

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
NOVEMBER 28, 2012 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, excused
VICE-CHAIR:	PAT REILLY, Meeting Chair
BOARD MEMBERS:	BUD RYAN LIZ RITTER
ALTERNATE:	vacant
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR
RECORDING CLERK:	DEBBY FRANKLIN

Secretary stated Bob Wilbur had called and was in hospital.

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 11/14/2012

MOTION: Ritter / Ryan to approve minutes of 11/14/12 as corrected:

Corrections: last sentence under D. Ryan said it should be “not” first come first serve. Check tape. Pg 2, 2/3 down, Liz would like to see bakery, would sb world. Pg 4, bottom, for the triangle, add the word Babcock Street so they know which triangle. If they want to “do” take out. Pg 5, 2nd para, Liz said if we don’t have it, it is not considered a group home. Pg 5 Last sentence and if it isn’t there and violates the density.

VOTE: All Ayes.

E. PRESENTATIONS:

2. **Jay Wolfington to introduce his Concept for ALF**

Proposed project is located on 12 acres at 2605 Malabar Road - “OI” Office Institutional & “RR-65” Rural Residential Zoning

Jay Wolfington introduced himself. He is acquiring property down the street. He showed an aerial of the property with an overlay of the building with 54 units in the area on west side of property. He plans to utilize the wetlands area and maintain it for preserve and create walkways for the residents. He is also acquiring the property to the east and may draw in other tertiary uses like doctors offices. They are two separate 12 acre parcels. He is planning in first phase the ALF on the west parcel. He has done an initial phase 1 environmental assessment. He showed the drainage ditch and the wetlands area in the back. Plan to keep it. Ritter asked if he planned a package plant or to connect to city water and sewer. Probably will bring water and sewer from west end of Malabar Road. No environmental problems have been presented on the preliminary study. He showed conceptual elevation of the east side of the building if driving down the driveway. Saylor asked if it would they have common dining area or kitchens. Wolfington said both, the first part of it is 2-story units and then the dementia units are single story. He showed the planned layout, with 14 bed dementia unit, and 1 or 2 bedroom units or converted to studios. He showed the 1-bedroom that could be converted to studio with kitchen. Wanted to give P&Z an idea of what they are looking for. They did a study and there appears to be significant need for this in this area.

Reilly said he would point out some hurdles for him to deal with. He said the first 400' is zoned OI. P&Z is working to change this area to R/LC. Council may or may not approve their recommendation. If you look at Table 1-3.3.A, Group Homes are a conditional use in OI. We don't have ALF listed. The next 800' is in RR-65. This does not allow a group home in RR-65 even as a conditional use. You may have to convert it all to OI. A third of property is currently OI and 2/3 is RR-65, rural residential. He doesn't think the people in surrounding areas in RR-65 would support this change. Wolfington asked if he thought that would be a complete roadblock. Reilly didn't want to take position; he is just pointing out hurdles. The next hurdle, need to have city water and sewer. He referenced another group that was going to bring water and sewer down US 1 to their development and it never happened because of the cost.

Ritter said we have nothing for ALF in our code. We have nothing in our code that allows this. Reilly said the P&Z Board was directed by Council to work on an ALF code and they want to delete the group home designation from R/LC so it will not be a permitted use in that designation. He referenced the ordinance 2012-38 that was modified by council and then sent back to P&Z.

Ryan asked the average population; the number of residents. Wolfington said most of it is 1-bedroom. 54 residents. That includes the dementia units. What about staff? He is unsure; doesn't want to venture a number without knowing the State requirements. Laws have changed on the requirement of staff to patient ratio. Leeanne asked about how many in the dementia unit - 14.

Board thanked him and wished him good luck with his project.

3. Chen family to Introduce their Concept for a Flea Market - Johnny & Susie Chen
19 acres located in 1800 Highway 1 area in "R/LC" Residential Limited Commercial Zoning

Jonny and Suzie Chen explained they had purchased the property on US1 and would like to open a flea market. Went to Town Hall and staff suggested they bring it to P&Z. Franklin explained that they were willing to do the change in land use and zoning to take it back to CG.

Mr. Chen showed on the layout his plan on the north side was retention then parking and then flea market on south portion. Reilly asked about days - Friday, Saturday and Sunday. Reilly asked if they would have permanent buildings. Yes, they want it to be an attractive business. Reilly looked for data that would support a flea market. He found some in the Brevard County Code. The County code locates these uses in Light Industrial. Reilly explained the intent for R/LC was for residential and limited commercial mixed.

Ritter referred to minutes from last meeting of P&Z. The Board felt flea markets should be in CG. Reilly said the County code provides for flea markets in Light Industrial but it is still a conditional use. He explained that a conditional use can require extra conditions or can be denied outright. You would have to ask for a conditional use. Reilly stated they have plenty of room for parking. The requirement is one space for every 50 square feet of sales area so that would not be a problem. Reilly thought this would be a good use for the land. Mrs. Chen said they are willing to request the change back to CG. They want commercial only; not wanting residential. How much of a chance to get the flea market approved.

Reilly said in future if you don't want to do a flea market the CG zoning will allow more options. Mrs. Chen wants to go forward.

4. Citizen Request for Creation of Special Exception Criteria for Licensed Dog Breeder on Johnston Avenue – "RS-10" Single-Family Medium-Density Residential Zoning
Citizen was a no show.

Reilly asked if we could look for this use in county. Do they have a special exception for dog breeders? Staff will look. Reilly also asked staff to look at county code for flea market requirements.

- E. PUBLIC: none
- F. ACTION:
- G. DISCUSSION:

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

I. OLD BUSINESS/NEW BUSINESS:

J. ADJOURN

There being no further business to discuss, MOTION: Ryan / Ritter to adjourn this meeting. Vote: All Ayes. The meeting adjourned 8:10 P.M.

BY:

Patrick T. Reilly
Pat Reilly, Meeting Chair

Debby Franklin
Debby Franklin, Recording Secretary

Denine Sherear
Denine Sherear, P&Z Board Secretary

1/9/2013 as corrected
Date Approved: