



Planning and Zoning Board Meeting

Wednesday, June 10, 2020 at 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA
5. PUBLIC HEARING

- a. Land Use Map Amendment and Zoning Request (Ordinance 2020-03) located at the northeast corner of Osage Street and Babcock Street change from Residential/Limited Commercial (R/LC) and Office Institutional (OI) to Commercial General (CG) Parcel 568 in Section 10, Township 29, Range 37; (7099 Babcock Street, Malabar, FL) The Applicant is Mr. Henry Morin representing property owner, Paneesh Sai, LLC.

Exhibit: Agenda Report 5a, 5a(1), 5a(2), 5a(3) & 5a(4)

6. ACTION ITEMS
7. DISCUSSION
8. ADDITIONAL ITEMS FOR FUTURE MEETING
9. PUBLIC COMMENTS
10. OLD BUSINESS/NEW BUSINESS
 - a. Old Business
 - b. New Business

Board Member Comments

Next regular Meeting - June 26th, 2019

11. ADJOURNMENT

**TOWN OF MALABAR
PLANNING & ZONING MEETING**

**AGENDA REPORT NO: 5.a.
Meeting Date: June 10, 2020**

Prepared By: Denine Sherear, Planning and Zoning Board Secretary

SUBJECT: Public Hearing on this Request: Land Use Map Amendment and Zoning Change Request for the 1.35 acre (+/-) site known as Parcel 568 in Section 10, Township 29, Range 37, located at the northeast corner of Osage and Babcock Streets, Malabar, Florida from Residential/Limited Commercial (R/LC) and Office Institutional (OI) to Commercial General (CG). The applicant is Mr. Henry Morin representing the property owner, Phaneesh Sai, LLC.

BACKGROUND/HISTORY:

This applicant's request to amend the Future Land Use (FLU) designation on the FLUM from Residential/Limited Commercial (R/LC) and the Town's Zoning classification from Office Institutional (OI) to Commercial General (CG) to create a consistency and allow for development.

Staff has evaluated the requests based on the language in the Land Development Code and the Comprehensive Plan and recommends approval of the land use designation change and corresponding zoning change.

The ordinance that provides for the changes, if approved, will have a first reading at the Town Council Meeting on June 15, 2020 @ 7:30PM as well as a Public Hearing on the request per the Town's Land Development Code. If the first reading is approved, the ordinance will be legally advertised for a second reading for the Council meeting on July 6, 2020.

ATTACHMENTS:

Application package, cover letter and attachments
Ord 2020-03 Amendment to Comprehensive Plan Future Land Use Map and Zoning Change
Memo from Planning and Zoning Board and Draft minutes
Current Zoning Map of area
Current FLUM
Portion of Comp Plan – FLU Element, Goals and Objectives 1-1.2.1 and 1-1.2.2
Malabar Land Use Designations for CG
Town Atty, Planner, Engineer review comments
Radius Map, Legal ad and Notices mailed to surrounding Property owners

ACTION OPTIONS:

Recommendation to Council

Application Package
Cover Letter
Attachments

TOWN OF MALABAR
2725 Malabar Road, Malabar, Florida 32950 TOWN OF MALABAR
(321) 727-7764 – Telephone
(321) 727-9997 - Fax

Date: Feb 13 2020

FEB 13 2020
No. SSA-LUZ-01-2020
RECEIVED

APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

Before completing this application, please refer to the attached:

- General Information
- Section 1-12.5 - Procedures for Adopting, Supplementing or Amending the Land Development Code
- Florida Statutes, Chapter 166.041(c)
- Article III - District Provisions

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s): Henry Morin Telephone #: 321 725 9234

Mailing Address: 1090 Mandarin Dr. NE, Palm Bay, FL 32905

Legal description of property covered by application:

Township: 29S Range: 37E Section: 10

Lot/Block: _____, Parcel Subdivision: 508

Other Legal: See attached deed: ORB 8243, Page 134

Property Address: _____

- Current and Proposed Comprehensive Plan Land Use Map Designation. The current and proposed Comprehensive Plan Land Use Map designation for the subject property shall be identified: Current: RLC Proposed: CG
- Current and Proposed Zoning. The current and proposed zoning for the subject property shall be identified: Current: OT Proposed: CG
- Existing and Proposed Use. The existing and proposed use of the subject property shall be stated: Current: vacant land Proposed: future development

Fees:

Rezoning - \$625.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for **Residential**.

Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for **Residential**.

Rezoning & Land Use Charges - \$1500.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for **Commercial**.

(*Additional costs may include, but are not limited to engineering fees, attorney fees, etc.)

Required Attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$ 1,500.00 in check or money order payable to *Town of Malabar*. We do not accept cash or credit cards.
- Radius package from Brevard County P&Z GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office. (321-633-2060)

Signature of Applicant _____

Signature of Applicant Henry Morin

TOWN OF MALABAR
APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

FEB 13 2020

RECEIVED

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a rezoning review of the property.

Please complete only one of the following:

I, Henry Morin, being first duly sworn, depose and say that I, Henry Morin, am the legal representative of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

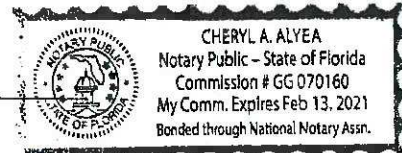
Henry Morin
Applicant / Legal Representative Date

Applicant Date

Sworn and subscribed before me this 17th day of July, 2019.

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____



Cheryl A. Alvea

I, Vijaya Lagudu, being first duly sworn, depose and say that I, Vijaya Lagudu, am the Owner of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

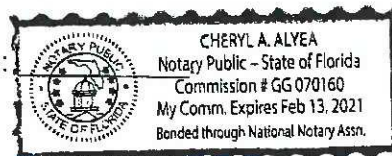
~~Applicant~~ Owner Date

~~Applicant~~ Date

Sworn and subscribed before me this 17th day of July, 2019.

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____



Cheryl A. Alvea

FEB 13 2020

RECEIVED

July 17th, 2019

Re: Letter of Authorization

As the property owner of the site legally described as:

See Attached deed: ORB 8243 Page 134

I, Owner Name: PHANEESH SAI LLC
Address: 114 Lansing Island Dr., I#B, 32937
Telephone: Vijaya Lagudu 321-362-8519
Email: vlagudu@yahoo.com

hereby authorize:

Rep. Name: Henry Morin
Address: 1090 Mandarin Dr. NE, PBag, 32905
Telephone: 321 725 9234
Email: henryoga@yahoo.com

to represent the request(s) for:

Land Use Amendment and Zoning Change

[Handwritten Signature]

(Property Owner Signature)

Vijaya Lagudu

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 17th day of July, 2019 by

(SEAL)



[Handwritten Signature]
Notary Public

Personally Known or
Produced Identification
Type of Identification Produced:

FEB 13 2020

RECEIVED

February 4, 2020

To: Town of Malabar Planning and Zoning Board and Town Council

Re: Request for FLU Map change of RLC to CG and Zoning change of OI to CG

Subject Property: NE corner of Babcock St and Osage St

1. The subject property is located west of I-95 at the very extreme SW corner of the Town limits, precisely at the NE corner of Babcock St and Osage St. See Exhibit A.
2. The Town of Grant Valkaria begins at the Osage St right of way line. The City of Palm Bay is across Babcock St.
3. The subject property has 300 feet of frontage on Babcock St and 200 feet of frontage on Osage St. The total area is 60,000 SF, approximately 1 ½ acre.
4. The subject property is zoned Office Institutional- OI. This classification has a maximum building coverage of 20 % which is the very same coverage ratio as the requested classification of Commercial General. This ratio would allow 12,000 SF in either classification. And both classifications have no "cap" on the building size overriding the 20 %.
5. Both classifications have the same minimum property size, width, and depth, the same maximum height, the same impervious surface ratio and the same open space ratio.
6. Building placement limitations are very similar. Both classifications have the same rear setbacks and side interior setbacks.
7. The west side frontage along Babcock St is in the City of Palm Bay. The subject parcel is located directly across Babcock St from an undeveloped 18 acre corner parcel located in the City of Palm Bay. This corner parcel has over 1,000 feet of direct frontage on Babcock St with a depth conducive to commercial uses. Once Babcock St is 4 laned this stretch of Babcock St could have the same transformation that occurred along Malabar Rd between Emerson Dr and Minton Rd right after Malabar Rd was 4 laned. The City of Palm Bay conducted many public hearings and eventually administratively rezoned the GDC residential lots and the larger tracts from residential to commercial. The City has a goal to increase commercial development. It is a recognized need. See Exhibit B.
8. The east side frontage along Babcock St south of Osage St is in the Town of Grant Valkaria.



In the Town's FLU Map this Babcock St frontage is designated commercial to a depth of approximately 400 feet along the south side of Osage St. The actual SE corner of Osage St is designated Village Commercial which the Town considers compatible with BU-1 and BU-2. See Exhibit C. Changing the subject property to Commercial General would be compatible to the zoning of the property on the south side of Osage St.

9. At one time, back when the Town used/applied County zoning designations, the subject property and other properties along Babcock St were zoned BU-1 or BU-2. Evidence of this previous zoning is the construction of the Ace Hardware building in 1985, while zoned under the BU-1 or BU-2 classification. See Exhibit D. Later, in the early 1990's, the Town created its own zoning classifications and did a "residential" blanket zoning of this area. This zoning change was not initiated by the land owners. There weren't even any public hearings giving affected owners notice of this impending change.

10. With the subject property at a corner that will have a median opening, the Commercial General zoning classification will increase the opportunity for the Town of Malabar to benefit from the commercialization of Babcock St.

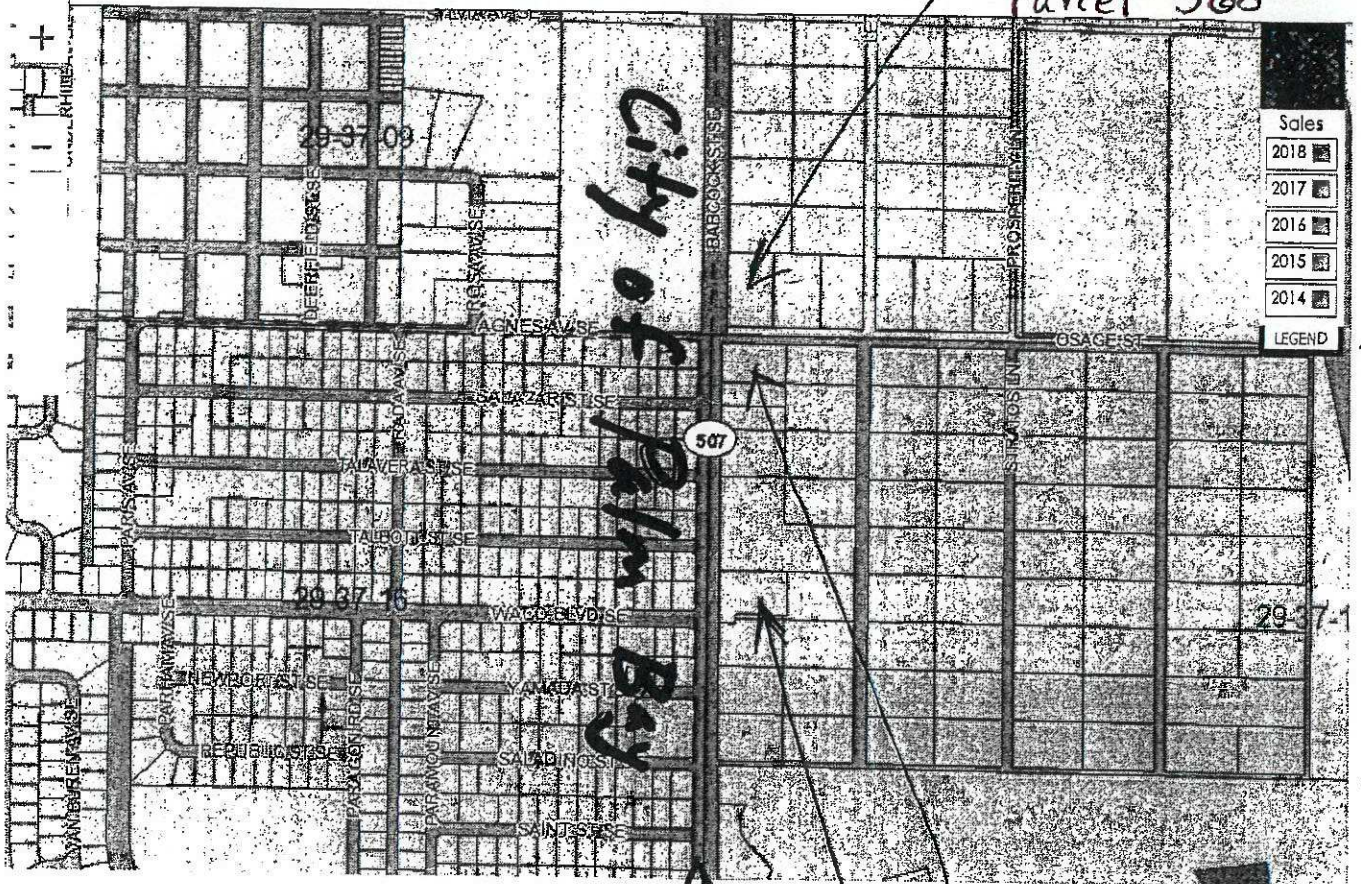
Henry Morin

Applicant

A handwritten signature in cursive script that reads "Henry Morin". The signature is written in black ink and is positioned below the printed name and title.

