

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
JULY 10, 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, EXCUSED
	GRANT BALL
ALTERNATE:	DICK KORN
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

1. Approval of Minutes Planning and Zoning Meeting – 06/26/2013

MOTION: Ryan/Ritter to approve minutes of 06/26/13 as CORRECTED:

VOTE: All Ayes.

Ryan, page 7/19, 4th parag. from bottom, second sentence residence should be resident

Grant,

page 7/19 2nd parag. from top 1st sentence her should be here 5th parag. referenced should be reference

page 4/19, 2nd parag. 1st sentence take out ~~he~~, add which after Board, 3rd parag. from bottom first sentence take out the 4 & second to last sentence same parag. then should be than

page 5/19 6th parag. taking should be taken

page 9/19 5th parag. have should be has

Ritter,

page 5/19 6th parag. second line should be "care of it's not a nursing home"

page 9/19 5th parag. in-vision should be envision

page 7/19 2nd parag. "if the license that they pull..."

page 7/19 3rd parag 2nd sentence "for dementia it's allowed..." 5th parag. from bottom second line "regulators are constantly inspecting"

page 8/19 1st parag. 2nd sentence for see should be foresee 4th parag. 2nd line "be thinking about it"

page 9/19 5th parag last sentence take out one "as a "

Reilly,

page 9/19 3rd parag. from top paladin should be Paladin

page 10/19 9th parag from top then should be them

Leeanne,

page 7/19 5th parag from bottom last sentence "Due to the...."

E. PRESENTATION:

F. ACTION: NONE

G. DISCUSSION:

3. Code Requirements for Assisted Living Facilities

Exhibit: Agenda Report No. 3

Recommendation: Discussion

Reilly, the first question he is asking the Board is the "units" size there is a big discrepancy between 500 & 1,000sq ft. The other issue is the 2.6 beds per unit, the suggestion is to make a single number and Liz explains it is an average. Leeanne adds that sometimes there is a caregiver living with the residents

Reilly suggests sticking to beds per unit, not size. The 500 sq ft seems small. Leeanne explains that during the last discussion, if you have living area and a bedroom, you have common area in the facility.

The Board is discussing the area of a 500 ft room.

Ritter adds that what was asked, if the bathrooms were included in the living space. So we need to know what is considered living space.

Reilly suggest that "unit" needs to be defined, suggestions:

- Bedroom only
- Bedroom/Living Room
- Bedroom/Living Room/Bathroom

Ritter comments that the FS regulates all that. Grant adds that we need to find out the common terminology for everything.

Korn likes the idea of calling it a "unit" rather than a "living space" that includes everything. Ritter comments that FS & Building Codes go by the "living space" they are compatible. If we are going to use them it will be less confusing.

Ryan comments that "living space" can actually be what is under air.

Juliana Hirsh 1035 Malabar Road. Living space in the building industry is considered anything inside the perimeter of the walls whether it is bathrooms, etc is considered to be living space.

Reilly explains to the Board if you think of it as a "motel", you walk in and that is your unit & living space. Ryan is going to call a motel and the hospital to see what the size of an average room is.

Ritter is referencing page 123/160 in 3 Ring Binder (new ALF book) reading about "facility standards", referencing 250 sq ft for floor per assigned resident....this is in the county code and building code requiring minimum sq ft. The building code goes into detail.

The board is discussing the minimum sq ft for living space being 500 sq ft to 700 sq ft and the max. being 900 sq ft. Leeanne adds that the 500 sq ft will be for one person, and 700 sq ft for two people. Reilly adds that each unit will have one bathroom. Ritter reads 1 bathroom for two beds.

The Board is discussing the area of 500 sq ft of living space measuring the Town Hall Meeting area to relate to the area.

Korn comments that there is usually an area for a kitchen type space, ie small refrigerator, microwave, and counter for cooking in each living space.

Ryan is suggesting you can set the minimum sizes required for the amount of people per unit. Reilly suggests if you go 250 sq ft (floor space) plus 75 for two people is 150, and 30×2 is 60 = 460 so there is 500.

Reilly is explaining a 500 minimum per "unit" two beds max. per unit. Grant adds two residents per unit.

