

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
APRIL 16, 2013 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 by acting Chair Pat Reilly.

B. ROLL CALL:

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

C. ADDITIONS/DELETIONS/CHANGES:

Mayor to swear in new P&Z Alternate member, Dick Korn.

D. NOMINATION FOR CHAIR & VICE-CHAIR: Bud/Liz nominated Pat Reilly for Chair. Chair called for other nominations. Leeanne asked if she could nominate. Chair said no. No other nominations. Leeanne is concerned and thinks they should have a Chair that is more neutral to the Planning and Zoning Board and not have the biases. She is concerned with his biases and is concerned that he will not act in the best interests of Malabar. Pat said he does not have biases; he is an engineer and makes decisions based on facts. Don finds that riveting. Pat agrees.

Vote: All Ayes. Don/Bud nominated Liz Ritter for Vice-Chair. Liz/ (no second) nominates Don. Liz said Don has been here a long time and knows the town. Don declines due to his business related travel. Bud congrats Liz for always being prepared and thinks she would make excellent vice-chair. Don noted that both he and Liz had been prior Council members. No further discussion.
Vote: All Ayes.

E. CONSENT AGENDA: no minutes ready.

F. PUBLIC HEARING:

- 1. 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. 1

Recommendation: Action to Council

Chair went through some procedures. Procedures have been provided for quasi-judicial hearings. He explained the need for disclosures of any ex-parte communications or site visits. Dick Korn met with Franklin this date to go over what the Board has been working on and she gave him the packet and went over the code so he would be up to speed. He does not believe she prejudiced his judgment. Don stated he had called Franklin with questions on the maps and she gave him answers to the best of her ability. Pat also talked to Franklin yesterday regarding issues about this.

Chair invited applicants to podium. Jeff Giovino introduced himself as CEO and Steven Riley who is the State Director for Vision Quest in Florida. He said they appreciate the opportunity to speak.

Jeff went over what they had done with staff. He understands that the PowerPoint presentation was given to the Board in the package. He then gave background on Vision Quest National. It is a place for kids that have difficulty, delinquency, and problems at home. Their facility works with kids from the local community in Brevard County. Kids identified by the State or county as in need and removed from home due to neglect or abuse. They have been identified as in need of parenting and someone to guide them in how to develop in the future and transition back into the community or get placed in foster care. The property is a win-win for town and applicant. They will be bringing 40 years of experience dealing with this population they will be bringing in good paying long term jobs; they are here for the long haul. Kids will live here and go to school here and participate in community projects. They will utilize local vendors where appropriate if the services are needed. They want to be good neighbors.

Denine put property owner Jay Wolfington on speaker phone.

Chair directed Board to ask applicants questions.

Liz asked what the average stay for these boys 13-18. Steve said it is based on needs and treatment but it is usually a 9 month process before they get them stabilized and place them. Their whole point is to reintegrate them with a family. Liz pointed out there are no schools in town. They know that and would transport to school or use the school bus system.

Liz asked about the proposed two adult staff persons for 14 kids. Steve said the requirement is 1 per 8 kids. The staff is hired and trained by them. Grant asked so there are two staff 24/7? No, Steve stated there would be only one awake during sleeping hours (11pm-7am). He said most of the issues they will deal with at night are boys waking up with emotional upset; more of a counseling aspect than a security aspect of it. Most of the boys are there due to neglect or abuse by parents.

Pat asked about the property outlined in the red box on the aerial. It encompasses two parcels. The one parcel is for 2605 Malabar and the other is a separate parcel owned by Mr. Wolfington. His question is, are both these parcels going to be used for this project.

Robert of Premier Properties said the two properties. It is approximately 2.5 acres. They may want an option. Pat said it is a key issue as the Table 1-6.B said it must be at least 5 acres. The 5 acres has to be in OI. That is why he is trying to make sure it has 5 acres. Pat said it is 433 feet from the CL to the southern line of the OI Zoning District. The property outlined in red is only the OI zoned portion and goes over to Pine Street. Jay Wolfington confirmed the area outlined in red was the correct parcel, via the phone. Pat asked about septic. Jay said both septic and well will be up to State and local requirements for this use. Pat asked if they were planning to sell. Jay said not at this time. It was on the market but this is a long term tenant he is not planning to sell.

Liz asked about parking. Jay Wolfington said there were 16 spaces. Liz said Town Engineer Morris Smith did not calculate due to lack of information. Don asked about the young tenants. If they are 16 could they have licenses and could have cars. Applicants stated they would not be allowed to have cars while in their custody. That is a rule. They have not had that situation at any of their other facilities. They take them to their school or jobs or they take public transportation.

Pat asked about the lacking information required on the site plan. The site plan is supposed to show the whole infrastructure and all the improvements, existing and proposed. Pat said what they have submitted is lacking. If it goes forward to Council it should have a full site plan. Jay said any changes would be minor changes done on the inside of the building.

Pat read the sections in Article VI and Article VII. Franklin made the disclosure that she told property owner since it was an existing site it didn't have to have a site plan review application but the CUP

application process did require a site plan and it would need to provide all the information stated in Article VII on their site plan. Pat said normally the Board receives the big pages with all the information, where dumpster will be, etc. Jay said it is an existing building and couldn't they look at it and see it is all there. Don asked if it should also be a request to change lot lines. Pat said no. Karl said no. Jay said the project site goes to Pine Street. Karl asked if the daycare (existing facility) was based on the entire parcel. The back building encroaches into the RR-65. Karl stated the conditional use application triggers the requirement for a site plan to be submitted. The parcel that is defined as OI is the subject area for the CUP. Jay asked if the portion south of the OI line had to be included as the project will not encroach into the RR-65 portion. Franklin explained the history. The house was built in late 1970's and was converted in the early 1980's for a daycare. It was renovated again in the later 1980's for a larger childcare facility. Karl said the fact that he is carving out a new parcel. Jay said if drew the red line between the buildings. Karl asked if they could know about the setbacks without a site plan. Realtor said what if they used the entire the 12 acres, 2605 Malabar Road. If they don't change the existing lot lines for the project site, do they have to go through submitting a site plan? Attorney said if they did that it could be just updating the site plan that was submitted for the childcare facility. Franklin spoke to Attorney. Attorney said Town has precedence that commercial projects encompassing mixed zoning areas that have used the residentially zoned areas for setback purposes. The residential area would not be allowed to be used for the buildings.

Chair said Art VII 1-7.3 lists what should be on the site plan. There are 15 paragraphs to that section. Jay asked for a copy of it. Franklin and Denine both stated they have given it to them. Realtor said do they want it that detailed. Liz asked if the inside details need to be shown or it will be addressed by State, Health Dept and the BO.

Any other questions for applicants. Don said we don't get a quasi-judicial. Positive community impacts. Utilize the whole parcel; the residential could not be utilized. How would it be utilized? Steve said the open space treatment modality. Looking at recidivism, DCF, agencies that deal with these type of clients. Get them to the point where they can be put into foster homes. Based on research it has shown to work. They use the parks. Facility in Clermont is 80 acres. Steve said they had 88 acres. As of Mar 1 the large project in Lake County was taken over by a church group. They are going to smaller community group facilities. What the proposed area would be used if the town proceeds with the plan to change the RLC how would that integrate. Don asked about using local vendors. Does that mean Winn Dixie? This use is similar to hospital. Any drugs? Any OTC will be given out by staff and any prescribed drugs from a doctor. Staff is trained to dispense and will have oversight by nurse and will have contact with doctor. Don asked if there is a need to have containment like fencing. They do not plan any fencing. Security cameras will be used. Criminal background on staff. Building will be secured. There is regular fencing.

Steve said there were some kids coming out of juvenile system. They have the right to refuse any clients. DCF contracts all of that out. They have community based partnerships. They have the oversight. They have expectations of what should be in place.

Leeanne asked if they are an approved facility by DCF. They will be licensed through DCF. Leeanne asked about the square footage of the facility and the number of residents, and asked if they could provide the requirements for such.

Dick asked about pg 1-1 extensive care facility. Are youth going to be there 24/7, are they going to school, are they licensed as an extensive care facility or more like a group home. They have different requirements. Steve said they are kids coming in from bad situations. They are licensed through the DCF.

Chair opened to public.

Realtor, Robert Luco for Premier Properties, representing the landlord, Jay Wolfington and also facilitating the sale as a transaction broker for this corporation. He states that the area is about 24 acres but the area that the landlord is leasing is the property including the house and half way to the shed. He guesstimated that this area is about 2.5 acres. Chair asked if the applicants were going to buy the parcel. Applicants state they may want an option on it but at the present time it is just a lease they are proposing. The plan is not to break up the property. Chair said it is a key issue because on the Table in Article VI states they must have a minimum of five (5) acres and the five acres has to be in the OI zoning area.

The property owner, Jay Wolfington via phone stated that the area encompasses part of both parcels and meets the five acre requirement by going all the way to Pine Street. Chair asked about septic capacity. Owner stated that the septic would comply with whatever requirements were part of permit. Chair asked if there were any plans to sell the property.

Juliana Hirsch, 1035 Malabar Road. In the interest of the Town of Malabar she asked if it will be a tax exempt project or non-profit project or do they know. Attorney Bohne said you can ask the question but it should not be a part of your consideration. It is not relevant. Bud asked what services they would need from the Town.

Chair closed Public Hearing.

Chair called for staff comments. Attorney Bohne said he is having a hard time seeing how the P&Z can make a recommendation without a full site plan. They do need to submit some kind of site plan that meets the requirements of Art VII. If it is sent to Council with a recommendation that they include a professional site plan, Council will be send it back to P&Z for their review. Liz asked about the parking spaces; it was not shown on plan.

The Attorney said to table it and let them come back with a proper site plan. If they table it to a time certain they don't have to advertise again.

Board discussed if they wanted to table to 5/21/13 so the Attorney can attend and start meeting at 7pm? Yes after discussion,

Chair called for Board questions:

Bud asked what services they would use. Riley said they would use the parks and recreation facilities, Police, Fire anything that residents would use. If they encourage jobs, how do they get there? Staff will take them or they will use public transportation. Court orders the supervision and has custody and gives the agencies the charge to oversee them.

Chair asked Board to make motion.

MOTION: Liz / Don to table to 5/21/13 at 7pm to for applicant to submit a complete site plan with all 15 criteria shown as spelled out in Article VII.

Discussion. It could be pushed if not ready. Applicants said they would know by May 8th if they will have that information.

Staff will give them an example to use for site plan as well as a copy of Art VII.

Chair called for vote. Denine did roll call,

VOTE: Pat Reilly, Aye; Bud Ryan, Aye; Don Krieger, Aye; Liz Ritter, Aye; Grant Ball, Aye. Motion carried.

G. ACTION:

H. DISCUSSION:

I. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

5/21/13 at 7PM

J. PUBLIC:

none

K. OLD BUSINESS/NEW BUSINESS:

none

L. ADJOURN

There being no further business to discuss, **MOTION:** Bud / Don to adjourn this meeting. **Vote:** All Ayes. The meeting adjourned 8:50 P.M.

BY:

Patrick T. Reilly
Pat Reilly, Chair

Debby Franklin

Debby Franklin, Recording Secretary

Denine Sherear

Denine Sherear, P&Z Board Secretary

5/7/13 as corrected
Date Approved: