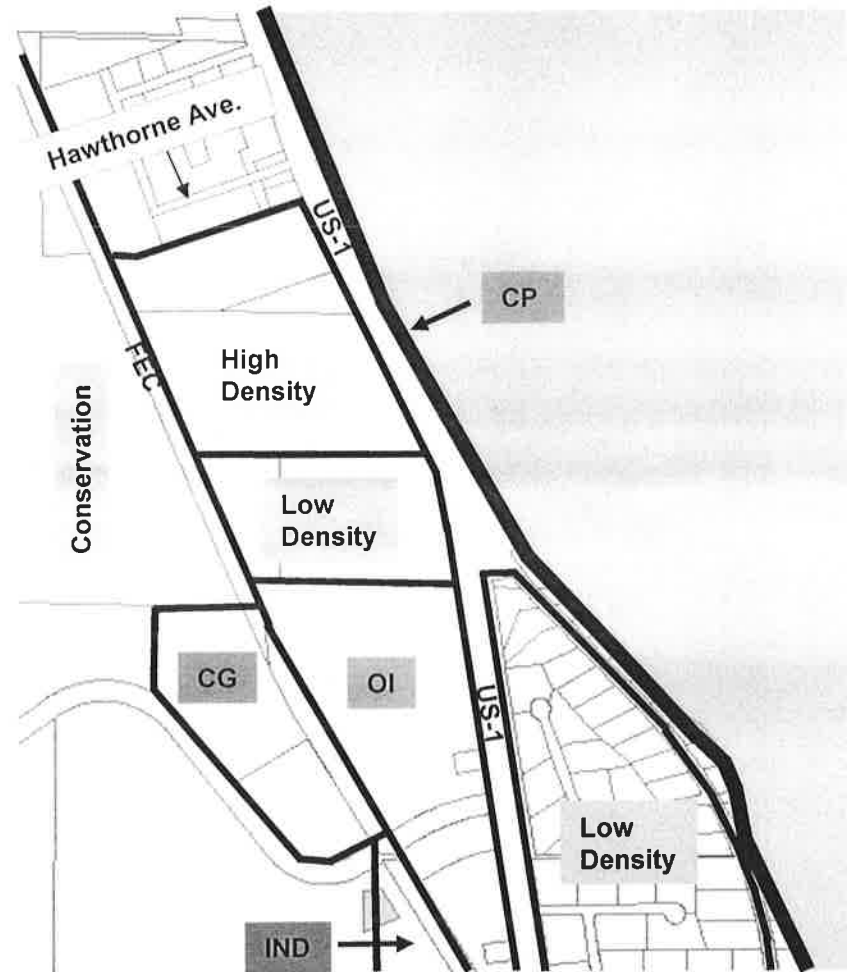
August 25, 2017

Land Use Along US-1 (North Rocky Point)

