

TOWN OF MALABAR

COUNCIL WORKSHOP MEETING
MONDAY, JANUARY 25, 2015
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. Review proposed changes to the Future Land Use Map
 - 2. Residential/Limited Commercial (R/LC)
- D. ADJOURNMENT

PLEASE NOTE THAT ALTHOUGH THE PUBLIC IS ALWAYS INVITED TO ATTEND ANY PUBLIC MEETING HELD, DURING A WORKSHOP THE PUBLIC IS NOT ALLOWED TO SPEAK. 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

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Workshop Meeting Date: January 25, 2016

Prepared By: Debby Franklin, CMC, Town Clerk/Treasurer

SUBJECT: Review FLUM recommendations and Board's request to change R/LC

BACKGROUND/HISTORY:

P&Z Chair Pat Reilly presented an overview of their Board's recommendations for amending the Future Land Use Map at the RTCM of 12/7/15. It was Council's direction to set this Council Workshop to include Chair Pat Reilly. Council set the workshop date at their meeting on January 4, 2016.

If Council supports all or some of these recommendations, they would be included in an ordinance with a map showing the affected areas and individual notices would be sent out before any public hearings would take place. Since this would also be a text change to the Comp Plan, it would have to go through the large scale amendment process, insuring multiple opportunities for public involvement.

ATTACHMENTS:

Entire Agenda Package provided to Council for the 12/7/15 meeting
Memo read into the record at P&Z mtg 2/11/15 by Juliana Hirsch

ACTION OPTIONS:

Direction to Staff at the 2/1/16 RTCM

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: December 7, 2015



Prepared By: Debby Franklin, CMC, Town Clerk/Treasurer

SUBJECT: Recommendation for Discussion from P&Z Board re: FLUM and R/LC

BACKGROUND/HISTORY:

Council has been kept apprised of the progress the P&Z Board is making on the proposed changes to the Future Land Use Map over the years with periodic recommendations and Joint Workshops. After much rework they are ready to present their suggestions at this meeting. P&Z Board Chair Pat Reilly will present and narrate the Board's findings. In addition to the land use changes, the Board also proposes to change the verbiage related to R/LC.

They are only asking for discussion and input at this point. The packets were sent out earlier by P&Z Secretary Denine Sherear directly to each Council Member and the Mayor so you would have additional time to review and study the current use and proposed uses.

In keeping with Council's desire to reduce the amount of paper used in these packets, the entire packet will be included in the electronic version sent to you. Hard copies will only have the agenda report.

ATTACHMENTS:

Packet from P&Z Board

ACTION OPTIONS:

Discussion and Direction to Board and Staff

#2

TOWN OF MALABAR

MEMORANDUM

Date: November 16, 2015 15-AABO-033

To: Debby Franklin, Town Clerk/Treasurer
Town Council

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

Ref: Recommendation from P&Z to Council for Future Land Use Maps (FLUM)
& R/LC Definition

The PZ Board has been working on these FLUM maps and verbiage for Residential Limited Commercial (R/LC) for a period of time to recommend the best usage for all areas involved. The final review was done by PZ on 8/26/15 and this packet is ready to be presented to Council at a future meeting, tentatively at the Town Council Meeting (RTCM) on December 7, 2015, Pat Reilly, Chair of PZ will make a presentation and answer questions.

This packet will be email or hard copied well in advance to Council Members for review before the presentation on December 7, 2015.

ATTACHMENTS:

- Copy of PZ Meeting Minutes 8/26/15
- Pat Reilly, Chair of PZ revised FLUM maps dated December 7, 2015
- Town of Malabar Zoning Map (1995) presently
- Aerial maps of corridor roads. (Babcock Road, Malabar Road, and US Highway 1)
- District Provisions Article III (complete section)
- Present Portion of District Provisions Article III verbiage for R/LC "Residential and Limited Commercial" only
- Revised Portion of District Provisions Article III verbiage for R/LC "Residential and Limited Commercial" only

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
AUGUST 26, 2015 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 by Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	DOUG DIAL, Late 7:36PM
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES:

Reilly asked to move "Public" up to after "Consent Agenda" there is a public request card.

D. CONSENT AGENDA:

- 1. Approval of Minutes** Planning and Zoning Meeting – 8/12/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval

Corrections:

Abare, Page 6/48 1st parag. 3rd line at end of line, Abare said ~~he-we-dees-do_not~~....

Ritter/Foster page 5/48 4th parag from the bottom 1st line before we (the Town) give up the ROW, the ROW should be shown all the same. 2nd line end of line "down" should be done

Motion: Ryan /Ritter to Recommend Approval of Minutes of 8/12/15 as corrected All Vote: Aye

Public:

Steve Holmes 1359 Banford Street, Palm Bay, He said is a Pastor for Testimony of Life Church and Melvin is his assistant. He explained that their church has been meeting at FIT College. They are looking for property to purchase for a church and training classes. Mr. Holmes explained he found property for sale at 2130 Isasa Lane, Malabar just east of Weber Road. Mr. Holmes wanted to come to this Board to get a feel to see if they could pursue a "conditional use" using the house

for a church, training, and counseling. Mr. Holmes explained that they could extend the back of the house to use for sanctuary space. Mr. Holmes said there are 40-50 members in the church since 1991, they do own property in Melbourne (vacant land) and to build on vacant land it is difficult.

Ritter asked if this would be temporary until they build in Melbourne, Mr. Holmes said they need to grow members to fund a building.

Foster asked if it would be permanent location or temporary on Isasa Lane. Mr. Holmes explained he has 2 acres of land in Melbourne off of Florida Ave. where he would like to build a sanctuary. Foster asked if there is a time line you would stay in Malabar on Isasa Lane. Mr. Holmes said 3-5 years maximum.

Reilly explained the hurdles, according to Article III of our Land Development Code this would be a conditional use in a RR-65 land use district. Reilly said in order to get a "Conditional Use" there would be a 500 radius packet required around the property, in which a letter would be mailed out to everyone within that area and they would either support or go against a Conditional Use. For this property to be turned into a church there will be a Site Plan required with parking and a whole list for the review. The other things required are possible septic and road improvement. Ryan added that there will probably be changes to the inside of building that would be required.

Foster said since it is a residential area there is going to be a large expense to bring this from residential to a church. Foster said that the churches in our Town are on the arterial roads.

Reilly explained to Mr. Holmes to look at Art III- Table 1-3.2 Land Use By Districts to see where churches are "permitted".

Ryan suggested speaking to the Church on Marie Street south of Malabar Road about having services.

