

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
JULY 24, 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, EXCUSED
ALTERNATE:	DICK KORN, EXCUSED
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

- 1. Approval of Minutes** Planning and Zoning Meeting – 07/10/2013

MOTION: Ryan/Ritter to approve minutes of 07/10/13 as corrected:

Ritter pg 5/18, 1st parag. there should be this. Second sentence codes should be code & goes instead of got.

Pg 6/18 Table 1-3.2 level 3 should be 16+

Pg 7/18 under "H" 2nd parag. 1st sentence take should be taken

Pg 8/18 under "J" 2nd parag. , 2nd sentence only be should be not be after water add unless required

VOTE: All Ayes.

E. PRESENTATION:

F. ACTION: NONE

G. DISCUSSION:

- 2. Code Requirements for Assisted Living Facilities**

Exhibit: Agenda Report No. 2

Recommendation: Discussion

Reilly explains to the Board to get through the Table 1-3.2 tonight and get an agreement, then move on to the words. The goal is to set the standards and then write the words.

Reilly explains the example he made which is on page 10/18; he took what we have in the code now and added the three other levels:

- Assisted Living facility
- Adult Family Care Homes
- Adult Day Care Facilities

Ritter adds that everything from ALF down should be taken out of "OI" & "IND" in the Table 1-3.2. The Town Council did not want it there. Reilly suggests with the Board's input that in the "OI" & "IND" column to take out the "C" which represents conditional use, in the following areas.

Ritter discussing page 35/160 Chapter 419 Community Residential Homes for "group home" Ritter suggesting all of our names go along with FS.

Reilly says, I agree "Group Homes" should be called "Community Residential Homes" page 36/160 Ritter is discussing the "Community Residential Home" 7 -14 residents. Reilly added that we needed to define density. Reilly explains for the "Community Residential Homes" (7-14) where it will be allowed

Reilly reads what footnote (3) is in Table 1-6.1(B), which is: "minimal space requirement shall comply with standards established by the Fla. Dept of Health in rehabilitative services. Krieger comments that we already have setbacks. The minimum size according to our Charters is 1.5 acres.

The Board is discussing the Table 1-6.1(B) referencing to lot dimensions and density.

Ritter is reading pg 37/160 in working book for ALF #12 "nothing in this section requires any local government to adopt a new ordinance if it has in place an ordinance governing the placement of community residential homes that meet the criteria for this section, state law on community residential homes controls over local standards, local ordinances"

Reilly is explaining, to determining a "group home" you will need to define the size of the lot and list as "conditional" for the 7-14. The Board discussion is to take "group homes" & "nursing homes" out of R/LC zoning it doesn't fit. The Town Council wanted P&Z to take these out. Krieger doesn't understand the logic; R/LC can be a 20 acre parcel. Leeanne discussing the 7-14 residents in a "group home" you have to live there and take care of residents.

Ritter suggest the "group homes", etc in the RS-15, RS-10 or RM4 or 6. Reilly adds that this can be in any residential neighborhood, so you have to consider in RS 21, 10 & 15 also. Leeanne comments that they step over the line in residential, when they go to 7-14. Reilly suggest that "Adult Family Care Homes "

- Level 1 = RS 21, RS 15, RS 10

Krieger, if we have a density control on the other table why do we have to refer to level 1-2-3. Ritter explains the levels coincide with FS, because it is the number of people, Krieger comments that where you are talking about how many residents per unit that is the density.

Ritter is explaining the definition in the FS explains the different levels and the independent person. The people that are in the "community residential homes" need some assistance. FS 429 show that the Assisted Care Communities can take care of themselves.

Krieger comments that with the independent living, those places are usually 2 bedrooms, 2 bath regular apartments. Leeanne adds that these apartments have call systems in the event something is wrong, they have apartment checks.

Ritter reads from 41/160 in (ALF book) Assisted Living Center...any building or buildings section or distinct part of the building. One or more adults that are not related to the owner or administration of the facility. Page 87&88/160 (ALF book) Adult Family Care Home definition.

Reilly suggests that the "independent living" is addressed in the "assisted living facility". Krieger asks why you have to go with "levels" if you control it by density. Ritter says the FS defines everything. Reilly explains that you go to Table 1-6.1(B) and you put how many acre minimum you

need for each individual "level". Ritter explains that Assisted Living is independent and deals with the levels of care and services.

