

**TOWN OF MALABAR**  
**PLANNING AND ZONING ADVISORY BOARD**  
**REGULAR MEETING**  
**WEDNESDAY OCTOBER 22, 2014**  
**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 – none
- Exhibit:**                                      Agenda Report No. 1
- Recommendation:**                      Request Approval

- E. PRESENTATION:
- F. ACTION:

- 2. **Preliminary Site Plan and Conditional Use Permit for Parcels 29-38-05-00-00502.0-0000.00 (17.32 acres)& 29-38-05-00-00251.0-0000.00 (1.76 acres) aka 2100 Highway 1, Malabar, FL 32950; Request is for Assisted Living Facility "The Shores" in RM-6 Zoning**  
Applicant: Malbec Investments, LLC represented by Mr. Joseph Paladin.
- Exhibit:**                                      Agenda Report No. 2
- Recommendation:**                      Action to Council

- G. DISCUSSION:
- H. ADDITIONAL ITEMS FOR FUTURE MEETIN:
- 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: OCTOBER 22, 2014**

**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:**

none

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

# TOWN OF MALABAR

## PLANNING AND ZONING

### AGENDA ITEM REPORT

AGENDA ITEM NO: 2  
Meeting Date: October 22, 2014

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

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**SUBJECT:** Preliminary Site Plan and Conditional Use Permit for Parcels 29-38-05-00-00502.0-0000.00 (17.32 acres)& 29-38-05-00-00251.0-0000.00 (1.76 acres) aka 2100 Highway 1, Malabar, FL 32950; Request is for Assisted Living Facility "The Shores" in RM-6 Zoning.

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#### BACKGROUND/HISTORY:

The Applicant Malbec Investments LLC is represented by Mr. Joseph Paladin and his staff. This application was submitted for Preliminary Site plan review and Conditional Use to develop an Assisted Living Facility (ALF). The proposed number of "Resident Beds" is 283. The proposed project is to be completed in three (3) phases. The total square footage for all phases 242,527.

The Applicant has complied with all application procedures. The applicant is coming before this Board as an action item for the P&Z to make a recommendation to Council.

I provided complete packages for review to the following Town Staff: the Building Official, Town Planner, Engineer, Fire Chief, and Third Party Fire for review and comments. All comments are provided in this packet.

This request and the P&Z Board's recommendation will be heard at a public hearing at the Council meeting of November 3, 2014.

#### ATTACHMENTS:

- Application for Preliminary Site Plan Approval & Conditional Use
- Brevard County Property Appraisers-property information
- Location on Town Zoning Map
- Town Code "Site Plan Review" information (portion of Article VII)
- Survey of the property
- Map Location of all properties (radius packet) within 500'
- Public Notice & Picture of posted signage
- Assisted Living Facility (ALF) Ordinance 2014-01
- Memo from Denine to Town Staff
- Comment Sheets from Town Staff
- Large (3) page folded (24"x36") Preliminary Site Plan & Conditional Use Layout

#### ACTION OPTIONS:

Action to Council



**TOWN OF MALABAR**  
 2725 Malabar Road, Malabar, Florida 32950  
 (321) 727-7764 Ext. 14  
 Fax # (321) 727-9997

*Preliminary*

**APPLICATION FOR NON-RESIDENTIAL/SITE PLAN REVIEW**

Project Name: THE SHORES Date: 9-15-14

Developer Name: MALBEC INVESTMENTS LLC Telephone: 772-770-0208  
 Mailing Address: 645 FIFTH AVE 8th FLOOR Fax: \_\_\_\_\_  
 City, State, Zip: NEW YORK, NEW YORK 10022 Cell: \_\_\_\_\_

Name of Property Owner(s): MALBEC INVESTMENTS Telephone: 772-770-0208  
 E-Mail Address: PALAPIN PLAN @ YAHOO.COM  
 Mailing Address: 645 FIFTH AVE 8th FLOOR Fax: \_\_\_\_\_  
 City, State, Zip: NEW YORK, NEW YORK, 10022 Cell: \_\_\_\_\_

Name of Engineer(s): RICHARD KERN PE Telephone: 321-544-7466  
 Mailing Address: 5963 STILLWATER AVE Fax: \_\_\_\_\_  
 City, State, Zip: COCOA, FL 32927 Cell: 321-544-7466

Name of Architect(s): NOT APPLICABLE Telephone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_ Cell: \_\_\_\_\_

Legal Description of Property Covered by Application:  
 Township: 29 Range: 38 Section: 05 Lot/Block: \_\_\_\_\_ Parcel: 251 502 *RY*  
 Subdivision: \_\_\_\_\_ Tax Acct No.: 2953282, 2953285  
 Other Legal: \_\_\_\_\_

Present Land Use Designation: High Dens, Res Present Zoning Classification: RM-6

Zoning of abutting property: North: R-MH South: RS-21 East: HIGHWAY West: CG

Existing and Proposed Use for Property: EXISTING VACANT, PROPOSED ASSISTED LIVING FACILITY 283 BEDS *RESIDENT*  
*CONSERVATION*

Gross acreage: 19.06 Net acreage: 19.06 Gross density: 14.94 UN/AC = 14.84

Setbacks: Required and Proposed: Front: 75 78; Rear: 75 207 *RESIDENT*  
 Side: 100 100.3; Side corner: \_\_\_\_\_ *BE/*  
75 *ACRE*

Flood Zone: X Per FEMA Flood Insurance Rate Map

- N \_\_\_\_\_ Tree Location Survey identifying trees inches dbh and larger.
- N \_\_\_\_\_ Tree Plan prepared or approved by a Florida registered landscape architect.
- N \_\_\_\_\_ Required Open Space/Recreational areas.

\*\*\*\*\*

Site Plan Review - \$300 for the first acre plus \$50 per acre for each additional acre or portion thereof for projects consisting of 1,000 or more square feet of impervious surface; plus all costs, excluding advertising, administrative time, and mailing.

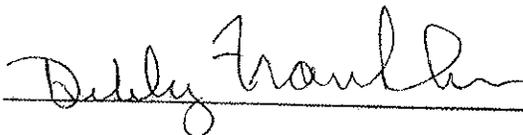
- Summary of Required Attachments for Site Plan Review:
  - o Completed Application, including Disclosure of Ownership (Pages 1 and 2).
  - o Radius Package for 500' distance from project site perimeter – obtained from the Brevard County Planning and Zoning GIS Department in Viera – call 321-633-2070 x52245
  - o  Fee of \$ 1250.00, in **check or money order**, payable to the Town of Malabar.
  - o Site Plan – (10) paper copies plus one electronic copy.
  - o Reason for Site Plan Review (attach correspondence, drawings, etc.)
  - o **Copies of all Federal, State, and Local agency permits. It shall be the applicant's responsibility to obtain such outside permits.**

Signature of Applicant(s):



Date:

Sept 13th 2014



Signature of Town's Personnel

9/15/2014

TOWN OF MALABAR  
2725 Malabar Road, Malabar, FL 32950  
Tel. 321-727-7764 x 14

APPLICATION FOR CONDITIONAL USE PERMIT

Before completing this application please refer to Malabar Land Development Code  
- Article VI Conditional Use and Special Exception Use Criteria  
- Articles VII Site Plan Review & VIII Surface Water Management

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

Name of Applicant(s) Joe Paladini Tel 772-770-0208  
E- Mail Address: PALADINI  
Mailing  
Address: 6450 TROPICAL WAY, VERO BEACH, FL 32967

Owner of Property: MALBEC INVESTMENTS, LLC  
Legal description of property covered by application: ZS1  
Township 29, Range 38, Section 5, Lot/Block \_\_\_\_\_, Parcel 502  
Subdivision \_\_\_\_\_ Present zoning classification RM-6 Other \_\_\_\_\_  
Legal see ATTACHED Acreage 12.06  
Property Address \_\_\_\_\_

Intended use for property: BE VERY SPECIFIC  
ASSISTED LIVING FACILITY 283 RESIDENT BEPS  
INCLUDING MEMORY CARE

Attach additional sheet if necessary.