Reilly suggests:

"Unit" = 500 sq ft min. per unit size equal 1 bedroom
700 sq ft per unit size equal 2 bedrooms

Grant suggests using "residents" and not bedrooms.

Ryan comments two person occupancy would also be the person needing care and the care giver and the living situation would be a two person residence. Korn adds a resident would be a permanent occupier of the space.

Reilly explains that in our Code/Tables everything says "unit", we need to define what a "unit" is in this section, means resident.

Grant suggests if we say the min. is 500 sq ft. per unit it will all work out, Korn comment we need to define per size of the unit, the maximum number of residents.

Reilly the consensus of the Board is: the minimum size unit is 500 sq ft, two residents per unit with bedroom, living & bathroom and kitchenette.

Ryan asks how State Statues compare to what we have here in Brevard Cty. Ritter explains that the State over rides in some cases, but the Town can be stricter, so if we start with FS they give the overall.

Grant comments to keep things simple per "unit" ie:

- 500 min. sq ft = 1 or 2 residents
- 750sq ft = 3 residents
- 1000sq ft = 4 residents

Reilly in our code and tables right now we have group homes and extensive care facilities, we need to add to our tables the ALF designations.

Sherear comments that the handout tonight has the Table 1-3.2 on page 5/12. Reilly suggests that different designations are needed. Ritter gave handouts to everyone of the 2012 FS Chapter 429 in reference to assisted care communities.

Ritter is explaining to Board the handouts she gave out. (Submitted a copy for records).

The Board is going over different categories

Leeanne comments about the second page on Chapter 400 you have part II Nursing Homes. Ritter suggests the ones we do put in our table we will refer to the Florida Statutes (FS), this will cover our designations. Reilly suggests filling out Table 1-3.2 with what we want in the Code.

Grant comments that as a Town we can be more restrictive in our Code. Reilly explains that if we make everything conditional than we have the final say so.

The Board is discussing the Table 1-3.2 extensively and appropriate zoning/land use.

Example below:

Table 1-3.2

COMMUNITY FACILITIES	RR 65	RS 21	RS 15	RS 10	RM 4	RM 6	R MH	OI	CL	C G	R/LC	IN D	IN S	CP
Adult Group Homes														
Adult Day Care Centers														
Adult Family Care Homes														
Group Homes:					c	c		c			p		c	
• Level 1 1-6														
• Level 2 7-15														
• Level 3 16 +														
Assisted Living Facility (ALF)														
Nursing Homes					c	c		c			c		c	
Hospitals & Extensive Care Facility								c					c	

Ritter suggests to Board to read CH 429 in FS there is a lot to understand. Reilly suggests for next meeting to read this chapter. On the Land Use Development add the ALF, Adult Family Care Homes, and Adult Care Centers.

Reilly would like Board to edit the Table 1-3.2 inserting C for conditional use or P for permitted. Ritter is discussing Chapter 419 FS explaining what is allowed and zoning, the zoning will take care of the density.

Reilly is going over the Table 1-3.2.

For homework we need to add "P" for permitted and "C" for conditional use on added ALF's in table, as to what zonings these would be allowed.

Ryan comments about divisions of level of care and then division of number of people within those levels.

Ritter and Leeanne discussing the licensing by the state of the different levels of care and what agencies are involved, i.e. Dept of Elder Affairs, (Ritter reading out of FS Chapters)

Korn asks the Board if a BTR is required of these types of facilities in our town, Ritter explains that you have state licensing, county and town, also health dept., OSHA. Leeanne adds the nature of the business determines some of your licensing. These particular businesses are so heavily regulated by several agencies on state level.

Reilly wants to know who determines what goes into a building. Sherear explains to the Board that for example the MIMA Building, the individual doctors obtain the BTR's.

Leeanne explains that there are so many different agencies involved in this type of facility it is going to be difficult to operate under the radar. The state is going to regulate a lot and the licensing is going to regulate the activity. Grant suggests if we go with Brevard Cty suggestion they will regulate these activities. Sherear comments that reports of building permits are submitted monthly to different agencies.

