

Malabar, FL

# Planning and Zoning Board Meeting

Wednesday, September 11, 2019 at 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

APPROVAL OF MINUTES

**a. Approval of Minutes**

Planning and Zoning Board Meeting of 8/28/2019

Exhibit: Agenda Report Number 1

Recommendation: Request Approval

**Attachments:**

- Agenda Report Number 1 (PZAgenda\_Item\_1\_0911\_2019.pdf)

5. PUBLIC COMMENTS
6. ACTION ITEMS

None

**7. PUBLIC HEARING**

None

**8. DISCUSSION/POSSIBLE ACTION ITEMS**

**a. Rezoning of Huggins Park Located at 2540 Johnston Ave.**

Information Only

Exhibit: Agenda Report Number 2

Recommendation: Discussion / Information Only

**Attachments:**

- Agenda Report Number 2 (PZ\_Agenda\_Item\_2\_0911\_2019.pdf)

9. ADDITIONAL ITEMS FOR FUTURE MEETING
10. PUBLIC COMMENTS
11. OLD BUSINESS/NEW BUSINESS
  - a. Old Business

**b. New Business**

Board Member Comments

Next regular Meeting - September 25th 2019

**12. ADJOURNMENT**

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Contact: Denine Sherear (dsherear@townofmalabar.org 13217277764)

**TOWN OF MALABAR**  
**PLANNING AND ZONING**  
**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**

**Meeting Date: SEPTEMBER 11, 2019**

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

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

The minutes must reflect the actions taken by the Board:

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

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

**ATTACHMENTS:**

Draft minutes of P&Z Board Meeting of 08/28/2019

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

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

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
AUGUST 28, 2019 7:00 PM**

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

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

Meeting called to order at 7:00 P.M. Prayer and Pledge led by Chair Wayne Abare

**B. ROLL CALL:**

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	GEORGE FOSTER
	DOUG DIAL
	MARY HOFMEISTER
ALTERNATE:	ALLEN RICE
ALTERNATE:	SUSAN SHORTMAN
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

MAYOR  
COUNCIL MEMBER:

**C. ADDITIONS/DELETIONS/CHANGE:**

**D. CONSENT AGENDA:**

- 1. Approval of Minutes** Planning and Zoning Meeting – 05/22/2019  
Planning and Zoning Meeting – 06/26/2019  
Planning and Zoning Meeting – 07/24/2019

<b>Exhibit:</b>	Agenda Report No. 1
<b>Recommendation:</b>	Request Approval

**Motion: Dial/Ritter Recommend Approval of Minutes of 05/22/2019 as presented All Vote: Aye**

**Motion: Foster/Hofmeister Recommend Approval of Minutes of 06/26/2019 as corrected All Vote: Aye**

Correction: Shortman  
Page 2 of 06/26/2019 minutes, 5<sup>th</sup> paragraph last sentence; add this... on last sentence after portion of... Commercial Development so this would .... be tax based.

**Motion: Ritter/Dial Recommend Approval of Minutes of 07/24/2019 as corrected All Vote: Aye**

Corrections: Hofmeister  
Page 12 of 07/24/2019 minutes, last paragraph  
Add after the other issues (traffic, parking, and construction zoning) for clarification.

Ritter asked where in the minutes she had asked if it met the three "C's", Sherear said it was on page 13 under Board comments. Abare said that the setbacks would pertain to the site plan. The Board discussed the lot size meeting the setbacks. Ritter said that the Planner at a Public Meeting said the setbacks were a negative number. Shortman added that there is supposed to be a containment pond.

Shortman said she was told that the land/river itself is the Florida Marine Aquatic Preserve and there was talk about building over the River, and she asked how that could be done if it is a state preserve. Foster said that the project would need to get permission and petition the State & Feds to be approved for building. Rice commented that this meeting was just for land use/zoning change approval before other steps were done to proceed forward with site plan, etc.