Present Land Use



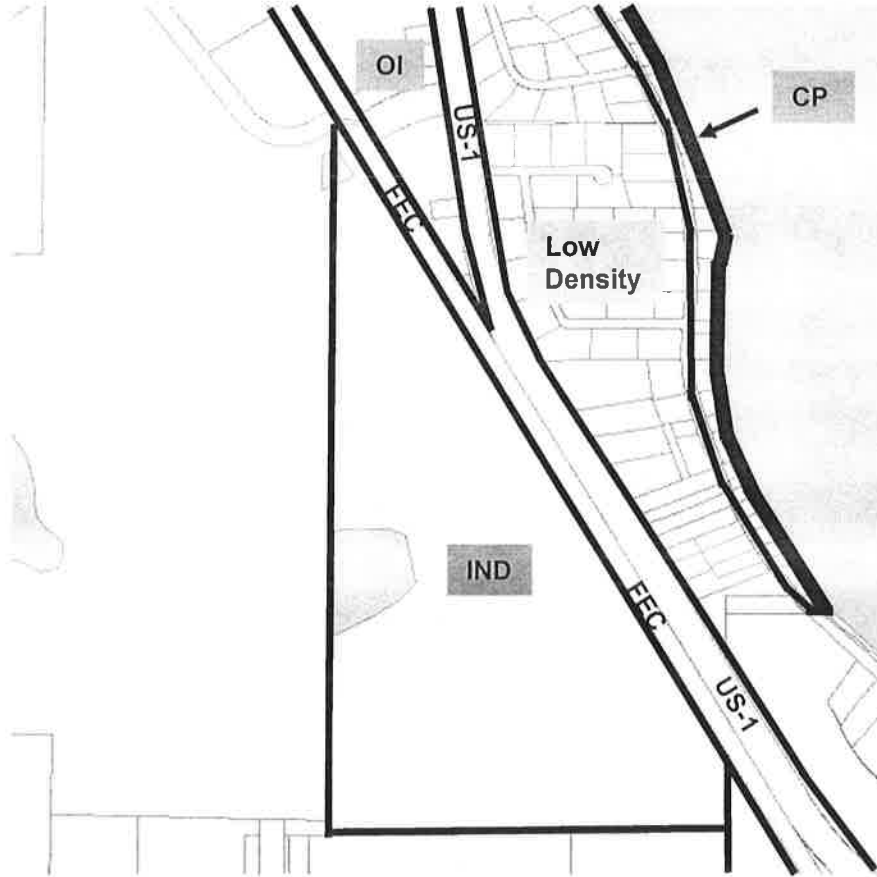
Proposed Land Use



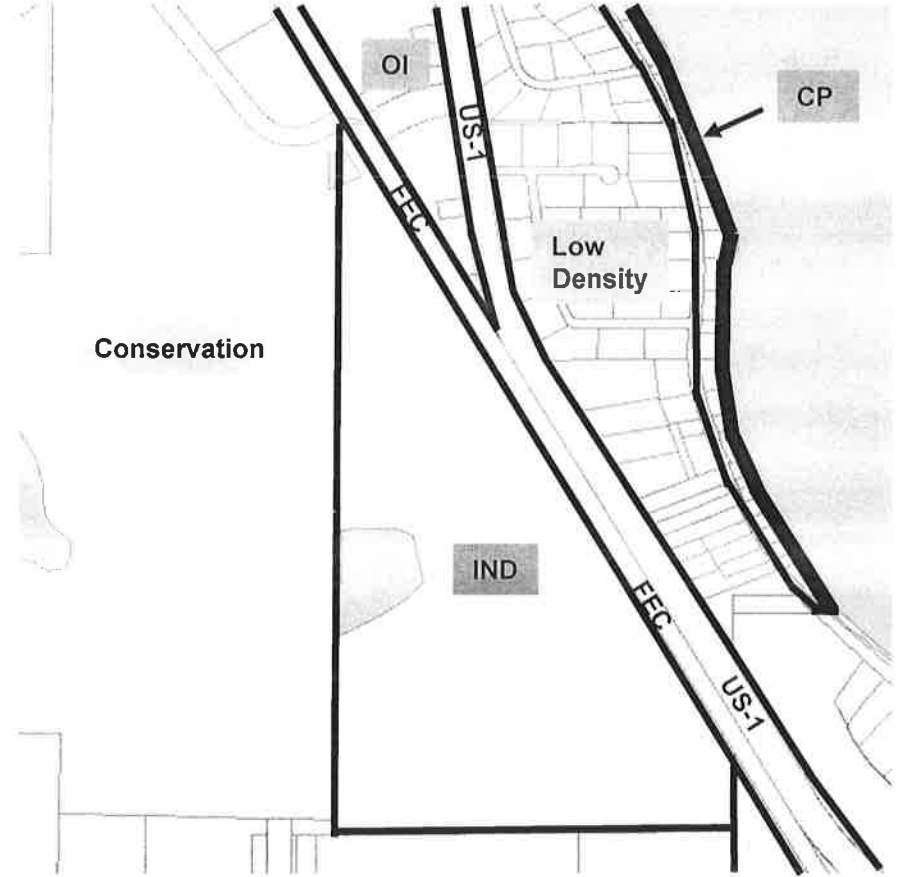
August 25, 2017

Land Use Along US-1 (Rocky Point)

Present Land Use

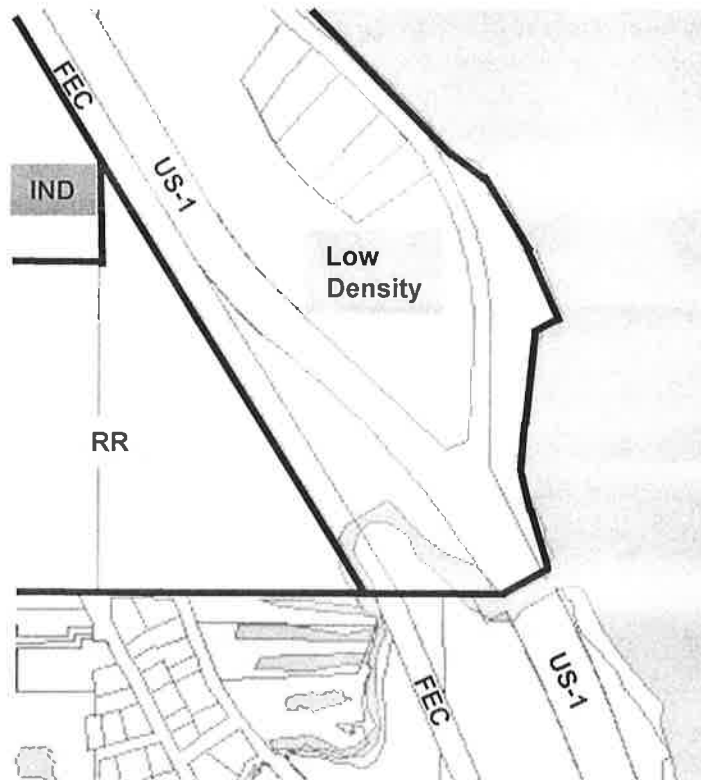


Proposed Land Use



Land Use Along US-1 (South Rocky Point)

Present Land Use



Proposed Land Use