Leeanne comments that when Paladin brings in the plans do we have the staff to be able to inspect the construction stages. Sherear and Reilly explain that Roger the Building Official handled MIMA project just fine.

Korn is just concerned that the Town needs protection, Ritter comments that houses are built and inspected up to Code.

Reilly suggests reading FS CH 400- 429 - 419 and to work on Table 1-3.2. Ritter explains that you can go on line to read the FS 400 also.

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

Future Land Use Maps as a discussion and defining R/LC (Land Use Change) for August 14 Meeting.

Reilly explains to the Board that after almost 2 years that "LI" Light Industrial was taken off the maps and they are ready to go forward to Council for approval, Ritter suggests get it moving. Reilly commented that they still need to go over the R/LC the verbiage. This Board needs to look over the R/LC. Reilly suggests to put another book together for this "item", due to new members and bring everyone up to status. Sherear explains that she will go back through the agenda packets and bring for future meeting.

I. PUBLIC:

Juliana Hirsch 1035 Malabar Road, the Board is discussing the impact of what is going to be in Malabar, the "Life Care there is little to no traffic but it is packed full of people. The town's right is to build the building properly and follow the building codes. The board is getting away from who governs the actual business. Ms. Ritter is correct that the ALF's are so governed by different agencies of someone coming in every day to do something. The other concern that everyone had was turning the ALF's into a hotel. Hirsch asked what size were the units at Mr. Foley's proposed ALF? Pat replied that they only defined the building, site plan & elevations not the contents of room size. Hirsch commented that if you make it 500 sq ft minimum unit size, it will be upscale. If you don't have 500 ft you will get the ghetto here.

Juliana comments that Mr. Paladin is a very exclusive builder and builds beautiful things. Juliana also comments if the Town is not inclined to have ALF's at all, lets finish it, don't drag those people on because it is a tremendous expense; if you are going to approve these things get on with it and approve things with a certain amount of time, like 6 months or something. Reilly explains under our present Code ALF's cannot be built, the Board just want to make things correct. Reilly comments

we are not writing the Code for him we are writing the Code for anyone in general for ALF's. Anything less then 500 is too small. Leeanne explains we are trying to set a standard here, when you look at Malabar and see what we have done here you will see the high standards. Juliana asks about if the ALF's project going to deed property to residents. Reilly explains that this particular project is based on a yearly lease. Juliana expresses the concern to make this into a hotel is justified, you can easily do that.

Ritter explains that with a lot of these facilities; when FS do this you can't convert these facilities. There is a lot of legalities that have to be done. The residents have rights whether they own it or not. Leeanne comments that if they were to convert to a hotel they would have to come to the Town and see if the zoning allows a hotel in a particular area. Juliana comments that the parcel on US Hwy 1 is a perfect location to put ALF.

J. OLD BUSINESS/NEW BUSINESS:

Reilly has two questions concerning proposed project with Mr. Paladin. 1- Is the water and sewer coming before the building permit? Ritter responds that Mr. Paladin was going the next day to meet with Palm Bay over utilities. Reilly's point is that if he does this in parallel, the water is coming down US Hwy 1 and he is building this high-rise then something happens and he stops. Juliana explains that he puts up a bond. Reilly comments that Paladin would have to put up a bond for water before a shovel goes in the ground "contractors agreement".

Grant stated that is worth consideration in the back of our minds that there is going to be pressure to hook up to water once it comes down US Hwy 1. Ritter said that the contract with Palm Bay over water states that you will not be required to hook up to water unless required by state law. Ritter explains that if your well water is checked and it has bacteria or issues then you might have to hook up to city water.

New Business:

Reilly is talking about the next scheduled meeting is July 24, 2013, is everyone ok with this. July 24 Meeting Grant will be on vacation. Ritter suggests a second option is July 31, 2013 for a meeting; there are 5 weeks in July..

K. ADJOURN

There being no further business to discuss, **MOTION:** Ryan/Ritter to adjourn this meeting. **Vote:** All Ayes. The meeting adjourned 9:28 P.M.

BY:

Patrick T. Reilly
Pat Reilly, Chair

Denine Sherear
Denine Sherear, P&Z Board Secretary

7/24/13
Date Approved: as corrected