Account (1234567)

Subject Property
Parcel 568



South line
Town of Grant
Valkaria north line

City of Palm Bay

Babcock St

Village Commercial
Town of GV

New Dollar General

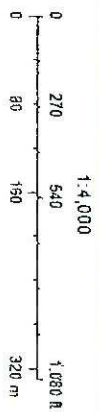
Subject Property - 300' on Babcock St
200' on Osage St

Click map for parcel info

Brevard County Property Appraiser



February 10, 2020



28-288-00
ENGINEER/REGISTRAR BCPAO

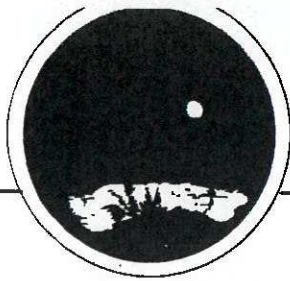
For this session only. Not a survey. Data errors may not be covered by BCPAO. © BCPAO 2018

L (A) M X 7



18 acres

Subject



CITY OF
PALM BAY
FLORIDA

120 MALABAR ROAD, S.E. • PALM BAY, FLORIDA 32907-3009 • (407) 952-3400

November 12, 1999

NOTICE TO PROPERTY OWNERS
PLANNING AND ZONING BOARD**

Refer to Case No. CP-16-99 and CPZ-16-99:

An application for an amendment to the City of Palm Bay Future Land Use Map and City of Palm Bay Zoning Map has been filed with the City of Palm Bay. The applicant requests the property described as:

Block 200, Lots 1 thru 3; Block 201, Lots 1 thru 21; Block 204, Lots 12 thru 17; Block 205, Lots 12 thru 17; Block 206, Lots 12 thru 17; Block 207, Lots 12 thru 17; and Block 208, Lots 1 thru 3; all being a part of Port Malabar Unit 7 as recorded in Plat Book 14, Page 126 (Located north of Malabar Road); together with

Block 299, Lots 7 thru 14; Block 300, Lots 7 thru 14; Block 301, Lots 7 thru 19; Block 303, Lots 7 thru 18; Block 304, Lots 8 thru 13; Block 305, Lots 9 thru 14; and Block 306, Lots 11 thru 13; all being a part of Port Malabar Unit 9 as recorded in Plat Book 15, Page 1 (Located south of Malabar Road); together with

Block 358, Lots 1 thru 4; Block 359, Lots 10 thru 17; Block 360, Lots 1 thru 4; Block 361, Lots 6 thru 15; Block 376, Lots 7 thru 14; and Block 377, Lots 1 thru 4; all being a part of Port Malabar Unit 10 as recorded in Plat Book 15, Page 10 (Located south of Malabar Road); together with

Lots 1, 2, 9, 10, 11 and 12, Point West Estates as recorded in Plat Book 24, Page 16; Part of Tax Parcel 3, part of Tax Parcel 4, part of Tax Parcel 5, part of Tax Parcel 6, part of Tax Parcel 7, part of Tax Parcel 9, and Tax Parcel 21, Section 5, Township 29 South, Range 37 East; and Tax Parcel 1, Tax Parcel 3 and Tax Parcel 5, Section 6, Township 29 South, Range 37 East (Located south of Malabar Road).

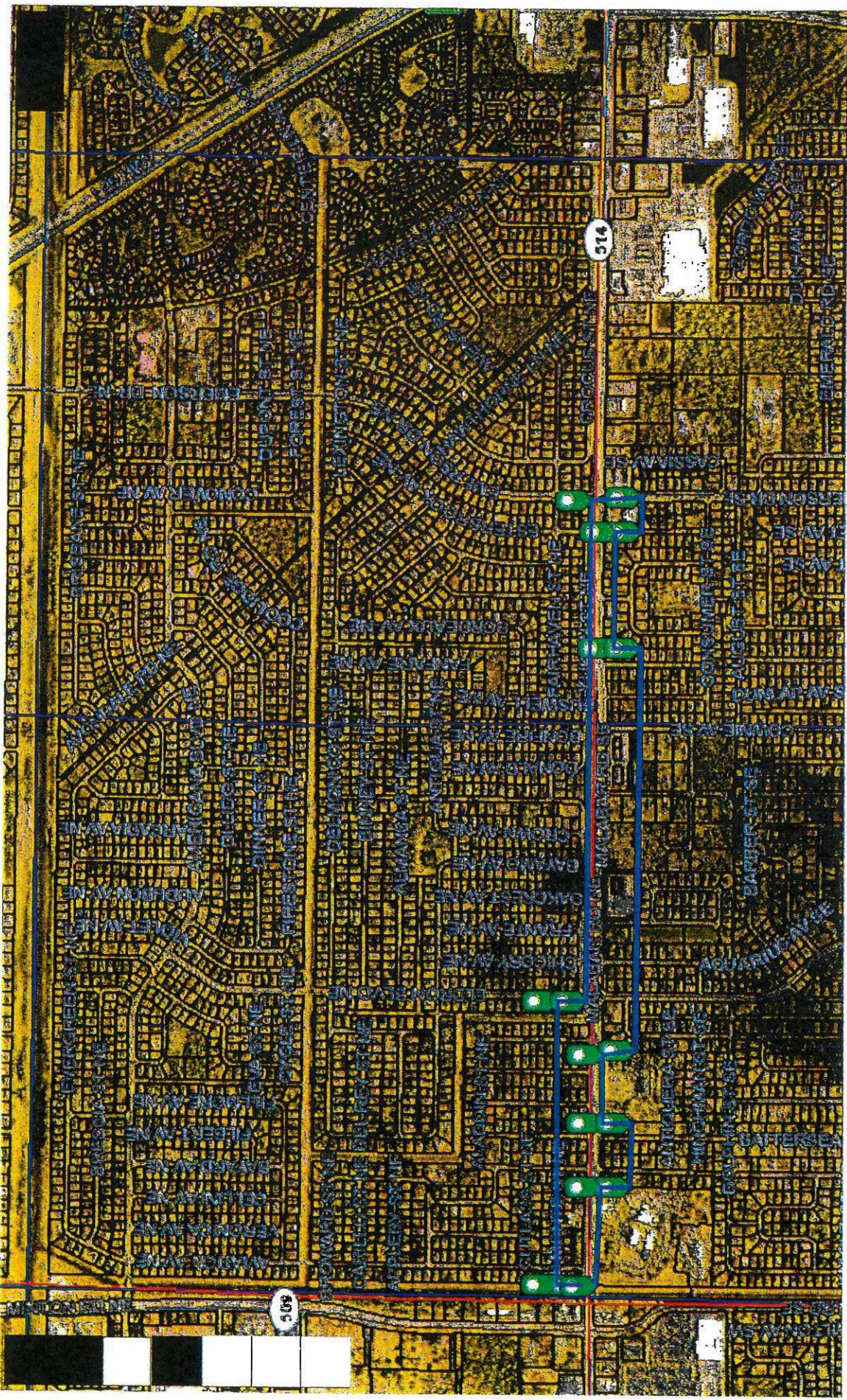
be amended to change the Future Land Use Map designation from Single Family Use to Commercial and the Zoning Map from RS-2, Single Family Residential District (Port Malabar Units 7, 9 and 10) and RR, Rural Residential District (Point West Estates and all Tax Parcels) to CC, Community Commercial.

The applicant for the request is the City of Palm Bay Planning Division.

A public hearing will be held by the Planning and Zoning Board on December 1, 1999 at 7:00 P.M. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, at which time you may submit your views on the matter in person, in writing, or through your representative.

Planning and Zoning Board
120 Malabar Road SE
Palm Bay, Florida 32907
(407) 952-3428

** REFERS TO PROPERTY OWNERS OF LAND WHICH IS PROPOSED TO BE CHANGED.



Measure Distance

Feet



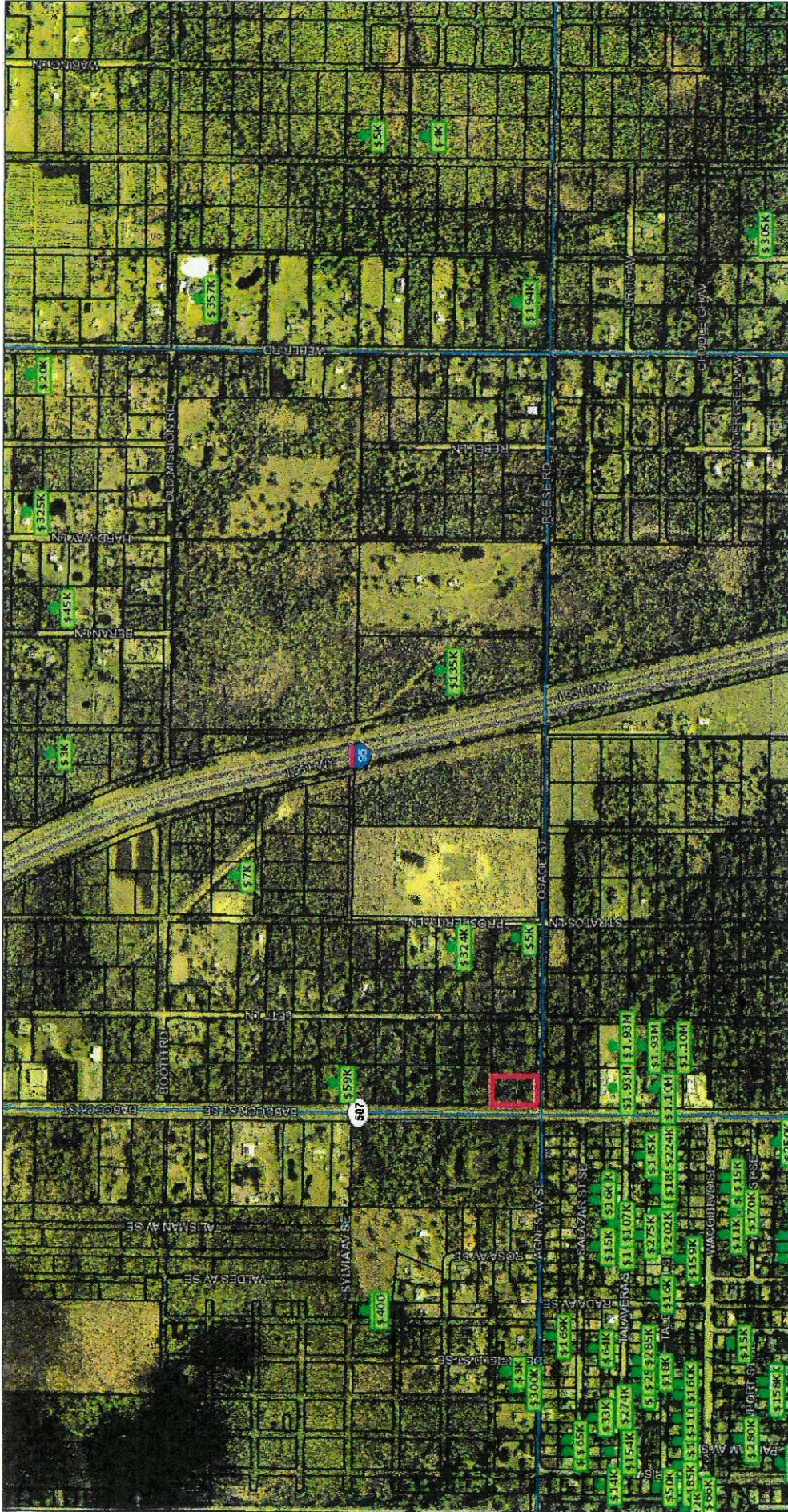
Close

Malabar Rd rezoning residential to commercial

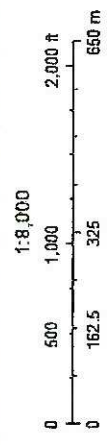
16,965.2 Feet

Click two or more points on map to draw a line. Double-click last point to end line.

