



**PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, SEPTEMBER 12, 2007
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**
Regular Planning and Zoning Meeting – 08/22/07
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve
 - E. PUBLIC:**
 - F. ACTION**
 - 2. Recommend Town Council approval for Fence and Gate Columns higher than 54”, RR-65 zoning, 1890 Eva Lane, applicant Shondalyn Roberts**
 - G. DISCUSSION ITEMS**
 - 3. Conceptual presentation/introduction of proposed Malabar Senior Care project at 1860 Highway 1, Malabar, applicant Mr. Hessey**
 - 4. Discuss R/LC mixed use square footage restrictions**
 - 5. Discuss Issues for E.A.R. preparation**
- OLD BUSINESS/NEW BUSINESS:**
Florida Vernacular Ordinance
- ADJOURN:**

TOWN OF MALABAR – PLANNING & ZONING ADVISORY BOARD

9/12/07 MEETING MINUTES

ROLL CALL:

Bob Wilbur, Chair

Richard Cameron

Patrick Reilly, V-Chair

Don Krieger

Bud Ryan

Cindy Zindel, Alt. #2, excused until October, 2007

Bill Stephenson, Town Eng, excused

Debby Franklin, Secretary

Keith Mills, Town Planner, excused

Mayor/Council Chair Tom Eschenberg was in attendance. Resident Juliana Hirsch was present in the audience.

Meeting called to order at 7:45PM (due to technical difficulties with the power point equipment.)
Prayer and Pledge led by Chair Bob Wilbur.

ROLL CALL OF MEMBERS – see above.

ADDITIONS AND DELETIONS: none

MINUTES FROM AUGUST 22, 2007 ADVISORY BOARD MEETING:

MOTION: Reilly / Ryan to approve minutes of August 22, 2007 with following corrections:

On page 3, typo in first line of third paragraph: change bracket to dash

Vote: All Aye.

E. PUBLIC – other than on the agenda - none

F. ACTION ITEMS:

2. Recommend Town Council approval for Fence and Gate Columns higher than 54", RR-65 zoning, 1890 Eva Lane, applicant Shondalyn Roberts

Reilly asked secretary how issue was brought up. Town received a call from a citizen that work was going on without a permit. Building Department checked it out, sent letter and property owner came right in a filed the necessary documents. They have cooperated fully with the Building Department.

Applicants not present.

One speaker card. Juliana Hirsch, 1035 Malabar Road, is confused – is Board talking about the columns or the wall that is encroaching into the tight-of-way? The column height is what this Board has the authority to review and recommend. Hirsch is against spot approvals. Hirsch also asked secretary about the property several house to the north of the applicant's that just put in a seven foot high beautiful metal gate within the last two weeks. She thinks the code should be changed to allow it. She is against people who are contractors saying they don't know they have to pull permits. These people are contractors. There is a reason they didn't come in for a permit – they wouldn't have gotten a permit with that height. The neighbor's to the

north with the new gate wouldn't have gotten a permit without a special exception. She doesn't think people should have to get special exceptions if it is just a inch or two higher. She thanked Board

Reilly responded: RR-65 zoning allows fences up to 54"- and up to 6' after consideration by this Board and approval by Council. There is no authority to consider fences higher than 6 feet. They should have come to Town Hall to get a fence permit. He disclosed that he drove by the property this date and saw the fence and columns and they are definitely higher than 54" and the columns exceed 6' and so this Board doesn't have authority to recommend approval. He also noted that there was a new gate at 1780 Eva Lane without a permit. Why didn't the citizen also turn this one in?

Ryan stated that rules are the rules and if the columns are higher than six feet then they should need to go to the Board of Adjustment.

MOTION: Reilly / Ryan to recommend Council deny the request for height exception for Shondalyn Roberts, 1890 Eva Lane, Malabar for the following reasons:

1. Town Code clearly states 54" maximum height and exception to six feet only
2. They are asking for greater than the 6' exception
3. The Council in 1999 that wrote the Fence Ordinance spent many months working on the ordinance and had several town hall meetings.
4. It would be an injustice to fellow RR-65 Malabar residents to allow greater than six feet
5. P&Z and Council have previously only approved up to 6' in height. We don't want to set a precedent.

Vote: All Aye

G. DISCUSSION ITEMS

3. Conceptual presentation/introduction of proposed Malabar Senior Care project at 1860 Highway 1, Malabar, applicant CMCH, LLC, Managing Partner Mr. Craig Hessey

4.

(Note: Conceptual Plans are dated 9-5-07, Drawn on 5-21-07 by F.A.P., w/ 8-31-07 Revision)

Mr. Hessee introduced himself and described proposed project. It calls for three phases of the project. First phase will be a three-story assisted living facility (ALF) with 98 beds. Phase two is the Generational Recovery Center with 38 beds. Third phase are the duplex units up front for transitional housing. He has brought with him Ms. Betty Hughes of their Cedar Creek ALF operation in Merritt Island to answer Board questions related to the assisted living program. He also brought Mr. Stan McKnight who operates a generational recovery facility in West Palm Beach to describe that facility and its operation and answer Board questions.

Mr. Hessee then stated the Plan meets Malabar's requirements for:

- Open space requirement. Plan has 43% open space.
- Stormwater - He then points out the wet retention is wet with fountains.
- Is served by city water and sewer. This project will connect with the 12" water line going in on US1
- Roads and sidewalks. Five-foot wide sidewalks.

- All locations of the buildings meet the height and size requirements.
- Parking requirements meet or exceed requirements for ALFs. Also for the generational recovery center. Studies show that in ALF less than 10% of the clients have cars. In the generational recovery, cars are not allowed. The entire facility will generate less traffic with this development than with typical residential development. This facility when built out will average 400 trips per day the traffic survey.
- All building exteriors will meet the Malabar vernacular – it is a master plan project.

The average condo has 2 bedrooms. – in ALF and Generational Recovery some of the rooms will be 208 sf – their needs aren't as great for size. One of the considerations for this P&Z Board – applicant is proposing to put in 170 bedrooms for this project is a more direct comparisons compared to 186 bedrooms (93 x 2 bedrooms in typical condo)

Proposed square footages:

3 story ALF with 465sf units

3 story memory care with 238sf units

2 story recovery 300 sf rooms, basically 15 x 20 feet

1 story after care units have two master bedrooms

First – Hessey mentioned the mid range for the height of the three story. They need this so they can do the correct pitch on the metal roof. They need to create a minimum of 85 – 120 units in order to be successful. They are not excessive – simple roof line – would ask for forbearance – it is a issue of design and not enhancement. It is a matter of maintain a travel distance. Peak is at 39.4. They will ask for consideration – Ryan asked if the project is built out – what is the possible total count? Hessee replied 170 – 180. ALS will provide food, care, etc and all needs until a nursing home environment is required. Memory care in one corridor with access. This is a nice dovetail complement to what is being offered at Malabar and Babcock with the Skilled Nursing facility, MIMA and the hospital expansion. Their property is three miles from that area. This would be a nice serene facility along the river.

Wilbur had question about location for ALF on river with hurricanes. Hessee explained – if their on the river or not – if a mandatory evacuation order is given they must leave - the ALS have to be relocated. They would try to get them back in as fast as they can with emergency propane, impact resistant glass, and the block buildings.

Krieger asked about parking – only 80 spaces – what about visitors at some times? Ryan said there are 90 spaces. Hessey said at the facility in Merritt Island they do not have issues. Not all would visit at the same time. And more would be picked up than visited.

Reilly asked about staff – 18 for day shift and 17 at night. Meals are prepared.

Krieger asked about elevation between the 12 and 24 – Hessee explained they are still evaluating - the middle may stay open depending on the survey results – Krieger asked about pool location in relation to the duplex. If someone is hurt they are far from help. Would the duplex area be separate. They will be aftercare rental units – can they stay until the end – it is predicated on length of recovery.

Reilly – is there value added for the pool – the generational recovery and the duplex would use it. It is there to be used – Hessey said there are two pools at the one in Merritt Island. Reilly said he has been to two ALF places and not seen the pool used.

Betty Hughes, normally the residents do not use the pools. Wilbur asked about Cedar Creek – there are 84 single family residences and the ALF – it is a different lay of the land – Wilbur asked if he had completed any other projects with a generational recovery? Hessee introduced Stan McKnight, Palm Beach, who is a Generational Intervention Treatment Specialist.

McKnight spoke about recovery of alcoholism in the elderly. It is not recognized. Physicians don't ask the questions. Symptoms can be attributed to aging. Two types: Early onset – 70% have family history
Late onset – 30%

It is difficult to get them into treatment. It is recognized as a disease. It goes undiagnosed because of the stigma. Many factors – alienated from family – not talked about – causes early death – loss of spouse – sadness – retirement boredom – 60% of emergency rooms visits are related to having too much to drink. Medical detox in hospital and sees it a lot. In this country there are only two facilities addressing only the elderly – the Hammet Center in southern California and the Hamly Center in West Palm. He and his partner approached the Hessee's. Are there others that have been done? Not to his knowledge.