E. PUBLIC HEARING: none
F. ACTION:

2. **Final Review and make Recommendation to Council for: Future Land Use Maps & R/LC Definition.**
Exhibit: Agenda Report No. 2
Recommendation: Action

Reilly said he did all updates, except the streets that he will do before it goes to Council.

Reilly explained that Council will get all this and Satellite Arial Maps, and new R/LC and present Land Use Maps.

Board went through Presentation of FLUM changes/additions

Page 2: Added Coastal Preserve

Page 4: Added "CL" to bottom left

Page 7: Changed Malabar Road & Corey Road on north side corner to R/LC

Page 8: Add "RR" under Glatter Rd.

Page 10: Move "R/LC" in water east of Malabar Road

Reilly/Board discussed the R/LC verbiage, no changes

Reilly said he will update maps one final time, then get with Denine to do packet to present to Council as a discussion item. Reilly suggested to do the R/LC verbiage first, and then look at the FLUM maps.

Motion: Ritter/ Abare Recommendation to Present to Council for Final Review for FLUM maps and R/LC Definitions Vote: All Ayes

Motion Passed 5:0

Dial suggested doing a summary with maps to present to Council. Foster also suggested pointing out major changes that were done, then present in smaller portions so they will understand and except.

Reilly explained that the whole packet will have to be given to Council for them to understand,

G. DISCUSSION:

3. **Discuss Amending Assisted Living Facilities (ALF) Ordinance 2014-01 ref: to Office/Institutional (OI) Zoning.**
Exhibit: Agenda Report No. 3
Recommendation: Discussion

Reilly said for the record they (Applicants) came in with their plan for Nursing Homes/Group Homes.

Reilly read page 42/48 (B.) Part I Long Term Care Facility, and page 44/48 under "OI".

Reilly explained the Council does not want residential in "OI".

Reilly explained what he thinks occurred took "Long Term Care Facility" out of Florida Statutes Title XXX Chapter 429 the definition. It might be good to just strike out "assisted living facility".

Ritter suggested that some verbiage might need to be changed and refer to Florida Statutes.

The Board discussed what needs to be corrected and what needs to be excluded.

For next meeting copy FL ST Title XXX (30) Chapter 429 Social Welfare for PZ Board.

Abare discussed reviewing Conditional Uses on Art III Table 1-3.2 under churches and Foster said that we should look at the whole Table 1-3.2.

Reilly said that on page 47-48 under Sec 6, "Assisted Living Facility" As defined in section 1-2.6B 42-B, 13B, Part I **correction**.

Reilly said the definition will go on page 42/48 not in Article XX (20) Definitions.

H. ADDITIONAL ITEMS FOR FUTURE MEETING

- Action Johnston Ave. Vacate will be on for next meeting in September (9/9/15) it was "Tabled" at Council Meeting on 8/25/15.
- Discussion Abare, Table 1-3.2 the churches all have "C" for Condition Use.

Foster suggested going through the Table 1-3.2 and look at all the other "Conditional Uses".

- Discussion Ryan asked about if 500 ft. radius packet is large enough for notification for Public Hearings.

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

Old Business: none

New Business: none

K. ADJOURN

There being no further business to discuss, MOTION: Ryan/Abare to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:02 P.M.

BY:

Patrick T. Reilly
Pat Reilly, Chair

Denine Sherear
Denine Sherear, P&Z Board Secretary

9/23/15
Date Approved: as presented

TOWN OF MALABAR PROPOSED FUTURE LAND USE CHANGES

PRESENTED BY THE PLANNING AND ZONING BOARD

December 7, 2015

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)

Related Data

- Use FLU-1 Map for Present Land Use
 - It was 2009's Future Land Use, now it is Malabar's Present Land Use Map
- Definitions of Malabar's Land Use Districts
 - Malabar Land Development Code, Article III, District Provisions handout
 - Board has completed looking at the R/LC densities in the Land Development Codes
- Satellite Aerial Maps

TOWN OF MALABAR PROPOSED FUTURE LAND USE CHANGES

PRESENTED BY THE PLANNING AND ZONING BOARD

December 7, 2015

Present Land Use Designations

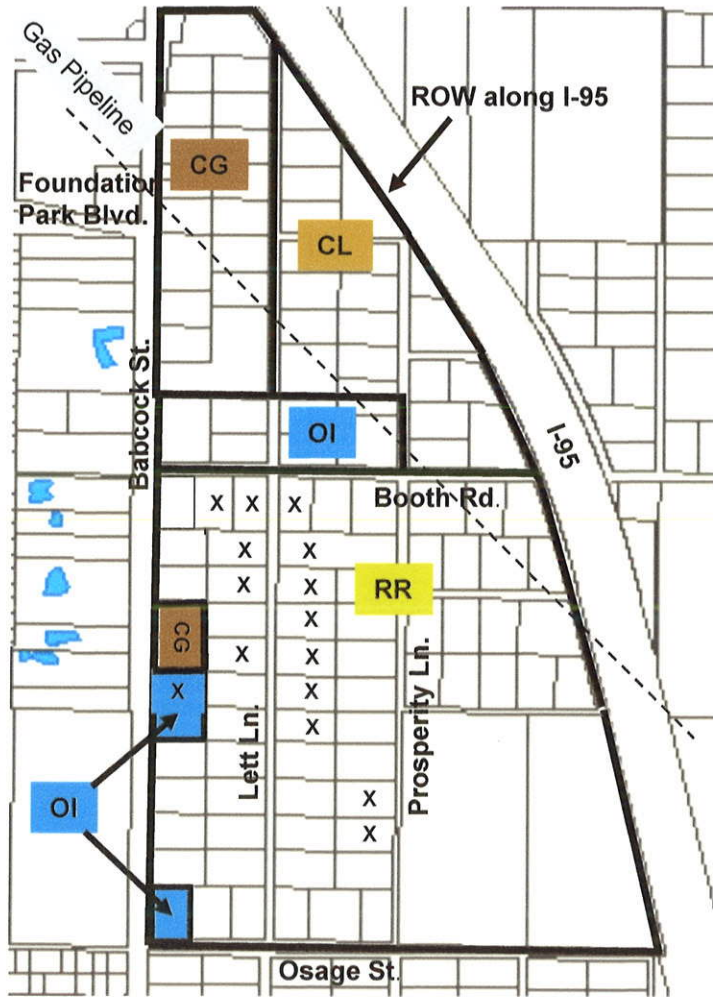
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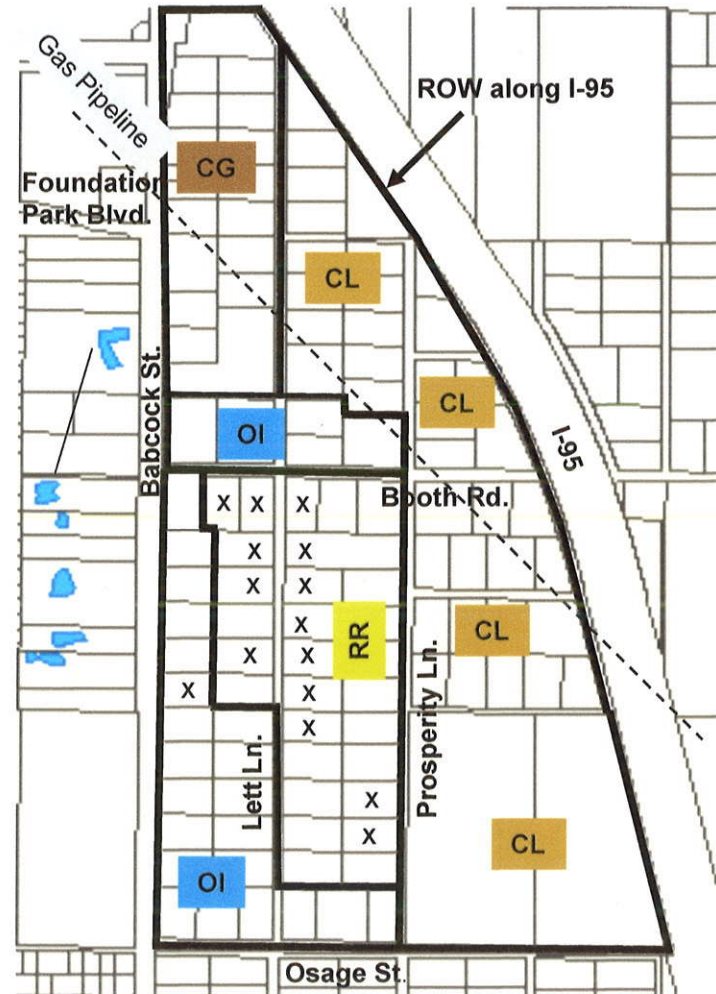
Land Use Along Babcock Street

