

**TOWN OF MALABAR**  
**PLANNING AND ZONING ADVISORY BOARD**  
**REGULAR MEETING**  
**WEDNESDAY NOVEMBER 28, 2012**  
**7:30 PM**  
**MALABAR COUNCIL CHAMBER**  
**2725 MALABAR ROAD**  
**MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA :**
  - 1. Approval of Minutes**                      Planning and Zoning Meeting – 010/14/2012  
**Exhibit:**    Agenda Report No. 1  
**Recommendation:**                              Motion to Approve
- E. PRESENTATIONS:**
  - 2. Jay Wolfington to introduce his Concept for ALF**  
on 12 acres located at 2605 Malabar Road - "OI" Office Institutional & "RR-65" Rural Residential Zoning
  - 3. Chen family to Introduce their Concept for a Flea Market - Johnny & Susie Chen**  
19 acres located in 1800 Highway 1 area in "R/LC" Residential Limited Commercial Zoning
  - 4. Citizen Request for Creation of Special Exception Criteria** For Licensed Dog Breeder on Johnston Avenue – "RS-10" Single-Family Medium-Density Residential Zoning
- F. ACTION:**
- G. DISCUSSION: (Items From the November 14, 2012 to be Continued at December 12, 2012 Meeting)**
- H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:**
- I. PUBLIC:**
- J. OLD BUSINESS/NEW BUSINESS:**
- K. ADJOURN**

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING. If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: November 28, 2012**

**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 November 14, 2012 - **Will be provided via email on Monday, November 26, 2012.**

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

# TOWN OF MALABAR

## PLANNING AND ZONING

### AGENDA ITEM REPORT

#### AGENDA ITEM NO: Presentations

Meeting Date: November 28, 2012

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

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**SUBJECT: ALF, Flea Market, Special Exception Criteria**

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#### **BACKGROUND/HISTORY:**

##### ALF

Staff has had a request to introduce a project for an assisted living facility to be built on Malabar Road. The current Land Use and Zoning is OI in the front 400' and RR-65 in the rear. When I announced this at the last meeting someone made the comment that he had already tried this in Palm Bay and was denied. I asked Mr. Wolfington if that was the case and he said it was not.

##### Flea Market

This request is from the new owner's who bought the property thinking it was CG. The Land Use and Zoning had been changed to R/LC in 2004 by the then property owner who had attempted to put an adult care facility there.

##### Licensed Dog Breeder

This person is interested in a residential property in RS-10 that he stated was 1.81 acres on Johnston Avenue. He proposes that the Town could consider some Special Exception Criteria to provide for this. Staff has informed him of the current code regarding kennels and he stated that his operation is not a kennel. He is a registered dog breeder which our code does not specifically list.

Our Code also has a chapter on conditional Uses and Special Exceptions but has no language in the chapter regarding special exceptions.

#### **ATTACHMENTS:**

- Mr. Wolfington email and front elevation. He also sent an aerial but I could not print it on our printers.
- Johnny and Susie Chen have provided a letter and a sketch of the layout they propose for the flea market. If it is determined that a flea market is not permitted in R/LC they are willing to proceed with requesting the necessary change to the Land Use designation and corresponding Zoning so it can revert back to CG. They would like to gauge the level of support for this project before they continue.
- The person that called and asked for the special exception criteria for dog breeding has submitted nothing for this package. We will have an aerial on the overhead showing the Johnston Avenue area.

#### **ACTION OPTIONS:**

Discussion Only – no motions required

**PLANNING & ZONING  
BOARD MTG**

**11/28/2012**

**PRESENTATION BY**

**Mr. Wolfington re: Concept for an ALF  
at 2605 Malabar Road**

## Town Clerk / Treasurer

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**From:** Jay Wolfington [JWolfington@eclipseinfilms.com]  
**Sent:** Thursday, October 04, 2012 4:40 PM  
**To:** Town Clerk / Treasurer  
**Subject:** Malabar Project.  
**Attachments:** A-301 EXTERIOR ELEVATIONS-Model.pdf; Aerial.PDF

Debby (please let me know received) •

Good to talk with you.

Please find attached the initial layout of the ALF we are planning for the site on Malabar Road.

This drawing is on the 2605 Malabar Road plot - on 12 acres - the ALF site will utilize approximately 5 acres to the south as a wetland nature area with walkways so that visitors and residents will be able to have a nice natural area to enjoy. The wetland area will not turn into a drainage pond. We plan to take advantage of all leading edge technologies to make the property energy efficient and to keep the natural character - the plan is to minimize cutting of any trees - utilize drainage on pavement technologies that allow maximum natural growth. The other 12 acre site is to the east at 2685 Garden Road - that will be used as the next phase of the project with medical facility and further resident homes.

