

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
NOVEMBER 14, 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
VICE-CHAIR:	PAT REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	vacant
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR
RECORDING CLERK:	DEBBY FRANKLIN

C. NOMINATE CHAIR AND VICE CHAIR: Reilly / Ryan nominate Bob Wilbur for Chair. Krieger / Ritter nominate Pat Reilly for Vice-Chair. **Vote:** All Ayes.

D. ADDITIONS/DELETIONS/CHANGES: Chair said Wayne's election creates an opening on Board. They have received two applications. **MOTION:** Reilly / Ritter would like to table the recommendation for appointment of alternate until they have a legal opinion from Attorney on the potential conflict of interest of having a Board member with a spouse on Council. Saylor said she has looked into it and she saw no conflict with the Sunshine Law, but she is ok with it being checked out. She assured Board they did research it. Reilly said it is not about Sunshine Law as much as Conflict of Interest. She is ok with Bohne giving a legal opinion. Wilbur said he would like to be able to choose the most qualified if there are multiple candidates. Wilbur said he read something that stated it was done on first come first serve. Ryan said that is how it was done. Reilly said that is how they have done it in the past.

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 10/10/2012

MOTION: Reilly / Ritter to approve minutes of 10/10/12 as corrected:

Corrections: Liz pg 4, 5th para, 2nd line, the lower ones are going to need – Bob said strike that whole sentence. Ritter said we can refer (take out NOT) change intensity to density.

VOTE: All Ayes.

E. PUBLIC: none

F. ACTION:

G. DISCUSSION:

2. **Review Material of “Light Industrial” Zoning and Recommendation to Council**

Exhibit:	Agenda Report No. 2
Recommendation:	Discussion and Recommendation

Discussion:

MOTION: Reilly / _____ recommend Council support our work in the LI zoning and changes to Art II and Art III. No second.

Saylor said they had discussed having a preamble with no residence. It is in there. Ritter said pg 10 of 46 and ? of 46 don't follow. She wants them put in alphabetical order. Change telephone to utility. Separate out vocational and trade schools separate from veterinary. Marine sales sb split from automotive.

Krieger said it seemed like there was a lot done in one meeting. Also about vernacular; it is not in his code. Reilly said it is in the Code. Franklin said the code was updated and they all got the supplement. Krieger said Page 14 of 46 doesn't match 10 of 46. Should include limit. He only missed one meeting and they got it all done.

Ritter said she thinks Art II and Art III should match more.

Krieger said re: the land use map – were are all the CLs changed to LIs? No, and none of them front arterials. Krieger thought there were CLs on US 1. No.

Pg 4 of Pats presentation: area by I95 there are 3 CLs. Only along the RR tracks for LI on pg 4 and pg 10. That is it – only 4 LIs. It is only on west side of RR tracks. Pat will update page 10 of maps to show LI west of RR north of Malabar Road.

Ritter's concerns wants better flow between Art II and Art III. Bob said he was looking at usages that wouldn't look as attractive on the main roads. Denine explained that the sections they are referring to are the existing code.

Krieger read portion requiring outside storage to be walled and screened. Liz said the sentence could be in the para on pg 10. Krieger said Council is the boss and if they want to allow other uses in a zoning they can. Liz said bakeries are usually on a main street. Don said we should be look at all of this. Pat said the point was to make it similar to what we already have in our code. Bob said it is not the kind of bakery she is thinking of. They are referring to the big bakeries.

Leeanne said there is no continuity. Why are we looking at it? Bob said we have had people come and we had no place to put them. This would be a good fit for areas without road frontage. If we include another zoning it should follow the other formats.

Liz would like to see a bakery in RLC. Don would like a lot more fuzziness. World is a changing. Printing is a very clean and quiet or it can be dirty or loud. Don could see this in other places. This is good for him to look at. Is a more intense zoning can you do something less intense. Anytime they change the zoning they can do anything that is less intense. Regarding printers, are they printing digitally, with ink, or they may need mercury. Don goes back to old days when the meetings, they wanted intensities to go from more intense to less intense. They have kind of dropped that. There is more work to be done.

Pat said Art III is a summary and it is just a paragraph. The formatting is great. Liz has problem with content. It should be general statements. It is more detailed than the Art II. Health and environmental services should be listed in both or neither.

Don would like a unifying statement for use in LI that is lesser intensity. Why can't he do that in CG? Intensity of traffic and quiet should be controlling factor. If they are going to change this then they need to change the whole section.