Present Land Use



X = Homes

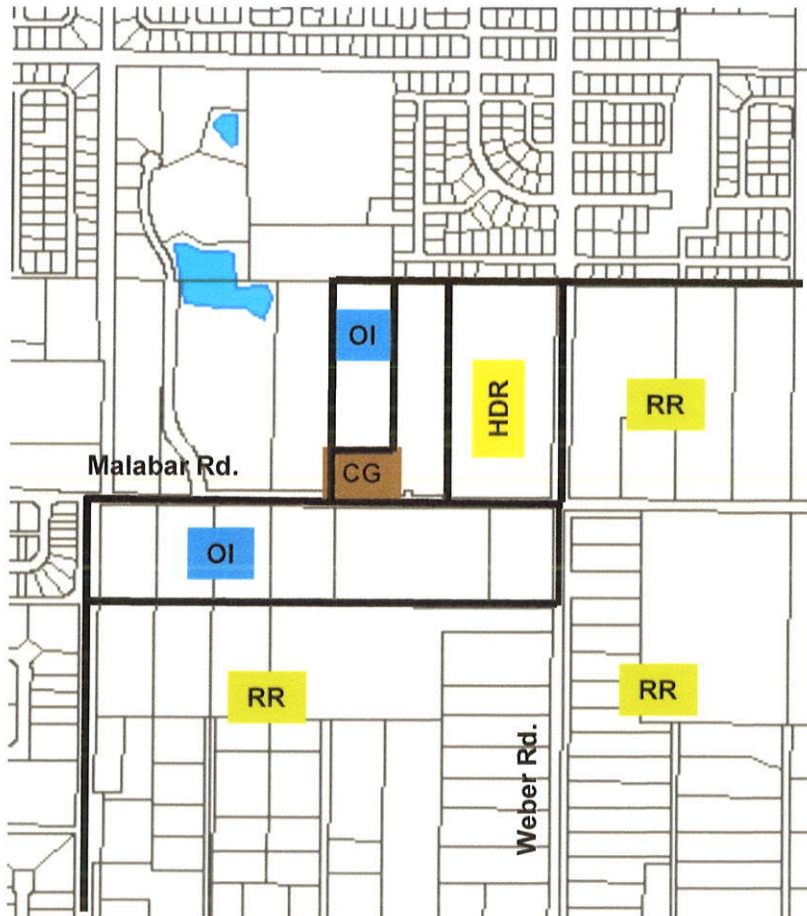
Proposed Land Use



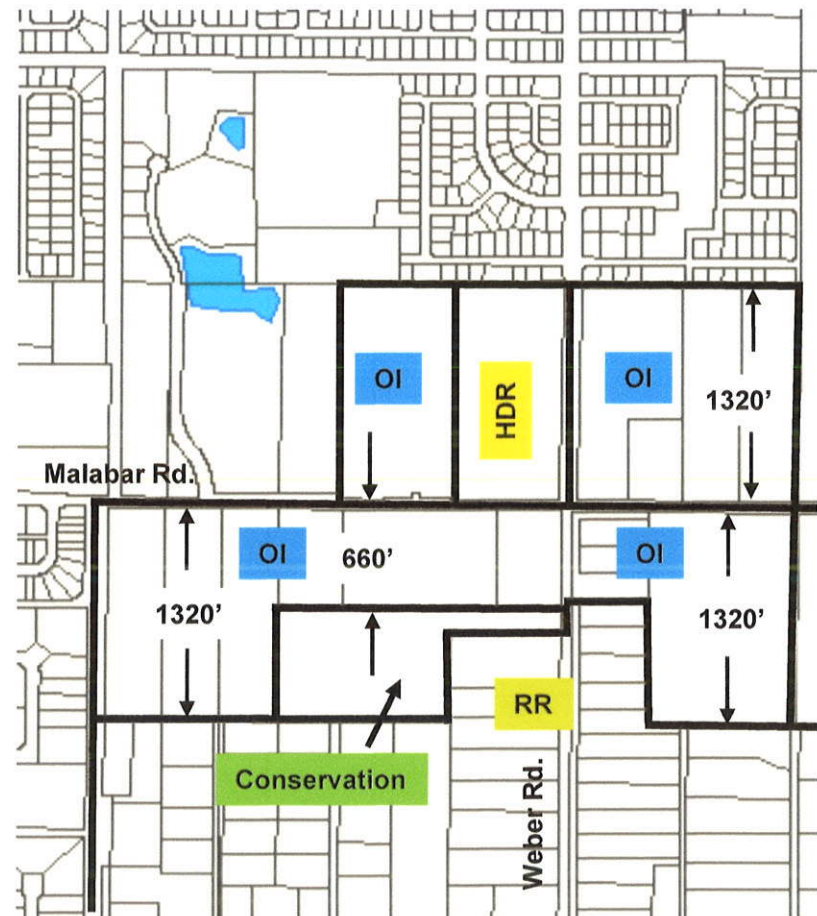
December 7, 2015

Land Use Along Malabar Rd. (West end)