The Board discussed the Coastal Preserve (CP) property along the river. Abare said that "Staff" was supportive of this change, there was a comment that "Staff" does not live here in Town. Foster said that Malabar decided to develop Commercial Corridors on the three main corridors (Malabar Road, Babcock Street, and US Hwy 1). Abare/Ritter said it was the west side of US Hwy 1. Shortman agreed to have Commercial development on the west side of US Hwy1 & the CP on the east side, it is a "rare endangered bird" at this time and should be preserved that is the "golden" ticket. The man (volunteer? That spoke at previous meeting from Marine Resources) used Malabar as the "gold standard" for preserving the riverbank. Abare said that we do not have deep river banks.

The Board commented that there are petitions circulating around Town against changing the Coastal Preserve.

**E PUBLIC: none**

**F. ACTION: none**

**G. DISCUSSION: none**

Abare said CM Korn contacted him to discussed two issues:

- 1.) Small signs in Right-of-Way (ROW)
- 2.) Business Corridors, Babcock, Malabar Road & US Hwy 1

Abare said that another Council Member (CM) Thanked the PZ Board for not breaking up lot lines creating two land uses for one parcel, when working on R/LC on corridors.

Abare discussed Sign Ord. 2019-06 concerning small signs, definitions # 8 Snipe 4 sq. ft. in area & Section 1-19.10 Temporary Signs & Section 1-19.11- General regulations, also Sign Chart under Temporary Signs.

Abare discussed flag signs not to be in Right-of-Way (ROW)

Hofmeister said that CM Korn should contact the Town Admin. for Code Enforcement concerning this issue with sign location.

The consensus of the PZ Board is that on Sign Ord. 2019-06 under the Construction Table for the signs under "Directory" to change "Maximum Area to 32 sq. ft. & Special Regulations to add footnote (6).

Abare had asked for a summary concern the upcoming "Site Plan" review/approval for a subdivision of 16 lots in RR-65, (1.5 acres) per single-family residence. Sherear explained the following to the Board:

- Location – off Malabar Road east of Weber Road
- 23.91 Acres
- This application was received before the Land Use, Comp Plan was approved.
- MVB Engineering – Bruce Moia P.E. submitted Application

The Board briefly discussed the proposed application. Sherear explained this would come before this PZ Board the first or second meeting in September. Abare said it is nice to have a synopsis on future projects.

Ritter asked to see current permitting going on in the Town. Sherear printed out a list of permits for June, July, & August 2019.

Ritter asked for the verbiage describing Coastal Preserve (CP) zoning in Malabar. Ritter read the Town Code that describes the CP, and how this abuts the Aquatic Preserve on a Marine Sanctuary.

#### H. ADDITIONAL ITEMS FOR FUTURE MEETING

#### I. PUBLIC:

#### J. OLD BUSINESS/NEW BUSINESS:

##### Old Business:

##### New Business:

- Board Member Comments-none
- Next Regular Meeting- September 11, 2019

#### K. ADJOURN

There being no further business to discuss

MOTION: Hofmeister/Foster adjourn this meeting. Vote: All Ayes. The meeting adjourned 8:40 P.M.

BY:

\_\_\_\_\_  
Wayne Abare Chair

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

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

**TOWN OF MALABAR**

**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**

**Meeting Date: SEPTEMBER 11, 2019**

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

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**SUBJECT:** Rezoning Huggins Park located at 2540 Johnston Ave- Information Only

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**BACKGROUND/HISTORY:**

See Attached Memo from Debby Franklin, Town Clerk/Treasurer which includes explanation of rezoning & appropriate attachments.

