

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
AUGUST 28, 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

ADDITIONAL ATTENDEES:

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

Reilly to move Public up to before discussion to allow gentlemen that submitted "speaker card" to come & go.

**D. CONSENT AGENDA:**

1. **Approval of Minutes** Planning and Zoning Meeting – 07/24/2013  
Planning and Zoning Meeting – 08/14/2013

MOTION: Krieger/Ryan to approve minutes of 07/24/13 as edited:

VOTE: All Ayes.

Ritter, page 4/32 6<sup>th</sup> parag. 3<sup>rd</sup> sentence acres should be acre.  
Page 5/32 2<sup>nd</sup> to last parag. 2<sup>nd</sup> sentence "there are" add are after there.

MOTION: Krieger/Grant to approve minutes of 08/14/13 as edited:

VOTE: All Ayes.

Ball, page 1 under "C" last sentence take out "a" after about.  
Korn, page 2 2<sup>nd</sup> parag. "conditionally" should be conditional  
Ball page 2 2<sup>nd</sup> parag. 5<sup>th</sup> one down "Art III and ask the attorney  
Ritter page 3 3<sup>rd</sup> parag. from the bottom 1<sup>st</sup> sentence should be "Ritter says we should not regulate how many persons per unit."  
Ball page 4 last sentence, spelling "sovereignty"  
Ritter page 4 3<sup>rd</sup> parag from bottom 2<sup>nd</sup> line add end after one  
Leeanne page 4 1<sup>st</sup> parag. 6<sup>th</sup> line down a "," after money & 2<sup>nd</sup> parag. 8<sup>th</sup> line down "?" after want

**Public:**

William (Willy) Carmine, 1322 Stat Rd, Palm Bay 32907, I am the current owner of Malabar Mo's, for the past 12 years. The reason I am coming to you today is I am looking at purchasing a parcel of land at the corner of Malabar Road and US1, 1300 US 1 is the property address. I also own

Route 1 Motor Sport, which is a power sports dealership we sell sea doo water crafts and ATV's, 4 wheelers, and motorcycles. I am looking at this property to build a new facility and vacate our business in Grant, I have been in Malabar my whole life, I would love to bring my business to Malabar, we currently employ about 10 people. We have been growing every year we have been there since 2007 and we are looking for expansion. There is 3 acres at the location at 1300 US 1 and after speaking with staff I understand I would have to go through a zoning change of the property for the use that I am looking for, from R/LC to CG, for the size of the building. I just want to ask this Board, is this the type of business you see fitting in to your demographic or what you would want in the Town of Malabar. Willy explains where the property is located it is not the corner property just north of Malabar Road. LEEANNE explains the property is next door to her to the south.

KRIEGER asks what type of business and what do they do. Willy explains sales and service and that he has out grown the building in Grant, we presently lease the building. I am looking to buy a parcel and build a building, size wise I am looking to build a 10,000 sq ft. We sell new & use primarily new and service. RYAN asks if that property has access to the river. Willy explains it has riparian rights but it is not anything that we will be using; REILLY adds it is Coastal Preservation.

REILLY explains that the only issue is that it is a step up in Land Use, I don't know what the neighbors would say, what happens is that within 500 ft of the property the neighbors will be notified for the public hearing and from that you will get a "public feel". Reilly suggests asking the property owners in that area to see how they feel about this.

KORN asks Willy, do you feel there is enough property for your building and parking and not feel crowded. Willy responds there is 3.25 acres plenty of room in my opinion right now we are operating on 3/4 of an acre. This is my first step before I commit to the property; I just want to get a feel from this Board what your thought is of it. LEEANNE adds that it would be her next door neighbor, I have to admit I know Willy & Kelly and I have known them for years, I have watched what they have done with Route 1 Motor Sports and Malabar Mo's and how they improved that property. My only concern is that the property used to be a junk yard, so I do not know if there are any environmental issues. I would have no problem with you being my neighbor. It makes sense on US 1, BALL adds what else are you going to do on US 1 that makes any more sense, but what he is proposing, KORN says, who would build on US1. Reilly says to make sure you have enough frontage that is the key. Willy says there is 260 ft across the front. Willy also looked into adjacent properties to the 1300 US1 to add to this lot.

REILLY comments to Willy that he hopes the Board has brought issues that you are going to be facing; it seems "doable" so far. LEEANNE comments that she is sure the building department will give you all of what the Board will want to look at. Willy explains that this is the first step to see your thoughts on this; it is a long road ahead to complete a project like this. Willy says hopefully he will be able to bring another business into Malabar.

MR. PALADIN has made copies about traffic study and traffic information comparisons from apartments to ALF's and what the difference is in density, and handed out to this Board. (Attach to Minutes of 8/28/13). MR. PALADIN explained to the P&Z that he gave DENINE a copy of the "Marketing Report" he just got back, I am going to send it to her digitally so she can send out to the Board. It is quite extensive it covers Brevard, Indian River, and St Lucie County.

MR. PALADIN explains as far as what I am proposing here on the overall sq footages, on my original project where I was going to do condo's which is not in demand right now my total sq ft with just under air conditioned was 260,000 sq ft. What I am proposing to do with the ALF, my total under air conditioning is 150, 500 sq ft it is not more intense it is more units, but less sq footage and less intensity. The trip monitor that I sent you will show you there are fewer trips per unit; there is about 25% less than what you would have in an apartment building. I know you did not want to put more

intensity on the infrastructure. This would be less intense. I just want to make the point I am not increasing the intensity.

Paladin goes on to say the reason I need a certain amount of density and units, I need to justify the things I have to do. I need to run water and sewer 2.25 miles; it is going to be 2.5 million dollars. I need to have a certified architectural firm to do my architectural drawings. I need to have a restaurant facility here and a care package. I need to lay it out to have "first class" residents to take care of the people. You can't do this with just a handful of people, the numbers we worked out with all the marketing reports is quite extensive, and there are certain numbers that trip the buzzer, as to where you can go. In single units we talked about a minimum of 500 sq ft, that is fine with me it can be a little bigger. I got the space I got 20 acres. I am doing almost the same thing in Indian River County on 7 acres. As far as the two bedroom units we are talking about a minimum of 900 sq ft, again another 100 sq ft doesn't matter. I don't mind expanding units, but I need a certain amount of density in order to go forward and warrant spending that kind of money and bring a "first class" project in to Malabar. I think running water and sewer down Highway 1 is going to give a lot of value to all properties along Highway 1. I think your riverfront is going to come alive, not too many people have the opportunity to have a riverfront like that and me running the water and sewer is going to make it a huge difference, I want to do this as a team player. I do not want to do anything you do not want me to do, but I need to do a certain amount of things in order to justify spending that kind of money, so that is where I am and I would be happy to comment on any questions you have or answer any questions. As far as the design and the style that is all going to come when we get our architectural drawings in, you are going to review all this stuff and tell me if you like it. What we are looking for now is the first phase, the wording you're trying to do and you made a lot of progress. I am looking for something to say, "ok Mr. Paladin you can build an ALF on that parcel that you own and you can get "x" amount of units between 240-250 or 280 whatever we decide on, that's what I need for me to go forward to spend the rest of my money and sign the developers agreement with Palm Bay, which I am negotiating with them and have a rough draft already. I have been very diligent about moving forward, so that is what I am looking for. Any questions let me answer as you go; it is easier to keep up with everything.

**E. PRESENTATION:**

**F. ACTION: NONE**

**G. DISCUSSION:**

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

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

Reilly thanks Board for continuing for last two meetings without him. I will miss next meeting (9/11/13) It looks like everyone agreed on the tables. Reilly asks Denine to provide final versions of tables; it is hard with strike outs to determine final tables. Reilly discussing Table 1.6.1(B) page 8/32, Ritter asks about Community Residential Homes being on "paved" streets, suggestion to change Adult Family Care Homes Level 1(1 to 5) to "paved" instead of "arterial" the Board is in agreement with this change. Lianne has question about page 9/32, "Adult Day Care Facility" we should allow in R/LC as a conditional use, and it is a day care with no over nights. This would be an appropriate use for R/LC. Reilly explains that there will be a description of each of the facilities.

Reilly received a speaker card from Pauline Jones, 2505 Waring Lane Malabar FL. basically what I want approval for is I want to have an adult family care home, in my home. I want approval to have two patients. Reilly responds that presently you cannot do that we are working on the Code to allow you to do that. Reilly explains the other people that have come before us have been denied.

We are working on the Code right now to allow that. My name is Regina, I actually live in Palm Bay and I think there is confusion when you say adult family care homes, because you can have one to three patients but you can have two residents in your home privately without coming to the Town, when you go under the situation of the adult family care homes then you are going under the state of Florida, which only allows you to have 4 patients in your home, and 1 of those beds have to be a Medicare bed. What Pauline wants to do is the 1 or 2 patients because if she does the adult family home she is stepping into a different entity, she will have to take the class and the state comes in and different agencies. Korn comments that what she wants to do would be income producing and if so how does that affect the law. Korn is saying that you are allowed to have a business that is income producing caring for people in your home without permission of the jurisdiction. Leeanne is concerned that you can't without a license, how is patient paying you through an insurance company or through the state, you have to be licensed and regulated by the state to be able to take any kind of patients. Regina is explaining to the Board that there is a state exam that you can take. You need official approval from your Town depending on the number of persons that you are going to have, without the approval of the Town we can have two people. Regina is saying that it is legal to do "private pay", and through a lawyer a contract is written up and all she would have to carry is malpractice insurance in her home in the event that something happens while that patient is in her home. Leeanne explains there are some issues if a home is in a residential community that is supposed to be single family residential and she is operating a business out of her home even though they are private pay they are operating a business, to operate a business you have to get a business tax receipt through the Town of Malabar to operate the business. If she is operating a business but she is in a residential area that is single family residential then she is not compliant with our current zones. Leeanne explains that we are trying to establish new guidelines, but we would still have a problem with this, I believe Mr. Chair because you're in a residential area that would be a zoning issue not necessarily prohibiting you from taking care of people, but prohibit her from her current zoning, Reilly agrees that it is 100% correct. Regina explains that you have to make sure that there is not another home within a 1,000 ft operating under that same name, as an adult family care home. Korn says that it has to come in compliance with the Ordinances of this municipality which we are working on and eventually have the provisions, we are not going to hurry into anything, or forced in to anything, Mr. Paladin knows that. Korn explains that you cannot make your own zoning, you cannot decide on your own to open a business in a single family residential area. Reilly says that presently if you look at our Table 1.3-3(A), Waring Lane is in RR65 in first column and there is "zero" conditional uses or permitted uses of any of these facilities in RR65, right now it will not fly. Reilly explains that our Board does not think the future of our Town would benefit by having adult care facilities or any of these in RR65. Regina comments that right there are numerous adult family care homes in place, because there are individuals that are not willing to put their loved ones in a nursing home, etc simply because of the short staff and everything that goes on. This is why these adult family homes have been put in place and people are living longer lives, rather Malabar get into the swing of things they are moving and growing fast.

Ritter is reviewing the FS page 88/160 in ALF book and she is correct for adult family care homes, for not more than (2) adults under FS 409.212. & FS 429.67 #5. Ritter is explaining to public that the RR65 is more of a farming and agricultural area. Leeanne adds until now we have not had any zoning to accommodate any type of facilities whether there were 2 patients or 100 patients that is what we are working on presently. Ritter comment that FS 419 includes these types of homes, and are also regulated. Korn comments that we would not want anyone in Malabar that is not subject to the word of law.

Reilly & Board comes back to discussion on ALF-

Reilly suggests that the two tables to bring back to next meeting (9/11/13) clean copies. Reilly suggesting moving on to Article III language, Ritter would like to let the Florida Statutes cover everything, so we need to incorporate the FS into this language. Leeanne adds since the FS cover

so much what do we actually have control over. We have already established the following restrictions:

- Height
- Malabar Building vernacular

So it is how many units per acre and how many people per unit, and FS will cover the rest. Reilly goes to page 14/32 of packet # 8 is changing from "Group Homes" to "Adult Family Care Homes". Ritter explains that in FS they are listed as, Community Residential Homes,

- Assisted Care Communities is FS Chapter 429 (2012)
  - Assisted Care Communities
  - ALF's
  - Adult Family Care Homes
  - Adult Day Care Centers
- Community Residential Homes is FS Chapter 419 (2012)
- Nursing Homes and Related Care Facilities FS Chapter 400 (2012)

Ritter explains it is the type of use and intensity and the environment of the situations. There is Social Welfare and Public Health so I would like to somewhat copy what FS does, it will make it easier for someone to go and get all the details. Ritter suggests more heading and subsets but it will make it easier for people to understand.

Reilly suggest redo in Article II Land Use & Zoning Section 1-2.6 Land Use Classifications "B" starting with #8-9-10. Reilly asks if everyone agrees, and consensus was yes.

Krieger, suggests use a small preamble that the terminology that we will be using is in line with the Florida State Statutes.

The Board is discussing Art. II and format.

8.)

Public Health Ch381- 408 FS title 29

- A.)Hospitals/Trauma Centers
- B.) Substance Abuse Services
- C.) Mental Health
- D.) Nursing Homes

9.)

Social Welfare Ch409-430 (Elder Affairs) FS title 30

- A.) Community Residential Homes
- B.) Assisted Care Communities
  - 1.) ALF
  - 2.) Adult Care Facility

10.)

Nursing Homes

- A.) Hospice
- B.) Intermediate Special Services
- C.) Healthcare service pools

Korn says that Public Health and Social Welfare, what that says to me is two different sources of funding. Social Welfare is public assistance. The necessity for Public Health will be a result of an actual series of infirmity as oppose to Social Welfare which is done strictly voluntarily public assistance.

Leeanne explains that Public Health is how what you are doing affects all those around you, how your health and what you are doing affects those around you and the Social Welfare is the welfare of the people that are doing what is important to me.

Krieger asks where "Group Homes" will meld in with this Table 1-3.2. Ritter responds "Community Residential".

Reilly says that #10 "Nursing Homes" stays in Art II, just update wording.

Krieger asks why under the "Hospitals & Extensive Care Facilities" why do you need and Extensive care Facilities, underneath in (a) it describes the "Extensive Care Facilities" on page 14/32

Leeanne is explaining that it is like Holmes Regional and Kindred Hospital, Holmes has an "Emergency Room" and Kindred does not have an emergency room, Holmes you get treated and released and Kindred is an extensive care facility.

Ritter says #9 on page 14/32 we can take off the "Extensive Care Facilities". Korn brings up that a few months ago a group came before this Board asking for approval for a "group care facility" implying in the application that it was a medical facility, which it was not at all; we need to avoid that pitfall.

Ritter explains that there are sections in the FS that just depends on the exact situation.

Reilly and Krieger discussing # 9 page 14/32 "Hospital and Extensive Care Facilities", Krieger asks is an Extensive Care Facility a Hospital and response is "no" by Board members. Reilly explains that they are institutions. Reilly suggests keeping Table 1-3.2 consistent with Art II verbiage leave #9 as is.

Reilly is explaining that in Art II Section 1-2.6 Land use classifications under "B" 1-14 is where we will be inserting suggestions starting with # 8.

Homework:

- Words to put in those categories in Art II. Use other existing headings as examples.
- Preamble the terminology we are using are from the FS subject to FS

Ritter explaining that we need to put in this section that as the FS updates and changes these Statutes will be subject to the updates changes. Ritter will type up a format and get to Denine before next meeting.

Krieger suggests going back to Table 1-3.2 and looking at ALF in RR65 & R/LC because of the people that came in earlier to speak. For some of the lower levels ie. 1-5 type use. Remember R/LC is going to be along Malabar Road and there is large acreages involved there is a lot you can do but you can still limit the people.

Korn talking about state Statutes up to two people and we have not addressed that yet, I live in RR65, if someone were to have two paying guest in a home in my neighborhood I don't think you would change the nature of that neighborhood. Korn asks if we have addressed in Mr. Paladin's project the evaluation of his plan is he going to have enough customers to justify his expense. Leeanne responds we have touched on it briefly several times. Korn says at the last meeting number of units and number of persons which is more important to use number of persons per acre or number of units? Ritter is explaining to Korn at the last meeting I wanted to get away from units. We should not be in the business of telling someone how many units and what size they are. The Florida Building Codes & FS already restricts all that, what we can do is say how many persons per density that is allowed per acre. Ritter explains the density, how many people per acre. Korn asks if we have established that. Ritter responds that it was gone over very extensively at the last meeting. Reilly said it is in the minutes. Leeanne adds that there was a worksheet that Bud submitted. Grant reads the worksheet that 4 persons per unit= 152 person for 19 acres = 9 persons per acre, from Krieger.

Ritter comments that the minimum was 15 per acre. The minimum was 500 sq ft per unit, with 1 or 2 people, that is covered in the FS & Florida Building Codes. It got around to maximum density of 15 persons per acre. Krieger asks that we did not define "unit" in terms of conditional use. Ritter said that units are already taken care of; it should not be our business to tell how many people per unit, the size is restricted to 500 sq ft minimum. Ritter explains our restriction is our maximum density per acre.

Mr. Paladin explains that we are not only restricted by the state Statutes but also by our certification board on the ALF's. They have to approve all this to be state certified boards and agencies that are running these places. For example the regular condo zoning I had been RM6, 2-3-4 bedroom units, mostly 3 bedroom units you are not defining how many people in each bedroom you can't do that, so when you are starting to do your ALF's, I brought you some formulas from other counties, it is based on the density of 2.5 persons you look at the intensity, the trips, the sq ft it almost works out to where you want to be. If you are talking about a 500 sq ft unit and a standard apt is 1500 sq ft that is 3 times. It all balances out. You need to define what we allowed to do before we can commit to do it. Ritter responds with the number we are looking at for density is 15 persons per acre. Paladin says that works. Ritter says unit is whatever you want it to be with however many people you want it to be, that was the problem we had. We didn't want to do units because we couldn't say specifically how many people are in a unit and that is not for us to do it is covered under FS & Building Codes.

Paladin says if he is zoned RM6 and he wants to do an ALF. How many units can I build on my 20 acre parcel? Reilly says  $6 \times 20 = 120$  Paladin says under my standard zoning. But I am looking to do an ALF there I can't build an ALF there with 20% of the sq footage with the same amount of units it does not make sense, it does not financially work. Ritter comments that we don't care how many units because you are already restricted to size, that is why we did people per acre so if you have 15 people per acre you have 19 acres that is 285 people. We are not using units. Mr. Paladin is explaining in all the reports, so many beds and so many units. The beds are what the density is. Ritter responds we can be specific when we say 15 people per acre. Leeanne adds that is up to you as far as how many units for those 15 persons per acre.

Mr. Paladin explains that if we have a 4 bedroom house and if I am zoned RM6 and I have 6 four bedroom units and 1 person in each room that is 24 people, that is a standard RM6 zoning. So when you are telling me I can only have 15 people, I am just asking about the wording to say beds and units, every other place where I build ALF's does the wording like that. That is the way I set up the finances, that is the way we set up what we can do and what we can afford to do. Ritter asks how they define "unit". Paladin responds "a room". Leeanne says if we tell you people and then you can define it however you want as long as it matches up to how many people we are saying. You can do the conversion or equation to do what you need to do. Paladin says you have to be careful of wording, look at the wording on the adjacent counties how they define "beds" and "units" that is what we need to accommodate the certification of the state and what we want to do. Korn asks Paladin, "Can you live with 15 "beds" per acre" and you break it down to units in whatever way you find most profitable. Can you come up with 285-300 permissible people to live on your 19 acres? Paladin responds "no" realistically under my standard RM6 zoning where I was going to build condos, I can have more than 285 people living there and I can only have 114 unit, In order for me to do what I have to do you have to define "units". Ritter explains the problems with units or beds we do not have an actual residential number. Grant adds we are a rural community and we are concerned with an impact and the impact is people. Paladin explains about intensity and density in a standard apt building you are going to have 2-3 cars per apt. In an ALF facility it is a proven fact that is why you don't have to have as many parking spaces, you going to have 1 car per every 3 or 4 units is what it comes out to. Paladin says even though we are a rural community but when you try to define "people" and not "units" you get into a problem. You can't use the people

to give me a higher level of numbers of people than you do on your standard zoning. There is a bonus for doing Assisted Living in every county that I worked in, they give you a bonus because they realize your building smaller units, you are giving me a penalty it does make sense doing it that way. Ritter responds you can do three units and say there are 5 beds in each unit; it would be the same as saying 15 persons per acre. Mr. Paladin responds that he does not want to build less units. I want to be able to build between 240-285 units to do what I have to do. I am asking for assistance in wording to go forward, if you say people it will not fall into criteria I need to do my project. Ritter responds that we will have to adjust. Paladin says we are not far off from doing what we need to do. Ritter responds that we are rural residential there is a difference we are not Palm Bay and we are not Sebastian, we're not Indian River County that is our community. Paladin says you have RM6 zoning. Ritter responds you are not building a house your building a facility. LeeAnne adds that when you say 18 people in Indian River County, and if we say we would prefer it be 15 people here. It is not a penalty; we are not trying to penalize anyone. Paladin explains that you are going backwards instead of forwards on this. Reilly says he understands what Mr. Paladin is saying and explains to the Board. He was allowed 6 units per acre x 4 people per unit = 24 people per acre, he went from 24 people per acre down to 15 people per acre. Paladin explains he needs the wording to say "units". Reilly suggests that we have to look at what the other communities are doing for wording. Reilly says he can't agree to change to people, if you change it to people and we're the only community that does people than how can developers go forward. If other communities do units and beds we have to stay with that, I don't like the 2.5 average, I would rather have 2 or 3 but I understand it is an average. Ritter responds that we cannot tell them how many people per unit that is why it is an average. Ritter explains that we are not doing this just for Paladin project we are doing it for everyone.