Present Land Use

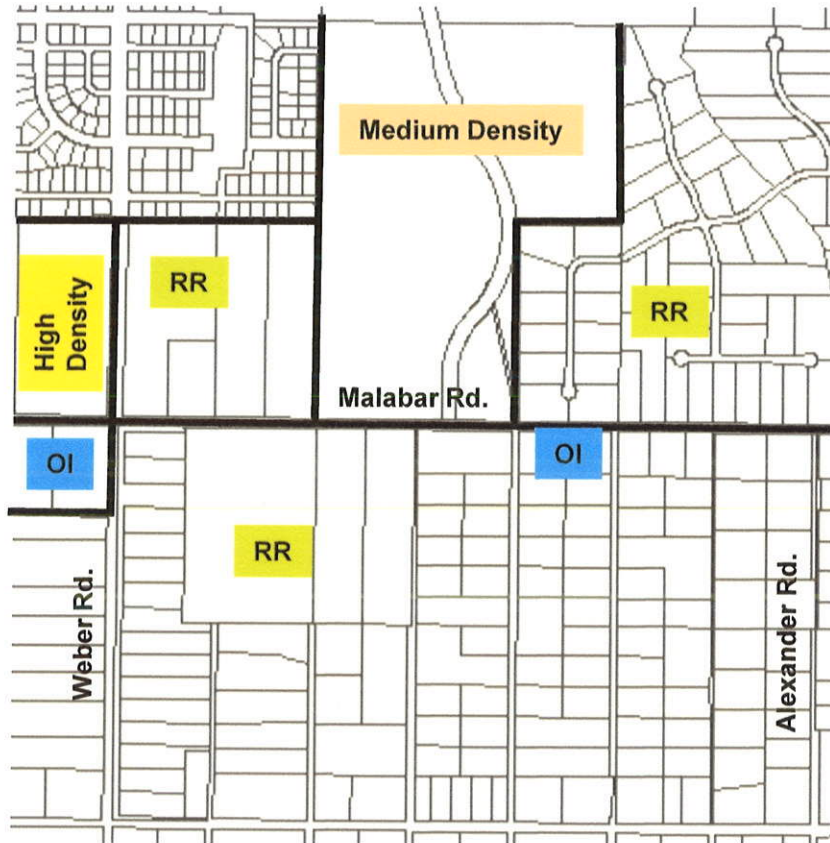


Proposed Land Use

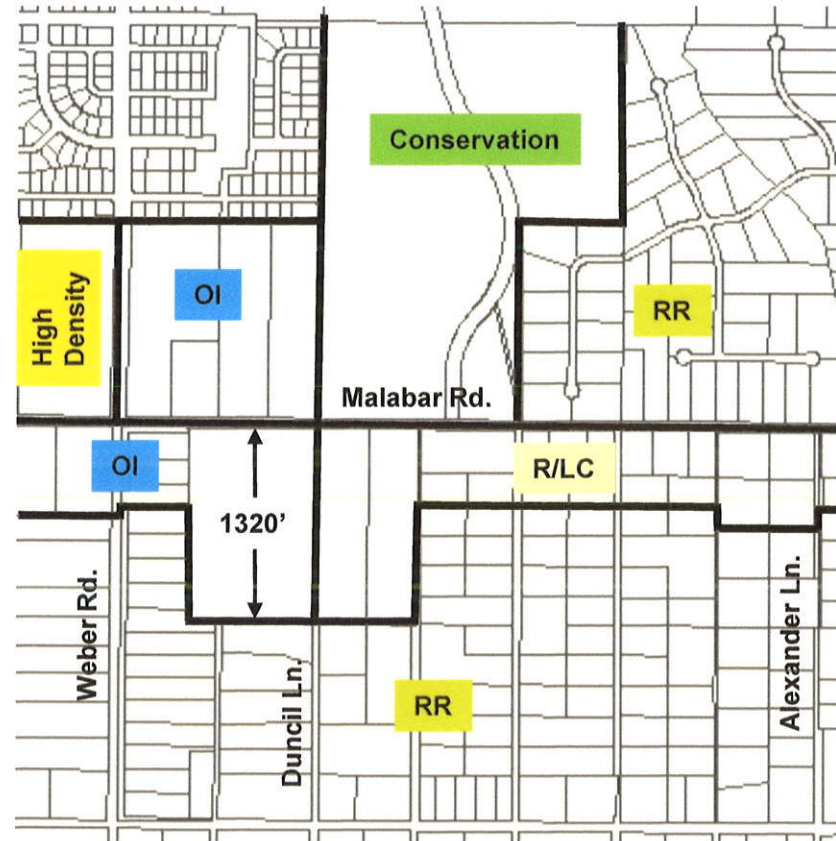


Land Use Along Malabar Rd. (Weber Rd. to Alexander Ln.)

Present Land Use

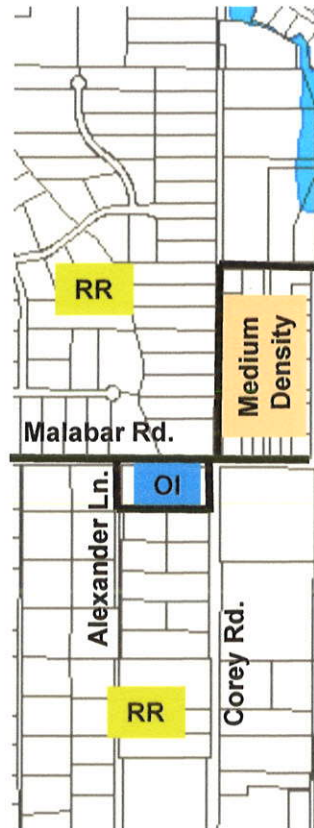


Proposed Land Use

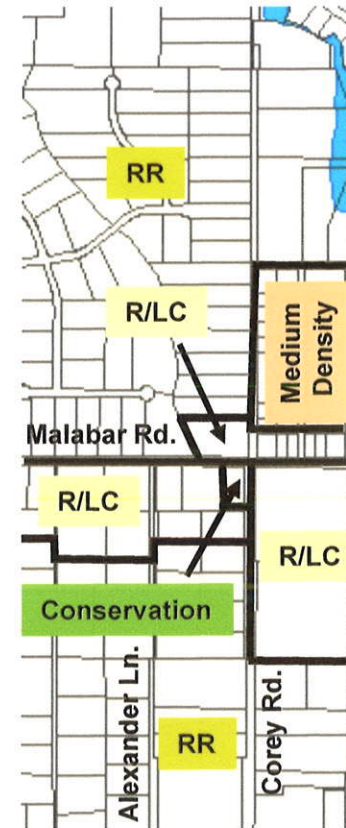


Land Use Along Malabar Rd. (Alexander Ln. to Corey Rd.)