**ACTION OPTIONS:**

Information only

# TOWN OF MALABAR

## MEMORANDUM

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**Date:** September 6, 2019 2019-TC/T-024  
**To:** Denine Sherear, P&Z Board Secretary  
**From:** Debby K. Franklin, C.M.C., Town Clerk/Treasurer  
**Ref:** Rezoning Huggins Park - Information Only

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Council discussed the sale of Huggins Park at their meeting of 1/23/17. Later, during the budget workshops they gave further purpose for the sale. The acreage is not necessary to meet the recreational requirement of five (5) acres per 1000 residents as the twenty-acre Malabar Community Park and the eight (8) acre Disc Golf Preserve more than meet that requirement. In addition, we have the 100-acre Cameron Preserve, the 17-acre Eschenberg Preserve and the 3+ acre Sandhill Trailhead. The Trails and Greenways Committee is also developing the Eagles Nest Trailhead at the south end of Marie Street on property owned by the Town adjacent to the Jordan Scrub.

This 3.4 acre Huggins Park property was originally donated to the Town by Brevard County to be used as a park. It was improved and used a neighborhood park serving the families in the north Marie Street to Florence Street area from the late 1980's to the mid 2000's. The play equipment was removed at that time as unsafe and the gazebo was relocated to the Disc Golf Preserve. The park was named after the Huggins family who were early residents of Malabar and operated the Post Office for over 40 years. Council directed staff to buy and install a sign after they voted in July 2018 to name the playground at Malabar Community Park after the Huggins family so they would still be honored.

The Town got a clear title from the County in the early part of 2018 and proceeded to administratively change the land use and zoning. The Town Attorney advised that the Town could administratively change the land use designation during the update to the FLUM but the rezoning would have to wait until after the Comprehensive Plan Amendment was approved by the State.

That has now been accomplished and the Council wants to move forward with the rezoning and sale of this surplus property. The procedure would still require a public hearing at P&Z and then two readings of the ordinance and one public hearing at Council.

The schedule we have set up for this action is as follows:

- Town will post property advertising the zoning change by September 13, 2019.
- Notices will be prepared and mailed out to all within 500-foot radius.
- A Public Hearing will be held at P&Z on October 23, 2019.
- First Reading of the ordinance will be set for November 4, 2019.
- Ordinance will be legally advertised in Florida Today for 2<sup>nd</sup> reading of ordinance on 11/18/19.