Fees:

Conditional Use - \$175.00 which includes, advertising, administrative time and mailing.  
Any additional costs\* shall be paid by the applicant.

Site Plan Fee - \$ 300.00 for the first acre, plus \$50.00 per acre or portion thereof over the first acre

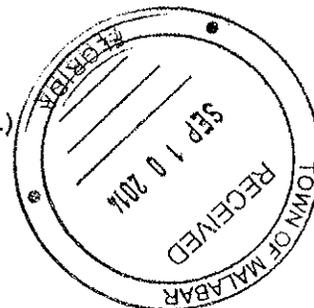
(\*Additional costs may include, but are not limited to, engineering fees, attorney fees, etc.)

Required attachments to be submitted - 10 paper copies and one (1) electronic copy:

Completed application, including Disclosure of Ownership (Pages 1 & 2)

Payment of \$ 1725 in check or money order payable to the Town of Malabar.

Site plan showing all required improvements, landscape buffering, storm water, fire protection, parking, ingress, egress, dust abatement, solid waste removal plan.



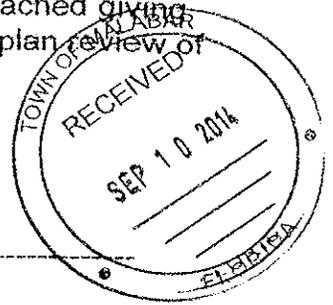
[Signature]  
Signature of Applicant(s)

Sept 5 2014  
Date

Updated 7/26/10

TOWN OF MALABAR  
APPLICATION FOR CONDITIONAL USE

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 site plan review of the property.



Please complete only one of the following:

I/we, Joseph Paladino, being first duly sworn, depose and say that I/we, am/are the legal representative(s) 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/our knowledge and belief.

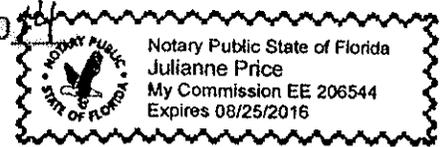
[Signature]  
Applicant(s)

9/8/2014  
Date

Sworn and subscribed before me this 8th day of September, 2014

Julianne Price  
Notary Public, State of Florida

Commission No. EE 206544 My Commission Expires 8/25/16



DL P435-480-45-443-0

~~I/we, \_\_\_\_\_, being first duly sworn, depose and say that I/we, am/are the owner(s) 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/our knowledge and belief.~~

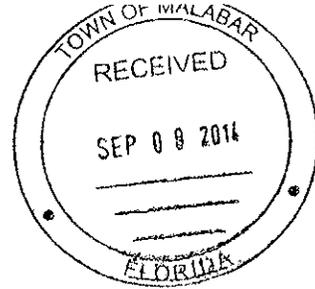
~~\_\_\_\_\_  
Applicant(s)~~

~~\_\_\_\_\_  
Date~~

~~Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.~~

~~\_\_\_\_\_  
Notary Public, State of Florida~~

~~Commission No. \_\_\_\_\_ My Commission Expires \_\_\_\_\_~~



September 3, 2014

Town of Malabar

By this letter I, Stephen Mann, listed authorized member of Malbec Investments, LLC, owner the parcels of land referenced as tax account 2953282 and 2953285, Brevard County Florida, hereby authorize Joseph Paladin to act as the legal representative of the owner for the purpose of applying for a Conditional Use Permit for an Assisted Living Facility on the above referenced site and to represent the project to the Town of Malabar for this and any other permit related issues or applications for this project.

Stephen Mann on behalf of Malbec Investments, LLC

STATE OF New York  
COUNTY OF New York

The foregoing instrument was acknowledge before me this 3 day of September, 2014 by Stephen Mann who is personally known to me or who has produced \_\_\_\_\_ as identification .

NOTARY PUBLIC

NAME:

COMMISSION NUMBER: \_\_\_\_\_

**IRA B WOLFF**  
Notary Public, State of New York  
No. 02WO6282697  
Qualified in Nassau County  
Commission Expires November 04, 2017



Building Department  
2725 Malabar Road  
Malabar, Florida 32950-4427  
321-727-7764 – Telephone  
321-727-9997 – FAX



**AUTHORIZATION FORM**

Date: 9/10/14

I, Joseph Paladin authorize  
JILLIAN PALADIN SPARKS Or  
RICK KERN, GARY PARRIS

To act on my behalf to pick up and drop off permits for the property located at:  
The SHORES - MALABAR FL

X [Signature]  
Signature

Joseph Paladin 9/10/14  
Print

STATE OF FLORIDA  
COUNTY OF BREVARD

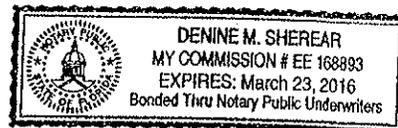
Sworn to (or affirmed), and subscribed before me this 10<sup>th</sup> day of SEPTEMBER, 2014

By Joseph Paladin

Personally know  OR Produced Identification \_\_\_\_\_ Type of Identification

[Signature]  
Signature of Notary Public, State of Florida

Stamp:



**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L10000101216  
FILED 8:00 AM  
September 28, 2010  
Sec. Of State  
ncausseauX

**Article I**

The name of the Limited Liability Company is:

MALBEC INVESTMENTS, LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:

645 FIFTH AVE, 8TH FL  
NEW YORK, NY. US 10022

The mailing address of the Limited Liability Company is:

645 FIFTH AVE, 8TH FL  
NEW YORK, NY. US 10022

**Article III**

The purpose for which this Limited Liability Company is organized is:

ANY AND ALL LAWFUL BUSINESS.

**Article IV**

The name and Florida street address of the registered agent is:

KIMBERLY OAKES  
924 E NEW HAVEN AVE  
MELBOURNE, FL. 32901

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: KIMBERLY OAKES



## Article V

The name and address of managing members/managers are:

Title: MGR  
STEPHEN MANN  
645 FIFTH AVE, 8TH FL  
NEW YORK, NY. 10022 US

L10000101216  
FILED 8:00 AM  
September 28, 2010  
Sec. Of State  
ncausseaux

## Article VI

The effective date for this Limited Liability Company shall be:

09/28/2010

Signature of member or an authorized representative of a member

Signature: KIMBERLY OAKES



5

THIS INSTRUMENT WAS PREPARED BY  
AND SHOULD BE RETURNED TO:

Michael A. Ryan, Esquire  
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
215 North Eola Drive  
Post Office Box 2809  
Orlando, FL 32802-2809  
(407) 843-4600

E

Tax Parcel I.D. No.: 29380500251; 29380500502

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made and executed as of this <sup>4<sup>th</sup></sup> 29 day of November, 2011, by REDUS FLORIDA LAND, LLC, a Delaware limited liability company, whose mailing address is c/o Wachovia Bank, N.A., a Wells Fargo Company, 301 South College Street, Charlotte, North Carolina 28288, Attn: Anthony C. Martin ("Grantor"), to and in favor of MALBEC INVESTMENTS, LLC, a Florida limited liability company, whose mailing address is 645 Fifth Avenue, 8<sup>th</sup> Floor, New York, New York 10022 ("Grantee").