Present Land Use



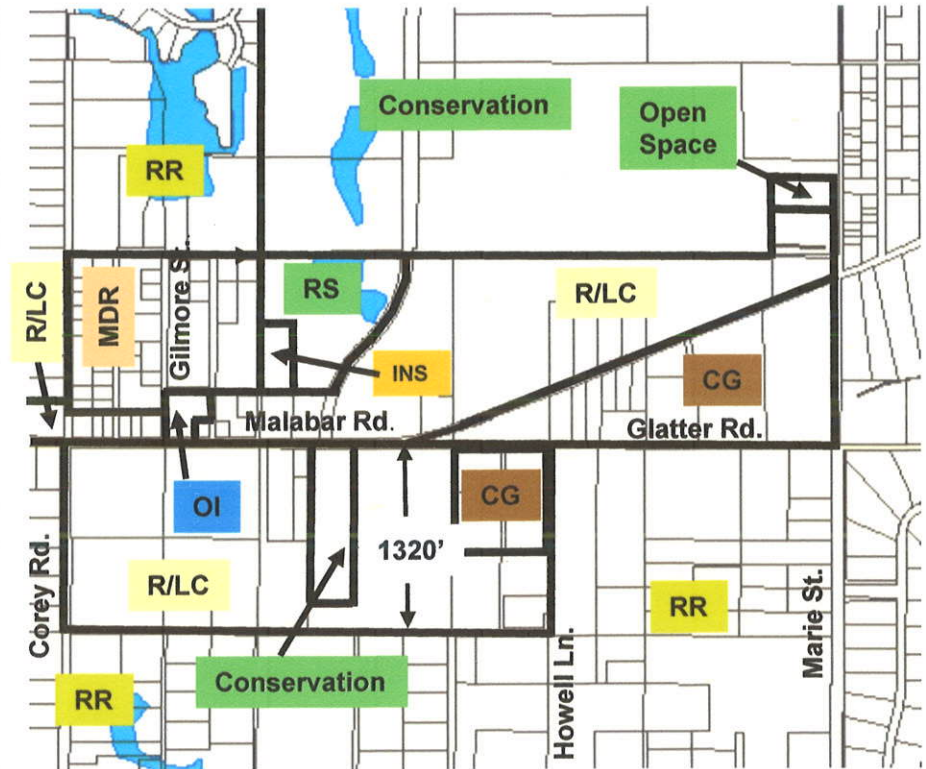
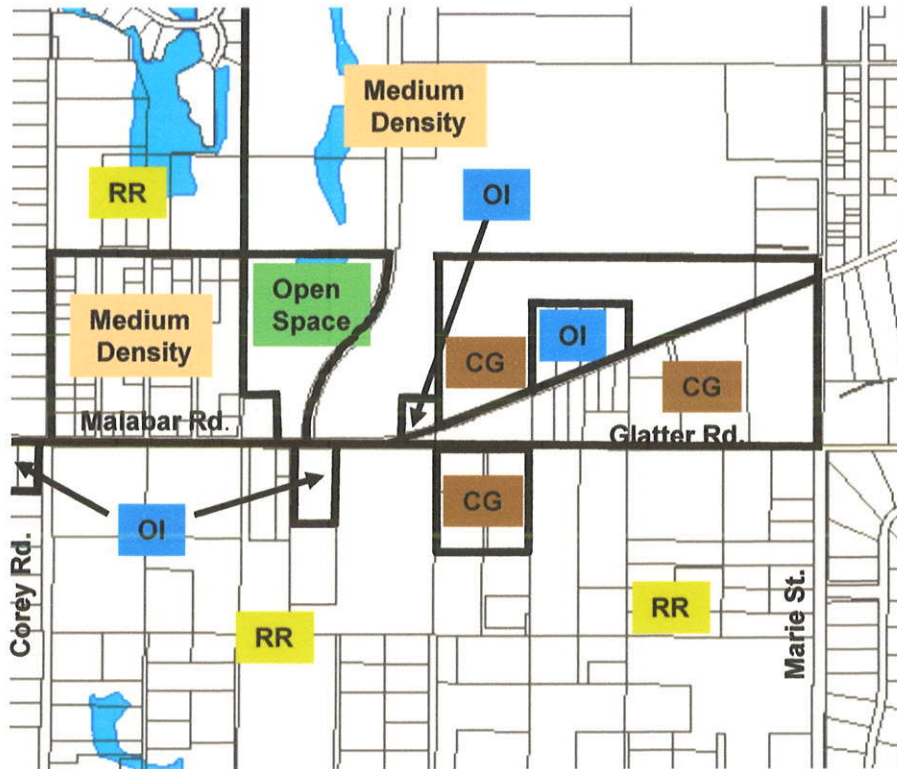
Proposed Land Use



