

“The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board.”

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
SEPTEMBER 23, 2015 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, EXCUSED
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	DOUG DIAL, EXCUSED
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA:

- 1. Approval of Minutes**
Planning and Zoning Meeting – 8/26/15
Planning and Zoning Meeting – 9/09/15(Not Ready)
Exhibit: Agenda Report No. 1
Recommendation: Request Approval

Motion: Ritter/Abare: To Recommend Approval Minutes of 8/26/15 as presented All Vote; Aye

Reilly asked about the status of minutes on the Town web site. Sherear responded that it is not completely up to date presently, but she is working on it.

E. PUBLIC HEARING: none

F. ACTION:

G. DISCUSSION:

- 2. Continue Discussion to Amending Assisted Living Facilities (ALF) Ordinance 2014-01 ref: to Office/Institutional (OI) Zoning.**
Exhibit: Agenda Report No. 2
Recommendation: Discussion

Reilly suggested taking out the words “assisted living facility” on page 11/30 B Part I Long Term Care Facility. Reilly said he went through Florida Statutes Chapters 400 & 408 and there is no mention of “assisted living facility” or “adult family care home”.

Ritter explained to the Board her handouts for the Florida Statutes that were used and the changes made in 2015 with adoptions and updates. The Board discussed the handouts that Ritter handed out. (Attach to these minutes)

Foster asked Ritter about taking out the words that Reilly suggested above and she was in agreeance.

Ritter said in looking over the 2015 Florida Statute updates in reference to the licensing, the Town does not have much to do with it.

Ritter said Assisted Living Facility (ALF) needs to be put by itself, Abare said we have the right of where we want ALF's, and Florida State has rights in reference to an ALF in a house 1 or 2 beds.

The Board numbers the pages that Ritter handed out about Florida Statutes (pages1-14).

Foster discussed where in Town would a large facility be placed, Reilly said RM-6 (high density) & RM-4 (low density) on US 1.

The Board discussed the table of locations for ALF's.

Reilly suggested to the Board to go through handouts that Ritter provided at this meeting, the two things to look at is “Public Health” & “Social Welfare”.

Abare said to make an Ordinance that the Town defines where ALF's are allowed as far as zoning, acreage, and location but everything else will be according to FL Statutes. Reilly/Ritter discussed that what needs to be in Ordinance is what the Town does not want. Foster said we should say the minimum in our Ordinance and then say according to FL Statutes.

Reilly explained that when this Ordinance was originally written the Board went through the different Florida Statutes referencing “Public Health Facilities & Social Welfare” inserting what the Town would accept.

Abare suggested for paragraph on page 11/30 B Part 1 Long-Term Care Facilities to insert “not” in front of assisted living facility & “not “in front of adult family care home. Foster suggested a sentence at the end stating not to include assisted living facility & adult family care home.

The Board suggested the following changed version:

Part I Long -Term Care Facilities

“Long Term care facility” only means a nursing home facility or not assisted living facility, not adult family care home, board and health care facility, or any other similar residential adult care facility (additional reference: see Florida Statutes, Title XXX, Chapter 429, Social Welfare)

Reilly suggested for Homework:

- Go through Ritter's handout packet from this meeting
- Look in between comas on Part I Long-Term Care Facility and put yes or no.

- Research definitions on what is a nursing home facility and adult family care home, board and care facility

Foster asked about Part V on page 11/30 the Intermediate Living Facilities; possibly eliminate this from what we would accept in the Town. Abare agrees and Foster agrees. A potential area for problems for properties to be destroyed or run down.

Reilly said to look at Part V on page 11/30

Page 14/30 Table to remove "C" under "OI" for Nursing Homes and Related Health Care Facilities
Page 16/30 Section 6 "Assisted Living Facility" As defined in section 1-2.6.B.12.B, 13.B, Part I.

3. Discussion: The 500 ft. Radius notification for Public Hearings

Exhibit: Agenda Report No. 3
Recommendation: Discussion

Reilly explained to the Board that he asked staff to see where the 500 ft. Radius is presently in the Code Book. It is in the Board of Adjustment for variances & vacates. Abare said that it should be in other areas of Code Book and we should make a list.

The Board made the following List:

- Site Plan Reviews
 - Commercial Site Plan
 - All Conditional Uses
 - Public Utilities
 - Abandonment of ROW
 - BOA for variances
 - Land Use Changes and rezoning
 - Abandonment of improved and unimproved of existing ROW
- Look for distances for categories

The Board discussed where to insert the above list in the Code Book: Administration/Land Development

Foster said things are important for vacates when you talk about a public right-of-way everyone will be affected. It should be publicly advertised.

Reilly suggested Homework:

- Add to above list notifications for Public Hearings
- Make suggestions of footage for radius for different notifications

4. Discussion: Article III- District Provisions Table 1-3.2 Land Use by District Community Facilities- Reference to Churches & "Conditional Uses"

Exhibit: Agenda Report No. 4
Recommendation: Discussion

Abare explained a few weeks ago two gentlemen came to a PZ Meeting informally and wanted to get a feel from this Board about convert a residential house into a church. This would be a conditional use (C).

The Board made comments to the gentlemen explaining the concerns of the residents, water/sewer issues, parking, and roads.

Abare said this invites people to come in and ask for conditional use and then they are turned down after paying an application fee and possible site & survey fees.

The Board went through Table 1-3.2 Land Use by Districts. It was suggested to remove all the "C" for conditional use in residential zoning for Churches, Synagogues and Other Places of Worship.

Foster suggested going through the complete Table 1-3.2.

H. ADDITIONAL ITEMS FOR FUTURE MEETING

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

Old Business: none

New Business:

Sherear said that there was a very pre application meeting with Route 1 Motor Sports (Mr. Willy Carmine), he discussed with Morris Smith Town Engineer site plan and Morris will provide a memo on meeting. Sherear said it appears to be a nice project for the Town.

Sherear said that the Malabar Market Place on US Hwy 1 was stopped at this time property owners contemplating on building a single family residence.

K. ADJOURN

There being no further business to discuss, MOTION: Abare/Ritter to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:17P.M.

BY:

Pat Reilly, Chair

Denine Sherear, P&Z Board Secretary

Date Approved: as corrected