Pat said this exercise was from an earlier meeting. Looking at uses and ones that don't fit. Don said why does it say marine. Does a sales of boats differ from sale of car or other vehicles. He doesn't know if that is a fact. Building supply can be like home depot and like Tru Value. What is the deciding factor?

Bud Ryan said they need a definition and then give definition. Pat looks at Table and doesn't see anything that allows sales. Some people would think boats are same as cars.

Pat pg 11/46 – contradiction. Metal fabrication, is conflict with machine shop. Don said that this is not ready for council.

Pat said let's fix page 10:

Don said the reason we did this so neighbors aren't offended by this.

Leeanne said should we go through this systematically.

Don said we should change this to address businesses listed in Chapter 14.

Bob said we need to address the locations. The CL changed to RLC for the old school house. Don said you have to go through the whole process.

Bob said don't cloud the issues. They are talking only about two areas. The zoning will open it up for development. Don't have much choice. This is a mechanism to do this. Don asked about having a pet store or a doctors office in this area. He thinks they are in a rush. It is premature.

Bob asked about time line. Franklin said P&Z wanted to clarify Light Industrial and R/LC before they brought their recommendation on the FLUM to Council. The R/LC has been resolved so the only issue is the LI and CL discussion.

Principal uses and similar uses and structures, should be a period instead of comma. Bud said to Bob are other towns as specific as ours. The more specific you get the more difficult it is for a business.

Bud said the inevitable widening of Malabar Road. It will either go on Malabar road or down Glatter Road. Bob explained that the widening wouldn't have any bearing on these LI areas; they are west of RR and off of Babcock by I-95.

Don said CG is more intense than LI. Bob disagrees. Don said you aren't looking at the intensity. Pat was also under impression that LI was less intense than commercial.

Leeanne said that all property down US 1 is considered commercial by county property appraiser.

She agrees with Liz and these needs to be lumped together.

Bob said they were listed there because of the use.

Leeanne said when you italicize and bulletized.

Pat said in Art II, they actually listed the uses. Denine pointed out that page 11 of 46 is from code. Bob said add in carpentry, plumbing, mill work, etc. Categorize them by use. Small and personal service and low impact.

Leeanne said format pg 10 like pg 11 is. Then come up with 4 or 5 main headings.

Pat said in LC – other similar uses conducted – they have it. Don said while we are trying to make opportunities.

Liz said put them in list by level of intensity. Don said they can go to council and get approval to do a less intense development.

Liz wants to put the table list in the order of density. Pat said in a perfect world do that. We are not going to change the table.

She listed the order she thought they should be in and then put INS and CP.

Liz thinks CL is more intense than LI.

Bob said move RLC up between OI and CL. Pg 9/46 has order to use: Liz is ok with that. As far as compatibility that is how they should be.

Wilbur said for next meeting come up with list alphabetically or by trades, storage and distributions and then the different plants. Warehousing wholesaling refrigerated storage sb combined with light manf. A and D and put together. Go by 10/46. Break them out logically. Combine the first and 4th dots.

Leeanne could staff sort this out very nicely for us for next meeting. Pat asked if Marine sales does that include boats?

Use the Bldg Code explanation of industrial for next meeting. Pg 10/46 is that contained in the other descriptions. Don doesn't support it. Liz agrees. Bob said for the limited sites they have available they can use this.

Service and repair establishments. What types of service and repair?

Don said there is a big difference between printing like Kinkos and Gannett.

Don said he sees where this is going. What Bob just said. There are only a limited amount of spaces. Leeanne said Bob said they didn't want to be limiting. Allow them to come in the limited space they have. Bob is tired of seeing businesses go to another town.

Franklin gave example that boat storage in triangle. Bob explained the difference of spot zoning. Don said if that is the case then they should be allowed and read the section of code. They discussed it and Don said it works in the old code.

Bob is not saying get rid of CL just add the LI.
Bakery for RLC.

CL and RLC are close.

Don said for next meeting work on principal uses. Would like to see the whole pictures.

Pat said bring it back to next meeting for discussion. And then the next time it can be for action.

Don said the setbacks seemed pretty restrictive. Bob said he would like to see a bigger lot.

Bob said for next meeting pull up the LI areas of other cities. He doesn't like the layout for Canova operating from a street front and also the alley. If Malabar goes in this description, he would want more green space and deeper setbacks. Bob said for trades, the traffic is as heavy in the alley in Palm Bay as it is in the front. Does not want that in Malabar.