It is built along age lines. Addictions to pharmaceuticals and have pain medications. The elderly don't smoke crack. This would be a specialized treatment unit. This would cater to the people that have money.

Wilbur asked if the generational recovery center would be a separate operation – Yes.

Traditional ALS in 3-story; the aftercare in the duplexes is unique. They may not be ready to go into the community. Henley is building a transitional center in Jacksonville. The treatment is different for older people. Ryan said it appears very well thought out. Reilly asked if they pay their own way. Not Medicare. Medicare does not cover this. The general recovery has a greater need. The ALS has a great need. The county is running 700 beds short of what they need.

Would the ALS be expanded / converted to generational recovery. No. Is the generational recovery center a 30-day stay - Yes. Kreiger asked about the standard stay – 30 -45 days at the generational recovery and an additional 60 days at transitional housing.

The ALF – is intended for an extended period of time until their needs go beyond that – it depends on their abilities. Residency is open ended. It is a for-profit project.

Hessey asked for a consensus of the Board. Hessey thanked Board.

Paladin asked about the 4-foot wall. The fence is for security. Secondly on the recovery center – would those people be able to leave. Hessee stated they would not have cell phones or cars.

ALF building is needed now – the rest of construction is slow but ALF is still going strong.

Ryan asked Hessey about the nearness of the RR tracks and noise. They have factored that in on the construction. The project appears very well thought out.

Ben Elliott stated the zoning allows 232.5 max people at 93 units x 2.5 people for this use. Reilly does not see a problem with the density. Reilly asked about the use being for alcohol rehab, there would be some level of negative resistance. Reilly asked if applicant had gone to the area residents to get input. Hessee stated – No - They are 500 feet from the nearest resident. They have very little impact to schools or libraries.

Ryan said we should tell Town Council to consider a second fire station on the east side of the RR tracks.

Kreiger said there is no water or sewer at this time. Cameron said that is why this project is dependent on the infrastructure being put in place.

Mr. Paladin said they have gotten the financing approved and they look to break ground in the next 45 days and completion in about 8 months. He will keep the Town Administrator informed.

If they came and asked for site plan approval - would staff support it? The use is not specifically listed in the Table of uses. Cameron said they are looking for a favorable consensus.

Pre-ap plan will also have include information from tonight. Cameron said there are four other plans along US1 that will break out once the water and sewer lines are laid. Cameron asked again if the Town is ready with a utility division?

Reilly is very impressed with this proposal and commented that the applicant had done a good job on his presentation – the uses are not in Table 1-3.2 but is similar to and they have clearly met what we would be looking for on a preliminary plan. Wilbur also thanked the applicant for having the plans professionally presented and the appropriate people in attendance to answer questions.

4. Discuss R/LC mixed use square footage restrictions

John Curry, does not live in Malabar but owns land at 1300 Highway 1, totaling 4 acres. Entertained the opportunity. He met with staff for condos and is now thinking about using a mixed use combining retail, professional office and condos units. He is asking for interpretation of Table 1-3.3A, Size and Dimension Regulations. R/LC lists a maximum square footage of 4000 and his question is – is that per 20,000sf or per total parcel. He is in the real estate business and not a developer – does the 4000 mean per unit or total project. They think per unit. He previous plan was for 62Ksf 20sf per floor in a 3-story building. It was not clear and he doesn't want to spend money . It is unclear and he wanted to get Board's interpretation. He also wanted to discuss the three story use. 1st floor for Retail, 2nd floor for office space, and 3rd floor for condos, what about this kind of use?

5. Discuss Issues for E.A.R. preparation

Calvin Giordano and Assc will be at next meeting. The Planners will be here on the 26th. Reilly had asked members to bring list three to five goal achievements and goals yet to achieve. Wilbur, Krieger and Reilly had submitted lists. They will be combined and sent out with minutes. Ryan and Cameron will work on lists for next meeting.

H. OLD BUSINESS/NEW BUSINESS:

Scoping meeting on 10-1-07 - Plan to attend.

I. ADJOURN:

MOTION: Cameron / Krieger to adjourn. Vote: All Aye. Meeting adjourned at : 10:00PM

Debby Franklin, Secretary

Bob Wilbur, Chair

Date approved