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

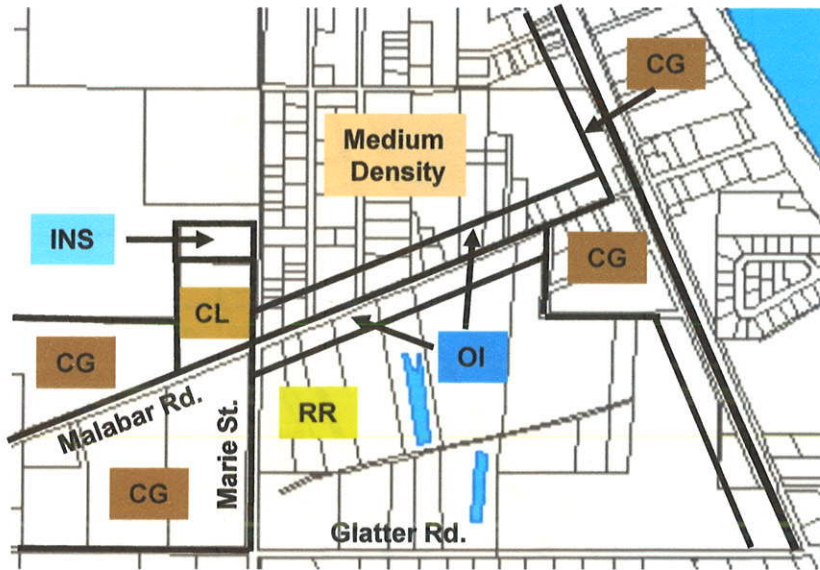
Present Land Use

Proposed Land Use

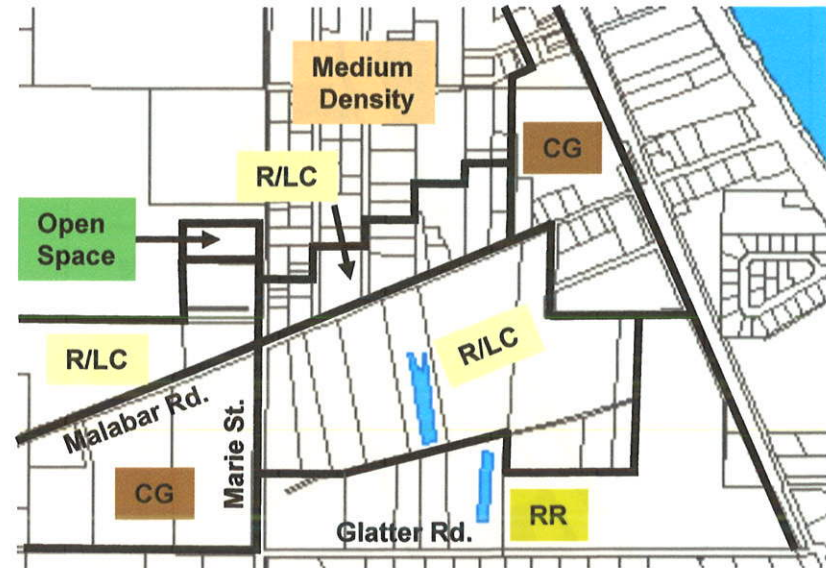


Land Use Along Malabar Rd. (Marie St. to RR Tracks)

Present Land Use

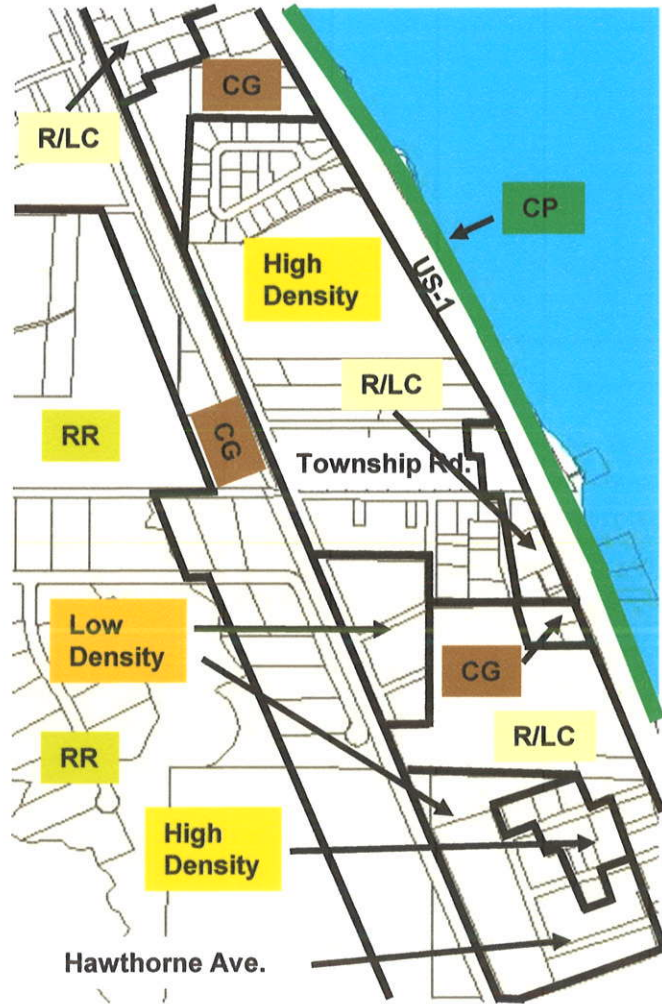


Proposed Land Use

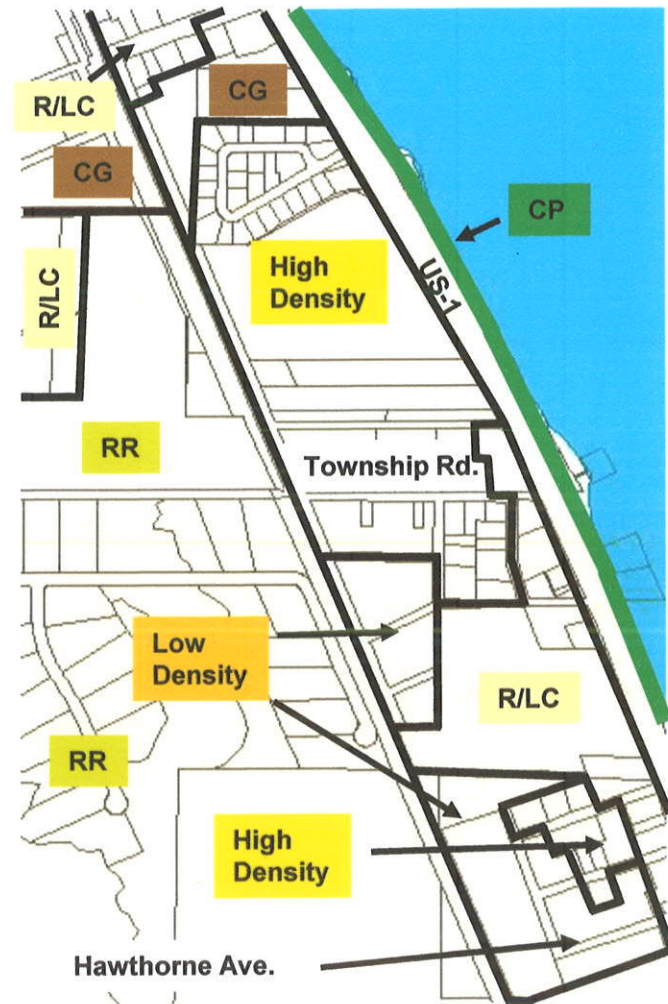


Land Use Along US-1 (Malabar Rd. to Hawthorne Ave.)