Paladin explains that if I lay out my plan and certifications and all my architectural and said ok, we are allowed 265 people, everyone would say I was crazy no one would pay attention to what I was trying to do, it would not fit anything. But if I said I am allowed 235 single units and 35 double units, 561- 982 sq ft now I got what I need to move forward. Our numbers overall are not far off it is the wording. Reilly says it is RM6 that tells you right there. Paladin is asking for over 6 units per acre because he is doing an ALF, I am not asking for something under, I need somewhere between 245- 285 units. Ritter says it's just the wording, LeeAnne explains that the reason we ended up where we did was because instead of telling you how many single, how many double, how many triple units letting you come up with those numbers. If we said you can have 250 people then you tell us how the units will break down, because we are not designing the interior. Mr. Paladin says that is his job to come back with the design and you have to shoot it down or approve it. I know "units" is defined everywhere else we ever been. Korn adds that you want us to speak to the standards of your industry. Ritter says that is pretty much everyone's standard.

Reilly wants to go back to the folks that came in and wanted to build the Market on Us Hwy 1, they wanted to build a building of 40,000 sq ft as the unit and create 3 bays. Is the unit the building or the 3 bays? In a commercial world the building is the "unit" because it is defined as sq ft in commercial applications and what Mr. Paladin is allowed RM6, 6 units per acre. Paladin explains that everywhere else they have a formula as to how many "units" you can have if you do an ALF because they realize your ALF's units are going to be 500 sq ft... LeeAnne adds there will also be common areas which have to be considered into these units also. I explained in my condo units I had 260,000 sq ft of air conditioning space, not including my club house and did not count 2 car garages, and terraces on the condos. Here my restaurant is 3800 sq ft of common area. In order for me to lay out my formula to move forward that is why that formula is worked out. There is no way with me building 114 units because if that is what I am allowed to do on my RM6, I might as well go home now and you only tell me you don't want me here, I might as well leave. There is no way it is impossible. I just need the proper terminology to move forward, I need "units". In a rural area this is the least intensive product you can put on that parcel. It falls in your rural area and works out there on Highway 1, and running water & sewer 2.25 miles, you know how many

problems you have along the 2.25 miles because you don't have water and sewer. I am only asking you to let me do it. There are a lot of problems along 2.25 miles, you have a beautiful riverfront, and you can do this right. Ritter adds that there is Coastal Preserve property along the river. Paladin says he is the team player. I am just saying there is some things you have to word to my industry for me to move forward and continue with my financing, I can't do it when you say people. Don't change the RM6 leave that as it is.

Reilly explains the only 2 zoning this affects is the RM4 & RM6. Paladin explains that is why we use state people and formulas to build these ALF's., a sophisticated ALF that is top shelf is what we are trying to do, there is a need for it and all the marketing studies say we can make money doing it. I just need to have the wording correct so I can go forward. Korn asks so that we know where to look in the future, what is a working number. Ritter says he is in RM6, Korn says but if there is an exception to the 6 limit. Paladin explains the formula for the ALF's is 2.5 times the zoning. So if you have RM6 you can have 18 units that is the way it is worded, that allows me to do my units because I can show I can build so many units to justify my restaurant, nurses, 2.5 million dollars of water & sewer I can make it work, Leeanne says we have to determine what 2.5 x RM6 units, for the ALF. Paladin explains it is a special use with that formula to give you the density you need on the units for the ALF to be built.

