

TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY JUNE 12, 2013
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA

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 – 05/21/2013
 - Exhibit:** Agenda Report No. 1
 - Recommendation:** Motion to Approve
- E. PRESENTATION:**
 - Park Board Member Mr. Bob Siegmann- Bike/Ped. Trail Survey**
- F. ACTION:**
- G. DISCUSSION:**
 - 2. Continued Review of Code Language for “Light Industrial” and Recommendation to Council**
 - Exhibit:** Agenda Report No. 2
 - Recommendation:** Discussion/Action
 - 3. Code Requirements for Assisted Living Facilities**
 - Exhibit:** Agenda Report No. 3
 - Recommendation:** Discussion
- H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:**
- I. PUBLIC:**
- J. OLD BUSINESS/NEW BUSINESS:**
- K. ADJOURN**

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.

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

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: June 12, 2013

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

SUBJECT: Approval of Minutes

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 May 21, 2013

ACTION OPTIONS:

Secretary requests approval of the minutes.

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

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
MAY 21, 2013 7:00 PM**

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

A. CALL TO ORDER, PRAYER AND PLEDGE:

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

B. ROLL CALL:

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON KRIEGER
	GRANT BALL
ALTERNATE:	LEEANNE SAYLORS, excused
ALTERNATE:	DICK KORN
TOWN ATTORNEY:	KARL BOHNE
BOARD SECRETARY:	DENINE SHEREAR
RECORDING CLERK:	DEBBY FRANKLIN

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 5/7/2013

MOTION: Ryan / Ritter to approve minutes of 5/07/2013 as corrected:

Corrections: Minor corrections provided by Grant Ball.

VOTE: All Ayes.

E. PUBLIC HEARING:

2. **Conditional Use Permit Application for Extensive Care Facility located at: 2605 Malabar Road, Malabar. Applicants, Mr. Jeffrey Giovino & Mr. Steve Riley are Representatives for Vision Quest National.**
Exhibit: Agenda Report No. 2
Recommendation: Action to Council

Chair asked for a motion to remove from table.

MOTION: Ryan / Ball to remove from table. **Vote:** All Ayes

Chair recognized people in audience and opened up the public hearing again.

William Dotson, 2525 Malabar Road, Malabar. Lives adjacent to the proposed project. He asked how they proposed to put 14 children in one single family home and right across from the shelter for battered women. The next concern would be for his own family. He has daughters and granddaughters and doesn't know why this type of facility would need to be located in Malabar. His last comment was about the potential of having 14 juveniles with unknown histories and the proximity to the residential area and potential for reduced property values and increased calls for services from the town with no tax benefit.

Chair then read three letters into the record from:

1st letter from Jim and Carol Roulston, dated May 18, 2013, who oppose the proposed project.

Franklin asked Chair if she could put property owner Jay Worthington on the speaker phone. He said he would call in at 7:06. Chair said yes.

2nd letter read by Chair from Phoebe Powell, DCF, dated May 9, 2013, stating there is not a need in this area for this type of program.

3rd letter from Melody Keeth, Director of Serene Harbor, dated May 6, 2013, who opposes the proposed project.

These letters are attached to and made part of these minutes.

Attorney said for benefit of Mr. Worthington (on the phone), Bohne detailed who the three letters were from that were read into the minutes and also the testimony from Mr. Dodson, who is in the single family residence to the west of the proposed project.

Ryan asked Attorney about having Mr. Worthington participate via phone. Attorney Bohne said it is acceptable. Krieger asked Attorney when it is appropriate to participate by phone; can anyone ask to be on speaker phone and listen to the meeting? Attorney Bohne said no, Mr. Worthington has an interest in the project so it is appropriate since we have no procedures stating otherwise.

Chair closed the Public Hearing.

Chair asked for motion for approval for discussion purposes. Krieger said point of order. Attorney Bohne that he has stated previously that motions should be in the affirmative. If it is done in the negative and doesn't pass, it is not approved. A negative motion would then require additional action.

MOTION: Krieger / Ritter to recommend approval of the conditional use permit application for an extensive care facility on a five (5) acre portion of 2605 Malabar Road, Malabar for discussion.

Discussion: Don asked Attorney if Site Plan was submitted. Attorney said no; the previous public hearing was tabled to allow time for the applicant to submit a complete site plan and it was not submitted by deadline and not submitted since then. He checked with Franklin today. Krieger referenced the Attorney's memo (pg 10/70) on proposed use for "extensive care" where the attorney stated the code does not have an adequate definition for "extensive care". Krieger asked if the Town had to have such language. Ryan asked regarding the same page of packet, it says that there was previously a daycare in this building; this is not the same type of facility. Attorney said Krieger is correct; the Town does not have to have detailed information on "extensive care" and Ryan is correct; a daycare is not the same type facility as the proposed project.

Ryan then stated he had issue with the legal ad in the paper using the word *children*. He has done research on definition and they are only considered "children" until puberty; then they are "minors" until they reach the age of majority.

Attorney Bohne addressed the Board and said staff uses the information on the application to word the legal ad. Ryan said staff should change language to word ad as its true intended use. Attorney Bohne stated that staff took the language for the legal ad from the application submitted and has no ability to change that.

Chair state that per the LDC, Art. VI, Section 1-6.1: land use compatibility: he read that section of the Code. Reilly said based on the letters received and the testimony tonight from the adjacent property owners, it is not a compatible use. Reilly also talked to 17 of the adjacent neighbors around the project and none of them supported the project.

Reilly stated that a CUP application requires a site plan and no site plan was submitted so it was deficient on that point. He also stated that it is not compatible with surrounding area.

Krieger referred to page 11/70 of the package in the middle of the page: it states that Malabar doesn't allow residential in OI. Also the number exceeds what we allow; which is 6. Krieger said it is not that they don't like them; it doesn't fit.

Chair called for any other discussion. None.

Chair called for **Roll Call Vote**: Secretary called roll.

Reilly, Nay; Ritter, Nay; Krieger, Nay; Ryan, Nay; Ball, Nay. Motion fails 5 to 0.

Attorney Bohne stated the P&Z recommendation it will go to Council on June 3, 2013. The applicant will have an opportunity to present again at that meeting. Council has the final say.

From speaker phone: Jay Wolfington, property owner: He stated that the clients Vision Quest National serves come from the Department of Children and Families (DCF). He said that Group Home and Extensive Care Facilities are listed as a conditional use in OI zoning in Malabar Code. They were hoping to request Malabar make a change to code so they can increase the quantity of persons in the group home. He said if you can have a hospital then you should be able to have a 14 bed group home. Changing our Code would bring it in line with County Code. He said that the other site plan criteria don't apply re: setbacks, etc. because it is an existing building. The regulation of these types of facilities are governed by the State and monitored by the County.

F. **ACTION: none**

G. **DISCUSSION: none**

H. **ADDITIONAL ITEMS FOR FUTURE MEETINGS:** Next meeting is set for June 12, 2013. Bob Siegmann of Park and Recreation would like to give presentation on Malabar's bicycle and pedestrian corridors.

Also mentioned the interest of putting in an ALF in RM-6 zoning.

I. **PUBLIC: none**

J. **OLD BUSINESS/NEW BUSINESS: none**

K. **ADJOURN**

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

Vote: All Ayes. The meeting adjourned 7:30 P.M.

