

**TOWN OF MALABAR  
PLANNING AND ZONING ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY MARCH 9, 2011  
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 - 01/26/2011  
Planning and Zoning Meeting -02/09/2011  
Planning and Zoning Meeting -02/23/2011  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Motion to Approve
- E. PUBLIC HEARING:**
- F. ACTION:**
  - 2. Five-Year Plan Projection For Town of Malabar**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Action
- G. DISCUSSION:**
  - 3. Continue Land Use Review – Highway 1 Corridor**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Discussion
- H. PUBLIC:**
- I. OLD BUSINESS/NEW BUSINESS:**
- J. 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: March 9, 2011**

**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 January 26, 2011

- Corrections made on minutes after review of tape

Draft minutes of P&Z Board Meeting of February 9, 2011

Draft minutes of P&Z Board Meeting of February 23, 2011

"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  
January 26, 2011 7:30 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 7:30 P.M. Prayer and Pledge were led by Chair Bob Wilbur.

**B. ROLL CALL:**

CHAIR:	BOB WILBUR
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL
ALTERNATE:	WAYNE ABARE
BOARD SECRETARY	DENINE SHEREAR, excused
TOWN PLANNER	KEITH MILLS, excused
TOWN ENGINEER	MORRIS SMITH, P.E.
BUILDING OFFICIAL	ROGER CLOUTIER
RECORDING SEC	DEBBY FRANKLIN

Also present is Tom Eschenberg, Mayor of Malabar

**C. ADDITIONS/DELETIONS/CHANGES: none**

Vice-Chair Pat Reilly would like to switch Action Items 3 and 4 and have 4 go first. No objection. Ryan stated there is much on the agenda and asked if the meeting could be split into two meetings. No action. Ryan also suggested they should institute a cut-off time of 10PM or 10:30 PM like Council does. No action.

**D. CONSENT AGENDA -**

**1. Approval of Minute- Planning and Zoning Meeting- 1/12/11**

**Exhibit:** Agenda Report No. 1

**Recommendation:** Action

MOTION: Reilly / Krieger to approve the minutes of January 12, 2011.

Liz pg 2, she questioned Tammaron, thought it was Malabar Woods and has too many r's; Krieger wanted minutes to say "total number of gallons" instead of gallon-age.

Vote: All Ayes.

**E. PUBLIC HEARING:**

**2. Sunrise Centre Assisted Living Facility-725 Malabar Road for Site Plan and Conditional use for 96 Bed Assisted Living Facility- Applicant is Plata Engineering, Inc Frank Plata and Ben Elliot**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Action to Council

Chair called applicant to present: Ben Elliot with Plata Engineering 3700 N Harbor City Blvd, in Melbourne, Florida 32935. They are submitting a site plan and a conditional use application for an assisted living facility known as Sunrise Centre to be built on the remaining undeveloped portion of the overall five acre Berri Patch parcel across from the hospital. When Berri Patch was originally developed all the infrastructure was placed, all the stormwater, the underground water and sanitary sewer for the eventual development. Working with Don Foley the property owner and Frank Plata, they developed this proposal which fits in nicely and will be connecting to existing driveway and parking. Mr. Elliott showed on a paper copy of a rendering of the project showing the Malabar Vernacular and compliance with the Malabar height requirement of

35 feet. They have met with Town staff and responded to their comments and concerns. As an overview, he felt it was a good fit and complements the vicinity with the close proximity of the hospital and neighborhood relationship. He will leave it at that and answer any questions or wait for comments from Board and public. Mr. Elliott stated the Town Engineer is present to speak to the engineering aspects and the owner of the property is here also they have had much correspondence with the Building Official, Town Engineer and Town Attorney.

Krieger wanted the applicant to explain the 3-stories and how they relate to the 96 beds. Elliott said the majority of the first floor will have the administrative offices, the dining hall the kitchen area and just a small number of units on the first floor. The second and third floor will have common living areas at the center by the elevators and units going off down the halls from there.

As far as the bed distribution, that will be in the construction plans; what they are proposing is 48 units and with that the maximum scenario would be 96 beds. Some residents may only want one bed where others may want a second bed option for a spouse or friend. Frank Plata said that the concept is to provide several layouts for flexibility - some may want a walk in closet or larger dressing area so they can be flexible. They want to provide privacy while still being able to check on everyone by opening main door but still keep it like a home like. Don asked about the 14-units on the first floor. Areas left on the two corners for possible sun rooms. Important for them to have exercise room and also a video area. The visual part of it - the largest common area on the first floor is the dining area. Liz said the maximum she counted for beds was 88 but understands how that could be modified. This view is pleasant and that was important to the owner. When they have this project this is the maxed out at 96 for the level of price they are trying to do. They are trying to target an affordable price and pass it on to the residents. Bud asked if the third floor could be expanded to cover the 2<sup>nd</sup> floor entirely. No, that is not in the plan. The drawing is the final plan and has been worked out with the owner to provide a pleasant visual appearance. The roof line on the second floor wings will not provide for a third floor. Their target is to design the project so it is middle cost and keep the price affordable. Pat asked if these would be bought or rented. Rented. Liz asked if any would have kitchens. No, some may have microwaves for re-warming. Liz asked about the term of living there. Plata said they would sign for a year.

Plata explained the three levels that are licensed by the State:

Start with Independent living - hotel setting, parks their own car; congregate care - no medical needs but they want to share common areas, laundry and eating;

- Congregate living - no medical needs but want a shared dining area, laundry services provided, security provided.
- The next is intermediate assisted living - someone will remind them to take pills or bath. Limited assistance; no medical services provided; that is what they are proposing
- The third step is the nursing homes, which is across the street west of the hospital.

What they are proposing is the limited assisted living facility almost the congregate living type facility, with no medical.

Wayne asked who they are targeting. Plata said those needing assisted living. Wayne asked if they could take resident with dementia. No, that needs separate licensing. It could be converted but when you try to do the two types, something gets neglected. Need a separate area for them. When you try to do both together something is always lacking. It is needed but the size of this project it is easier to handle as assisted living. If you have a resident and they become incapacitated, they need to transfer to another facility. Wayne asked about the Glen Brook facility in Palm Bay. Plata said it is good to have transition between levels of care but it becomes too large for most management companies.