Krieger is giving an example of his concerns, RM-6 you can build an apartment house there, you can have 6 units and you can have 2.6 persons per unit. This is a conditional use, a service entity that is going to take up more fire and police, and utilize more than an apartment house. Krieger is explaining he would define a "unit" as maximum of two. We are a Town not a City; Towns let other municipalities handle water & sewer and other things.

Krieger discussing what Keith Mills explains is about quality development and about the best standards; we don't have to stick with the standards of the next Town. It is a conditional use in terms of units, but we have to define the "unit".

Krieger suggests the maximum number of residents per "unit" in an ALF is two. Reilly explains that there is the rule of 250 sq ft per person. Ritter adds that a lot of things are also covered under the FL Building Codes.

Ritter & Reilly are discussing the min. area per unit is 500 sq ft, we are not going to make anything smaller than 500 sq ft. Ritter is explaining that in FS a lot of things are covered and in the FL building statues about ALF's, we just want to make sure that it is what we want in our Town. Ritter explains that they have to have utilities before they build. Reilly says that Paladin was going to do this in parallel to building an ALF.

Krieger explains his concerns in the Town of Malabar, for the quality of life, how many people per acre. If it is a condition we want a better quality of life here in Malabar so we can say a "unit" is no more than two people.

Reilly explaining to the Board an example of 20 acres= 14 people per acre, 7 units per acre, and two in a room.

Reilly is explaining to Krieger not to mix "units" with facilities.

Ryan, pg 78/160 about infrastructure before building.

The Board is discussing levels & Table 1-3.2

Reilly suggests that "Adult Family Care Homes" Level 1 can go in: RS 21, RS 15, RS 10 it seems anything after 7 it would be too many people.

Reilly discusses with Board establishing two persons per "unit" minimum of 500 sq ft. Ritter suggests to let builder decide how big the rooms are, if Town gives example of how much space will allow how many persons per "unit" builder does math and follows guidelines.

Leeanne suggest minimum of 500 sq ft per "unit" and 4 "units" per acre and two persons per "unit". This will limit how many people per acre.

Krieger wants to make sure that when and if something happens to facility we want to have the nicest designed building. Ritter explains that in the FS there are all kinds of restrictions in place to follow.

Reilly shared with the Board he visited Buono Vita and met a counselor, they are non-profit organization the ones that go "for profit" are out of business in 5 years. That is why they go non-

profit because they strictly rely on insurance monies and they are guaranteed how much they are going to make.

Krieger suggest we should defend our Charter's good design, good planning and rural residential. We are being asked to work on "conditional use", we have the table down. There is another table that says you have to have the infrastructure already in place.

Reilly discussing that Paladin talked about have 900 sq ft "units" to occupy 3 residents that would be how he would get his numbers up. It is going to be hard to have two people per unit.

Reilly went to "Hibiscus Court" and they have 306, 360, 394sq feet per unit, they have 2 people per unit but they are higher care facility. Reilly explains that at Buono Vita Facility they have 3 levels of care:

- 1.) Independent living you have to meet (7) requirements.
- 2.) Assisted Living Facility/Memory unit
- 3.) Nursing Home Care

Ritter, suggesting reading the FS concerning rules, regulations, and statues that must be followed, about licensing and if they lose their license or have violations they will be checked more often. Ritter explains these facilities just cannot change licenses; another agency involved is The Dept of Elder Affairs. Ryan adds this is all for the protection of the residents.

Ryan asks if the building becomes vacant, what else can go into this building. Ritter explains it would have to be approved for whatever license is applied for to occupy the building. Reilly adds that it would have to be approved by the Town of Malabar. Ritter explains you have to approve what is asked for at the time not what it can be in the future. Reilly explained that Paladin discussed turning one of the wings of building into nursing care/memory care section.

Krieger discussing lot sizes, from big huge establishments to smaller lot sizes. Ritter says that anyone coming in to do a large project like this has got to make it pay for itself. It will not pay if they only have 6 or 8 residents. Ritter explains that it kind of controls itself as far as size. Krieger says if you put enough limitations on the conditional use.

The Board is discussing the Tables for Conditional Use & Permitted changing and adding to Table. Ritter is explaining that the Community Residential Homes having 7-14 residents.

Reilly is going over Table 1-3.2 with Board everything is c=conditional, nothing is p= permitted. Ritter explains that Community Residential Homes is in accordance with FS CH 419. The Board is discussing the zoning areas from District Provisions from Code Book.

The Board is discussing Table1-6.1(B)

(The two Tables 1-3.2 & 1-6.1 are attached to these minutes of 7/24/13))

The Board will review these tables next meeting. There are two sections in the Land Development Code to update.

Leeanne asks about Adult Day Care Facilities in R/LC? Ryan looked at plan that Paladin submitted just for discussion, it appears that the units are 660 sq ft. Reilly explains that it is not required to give the interior size of the rooms. These are architect not as-built. Reilly remembers that Paladin introduced 500 to 900 sq ft per unit for his proposed project on HWY 1. Reilly explains that as a planning agency the P&Z only sees the foot prints, only when they submit to the Town for permits they will show the size. They have to tell the density requested for the project, Leeanne adds we control the people and the size of the building, but not the internal sizes of building.

Krieger asks about "CL" zoning, no residential.

Reilly stands that ALF is a residential facility; Ritter confirms that in all the FS they refer to "residential". Also "INS" zoning no residents. Reilly comments that the Council suggested to P&Z Board not to have Assisted Living in R/LC zoning.

Leeanne comments that this is all "conditional" so the applicant will have to come before the Boards for approval.

For Homework:

- Go through table & review for next meeting
- Table 1-3 district provision- add words
- 1-2 Land Use & Zoning- add words
- To edit and look at where to add words page 53 Article II
- Reilly suggest reading & use for guidance what attorney did and match to FS and Table page 13/18 in Agenda.
- Next meeting work on "wording", Ritter suggests taking all out of FS. ch419 & 429

Ritter asks about things from the Town Attorney, Reilly responds that he did it, it did not mean anything. Ritter responds why we are using the attorney and being billed for his time if we did not request anything. Reilly explains why the Attorney got involved, so that we could show we are working on an Ordinance and a plan cannot be submitted, Leeanne adds if they submit a plan it can be denied.

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

- R/LC & Future Land Maps

Reilly not here next meeting

I. PUBLIC:

Leeanne told Board about going to the Florida Planning and Officials training program it was incredible, Bonnie went, Denine & Debby also attended. Denine is making copies of a wonderful notebook that we all received to give to the Board. Leeanne explained that at the training the class could ask questions and instructor answered all of them. Leeanne asked the question about accepting someone on the telephone for a public meeting. The response from the room was a "no". Sherear told Board that we are going to be a member of the Florida Planning, and as a member 2 or 3 Board members can go to the seminar/training, there is one coming up in September in Orlando and the Town will pay for them to go. Leeanne went on to comment on the instructor and his knowledge on the comprehensive plan and specialties.

J. OLD BUSINESS/NEW BUSINESS:

K. ADJOURN

There being no further business to discuss, **MOTION:** Krieger/Ritter to adjourn this meeting. **Vote:** All Ayes. The meeting adjourned 9:55 P.M.

BY:

Patrick T. Reilly
Pat Reilly, Chair

Denise Sherear
Denise Sherear, P&Z Board Secretary

8/28/13
Date Approved: as corrected

P&Z,

Here are the Table's that we need to update. Please add your Designation and Conditional (C) or Permitted (P) into the columns. This is my example.

Table 1-6.1(B)

Conditional Land Uses	Minimum Size Site	Minimum Width/Depth (feet)	Access Required to Street	Building Setback from Residential District/Nonresidential District (feet)	Parking Lot Setbacks from Adjacent residential District/Nonresidential District (feet)	Perimeter Screening Residential District/Nonresidential District (5)	Curb Cut Controls
Group Homes	(3)	(3)	N/A	N/A	N/A	N/A	(7)
Nursing Homes	2 acres	210	Paved	60/30	25/20	Type A/C	(7)
Hospital and Extensive Care Facilities	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
Assisted Living Facility							
Level 1 (1 to 5)	2 acres	210	Arterial	100/75	25/20	Type A/C	(7)
Level 2 (6 to 15)	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
Level 3 (more than 16)	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
Adult Family Care Homes							
Level 1 (1 to 5)	2 acres	210	Arterial	60/30	25/20	Type A/C	(7)
Level 2 (6 to 15)	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
Level 3 (more than 16)	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
Adult Day Care Facilities	5 acres	325	Arterial	100/75	25/20	Type A/C	(7)
(No levels, no overnight)							