Brevard County Property Appraiser



March 16, 2020



2840380
 EagleView Pictometry SCPAD
 For illustration only. Not a survey. Map layers may not precisely align.
 © BCPAO 2015

EXHIBIT 1

Subject: Future Land Use - Village Commercial vs. Local Commercial

From: Rebekah Raddon (Clerk@GrantValkaria.org)

To: henryoga@yahoo.com;

Cc: info@grantvalkaria.org;

Date: Wednesday, July 18, 2018 5:20 PM

Henry,

I spoke with Rick Hood regarding the future land use maps, and he says the pink areas (Local Commercial) are compatible with BU-1- A zoning and the Red areas (Village Commercial) are compatible with BU-1, BU-2, TU-1 and TU-2 zoning classifications.

The pink (Local Commercial) areas are lower intensity than the red.

Regards,

Rebekah Raddon

Town Clerk

Town of Grant-Valkaria

1449 Valkaria Road

Grant Valkaria, FL 32950

Phone: (321) 951-1380

Fax: (321) 956-5660

Email: clerk@grantvalkaria.org

Website: www.grantvalkaria.org

Florida has a very broad public records law. As a result, any written communication created or received by the Town of Grant-Valkaria officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

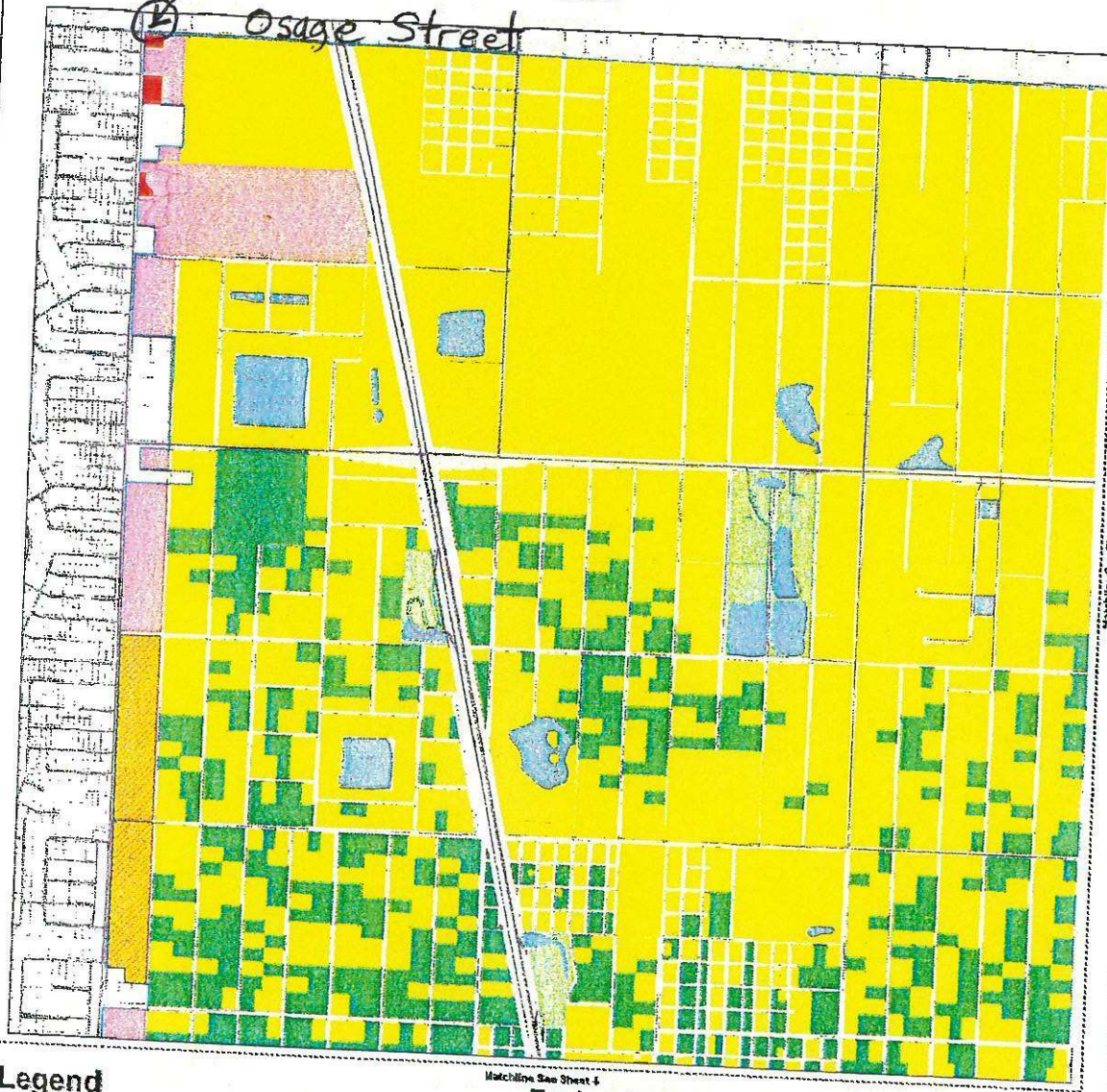
Subject Property

6-2

Town of Grant-Valkaria Future Land Use Map

2025

Osage Street



Legend

Source: Survey County, Grand County, Oregon
Approved: Grand County Council Resolution

Grant-Valkaria City Limits

Grant-Valkaria Surface Water

Future Land Use

Commercial

Village Commercial

Local Commercial

Industrial

Industrial

Planned Industrial Park

Conservation

Public/Private Conservation

Public

Public

Recreation

Residential (Units/Acre)

Residential 1:1.25

Residential 2:1

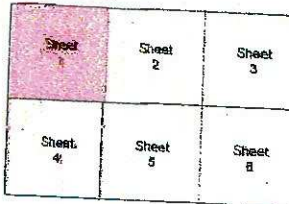
Residential 4:1

Zoning Acronyms

Source: Grand County, Oregon

- AU Agricultural Residential
- BU-1 General Retail Commercial
- BU-1-A Restricted Neighborhood Retail Commercial
- BU-2 Retail, Wholesale and Wholesale Commercial
- EU-2 Estate Use Residential
- EU-2 Estate Use Residential
- GM Government Managed Lands
- GU General Use
- IN Institutional Use
- LI Light Industrial
- LI-1 Heavy Industrial
- POP Planned Business Park
- RP Residential-Professional
- RR-1 Rural Residential
- RR-1-1 Rural Residential Mobile Home
- RU-1-7 Single-Family Residential
- RU-1-8 Single-Family Residential
- RU-1-11 Single-Family Residential
- RU-1-13 Single-Family Residential
- RU-2-4 Single-Family Attached Residential
- RU-2-10 Single-Family Attached Residential
- RVP Recreational Vehicle Park
- SR Suburban Residential
- TR-1 Single-Family Mobile Home
- TR-2 Single-Family Mobile Home
- TRC-1 Single-Family Mobile Home Cooperative
- TU-1 General Tourist Commercial

Key Map



MILLER LEGG
IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.



Exhibit (D)

Midnight, Monday, March 2
File Online

x

Property Search
Contact Us

Brevard County Property Appraiser
Dana Blickley, CFA

Account: 2931332



Building was
constructed
in 1985,
See next
page

Owners:

Parker, Paul K; Parker, Barbara Trustees

Mail Address:

19650 SW 88th Loop Dunnellon FL 34432

Site Address:

6755 Babcock St Malabar FL 32950

Parcel ID:

29-37-10-00-284

Taxing District:

3420 - Malabar

2019 Exemptions:

None

(Wrong exemption? Maybe this is why...)

Property Use:

1100 - Retail Store - 1 Unit

Total Acres:

1.29

Site Code:

0320 - Babcock

Plat Book/Page:

-

Subdivision Name:

-

Land Description:

W 1/2 Of N 200 Ft Of S 1000 Ft Of Lot 24 Of Pb 1 Pg 165 Ex W 50 Ft As Des In Orb 2086 Pg 1170

Value

Category	2019	2018	2017
Market Value:	\$662,220	\$636,090	\$590,000
Agricultural Land Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$662,220	\$636,090	\$590,000
Assessed Value School:	\$662,220	\$636,090	\$590,000
Homestead Exemption:	\$0	\$0	\$0
Additional Homestead:	\$0	\$0	\$0
Other Exemptions:	\$0	\$0	\$0
Taxable Value Non-School:	\$662,220	\$636,090	\$590,000
Taxable Value School:	\$662,220	\$636,090	\$590,000

Sales/Transfers

Don't see your deed here? Maybe this is why...

Date	Price	Type	Parcel	Deed
03/31/2008	--	WD	Improved	5859/2512
03/31/2008	--	WD	Improved	5856/4301
03/01/1998	--	TD	Improved	3826/0244
03/01/1998	--	PT	Improved	3820/3155
05/30/1996	--	WD	Improved	3572/3991
10/01/1984	\$40,000	WD	--	2549/1675
08/01/1979	\$12,500	--	--	2086/1170

Buildings

Wrong building data? Maybe this is why...

Property Data Card #1

MATERIALS

Description	Value
Exterior Wall:	Enamel Steel , Brd/Lap Siding
Frame:	Metalframe , Wood Frame
Roof:	Sheet Metal
Roof Structure:	Steel Truss Rigid

DETAILS

Description	Value
Bldg. Use:	1100 - Retail Store - 1 Unit
Year Built:	1985
Story Height:	14
Floors:	1
Residential Units:	1
Commercial Units:	0

SUB-AREAS

Description	Square-Feet
Base Area 1st	10,000
Open Porch	1,300
Open Porch	3,000
Total Base Area	10,000
Total Sub Area	14,300

EXTRA FEATURES

Description	Units
Paving - Concrete	24,705



INSTITUTION

B1B
B2B
C
P
B1B
B2B
C
P
B1B
B2B

BABCOCK & STRONG

LETT

OSAGE

REA

9 10 11 12 13 14 15

16

**TOWN OF
MALABAR
Brevard County - Florida
OFFICIAL ZONING MAP
1985**

This is to certify that this Official Zoning Map supercedes and replaces that Zoning Map adopted 10-5-76 as part of Ordinance No. 7-1-76 of the Town of Malabar, Florida.

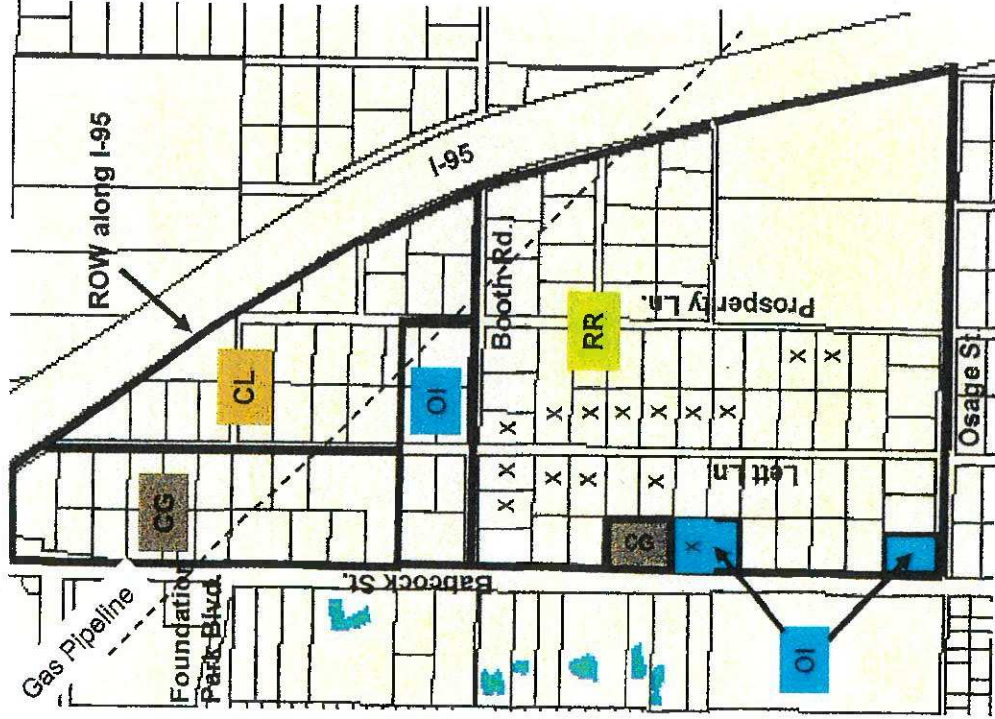
2-23-87

Date

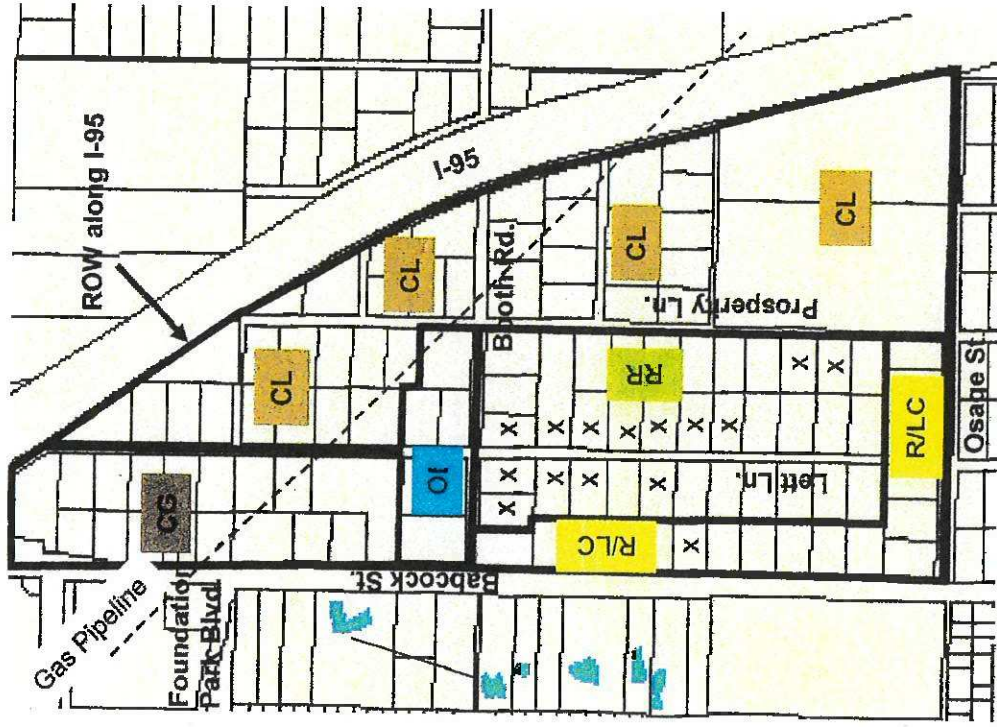
Carl A. Best
Mayor

Land Use Along Babcock Street

Present Land Use



Proposed Land Use



X = Homes

January 25, 2018

Malabar Current Zoning Map – 1995

Article III – OI defined

Article III – CG defined

Article III Table 1-3.3(A)

TOWN OF MALABAR

Brevard County, Florida
OFFICIAL ZONING MAP

FINAL 1995

This is to certify that this Official Zoning Map supercedes and replaces that Zoning Map adopted _____ as part of Ordinance No. _____ of the Town of Malabar, Florida.

DATE

MAYOR



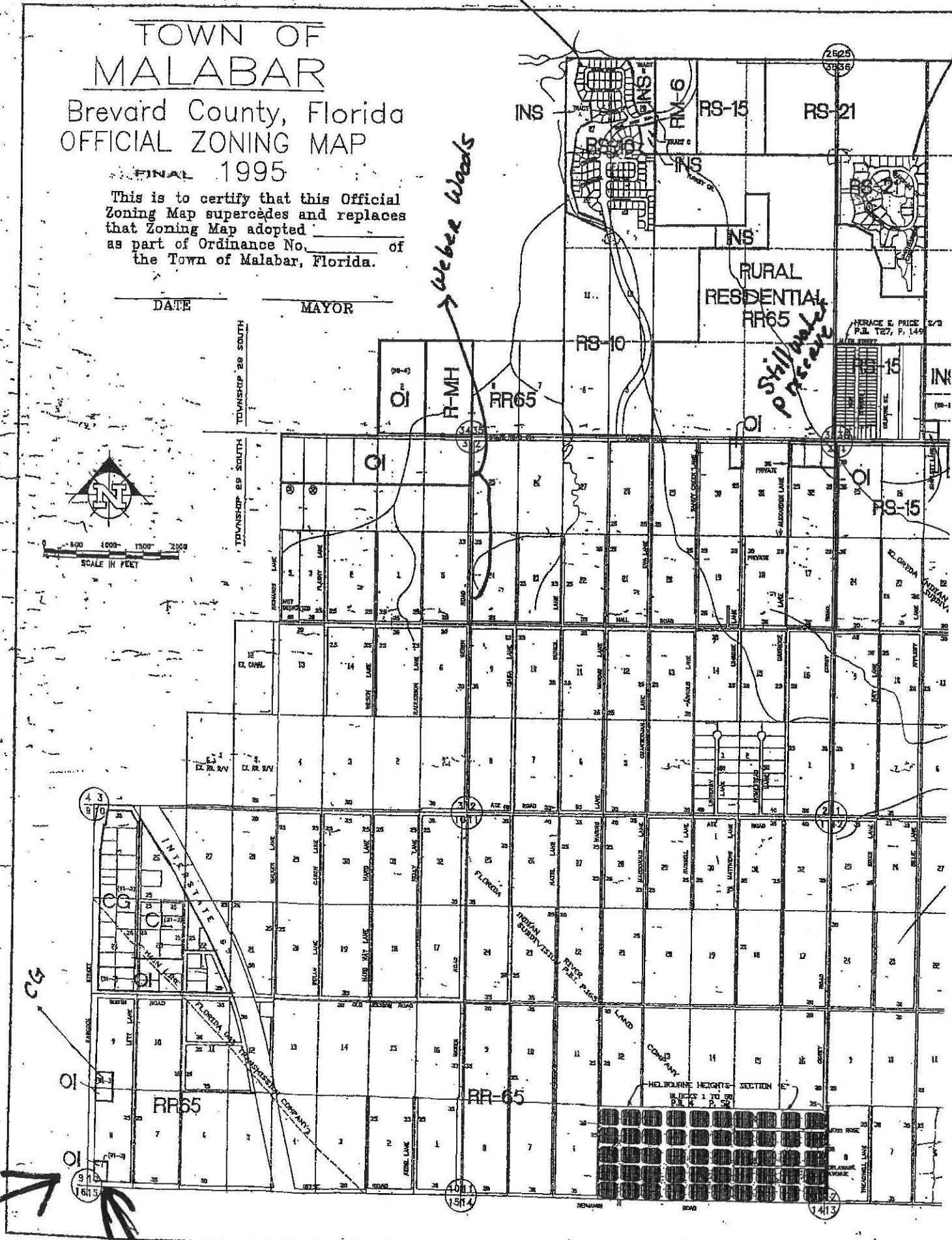
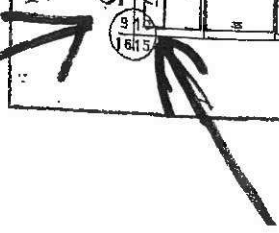
SCALE IN FEET
0 500 1000 1500 2000

TO WASHIP 28 SOUTH
TO WASHIP 29 SOUTH

Weber Woods →

*Still water
Piscene*

CG




I. OI "Office-Institutional." The OI district is established to implement comprehensive plan policies for managing office-institutional development. This district is designed to accommodate businesses and professional offices together with institutional land uses on sites which:

- Have accessibility to major thoroughfares;
- Have potential to be served by a full complement of urban services;
- Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential adjacent land uses of differing intensities;
- Accommodate only office buildings and institutional land uses and shall expressly exclude residential uses (except those Community Facilities defined as Nursing Homes and Related Health Care Facilities in 1-2.6.B.10(B)), general retail sales and services, warehousing, and outside storage; and
- Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.
- A Malabar Vernacular Style is required for all development along arterial roadways.

... for managing medium-density residential development not to exceed four units per acre. The district is established to ensure sufficient land area for development of medium-density multiple-family residential developments which are fully serviced by adequate public facilities. Sites for medium-density multiple-family residential development shall be located so that they provide a smooth transition between low density residential development and areas developed and/or designated for more intense uses.

H. RM-6 "Multiple-Family High-Density Residential Development." The RM-6 district is established to implement comprehensive plan policies for managing high-density residential development at a density not to exceed six units per acre. The district is established to ensure that sufficient land is available for developments of high-density residential development and is intended to ensure availability of adequate public facilities.

- 
- L. CG "Commercial General." The CG district is established to implement comprehensive plan policies for managing general commercial development. The general commercial

district is designed to accommodate general retail sales and services. Sites designated for CG zoning shall be located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements required by general commercial land use activities.

The general commercial district shall also accommodate commercial trades in strategically designated areas as defined in the conditional use criteria. Development standards within the land development code shall require that site plans incorporate amenities necessary to prevent potential adverse effects on the traffic circulation system, public services, and residential development within the vicinity.

The general commercial district is not intended to accommodate manufacturing, processing, or assembly of goods, sales and services of heavy commercial vehicles and equipment, or related services or maintenance activities; warehousing; uses requiring extensive outside storage; or other activities or trades which may generate nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration or major fire hazards. Finally, no permanent residential housing shall be located within the general commercial district.

The location and distribution of general commercial activities shall be determined based on the following considerations:

- Trip generation characteristics, impact on existing and plan transportation facilities and ability to achieve a functional internal circulation and landscaped off-street parking system;
- Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation, and floor area requirements;
- Compatibility with and impact on other surrounding commercial activities;
- Relationship to surrounding land uses and natural systems; and
- Impact on existing and planned community services and utilities.
- A Malabar Vernacular Style is required for all development along arterial roadways.

Table 1-3.3(A)

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Lotting Area (sq. ft.) Minimum Floor Area: 1000	Setback (ft./%) ²			Maximum Incurious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (I)				
OI	20,000	100	150	35/3		35/60	25	20	25	20	35	N/A
Commercial Development												
CL	20,000	100	150	35/3	Minimum Floor Area: 900 Max. Area: 4,000	50	25	10 ⁴ 16 ³	20	0.20	35	N/A
CG	20,000	100	150	35/3	Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	20 ⁴ 16 ³	30	0.20	35	N/A
Industrial Development												
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 ⁵	25 100 ⁵	20 100 ⁶	30 100 ⁶	0.42	30	N/A
Institutional Development												
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	30	0.20 0.10 ⁸	40	N/A
Coastal Preservation												
CP	No Size or Dimension Standards Adopted											

¹Minimum size sites and lots include one-half of adjacent public right-of-way.
²Minimum 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.
³Setback where rear lot line abuts an alley.
⁴Setback 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.
⁵Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
⁶Recreation activities maximum FAR shall be .10.