In the level they are proposing, assisted living, it is mostly reminders. No prescriptions will be written, only reminders to take their meds. Cindy asked what process is used to determine who

gets in. Would you have to have doctor note? Ben Elliot said that there is a lengthy interview process of resident and their family. The management company handles that. They are not free to come and go; there is security and a controlled environment, and 24 hour staffing. They are proposing the next level from independent living.

Bud asked about rapid exit in case of emergency. Frank Plata explained the SOPs spell out the process for emergency response. Elevators could accommodate a gurney? Yes. Bud asked what else this building can be used for if this use ceased. Frank Plata said it would have to be congregate living or assisted living. It would not work for independent living because you would want to give them more of an apartment living and a kitchen. Building is intended for the intermediate level – assisted living for elderly. Bud said it can't transfer into a hotel? Frank Plata said no, the parking alone would not allow this for a hotel. Bud said it is a single purpose building. Bob said is there an age threshold or is it open to everyone? Plata said 55 and up. They are not mixing the different types or stages of care, so their user will be the intermediate assisted living level. Bob said so some would be mobile. Frank Plata said the majority would be mobile. Some may still have a driver's license but not have a car. Bob asked if they would provide three meals a day – yes. There will be a vehicle available for transport. Bob asked about emergency power – yes, they will have strict rules to follow for emergency situations. Bud asked if the emergency power is just for the lighting or can it also operate the elevator. It does not cover the elevator – they would carry them down stairs if necessary. If timing is important, like in case of a fire. Liz asked where the back-up generator is located – yes it is the mechanical room. The lift station has a separate back-up generator. Liz said most generators are diesel and are outside. It is diesel but the room is ventilated.

Wayne asked about the parking. Frank Plata explained the National Standard from the Institute of Traffic Engineering and is 36. The Town Code only listed nursing homes and they have medical staff and the comparison is not the same. Wayne asked about the number of residents with cars. Plata said for the independent living facilities, it is about 30%. Wayne said if a third have cars, plus staff and guests and you have run out of parking spaces. Plata stated this is not independent living, it is the next one, assisted living and they reviewed other assisted living facilities in the area and the national average is 5% of residents that have car so about 5 would have cars. Bob said he did not see plans for visitor parking. Frank Plata said parking for staff would be about 10-12 with a few more for overlap at shift changes. Those spaces for staff and residents and the rest are for guests. Plata said they have put 70 units in other places and half of the spaces are empty. It is mostly pickups and drop offs and they are spread out throughout the day. Wayne asked about holidays. Most are drop offs or pickups. There is also some parking at Berri Patch that could be used. They are closed on weekends and holidays. They do not expect to need them. The normal use for these facilities does not use a lot of spaces. Liz asked about staffing for third shift. Plata said there is wide range for such facilities and varies between 12-22. They will have one maybe two staff on third shift. Liz asked about the vehicle. Plata said barber and beauty will be provided. They will have one vehicle and it is mostly for pleasure. The hospital is across the street if they need it. Liz asked about the only 2 hydrants, and they are both in front and three stories. The building is fully sprinkled also. Most of the trucks can get to the back of the building. The requirements call for sprinkled buildings for this use. Otherwise they have to have more hydrants. Wayne asked about the agreement with Berri Patch. These properties are linked together on the drainage, the sewer and they have to share. Wayne asked if the property could be sold separately. The use of the security for Berri Patch is separate. This use requires inside security. That is why they don't want to get into heavy care. Keep at same experience level. Cindy asked about the property owner. Foley is the owner of all of it. Plata is trying to secure everything and then market it to a management company. The project as proposed is for one and no one can come in without the full approval of the owner. They are trying to secure all the permits and cover all aspects and will not turn anything loose. Most other projects, you have separate parcels owned by different people. This project is already owned by one owner. Cindy asked if he thought the old people and the young people would be a good fit. There is a lot of good potential from this mix. Ben Elliot said his

wife works at a pre-school and they do field trips to the local facilities with the elderly. Bob asked about senior daycare. Plata agreed there is a great need for that market. Don asked about the set backs – they appear to include the paved areas and the stormwater system. Krieger has problem with the stormwater system being comingled. This is a five-acre parcel and Krieger wanted to know who evaluated that. Ben Elliott said St. Johns RWMD. Krieger said they are proposing 96 beds and a third of those people will want to walk around the land. Are they going to be walking in the retainage/detainage areas? Frank Plata said they had outside areas in their other projects and they weren't used. The exercise areas will be indoors with lots of activities for them. Plata said in the future there may be Malabar park land available to the south, but for now they do not see a need for that.

Don asked if residents could have multiple cars. Plata said no, they are proposing an assisted living facility, not an independent living facility. Don asked about covered parking – Ben Elliott said no, but there would be a covered drop off area in front. Don said they referred to driveway that splits the property into two parts and this development will be on 2.5 acres. What about walking in the area after a storm event. No. Don asked if the permits were being pulled with multiple corporate entities. No, St. Johns has reviewed this plan and there is a permit approved for this. Plata explained it cannot be split and there is only one owner of the property and one stormwater permit – it is a master system. Don stated there is only one corporate owner that owns the stormwater system. Plata said yes, it is like having a single family home in a subdivision. Krieger said normally, when you have a five-acre parcel, you have a single corporation that is the landlord and different corporations work within it. Krieger said this is different; this is separate corporations with not a street but a driveway separating them. First you have a children's facility on one side but usually adult communities are gated to prevent people from getting in. Krieger asked if they will have gates on that side of the driveway. Plata explained that the building is what will be secure – that is part of the assisted living aspect; they will have control from the doors. Krieger said the people can go out and cross the street or go to the other side. Plata said residents will not be able to do that. Liz asked for Plata to give an example or two of a typical resident and why they can't just walk out the door. They will have security and the residents won't be just walking outside. Plata referred Board to the Cedar Creek facility on Hall Road in Merritt Island if they want to see a similar facility. This proposal improves on that facility. The majority of the facilities are inside. Field trips are in controlled areas and by staff. They can't wander out.