BY:

Pat Reilly, Chair

Debby Franklin, Recording Secretary

Denine Sherear, P&Z Board Secretary

Date Approved:

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: June 12, 2013

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

SUBJECT: Light Industrial Zoning

BACKGROUND/HISTORY:

At the 4/10/13 P&Z Meeting the Board went over permitted uses in a Light Industrial District. The Board suggested the following options:

- 1.) Option 1- Do nothing-Do not add L.I.
- 2.) Option 2-In Table 1-2.1 Put L.I. on both sides: FLUM & Zoning
- 3.) Option3-Put L.I. on FLUM side & L.I. & C.L. on Zoning Side(update Art II & III)
- 4.) Add a PUD Industrial & a PUD Commercial (Art IV)

Our Town Planner Keith Mills was at the 4/10/13 meeting and suggested the Board read Article IV, if you are going to include this as an "Option". Review Industrial PUD as well as Commercial PUD.

ATTACHMENTS:

- Portion of Article IV PUD
- Portion of Approved P&Z Minutes 4/10/13

ACTION OPTIONS:

Discussion & Direction to Staff

Portion of Article IV PUD

➔ Section 1-4.3. - PUD(C) Commercial Planned Unit Development.

- A. *Purpose and Intent.* The purpose of this zoning district is to establish regulatory standards for implementing the Commercial Planned Unit Development policies appearing on the Town of Malabar Comprehensive Plan Future Land Use Map. The PUD(C) is intended to incorporate a flexible management policy, require urban design amenities, including streetscape improvements, and foster innovative master planning in the design and development of commercial centers.
- B. *Location.* A commercial PUD shall have frontage on one of the following arterial roadways:
 - US 1 Highway.
 - Malabar Road (SR 514).
 - Babcock Street (SR 502).
- C. *Permitted and Conditional Uses.* The permitted and conditional land uses within the PUD(C) District shall be determined by the underlying Comprehensive Plan Future Land Use Map designation and the land use table by zoning district (Reference Table 1-3.2). The following tabular illustration denotes the Comprehensive Plan commercial future land use map designations and the corresponding zoning districts to be referenced in determining allowable permitted and conditional land uses.

If the Comprehensive Plan Future Land Use Map Designation is:	Then the permitted and conditional land uses are the same as for the following district:
OI	OI
CL	CL
CG	CG

The respective conditional uses shall be allowed only after a finding that the use complies with appropriate conditional use criteria and all other applicable provisions of this Code. The Town Council shall determine if such conditions and provisions are satisfied after first considering the recommendation of the Planning and Zoning Board.

- D. *Size and Dimension Criteria for Commercial Site Improvements.*
 - (a) *Setback and Yard Requirements.* Aside from required perimeter boundary setbacks (Ref. § 1-4.1(a) [§ 1-4.1(F)]), there are no required setbacks or yards within the Commercial Planned Unit Development except as otherwise provided for herein. The building setbacks shall provide adequate access to light and air and shall provide sufficient open areas to accommodate landscape improvements, sidewalks, and pedestrian plazas.
 - (b) *Distance Between Buildings.* There shall be a minimum of twenty (20) feet separating structures, excepting buildings with immediately adjoining or common walls. However, the minimum distance separating any one building over twenty-five (25) feet in height from an adjacent building shall be twenty (20) feet plus one (1) foot for each additional two (2) feet in height above twenty-five (25) feet.
 - (c) *Height.* The height of structures shall not exceed thirty-five (35) feet.
 - (d)

Open Space. Commercial development shall maintain no less than thirty-five (35) percent green open area, exclusive of parking surfaces.

- (e) *Building Configuration and Open Space.* The arrangement and orientation of structures, open space, landscaping, and pedestrian and vehicular circulation improvements shall provide a functional and an aesthetically pleasing environment for pedestrian users.
- (f) *Sidewalks and Improvements to Enhance Pedestrian Movement.* Sidewalks shall be planned and installed. The sidewalks shall link vehicle use areas including parking areas with all principal buildings. The pedestrian circulation system shall include marked pedestrian crossings in order to separate vehicular and pedestrian traffic.
- (g) *Signs.* Signs in the PUD(C) district shall be permitted only in accordance with the sign regulations within this Code. The applicant shall submit proper documentation of a unified plan for signage with established deed restrictions or covenants governing the type, height, number, size, design and location of all signs in the development. The intent of the plan is to minimize sign proliferation, maximize the architectural integrity, and provide an overall plan assuring harmony in the color theme, and design of all signage.

- E. *Subdivision Improvements and Urban Design Amenities.* In addition to requirements of Division V [Articles XVI—XVIII] of this Code, all urban design amenities such as signage, open space systems, pedestrian walkways, and street furniture shall reflect accepted principles and practices of urban design, including streetscape amenities which promote a harmonious and aesthetic environment for pedestrians and other user groups within the proposed development. This requirement shall be enforced in order to implement the purpose and intent of the PUD(C).

To this end, development plans shall incorporate:

1. A drainage system approved by the Town Engineer. The Town Engineer shall consider the relative advantages and disadvantages of curb and gutters, french drains, retention/detention, swales and other similar drainage system components. The Town Engineer shall approve the system or combination of systems most appropriate for surface water management. The following factors shall be considered:
 - (a) Natural environmental conditions of the site;
 - (b) Existing and proposed future hydrological conditions of the site, including existing and proposed site elevations, amounts and rates of water run-off, water quality, and other related factors;
 - (c) Available drainage improvements on and off site;
 - (d) Intensity of proposed use, potential barriers to movement, and impacts of the drainage system alternatives on pedestrian and traffic circulation, aesthetics of the project and impacts on the surrounding area; and
 - (e) Potential contaminants or pollutants generated by land uses, motor vehicles, or other sources of pollutants and contaminants.
2. Sidewalks.
3. Traffic circulation improvements, including all needed intersection improvements along internal and perimeter streets required to service projected traffic volumes, including turning lanes, acceleration, deceleration and turning lanes, as well as traffic control devices and signage. All such improvements shall conform to Town specifications.
- 4.

- Street lighting and signage which is harmonious with the urban design theme of the project, promotes aesthetics and reinforces good principles and practices of streetscape design. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. Signage shall incorporate a unified design.
5. Open space and landscape furniture, including open plazas, walkways, possible use of functional and aesthetic paving material, street benches, waste disposal receptacles, and sidewalk plantings which promote the project's urban design and aesthetics.
 6. All other subdivision improvements and project amenities shall be consistent with a unified urban design.
 7. Loading docks are prohibited on interior streets. They shall be located at the rear of all principal structures. Parking for trucks and all other company owned or controlled vehicles shall be located at the rear of all principal structures.
 8. No shipping or receiving shall be permitted within two hundred (200) feet of any residentially zoned property or within forty (40) feet of any property line adjacent to any zoning district other than residential.
 9. All storage areas shall be located at the rear of all structures. All outside storage areas shall be enclosed by a solid wall with solid entrance and exit gates. Such wall shall be a minimum of six (6) feet and a maximum of eight (8) feet in height, and in no case shall materials be stacked or stored so as to exceed the height of the wall. Storage areas shall be located at least seventy-five (75) feet from any street right-of-way. No motor vehicle which is inoperative shall be stored or used for storage on any lot or parcel of land in any PUD(C) unless it is within a completely enclosed building.
 10. Shaded light sources shall be used to illuminate signs, facades, buildings, parking and loading areas; and shall be so arranged as to eliminate glare from roadways and streets; and shall be directed away from properties lying outside the district. Shaded light sources are lighting elements shielded with opaque shade to direct the light. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed.
 11. All utility lines shall be placed underground. All telephone lines shall be placed underground. Service lateral electrical distribution lines serving individual installations shall be placed underground. Other high voltage electrical lines may be placed underground or on concrete poles provided that the poles are within the street right-of-way and have provisions for street lighting. Large transformers shall be placed on the ground and be contained in pad mounts, enclosures, or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with the primary building design. Landscaping with shrubs and plants shall be provided to screen pad mounted transformers.



Section 1-4.4. - PUD(I) Industrial Planned Unit Development.

- A. *Purpose and Intent.* The purpose of this zoning district is to establish regulatory standards for implementing the industrial Planned Unit Development policies contained in the Town of Malabar Comprehensive Plan Future Land Use Element. The PUD(I) is intended to incorporate a flexible management policy which fosters innovative planning, in the design and development of large scale industrial areas. The PUD(I) district provides for industrial land uses and accessory activities which promote high standards of land planning and site design.
- B.

Location. An industrial PUD shall have frontage on a major thoroughfare, as designated on the Town of Malabar Future Traffic Circulation System: 2010 Map. The Town Council may provide a waiver to this requirement where the PUD(I) district is serviced by a paved street which is designed to standards applicable to a collector street or arterial, as shall be recommended by the Town Engineer and approved by the Town Council. However, the improved street must provide direct access to an arterial street.

- C. *Permitted and Conditional Uses.* The permitted and conditional land uses within the PUD(I) district shall be determined by the underlying Comprehensive Plan Future Land Use Map designation and the land use table by zoning district (Reference Table 1-3.2). The permitted conditional uses cited in Table 1-3.2 for the conventional industrial district shall be the same permitted and conditional uses allowable within the PUD(I) district.

The respective conditional uses shall be allowed only after a finding that the use complies with appropriate conditional use criteria and all other applicable provisions of this Code. The Town Council shall determine if such conditions and provisions are satisfied after first considering the recommendations of the Planning and Zoning Board.

- D. *Size and Dimension Criteria for Industrial Site Improvements.*

- (a) *Setback and Yard Requirements.* Aside from perimeter boundary setbacks (Ref. § 1-4.1(F)), there are no required setbacks or yards within the Industrial Planned Unit Development except as otherwise provided for herein. The building and structures shall be arranged in a manner which provides for all required amenities including but not limited to: open space; surface water management; access to light and air; safe and convenient access and internal circulation, including off-street parking and loading; as well as landscaping and screening.
- (b) *Distance Between Buildings.* There shall be a minimum of twenty (20) feet separating buildings, excepting buildings with immediately adjoining or common walls. However, the minimum distance separating any one building over twenty-five (25) feet in height from an adjacent building shall be twenty (20) feet plus one (1) foot for each additional two (2) feet in height above twenty-five (25) feet.
- (c) *Height.* The height of structures shall not exceed thirty-five (35) feet.
- (d) *Open Space.* Commercial development shall maintain no less than twenty-five (25) percent green open area, exclusive of parking surfaces.

- E. *Subdivision Improvements and Urban Design Amenities.* In addition to subdivision regulations within Division V [Articles XVI—XVIII] of this code, subdivision improvements shall reinforce a unified industrial park design scheme. To this end, development plans shall incorporate all subdivision improvement provisions as cited in § 1-4.3(E)(1—11) of the PUD (C) district. In these provisions reference to the PUD(C) district shall be interchangeable with the PUD(I) district.

G. DISCUSSION:

- 2. **Continue Review of Code Language for "Light Industrial" and Recommendation to Council**
- Exhibit:** Agenda Report No. 2
- Recommendation:** Discussion/Action

Reilly explains to the Board that he is going to take about 5 minutes to bring Mills up to date with some history on this Agenda Item.

Reilly is explaining in tonight's packet you have proposed "Future Land Use" changes. Reilly is referencing pages from this packet:

- Page 4 on the west side of Babcock Street by Booth Lane on the present land use you see "CL" this area is a perfect area to change from "CL" to "LI" which is Light Industrial. Bob Wilbur, past Chairman of this Board, thinks if we can get Foundation Park Blvd extended in this area we can develop the area, very hard due to land use of "CL" which is Commercial Limited. There is water on the west side of Babcock Street, so we could get city water in this area.
- Page 9 north & south side of proposed land use, on west side of Railroad tracks, in order to get up in there you have to use West Railroad Avenue by dirt road, presently it is all "CG", Commercial General, we are trying to give it a different land use and maybe someone would be interested in developing this.
- Page 11 on West side of railroad

Leeanne arrived 7:44PM

Reilly goes on to discuss Article II Land Use Zoning, page 53 in Code Book, for the residential zoning districts we have density as the criteria, actually for land use we have density so we have for residential:

- Low density
- Medium density
- High density

Then for land use, so many people per acre, i.e. RS-21, RS-15... if you do commercial there is not really a density segregation of CL, CG, and that is why we wanted to introduce "LI" as a lower density. This is the premise of what the Board has been trying to do for a year.

Reilly goes on to explain there is two sides to this issue, our Code is ok as it is we don't really need to distinguish commercial based on density & impact to neighborhood, or few people think we should come up with this "LI" so we can have a lesser density and less impact to neighborhood, so the problem is whenever anyone comes into Town to put up anything, they look in Code Book to see what designation it could go into. There is a lot of overlap, based on what the building official thinks that it would fit into. The Board is trying to look for direction on whether our Code Books are ok as they are or is it advantageous for the Town of Malabar to have this new designation called Light Industrial (LI),

Ritter asks and if there is some way we want a "flex zone" what we would have to do for that, or is that multiple uses in that same area, just highest to lowest in that zone.

Reilly explaining we are not changing the zoning at all, we are just trying to come up with a land use , the LI could go under CL, we not changing land use we are changing the zoning I guess. In

order to that we have to change Article III also in our Code Book. We would have to come with a paragraph and what it is and describe "LI".

Reilly came up with what does CG, CL, and what does LI mean I tried to see what the major difference is between the three. If there is no difference between them, the only thing is density and impact to the neighborhood; we really don't need the 'LI". We looked at other Towns like Satellite Beach & Indian Harbour Beach. I don't see a discriminator that tells me that 'LI" is needed. We can get by with what we have.

Ritter suggests maybe we could put in a paragraph any restriction and amend what we have.

Mills asks Board are you trying to put traditional industrial uses into a commercial zone.

Reilly explains it could be, it is the shop and personal "mom & pop" shops, Leeanne has a whole list. Ritter adds the small retail shops that deals with the "end user".

Mills comments that small retail businesses are already allowed in CG zoning. Leeanne comments that Pat is trying to get at do we really need to add another type of zoning or are what we are trying to accomplish already accomplished.

Mills responds that you are trying to create areas in the town that would be appropriate for LI type uses. Ritter adds it sounds like Limited Commercial.

Saylor, explains that Bob Wilbur was trying to accomplish in the I-95 triangle area off Babcock Street that we could attract LI or LC to try and make things more attractive and bring to these areas more of a tax base, in the areas that would not impact our rural or residential areas. I agree with Pat that it might already be covered in our Code.

Reilly adds that if you think of this like residential, how many people per acre, so I don't know how to relate it, if there is a way to relate industry or commercial- intensity maybe.

Mills comments that the intensity is not easily measured as residents, it is usually traffic or how much traffic – if you are trying as an example to find Light Industrial, you can go by example Bob Wilbur submitted, if you are wanting to allow uses like warehousing & wholesaling you cannot have a zoning district from the top down on the table. If you want allow all the uses that are in "CL" in this particular area, then you would just have a paragraph that would state "Any use allowed in the "CL" is also allowed in this area". Ritter asks how you would restrict some activities and Mills responds that you would structure the zoning district if it is going to be a new one and you wouldn't include what you wouldn't allow.

Reilly talks about page 13/16 in Agenda Packet, summary of Commercial Zoning presently in our Code Book.