Malabar FLUM

Article II Land Use Designations

Article II Commercial Activities

TOWN OF MALABAR

FUTURE LAND USE MAP



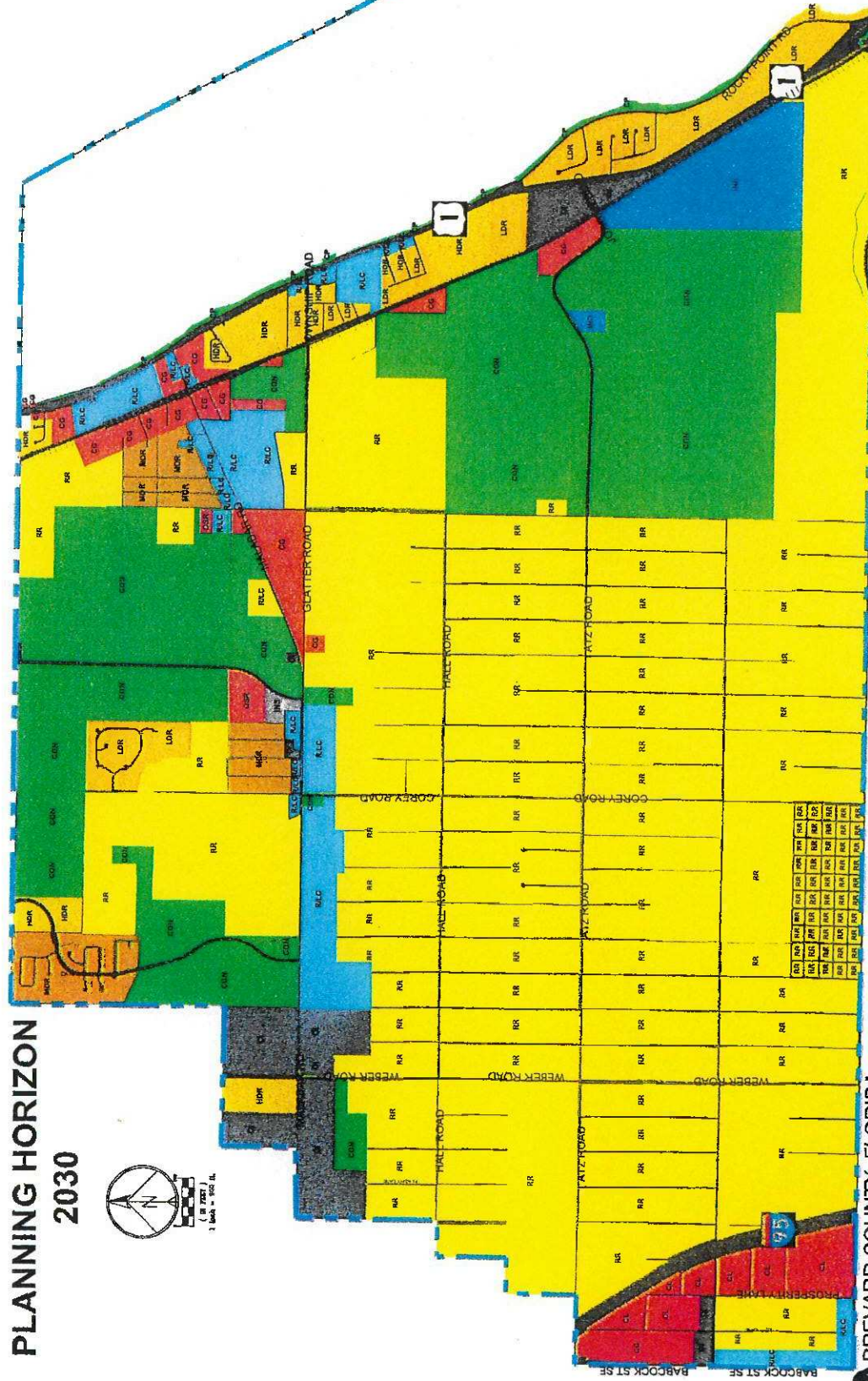
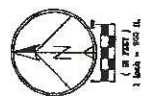
LAND USE DESIGNATIONS

RESIDENTIAL LIMITED COMMERCIAL (RLC)	PLANNED COMMUNITY RESIDENTIAL - UNITS PER ACRE (PCUR)
HIGH DENSITY RESIDENTIAL - UNITS PER ACRE (HDR)	MEDIUM DENSITY RESIDENTIAL - UNITS PER ACRE (MDR)
LOW DENSITY RESIDENTIAL - UNITS PER ACRE (LDR)	RAVINE RESIDENTIAL - UNITS PER 1/4 ACRE (RRV)
COMMERCIAL GENERAL (CG)	COMMERCIAL LIMITED (CL)
INDUSTRIAL (IN)	OFFICE INSTITUTIONAL (OI)
INSTITUTIONAL (IN)	OFFICE SPACE AND RECREATION (OSR)
MULTIFAMILY RESIDENTIAL OR OFFICE SPACE (MFR)	CONSERVATION (CON)
RECREATIONAL SERVICES (RS)	PUR RESIDENTIAL OR COMMERCIAL (PR)
COASTAL RESERVE (CR)	AGRICULTURAL (AG)
AGRICULTURAL SERVICES (AS)	AGRICULTURAL SERVICES (AS)
AGRICULTURAL SERVICES (AS)	AGRICULTURAL SERVICES (AS)

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL FUTURE MAP ADOPTED AS PART OF THE ORDINANCE NO. 2014-04 BY THE TOWN OF MALABAR, FLORIDA.



PLANNING HORIZON
2030



BREVARD COUNTY, FLORIDA
PRINTED DATE: 04/20/14

Article II

LAND USE AND ZONING

Section 1-2.1. Implementing the Comprehensive Plan.

In order to implement the Comprehensive Plan in a manner consistent with § 163.3201, Florida Statutes, the following zoning regulations are hereby established. They are intended to assist in managing comprehensive planning issues surrounding the use and/or development of specific lots, parcels, and tracts of land or any combination thereof within the Town of Malabar.

Section 1-2.2. Zoning districts established.

Table 1-2.1, "Future Land Use Map (FLUM) Designations and Zoning Districts" references adopted FLUM designations contained in the land use element of the Town of Malabar Comprehensive Plan and identifies corresponding zoning districts which are hereby established in order to implement the FLUM designations, respectively.

TABLE 1-2.1. FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS

<i>Future Land Use Map Designations</i>		<i>Corresponding Zoning Districts</i>	
OSR	Open Space and Recreation	CP	Coastal Preservation
RR	Rural Residential	INS	Institutional
LDR	Low Density Residential	RR-65	Rural Residential
MDR	Medium Density Residential	RS-21	Single Family LDR
		RS-15	Single Family MDR
		RS-10	Single Family MDR
HDR	High Density Residential	RM-4	Multiple Family MDR
		RM-6	Multiple Family HDR
MRO	Multiple-family Residential or Office Space	R-MH	Residential Mobile Home
		RM-4	Multiple Family HDR
		RM-6	Multiple Family MDR
→ OI	Office-Institutional	OI	Office-Institutional
		OI	Office-Institutional
CL	Commercial Limited	INS	Institutional
CG	Commercial General	CL	Commercial Limited
R/LC	Residential and Limited Commercial	CG	Commercial General
		R/LC	Residential and Limited Commercial
IND	Industrial		
INS	Institutional	IND	Industrial
*PUD(R)	Planned Unit Development (Residential)	INS	Institutional
		PUD(R)	Planned Unit Development (Residential)

→ C. *Commercial Activities.*

1. *Bars and Lounges.* A commercial establishment selling and dispensing for the drinking on the premises of liquor, malt, wine or other alcoholic beverages. This shall not include the sale of alcoholic beverages accessory to and within a restaurant use.
2. *Business and Professional Offices.* Offices extending the following services which provide advice, information or consultation of a professional nature: insurance, real estate, and financial services; banking services; and executive management and administrative activities. This classification excludes commercial storage of goods and chattels for the purpose of sale or resale as a principal use.
3. *Commercial Amusement, Enclosed.* Active or passive recreation facilities by profit oriented firms where all activities are conducted within fully enclosed facilities. Facilities as defined herein as amusement arcade centers and/or electronic gaming establishments are permitted as conditional uses as provided for in Table 1-3.2. For purposes herein the following definitions apply:

Arcade Amusement Center as used in this section means a place of business which shall have at least fifty (50) coin-operated amusement games or machines on premises which are operated for the entertainment of the general public and tourists as a bona fide amusement facility. It is specifically intended by this definition that any place of business that does not have at least fifty (50) coin-operated amusement games or machines on premises shall not be granted a conditional use permit to operate such a business. The provisions of F.S. § 849.161 shall apply to an arcade amusement center.

Electronic Gaming Establishment means a business operation, which shall have at least fifty (50) electronic machines or devices, including but not limited to, computers and gaming terminals, to conduct games of chance and/or a game promotion pursuant to F.S. § 849.094, including sweepstakes, and where cash, prizes, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such redeemed or distributed items are determined by the electronic games played or by predetermined odds. It is specifically intended by this definition that any place of business that does not have at least fifty (50) electronic machines or devices shall not be granted a conditional use permit to operate such a business. This term includes, but is not limited to internet cafes, internet sweepstakes cafes, and cybercafes or sweepstakes cafes. This definition is applicable to any electronic gaming establishment, whether or not the electronic machine or device utilized:

- (a) Is server based;
- (b) Uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries;

- (c) Uses software such that the simulated game influences or determines the winning or value of the prize;
- (d) Selects prizes from a predetermined finite pool of entries;
- (e) Uses a mechanism that reveals the content of a predetermined sweepstakes entry;
- (f) Predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed;
- (g) Uses software to create a game result;
- (h) Requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device;
- (i) Requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device;
- (j) Requires purchase of a related product, regardless if the related product, if any, has legitimate value;
- (k) Reveals the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded;
- (l) Determines and associates the prize with an entry or entries at the time the sweepstakes is entered; or
- (m) A slot machine or other form of electrical, mechanical, or computer game. It is the intent of this definition to classify any mechanism utilized at any electronic gaming establishment that seeks to avoid application of this definition through the use of any subterfuge or pretense whatsoever. Electronic gaming establishments do not include arcade amusement centers, regulated pursuant to F.S. § 849.161, or the official Florida Lottery.

The term *prize* as used herein shall mean any gift, award, gratuity, good, service, credit, or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

- 4. *Drive-thru Facilities.* A facility, which by design, physical character, and/or by operation (i.e., service or packaging procedures) encourages or permits customers to receive services, obtain goods or be entertained while remaining in the motor vehicle.
- 5. *Funeral Homes.* Undertaking and funeral services involving care and preparation of human deceased prior to burial, including crematory facilities.
- 6. *General Retail Sales and Services.* Retail sale or rental from the premises of goods and/or services to include all uses listed under limited commercial activities as well as the following:

Appliance Stores, without major warehousing.

MALABAR LAND DEVELOPMENT CODE

- Art Shops and Supplies.
 - Bakeries, excluding wholesale production and distribution.
 - Bicycle Shops.
 - Copying Services.
 - Cosmetic Stores.
 - Department Stores.
 - Drapery Stores.
 - Drug Stores.
 - Dry Cleaning establishments complying with Class IV or Class V Fire Code Prevention requirements and using only Class IV solvents such as perchlorethelene, except for spotting as provided for in Section 9.6(m) of the Fire Prevention Code.
 - Dry Goods Stores.
 - Fabric Stores.
 - Furniture Stores.
 - Garden Supplies.
 - Grocery Stores.
 - Hardware Stores, without outside storage of lumber and other building supplies.
 - Health and Exercise Studios.
 - Home Furnishing Stores.
 - Lawn and Garden Supplies.
 - Large Specialty Shops.
 - Luggage and Leather Goods Stores.
 - Office Equipment and Supplies.
 - Paint and Wallpaper Retail Sales.
 - Pet Supply and Pet Shops.
 - Sporting Goods Stores.
 - Other similar retail sales and service activities conducted within a fully enclosed building approved by the Town Council after receipt of a recommendation from the Planning and Zoning Commission. The use shall not include: wholesaling, warehousing, outside storage and distribution functions. The use shall not exhibit any characteristic dissimilar or incompatible with the uses identified herein. In review and approval of a request for a "similar" use, the Planning and Zoning Board and the Town Council shall use the procedures and criteria cited in the following Section 1-2.6 [1-2.7].
7. *Hotels and Motels.* A building or other structure used, maintained or advertised as a place where sleeping accommodations are supplied for rent to transient

guests, in which ten (10) or more rooms are furnished for the accommodation of such guests; and which may have as an accessory use one or more dining room areas.

~~Stop~~

8. *Limited Commercial Activities.* Small limited item shops and stores limited to retail sales of personal service items, including small convenience items or services typically needed on a frequent and recurring basis. This land use classification is intended to accommodate shops with limited inventory serving: (1) a household market area in the immediate vicinity as opposed to citywide or region; (2) a specialized market with customized service demand; or (3) a tourist oriented market area in the immediate vicinity. This classification is intended to include the following:

Bait and Tackle Shop.

Barber and Beauty Shops.

Book and Stationary Stores.

Candy and Ice Cream Stores.

Clothiers.

Drug Stores and Pharmacies.

Dry Cleaning and Laundry Pick Up Substations and Self-Service Facilities.

Florists.

Gift Shops.

Hobby and Handicraft Shops.

Interior Decorators.

Jewelry Stores.

Meat Shops.

Novelty and Curio Shops.

Optical Stores.

Photo Supplies and Studios.

Shoe Repair Shops.

Tailors or Seamstress.

Other similar limited commercial activities conducted in a fully enclosed building which are approved by Town Council after receipt of a recommendation from the Planning and Zoning Board. Prior to approving any such "similar" use, the Town Council shall render a finding that the use is similar to the uses identified herein and will produce impacts similar in nature to impacts generated by those activities specifically permitted herein. The burden of proof resides with the applicant. The procedures and criteria for review of such "similar" uses shall be as cited in the following section, § 1-2.6 [1-2.7]. The use shall comply with criteria cited in the above definition of limited commercial activities and shall not include more intense general retail sales and

Malabar Land Development Code for Planning and Zoning Board use during consideration of applicant's request

- (e) *Disclosure of Ownership.* The application shall include a verified statement showing each and every individual person having a legal and/or equitable ownership interest in the property upon which the application for rezoning is sought, except publicly held corporations, in which case the names and addresses of the corporate officers shall be sufficient.

B. *Administrative Review.* The Town Clerk shall forward zoning change petitions, for which appropriate fees have been submitted, to all appropriate administrative staff for their review and comment. The application shall be reviewed for conformance with the requirements of this Chapter [Code].

C. *Planning and Zoning Board Review.* The Planning and Zoning Board, regardless of the source of the proposed zone change petition, shall hold a public hearing(s) thereon, with due public notice. The Town Planning and Zoning Board shall submit a written report and recommendation concerning the proposed change of zoning to the Town Council for official action. If the Planning and Zoning Board denies the requested zone change or amendment, this action shall be deemed final unless such action is appealed to the Town Council pursuant to Section 1-12.3(C)(4). In its deliberations the Planning and Zoning Board shall consider the following criteria:

1. *Consistency With Plan.* Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service (LOS) standards and the concurrency management program. Any inconsistencies shall be identified by the Planning and Zoning Board.
2. *Conformance With Ordinances.* Whether the proposal is in conformance with all applicable requirements of the Town of Malabar Code of Ordinances.
3. *Changed Conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations involved which are relevant to the amendment.
4. *Land Use Compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.
5. *Adequate Public Facilities.* Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.
6. *Natural Environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, vegetative commodities, and wellfield protection.
7. *Economic Effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area, or the general welfare.

8. *Orderly Development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.
9. *Public Interest; Enabling Act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this ordinance and its enabling legislation.
10. *Other Matters.* Other matters which the Planning and Zoning Board may deem appropriate.

D. *Action Following Reviews By Town Planning and Zoning Board.* If an appeal to a decision of the Planning and Zoning Board is filed, the Town Clerk shall transmit copies of the petition, the comments and the minutes of the Planning and Zoning Board meeting to each member of the Town Council at least seven (7) days before the Council shall consider the appeal. The Town Clerk shall notify the applicant of the time and place of the meeting at which the Council will hear the appeal. Should the Council tentatively approve the petition, the Town Council will proceed to hold a public hearing(s) on the petition.

Should the Town Planning and Zoning Board approve the petition, the Town Clerk shall transmit copies of the petition, [and] all comments and the minutes of the Planning and Zoning Board meeting to each member of the Council at least seven (7) days before the Council shall consider the petition. Should the Council tentatively approve the petition, public hearing(s) shall be held on the petition.

E. *Town Council Review.* The Town Council shall hold a public hearing on the requested zone change petition or amendment, with due public notice, if any change is to be considered and shall then act on the proposed change. An affirmative vote of three (3) members of the Town Council is required for favorable action on a zone change petition or amendment for which the Town Planning and Zoning Board has recommended denial. In its deliberations the Town Council shall consider the criteria identified in Section 1-12.5(C) above together with the findings and recommendations of the Planning and Zoning Board. Any modifications or revisions to the Town Planning and Zoning Board recommendation which involve a greater area of land to be rezoned or a more intensive zoning classification shall be the subject of an additional public hearing before the Town Council with due notice prior to action by the Town Council.

Cross reference—Ordinance adoption procedure, § 2-76 et seq.

Section 1-12.6. Procedures for public hearings.

Due public notice shall be provided pursuant to § 166.041 F.S.

Section 1-12.7. Violations and provisions for schedule of fines.

Violations and Penalties. Prior to issuing a citation for a violation of this Code, the Town Clerk or other designated Town official shall provide notice to the violator that the violator has committed a violation of a code and shall establish a reasonable time period within which the violator must correct the violation. Such time period shall be no more than 30 days. If, upon

Radius Map

Legal Ad

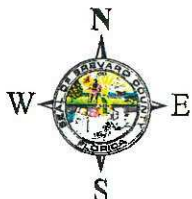
Notice Sent to surrounding property owners

Property owners within 500'

RADIUS MAP

HENRY MORIN

hmorin500







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/6/2020

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: TOWN OF MALABAR
Address: 2725 MALABAR RD
MALABAR FL 32950
USA

Ad No.: 0004200023
Pymt Method: Invoice
Net Amt: \$139.31

MAY 19 2020 12:04

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/21/20

Text of Ad:

AD#4200023 05/21/2020
TOWN OF MALABAR
**NOTICE OF PUBLIC HEARINGS TO BE
HELD AT THE MALABAR FIRE DEPART-
MENT**

The Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Wednesday June 10, 2020 at 7:00 PM at the Malabar Fire Department, 1840 Malabar Road, Malabar, Florida to consider a request for a Comprehensive Future Land Use Map and Zoning Map change from Residential/Limited Commercial (R/LC) and Office Institutional (OI) to Commercial General (CG) for a 1.35+/- acre site known as Parcel 568 in Section 10, Township 29 and Range 37, located at the northeast corner of Babcock and Osage Streets. The applicant is Mr. Henry Morin representing the property owner, Phaneesh Sai, LLC.

The Malabar Town Council, Brevard County, Florida will convene at the Malabar Fire Department, 1840 Malabar Road, Malabar, Florida on Monday, June 15, 2020 at 7:30 PM or as soon thereafter as the matter can be heard, to conduct a Public Hearing on the same request and to consider the recommendation from the Planning and Zoning Board and conduct the First Reading of the ordinance providing for such changes.

ORDINANCE 2020-03
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE COMPREHENSIVE LAND USE MAP AND THE ZONING MAP FOR THE 1.35+/- ACRE SITE KNOWN AS PARCEL 568 IN SECTION 10, TOWNSHIP 29 AND RANGE 37 LOCATED AT THE NORTHEAST CORNER OF BABCOCK AND OSAGE STREETS, MALABAR, FLORIDA FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) AND OFFICE INSTITUTIONAL (OI) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE LAND USE AND TOWN ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Copies of this document are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail or submit comments to 2725 Malabar Road, Malabar, FL 32950 or appear and be heard at these meetings of the Planning and Zoning Board and Town Council with respect to this topic. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer.

PLEASE NOTE THESE PUBLIC HEARINGS WILL BE HELD AT THE MALABAR FIRE DEPARTMENT, 1840 MALABAR ROAD, MALABAR, FLORIDA

BUFF_ID|TAXID|PARCELID|OWNER1|OWNER2|MAIL1|MAIL2|CITY_STATE_ZIPS_ZIP4
 1|2931195|
 2|2932800|29 3715-00-300|BELLSOUTH TELECOMMUNICATIONS INC|D/B/A A T & T FLORIDA|1010 PINE ST, # 9E-L-01|ATTN
 PROPERTY TAX DEPT|SAINT LOUIS MO 63101-2015
 3|2932775|29 3715-00-275|BIONDO, JOSEPH W|BIONDO, PAMELA|10 LAWRIDGE DR||RYE BROOK NY 10573-1021
 4|2931398|29 3710-00-532|BISHOP, DIANNE V||338 SE TRIDENT SE AVE||PALM BAY FL 32909-3745
 5|2932766|29 3715-00-266|BUGGS, BRUCE|BUGGS, ALISHA|PO BOX 2308||MELBOURNE FL 32902-2308
 6|2932768|29 3715-00-268|BUGGS, BRUCE|BUGGS, ALISHA|PO BOX 2308||MELBOURNE FL 32902-2308
 7|2931405|29 3710-00-539|CARDENAS, ALONDRA ISELA|MARTINEZ, JAVIER|1241 NW DEEDRA NW ST||PALM BAY FL
 32907-6814
 8|2934026|29 3716-GP-781-16|D'ALESSANDRO, ANNA MARIA||313 WIDDINGTON LN||CARY NC 27519-6698
 9|2934025|29 3716-GP-781-15|EDWARDS, CATHERINE G||20230 MAPLE LEAF CT||MONTGOMERY VILLAGE MD 20886-1138
 10|2932823|29 3715-00-323|FERAT, JEAN-MICHEL|FERAT, PATRICK|7613 CAYUGA AVE||BETHESDA MD 20817-4823
 11|2933993|29 3716-GP-780-12|FORMAN, MYRA B||1415 ALEXANDRIA PL||CHARLESTON WV 25314-
 12|2933998|29 3716-GP-780-17|GVL COMMUNITY LLC||300 E 95TH ST, STE 350||NEW YORK NY 10128-5792
 13|2934000|29 3716-GP-780-19|HOSNEDL, KARL||1667 SALAZAR ST SE||PALM BAY FL 32909-
 14|2931395|29 3710-00-529|ISAAC, ILRICK||PO BOX 158||THIELLS NY 10984-
 15|2931400|29 3710-00-534|JONES, KENNETH D|JONES, MARJORIE|295 WOODED LAKE DR||APEX NC 27502-
 16|2934024|29 3716-GP-781-14|LAVI, PARVIS|LAVI, MOUSSA EDWARD|PO BOX 31||PLAINVIEW NY 11803-
 17|2931393|29 3710-00-527|LIDBERG, LAWRENCE A||1407 W HAWKES ST UNIT 2||ARLINGTON HEIGHTS IL 60004-7476
 18|2931439|29 3710-00-574|LONG-ALLEYNE, CHRISTOPHER K||1835 SE THARP SE RD||PALM BAY FL 32909-5714
 19|2931388|29 3710-00-522|MANESS, W C|SLAWTER, CAROLYN M|47 DOGWOOD RD||ASHEVILLE NC 28804-
 20|2931408|29 3710-00-543|MARTINEZ, KIMBERLY||1081 NE CABOT NE DR||PALM BAY FL 32905-6018
 21|2933994|29 3716-GP-780-13|MENDEZ, NELLIE||1678 AGNES AVENUE SE||PALM BAY FL 32909-
 22|2932828|29 3715-00-328|MOALLEM, M DAVID|MOALLEM, JOAN P TRUSTEES|1663 NE GEORGIA ST #200||PALM BAY FL
 32907-
 23|2933996|29 3716-GP-780-15|PALM BAY PETRO LLC||577 BARNES BLVD SUITE 650||ROCKLEDGE FL 32955-
 24|2933997|29 3716-GP-780-16|PALM BAY PETRO LLC||577 BARNES BLVD SUITE 650||ROCKLEDGE FL 32955-
 25|2931433|29 3710-00-568|PHANEESH SAI LLC||114 LANSING ISLAND DR||INDIAN HARBOUR BEACH FL 32937-5352
 26|2931378|29 3710-00-512|PRICE, MARCIA A|PRICE, RICHARD W TRUSTEES|5520 WILLOUGHBY DR||MELBOURNE FL 32934-
 27|2931109|29 3709-00-753|PRUSINSKI FAMILY LIMITED PTRNSHP||119 LANSING ISLAND DR||INDIAN HBR BCH FL 32937-
 28|2931377|29 3710-00-511|ROUNTHWAITE, GEORGE CHASE|ROUNTHWAITE, EDWARD HAMPTON|8455 LAUREL LANE||GRANITE
 BAY CA 95746-
 29|2932760|29 3715-00-260|ROYAL PALM CHARTER SCHOOL INC||7145 SE BABCOCK SE ST||PALM BAY FL 32909-5462
 30|2932801|29 3715-00-301|ROYAL PALM CHARTER SCHOOL INC||7145 SE BABCOCK SE ST||PALM BAY FL 32909-5462
 31|2934023|29 3716-GP-781-13|SCHILDROTH, FRED A TRUSTEE||1955 PORPOISE ST||MERRITT ISLAND FL 32952-
 32|2933995|29 3716-GP-780-14|SERMENO, SANTIAGO|PORTILLO, YANETH|1684 SE AGNES AVE||PALM BAY FL 32909-5401
 33|2931371|29 3710-00-505|TOM, DAVID|TOM, ANDREW|1058 HERNE AVE NE||PALM BAY FL 32905-
 34|2933991|29 3716-GP-780-10|VALDES, YENIS||1666 AGNES AVE SE||PALM BAY FL 32909-