Liz asked Frank Plata to describe the typical resident – Ben Elliott explained that the typical resident would be 65 - 70 years old and they only need physical help, either walkers or staff assistance. If they go out they will have a staff person with them. They are assisted with physical things. They aren't going to be wandering outside on their own. If they go out it is to access the vans. The gazebos are only accessible from the facility, not the parking lot and they are fenced in – it is a controlled environment. If they are out, it will be negligence on staff's part. There will be locks on their doors. Bob has conflict; has issue – thought Plata said earlier that they would have three levels of care for persons over age 55 and that 50 – 60% of possible residents would move there because they wanted independent living, but wanted to downsize from their homes. Plata said that 50% - 60% would voluntarily want to give up their cars and homes and have room and board provided for them in a secure environment. Now it seems you are saying something different. You are going to take their keys away from them? Bob said there is no bus service and if a resident wanted to go somewhere and there is only one van; it sounds more like an institution, not voluntary. Frank Plata said there are a lot of businesses that are related to this that would also support the facility; like the hospital providing meals and van services providing trips. Plata said there is a need for this and people will voluntarily apply. Liz said that is why she asked for the description of the typical resident. Bob said he thought they were offering three levels of care – first you can walk in and carry your own bags and drive your own car. Plata said no, those are separate businesses.

Plata again described the three types of service or levels of service that the State issues licenses for:

- Independent living has zero living restrictions – like moving to a condo or apt
- Then they have congregate living – drop the car and need help with walking and bath – that is what they are calling “assisted living”
- The last level is mostly bed ridden in a nursing home.

Plata said what they are proposing to offer is the second one. They will not be providing services to the other levels; that is for across the street.

Wayne asked if a 93 yr old that still drives and has some short memory loss would be a candidate. Could she go? Plata said it would depend; they would need to screen. They are not offering medical treatment. The main part is the person is ready for some assistance, give up their car and don't need medical care. Plata said none of these types of facilities have a fleet of their own vans; the management companies have leases with other companies that provide transportation. Same with laundry services. There are some fixed costs. If it costs more to do laundry yourself, you lease it out.

Bud asked about the lease – typically one year. Who decides – typically the mgnt company and the family? Bud wanted to know what happens if they can't live through the terms of the lease. Frank Plata said some management companies have pre-pays for the year. Depends on the pricing breakdown. Some companies have two or three months free.

They have different management companies that work in these places for day to day operations. Bud wants to make sure a resident isn't caught in this. Frank said that is the target is to keep it affordable. Bob asked about the entire property; the original Berri Patch property and this property; is there a separation in ownership. Plata said a separate corporation may own the second building; similar to a duplex. It will be limited to the perimeter of the building only and then the rest of the areas are common. Bob asked if once it is built it will be sold to a management company. Plata said typically they are 5 or 10 year contracts to operate the facilities and they are the secondary layer. Bob asked if either the ownership entities or the management companies will be a not-for-profit. Bob is asking because the Berri Patch portion of the development is tax exempt under educational exemption. His concern is that the Town to benefit in the tax collected as well as population. Plata said depending on ownership and management companies, there is usually a for profit business. The ultimate goal is to have an affordable facility. Plata said the target is for a “for profit” company.

Don referenced the green space – his concern is that they are using the same areas that the original development used. Krieger asked how is it calculated; is the dry-retention area considered green space. If it is not always dry how can it be used as green space? Plata stated to respond.

Krieger said another question, is the traffic concerns - the driveway poses some traffic problems. He asked if FDOT had been contacted. They are talking about 96 people, 16 employees, plus all the kids and however many employees are the other facility.

Plata said regarding the open space area – it is more that the Code requires by 12%. This was mater planned and the Code requires 20%.

Plata said for the traffic part – the owner did the improvements for the 5-acre site in 2000-2002 period and did the planning for the five-acre site and provided for 25,000sf of medical offices. That is an incredible amount of traffic, almost 900 trips per day. That was what was planned before when we reviewed the driveway part. The development that was in place, the main building was 10,000sf. Based on the current standards of the Institute of Traffic Engineering, (ITE) latest edition, you have 907 trips per day on the day care center part. This building will be adding 198 trips and is under the threshold from the original plan that proposed more. The FDOT should be a clerical step. They will contact them after this approval. They had a preliminary meeting. They will submit to FDOT. The parking at the day care is 47. That is a

different use. The FDOT part they only go by the ITE number – they have a 10K sq ft. – that is what they go by. Based on the pattern they have 1 trip in and out for this use. The addition for the 96 is within the parameters of the permit that was approved in 2002 by FDOT. They have already told us it is based on the 2002 submittal.

Pat asked Franklin about the setbacks listed as (i) and the (c) on the Table 1-3.3 in District III – Franklin responded that c means corner and I means inside or interior.

Don asked about fencing – was barbwire coming down. The barb wire belongs to neighbor. The landscape buffer on the east side will be hedging and shrub combination. They will have combination hedges and fencing in the front. The courtyard is enclosed. The gazebos will be enclosed with lattice.

Wayne asked about a nearby similar facility. Plata said there is one in Merritt Island, Cedar Creek facility on Hall Road. They checked the licenses and there are many with six beds or less that have minimal licensing but the type they are proposing are lacking except for the one in Merritt Island. They are trying to upgrade and improve from that one. Cindy asked about the one by the hospital. The one by the hospital is not an assisted living facility – it is a nursing and rehab center. People are not living there. Don said he went to that one across the street this date around 3PM and asked about their services. It seemed like there were a lot of cars in the parking lot and lining the entrance road.

Town Eng Morris Smith explained the expanded parking at that spot is due to their offering of outpatient rehab services. That is not what the applicant will be offering.

Chair asked applicant to sit and let Staff speak.

Pat asked about compliance with Table 1-3.3A; it meets requirements for size, setbacks, and open space – Morris Smith said yes.

Pat asked how it will be split – Frank Plata said it will be in fee simple ownership – one owner of the master plan and if something happened what would happen. Wayne said he heard that they are sharing the curb cut and the stormwater and sewer are master planned.

Don has problem with comingled use and the intensive use of the property with 96 beds. If it fits all the criteria, then it fits the criteria. He would like to know there is one owner of the property as landlord that you go to when the green area hasn't been cut. When there is a problem you can't have multiple persons involved in the property. Wayne said if there need spill over parking and they are sold separately, they won't have spill over parking. Krieger said there is no way they won't use the spillover parking as it is a five-acre parcel. If it is a 2.5 acre site, they need to do the calculations on it, without the stormwater being connected. When that person sells the property it is sold as one property.