Mills explains that you are mixing uses. The "CL" the very name suggests less intense type uses, if you want to mix & mingle # 1&2 on page 13/16 under "CL"

Krieger asks about page 13/16 says top line says zoning; it is land use not zoning. The Light Industrial has brought us to page 53 in Code Book. Krieger explains that he looks at things in an intensity format and what is the most complex intense land use and what is the least. I believe the least is Rural Residential formally RA (Rural Agricultural), was changed in early 80's. Krieger is going through Table 1-2-.2 left side only "Future Land Use Map Designations". The point is we are trying to flex between higher & lower densities in the business areas.

Krieger asks Mills about this area over by Babcock Street couldn't we have defined the whole area as a "flex area" and if we had land uses in terms of their intensity say, this is the land use we prefer but you can go to this higher or lower use if you go through the proper procedures. This would give more flexibility to the people from the outside looking in.

The Board is discussing the CL to LI Land Use. Reilly explains the "FLUM 9" is present Land Use Map.

Mills discussing that we are increasing the intensity from CL to LI

Mills discuss with Board that you can make a flex zone, but the CL was set up in mind to do what it says in the book you are going to have CL in other parts of the Town, you can't just mix into existing zoning categories for specific pieces of properties. You can do flex zoning in one area but you have to create that zone. You can't take an existing zoning category.

Krieger is on page 53 of Article II Table 1.2-1 discussing Industrial on left side and right side industrial and on the right side have a sub section of light industrial.

Mills, simple answer is yes, jurisdiction have different way of doing things, most jurisdictions have upload or down load zonings, industrial is the most intense and maybe the most objectionable to residents typically not new to residential, but most jurisdictions have traditionally limited those uses in the industrial district to those more objectionable uses, other jurisdictions do import either all other uses that might be in a zoning category, less objectionable or some of that. Yours is the more traditional type where each zoning category kinda stands on it own. But you're using the term "flex", the Town has used the term "mixed use". A lot of times "mixed use" is used with residential & retail use.

Mills, you have an existing industrial zoning category, some of the things would be to eliminate the objectionable parts of the existing industrial zoning categories, then those are going to be allowable uses in this area as well.

Krieger comments that outside the Town of Malabar, technically looking at these charts what really should be designated as for land use is industrial but the zoning should be light. What this chart is doing is saying "LI" but "LI" is not a land use, our intent would be a zoning. Pat says it was going to be both, land use and zoning.

Reilly explains that LI would have to go on both sides of Table 1-2.1. If you have med. density residential and have three separate zoning districts within medium density then, we have two for high density and one for low density.

Mills comments that you could create a zoning district and probably use sub categories, you might be able to say that both may be allowed under both land uses under industrial land use, you would have to make sure the way it was legally written, it would have to cover all bases.

Ritter suggests putting under CL or CG and changing CL to LI. Reilly adds that it would be a sub set of CL

Mills, the first scenario you are allowing a less intense use in an area that would not accept that use. Then you are saying you are going to allow a more intense use that is over and above what the allowable.

Ritter adds if you put the LI under the CL zoning part it would allow both. Mills stated that the land use regulations limit the way it is not it would limit the things that aren't allowed in LI. You would have to revise your CL land use to incorporate everything.

Reilly, talking about Land use in Article II it describes what things are and how they are based by how many acres they have. If you go to Article III it defines each one.

Reilly asks Mills if you use the same analogy to go to commercial can you do this. Mills responds for example if you have RS 21, you can allow any number of units per acre less than that.

Ritter comments that creating a new land use would allow CL underneath it, the land use for LI and zoning put LI & CL.

Mills, comments to Board starting off with an industrial land use and fitting what you want for commercial limited into that is easier to do if that is your goal.

Krieger has a question about Planned Urban Development there is commercial and industrial. Could we leave the zoning as it is today and have the whole area to give property owners to use their land as a Planned Commercial, called Commercial PUD, it would give people the possibility to do what they want on their property. Mills, comments that it is possible but you have to look more into things. Krieger if you change the land use to PUD "C" or PUD "I" could the people that come in proposing what they are going to propose can they work towards a mixed use? Mills stated that PUD's don't traditionally allow mixed uses.