We are working with Scott Glaubitz and BSE - he has performed the environmental studies and initial site planning.

Lets talk next week.

Thank you,  
Jay.

Jay Wolfington  
Phone: 813.966.3627

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**Jim Ford, C.F.A.**  
**Property Appraiser**  
**Brevard County, Fl**



**Property  
 Research**

Online  
 Homestead  
 Filing  
[CLICK HERE](#)

**General Parcel Information for 28-38-31-54-0000B.0-0004.02 2011 Trim Notice 2012 Trim Notice**

<b>Parcel Id:</b>	28-38-31-54-0000B.0-0004.02	Map2	Map2+Sales	Map/Ortho	Aerial	<b>Millage Code:</b>	34Z0	<b>Exemption:</b>	<b>Use Code:</b>	1950
<b>* Site Address:</b>	2605 MALABAR RD , MALABAR 32950								<b>Tax Acct:</b>	2851076

\* Site address information is assigned by the Brevard County Address Assignment Office for E9-1-1 purposes; this information may not reflect community location of property.

Tax information is available at the [Brevard County Tax Collector's web site](#)  
 (Select the back button to return to the Property Appraiser's web site)

**Owner Information**

<b>Owner Name:</b>	MALABAR PROPERTIES LLC
<b>Second Name:</b>	
	C/O C/O MICHAEL WOLFINGTON
<b>Mailing Address:</b>	P O BOX 412141
<b>City, State, Zipcode:</b>	MELBOURNE, FL 32941

**Abbreviated Description**

<b>Plat Book/Page:</b>	0001/0097	<b>Sub Name:</b>	SNEDEKERS SUBD OF MALABAR	<b>E 1/2 OF LOT 4 &amp; ALL OF LOT 5 N OF DR DITCH AS DES IN ORB 1323 PG 510 BLK B</b>
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[View Plat \(requires Adobe Acrobat Reader-file size may be large\)](#)

**Value Summary**

	2010	2011	2012
<b>* Market Value Total:</b>	\$448,880	\$350,000	\$325,000
<b>Agricultural Market Value:</b>	\$0	\$0	\$0
<b>Assessed Value Non-School:</b>	\$448,880	\$350,000	\$325,000
<b>Assessed Value School:</b>	\$448,880	\$350,000	\$325,000
<b>** Homestead Exemption:</b>	\$0	\$0	\$0
<b>** Additional Homestead:</b>	\$0	\$0	\$0
<b>** Other Exemptions:</b>	\$0	\$0	\$0
<b>*** Taxable Value Non-School:</b>	\$448,880	\$350,000	\$325,000
<b>*** Taxable Value School:</b>	\$448,880	\$350,000	\$325,000

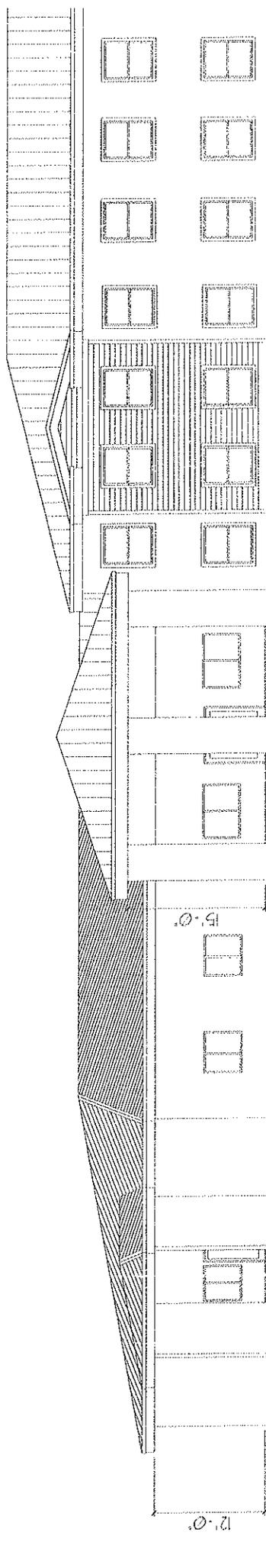
**Land Information**

<b>Acres:</b>	11.75
<b>Site Code:</b>	381

\* This is the value established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.  
 \*\* Exemptions as reflected on the Value Summary table are applicable for the year shown and may or may not be applicable if an owner change has occurred.  
 \*\*\* The additional exemption does not apply when calculating taxable value for school districts pursuant to amendment 1.