Present Land Use

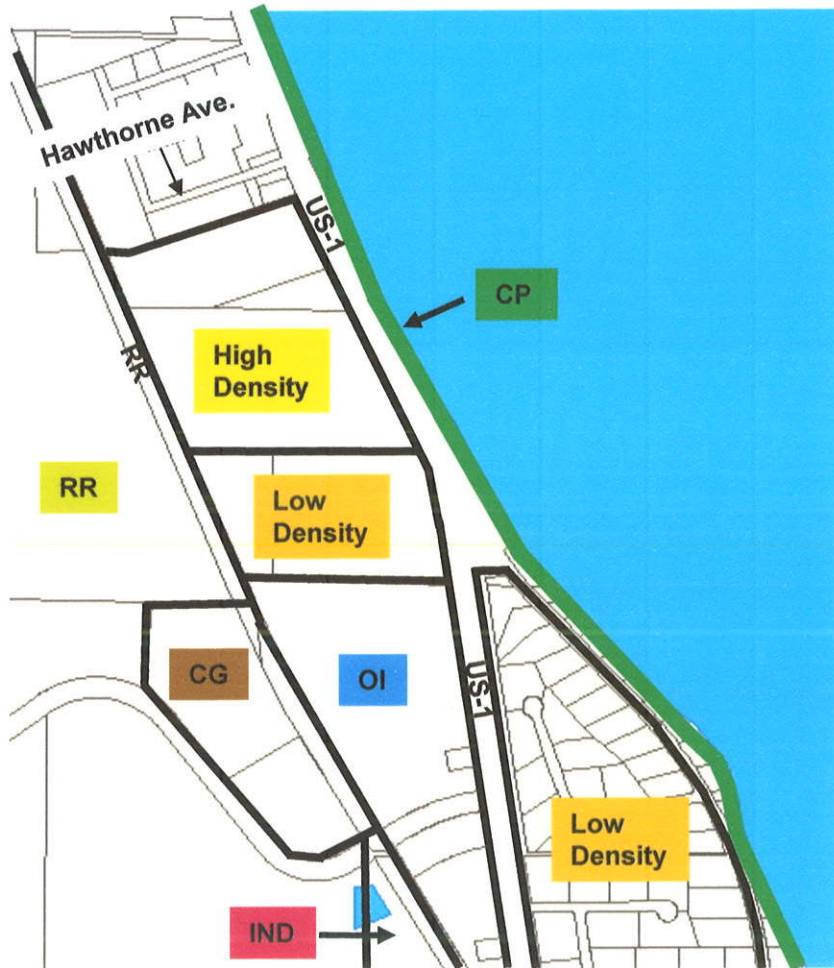


Proposed Land Use



Land Use Along US-1 (North Rocky Point)

Present Land Use



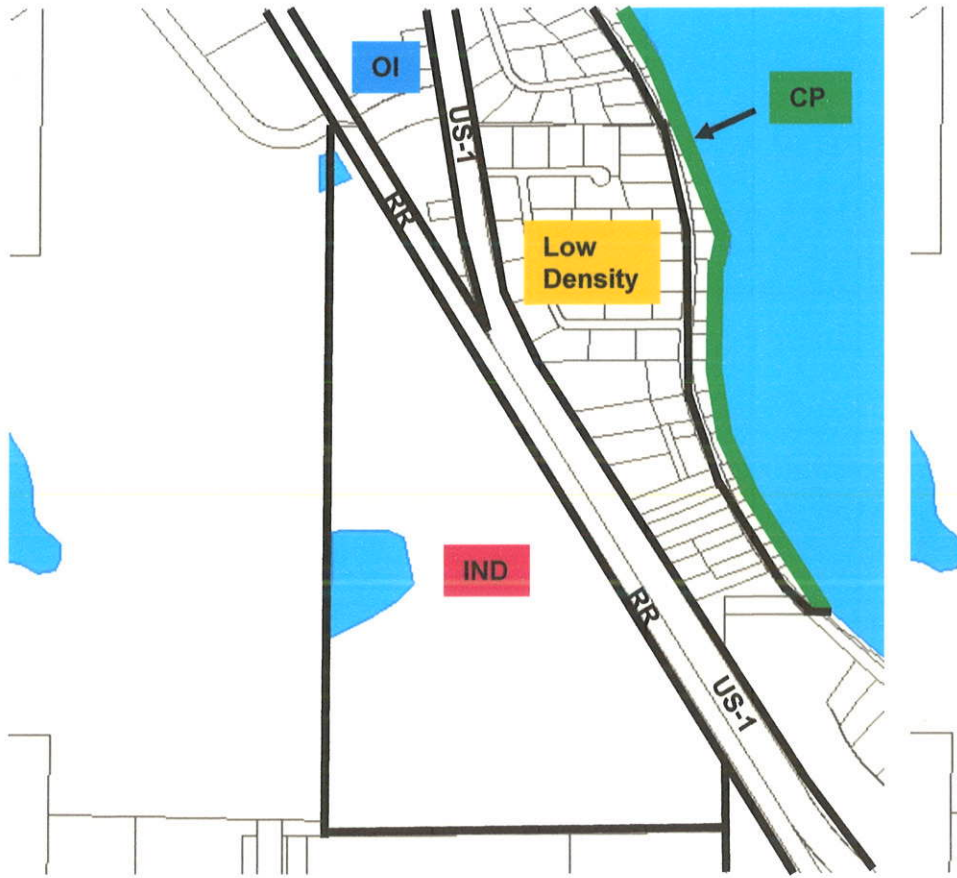
Proposed Land Use



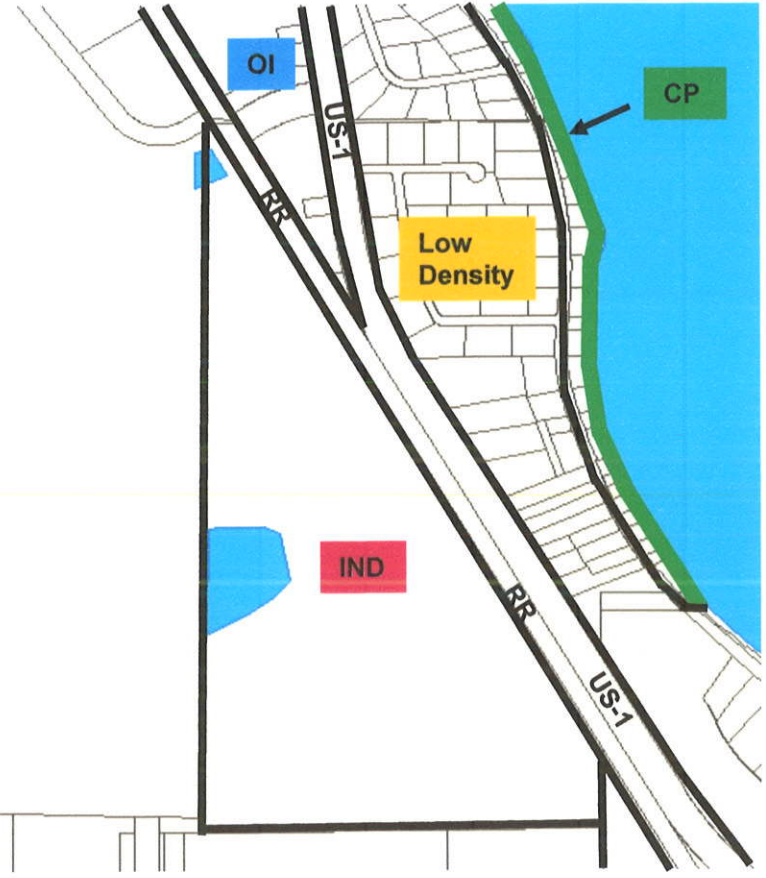
No Change from Present

Land Use Along US-1 (Rocky Point)

Present Land Use



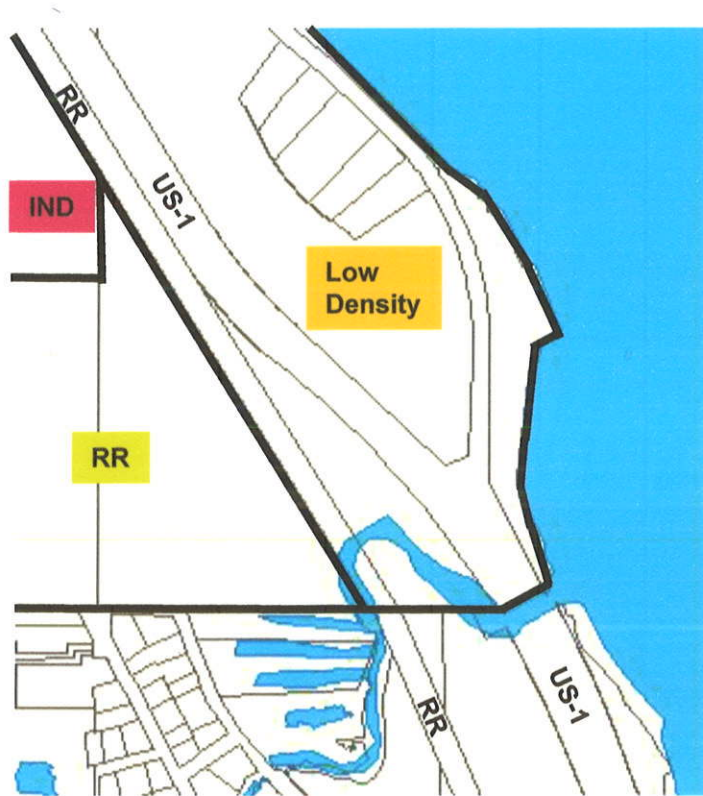
Proposed Land Use



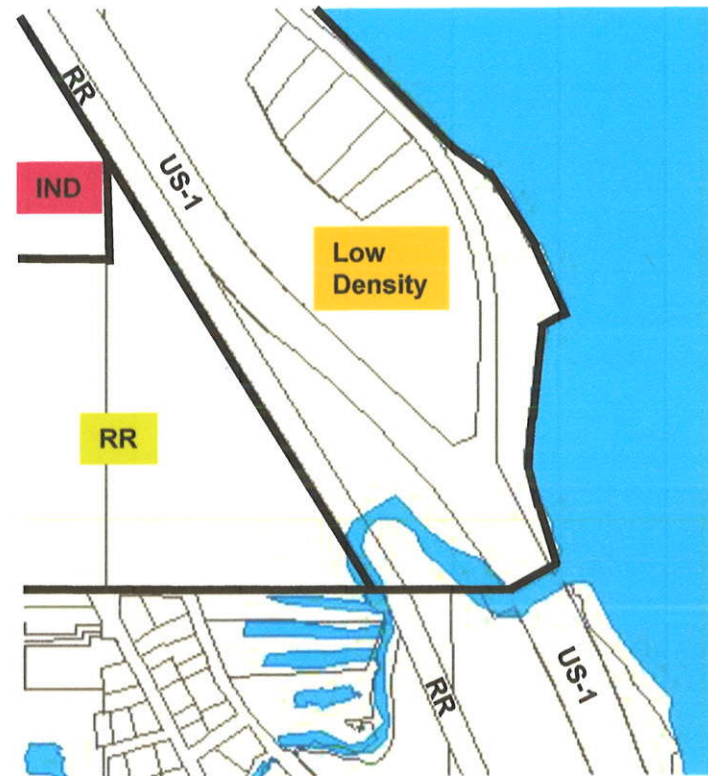
No Change from Present

Land Use Along US-1 (South Rocky Point)

Present Land Use



Proposed Land Use



No Change from Present

Read to P&Z Board on their meeting of 2/11/15 by Juliana Hirsch, 1035 Malabar Road, Malabar, FL 32950

"The discussion about RLC by P&Z Bd has gone on for over a decade. I recommend the Board Members read pages 18-20 of the 2010 Comp Plan, where it is repeatedly stressed this zoning is intended primarily for Limited Commercial and it appears now that certain Members of the Board favor the overturn the RLC zoning long approved by Council to a now predominantly residential use. The entire RLC was created to insulate the existing residential homes from higher taxes and insurance.

I recommend the Board Members review pages 18, 19 and 20 to familiarize themselves with what R/LC zoning is so to understand the zoning and its intention.

The suggest ratio recommendation by Board Member Ritter is ridiculous and cannot be implemented; for instance, a resident could not build a home without a business occupying the same parcel. The ratio is unrealistic and not comply with what the R/LC zoning was created for.

Additionally I recommend the Board Members review the 1985 through 1995 Zoning Map indicating Commercial Limited and General Commercial then known as B1 and B2 Zoning. Read the minutes of the RTCM of 1988 to better understand the intent. I feel it has been established why and how the zoning has been created and should not be changed – if you think the zoning needs changing it should go back to the 1995 zoning map; it's more workable in my opinion.

R/LC is not a bad zoning but it has taken an entirely wrong turn for what it was originally intended – that was to insulate the existing homes.

I recommend that you review the available ordinance and Comp Plan and Zoning Map to familiarize yourselves of the actual meaning and intention of the R/LC Zoning so to minimize the obvious confusion for an entire decade.

In closing, it appears the Board is rehabing items that already have been approved or disapproved by Council for whatever reason; it just indicates the existing confusion.