35 | 2932776 | 29 3715-00-276 | VIRGIL L CAMERON & MARIA A | CAMERON TRUST | 1880 NE BROOKSIDE NE ST | PALM BAY FL
32907-2437

36 | 2933999 | 29 3716-GP-780-18 | WHITE, MICHAEL A | WHITE, HOPE ANN | 1679 SE SALAZAR ST | PALM BAY FL 32909-5406



Town of Malabar, 2725 Malabar Road, Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax) www.townofmalabar.org

May 18, 2020

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARINGS**

The Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Wednesday June 10, 2020 at 7:00 PM to consider a request for a Comprehensive Future Land Use Map and Zoning Map change from Residential/Limited Commercial (R/LC) and Office Institution (OI) to Commercial General (CG) for a 1.35+/- acre site. The applicant is Mr. Henry Morin representing the property owner, Phaneesh Sai, LLC.

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, June 15, 2020 at 7:30 PM or as soon thereafter as the matter can be heard, to conduct a public hearing on the same request and to consider the recommendation from the Planning and Zoning Board.

ORDINANCE 2020-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE COMPREHENSIVE LAND USE MAP AND THE ZONING MAP FOR THE 1.35+/- ACRE SITE KNOWN AS PARCEL 568 IN SECTION 10, TOWNSHIP 29 AND RANGE 37 LOCATED AT THE NORTHEAST CORNER OF BABCOCK AND OSAGE STREETS, MALABAR, FLORIDA FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) AND OFFICE INSTITUTIONAL (OI) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE LAND USE AND TOWN ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Copies of this document are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. *All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar, FL 32950 or appear and be heard at these meetings of the Planning and Zoning Board and Town Council with respect to this topic.*

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer.

DEAR PROPERTY OWNER:

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU ARE LISTED AS A PROPERTY OWNER WITHIN 500' OF THE PROPOSED REQUEST TO AMEND THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP AND ZONING MAP. YOU ARE INVITED TO EMAIL, SUBMIT WRITTEN COMMENTS OR ATTEND AND SPEAK AT THE PUBLIC HEARINGS AT THE:

**PLANNING AND ZONING BOARD MEETING ON WEDNESDAY, JUNE 10, 2020 AT 7:00PM
AND MALABAR COUNCIL MEETING ON MONDAY, JUNE 15, 2020 AT 7:30PM.**

32

MORIN, Henry

BELLSOUTH TELECOMMUNICATIONS INC
D/B/A AT & T FLORIDA
1010 PINE ST, # 9E-L-01
ATTN PROPERTY TAX DEPT
SAINT LOUIS MO 63101-2015

BIONDO, JOSEPH W
BIONDO, PAMELA
10 LAWRIDGE DR
RYE BROOK NY 10573-1021

BISHOP, DIANNE V
338 SE TRIDENT SE AVE
PALM BAY FL 32909-3745

BUGGS, BRUCE
BUGGS, ALISHA
PO BOX 2308
MELBOURNE FL 32902-2308

CARDENAS, ALONDRA ISELA
MARTINEZ, JAVIER
1241 NW DEEDRA NW ST
PALM BAY FL 32907-6814

D'ALESSANDRO, ANNA MARIA
313 WIDDINGTON LN
CARY NC 27519-6698

EDWARDS, CATHERINE G
20230 MAPLE LEAF CT
MONTGOMERY VILLAGE MD 20886-1138

FERAT, JEAN-MICHEL
FERAT, PATRICK
7613 CAYUGA AVE
BETHESDA MD 20817-4823

FORMAN, MYRA B
1415 ALEXANDRIA PL
CHARLESTON WV 25314-

GVL COMMUNITY LLC
300 E 95TH ST, STE 350
NEW YORK NY 10128-5792

HOSNEDL, KARL
1667 SALAZAR ST SE
PALM BAY FL 32909-

ISAAC, ILRICK
PO BOX 158
THIELLS NY 10984-

JONES, KENNETH D
JONES, MARJORIE
295 WOODED LAKE DR
APEX NC 27502-

LAVI, PARVIS
LAVI, MOUSSA EDWARD
PO BOX 31
PLAINVIEW NY 11803-

LIDBERG, LAWRENCE A
1407 W HAWKES ST UNIT 2
ARLINGTON HEIGHTS IL 60004-7476

LONG-ALLEYNE, CHRISTOPHER K
1835 SE THARP SE RD
PALM BAY FL 32909-5714

MANESS, W C
SLAWTER, CAROLYN M
47 DOGWOOD RD
ASHEVILLE NC 28804-

MARTINEZ, KIMBERLY
1081 NE CABOT NE DR
PALM BAY FL 32905-6018

MENDEZ, NELLIE
1678 AGNES AVENUE SE
PALM BAY FL 32909-

MOALLEM, M DAVID
MOALLEM, JOAN P TRUSTEES
1663 NE GEORGIA ST #200
PALM BAY FL 32907-

PALM BAY PETRO LLC
577 BARNES BLVD SUITE 650
ROCKLEDGE FL 32955-

PHANEESH SAI LLC
114 LANSING ISLAND DR
INDIAN HARBOUR BEACH FL 32937-5352

PRICE, MARCIA A
PRICE, RICHARD W TRUSTEES
5520 WILLOUGHBY DR
MELBOURNE FL 32934-

PRUSINSKI FAMILY LIMITED PTNRSHIP
119 LANSING ISLAND DR
INDIAN HBR BCH FL 32937-

ROUNTHWAITE, GEORGE CHASE
ROUNTHWAITE, EDWARD HAMPTON
8455 LAUREL LANE
GRANITE BAY CA 95746-

ROYAL PALM CHARTER SCHOOL INC
7145 SE BABCOCK SE ST
PALM BAY FL 32909-5462

SCHILDROTH, FRED A N TRUSTEE
1955 PORPOISE ST
MERRITT ISLAND FL 32952-

SERMENO, SANTIAGO
PORTILLO, YANETH
1684 SE AGNES AVE
PALM BAY FL 32909-5401

TOM, DAVID
TOM, ANDREW
1058 HERNE AVE NE
PALM BAY FL 32905-

VALDES, YENIS
1666 AGNES AVE SE
PALM BAY FL 32909-

VIRGIL L CAMERON & MARIA A
CAMERON TRUST
1880 NE BROOKSIDE NE ST
PALM BAY FL 32907-2437

WHITE, MICHAELA
WHITE, HOPE ANN
1679 SE SALAZAR ST
PALM BAY FL 32909-5406

Malabar Professional Staff Comments

TOWN OF MALABAR

MEMORANDUM

Date: May 11, 2020
To: Planning and Zoning board
From: Karl Bohne, Jr., Town Attorney
Ref: Morin Rezoning/comp Plan Amendment

The current zoning and land use map are inconsistent. So regardless of what happens, the zoning and FLUM need to consistent for development to occur.

It looks like the surrounding properties in Malabar have land use designations as RR, RLC, CG, OI and CL. I also see that this property is immediately abutting Babcock and if I recall correctly, the town council has indicated that Babcock is one of the three corridors where commercial is appropriate. Specifically, the most recent amendment changed the FLU designation along all the property fronting Babcock from RR to R/LC to encourage commercial development along that corridor.

By Council's decision, they did not want to make the corresponding zoning changes to the areas that they changed the land use for. They wanted the property owners to make the request.

The applicant is requesting both a LU and Zoning change within the commercial classification to a higher use in order to take advantage of the corner site is more suitable for commercial development per his position. Changing the LU designation and zoning would not allow a larger or denser development but would allow a different type of development.

The issue is compatibility with the surrounding properties.

Our rezoning criteria, 1-12.5 C:

1. Consistency With Plan. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service (LOS) standards and the concurrency management program. Any inconsistencies shall be identified by the Planning and Zoning Board.
2. Conformance With Ordinances. Whether the proposal is in conformance with all applicable requirements of the Town of Malabar Code of Ordinances.

3. Changed Conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations involved which are relevant to the amendment.
4. Land Use Compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.
5. Adequate Public Facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.
6. Natural Environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, vegetative commodities, and wellfield protection.
7. Economic Effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area, or the general welfare.
8. Orderly Development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.
9. Public Interest; Enabling Act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this ordinance and its enabling legislation.
10. Other Matters. Other matters which the Planning and Zoning Board may deem appropriate.

The P&Z must make findings with respect to the above. The applicant does have the burden to show that the above factors have been met. One overriding consideration is compatibility with the surrounding areas. That is not to say the other factors should be ignored. From what I can best determine is that the Babcock corridor has a mixture of commercial, industrial, office/institutional.

So with respect to the rezoning and comp plan amendment does the request meet compatibility?

This involves a change to the future land use map of the comprehensive plan and an accompanying rezoning. The procedure before the P&Z and council is legislative and not quasi-judicial is legislative, subject to the "fairly debatable" standard of review, requiring approval if reasonable persons could differ as to its propriety.

The decision concerning this application is subject to the fairly debatable standard and not the "substantial competent evidence" standard. That means the decision concerning this application will be upheld unless it is clear that there is no foundation in reason and is a mere arbitrary or irrational exercise of power having. If there is some conceivable factual predicate which would rationally support the decision will be upheld. The question is only whether a rational relationship exists between the ordinance and a conceivable legitimate governmental objective.

Under this relaxed and tolerant standard for rationality, a law will be upheld if it is "fairly debatable;" meaning that it is fairly debatable whether the purpose of the law is legitimate and it is fairly debatable whether the methods adopted in the law serve that legitimate purpose.

Because this is a quasi-legislative proceeding rules relating to quasi-judicial proceedings do not apply. For instance the rules regarding ex-parte communications in quasi-judicial proceedings do not apply in this matter.

Certainly the presentation of the applicant with evidence, the staff and the members of the public should be considered. Such evidence; however, should be more than mere opinions unsupported by facts.

However, where the opinions are fact based then then they are to be given due consideration. Lay witnesses may offer their views in land use cases about matters not requiring expert testimony. For example, lay witnesses may testify about the natural beauty of an area because this is not an issue requiring expertise. Lay witnesses' speculation about potential "traffic problems, light and noise pollution," and general unfavorable impacts of a proposed land use are not, however, considered evidence. Similarly, lay witnesses' opinions that a proposed land use will devalue homes in the area are insufficient to support a finding that such devaluation will occur. There must be evidence other than the lay witnesses' opinions to support such claims. Under the correct legal standard, citizen testimony in a zoning matter is perfectly permissible and constitutes evidence, so long as it is fact-based. Mere generalized statements of opposition are to be disregarded, but fact-based testimony is not. The facts disclosed by objecting neighbors should be considered.

When the facts are such that a zoning authority has a choice between two alternatives, it is up to the zoning authority to make the choice.

The P&Z and Council will need to consider the fact based evidence presented by the staff, the applicant and the public. Opinions, which do not have factual support, have very little weight and these opinions alone should not form the basis of the Council's decision. The evidence must be viewed in conjunction with the codes criteria for rezoning and comprehensive amendments. If there is some conceivable factual predicate which would rationally support the decision then the decision will be upheld. However, the testimony the "we don't want this" without fact based evidence would be considered arbitrary and capricious.



TOWN OF MALABAR

MAY 28 2020

RECEIVED

via email
DS

TO: Planning and Zoning Board, Town of Malabar

FROM: Tod Mowery, AICP, Town Planner

RE: Land Use and Rezoning for PHANEESH SAI LLC property located at the NE corner of Babcock St and Osage St.

DATE: May 18, 2020

CURRENT ZONING AND LAND USE: OI Office Institutional / RLC Residential Limited Commercial

APPLICANT: Henry Morin

OWNER: Phaneesh Sai LLC

LOCATION: 7099 Babcock St., Malabar, FL 32950

PARCEL IDs: 29-37-10-00-568

LEGAL DESCRIPTION: W 250 Ft Of S 1/4 Of Lot 8 Of Pb 1 Pg 165 Ex S 35 Ft And W 50 Ft Aka Tract 235

SIZE: 1.35 acres

EXISTING USE: Vacant

SURROUNDING ZONING / LAND USE

South: City of Grant Valkaria – BU1/VC

West: City of Palm Bay - CC/C

North: Town of Malabar – OI/RLC

East: Town of Malabar – OI/RLC



100 S. 2nd Street, Fort Pierce, FL 34950

772-742-1555

info@redtaildg.com

Land Planning - Landscape Architecture - Project Management Permitting - Government Consulting

MAY 28 2020

REQUESTED ZONING AND LAND USE: CG Commercial General Zoning and **RECEIVED**
Commercial General Land Use

BACKGROUND AND ANALYSIS:

This applicant is requesting consideration for a rezoning from OI to CG, as well as a Land Use amendment from RLC to CG. The applicant has owned the property for several years and due to current and proposed activities along Babcock Road, they desire to move forward with the rezoning and land use changes. In 1999, the City of Palm Bay went through a series of City initiated land use and zoning amendments that included changes to the 18 acre parcel of land directly west across Babcock Street. As Babcock street continues to become a major thoroughfare for traffic moving north and south, this arterial roadway will continue to place pressures on parcels of land fronting on this roadway. The applicant did not note any proposed purposes for the modification and as such, we generally do not take into account these verbal desires. Whenever we make a Land Use and Zoning decision we need to consider all of the impacts that any of the permitted or special exception uses could have on the proposed parcel being changed.

The size of the parcel places it into a Small Scale Amendment category for the Land Use amendment, thus not requiring what is termed a Large Scale Comprehensive Plan Amendment. The difference between the two can mean many months since a Large Scale Amendment requires the State of Florida involvement. The Small Scale Amendment is the 1st step in the amendment process and once action is taken on the land use, we are able to take action on the zoning. A proposed rezoning should not be done if the Land Use category does not provide for the proposed zoning. In the applicant's case, they are seeking an amendment to both the Land Use and the Zoning, thus allowing for Commercial uses in the future.

In evaluating the proposal, the Town of Malabar's Land Development Code, in Article XII, Section 1-12.5 C. provides for the following criteria to be considered when seeking to amend the Zoning (our review in italics.)

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service (LOS) standards and the concurrency management program.

There are no identified inconsistencies at this stage, and the surrounding parcels in each direction appear to lead to a consistent request in line with the minimum levels of service (LOS) standards. Babcock is project to become a major thoroughfare and with the interchange improvements onto I95, additional pressures will be in place. At the time of any site plan proposal, an analysis may be more fully evaluated for consistency with the Comprehensive Plan. At that time, the trip generation and impacts on the levels of service will be evaluated.

2. Conformance With Ordinances. Whether the proposal is in conformance with all applicable requirements of the Town of Malabar Code of Ordinances.

There are no identified nonconformities at this stage. At the time of site plan, an analysis may be more fully evaluated to determine conformity including elevations, height, parking requirements and ingress/egress.

3. Changed Conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing

MAY 28 2020

RECEIVED

regulations involved which are relevant to the amendment.

Over the years, consistent planning efforts along Babcock by other municipalities has made development pressures and roadway improvements a constant. Babcock Street will be a considerable roadway. There are some nearby commercial developments, although it is not as noticeable as though found further north on Malabar Road. This piece of property is located in the most southwestern corner of the Town and is directly adjacent to 2 other municipalities who have adjacent commercially zoned and land used properties.

4. Land Use Compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

The surrounding properties to the west and south are zoned for Commercial activities and any change to the subject parcel would be a de minimis reduction. It should be noted that the Town should be a stronger proponent of larger commercial land use and rezonings in areas that can be properly managed with access management, overall design considerations, etc. Allowing small 1 to 2 acre changes along a linear strip does not create a strong and healthy commercial corridor in the future. Strip commercial would not be a goal of the Town and in the future, larger tracts should be parced together in order to create more cohesive development opportunities. This proposed change would represent a de minimis impact to the area.

5. Adequate Public Facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

This site is served by what is becoming a major roadway (Babcock Street) providing the existing capacity transportation. Utility services would need to be considered through the City of Palm Bay.

6. Natural Environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, vegetative commodities, and wellfield protection.

The site currently contains native and exotic vegetation, however due to the parcels small overall size, the natural environment should not have any real adverse impacts. There do not appear to be any major impacts to natural features, bodies of water, or other environmental considerations. A more thorough examination should be provided at time of site plan approval.

7. Economic Effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area, or the general welfare.

This corridor is moving towards a more commercial landscape and there do not appear to be any adverse economic effects.

8. Orderly Development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

At the time of site plan, an analysis may be more fully evaluated.

MAY 28 2020

RECEIVED

9. Public Interest; Enabling Act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this ordinance and its enabling legislation.

There are no conflicts of public interest identified.

10. Other Matters. Other matters which the Planning and Zoning Board may deem appropriate.

Future developments in the area should not encourage linear strip commercial development. This type of development is hard to control, becomes unsightly in very short order and does not generally add to a strong and vibrant economic corridor.

In reviewing the surrounding neighborhood, the Applicant's request and the Town's Code, we have been unable to identify potentially adverse conditions. We have reviewed the applicant's request and their supporting material. The applicant took the time to review the historical and current facts for the subject property. For our analysis we also looked at what is called the 3 "C's" for any zoning or land use consideration. These are: Consistency, Compatibility and Capability.

Consistency: Is the subject application request consistent with the intent of the land development code..

Compatibility: Is the request Compatible with the neighborhood and are the subject parcels;

Capability: Is the subject site Capable of handling the use proposed.

Based upon a review of the applicant's application, the Town Ordinances, and planning principles, it would appear the application is Consistent with the Town's Codes and the application is Compatible with the surrounding uses with the majority having a Commercial zoning and land use. Also, the subject parcels are Capable of handling the permitted uses of the CG Zoning district provided that the applicant can meet the requirements of the land development code and addresses site development reviews.

STAFF FINDINGS AND RECOMMENDATION:

Based upon the Land Development Code and the Comprehensive Plan for Consistency, Compatibility and Capability, we are recommending approval of the rezoning and land use, with a site plan to follow. Note the site plan is not a consideration at all for these requests and should not be used as a determination for approval or denial. Future commercial considerations of other adjacent parcels should not contribute to a linear "strip" type commercial development scenario. Only larger scale, "grouped" parcel commercial considerations should be considered. It would not be advisable to do parcel by parcel rezonings and land use changes. Please see the Town Attorney's report on the type of proceeding for these 2 requests.

TOWN OF MALABAR
MEMORANDUM

TOWN OF MALABAR

MAR 24 2020

Date: March 24, 2020
To: Denine Sherear, Assistant Building Official
From: Morris Smith, Town Engineer
Ref: Land Use and Zoning Change Request – By Henry Morin, Representative for PHANEESH SAI LLC, Owner

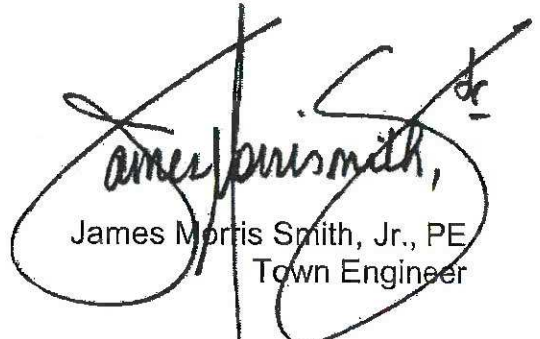
Memo: 20-CE-02
Project No.
Variance No.:

RECEIVED

As per your March 16th request, I have reviewed the request for a Land Use and Zoning Change. All Civil Engineering land development issues will be addressed in the Town of Malabar's Site Plan application and the Site Plan review process.

I have no objections to this request.

Very Truly Yours,



James Morris Smith, Jr., PE
Town Engineer

TOWN OF MALABAR

MAY 28 2020

RECEIVED



Entered to DF

Fw: Rezoning request for Parcel 568, Section 10, Township 29, Range 37



Debby Franklin

Thu 5/28/2020 4:17 PM

To: Denine Sherear; Matt Stinnett

New information for the P&Z packet.

Debby K. Franklin

Certified Municipal Clerk

Town Clerk Treasurer

townclerk@townofmalabar.org



Town of Malabar
2725 Malabar Road
Malabar, FL 32950
www.TownofMalabar.com

From: billslawter@aol.com <billslawter@aol.com>

Sent: Thursday, May 28, 2020 1:02 PM

To: Debby Franklin <townclerk@townofmalabar.org>

Subject: Rezoning request for Parcel 568, Section 10, Township 29, Range 37

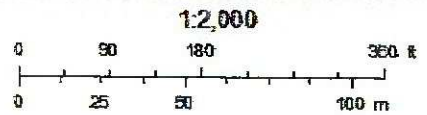
We are the owners of Parcel 522, which is immediately adjacent to Parcel 568. We are writing to endorse the rezoning request filed by Henry Morin on behalf of Phaneesh Sai, LLC providing for the the reclassification of Parcel 568 from R/LC and OI to CG. A Commercial General zoning classification is clearly the appropriate zoning designation for the property. Please forward our support for the re-zoning to the Planning and Zoning Board for their public hearing on June 10 and to the Malabar Council for their meeting on June 15.
Thank You.

Carolyn Maness Slawter
James Neill Maness
47 Dogwood Rd.
Asheville, N.C. 28804
828-258-2237

Brevard County Property Appraiser



May 28, 2020



2846350

For Distraction only. Not a survey. Map layers may not precisely align.
© BCPAO 2015