

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
JUNE 12, 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 Chair Pat Reilly.

**B. ROLL CALL:**

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON KRIEGER
	GRANT BALL
ALTERNATE:	DICK KORN
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR

**C. ADDITIONS/DELETIONS/CHANGES:**

**D. CONSENT AGENDA:**

1. **Approval of Minutes** Planning and Zoning Meeting – 05/21/2013

**MOTION:** Ryan/Grant to approve minutes of 05/21/13 as presented:

**VOTE:** All Ayes.

**E. PRESENTATION:**

Bob Seigmann a Park Board Member, made presentation to P&Z Board for bike/pedestrian trail system in Malabar. (Attach packet presented)

Mr. Seigmann, lives at 2305 LaCourt Lane, Malabar he explains that this survey started a year and a half ago. It is a survey to let you know what we have, any plan with SR514 (Malabar Rd) to be aware of what is going on, the rules for the design for the sidewalks, bike paths and by-passes.

Bob is using over head projection showing map of the area and designations. The Town is so young that nothing has been developed yet in some areas, except Weber Rd & Corey Rd that go all the way down to Grant-Valkaria. It is dangerous for SR 514 and US Hwy 1; there is nothing for the bicyclist and pedestrians.

Bob discusses different passages being, E. Rail Road Ave, just south of Town Hall going south to Glatter Road, if cleared, then Glatter Road east of Marie Street to US Hwy 1.

Bob also discusses the west end of Hall Road there are barriers and he has had several complaints from people, if we could put a 3 foot opening. Korn comments those barriers were put there at the request of the residents.

The Board is going over the map on overhead discussing different roads, dirt or paved for passage ways.

Bob says the objectiveness right now are there are actually 4 east/west road passage ways:

- The Tuttle Trail, down Marie Street, hit Marie Street to US1.

- Hall Road from Palm Bay and hit a "dog leg"
- Atz Rd if it goes all the way through (to be determined) goes to Jordan Blvd
- Malabar Road

There are 4 north/south passage ways:

- US Hwy 1
- Marie Street
- Corey Road
- Weber Road

Korn asks about markings on the roads alerting about pedestrians/bicyclist, i.e. Marie Street crossing over Malabar Road.

Bob tells about the "major linear trail" from Maine to Key West passing through the Al Tuttle Trail in our Town.

Krieger asks about no motorized traffic on trails, Bob said they don't mix. If it is ADA compliant then it would be allowed.

Reilly & Board thanks Bob for all his time.

**F. ACTION: NONE**

**G. DISCUSSION:**

**2. Continue Review of Code Language for "Light Industrial" and Recommendation to Council**

<b>Exhibit:</b>	Agenda Report No. 2
<b>Recommendation:</b>	Discussion/Action

Reilly discussing about the different options and PUD. Ryan says he sees no need for a change, "option 1" no change. Krieger is all for the "option 1". Grant is for "option 1" as his opinion too.

Krieger explains that there has not been enough need from the public asking the questions, when people want to do this type of activity, we already established that we are changing land uses and increasing land uses in certain areas around Town. If someone needs more then that there is the availability of the industrial PUD.

Ritter goes with "option 1". We can do something when someone requests a change.

Leeanne asks if there has been a request for this "LI", Pat explains that the property on Babcock Street, by Foundation Blvd was interested in this "LI" it was about 3 years ago. Sherear explains that the land owners are still interested in moving forward with an Industrial Parks area in this location. Krieger adds that it is the land owner's job to come to us and deal with this when they come forward.

Krieger comments that we should still look at both sides of the Table of Land Use & under Land Use, look at the generalized descriptions and some can be broadened or limited depending on our needs.

Reilly believes there is no Motion; consent of the Board is no need for any changes at this time, all agreed to do nothing.

**3. Code Requirements for Assisted Living Facilities**

<b>Exhibit:</b>	Agenda Report No. 3
<b>Recommendation:</b>	Discussion

Mr. Joseph Paladin, President of Atlantic Coast Building and other companies, the discussion on ALF, I built a couple and now I am building an ALF in Indian River County (IRC). My input would be an assisted living would be a perfect input in a multi family zoning because it fits. Where I am building now in IRC is called "Reflections on the River" they have RM-6 all around and we are zoned RM-6, so we got approval for ALF. The RM-6 in any other zoning is more intense than an ALF. The least intense project you can put in is an ALF. I think you should consider using your RM-6 or multi-family zoning of any kind to allow ALF to come in and be approved by you. You will have to approve the design and criteria the ingress/egress, etc.

Ritter, asked how many stories, Paladin responds, three (3), Ritter asked how many beds? Paladin responds 125 beds and 98 units. Ritter asked how large of property, Paladin responds 6.8 acres. Paladin responds the average size of a unit is 500-700 sq ft. They are very small because they are ALF, very few are two bedrooms, and most are 1 bedroom. Such a small sq footage that you can fit more units per acre without having a standard apt unit would be 1,500 to 1,800 sq ft. There is 1 bathroom & 1 bedroom per unit, Ritter asks if they have kitchen, Paladin responds that some of them do, it depends on the level of ALF. There will be a restaurant in this facility. You have state certified people that run these places and design them and build them. You can't just build what you want and call it an ALF; it has to be authorized and certified by the state.

Paladin, explained that there is a full time nurse, provides some services the intensity is very small compared to any other facilities, most people do not have cars. To consider this in a multiple family district it fits right in, pool, activities, it is a lifestyle, not nursing home it is entirely different, and these people just need assistance.

Reilly explains what the Board is trying to do is change the words "group homes" to more designations based on size of beds, presently "group homes" are conditional use in RM6, so we would probably maintain that for the ALF, it would be a conditional use. The Board has the State Statutes and we are going to come up with different levels, instead of putting everything under one level. We are going to designate by the bed size.

Paladin explains that Indian River County was not clear on their Codes either and they went back a couple years ago and clarified their Codes on this matter.

Ritter explains that we like to keep our density low and rural, and that is the main issue.

Mr. Paladin will be coming back on June 26, 2013 to present a possible ALF project in Malabar. It is on 20 acres. There is plenty of "green space" and "open space".

Ritter asks about having a restaurant in the facility is that based on over a certain amount of units? The State sets the criteria for the facility. Mr. Paladin explains these projects provide good jobs, and good pay.

Mr. Paladin explains that they have a "certificate of need" that you have to apply for with the state to see if there is a need in the area, and there is a need in the area for this type of facility.

Ritter asks about cost of services to the facility, and Mr. Paladin said he would have to find out. We are a for profit facility.

Paladin, explaining we pay for our services in impact fees and the tax criteria due to the increase in tax base.

Krieger, asks Paladin if other facilities that he built were they in rural communities like Malabar? We have had to bring water and sewer to the sites, just not as far as in Malabar.

Mr. Paladin explains that they have financing through a group in New York that owns the property now and he has a small piece and he is the representative. We have financing to build an ALF, and to bring water & sewer to facility at our expense and then collect as people would hook up to the utilities. They would do a developers agreement with Malabar and City of Palm Bay.

Leeanne asks if Mr. Paladin is aware they are not there building an ALF with 120 beds north of Malabar on US 1. How would this impact you? Paladin says there is that much of a need, there are people already making reservations to go into a building I have not even built yet. It would be a \$30 million dollar project, if we did not think it was profitable we would not be putting it up. Leeanne asks if he had planned to bring the water and sewer down US 1. Paladin said yes. It will be a cost of \$2 million dollars to bring water and sewer down US 1.

Ryan asks the survey that was done to establish need, where was it done? Paladin explains that there is a need for the facilities. A win/win situation for everybody, there is a need for ALF's. There is a different need today; ALF's are a regular lifestyle not a nursing home. ALF's fits into a multiple family development. This makes sense to fit into neighborhood.

Reilly explains to discuss the different levels and where they fit in our Town. In the Code Book under uses you could put conditional uses and permitted uses. Krieger asks the only definition we have is "group homes".

Krieger states the only actual directive from Council is, they did not like the idea of assisted living in "OI".

Reilly is explaining about Table 1-3.2 Land Use by Districts (page 119 in Code Book) what is presently in our Codes: "group homes" and "adult care facilities".

Reilly suggests coming up with the different levels and then deciding where they are applicable to the zoning districts in the Town. Krieger adds it is a matter of density within the zoning. These are residents not a hospital.

Ritter is stating the levels/categories:

- 1-5 persons are residential
- 6-16, persons are residential, (R-4 or R-6)
- 16 persons or more would be institutional

Leeanne adds the different groups:

4 Groups:

1. Group Home
2. Skilled Care Facility Nursing
3. Assisted Living
4. Independent Living

Reilly is going over the four groups and then within each group there could be the different categories. Leeanne explains that the group home would have to be fewer than 5. Having the State parameters for each one would be helpful; the licensing is depending on the number of persons.

Reilly explains for next time to look at:

The Table 1-3.2 make sure the Table is what you think it should be we were asked to remove group homes from "OI".

Korn asks if we are considering a combination facility i.e., an independent apartment then as time progressed more assistance was needed, maybe something like Glen Brook in Palm Bay.

Mr. Paladin adds that he has information from other facilities that he will leave for this Boards review.

Ritter is discussing the Codes for different levels. Sherear explains that these are in the 3 ring binders that have the ALF's information.

Reilly suggests that this Board could see if the "3 Levels" go with "4 groups" for designations.

Leeanne explains to Korn & Board that Glen Brook located in Palm Bay has two groups; "Independent living" and "assisted living".

Korn asks would it be two separate applications for the two different groups in same facility. Reilly explains the density will take care of this at time of application.

Reilly said that in our Table to have the three (3) designation and the words have the persons for the levels in Article 6&7 where the designations of the zonings are. Like under RM6 that is residential zoning but the main use would be based on density of use. There is RM 4 which is the lowest density that we would go.

Ryan asks if Mr. Paladin has these designations, he said that he would email them to Sherear and get them to this Board.

Krieger, would like feedback from TC from the water status on the utilities, that was sold to Palm Bay.

Reilly, we've said that the people that live in ALF are voters, they go by a formula, and they have to approve a special use. Mr. Paladin responds that every where they allow ALF they go on a density base they have a formula that shows what the maximum use is. The there is a special use and they have to go by that use.

Leeanne asks Mr. Paladin if they are a permanent resident of the facility, Paladin responds that they are paying by the month. They are a legal residents. It is an annual contract.

Ryan, it would be a matter of record it would be their residence.

Reilly, states for next meeting try to gather all the information to include:

- FS Building Codes
- Tables 1-3.2
- FS Definitions
- Attorney Ordinances Feb 13, 2013 & Jan 17, 2013

Reilly states that our ultimate Goal is to create an Ordinance in order to change the LDC Chapter Art 6 &7, and add definitions.

**H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:**

**I. PUBLIC:**

**J. OLD BUSINESS/NEW BUSINESS:**

Ryan, old business, the charter calls for one secretary we have had the luxury of having a recording secretary, Debby Franklin, I can understand why it was done two years ago but I am not sure the need exists now. Since Debby is salary she is putting in additional time. Reilly will take it up with staff staff.

Ryan, the 5/21/13 P&Z Meeting with the person on the phone, needs to be positively identified who is on the phone, if it is important enough to put in an application; they should be here or have a representative that can act on their behalf. Ritter adds that she believes the attorney was asked and it was acceptable. Reilly comments that there is nothing in the Code that said he can't be on the phone. Reilly was here for the Public Hearing and he interrupted me twice and if he was here in person he could not have done that.

Leeanne added that several people from the Council were offended. They had said if it was that important he should have been here.

Ryan suggests establishing a phone procedure. Krieger this is opening up issues.

Reilly suggests a motion to recommend to Council to update process of phone procedures

**Motion: Krieger/Ryan Recommend that Council creates a policy that requires personal representation at Public Meetings and or Hearings Vote; ALL Ayes**

Ryan discussing about Legal Notices that were not adequately advertised, is there anything that can be done before signage goes up, Krieger suggests notifying the Boards to make them aware.

Procedure for P&Z: Recommendation that prior to Legal Ads and/or Signage?

Krieger states the Municode out of computer the Ordinance on TC on all committees wrote down background on procedures and interpretations.

Board is discussing about July schedule for P & Z Meetings.

**K. ADJOURN**

There being no further business to discuss, **MOTION: Ryan/Ritter to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:48P.M.

BY:

Patrick T. Reilly  
Pat Reilly, Chair

Denine Sherear  
Denine Sherear, P&Z Board Secretary

6/26/13  
Date Approved: as corrected