Reilly explains that if you do 2.5 units per acre times 6= 15 units per acre. Paladin comments that when you approve the site plan you don't have to approve 4 people per unit that is when you don't have to approve it. Reilly explains that is conditional use, Leeanne explains that we are also developing our tables for futures that come down the road. Reilly explains the value of 1 person verses 3 people is 500 people difference in your case. Paladin says he cannot put 3 people in a 500 sq ft unit and get state certified. Paladin explains that 500 sq ft is for 1 person and 750 sq ft is for 2 people. The state is going to monitor. I have state inspectors that tell me what I can and can't do. Ball comments that we are not writing the rule for you we might have someone else come in we are trying to understand how to make this work. Grant understands that a "unit" is 500 sq ft per person. Ritter explains that 2 people can live in that unit max. Paladin says he has a stack of area ALF's and none have 3 people per unit. Reilly & Korn discussing with Paladin the ratio of single and double units, Paladin responds that the ratio is 75% single. Korn says of the 285 units allowed by the Town, the worst case scenario of density is 500-550 people. Paladin says he does not see that happening.

The Board is discussing the formula so all understand. Reilly explains in the wording we can put maximum units per acre is 2.5 x (the zoning). They are all conditional use, they have to come before this Board and we can say your density is too much. (Maximum of 2 people per unit) Korn says you may have 3 persons in a 2 bedrooms as a caregiver. The Board thanks Mr. Paladin.

Reilly for next meeting:

- Help in the preamble 2.5 X \_\_\_\_\_(debate) able in ALF (B) Social welfare (B) 2.5 units per acre (RM4 & RM6) ALF Level 3 more than 16 persons

Reilly is discussing Table 1.3.3(a) page 11/32 PZ packet the density levels and Ritter adds that these were suppose to all change from "6" to "4". It is restricted because it is with water and sewer. Mr. Paladin is explaining that ALF's is only allowed in RM-6 in other areas.

Reilly wants to add "persons" in table 1-3.2. by the levels

- The units per acres on each of these zoning
- Updated charts as of 8/28/13
- Move on to Art III & Art VI
- Update report to Council 1<sup>st</sup> meeting in Oct. (Pat)power point

Ball asking about taking of people in your home, we need to look at Codes for 1 or 2 persons in home care approval from local government. Leeanne comments maybe we need to accommodate

these type homes so we know they are out there. Korn says it is different if a person needs health care needs. Ritter says in the RR65. Korn says there is a state law for 1 or 2, we need to address that. Leeanne says that local government needs to give approval. Reilly says look at allowing in RR65 1 or 2 persons in Adult Family Care Homes with an asterisk and conditional use, following the FS for 1 or 2 persons. Ritter & Korn comments to reference FS. Ritter read from FS 429.652.

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

Future Land Use Maps as a discussion and defining R/LC (Land Use Change)

#### I. PUBLIC:

#### J. OLD BUSINESS/NEW BUSINESS:

Pat is going to ask Bonnie for the planner's assistance to come to meetings. Get ALF books to Planner & Attorney

Ritter says the Coastal Preserve (CP) is not suppose to have anything sitting there (old Logue property) asks about the RV camper has been there about a month on riverfront has Bonnie said anything about this? Sherear responds not to my knowledge. Ritter says that she had said something to her. Sherear responds, "I will ask BW". Ritter explains that someone new purchased property. Ritter said that she remembers that someone down in Rocky Point could not park a boat on a trailer on the river. Reilly says CP is just a zoning.

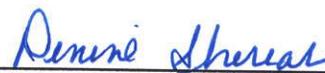
Leeanne we do these Codes and you have to have a permit for this and that but we are standing outside and we are watching 4 dump trucks go up through our parking lot to our neighbors house to fill in the swimming pool on a Sunday, so they filled in their swimming pool with dirt without a permit. We come to the Town, well we are reactive not proactive well you need to react because they did not pull a permit. I do not know if they are required to collapse the walls or do anything else with the pool but they decided on a Sunday to fill their pool with dirt and not do anything else and not pull a permit. If we are going to go through all these exercises to do all these things we need a little more support in making people compliant to the codes we are developing. The County came in and told them they can't put a septic tank there because they were within 75 feet of your empty pool. So homeowner said they would fill it. They filled it on Sunday and put septic in on Monday. They should follow certain guidelines that everyone else has to follow.

#### K. ADJOURN

There being no further business to discuss, **MOTION:** Krieger/Ritter to adjourn this meeting. **Vote:** All Ayes. The meeting adjourned 10:05 P.M.

BY:

  
Pat Reilly, Chair

  
Denine Sherear, P&Z Board Secretary

9/11/2013  
Date Approved: as corrected