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the Grantee those certain parcels of land situated in Brevard County, Florida more particularly described as follows, to wit (the "Subject Property"):

See **Exhibit "A"** attached hereto and by reference hereto made a part hereof.

TOGETHER WITH all the tenements, hereditaments, easements and appurtenances, including riparian rights, if any, thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the Subject Property in fee simple forever.

AND the Grantor does hereby covenant with and warrant to the Grantee that the Grantor has good right and lawful authority to sell and convey the Subject Property; and that the Grantor will defend the title to Subject Property against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

The conveyance made herein, however, is expressly made SUBJECT TO ad valorem real property taxes and assessments for the year 2012 and thereafter, to those matters set forth on the attached **Exhibit "B"**, and easements and restrictions of record, if any, the reference to which shall not operate to reimpose the same.

0001010\150764\1411363\1

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in manner and form sufficient to bind it as of the day and year first above written.

Signed, sealed and delivered in the presence of the following witnesses:

“GRANTOR”

REDUS FLORIDA LAND, LLC, a Delaware limited liability company,

By: REDUS Properties, Inc., a Delaware Corporation, its managing member

[Signature]  
Signature of Witness  
AVREY ROBERTSON  
Printed Name of Witness

By: [Signature]  
Anthony C. Martin, Vice President

[Signature]  
Signature of Witness  
MARY ANN OTTO  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 23rd day of November 2011, by Anthony C. Martin, Vice President of REDUS Properties, Inc., a Delaware corporation, on behalf of the corporation as managing member of REDUS FLORIDA LAND, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me or who produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

[Signature]  
Notary Public Signature



\_\_\_\_\_  
(Name typed, printed or stamped)  
Notary Public, State of Florida  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**

**Legal Description**

**PARCEL 1:**

SITUATED IN THE COUNTY OF BREVARD, IN THE STATE OF FLORIDA, LYING IN SECTIONS 5 AND 6, TOWNSHIP 29 SOUTH, RANGE 38 EAST.

BEGIN AT A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 38 EAST, AND RUN ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 5, SOUTH 89°35'28" EAST FOR A DISTANCE OF 407.34 FEET TO A CONCRETE MONUMENT ON THE WEST RIGHT OF WAY OF U.S. HIGHWAY NO. 1; THENCE RUN ALONG SAID WEST RIGHT OF WAY, SOUTH 27°03'38" EAST FOR A DISTANCE OF 552.45 FEET TO A POINT; THENCE RUN STILL ALONG THE WEST RIGHT OF WAY U.S. HIGHWAY NO. 1, SOUTH 62°56'22" WEST FOR A DISTANCE OF 7.00 FEET TO A POINT; THENCE RUN STILL ALONG THE AFOREMENTIONED RIGHT OF WAY SOUTH 27°03'38" EAST FOR A DISTANCE OF 201.52 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 89°38'30" WEST FOR A DISTANCE OF 1,131.06 FEET TO A CONCRETE MONUMENT IN THE EAST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD NORTH 24°23'59" WEST FOR A DISTANCE OF 741.64 FEET TO A CONCRETE MONUMENT AT THE INTERSECTION OF THE NORTH LINE OF SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 29 SOUTH, RANGE 38 EAST; THENCE RUN ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 6 SOUTH 89°35'28" EAST FOR A DISTANCE OF 693.33 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 38 EAST, SAID POINT BEING THE PLACE AND POINT OF BEGINNING.

ALSO INCLUDING THAT PORTION OF LAND DESCRIBED AS FOLLOWS:

BEGIN AT THE CONCRETE MONUMENT AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED LAND AND RUN SOUTH 89°35'28" EAST FOR A DISTANCE OF 160.2 FEET TO THE HIGH WATER MARK OF THE INDIAN RIVER; THENCE RUN SOUTHEAST ALONG THE HIGH WATER MARK OF THE INDIAN RIVER FOR A DISTANCE OF 777.0 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTH 89°38'30" WEST FOR A DISTANCE OF 208.4 FEET, MORE OR LESS, TO A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED LAND; THENCE RUN NORTHERLY TO THE POINT OF BEGINNING.

LESS AND EXCEPT RIGHT OF WAY FOR U. S. HIGHWAY NO. 1.

**PARCEL 2:**

THE SOUTH 267.5 FEET OF GOVERNMENT LOT 2, SECTION 6, TOWNSHIP 29 SOUTH, RANGE 38 EAST, LYING EAST OF THE FLORIDA EAST COAST RAILROAD, LESS THE RIGHT OF WAY OF STATE ROAD #5 (US HIGHWAY NO. 1) THROUGH SAID PROPERTY EXCEPTING THEREFROM THE PROPERTY DESCRIBED IN DEED BOOK 311, PAGE 456; DEED BOOK 317, PAGE 94 AND DEED BOOK 339, PAGE 361, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AND

THAT PORTION OF GOVERNMENT LOT 1, LYING EAST OF THE FLORIDA EAST COAST RAILROAD IN SECTION 5, TOWNSHIP 29 SOUTH, RANGE 38 EAST, LESS THAT PART OF GOVERNMENT LOT 1, LYING NORTH OF THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 339, PAGE 361, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, WHICH LIES WITHIN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5, EXCEPT THE RIGHT OF WAY OF U.S. HIGHWAY NO. 1.

**Dana Blickley, CFA**  
**Property Appraiser**  
**Brevard County, FL**



## Property Details

### General Parcel Information

<b>Parcel ID:</b>	29-38-05-00-00251.0-0000.00	<b>Millage Code:</b>	34Z0	<b>Exemption:</b>		<b>Use Code:</b>	8
<b>Site Address:</b>						<b>Tax ID:</b>	2953282

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

### Owner Information

<b>Owner Name:</b>	MALBEC INVESTMENTS LLC
<b>Second Name:</b>	
<b>Mailing Address:</b>	450 PARK AVE 3RD FLOOR
<b>City, State, Zipcode:</b>	NEW YORK, NY 10022

### Abbreviated Description

<b>Sub Name:</b>	PART OF GOVT LOT 1 IN SEC 5 & PT OF GOVT LOT 2 IN SEC 6 AS DES IN ORB 347 PG 470
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### Value Summary

Roll Year:	2012	2013	2014
<b>Market Value Total:</b> <sup>1</sup>	\$91,000	\$91,000	\$91,000
<b>Agricultural Market Value:</b>	\$0	\$0	\$0
<b>Assessed Value Non-School:</b>	\$91,000	\$91,000	\$91,000
<b>Assessed Value School:</b>	\$91,000	\$91,000	\$91,000
<b>Homestead Exemption:</b> <sup>2</sup>	\$0	\$0	\$0
<b>Additional Homestead:</b> <sup>2</sup>	\$0	\$0	\$0
<b>Other Exemptions:</b> <sup>2</sup>	\$0	\$0	\$0
<b>Taxable Value Non-School:</b> <sup>3</sup>	\$91,000	\$91,000	\$91,000
<b>Taxable Value School:</b> <sup>3</sup>	\$91,000	\$91,000	\$91,000

### Land Information

<b>Acres:</b>	1.76
<b>Site Code:</b>	114
<b>Land Value:</b>	\$91,000

1: Market value is 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.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

### Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
6496/0147	11/23/2011	\$500,000	WD	12			V
6277/1455	11/9/2010	\$100	CT	11			V
5400/5961	12/8/2004	\$335,000	WD				V
4881/2280	4/11/2003	\$160,000	WD				V
2759/1107	12/22/1986	\$127,000	WD				V
2540/2538	8/15/1984	\$55,000	WD				V
1529/0820	5/1/1975	\$32,400					

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

**Dana Blickley, CFA**  
**Property Appraiser**  
**Brevard County, FL**



**Property  
 Details**

**General Parcel Information**

<b>Parcel ID:</b>	29-38-05-00-00502.0-0000.00	<b>Millage Code:</b>	34Z0	<b>Exemption:</b>		<b>Use Code:</b>	9908
<b>Site Address:</b>	2100 HIGHWAY 1 , MALABAR 32950					<b>Tax ID:</b>	2953285

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

**Owner Information**

<b>Owner Name:</b>	MALBEC INVESTMENTS LLC
<b>Second Name:</b>	
<b>Mailing Address:</b>	450 PARK AVE 3RD FLOOR
<b>City, State, Zipcode:</b>	NEW YORK, NY 10022

**Abbreviated Description**

<b>Sub Name:</b>	N 660 FT OF S 1320 FT OF GOVT LOT 1 & N 1/2 OF NE 1/4 OF SE 1/4 OF SEC 6 LYING E OF RR R/W EX US HWY 1 PAR 750 IN SEC 6
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**Value Summary**

Roll Year:	2012	2013	2014
<b>Market Value Total:</b> <sup>1</sup>	\$560,000	\$560,000	\$560,000
<b>Agricultural Market Value:</b>	\$0	\$0	\$0
<b>Assessed Value Non-School:</b>	\$560,000	\$560,000	\$560,000
<b>Assessed Value School:</b>	\$560,000	\$560,000	\$560,000
<b>Homestead Exemption:</b> <sup>2</sup>	\$0	\$0	\$0
<b>Additional Homestead:</b> <sup>2</sup>	\$0	\$0	\$0
<b>Other Exemptions:</b> <sup>2</sup>	\$0	\$0	\$0
<b>Taxable Value Non-School:</b> <sup>3</sup>	\$560,000	\$560,000	\$560,000
<b>Taxable Value School:</b> <sup>3</sup>	\$560,000	\$560,000	\$560,000

**Land Information**

<b>Acres:</b>	17.32
<b>Site Code:</b>	114
<b>Land Value:</b>	\$560,000

1: Market value is 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.

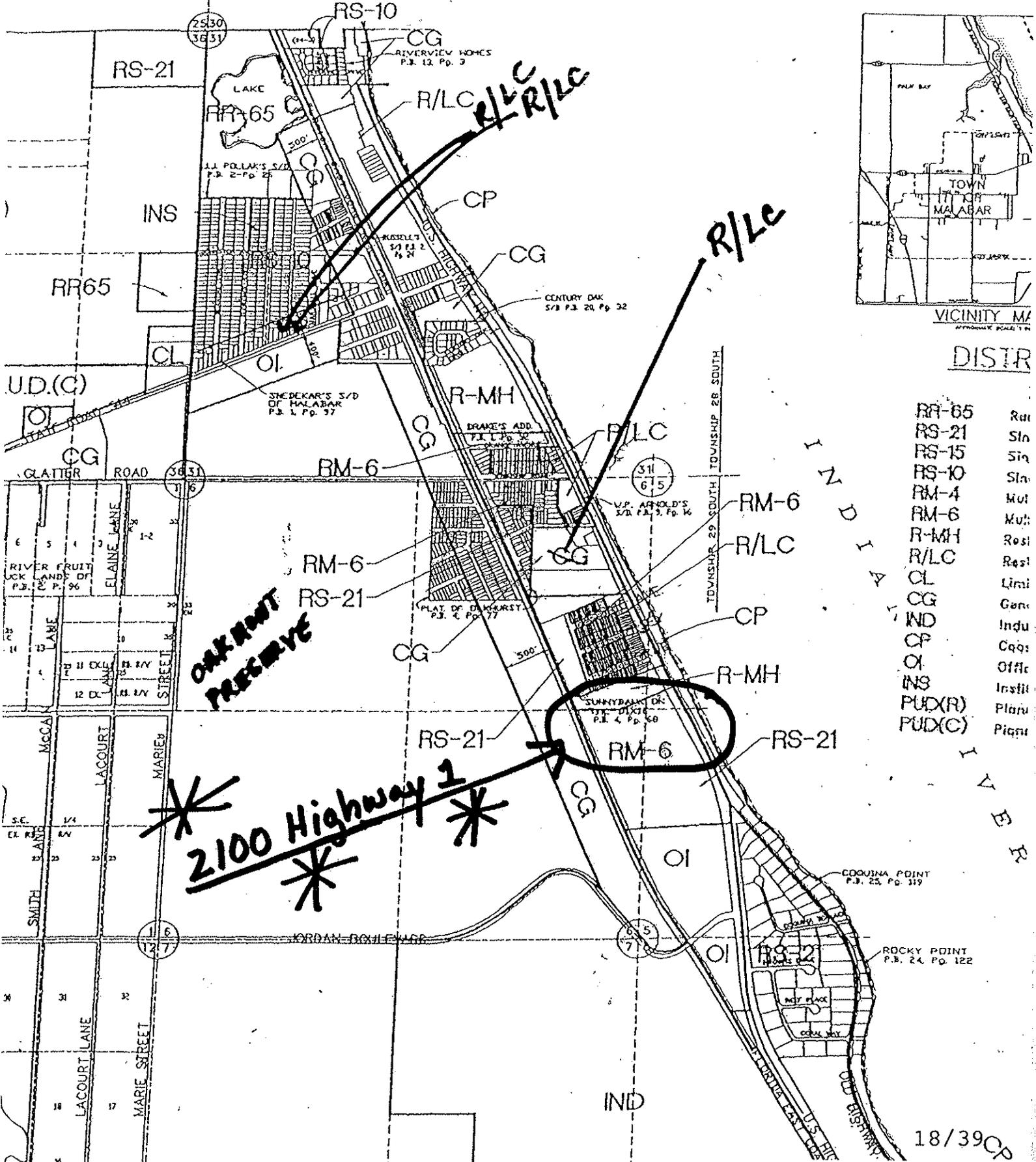
2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

**Sale Information**

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
6496/0147	11/23/2011	\$500,000	WD	12			V
6277/1455	11/9/2010	\$100	CT	11			V
5410/7121	1/18/2005	\$1,300,000	WD				V
2072/0578	7/1/1979	\$247,500					

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.



RR-65	Rur
RS-21	Slu
RS-15	Slu
RS-10	Slu
RM-4	Mut
RM-6	Mut
R-MH	Resi
R/LC	Resi
CL	Limi
CG	Gen
IND	Indu
CP	Cos
OI	Offc
INS	Instit
PUD(R)	Planu
PUD(C)	Piqu

## SITE PLAN REVIEW

§ 1-7.3

### MALABAR LAND DEVELOPMENT CODE

12. Location of existing easements and rights-of-way.
13. Land survey with complete legal description prepared and certified by a registered surveyor. All architecture or engineering designs must be prepared by a professional architect or engineer registered in the State of Florida pursuant to Florida Statutes 467 and 471 as exists or hereafter amended and which require an appropriate seal on the subject plan prior to issuance of a building permit.
14. Verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation and principal executive officers will be sufficient.
15. The applicant for site plan review may, at his option, submit a preliminary site plan sketch indicating a general idea of how it is proposed to develop the parcel. Upon tentative approval of a sketch, the applicant can then proceed to have a detailed site plan prepared in accordance with the requirements in this section.

(Ord. No. 91-1, 3-19-91)

#### **Section 1-7.4. Approval, disapproval and appeal procedure.**

A. *Approval Procedure.* Upon the approval of such site plan by the Town Council, a building permit may be issued pursuant to Subsection 1-7.4(B) by the Town Building Official. Appeals to disapprovals by the Town Council shall be to the Court of jurisdiction.

B. *Timing of the Release of Building Permits.* No permits shall be granted by the Building Official until the time for appeal from the decision of the Town Council as herein provided shall have expired. Appeal to the Courts shall not bar the issuance of permits unless the court grants an injunction.

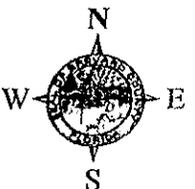
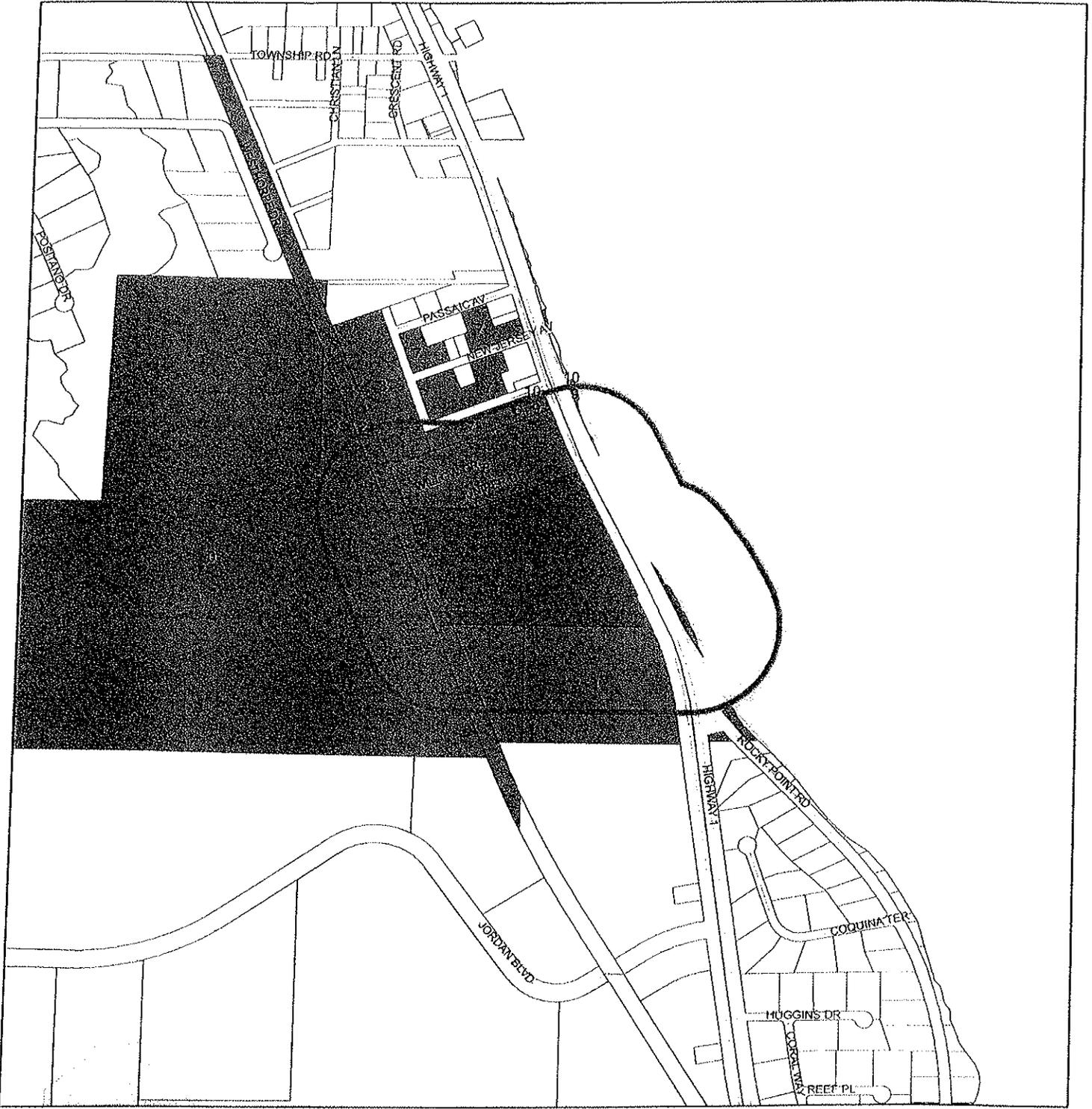
C. *Disapproval Procedure.* If the Planning and Zoning Board recommends denial of a site plan or if the Town Council denies a site plan approval, the reasons said plan was denied shall be specified with specific reference to those sections of the applicable Town Ordinances on which said denial was based. No reasons other than those so stated shall be presented to the Town Council or to the court.

#### **Section 1-7.5. Termination, extension and transferability.**

The site plan approval shall terminate twelve (12) months thereafter, if construction has not been started as evidenced by steady and continuous progress, including the pouring of footings by said termination date. Extensions may be granted by the Town Council at its sole and absolute discretion. Any request for extension shall be made in writing prior to the expiration of the site plan and such request for extension shall be reviewed by the Planning and Zoning Board which shall make a recommendation on the request for extension to the Town Council.



RADIUS MAP  
 MALBEC INVESTMENTS LLC  
 kern500



1:9,600 or 1 inch = 800 feet  
 Buffer Distance: 500 feet

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

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 the Brevard County Planning and Zoning Office - GIS Section Date: 9/12/2014

KERN, Rick

BREVARD COUNTY  
700 S PARK AVE  
TITUSVILLE FL 32780-0000

COASTAL JEWEL LLC  
720 LANCE DR  
DES PLAINES IL 60016-0000

FLORIDA EAST COAST RAILWAY LLC  
7411 FULLERTON ST SUITE 300  
JACKSONVILLE FL 32256-3629

GIERLING, DAVID L  
GIERLING, DIANE L H/W  
3020 PASSAIC AVE  
MALABAR FL 32950-0000

MALBEC INVESTMENTS LLC  
345 FIFTH AVE - 8TH FLOOR  
NEW YORK NY 10022-0000

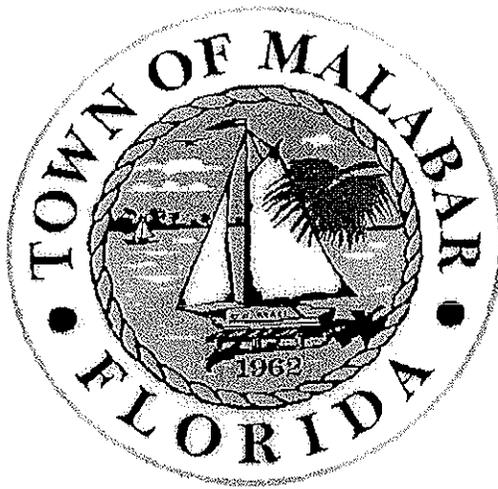
MANUEL, JOSEPH  
3080 HAWTHORNE AVENUE  
MALABAR FL 32950-0000

MC CARTY, MARIE F  
540 GREENFIELD  
MAURICE OH 43537-0000

SOUTHERN COMFORT MOBILE HOME  
PARK LLC  
1255 N WICKHAM RD #103  
MELBOURNE FL 32940-0000

THOMAS, CHARLES L  
2030 A US HIGHWAY 1 S  
MALABAR FL 32950-0000

THOMAS, CHARLES L  
2030 -A US HIGHWAY 1 S  
MALABAR FL 32950-0000



# PUBLIC NOTICE

CASE NO. CU/SP-002-2014

Hearings will be conducted at:  
Town of Malabar Council Chambers  
2725 Malabar Road

Planning and Zoning Board Meeting:  
Wednesday, October 22, 2014 @ 7:30 pm

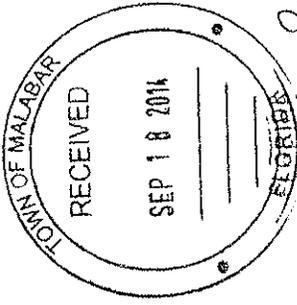
Town Council Meeting:  
Monday, November, 3 2014 @ 7:30 pm

APPLICANT: Joseph Paladin, Representing Malbec  
Investments, LLC

REQUEST: APPROVAL OF CONDITIONAL USE PERMIT  
AND PRELIMINARY SITE PLAN FOR ASSISTED LIVING  
FACILITY

RM-6 ZONING; 19.7 ACRES

FOR MORE INFORMATION  
CONTACT THE BUILDING DEPARTMENT  
AT (321) 727-7764 X 14



*posted*  
*Proper ty*

# PUBLIC NOTICE

CASE NO. CNSP-002-2014

Hearings will be conducted at  
Town of Malabar Council Chambers  
2728 Malabar Road

Planning and Zoning Board Meeting  
Wednesday, October 22, 2014 at 7:30pm

Town Council Meeting  
Monday, November 3, 2014 at 7:30

APPLICANT: Joseph Padua, Representing Malbec  
Investments, LLC

REQUEST: APPROVAL OF CONDITIONAL USE PERMIT  
AND PRELIMINARY SITE PLAN FOR ASSISTED LIVING  
FACILITY

RME-6 ZONING; 19.7 ACRES

FOR MORE INFORMATION  
CONTACT THE BUILDING DEPARTMENT  
AT (321) 727-7764 X 14



5061X01190M

ORDINANCE 2014-01

A ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; AMENDING SECTION 1-2.6.B. LAND USE CLASSIFICATIONS; PROVIDING FOR PUBLIC HEALTH CARE FACILITIES AND SOCIAL WELFARE FACILITIES; AMENDING SECTION 1-3.1.1 DISTRICT PROVISIONS; PROVIDING FOR LIMITED RESIDENTIAL USES IN THE OI (OFFICE/INSTITUTIONAL) ZONING DISTRICT; AMENDING TABLE 1-3.2; REMOVING REFERENCES TO GROUP HOMES AND AMENDING REFERENCES TO NURSING HOMES AND HOSPITALS AND PROVIDING FOR COMMUNITY RESIDENTIAL HOMES AND ASSISTED CARE COMMUNITIES; AMENDING TABLE 1-6.1 (B) REMOVING REFERENCES TO GROUP HOMES AND AMENDING REFERENCES TO NURSING HOMES AND HOSPITALS AND PROVIDING FOR COMMUNITY RESIDENTIAL HOMES AND ASSISTED CARE COMMUNITIES; AMENDING SECTION 1-9.2; ESTABLISHING PARKING REQUIREMENTS FOR PUBLIC HEALTH FACILITIES AND SOCIAL WELFARE FACILITIES; AMENDING SECTION 1-20.2 OF ARTICLE XX, DEFINITIONS; PROVIDING FOR DEFINITIONS OF HOSPITAL AND OTHER LICENSED FACILITIES, ADULT FAMILY-CARE HOME, ASSISTED LIVING FACILITY, ADULT DAY CARE CENTERS AND COMMUNITY RESIDENTIAL HOME; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

**Section 1.** Sections 1-2.6.B is amended as follows:

*"B. Community Facilities.*

1. *Administrative Services (Public or Private Not-for-Profit).* Activities typically performed by not-for-profit private or public social services and utility administrative offices.
2. *Cemetery.* Property used for the interring of the dead.
3. *Child Care Services.* Activities typically performed by an agency, organization or individual providing day care without living accommodations for preteens not related by blood or marriage to, and not the legal wards or foster children of, the attendant adult.
4. *Clubs and Lodges (Not-for-Profit).* Activities typically performed by a group of persons for social or recreational purposes not operated for profit and not including activities which primarily render services which are customarily carried on as a business for profit.

5. *Cultural or Civic Activities.* Activities typically performed by public or private not-for-profit private entities for the promotion of a common cultural or civic objective such as literature, science, music, drama, art or similar objectives.

6. *Educational Institutions.* A place for systematic instruction with a curriculum the same as customarily provided in a public school or college. These activities include nursery school and kindergarten facilities designed to provide a systematic program to meet organized training requirements.

7. *Golf Course and Support Facilities.* A golf course is comprised of at least nine separate holes and may be regulation length, executive length, or par three (3) length. A golf course shall be required to comply with recommended minimum design standards established by the U.S. Golf Association or the American Society of Golf Course Architects. The following acreage requirements shall be the minimum standards for a golf course:

<i>Type of Golf Course</i>	<i>Minimum Acres Required</i>
Regulation Course	120 acres
Executive Course	40 acres
Par 3 Course	35 acres

Commercial miniature golf courses and driving ranges and similar facilities are excluded from this activity as defined.

8. *Places of Worship.* Activities customarily performed in a building where persons regularly assemble for religious worship and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

9. *Protective Services.* Fire, law enforcement and emergency medical related facilities planned and operated for the general welfare of the public.

#### 10. *Public Health Facilities*

The Town has labeled the facilities below as Public Health Facilities. These facilities are also referenced in Florida Statutes, Title XXIX, in Chapters 395 and 408. Notwithstanding the identification of other facilities in Florida Statutes, Title XXIX, in Chapters 395 and 408, the facilities below are the only Public Health Facilities provided for by the Town.

##### A. Hospital and other Licensed Facilities

"Hospital and other Licensed Facilities " means any establishment that:

(a) Offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours

by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and

(b) Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent.

However, the provisions of this chapter do not apply to any institution conducted by or for the adherents of any well-recognized church or religious denomination that depends exclusively upon prayer or spiritual means to heal, care for, or treat any person. For purposes of local zoning matters, the term "hospital" includes a medical office building located on the same premises as a hospital facility, provided the land on which the medical office building is constructed is zoned for use as a hospital; provided the premises were zoned for hospital purposes on January 1, 1992. Refer to Chapters 395 and 408.

#### B. Nursing Homes and Related Health Care Facilities

Refer to Chapters 400 and 408 for the definitions and requirements of the following Nursing Home and Health Care Facilities.

##### Part I Long-Term Care Facilities

"Long-term care facility" means a nursing home facility, assisted living facility, adult family-care home, board and care facility, or any other similar residential adult care facility (additional reference: see Florida Statutes, Title XXX, Chapter 429, Social Welfare).

##### Part II Nursing Homes

"Nursing Home Facility" means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

##### Part V Intermediate, Special Services, and Transitional Living Facilities

Intermediate care facilities; intent.—The Legislature recognizes the need to develop a continuum of long-term care in this state to meet the needs of the elderly and disabled persons. The Legislature finds that there is a gap between the level of care provided in assisted living facilities and in nursing homes. The Legislature finds that exploration of intermediate-level care facilities which would fill the gap between assisted living facilities and nursing homes, where both the federal and state

government share the cost of providing care, is an appropriate option to explore in the continuum of care.

11. *Public Parks and Recreation Areas*. Public parks and recreation land and facilities developed for use by the general public.

12. *Public and Private Utilities (including Essential Government Services)*. Use of land which is customary and necessary to the maintenance and operation of essential public services, such as electricity and gas transmission systems; water distribution; wastewater collection and disposal; communication; and similar services and facilities.

13. *Social Welfare Facilities*

The Town has labeled the facilities below as Social Welfare Facilities. These facilities are also referenced in Florida Statutes, Title XXX, in Chapters 408 and 430. Notwithstanding the identification of other facilities in Florida Statutes, Title XXX, in Chapters 408 and 430, the facilities below are the only Social Welfare Facilities provided for by the Town.

A. Community Residential Homes

“Community Residential Home” means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency of Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Refer to Chapters 408 and 419.

There are 2 levels of Community Residential Homes:

Level 1 is between 1 to 6 residents/beds

Level 2 is between 7 to 14 residents/beds

B. Assisted Care Communities

Part I Assisted Living Facilities

“Assisted Living Facility (ALF)” means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Refer to Chapter 408 and 429.

There are 3 levels of Assisted Living Facilities:

Level 1 is between 1 to 5 residents/beds

Level 2 is between 6 and 15 residents/beds

Level 3 is 16 residents/beds or more

In the RM-4 and RM-6 zoning districts, an ALF Factor of 3 will be used to determine the residents/bed density. For example, RM-4 is allowed 4 units per acre multiplied

by the 3 ALF Factor is equal to 12 residents/beds per acre. RM-6 is allowed 6 units per acre multiplied by the 3 ALF Factor is equal to 18 residents/beds per acre.

Part II Adult Family-Care Homes

“Adult Family-Care Homes” means a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives. Refer to Chapters 408 and 429.

Part III Adult Day Care Centers

“Adult Day Care Centers” or center means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. Refer to Chapters 408 and 429.”

Section 2. Section 1-3.1.I is amended to read as follows:

• • •

“1. 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.”

• • •

Section 3. Table 1-3.2 of Section 1-3.2 of the Malabar Land Development Code, Community Facilities, is hereby amended to delete references to “Group Homes”, and by amending references to “Hospitals and Extended Care Facilities” and “Nursing Homes (including Rest Homes and Convalescent Homes)” and adding references to Community Residential Home and Assisted Care Communities to read as follows:

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CI	CG	R/LC	IND	INS	CP
<b>"COMMUNITY FACILITIES</b>														
Group Homes					C	C		C			P		C	
Hospitals and Extended-Care other Licensed Facilities								C						
Nursing Homes (including Rest Homes and Convalescent Homes) and Related Health Care Facilities					C	C		C			G		C	
<b>Community Residential Home</b>														
Level 1 (1 to 6 residents/beds)	C (3)				C	C								
Level 2 (7 to 14 residents/beds)					C	C							C	
<b>Assisted Care Communities</b>														
<b>I Assisted Living Facility</b>														
Level 1 (1 to 5 residents/beds)		C	C	C	C (4)	C (4)					C			
Level 2 (6 to 15 residents/beds)					C (4)	C (4)								
Level 3 (16 or more residents/beds)					C (4)	C (4)								
<b>II Adult Family-Care Homes</b>														
1 to 5 residents/beds	C (3)	C	C	C	C	C					C			
<b>III Adult Day Care Centers</b>					C	C		C			C		C	

(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"

**Section 4.** Table 1-6.1(B) is hereby amended to delete references to "Group Homes", and by amending references to "Hospitals and Extended Care Facilities" and "Nursing Homes (including Rest Homes and Convalescent Homes)" and adding references to Community Residential Home and Assisted Care Communities to read as follows:

"Conditional Land Uses	Minimum Size Site (3)	Minimum Width/Depth (feet) (3)	Access Required to Street	Building Setback from Residential District/Nonresidential District (feet)	Parking Lot Setbacks from Adjacent Residential District/Nonresidential District (feet)	Perimeter Screening Residential District/Nonresidential District (5)	Curb Cut Controls
Group Homes	(3)	(3)	N/A	N/A	N/A	N/A	(7)
Hospitals and Extended Care-other Licensed Facilities	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
Nursing Homes (including Rest-Homes and Convalescent Homes) and Related Health Care Facilities	2 acres	210	Paved	60/30	25/20	Type A/C	(7)
Community Residential Home							
Level 1 (1 to 6 residents/beds)	1.5 acres	210	Paved	60/30	25/20	Type A/C	(7)
Level 2 (7 to 14 residents/beds)	3 acres	210	Paved	60/30	25/20	Type A/C	(7)
Assisted Care Communities							
I Assisted Living Facility							
Level 1 (1 to 5 residents/beds)	2 acres	210	Arterial	60/30	25/20	Type A/C	(7)
Level 2 (6 to 15 residents/beds)	3 acres	210	Arterial	60/30	25/20	Type A/C	(7)
Level 3 (16 or more residents/beds)	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
II Adult Family- Care Homes							
(1 to 5 residents/beds)	2 acres	210	Paved	60/30	25/20	Type A/C	(7)
III Adult Day Care Facilities	2 acres	210	Arterial	60/30	25/20	Type A/C	(7)

• • •

“(3) Minimum spatial requirements shall comply with the requirements established by the Town of Malabar District Provisions or the Florida Statutes, whichever requirement is greater.”

• • •

Section 5. Section 1-9.2 is amended to include the following:



11. Social Welfare Facilities. One (1) space for every three (3) residents/beds plus one (1) space per employee on the largest shift.”

12. Public Health Facilities. One (1) space for each five (5) beds plus one (1) space for each employee, including doctors, or one (1) space for per three hundred (300) feet of building area, whichever is greater.”

• • •

Section 6. Section 1-20.2 of Article XX is amended by deleting the definition for “Group Care Facility” and amending “Extended Care Facility” and establishing the following additional definitions:

“Hospital and other Licensed Facilities” As defined in section 1-2.6.B.10.A

“Adult Family-Care Home” As defined in section 1-2.6.B.13.B, Part II.

“Assisted Living Facility” As defined in section 1-2.6.B.12.B, Part I.

“Adult Day Care Centers” As defined in section 1-2.6.B.13.B, Part III

“Community Residential Home” As defined in section 1-2.6.B.13.A.”



Section 7. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected and it shall be presumed that the Town Council, of the Town of Malabar, did not intend to enact such invalid or unconstitutional provision. It shall be further assumed that the Town Council would have enacted the remainder of this ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

Section 8. Repeal. All other ordinances or resolutions to the extent that conflict with this ordinance are hereby expressly repealed.

Section 9. Codification. The provisions of this ordinance shall become part of the land development code of the Town of Malabar.

Section 10. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member Milucky and Abare. The motion was seconded by Council Member Abare and, upon being put to a vote, the vote was as follows:

- Council Member James Milucky
- Council Member Wayne Abare
- Council Member Steven (Steve) Rivet
- Council Member Dick Korn
- Council Member Marisa Acquaviva

Aye  
Aye  
Aye  
Aye  
Aye

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 3<sup>rd</sup> day of February, 2014.

Town of Malabar  
no signature – veto by Mayor  
Carl A. Beatty, Mayor

First Reading 1/6/14 PASSED 5/0  
Second Reading 2/3/14  
Vetoed by Mayor 2/12/14  
Council Vote to Override 3/3/14

Results:  
Jim Milucky Aye  
Wayne Abare Aye  
Steve Rivet Aye  
Dick Korn Aye  
Marisa Acquaviva Aye



Ordinance adopted / fails (circle one)

TOWN OF MALABAR

By:

Steve Rivet  
Steve Rivet, Council Chair

ATTEST:

By Debby K. Franklin  
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.  
Karl W. Bohne, Jr., Town Attorney

# TOWN OF MALABAR

## MEMORANDUM

**Date:** September 25, 2014 14-AABO-023

**To:** Roger Coutier, Building Official  
Morris Smith, Town Engineer  
Keith Mills, Town Planner  
Christopher Robinson, Fire Chief  
FPE, Forensic PPLC (Brian Foster) Third Party Fire Review

**From:** Denine M. Sherear, Administrative Assistant to the Building Official

**Ref:** Review Conditional Use Permit Application & Preliminary Site Plan for an Assisted Living Facility, Level 3, to be called The Shores, located at 2100 Highway 1, Malabar, FL 32950

The Applicant, Malbec Investments LLC, is represented by Mr. Joseph Paladin. The property is located south of Malabar Road, on the west side of Highway 1 and consists of two parcels totally 19.7 acres. The property is zoned RM-6.

This will be going before the Planning & Zoning Board on October 22, 2014 @ 7:30PM and all staff are asked to attend. Applicant is aware that if the Preliminary Site Plan and Condition Use Permit are approved he will have to submit for a full site plan review.

Attached please find:

- Conditional Use Permit Application & Preliminary Site Plan Package
- Portion of Article VII, Section 1-7.3.(15) providing for preliminary site plan review
- Portion of Malabar Zoning map showing subject and adjacent properties
- Survey of Property
- Public Notice, Radius Map for 500' from 2100 Highway 1 and list of owners
- Photo of Signage posted
- Malabar Ordinance 2014-01 establishing ALF regulations
- Large (3) page folded (24"x36") Preliminary Site Plan & Conditional Use layout
- Staff comment sheets

The Building Official has requested a turnaround time of ten (10) business days for staff review of application. Please provide your comments to this office within that time frame and we will forward them to the applicant and include in package for Board.

We appreciate your cooperation with our process.

To: Denine Shearer

From: Keith Mills

Subject: Comments for The Shores Site Plan and Conditional Use



### Site Plan

1. Provide the square use for each use within buildings (admin., lobby, kitchen, etc.).
2. Provide parking space depths.
3. Provide a landscape and irrigation plan that includes all required calculations for interior and perimeter plantings. Show resulting required plantings on the plan including type, height, location, etc. Provide irrigation details.
4. Dimension dumpster locations. Provide dumpster detail.
5. Show site lighting, including illumination and details.
6. Provide all typical site details.
7. Indicate building exterior construction materials.
8. Provide sign details as specified in site plan code.

### Conditional Use

There does not appear to be any major issues with the proposal as related to the conditional use requirements. However, the application should include a narrative that addresses the criteria set forth in the conditional use code.

**Town of Malabar  
BUILDING DEPARTMENT REVIEW SHEET**

PG 1 OF 2  
(Return to Denine Sherear)

PLEASE RETURN ATTACHED SITE PLAN(S)

<b>PROJECT:</b>	The Shores- Assisted Living Facility Highway US-1 Malabar, FL	<b>DATE ROUTED:</b>	9/26/2014
<b>BP.:</b>	n/a	<b>DATE TO BE RETURNED*:</b>	10/10/2014
<b>APPLICANT</b>	Joseph Paladin Malbec Investments , LLC	<b>DEPT.:</b>	MORRIS SMITH, TOWN ENGINEER KEITH MILLS, TOWN PLANNER *CHRISTOPHER ROBINSON, FIRE CHIEF ROGER CLOUTIER, BUILDING OFFICIAL

<b>MARK IF NO COMMENTS:</b>	<b>REVIEWER'S SIGNATURE:</b>
PLEASE RETURN WITHIN 10 BUSINESS DAYS IN A SEPARATE WORK FOLDER	

**COMMENTS:**

① No Fire Hydrant AT ENTRANCE AT US 1

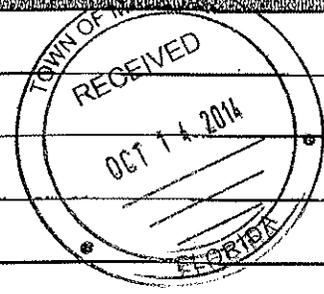
② What is size of water main?

③ Will it be a looped system?

④ No Fire Lanes

⑤ Phases of Refuse - are not shown

CP



Due to the deadline requirements, if there is no response within allotted time frame it will be considered as No Comments.



**FPE FORENSICS, PLLC**  
FIRE PROTECTION DESIGN & CONSULTING

41 Freedom Dr., Murphy, NC 28906 &  
4017 Murfield Dr. E., Bradenton, FL 34203  
Phone: (828) 837-2551 (w) (941)928-8138 (c)  
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October 8, 2014

Mrs. Denine Sherear, Adm. Asst. to the Building Official  
Town of Malabar Building Department  
2725 Malabar Road  
Malabar, FL 32950-4427

RE: The Shores Assisted Living Facility  
Site Plans Prepared by: R.K. Engineering and Associates of Brevard, Inc.  
Dated: 09-07-14

Dear Mrs. Sherear,

We have received one set of site plans for a proposed three phase assisted living facility. The Phase I construction will consist of a 24 foot roadway entry into the site, a Clubhouse with pool and a three story 125 bed residential living facility with support facilities. Phase II looks to be a mirror image of the three story residential building that will be separated by parking. The roadway will loop both the Phase I and II areas with a 24 drive aisle. Phase III will consist of a three story 33 bed residential building. This structure will be located on a dead end section of roadway past the Phase I and II structures. The total area of construction will be 242,527 ft<sup>2</sup>.

Based on our review of the plans, we have the following comments:

1. No fire flow test was provided to show if the calculated fire flow will be available. Please provide a current fire hydrant flow test that has been conducted near the site entrance within the last year. The plans indicate a minimum flow of 1,771 gpm for 4 hours. Please indicate how this will be provided.
2. Per the Florida Fire Prevention code (section 18.2.3.3), a second access road off of US 1 (SR5) will be required for Phase III.
3. No Parking Fire Lane striping requirements should be added to future editions of the site plan.

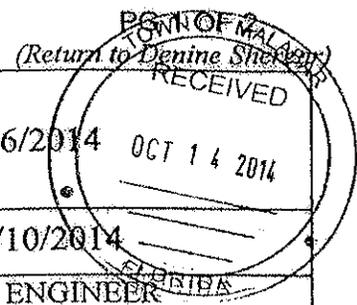
The plans should be revised to show the secondary access for the Phase III construction and the means and method to provide the required fire flow.

Sincerely,

Brian R. Foster, F.P.E.,  
Florida Certified Fire Safety Inspector,  
President

cc FPEF Job No: 1079-14  
cc Chief Christopher Robinson via e-mail

**Town of Malabar  
BUILDING DEPARTMENT REVIEW SHEET**



PLEASE RETURN ATTACHED SEE PLANS

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TOTAL HOURS WORKED ON REVIEW	
included	

**COMMENTS:**

- ① Provide a boundary & topography survey meetin MTS per FAC 5J-17.052 requirements
- ② Provide locations of Wetlands limits showing wetlands flagged locations within the last 6-12 months - Line shown is 9 years old.
- ③ Provide Wetlands line determination report.
- ④ Provide a copy of the "Will Serve" letter from the City of Palm Bay Utilities Department.
- ⑤ Provide a copy of the letter stating the City of Palm Bay WWTP has the available capacity to receive waster water flows generated by the project.

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BUILDING DEPARTMENT REVIEW SHEET**

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<b>MARK IF NO COMMENTS:</b>	<b>REVIEWER'S SIGNATURE:</b> <i>Roger Cloutier</i>
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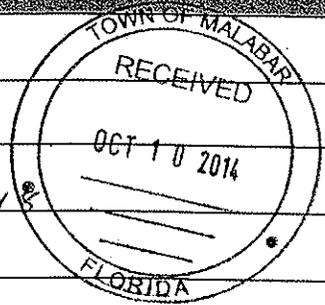
**PLEASE RETURN WITHIN 10 BUSINESS DAYS**

TOTAL HOURS WORKED ON REVIEW

included:

**COMMENTS:**

- \*Veterans Affairs requires 48" sidewalks
- \*Handicapped parking signs to read \$250 fine per Florida State Statutes *FS 318.18*
- \*Locate Handicapped Parking on plans



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