For the triangle area (Babcock/Booth/I-95), the commercial PUD was being considered. Put in new roads around wetlands. If they were to do that we would have a lot of control to direct and control that area. Don said how does that work. If a group of people come in, and doing a PUD that allows a flex allowance. If they want to, put in as a commercial PUD add to code language.

Don said review setback table also. Pat said they did review them at last meeting and they followed the setbacks for IND. Bob said if Don has something to add to suit the Town's needs he should recommend it.

Board Stopped here

3. Code Requirements for Assisted Living Facilities

Exhibit: Agenda Report No. 3

Recommendation: Discussion

Discussion:

Don said what he read from Attorney suggested changing nursing to ALF. As long you are "living" you have to meet density. Intelligently designed. What additional services to Town for intensive use for town services. How many people living per sq foot. It is not for human storage. Liz said they are not residential. How are they designated by the State. If it is not designated by State. Don said we don't have it and we are not required to have it. It is not our job to allow it. Liz said if we want to have it then what zone do we want them to be in? Have to know how FS has it so we know how to categorize it. In a nursing home it is not a *home*.

Bob read minutes from June said eliminate this use from OI and RLC. Go to 37/46 bottom of page. Rather than send it back to PZ and remove the use from OI and RLC.

Liz said if we don't have it, it is not considered a group home. Pat wants the different categories. That is where we start. Pg 39/46 lists the person count.

Bud asked if the type of care goes into this also? Yes. Liz said we need to find where we want it in our town. If it is institutional. Leeanne said the type of facility an independent living facility would be nothing more than a geriatric condo. Even in a skilled nursing and ALF it is different levels of care. Pat said our town needs to decide; different levels and how many beds. Draw and intersecting line and decide that. Bud said do they count beds or units. Pat said that is why they need the level and intensity. Start with this. Bud said the more intense of care, the more staff and the more parking. Bob said they can put in one nurse for 80 patients. Leeanne said at some point you may have to put someone in a home. She doesn't want to feel like they are warehousing a parent. Bud said if their conditions deteriorate you can be put out. Leeanne said you move them through stages. There are certain areas that may make sense. Bob said OI replaced PC. They were thinking of hospital and Dr Offices. Leeanne said it is like Sea Pines. Hospitals you visit and the other is living. Don said they don't have the infrastructure to support that in this rural community. Bud asked about Soup Kitchen – where would it fit in Malabar.

Pat said Council wanted Board to work on this. Work on this only or do it all? Liz said do it right. Ask Council for updated information. Bud agrees with Liz 100%. Fix the whole package. Give them what P&Z wants to do and then ask them if they want to continue or do they want to do it?

Start with levels and types of care. Is it tax exempt? Don't want multiple uses on one lot. Leeann said making an assumption on the tax exempt. There are many private pay places and are for profit.

Bob would feel better if the usage is regulated by the State. They are – they have patient care ratio. Communal dining and activities and own apts. Like a hotel. That is what Council did not want a geriatric condominium.

Pat said the last thing they got was the ordinance from the Atty. That is where they struck group home. That is when he went to council. Pg 40 of 63 of last packet. That is where we ended it with council. Struck out group homes. Do what is right; fix it right.

Bob said think about density. Based on the highest density are they using units or beds. Changing it to high density zoning. Should have smart development and include green space.

Bring group homes back and the next step 1-5 and 6-12 and maybe we only want. Keep density to persons not units. And how much space. Maybe they don't want to offer the three levels of care.

Bud said what is the burden on the town of Malabar. Fire services primarily. Ambulance service is by county.

Don said focus on density and rural character of town. Living is the point and infrastructure and if it isn't there and violates the density then don't allow it.

Bob said increase the green areas and open space. Bud said also access to emergency services.

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

Group agreed that a flea market would need CG zoning and a farmers market could be in RR65.

I. PUBLIC:

J. OLD BUSINESS/NEW BUSINESS:

L. ADJOURN

There being no further business to discuss, **MOTION:** Krieger / Ryan to adjourn this meeting. **Vote:** All Ayes. The meeting adjourned 10:00 P.M.

BY:

Bob Wilbur, Chair

Debby Franklin, Recording Secretary

Denine Sherear, P&Z Board Secretary

11/28/12 as corrected

Date Approved: