



Planning and Zoning Board Meeting

Wednesday, November 8, 2023 at 6:00 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

APPROVAL OF MINUTES

a. Approval of Minutes of 07/26/2023

Exhibit: Agenda Report Number 4a

Attachments:

- **Agenda Report Number 4a** (Agenda_Report_Number_4a.pdf)

b. Approval of Minutes of 10/25/2023

Exhibit: Agenda Report Number 4b

Attachments:

- **Agenda Report Number 4b** (Agenda_Report_Number_4b.pdf)

5. PUBLIC COMMENTS
6. PUBLIC HEARING
7. ACTION ITEMS

a. Discussion of Land Development Code Article III Table 1-3.3(A) Size and Dimension Regulation concerning the last column without water and wastewater density.

Presented by Mayor Patrick T. Reilly

Exhibit: Agenda Report Number 7a

Attachments:

- **Agenda Report Number 7a** (Agenda_Report_Number_7a.pdf)

8. DISCUSSION/POSSIBLE ACTION ITEMS
9. ADDITIONAL ITEMS FOR FUTURE MEETING
10. PUBLIC COMMENTS
11. OLD BUSINESS/NEW BUSINESS

a. Old Business

b. New Business

Board Member Comments

Discuss Holiday Schedule

Next regular Meeting - November 22, 2023

12. ADJOURNMENT

Contact: Denine Sherear (dsherear@townofmalabar.org 1321727764) | Agenda published on 11/03/2023 at 5:04 PM

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4.a.
Meeting Date November 8, 2023

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

SUBJECT: Approval of Minutes

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 with the understanding of how the Board came to their vote. These minutes are 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 07/26/2023 (unavailable)

ACTION OPTIONS:

The secretary requests approval of the minutes.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4.b.
Meeting Date November 8, 2023

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

SUBJECT: Approval of Minutes

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 with the understanding of how the Board came to their vote. These minutes are 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 10/25/2023

ACTION OPTIONS:

The secretary requests approval of the minutes.

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING MINUTES
OCTOBER 25, 2023, 6:00 PM**

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

1. CALL TO ORDER, PRAYER, AND PLEDGE:

Meeting called to order at 6:00 P.M. Prayer (by Wayne Abare) and Pledge led by Chair Wayne Abare.

2. ROLL CALL:

CHAIR: WAYNE ABARE
VICE-CHAIR: DOUG DIAL
BOARD MEMBERS: LIZ RITTER
DAVE TAYLOR
SUSAN SHORTMAN
ALTERNATE: MEGHAN WOLFGAM,
ALTERNATE: VACANT
BOARD SECRETARY: DENINE SHEREAR

6. PUBLIC HEARING:3

6.a. Recommendation to Council: To Rezone Property known as 2760,2768,2770,2800 Malabar Road, Malabar FL 32950 AKA: Parcel ID # 28-38-31-54-D-4 & 28-38-31-54-D-6 Malabar Road (NW Corner), From Residential/Limited Commercial (R/LC) to Commercial General (CG). (Ordinance 2023-09)

Property owner, William Carmine 3916 Lakeside Lane, Valkaria, presented the request to rezone the parcel to be consistent with the zoning for Route 1 Motorsports he owns adjacent to this parcel. This property would be used for a marine dealership. They are looking to do this work in stages. Initially, it will be used for an outdoor boat showroom without a building. Fencing the area in to display the boats in an aesthetic manner and stabilize the ground.

Chair Abare asked if any of the Board Members would like to ask Mr. Carmine any questions.

Ms. Ritter commented that CG is not intended for outside storage.

Mr. Carmine responded that this isn't for "outside storage" it is for recreational vehicle sales/display.

Ms. Ritter said that he has a lot of outside storage on his Route 1 property that is zoned CG.

Mr. Carmine responded by inquiring what the zoning is of the properties all around town hall where all the boats and RVs are being stored outside.

The Board Secretary, Denine, responded that the property surrounding Town Hall was not a good comparison but the property across the street is zoned CG.

Ms. Shortman inquired if car dealerships are allowed in CG as that is storage/display of vehicles.

Ms. Ritter said she didn't know if they would be required to fence the area.

Mr. Carmine said they would be fencing the area. His inventory fluctuates and they are looking to build a warehouse in Grant-Valkaria.

Mr. Dial asked applicant if he had any idea when you'd be looking to put up the building.

Mr. Carmine advised that they had started the process of engineering but the initial quotes they've gotten back were shocking compared to what they've built in the past. They're renting a space to the south (Bill's Discount Marine) temporarily to make sure that they can sell boats before investing the money into a new building. They hope to build within the next 2-5 years. He showed a couple renderings.

Ms. Shortman asked how things would be secured in the event of a hurricane.

Mr. Carmine advised that the boats would be on trailers and they would do their best to make sure they are secured. He does not want to add pavement or concrete now until the building is built, just looking to stabilize the area for display parking.

This rezoning request is consistent with the zoning in the area.

Mr. Abare opened the floor to public comments. No members of the audience wished to speak and the public comment portion for this matter was closed.

MOTION to approve for Council for rezoning from RLC to CG: Ritter / Shortman.

Vote: 5-0

Taylor	Aye
Ritter	Aye
Shortman	Aye
Dial	Aye
Abare	Aye

- 6.b. Recommendation to Council: For Site Approval of New Commercial Building property known as: 6795 Babcock Street, Malabar FL 32950 AKA: Parcel ID # 29-3710-00-318 Commercial General (CG) property 1.26 acres. (Ordinance 2023-06)

Zachary Komninos from Bowman Consulting Group presented on behalf of property owner, Mr. Robert Bareman. This is for a shutter/soffit company with an office and warehouse, one driveway access off of Babcock with parking lot in front and service yard in rear. A swale system will handle the stormwater. All permits have been obtained through SJRWMD, FDEP, and the City of Palm Bay.

Ms. Ritter asked about mitigating the wetlands onsite and if only 1 handicap parking spot is required.

Mr. Komninos advised that mitigation was not necessary as the wetlands are less than ½ acre and based on the square footage of the building, only 1 handicap spot was necessary. The project will be on septic as there is no sewer available. Water is provided by the City of Palm Bay. The septic drainfield is 15 ft from the top of bank for the dry pond/swale.

Staff, the reviewing engineer (Morris), and the Fire Department have approved. The engineer has requested a copy of the wetland report. The comments have been provided.

Mr. Abare opened the floor to public comments. No members of the audience wished to speak and the public comment portion for this matter was closed.

MOTION to approve for Council for site plan: Shortman / Ritter.

Vote: 5-0

Taylor	Aye
Ritter	Aye
Shortman	Aye
Dial	Aye
Abare	Aye

6.c. Request withdrawn by applicant.

6.d. Recommendation to Council: To Rezone property known as: 1080 US HWY 1, Malabar FL 32950 AKA: Parcel ID # 28-3831-253 & 255 property is 2.26 +/- acres (lying on the west side of US Hwy 1) From Residential/Limited Commercial (R/LC) to Commercial General (CG). (Ordinance 2023-08)

The zoning of the adjacent properties to the north is CG and the property to the south is R/LC.

Bruce Moia of MBV Engineering presented for property owners Robert B & Jill M Trettis. The applicant owns the property to the north. He is looking to rezone the 2 parcels to the south to the same CG zoning. The proposed facility would utilize all 3 parcels if these 2 parcels are rezoned.

Mr. Abare opened the floor to public comments.

Mr. Baker who owns the storage facility 1040 Hwy 1 spoke in opposition of the project. He thinks that the project site will be difficult to build without creating a problem for the neighbors (diminished property values, drainage retention) since it is not level. If the property were flat, he would not have any comments.

The property owners are required to retain the water on their properties.

Mr. Moia responded by saying that the drainage and stormwater requirements are much stricter than they were in 1984 when Mr. Baker built his project. They will submit a drainage plan if/when a site plan application is submitted. All these issues will be addressed at that time.

Mr. Dial asked about height restrictions – 35 ft is the max.

Mr. Taylor wanted to confirm that the property owners within a certain radius were notified.

Denine advised they were notified by mail, and it was advertised in the newspaper. If they were unable to attend, they could have called or emailed, and their concerns would have been placed on record. No comments from adjacent owners were received.

Ms. Wolfgram asked about the property immediately to the south. A new single-family residence is being built on that property.

MOTION to approve for Council for rezoning from RLC to CG: Dial / Taylor.

Vote: 3-2

Taylor	Aye
Ritter	Nay
Shortman	Nay
Dial	Aye
Abare	Aye

7. ADJOURNMENT

There being no further business to discuss, MOTION: Ritter / Dial to adjourn this meeting.
Vote: All Ayes.

The meeting adjourned 7:37 P.M.

BY:

Wayne Abare, Chair

Denine Sherear, Board Secretary

Date Approved: as presented.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 7.a.
Meeting Date November 8, 2023

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

SUBJECT: Discussion of Land Development Code Article III Table 1-3.3(A) Size and Dimension Regulations concerning the last column, without water and wastewater density
Presented by: Mayor Patrick T. Reilly

BACKGROUND/HISTORY:

Mayor Reilly brought before this Board a discussion for Article III concerning **Table 1-3.3(A) Size and Dimension Regulations concerning the last column, without water and wastewater density.**

The discussion is concerning the density and properties with and without Central Water & Wastewater. This was not codified into the existing supplement.

The Board will discuss and review suggestions for corrective actions to clarification Table 1-3.3(A) Size and Dimension Regulations concerning the last column.

Mayor Reilly will assist and explain these corrective actions.

Discussion Items to include the following:

- **Table 1-3.2 LAND USE BY DISTRICTS (Supplement (9 & 25))**

ACTION OPTIONS:

Discuss / Action to Council

Mobile Home Residential Development														
R-MH	Site: 5 Acres Lot: 7000				10	8	8	10	50	N/A	50	6	1	
Office Development														
OI	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	20	65	35	N/A	N/A
Commercial Development														
CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	25	20	65	0.20	35	N/A	N/A	N/A
					Min. Area: 900 Max. Area: 4,000									
CG	20,000	100	150	35/3	Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	30	65	0.20	35	N/A	N/A	N/A
Industrial Development														
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	30	70	0.42	30	N/A	N/A	N/A
						100 ⁵	100 ⁵	100 ⁵						
Institutional Development														
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	30	60	0.20	40	N/A	N/A	N/A
										0.10 ⁶				
Coastal Preservation														
CP	No Size or Dimension Standards Adopted													

1 Minimum size sites and lots include one-half of adjacent public right-of-way.

2 Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.

3 Setback where rear lot line abuts an alley.

4 Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.

5 Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.

6 Recreation activities maximum FAR shall be .10.

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS Supplement #25

Zoning District	Minimum Lot (1)		Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)			Side (C)	Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater
	Size (sq. ft.)	Width (ft.)			Depth (ft.)	Front	Rear					
Rural Residential Development												
RR-65	65,340	150	250	35/3	1,500	40	30	30	20	N/A	80	0.66
Traditional Single Family Residential Development												
RS-21	21,780	120	150	35/3	1,800	35	20	15	35	N/A	65	2
RS-15	15,000	100	120	35/3	1,500	30	20	15	45	N/A	55	2,904
RS-10	10,000	75	100	35/3	1,200	25	20	10	50	N/A	50	4
Multiple Family Residential Development												
RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	50	N/A	50	4
RM-6	5 acres Minimum Site	200	200	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	50	n/a	50	6
Mixed Use Development												
R/LC	20,000	100	150	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120 Commercial: 900	25 50	20 25	10 10 ⁴	50 65	n/a n/a	50 35	4 6
Mobile Home Residential Development												
R-MH	Site: 5 Acres					10	8	8	50	N/A	50	6

Lot: 7000												
Zoning District	Minimum Lot (1)		Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater	
	Size (sq. ft.)	Width (ft.)			Depth (ft.)	Front	Rear					Side (l)
Commercial Development												
CL	20,000	100	150	35/3	50	<u>25</u>	10 ⁴ 15 ³	20	65	0.20	35	N/A
				Min. Area: 900 Max. Area 4,000								
CG	20,000	100	150	35/3	50	<u>25</u>	20 ⁴ 15 ³	30	65	0.20	35	N/A
				Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit								
Industrial Development												
IND	20,000	100	150	35/3	50 100 ⁵	<u>25</u> 100 ⁵	20 100 ⁵	30 100 ⁵	70	0.42	30	N/A
				Minimum Floor Area: 1200								
Institutional Development												
INS	20,000	100	150	35/3	50	<u>25</u>	20	30	60	0.20 0.10 ⁶	40	N/A
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Coastal Preservation												
CP	No Size or Dimension Standards Adopted											

- 1 Minimum size sites and lots include one-half of adjacent public right-of-way.
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- 3 Setback where rear lot line abuts an alley.
- 4 Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
- 5 Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
- 6 Recreation activities maximum FAR shall be .10.
- 7 In RR-65 Zoning, side and rear setback may be reduced for accessory structures to equal the height of the accessory structure but under no condition be reduced to less than 15 feet. If the height of the accessory structure height is 20 feet, the side and rear setbacks for that building would be 20 feet.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 7.a.
Meeting Date November 8, 2023

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

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Discussion Items to include the following:

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ACTION OPTIONS:

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Minimum Floor Area: 1000													
Commercial Development													
CL	20,000	100	150	35/3	50	25	10 ⁴ 15 ³	20	65	0.20	35	N/A	N/A
Minimum Floor Area: 900													
Min. Area: 900 Max. Area 4,000													
CG	20,000	100	150	35/3	50	25	20 ⁴ 15 ³	30	65	0.20	35	N/A	N/A
Minimum Floor Area: 1200													
Minimum Hotel/Motel Area: 300 Each Unit													
Industrial Development													
IND	20,000	100	150	35/3	50 100 ⁵	25 100 ⁵	20 100 ⁵	30 100 ⁵	70	0.42	30	N/A	N/A
Minimum Floor Area: 1200													
Institutional Development													
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Coastal Preservation													
CP	No Size or Dimension Standards Adopted												

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6 Recreation activities maximum FAR shall be .10.

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS Supplement #25

Zoning District	Minimum Lot (1)		Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater	
	Size (sq. ft.)	Width (ft.)			Depth (ft.)	Front	Rear					Side (l)
Rural Residential Development												
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RS-15	15,000	100	120	35/3	1,500	30	20	15	15	N/A	55	2,904
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Mixed Use Development												
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						50	25	10 ⁴	20	n/a	65	6
Mobile Home Residential Development												
R-MH	Site: 5 Acres					10	8	8	10	N/A	50	6

Lot: 7000													
Zoning District	Minimum Lot (1)		Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater		
	Size (sq. ft.)	Width (ft.)			Depth (ft.)	Front	Rear					Side (l)	Side (c)
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Institutional Development													
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	<u>25</u>	20	30	60	0.20 0.10 ⁶	40	N/A
Coastal Preservation													
CP	No Size or Dimension Standards Adopted												

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