

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING MINUTES
January 10, 2024, 6:00 PM

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

1. CALL TO ORDER, PRAYER, AND PLEDGE:

Meeting called to order at 6:00 P.M. Prayer and Pledge led by Chair Doug Dial.

2. ROLL CALL:

CHAIR:	DOUG DIAL
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	SUSAN SHORTMAN
	DAVE TAYLOR
	MEGHAN WOLFGRAM
	ALTERNATE: VACANT,
	ALTERNATE: VACANT
BOARD SECRETARY:	DENINE SHEREAR
TOWN CLERK:	RICHARD KOHLER
TOWN MANAGER:	LISA MORRELL
MAYOR:	PATRICK T. REILLY

3. APPROVAL OF AGENDA: None.

4. CONSENT AGENDA:

4.a. Approval of Minutes of 1/11/2023

Exhibit: Agenda Report Number 4.a

Comments: BM Shortman provided a correction in the last paragraph, page 4. Should be "For Review before it moves on to Council."

4.b. Approval of Minutes of 4/26/2023

Exhibit: Agenda Report Number 4.b

Comments: BM Shortman provided a correction on page 7, should be "Board agreed with the suggestions brought forward."

4.c. Approval of Minutes of 5/10/2023

Exhibit: Agenda Report Number 4.c

Comments: BM Shortman provided a correction for the spelling of "Burden" at the bottom of page 10.

4.d. Approval of Minutes of 7/26/2023

Exhibit: Agenda Report Number 4.d

Comments: BM Shortman suggests cleaning up the motion for Minutes being approved on Page 14. She also noted a spelling issue in the date on the same page. Page 15 should correct next meeting date.

4.e. Approval of Minutes of 10/25/2023

Exhibit: Agenda Report Number 4.e

Comments: Chair states he believes that these minutes have not been reviewed by the Board yet. Approved as presented.

4.f. Approval of Minutes of 11/08/2023

Exhibit: Agenda Report Number 4.f

Comments: Chair provides a correction in line 1, adding an apostrophe, and correcting the spelling of returning. BM Wolfgram suggests clearing up the first sentence on page 23. Chair also adds an apostrophe under 8.a. BM Shortman suggests stating "Table 1-3.3A".

MOTION: BM Shortman/BM Wolfgram to approve the consent agenda as amended.

VOTE: All Ayes (5-0)

5. PUBLIC COMMENTS

6. ACTION ITEMS:1

6.a. Consideration of Shipping Containers – Storage and Dwellings

Exhibit: Agenda Report Number 6.a

Discussion: Chair Dial asked TM Morrell to speak on this item. TM Morrell states that this discussion was generated by an article in Florida Today, as well as resident inquiries. The Florida Building Code does allow them. Malabar requires a minimum of 1,500 sq/ft. Does this Board wish to recommend to Council that we allow or disallow these in Malabar? Staff will work to compile an Ordinance for Board review, then to Council for final approval. Staff has provided two options, one code where they are allowed, and one where they are not.

VC Ritter states she does not think they should be allowed for residential use. She would be willing to support them for agricultural use. BM Shortman states that in her experience, she has seen many strong and beautiful container homes. She feels that container homes are more resilient. VC Ritter states she likes them in the mountains, but not as much in Malabar. BM Shortman states she has also seen multi-family units in them. She is not sure how they would have running water or toilets. TM Morrell states that to get a Certificate of Occupancy, they must have water and waste facilities. The Florida Building Code governs these types of dwellings. The Town can add additional requirements but cannot under regulate them.

Chair states that he has a family friend who built a surf camp in Mexico using the 7-8 storage containers. TM Morrell states we do not have to include this in the code. It is currently allowed per the Florida Building Code, but we can prohibit it or provide additional requirements. Chair states the code provided in the agenda allows this only in certain zonings. Would we do that in Malabar as well? TM Morrell states that is a possibility. We can restrict them to certain zoning districts. VC Ritter states she feels they would not be wanted in small lot residential neighborhoods.

BM Wolfgram states the adaptations she has seen go to great lengths to make them safe and aesthetically pleasing. Her current office building has Connex containers inside the office building as workspaces. These are very expensive projects. Her other concern is putting too many restrictions on building materials.

BM Taylor asks for clarity, Polk County does not allow it, and Lakeland allows it, correct? TM Morrell states yes, that is correct. Chair asks TM Morrell if she feels this is a growing trend? TM Morrell states yes, but it is an expensive trend. These are highly engineered and expensive construction. BM Taylor states upon further review, he feels there are limited downsides to this proposal. They look nice and are structurally sound. VC Ritter asks what would happen if we did nothing? TM Morrell states it would be governed by the Florida Building Code. VC Ritter asks what problems that may bring if we leave the code the way it is now. TM Morrell states it would be mostly residents asking questions. They would still be required to meet all existing portions of the Town Code. BM Wolfgram states the fear might be that someone would place one in dirt and live there. TM Morrell states that would be a Code Enforcement issue. TM Morrell then provided a brief explanation on Code Enforcement actions and policies.

Public Comments: Mayor Pat Reilly, 1985 Howell Lane – Mayor Reilly states the provided codes are great examples. He suggests adopting the Polk County code restricting habitation. He states that his past experiences with them were unfavorable. He feels they do not meet the Malabar aesthetic, they rust poorly, and attract unsavory characters. He does not think they belong in Malabar. Chair Dial asks the Mayor if he feels the existing code requirements (1500 sf) will mitigate the use of them in Malabar? Mayor Reilly states he feels that if the current code allows people to build these, people will build them. He also asks if the Board would like to live next to a residential Connex container. He lives next to some that are used for storage, but he feels they are an eyesore. He is personally against the use of Connex containers for residential dwellings. He would suggest allowing them for storage only in RR-65. BM Wolfgram asks if someone would be allowed to use a cut up Connex box as a building material? Mayor Reilly states our code does not govern siding. TM Morrell states in neighboring municipalities there are sleek and modern looking Connex Box homes. BM Wolfgram asks if it would be a worthy endeavor to try and create one as an example. TM Morrell states she would be happy to bring back further examples. BM Shortman asks if we are targeting these materials? Chair states if we don't want it, we should leave the code as it stands and rely on the 1500 sq/ft to limit the growth. BM Wolfgram states she is against limiting the materials one can build with. Chair asks if the board would rather include a restriction in our code or leave it as it is?

Straw Poll:

Prohibit Connex: None.

Leave the code as it: BM Taylor; BM Shortman; VC Ritter; BM Wolfgram; Chair.

TM Morrell thanks the board for their direction. The Town will adopt the newest FBC soon, and we can rely on that to govern these types of buildings.

Secretary states the next meeting is scheduled for 2.14.2024.

BM Wolfgram suggests selecting 2.28.2024 as the next meeting dates. Without objection, meeting date changed.

New Business: VC Ritter suggests including a moratorium on storage units in Malabar. TM Morrell states the lot behind Town Hall is about to create indoor storage. She suggests waiting until after the current development is in place. Discussion ensued on the applicability of a moratorium. Chair acknowledges that there may be a lot in Malabar, but our Code allows them in CG. BM Taylor asks how we could do it then? TM Morrell states the only way to change it would be to change the zoning it is allowed in. BM Wolfgram asks if storage is a permitted or conditional use in CG? TM Morrell states it is a permitted use.

Chair suggests including a discussion of Storage Units at the next meeting. Mayor Reilly states that without central water and sewer, storage facilities are the highest use of the land for many businesses. TM Morrell states that water is coming down Malabar Road in the future.

Clerk Kohler states he will send the Board Members a video on the new Form 6 requirements.

Chair asks why there is a corkboard at the north end of Rocky Point Road? TM Morrell states she believes it is a message board for VA Paving, who will be repaving US 1.

Chair asks what the status is on Rocky Point Road repairs. TM Morrell provided the Board information on the ITB, including that she hopes to have it approved at the 2/5/2024 RTCM.

BM Shortman asks who is responsible for the Town Signs? TM Morrell states that the Town is, and each sign is about \$2,500.00.


7. ADJOURNMENT

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

The meeting adjourned 7:37 P.M.



Lauren Hamilton, Board Secretary

BY: 

Doug Dial, Chair
3/13/2024

Date Approved: as presented.