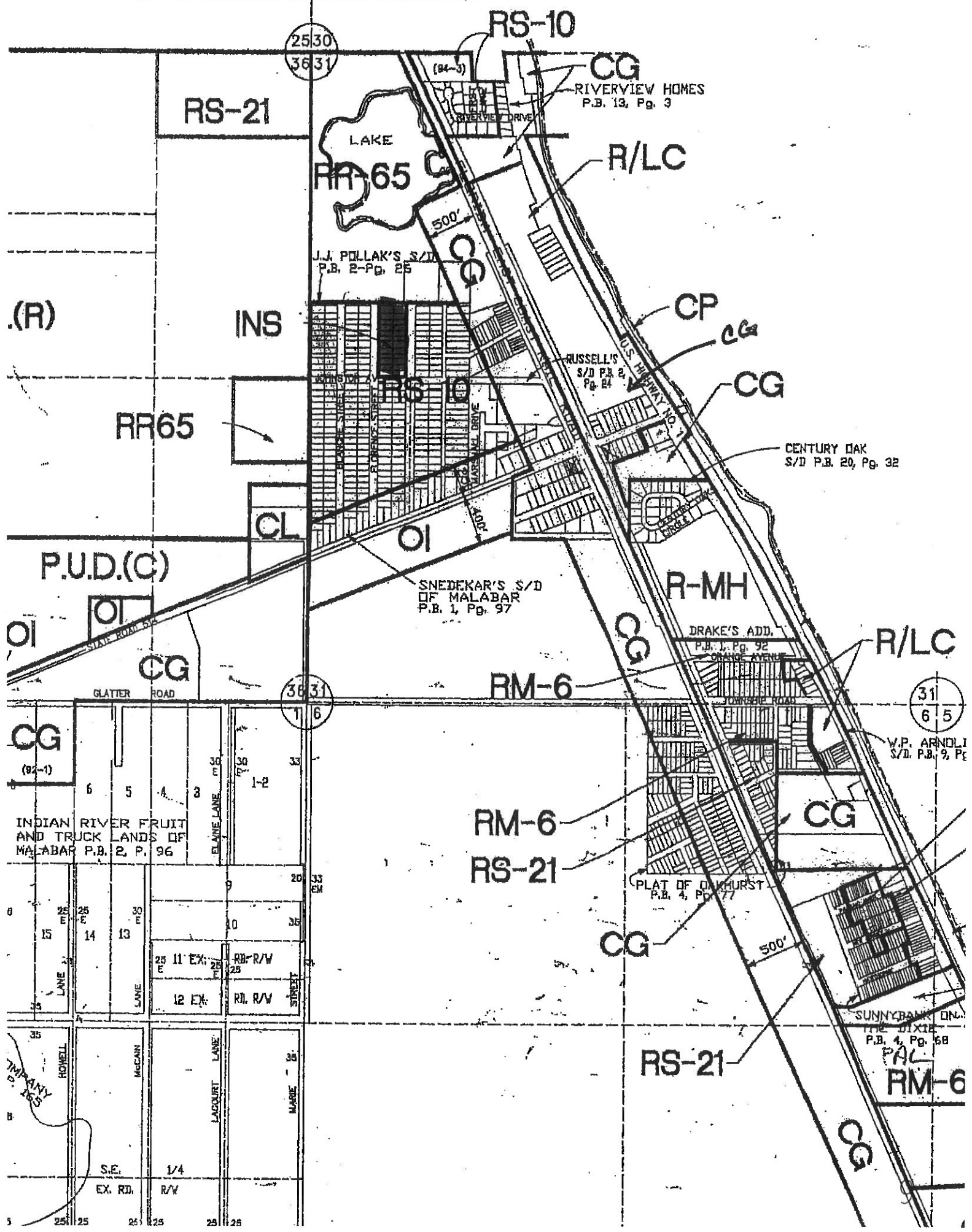


Rezoning the property from Institutional (INS) to RS-10 will allow it to be consistent with the surrounding zoning. It is surrounded on three sides by RS-10 and to the north it is RR-65 and is currently being used for agricultural. Selling it with the current zoning of INS would limit its use to community facilities. Rezoning would put it on the tax roll as residential land, provide some financial benefit from the sale, provide annual ad valorem and reduce the expenditure for maintenance.

Thank you.

Attachments:

- Zoning map
- Aerial showing site
- BCPAO info page
- Table 1-3.2



2530  
3631

RS-10

RS-21

CG

RIVERVIEW HOMES  
P.B. 13, Pg. 3

LAKE

RR-65

R/LC

500'

J.J. POLLAK'S S/D  
P.B. 2-Pg. 25

(R)

INS

CP

CG

RUSSELL'S  
S/D P.B. 2,  
Pg. 24

CG

RR65

CENTURY OAK  
S/D P.B. 20, Pg. 32

CL

OI

SNEDEKAR'S S/D  
OF MALABAR  
P.B. 1, Pg. 97

R-MH

R/LC

P.U.D.(C)

DRAKE'S ADD.  
P.B. 1, Pg. 92

OI

CG

RM-6

31  
65

GLATTER ROAD

CG  
(94-1)

INDIAN RIVER FRUIT  
AND TRUCK  
LANDS OF  
MALABAR P.B. 2, P. 96

RM-6

RS-21

CG

W.P. ARNDT  
S/D. P.B. 9, Pg. 6

PLAT OF DAKHURST  
P.B. 4, Pg. 77

CG

500'

SUNNYBANK ON  
THE DIXIE  
P.B. 4, Pg. 68

RS-21

RM-6

TRIMANY  
P. 165

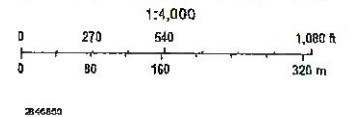
S.E. 1/4  
EX. RD. R/V

CG

### Brevard County Property Appraiser

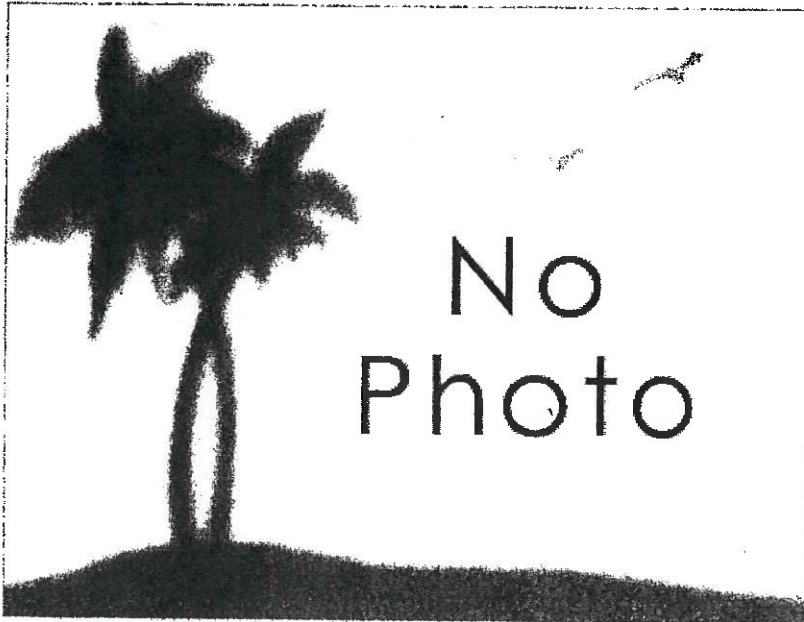


May 16, 2018



For this location only. Not a survey. Map layers may not precisely align. © BC PAO 2015

Account: 2851024



Owners:

Malabar, Town Of

Mail Address:

2725 Malabar Rd Malabar FL 32950

Site Address:

2540 Johnston Ave Malabar FL 32950

Parcel ID:

28-38-31-26-5-1

Taxing District: (Lookup.aspx?table=millagecodes)

3420 - Malabar

Exemptions: (Lookup.aspx?table=exemptions)

EXMU - Municipally Owned Property

Property Use: (Lookup.aspx?table=usecodes)

8080 - Municipally Owned Land - Vacant

Total Acres:

3.4

Site Code: (Lookup.aspx?table=sitcodes)

0001 - No Other Code Appl.

Plat Book/Page:

0002/0026

Subdivision Name: (Subdivisions.aspx)

John J Pollaks Subd

Land Description:

John J Pollaks Subd Lots 1 To 24 Blk 5

Value

DISTRICT PROVISIONS

§ 1-3.2

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
<b>RESIDENTIAL USES</b>														
Duplex					P	P					P			
Mobile Homes							P							
Multiple Family Dwelling					P	P					P			
Single Family Dwellings	P	P	P	P	P	P					P			
<b>COMMUNITY FACILITIES</b>														
Administrative Services														
(Public and Not-for-Profit)								P	P	P	P		P	
Child Care Facilities								C			C		C	
Churches, Synagogues and Other														
Places of Worship								P, A <sup>1</sup>	P	C	C		P	
Clubs and Lodges														
(Not-for-Profit)									P	P				
Cultural or Civic Activities								P	P	P	P		P	
Educational Institutions								C, A <sup>1</sup>					C	
Golf Course Facilities	C													
Hospital and other Licensed														
Facilities								C					C	
Nursing Homes and Related														
Health Care Facilities					C	C		C						
Protective Services					C	C		C	C	C	C	C	C	
Public Parks and Recreation	C	C	C	C	C	C		C	C	C	C	C	C	
Public and Private Utilities	C	C	C	C	C	C		C	C	C	C	C	C	
<b>COMMUNITY RESIDENTIAL HOME</b>														
Level 1 (1 to 6 residents/beds)	C <sup>3</sup>				C	C								C
Level 2 (7 to 14 residents/beds)					C	C								
<b>ASSISTED CARE COMMUNITIES</b>														
I Assisted Living Facility														
Level 1 (1 to 5 residents/beds)		C	C	C	C <sup>4</sup>	C <sup>4</sup>					C			
Level 2 (6 to 15 residents/beds)					C <sup>4</sup>	C <sup>4</sup>								
Level 3 (16 or more residents/beds)					C <sup>4</sup>	C <sup>4</sup>								
II Adult Family-Care Homes														
(1 to 5 residents/beds)	C <sup>3</sup>	C	C	C	C	C					C			C
III Adult Day Care Centers														
<b>AGRICULTURAL ACTIVITIES</b>														

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Noncommercial Agricultural Operations	P													
Wholesale Agricultural Activities	P													
Commercial Stables	C													
<b>COMMERCIAL ACTIVITIES</b>														
Adult Activities										C				
Bars and Lounges										C				
Bed and Breakfast											P <sup>1</sup>			
Business and Professional Offices							P		P	P	P	P	P	
Enclosed Commercial Amusement										P				
Arcade Amusement Center/ Electronic Gaming Establishment										C <sup>2</sup>				
Funeral Homes									P	P	C			
General Retail Sales and Services										P				
Hotels and Motels										P				
Limited Commercial Activities									P	P	P			
Marine Commercial Activities										C*				
Medical Services								P	P	P	P			
Mini Warehouse/Storage									C	P	P	P		
Parking Lots and Facilities								P	P	P	P			P
Retail Plant Nurseries									P	P	P			
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)										P				
Service Station, Including Gasoline Sales										C*				C*
Trades and Skilled Services										C*				P
Veterinary Medical Services								P	P	P	C	P		P
Vehicular Sales and Services										C*				P
Vehicular Services and Maintenance										C*				P
Wholesale Trades and Services										C*				P
<b>INDUSTRIAL ACTIVITIES</b>														
Kennels														C
Manufacturing Activities														P

DISTRICT PROVISIONS

§ 1-3.2

TABLE I-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Manufacturing Services Establishments														
Vehicle and Other Mechanical Repair and Services.												P		
Warehouse, Storage and Distribution Activities										C*		P		
<b>WATER DEVELOPMENT</b>												P		
<b>NONCOMMERCIAL ACTIVITIES</b>														
Noncommercial piers, boat slips, and docks														C

- C = Conditional Use
- P = Permitted Uses
- A = Accessory Use
- \* = These uses are permitted only on sites abutting Babcock Street, US 1, and West Railroad Avenue.
- 1 = Allowing up to 1,000 square feet of a church or educational institution for the housing of a caretaker or security guard serving the church or educational institution. No such use shall be allowed unless administrative approval is granted by the Town.
- 1 Any Bed and Breakfast which is proposed to have more than five (5) living quarters shall only be approved as a conditional use in accordance with Article VI of the Land Development Regulations.
- 2 Any Arcade Amusement Center and Electronic Gaming Establishment as defined herein shall only be approved as a conditional use in accordance with Article VI of the Malabar Land Development Code.
- 3 Allowed in RR-65, (1 to 2 residents/beds) as defined in FS Title XXX Chapters 419 & 429
- 4 ALF Factor of "3" (see section 1-2.6.B.13.B, Part I) only applies to RM-4 & RM-6 for ALF's (Ord. No. 94-4, § 3, 4-3-95; Ord. No. 97-3, § 2, 3-17-97; Ord. No. 05-01, § 1, 3-7-05; Ord. No. 06-19, § 1, 1-11-07; Ord. No. 12-48, § 2, 1-28-12; Ord. No. 14-01, § 3, 2-3-14; Ord. No. 2016-03, § 1, 2(Exh. A), 10-3-16)