Mills is reading out of Code Book page 54, about PUD designation and putting on the map.

Krieger, I am still thinking that less is more in this case if the whole area was brought up to give future people the opportunity to come in.

Mills looks at Article IV and the PUD regulations, you have to look through to see what is in there, and it already exists.

Krieger, Future Land Use is not taking something away from someone. This is not land use it is land use and zoning.

Mills, page 182 PUD Commercial (reading out of Code Book) go into IND.

Reilly by creating a PUD, you cannot change the intended land use and zoning of what it was.

Ritter suggests that you could still do a PUD you could do it in area off Babcock St."CG" and wrap it around but if you make that the LI includes that includes the CL you could still do the PUD.

Mills comments to Board that you would have to follow what is in the Code.

Krieger we are adding in District Provisions.

Mills stated if you change the land use you are not required to change the zoning.

The Board is discussing with Mills, about Foundation Park Blvd & presentation given about Industrial Park area, that there is city water available. The access to the area properties would come off of Osage, which is off Babcock Street,

Krieger if you look at proposed land use and go north in triangle area could it be a future PUD, Mills responds it depends on what your regulations say.

Ryan, adds that a couple of land owners in the triangle just want to enjoy their land and not do anything with it, just sit and enjoy nature and not interested in doing anything with the land.

Reilly discusses area over by railroad tracks, with LI. There is no road to gain access on the west side of railroad tracks, so they would have to come by way of Jordan Blvd and build their own roads. Page 11 of Future Land Use Maps.

Mills, states if property does not have access that would be a problem until someone gained access. Ritter comments that you could extend Glatter Road to railroad tracks, there is an easement there. Mills said there is a partial ROW or complete ROW.

Reilly will send updated Future Land Use Changes with current date and changes.

Leeanne suggests if someone wanted to change their property use they can come before the Board on an individual basis.

Reilly and Ritter making recommendations for Options:

Option 1: Nothing

Option 2: Put LI on both sides future land use & LI zoning district (Jan 9, 2013)

Option 3: LI for land use and LI and CL on zoning side (update Art II & III)

Option 4: PUD overlay for area, (Article IV)

Leeanne suggests inserting different options into Table 1-2.1 in Art II for the next meeting,

Mills comments to see if the present PUD requires min. lot size. Homework read PUD Art IV

Mills suggests reviewing Art IV if you are going to make this an "option", Industrial PUD & Commercial PUD as well.

Reilly due May 8

Mills leaves at 9:10 PM

3. Code Requirements for Assisted Living Facilities (no discussion by Board)

Exhibit: Agenda Report No. 3

Recommendation: Discussion

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

I. PUBLIC:

Juliana Hirsh, the way I feel if anyone comes in here it is too confusing with some plan in mind, multi-family, it makes no sense for businesses.

Reilly explains we have issues because we have no city water; it is easier to build in Palm Bay as they have the infrastructure. Hirsh says the way it is written now it is controversial between zoning & land use, building is expensive and time is expensive. The cycle has turned and it takes years. It is critical and the Boards should consider what it takes to get things off the ground for building.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: June.. 12, 2013

Prepared By: Denine M. Sherear Planning & Zoning Secretary

SUBJECT: Code Requirements for Assisted Living Facilities

BACKGROUND/HISTORY:

At the 2/13/13 Meeting the Board assigned a homework project to make a chart/graph listing Adult Care uses and levels of care and description.

This item has been discussed at several previous meetings. Staff has provided the Florida Statutes and Florida Building Codes, 2010 to Board Members in a separate white binder.

ATTACHMENTS: Previously Distributed

ACTION OPTIONS:
Board Discussion.

****NOTE: Please bring 3-Ring Binder with ALF Information***