**Sales Information**

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FRONT ELEVATION

SCALE : 1/8" = 1'-0"

**PLANNING & ZONING  
BOARD MTG**

**11/28/2012**

**PRESENTATION BY**

**Chen Family re: Plan for Flea Market on  
Acreage in area of 1800 Highway 1**

Nov. 21, 2012

From : Johnny & Susie Chen  
5165 S. US Hwy 1, Grant, FL 32949  
Tel. (321)4800618  
Email. coeyechen@hotmail.com

To : Ms. Debby K. Franklin, C.M.C.  
Town of Malabar Building Official  
2715 Malabar Road, Malabar, FL 32950  
Tel. (321)7277764  
Email. townclerk@townofmalabar.org



Reference : Can we open a flea market on our property?

Dear Ms. Franklin,

We just purchased a piece of raw land (located at 1870-1896 Highway 1, Malabar, FL 32950 with parcel identifiers 29-38-06-00003.0 & 29-38-06-00006.0), and we are interested in opening a flea market. Before we start this project, we will like to confirm if we can open a flea market on this property. Does this piece of property meet the legal requirements necessary for opening a flea market, and if not, how can we acquire the necessary authorization?

Thank you,

Johnny & Susie Chen

A handwritten signature in black ink, appearing to be a cursive signature of Johnny &amp; Susie Chen.

PROSPECT ST

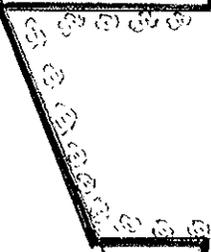
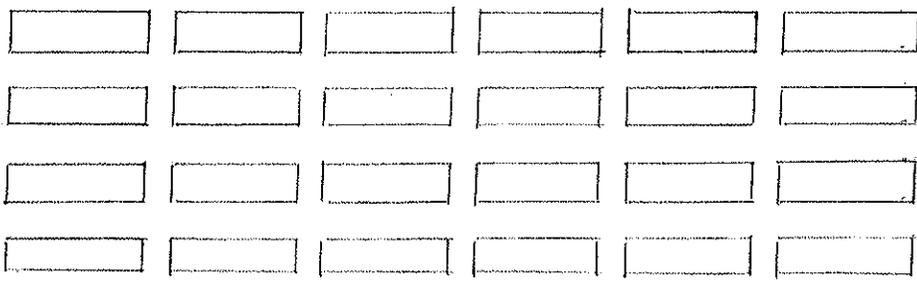
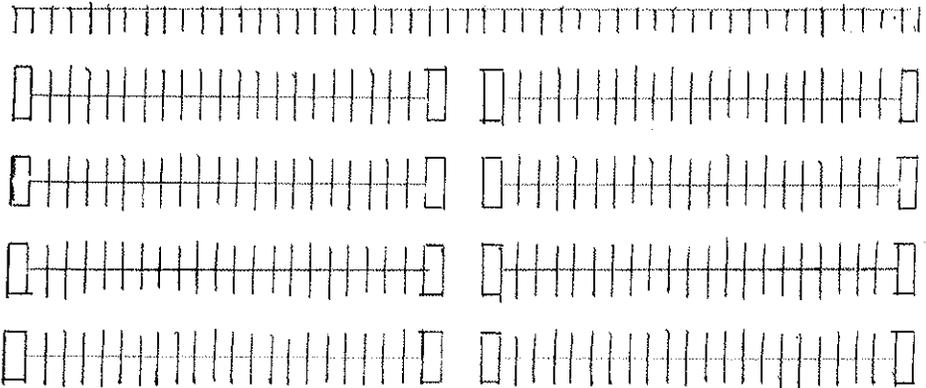
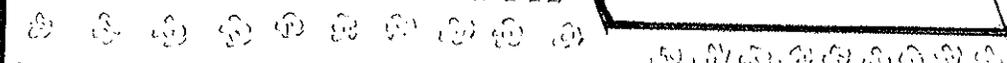
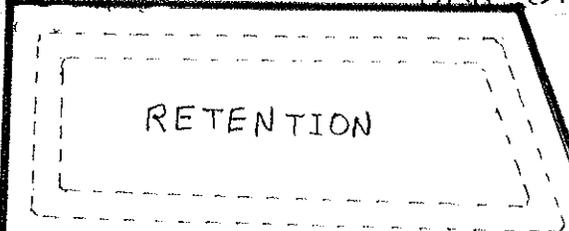
CRESCENT DRIVE

OAK STREET

US HIGHWAY 1

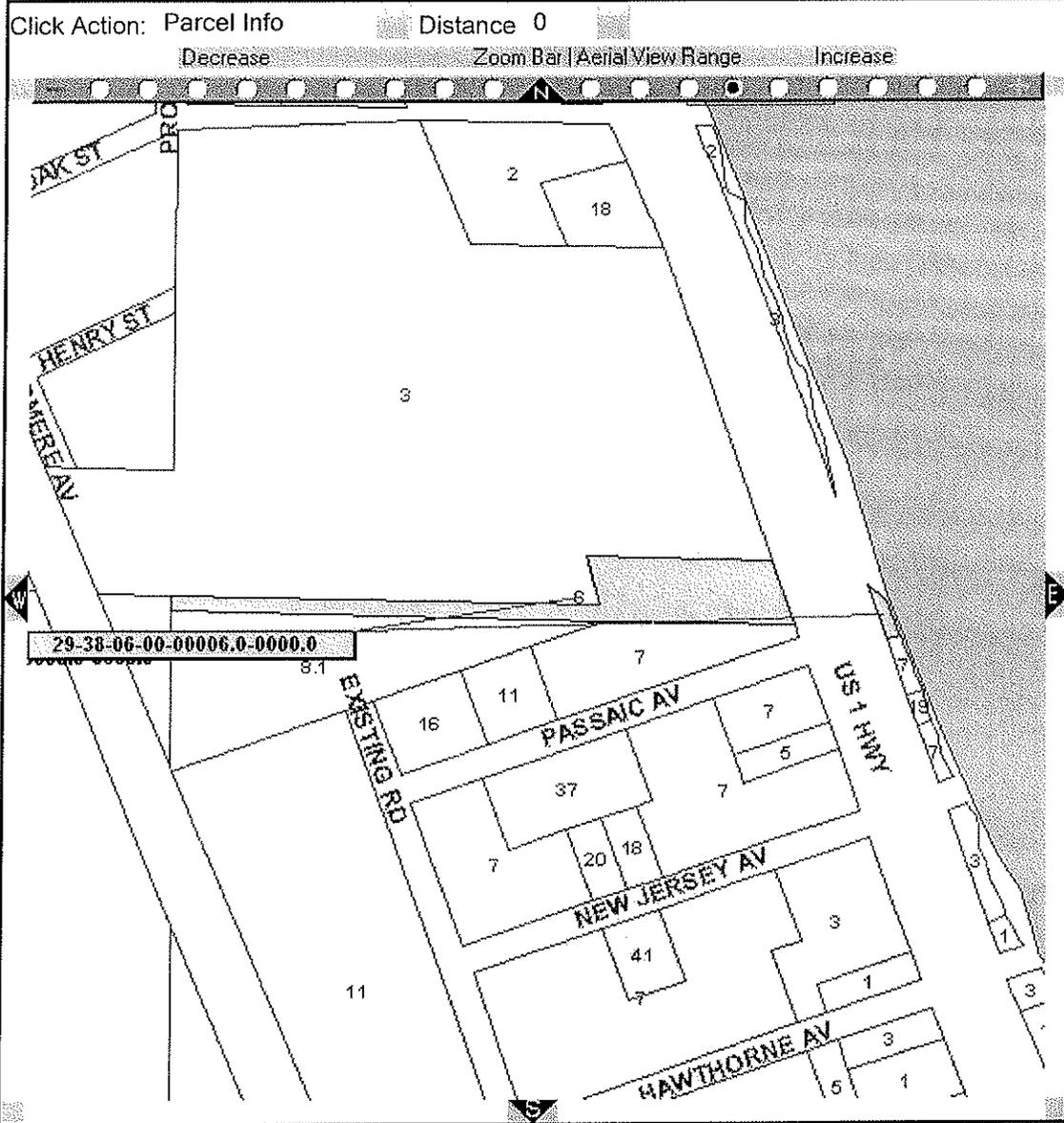
RETENTION

NOT INCLUDED



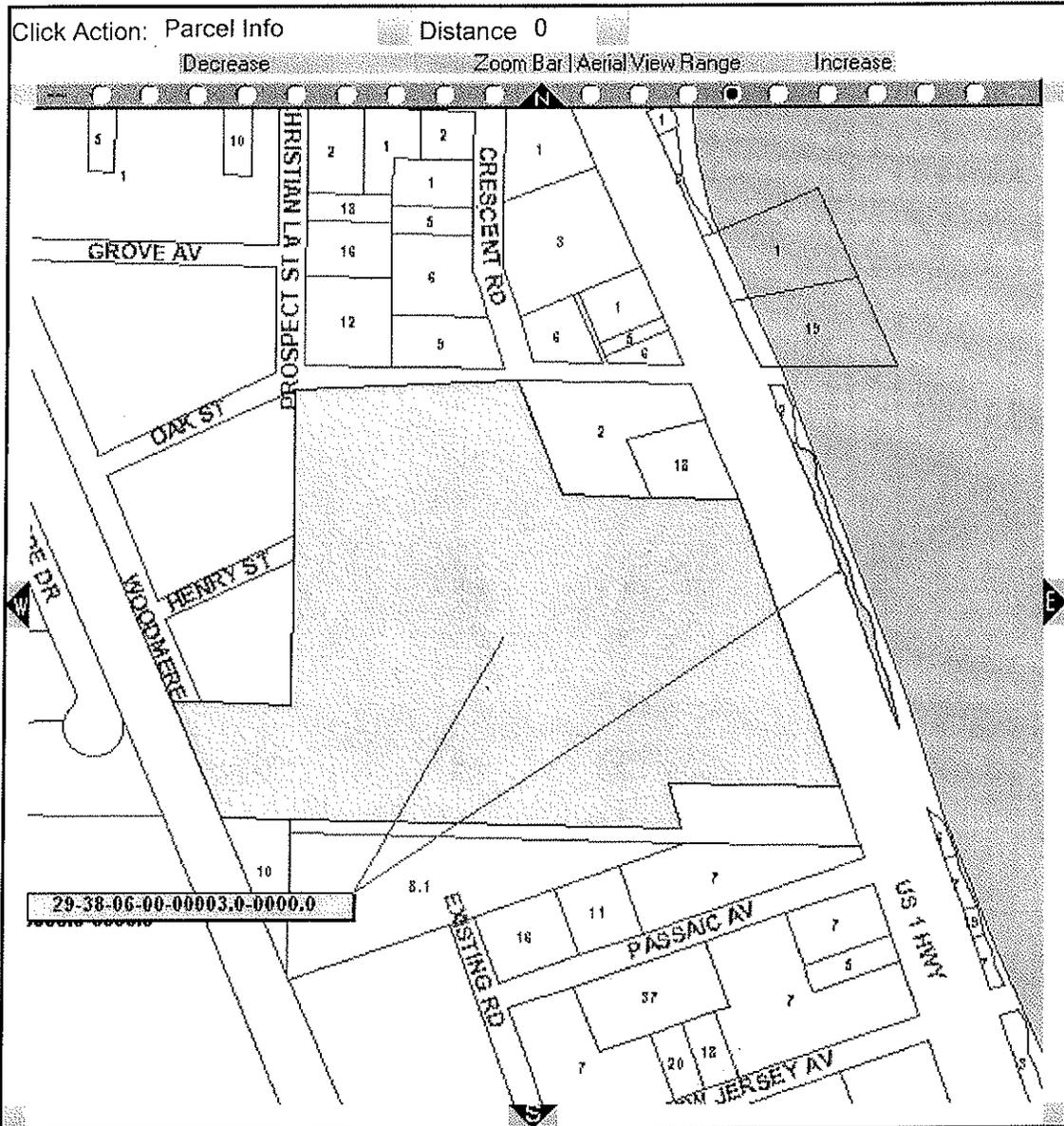
F.E.C. RAILROAD

Address: 1870-1896 Highway 1  
Malabar, FL 32950



- View
- Map Aerial
- Change
- Locate
- Parcel ID L
- Zoom to
- Brevard County
- Printable Versio
- Map Prev
- Check below the
- Parcels
- Schools
- RoadNames
- Water
- Update
- Help Leg

Attention: The l  
level must be 10  
click to select th  
parcel.



- View
- Map Aerial
- Change
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- [Help](#) [Leg](#)

Attention: The level must be 10 click to select the parcel.

**PLANNING & ZONING  
BOARD MTG**

**11/28/2012**

**PRESENTATION BY**

**Person Requesting Special Exception Criteria for  
Licensed Dog Breeder to Allow Location in Residential  
Zoning (RS10)**

**Property on Johnston Avenue**