Frank Plata said it is a commercial condominium. He gave example of person can buy a bay and 3 parking spaces but he will never own the entire property. The ownership only applies to the buildings and the parking and everything else is common and you can't really split those. Liz said you can sell the buildings and the management but not the grounds. Plata said yes, that is the commercial condominium concept. Don said his point is, if there is a problem, the Town needs to know who they can communicate with. There can't be two applicants for the stormwater permit with St. Johns. Don said St. Johns reviewed it. Town Engineer Morris Smith said St. Johns reevaluated it and the proposed project is a less intense use than what was originally approved for the whole five-acres as a master plan. Liz said this is a phased development and this is the second or third phase. Pat asked Morris Smith about the work done on the east side of the property. Was it part of the original permit? Morris Smith said yes, St. Johns contacted the owner and said some milestones and thresholds would be changing and recommended they finish the stormwater system before they went into effect.

St John's has looked at this as a one master plan and this is the second phase of the plan. There is more green area and impervious area provided than the Code requires.

Pat asked staff – Morris said they have met all the Town standards. This is good for the Town. Morris said this is one of five sites and they chose the Town of Malabar because of the lack of complexity. The hospital is nearby. Bob asked Morris about the number of parking spaces – is he comfortable with the number provided? Morris said the Institute of Traffic Engineering is the official expert for these types of requirements and he has no issue with the number provided. Cindy thinks this is a CUP for ALF and it should be added to the list in the Code and have its own requirements specified. Pat said it is almost impossible to put everything into a table. Cindy said the setbacks are different. Different uses have different setbacks.

Don said one of the differences – these are residences. This could be 96 separate residences with addresses in the Town. Wayne asked if they build this and they find out they can't fill it up – can they change it to an independent living facility? Can these folks decide to change it after approval to an independent facility? It is his suggestion to permit it as an ALF on the CUP application. Bldg Ofc Roger Cloutier said the licensing is determined by hotels and restaurants. They take care of the requirements.

Chair opens the Public Hearing

Juliann Hirsch, 1035 Malabar Road, welcomes a new facility on this road. However we don't know if it will be a hotel. What is a conditional use? What conditions are we putting on this use? Questions were asked if there is only one owner. She asked Mr. Foley before the meeting who would be the owner. We need to be aware of it. It won't be good for town if we don't get taxes. It costs a lot of money to run the town and we need to get tax money. She says we need to be careful and one of the conditions should be that it can't be a non-profit and can't be subsidized by the government. Is it going to be a residence? We need to get some money in this town. She would like to see a park attached to it. She thinks it is a multi-family complex. The conditional use is explained in Art VI. Juliana said that each person can have a car. She has problem with owner saying he is selling the land. She is elated that something coming but it does not need to grow where we lose the money. They are making a lease for a year.

Board asked Franklin to explain the CUP part of the Code. Franklin explained the CUP process is explained in Article VI and the statements in parenthesis in the table can be referred to on the next page. Pat stated to Ms. Hirsch that there are only 48 rooms with 2 beds in each proposed and that is the maximum usage. Bud said the point on amenities was a good one. Liz said take them at their word.

Tom Eschenberg, Mayor of Malabar, resides on Beran Lane, stated the makeup of the population of the proposed facility and the higher incidence of response requests from the Malabar Fire Dept. should be considered. It could be a facility that pays no tax. He asked the Board to consider what types of services would such a facility require from the Town?

Chair closed Public Hearing portion and brought back to Board.

Chair asked all members to make any disclosures as this is a quasi-judicial issue. If Board Members had spoken to anyone involved with this application they should make such a disclosure. All have driven by it due to its location on Malabar Road. All Board Members stated they had no disclosures to make. Chair stated Board had asked the staff if the application meets the criterion in the Code and the staff stated it does.

**MOTION:** Reilly / Ryan to recommend Council approve the Site Plan for the Sunrise ALF at 725 Malabar Road and the Conditional Use Permit for a 96-bed facility.

Discussion:

Don thinks it is an intensive use and is confused by the ownership. Board did not look at Florida Vernacular. From the general design, you will see this 260' length of a 3-story building from Weber Road. Pat thought the site plan was done correctly and thinks it is a viable project

especially for this location. Thought it would be better with more parking. He sees no reason to deny it. Bud said he agrees with Pat and also the Mayor. He can see a higher number of Fire Rescue calls going to the site. Cindy thinks it is a good project for the Town. Wayne referred to Don's comment about 96 residences – it is a nice facility, but the tax for the town would be the property tax on the building, the residents wouldn't pay separate tax on each unit. Wayne again mentioned the concern of changing the use after council approval. He would like the definition as provided by the applicant to be included in the recommendation to Council. Liz it is a good project. As for the concern about EMS runs, she said the Fire Dept should come up with a standard fee to respond and then charge for each. The proposed project has gone to lesser density. They can't change the master plan. They are trying harder to do a good job for the Town. Bob is not 100% convinced they have enough parking. He would be more on board with this if they would be paying their way. He does not see any assurance of that. The plan was exceptional and everything was there. It is an intensive use.

Roll Call Vote: Krieger, Aye; Reilly, Aye; Wilbur, Nay; Ryan, Aye; Ritter, Aye. Motion approved 4-1.

**F. ACTION:**

**4. Purchase of "Old School House" 1490 Marie Street, - Community Center for Town of Malabar**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Action

Per Section "C" above, this went next:

Chair said the Mayor asked him to put this on agenda as he wanted the P&Z Board's opinion on this. Don said the Town has had interest in this over the years, and one of the comp plan requirements is the preservation of historic sites. He knows of no other site unless it is a cracker house that can be picked up and moved. This is a 2.5 acre facility. This is a nice piece of property surrounded by park land. There is an opportunity here and you can take it or leave it.

V-Chair Pat thought the presentation was good. He would support a recommendation to approve purchase. He would want to list who would be the primary users; so it is not for non-profit.

Bud thought long and hard on this. He has met with the owner who he thought very highly of. We are dealing with a depreciated asset. This might reflect the overall drop in property values. It's suitable. The oak floors are beautiful but are high maintenance. The upstairs can only be used for storage because elevators would have to be put in. He said they would be buying the 2.5 acres, with a 2-story 5557 sf building. He checked with the Building Official and to build a new 2700 CBC single story building it could be done for \$54,000.00. The Town could build the building brand new. This is not on the federal historical register; it is on the county register. Should we put this tax burden on the residents? Bob explained that it has historical significance.

Cindy is all about preserving history and the Town has been looking for a new town hall for many, many years. There are no sites that would be more suitable. It is something the Town should do. It is an historical bldg and we need to keep it. The citizens should speak on this. Make it Town hall and have this building for a community center.

Wayne said it seems like a neat old building, but if you need a new town hall and there is only so much money; you should put the money where you need it.

Liz, major problem is the Town not acting in the past. We need a community center. It is a perfect location next to the parks. The perfect location for town hall to be built next to school house or behind it. Lots could be done as a community center. Won't have this opportunity again.

Bob, we have been looking at the past 5-year plans and the only stuff checked off is fire service related. We need things that can benefit the Town in a social way. There is no place for the residents to get together and exchange ideas. The connectivity in the social aspect is just as important as the connectivity with the trails between our parks. The School House Committee did a lot of work for how to make this work. Thinks the Town would be backing up if they don't go forward. We can utilize the building right now. We lost it before because of Council inaction; we lost out getting it for nothing because of fear of the cost to deal with the asbestos and that has been dealt with. Ten years later from the 2001 5-year plan stating we need a community center and we still have no community center. He has sat on many town hall site selection committee and we had owners willing to negotiate. He lived in this town when this building was the community center and we had a full kitchen. We had pioneer days here.

Bud said he is proposing building a new multipurpose building as well. Then this could be the community center here. Building to suit would cost less money and better suited. Liz said this is ready to go. Council doesn't have to do anything. Once you advertise, people will come from everywhere. Don said it is not about the money. It is about history. It is in a good location. Through financing we can change to the RLC land use and zoning. There are certain covenants that are attached to this building.

Wayne said someone would have to operate it. Someone has to be in charge and responsible for the day to day operations. Bob said a committee could continue and they could come to the P&Z Board.

**MOTION:** Reilly / Krieger recommend to Council the purchase of the old school house at 1400 Marie St. **Vote:** Ayes: Krieger, Reilly, Wilbur, Ritter. Nay: Ryan, Motion approved 4 to 1.

**3. ~~Five-Year Plan Projection For Town of Malabar~~ TABLED TO 2/9/11**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Action

**MOTION:** Reilly / Krieger to table 5-year plan until next meeting.

Put on next agenda and also put on the continuation of US 1 land use discussion. Keep maps for next meeting.

**H. DISCUSSION:**

**I. PUBLIC:**

**J. OLD BUSINESS/NEW BUSINESS:**

Question on property tax exemption for Berri-Patch – per FS 402.305 and 402.316 it is exempt from ad valorem taxes. If anyone wants the statutory reference, Franklin will send it.

**K. ADJOURN:**

There being no further business to discuss, **MOTION:** Krieger / Frazee to adjourn this meeting.

**Vote:** All Ayes. The meeting adjourned 10:14 P.M.

BY:

\_\_\_\_\_  
Bob Wilbur, Chair

\_\_\_\_\_  
Debby Franklin, Recording Secretary

Date Approved: \_\_\_\_\_

"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  
February 09, 2010 7:30 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 7:30 P.M. Prayer and Pledge led Chair Bob Wilbur.

**B. ROLL CALL:**

CHAIR:	BOB WILBUR
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
	WAYNE ABARE
ALTERNATE:	CINDY ZINDEL
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS, excused
TOWN ENGINEER	MORRIS SMITH, P.E. excused

**C. ADDITIONS/DELETIONS/CHANGES: none**

**D. CONSENT AGENDA -**

**1. Approval of Minute- Planning and Zoning Meeting- 01/26/2011**

**Exhibit:** Agenda Report No. 1  
**Recommendation:** Action

**MOTION:** Reilly / Ryan to Approve Minutes for January 26, 2011 with below noted corrections.  
**All Vote: All Ayes.**

**Corrections**

Krieger page one last paragraph, "Plata they will be connecting to existing property is the word to be added.

Krieger page one last paragraph, "Krieger wanted the applicant to explain the 3-story and the number of beds." Add the word of.

Krieger page two first paragraph "opening main door but still keep it like a home like." Take out like a.

Krieger page two first paragraph second to last sentence, "Pat asked if these would be bought or rented?" Add? to the end of sentence.

Krieger page two second paragraph "Plate explained the three classes that are licensed by the State" Plate should be Plata.

Krieger page two last paragraph second sentence "Frank Plate" should be Plata.

Krieger page four, third paragraph starts out with "Don asked about fence? There is no mention barbwire and neighbor???"

Ryan, page two second paragraph from the bottom five lines up "just for the lighting or can it operate the elevator" staff should check with Fire Department about elevator operation during prolonged electrical outages also will generator operate the a/c in an enclosed building besides lighting?

Ritter page six, second to last paragraph second sentence "There are no sites more suitable that that would be more suitable." Take out more suitable that. It should read "There are no sites that would be more suitable."

Ryan page 6 the third paragraph from the bottom, the third sentence "We are dealing with a depreciated asset." It should be "We are dealing with a depreciating asset".

E. **PUBLIC HEARING: none**

F. **ACTION:**

2. **Five-Year Plan Projection For Town of Malabar**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Action

**MOTION:** Reilly / Krieger to bring the Five-Year Plan Project off the Table. Vote: All ayes

Reilly explains to the Board that they did a Five-Year Plan in 2007 it is not due till 2012 we do not have to do this tonight if you want to still think about this as long as we have it by the end of the year to present to Council to meet our Charter.

Reilly passes out a sheet to Board with 5 Sections listed, each individual can mark on this sheet and then we as a Board can prioritize in each category. There are two steps:

- First identify what needs to be done based on the 2001 & 2007 5-Year Plans to see what did not get done so we can carry forward
- Then pick 5 for each category and prioritize

Ryan said he asked the Town Administrator for a short list of high prioritized items to share with Board.

The Board is discussing what is to be placed in the five different categories.

Reilly explains about prioritizing chapter 9 in EAR book for Land Developing Capital Improvement Element on improving Sanitary Sewer Facilities, Potable Water Facilities, Solid Waste Facilities, Storm Water Management Storage Facilities, Park & Recreation Facilities and Public Education & Health we should look at this Capital Improvement packet.

Krieger discussing 5-Year Plan- everything is in Infrastructure a considered effort to understand our road systems.

Krieger discussing Facilities, space is limited but we do not have a lot of building going on right now, a minimalist of facility growth right now just maintenance of what we have for now.

Facilities:

- Community Center/Library Old School House
- Purchase of dock

The only Water systems are private systems they are the responsibility of the owner and nobody in town only the ones using the system.

Krieger discusses that the Mayor had brought up a few years ago about strategically locating some deep wells throughout the Town for the Fire Department to access water when needed.

Reilly discusses, Facilities:

- Add Old schoolhouse & Land Acquisition

Wilbur discusses, Facilities:

> To add extension of Sand Hill Trail where it stops at Hall Road south end down east side of Marie Street to EEL's property down to Jordan Blvd on EEL's side straight extension in front of Oakmont Preserve down the road. We can work with the county to improve the trail south to Valkaria Road for Bike Trails.

Discussion amongst the Board about the facility from Marie Street south to Valkaria to connected to Valkaria Road, continuation of multi use trail south on Marie Street to Jordan Scrub Blvd to go to Valkaria.

Wilbur, this extension has been on the five years plan forever.

Abare, if Jordan Blvd would connect it would be Atz Rd, Wilbur explaining that Atz Rd stops at LaCourt Lane; there is a gate there at Marie St & Atz Rd.

Zindel, the discussion is roads and trails the roads would be under the capital improvement and trails is not a capital improvement project. The bridal path and trail facility from Hall Rd to Jordan Blvd.

Reilly wrote:

Using existing ROW to complete:

- >Phase I Complete the Continuation of Multi Use trail from Hall Rd to Jordan Blvd;
- >Phase II Continue the Multi Use trail from Jordan Blvd to Grant/ Valkaria line

Abare, use existing ROW so projective cost to give reasonable estimate of cost and Zindel adds that it is grant monies that are used.

Cindy, Facilities:

- >Purchase of School House- Community Center
- >New Town Hall- Purchase

Wayne, Facilities:

Asks if there is enough land to Build Town Hall on Old School House Property and Board explains there is property to south to build a Municipal Complex.

Liz, Facilities:

- > Public River view access/ Logue Property

Wilbur explaining about a Municipal Bond if you going to move to Land Acquisition and Town Hall/Municipal Complex it should be under Land Acquisition so the Land can be locked up make payments , it was one of the strategies for purchasing the Old School House rather than take a mortgage out to do a Municipal Bond and take the money from that and buy the land for the Municipal Complex , have a Community Center ready to go, then if they did not use all the money in the Bond , I do not believe there is a penalty. Council might want to look at and solve a lot of these issues that have been on the 5 year plan for along time.

Krieger and Wilbur discussing the combination of Community Center and Library facility.

#### Facility:

- >Town hall
- >Old School House/ Community Center
- >Public River Front access/ Logue Property

#### Land Acquisition:

- >Town Hall/ Municipal Complex
- >Public River Front Access/ Logue Property

- Old School House/ Community Center
- Property south of Old School House for Town Hall
- Storm Water recharge areas /enhancement of existing wetland areas
- Promote the enhancement of wetland areas

#### **Equipment:**

- New Utility Tractor for Public Works- surplus or used 60 HP Plus consult a tractor person to get what is needed.
- (Krieger define problem of what you want to solve)
- Computer for Town/ Software
- Investigating and contracting work and out sourcing- cost benefit

#### **Malabar Fire Dept:**

- Pursue sites to identify strategic well heads locations

#### **Infrastructure:**

- Completion of Road a collector a good road base on Marie St hall Rd to Jordan & Atz Rd  
Krieger asks if those have to pay for road improvement?  
Abare asks how long is the road.
- Culverts, who pays for culverts? (Culvert up grades)
- Corey Road- About replacing culverts) - is it infrastructure of the Town or Property Owner?
- Replace glue rock roads Capping- asphalt lime mix with glue mix and pave road has no base under road.
- Malabar Rd north side sidewalks from Hospital east to US HWY 1- path or trail
- Neighborhood revitalization? & beautification

#### **Parks & Recreation:**

- Wilbur and Ritter, discussing about the pepper trees & removing along the river
- Abare identify sites to place Fire Hydrants from deep wells
- Krieger discussing about lender Library – donating book

Krieger discussing about double cul-de-sac a gate system to put wells for Fire Department access

Wilbur, suggests that the Fire Department to identify high risk ponds for water use.

Krieger suggest making a general news letter item about large capped wells to use for Hydrants for fires and Fire Depart. Abare adds to put in news letter if the cost sharing is done about people that have wells and add a large well connection and could possibly assist with insurance discounts then every one wins.

Continue Five-Year Plan at next meeting.

3. **Recommendation from Town Attorney**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Action

**Motion:** Reilly/ Ritter to Un-Table & Discuss Recommendation from Town Attorney **Vote:** All Ayes

Wilbur is reading the Memo from the Town Attorney dated 1/31/2011- reference to: Minimum Square Foot Requirement for SFR in RM-6.

The Board is discussing minimum square feet in other areas of the Town.

Reilly is explaining to Board that the Single family was left out of the Table 1-3.3(A).

Zindel discussing the minimum size is 5 acres and the width and depth. There are not the requirements of land needed.

Abare adds that his property should not even be zoned RM-6.

Reilly, explaining that in RM- 6 & RM- 4 there are min 5 acre lot sizes. The 1200 square feet is more in line with the RM-4, Ritter adds the lot depth is the same 200 and 200. The setbacks are different they are 60 feet for RM- 4. The maximum density units per acre is 50 that is for RM-4 & RM-6 for a 5 acre parcel.

Krieger this seems to be a "Grandfather" lot out of compliance. In the 80's there was a minimum size house for Malabar.

Ritter adds that in RS-10 it is 1,200 square feet. Krieger is explaining that has to do with acreage.

Zindel, in 1994 that area was changed from CG to RM- 6 because the property owners requested it be residential it should be single family. The zoning should be changed and the man should not have to get a variance.

The Board is discussing set backs to see what criteria this parcel might fit. The RS-10 is the minimum lot size in Malabar.

Krieger discusses about smaller lots if plated before a certain year, are buildable.

Reilly suggests a Recommendation to Council to adopt a minimum square foot for RM-6 zoning put another row for SFR.

**Motion:** Reilly / Krieger Recommendation to Council that we adopt Items noncompliant with Table 1.1-3.3(A) shall have a minimum living area of 1,200 square feet for a Single Family Residence in the Town of Malabar. **Vote:** All Ayes

## G. DISCUSSION:

4. **Continue Land Use Review** – Highway 1 Corridor  
**Exhibit:** Agenda Reports No. 4  
**Recommendation:** Discussion

\* To be discussed next meeting

## H. PUBLIC:

Tom Eschenberg, 2825 Beran Lane. An Observation in the discussion of the RM-6 lot, and Don had mentioned about the lots in the RR-65 and that were only 1 acre you could still build a house (if plated a certain date). This person never had the right to build, in the RM-6 no matter

who owned the property if it was change form CG to RM-6. I don't know why they would have the right to build if it never existed in the past.

The observation that the right to build a house was there in the past and through no fault of land owner it got changed,

Wilbur, the land was changed to CG in the early 80's or 90's and was changed

The lots on Marie Street, last year someone owned a lot there had come to Council and wanted the Town to approve the road so they can build. The Council decided that since the Town is using the road to drive down to the "Town Dump" it should be approved so they approved Marie Street all the way to the "Town Dump".

The Council accepted the road (Marie Street) for maintained all the way to Atz Road.

In reference to the 5-Year Plan that sometime in March the plan is for Council, P &Z, Staff, and the Fire Department to have a joint meeting. When we get that joint meeting with Council they are going to listen to everyone's pitch of why there 5-Year Plan is most important, when everyone is done the Council is going to take the input from the three sources then they are going to set the final priorities as to what they want to do to find funding.

**I. OLD BUSINESS/NEW BUSINESS:**

**J. ADJOURN:**

There being no further business to discuss, MOTION: Krieger / Abare to adjourn this meeting.

Vote: All Ayes. The meeting adjourned 10:11 P.M.

BY:

\_\_\_\_\_  
Bob Wilbur, Chair

\_\_\_\_\_  
Denine M. Sherear, Secretary

\_\_\_\_\_  
Date Approved

"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  
February 23, 2011 7:30 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 7:30 P.M. Prayer and Pledge led Vice-Chair Pat Reilly.

**B. ROLL CALL:**

CHAIR:	BOB WILBUR, excused
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
	WAYNE ABARE
ALTERNATE:	CINDY ZINDEL
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS, excused
TOWN ENGINEER	MORRIS SMITH, P.E. excused

**C. ADDITIONS/DELETIONS/CHANGES: none**

**D. CONSENT AGENDA - none**

**E. PUBLIC HEARING: none**

**F. ACTION:**

- 1. Continue and Review Five-Year Plan Projection For Town of Malabar**  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Action

Reilly explained that he did not come up with anything new to add to the five categories.

Krieger recalls at the last meeting that most important category is "Infrastructure", which is roads ultimately. Krieger suggests that the different parties who will be attending the joint meeting should know what each other is thinking. Reilly adds that Tom wanted the 3 Boards do their own meeting and then have a joint meeting to discuss.

Krieger the different parties should know what all parties are thinking in terms of priorities first, to see what similarities are between the parties involved.

Ritter would also like to see a list from the other parties before we do the joint meeting, we should see what the similarities are, so we do not waste time going over the same things.

Krieger suggests that we could have similarities at a minimum so we don't waste Councils time.

Ryan only committee left is Parks & Recreation and Ritter adds the Fire Station.

Krieger adds a general question is when you talk about prioritizing the roads, and everything else follows after that; before you build new take care of things you already have and repair the things you have that are damaged that you already have. Ryan adds to that drainage, paving, re paving.

Krieger explains there are big items, and possibly different ways of going about solving them. Krieger asks about who owns the Infrastructure in terms of the culverts in the Town. My understanding is that once you put it in as a property owner it is the responsibility of the Town. It is important to know this as far who is responsible because culverts out there are getting older and in need of replacement and if Town has to pay it is costly. ie, LaCourt Lane,

Zindel, suggest putting each category in a straight line and put most important in order accordingly. 10-15--20 years.

Abare, Don brings up a good point if you figure how many miles of road and how long they may last 10 -15 years, spread out the cost of re paving, \$200- 300 per year and divide it out over a period. It could be a budget buster and make the rest of this list insignificant,

Zindel explains Council makes up the budget, us as a Board just suggests what is most important and what needs to be done in the next 5 years. Ryan adds that Council decides cost against benefit.

Krieger tells that Corey & Weber were done over 20 years ago. Upon the road being completed I made a request to give to County these were two major roads north & south passages. Means for getting road adopted to county for maintenance. You can get a car count for major collectors and repairs would be done accordingly.

Reilly explaining to Board is to focus on the job and to Prioritize List:

Facility:

- 1.) Historic Preservation / Comm. Center /Krieger discussing about lender Library – donating books
- 2.) Public River Front Access- Dock
- 3.) Town Hall

Land (Property) Acquisition:

- 1.) Property south of Old School house for Town Hall (2- 4 Acres)
- 2.) Community Center/ Historic Preservation-(Old School House?)
- 3.) Public River Front Access- Dock (Logue Property?)

Equipment:

Krieger to define problem of what you want to solve investigate to outsource the project the most efficient use of what needs to be done

Ryan, the milling have been turned over to a company that knows what to do  
Millings are garbage to turn into roads

Krieger, a portion of Glatter Road is Paved and portion is unpaved, it looked to be pressing

Why we did not have county to dig ditches- can you get better by bids on projects  
recommendation to Council to bid out projects.

Reilly explains to board that we are being directed by Council to prioritize the list in each category, Tom Eschenberg explains so that whenever everybody gets together and has a list in order you can defend your list there are only so many resources available. The idea when all the Boards come together each Board will be in agreement.

Malabar Fire Department:Infrastructure:

- 1.) Extend Marie Street past Hall Road -> South(Look at feasibility & necessity to extend Marie Street from Hall Road to Atz Road)  
Is this in the 5 years as an accepted road?
- 2.) Glue Rock Road  
Krieger asks if those have to pay for road improvement??  
Abare asks how long the road is.
- 3.) Appropriate culvert maintenance & replacement as needed

Discussion among the board of who is responsible for Storm Water Management.

- 4.) Replace glue rock roads Capping- asphalt lime mix with glue mix and pave road has no base under road. Replace as needed
- 5.) Investigate Roads paving and completion of glue rock roads repaving and repair as needed

Krieger suggests putting in News letter of roads paving and upcoming paved roads

- Corey Road- About replacing culverts) - is it infrastructure of the Town or Property Owner?
- 6.) Malabar Rd north side sidewalks from Hospital east to US HWY 1- multipurpose use pedestrian path or trail
  - 7.) Neighborhood revitalization? & beautification

Parks & Recreation:

Can we get a list from other Boards.

Ryan talks about intersection of Palm Bay Rd and Interstate to capture water and normal expected storm.

Zindel percolated or drains run off. Retention ponds to help flooding to return to aquifer  
Krieger adds that the low density areas 1.5 acres to keep as much water as possible to return to aquifer.

Abare, if Malabar Road is flooding then the state needs to be contacted to provide water run off.

Krieger adds most large lakes; buying new properties on the Corey Corridor have been taken care of by the Stillwater project

The Board is discussing the Storm Water Fund and planning by the Town. Reilly is explaining that they wanted to buy land to collect water and to do storm water management.

**G. DISCUSSION:**

2. **Continue Land Use Review** – Highway 1 Corridor  
**Exhibit:** Agenda Reports No. 2  
**Recommendation:** Discussion

**Motion:** Krieger / Ritter Table- Continue Land Use – Highway 1 Corridor until next meeting.

**Vote:** All Ayes.

#### H. PUBLIC:

Tom Eschenberg, 2825 Beran Lane , This Five Year plan is for the benefit of Council to have a good plan.

The Town Budget to show where funds go and what is available. At the last meeting it was discussed that Council accepted Marie Street all the way down to "Town Dump" for maintenance. Since the Town is using the road to go to the "Town Dump" we should accept the road.

The road impact fee in the past we have to go to the county and explain what we want to do with the monies. We will get our money this year (\$214,096.00), the discussion about the misc. revenue with the TIFT fund, accumulation of funds it is in the budget, First to extend Marie Street. Council has been told by staff

It has to be to expand the transportation system it is a ½ mile from Hall Road to Atz Road.

The two other projects are:

- Second to put in the right turn lane on south side of Malabar Rd and Corey Road.
- Third project a flashing yellow to come out of Fire Department onto Malabar Road, to turn red

#### I. OLD BUSINESS/NEW BUSINESS:

Zindel discussed with the Board about Stillwater Preserve hauling the dirt back into Stillwater and damaging Corey Road, the concerns are that the road will get worse and who will be the responsible parties for the repairs. Abare explained about roads and culverts having Bonds with the Town and upon completion of layout of subdivision it is released.

Zindel questioned Christian Lane, formally Prospect Ave being a "Country Lane"

The Board is discussing the "Sunrise Centre Assisted Living Facility":

Krieger brings up the "Sunrise Centre Assisted Living Facility", accepting the site plan, review boards processing, do they need a bond and is it a legal site plan?

Ritter adds you can not always know the future, if something happens to a business.

Abare questions, the assisted living facility is it a Conditional Use zoning? And in 10 years from now and you can recommend to Council to add certain conditions for future use.

Reilly suggests if you have concerns you can go the Council Meeting on March 7, 2011 at 7:30.

The Mayor recommends sending comments to Town Clerk so she may present to Town Council for recommendations to be over viewed.

Abare asks what is the process of screening people for resident's acceptance, what if the approval is 60 people all with cars, and visitor's cars. Who will police the car lots?

Krieger, viewed area facilities and none are on this small amount of property. Ritter adds that one section is more than 5 acres.

The Board is discussing to that the maximum "conditional use" under these conditions and to not allow hotels for the use of this infrastructure. Can the Town Council put limitations on people with the maximum density which is RM-10 max density as residents that is there address you are able to use emergency services.

The Board is not comfortable with the density of the assisted living facility. Reilly said to send to the Town Clerk your concerns.

#### J. ADJOURN:

There being no further business to discuss, **MOTION:** Krieger / Abare to adjourn this meeting.  
**Vote:** All Ayes. The meeting adjourned 9:35 P .M.

BY:

\_\_\_\_\_  
Bob Wilbur, Chair

\_\_\_\_\_  
Denine M. Sherear, Secretary

\_\_\_\_\_  
Date Approved

DRAFT

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

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: March 9, 2011**

**Prepared By: Denine Sherear, P&Z Board Secretary**

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**SUBJECT: Continue and Review Five-year Plan**

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**BACKGROUND/HISTORY:**

The discussion of the Five-Year Plan was continued at the P & Z Meeting on (2/23/2011) to categorize each group and then to prioritize under each category in preparation for the joint meeting in March with Council, Fire Department and Public Works. I realize that this Board wanted lists from other Boards and what they have prioritize. This is the reason for the joint meeting to discuss with the other parties as a group and present lists to Council and Council will prioritize from this meeting and find proper funding.

Council would like to use the second P & Z Meeting, which is Wednesday -March 23, 2011 at 7:30 PM to have the Joint meeting to discuss the Five-Year Plan.

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

**AGENDA ITEM NO: 3**  
**Meeting Date: March 9, 2011**

**Prepared By: Denine Sherear, P&Z Board Secretary**

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**SUBJECT: Continued Land Use Review – Highway 1 Corridor**

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**BACKGROUND/HISTORY:**

This Item was tables at the last P & Z Meeting on February 23, 2011, to be Un Tabled and discussed at this meeting.

Please bring Packet from November 10, 2010 P & Z Meeting, along with maps given out at the January 26, 2011 meeting. The Town Engineer Morris Smith will be attending this meeting to discuss, review and clarify areas of interest along US 1.