



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
APRIL 4, 2016**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Martin Schneider, Vice-Chair	Present
Michele Dubois	Present

Also in attendance were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Scott Schultz, Town Planner, and Kimberly Rowley, Board Secretary.

APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made the motion for approval, and it was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Martin Schneider	X	
Judith Thomas	X	
Michele Dubois	X	

The Motion carried 3-0, and the Agenda was approved as amended.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the February 1, 2016, Planning & Zoning Board Meeting Minutes as submitted. Vice-Chair Schneider made a motion for approval with the correction of one typo, and the motion was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Martin Schneider	X	
Judith Thomas	X	
Michele Dubois	X	

The Motion carried 3-0, and the Minutes of the February 1, 2016, Planning & Zoning Board Meeting were approved.

PUBLIC COMMENTS

Chair Thomas reviewed the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A) A SPECIAL EXCEPTION USE APPLICATION FOR A SUBSTANCE ABUSE TREATMENT FACILITY TO BE LOCATED AT 143 SILVER BEACH ROAD IN THE R-2 RESIDENTIAL DISTRICT. *APPLICANT: NZ CONSULTANTS, INC.***

STAFF PRESENTATION

The Town Planner, Scott Schultz, addressed the P&Z Board and explained this Application is for a Special Exception Use for a substance abuse treatment facility. The Applicant is NZ Consultants, Inc., on behalf of the property owner, Mr. Ashwin Bhatt. The site is located at 143 Silver Beach Road, which is located within the R-2 Residential Zoning District and has a Future Land Use Designation of Commercial/Residential. The adjacent zoning to the north is R-1 Residential; to the south is the R-6 Residence District of the City of Riviera Beach, and to the east and west is the R-2 Residential District.

Mr. Schultz stated that Applicant is proposing to open a substance abuse treatment facility whose primary function will be to provide medical detoxification. The facility will serve up to 12 clients who will be housed on site during treatment, which lasts 5-7 days. The facility will be operated by one (1) registered nurse and one (1) nurse's assistant, for a total of 2 employees per shift. Mr. Schultz pointed out an error in the Summary of the Staff Report which states the employees will be nurse practitioners, however, the employees will actually be a nurse and nurse's assistant. The facility will be open 24 hours a day, 7 days a week, and the nurse and nurse's assistant positions will each have an 8 hour shift which rotates three times over the 24 hour period, for a total of 6 employees during 24 hours. A doctor will not be onsite, but will be on-call should his or her services be required by the nurse and/or nurse's assistant. A total of fourteen (14) persons will be working or residing on site at any one time during the 24-hour period.

Goal 3.4, Objective 5, Policy 5.1: The Town shall protect, preserve, maintain and improve its core residential neighborhoods from intrusion of incompatible uses. *(READS IN PART)*

Goal 3.4, Objective 9, Policy 9.4: A Commercial development that extends to the west more than 175' beyond the Federal Highway frontage line must have its commercial frontage on Federal Highway. The site is located approximately 313' west of Federal Highway. *(READS IN PART)*

Mr. Schultz stated, in summary, Policy 9.4 states that commercial uses should front Federal Highway and uses along Silver Beach road should be residential.

Policy 1.1(b) states the Town shall regulate the use and intensity of land development to ensure compatible adjacent land uses and to minimize negative impacts to existing neighborhoods. This proposed Special Exception Use is *overly* transient in nature since it will result in an annual potential turnover, as follows:

- 2,190 Staff persons, based on 6 person staff during a 24-hour period
- 624-876 patients, based on 12 patients with a 5-7 day treatment
- Police activity at the Site which is not consistent with the nature of the surrounding permitted single and multi-family residential uses. *(To be discussed more under Criteria 5)*
- A potential increase in ambulatory activity over what is expected within permitted single and multi-family residential uses.

Mr. Schultz stated that transient residential uses are allowed in the R-2 Zoning District, however this use is defined as “a dwelling that has a turnover in occupancy of more than two times a year...” and its intent is to accommodate turnover produced by seasonal residential rental units and other similar residential-type rental properties. In comparison, the proposed Special Exception Use is not a transient residential use nor is it a housing alternative, but a commercial business requiring patients to stay in-house for the 5-7 day treatment period, similar to an inpatient treatment facility.

Mr. Schultz further stated that regarding Objectives 4 & 5, the City of Riviera Beach responded to the Town’s request for comments that they do not support the proposed Special Exception Use due to the following reasons:

- Compatibility with adjacent single family residential zoning and future land use designations;
- Intensity of the use that is not consistent with surrounding permitted residential uses;
- Increase in traffic along Silver Beach Road associated with the type of land use;

- Parking on site;
- Operating a 24/7 facility in a residential area;
- Perceived safety concerns.

Mr. Schultz stated that in regards to Criteria 2, Staff finds the proposed Special Exception Use is consistent with the Land Development and Zoning Regulations as it relates to parking, since six (6) spaces are provided and only five (5) are required; paving and striping; landscaping; signage, for which none is proposed; and building height, setbacks and massing, for which no improvements are proposed.

Mr. Schultz stated that Staff finds Criteria 3 is not met since the proposed Special Exception Use is not compatible with the character and use of the surrounding properties in its function; hours of operation; and type and amount of traffic to be generated.

Mr. Schultz stated in regards to the compatibility of surrounding properties, the area where the proposed Special Exception Use is located is comprised solely of residential uses and its boundaries are as follows: the Site is located in the R-2 Residential District and is abutted by the R-1 Residential District to the North, the R-6 Residential District to the South (in the City of Riviera Beach's jurisdiction), and the R-2 District to the east and west. These zoning districts are all west of Federal Highway and contain no commercial uses. He further stated that the proposed Special Exception Use is not consistent with this zoning district since it is a request to operate a for-profit commercial facility. Mr. Schultz noted that a substance abuse treatment facility can have a live in requirement and this Application is strictly proposing a live in component as part of the 5-7 day treatment program, and therefore, it is not considered a residential use or housing alternative. Mr. Schultz further explained that the Future Land Use for the Site is Residential/Commercial; however, the Comprehensive Plan identifies the intent of those parcels along Silver Beach Road as having a residential/commercial Future Land Use as remaining residential and those in this Future Land Use fronting Federal Highway as having the ability to introduce a commercial component that may extend west for 175'. Mr. Schultz stated the proposal is inconsistent since it is a commercial facility not fronting Federal Highway.

Regarding the hours of operation, Mr. Schultz stated the Applicant's proposed operating hours are 24-hours a day, 7 days a week, during which time:

- 6 staff persons will change shifts three times a day or more;
- Clients will arrive and depart from the facility every 5 to 7 days;
- Related deliveries will occur such as food, medical and office supplies;
- Emergencies requiring ambulatory care will produce activity; and
- Issues requiring police assistance will generate activity at any time.

Consequently, all of these activities will create a transient environment which is inconsistent with the residential character of the area.

Regarding traffic, Mr. Schultz stated the proposed Special Exception Use will generate an increased amount of traffic that is arriving and departing from the Site, more than a permitted residential use in the surrounding area, based on the staff and patient turnover, deliveries, police services and potential ambulatory emergencies.

Mr. Schultz stated Staff finds Criteria 4 is not satisfied because the proposed Special Exception Use may create a concentration and proliferation of the same or similar uses that is detrimental to the development or redevelopment of the area where it is being proposed. Similar uses such as recovery residences, inpatient rehabilitation aftercare facilities, or more substance abuse treatment facilities may increase due to the affordability and availability of property within the Town.

Staff finds Criteria 5 is not met because the proposed Special Exception Use will have a detrimental impact on surrounding properties based on the number of persons working, using and residing at the Site based on the degree of noise produced, and based on the amount and flow of traffic generated, as follows:

Number of persons using/residing/working at site: Subsection (a) of Criteria 5 asks for an analysis of the number of persons using, residing or working at the property of the proposed special exception use against what is normally permitted in that zoning district. Staff's findings are as follows:

- The Site is 0.3 acres for which the zoning code allows up to a three-family dwelling unit having a maximum of 9 unrelated persons.
 - In comparison, the proposed Special Exception Use proposes up to 14 individuals using, working and residing at the site at any given time. This exceeds the intent of the lot/area by a 55% increase.
- Annually, the site will exceed use intensities of surrounding permitted residential uses as follows:
 - 2,190 Staff turnover based on 6 staff during a 24-hour period
 - 624-876 patient turnover based on 12 patients with a 5-7 day stay
 - Regular deliveries of office & medical supplies and food
 - Police activity at the Site that is not consistent with surrounding permitted single and multi-family residential uses
 - Potential ambulatory activity.
- For purposes of comparison: A substance abuse treatment facility is not a permitted use in the R-2 zoning district, whereas a nursing or convalescent home is. Please note the differences in these two uses as follows:
 - Nursing and convalescent homes have an average length of stay of 835 days and up to 5 years for Alzheimer patients.
 - Unlike a substance abuse treatment facility, Nursing and convalescent homes are a housing alternative because the stay intent upon move-in is to stay long term.
 - The move-in intent is also different than this substance abuse treatment facility as follows:

- Individuals move into a nursing home to receive assistance with daily living functions that may not be available at home, such as dressing, eating, mobility issues and the like.
- Individuals move into a convalescent home with the intent to receive therapeutic or physical therapies following a surgery and major illness. However, both are long term housing options.

In contrast, individuals would enter this proposed substance abuse treatment facilities not to live, but for treatment that has a predetermined stay. In this case it is 5-7 days.

For the Board's understanding, Mr. Schultz explained the next stage in the recovery process would likely be for an individual leaving detox treatment to enter a living environment known as a recovery residence or sober home. This proposal is for a clinical detoxification facility and not a living environment.

Noise: Based on the nature of the medical services provided, deliveries and staff and patient activity, the known need for police assistance, and the possible increase in ambulatory activity, this proposed Special Exception Use is not consistent with the surrounding permitted uses and will have a detrimental impact of surrounding properties based on the noise generated at the site.

- Staff met with PBSO Lieutenant Vassalotti to review statistics his Department provided of Sunrise Detox, a substance abuse treatment facility, and Northlake Care Center, a nursing home. While both facilities had a larger bed count than what this Applicant is proposing, the information indicated that substance abuse treatment facilities require police services that are inconsistent with nursing homes and residential sites. Specifically, a need for police services for the following type of calls were identified:

- Suspicious persons
- Disturbance in progress
- Misdemeanor
- Mentally disturbed persons
- Theft & larceny
- Fights
- Civil matters
- Suspicious incidents
- Unwanted guests
- Missing persons

Lieutenant Vassalotti confirmed these types of calls are expected with substance abuse facilities, while not as readily expected from nursing homes or residential uses.

Traffic: The proposed Special Exception Use will generate an increase in traffic that is arriving and departing from the Site than will the surrounding permitted residential uses based on staff and patient turnover, deliveries, police services, and ambulatory emergencies.

Mr. Schultz stated Staff finds that Criteria 6 of the proposed Special Exception Use will adversely affect property values in adjacent areas and be a deterrent to the improvement, development or redevelopment of surrounding properties. In their Application, the Applicant states in a report prepared by its consultant, Land Research Management, Inc. that the site is located in an area comprised of mixed uses, which encompasses properties along Federal Highway to the east, and residential uses from Bayberry Drive to the North, West 37th Street to the south, and 2nd Street to the West. Staff disagrees with the consultant's statement that this area is comprised of mixed uses because the only commercial facilities in this area are found fronting Federal Highway and everything west of Federal highway in the area defined by LRM consists only of single and multi-family housing. Staff believes that the site is located in a purely homogenous residential neighborhood, because no commercial uses are found west of Federal Highway, and those uses on Federal Highway are in the C-1 Business District, unlike the properties to the west, which are all zoned R-1 and R-2 Residential. Therefore, the statement made by the Applicant's consultant, found on page 5 and paragraph 4 of the report does apply here, which reads: "...the introduction of a dissimilar land use within a homogenous residential neighborhood consisting solely of owner-occupied single-family homes may have a detrimental impact..."

STAFF RECOMMENDATION

Mr. Schultz summarized that the Application for Special Exception Use meets Criteria 2, but does not meet Criteria 1, 3, 4, 5 and 6. Because the Application does not meet all of the six (6) Criteria required for the granting of a Special Exception Use, Staff is recommending denial. Furthermore, the proposed Special Exception Use is not consistent with the Town's Comprehensive Plan, and pursuant to Section 163.3194(1)(a) of the Florida Statutes, a Development Order for this use cannot be recommended for approval.

Mr. Schultz stated should the Planning and Zoning Board recommend approval, Staff strongly recommends the following Conditions of Approval:

1. The site plan dated 1/20/16 shall be fully adhered to
2. Seacoast Utility Authority will require a review of the change in land use at the Site.

Mr. Schultz provided for the record an e-mail which Staff received from Michael D. Mason, a Federal Highway property owner, in which Mr. Mason stated his opposition to the proposed facility as he feels it will have a negative impact on the residents of the area. (Attached to these Minutes).

APPLICANT PRESENTATION

Ms. Nilsa Zacarias, a principal of NZ Consultants, Inc. addressed and thanked the Planning & Zoning Board Members for considering their Special Exception Use Application. She stated NZ Consultants is representing Silver Beach Wellness, LLC, who is proposing a medical detoxification facility for alcohol/substance dependence at 143 Silver Beach Road.

Ms. Zacarias provided a Power Point Presentation (attached to these Minutes) and showed the location of the site, as well as the existing conditions on the property. Ms. Zacarias stated she wanted to address how critical the drug and alcohol problem is in our Nation. She stated 22.7 million individuals aged 12 or older need treatment for a drug or alcohol use problem and 2.5 million will receive treatment at a facility. The Federal Government has acknowledged that substance abuse is a national problem and a priority as there has been an increase in deaths due to overdoses – 28,648 deaths in 2014, per the Center for Disease Control and Prevention (CDC). She stated that just last week, \$1.1 Billion of new funding was approved for the upcoming fiscal year to help individuals seek treatment and successfully complete and sustain recovery.

Ms. Zacarias explained addiction recovery consists of three (3) core steps: 1) Detoxification (Detox); 2) Rehabilitation (Rehab) and 3) Intensive Outpatient Treatment (IOP-Sober Homes). Ms. Zacarias explained that Silver Beach Wellness will be a residential medical detoxification facility and not a sober home for individuals seeking treatment for alcohol and substance dependence. The facility will occupy the existing 3-unit residential building with twelve (12) private beds and will be licensed and regulated by F.S. Chapter 397 and Florida Administrative Code 65-30. The facility will be medically supervised by an on-call Physician/Medical Director and the nursing staff will consist of one (1) nurse and nursing support staff which will be on site at all times. Ms. Zacarias stated the average length of stay is 5-7 days, and the patients will be monitored 24 hours per day, 7 day per week inside the facility. Ms. Zacarias also stated that the patients in the facility will not have access to vehicles and there is no mobility for the patients. She stated the patients are individuals recovering from substance abuse and are persons with a disability under Title II of the Americans with Disabilities Act (ADA). The ADA prohibits discrimination on the basis of disability by public entities.

Ms. Zacarias reviewed the site plan and pointed out proposed landscape improvements and six (6) parking spaces and one (1) ADA parking space. She showed the proposed interior layout which consists of a total six (6) bedrooms and five (5) bathrooms.

Ms. Zacarias reviewed the six (6) Special Exception Use Criteria, as follows:

Criteria 1: Consistency with Comprehensive Plan: Silver Beach Wellness meets the Goals and Objectives Policies of the Comprehensive Plan and is therefore consistent with the Comprehensive Plan.

Criteria 2: Consistency with Land Development and Zoning Regulations: Silver Beach Wellness is consistent with the Zoning Regulations of the R-2 Zoning District; substance abuse treatment facilities are permitted by Special Exception Use per Code Section 78-66(1)(m); parking requirements are met.

Criteria 3: Compatibility with Character and Use of Surrounding Properties: Silver Beach Wellness is compatible with the surrounding properties as it blends in and is consistent with the neighborhood character, which a mix of uses of owner/renter occupied; residential single and multi-family units; commercial properties, not single uses; in proximity to high impact commercial uses; older residential structures with a lack of maintenance and existing low property values. Ms.

Zacarias stated a recent market analysis indicates the proposed facility will not negatively impact the neighborhood, including property values.

Criteria 4: Does not Create Concentration or Proliferation: Silver Beach Wellness is in compliance and does not create concentration or proliferation, pursuant to Code Section 78-66(1)(m), as it is not within a radius of 1,200 feet of another such existing substance abuse treatment facility.

Criteria 5: Impact to Surrounding Properties: Silver Beach Wellness is in compliance as the patients will be transported to and from the proposed facility by a transportation service and will not have vehicles; has been reviewed by the Palm Beach County Traffic Division and meets the Traffic Performance Standards of Palm Beach County; a Trip Generation Analysis shows there is one (1) net new peak hour trip.

Criteria 6: Effects on Adjacent Property: Silver Beach Wellness is in compliance; the proposed facility will not reduce light or air to adjacent properties and will not negatively impact the neighborhood, including property values. Ms. Zacarias stated the facility would actually contribute to a more attractive environment by new development and aesthetic improvements to the parking lot; landscaping; lighting and painting.

Ms. Zacarias showed photos of substance abuse facilities in other Palm Beach County municipalities which are compatible with residential neighborhoods and are not detrimental to their surroundings.

Mr. Jim Fleischmann, Vice-President of Land Research Management, Inc., addressed the Planning & Zoning Board. He stated his task was to perform a market analysis (as contained within the *Application for Special Exception Review*) to assess the project's impact on the neighborhood which was difficult because the Town has no criteria in terms of what a market analysis is or for what constitutes a strong neighborhood. He stated his background is in planning and market feasibility analysis. Mr. Fleischmann explained he defined the search area/surrounding "neighborhood" as bounded by Bayberry Drive to the north; West 37th Street in Riviera Beach to the south; Federal Highway/Broadway to the east and 2nd Street in Lake Park/Avenue "E" in Riviera Beach to the south, and which is bisected by Silver Beach Road. Silver Beach Road is defined as an Urban Collector Roadway which accommodates substantially higher traffic volumes than normal residential roads. His opinion therefore is that this is not a calm, typical residential neighborhood. Mr. Fleischmann reviewed his findings, as follows:

- 1) Land Use: 53% Residential; 18% Duplex/Triplex; 18% Commercial and 11% Vacant (very mixed neighborhood)
- 2) Residential Tenure: 26 residential units (single and multi/family), of which 5 are currently assigned a Homestead Exemption by Palm Beach County, indicating a high percentage of renter-occupancy with a high turnover rate as compared to a more stable homeowner occupied neighborhood.
- 3) Commercial Uses: 2 gasoline stations and a business (A vehicle storage rack manufacturing business) and a vacant commercial lot which is fenced off and totally overgrown.

- 4) Recent Sales Activity: Eight residential properties have sold within the neighborhood during the past 3 years (2013-2015), ranging from \$20,000 - \$152,500 with an average sale of \$59,000 and a median sale of \$48,000. Multiple-family (duplex and triplex) property sales ranged from \$53,000 to \$115,000 with an average sale of \$85,000 and a median sale of \$86,000.

Mr. Fleischmann stated that when all of these factors are combined this is a mixed use neighborhood that is bisected by a heavily traveled roadway with a high percentage of renters and low property values. He stated that it is his conclusion that the property values in this area are already adversely affected by the characteristics of the area itself and not by the use which is being proposed. Mr. Fleischmann stated that within his market analysis he assessed some of the potentially negative impacts that this type of facility might have such as overcrowding; adequate parking; traffic generation; hours of operation and visual appearance. In conclusion, based upon the analysis within an appropriately defined neighborhood using the criteria that is used by property appraisers, they have concluded that the property will have no to minimal negative impacts on the area.

Ms. Zacarias summarized the proposed facility meets all of the six (6) Special Exception Use Criteria; is compatible with the surrounding residential neighborhoods; provides a service for a serious national problem of drug/substance abuse; and the use is part of the Town Code and is consistent the Town's Comprehensive Plan.

Ms. Zacarias stated that she respectfully disagrees with the Staff Report which includes several facts which are not correct, "cherry picked" and includes inconsistent analysis with regard to the Comprehensive Plan. She further stated there is no doubt that this proposal is compatible with its surroundings, Town Zoning Regulations and will have no impact on traffic.

Chair Thomas questioned Staff regarding the noticing requirement. Ms. DiTommaso relied the certified mail notice was sent out 10 days prior to the P&Z Meeting to all residents within a 300' radius of the proposed facility.

PUBLIC COMMENTS

Michael Cunningham – a 30-year Silver Beach Road resident – addressed the P&Z Board. He stated that he is concerned because Silver Beach Road already has enough problems. He stated the police presence is not as visible as it was when the Town of Lake Park had its own Police Department. He thinks the proposed facility is needed, but not on Silver Beach Road. There are problems on Silver Beach Road with a lot of low income tenants on drugs.

Vincent V. Osborne – a Lake Park Resident – resides directly behind the proposed facility. His concern is this is a residential area with a lot of children and families and a substance treatment facility will not fit into the neighborhood, will increase traffic and decrease property values.

BOARD DISCUSSION

Board Member Dubois questioned the Applicant why they picked this particular site rather than a commercial area. Ms. Zacarias replied that the property owner, Mr. Bhatt, chose this property because Town Code allows this use as a Special Exception Use in this area. Board Member Dubois asked the Applicant why there would be such a high staff turnover. Ms. Zacarias responded that this is a 24-hour, 7-day monitored facility. She stated the patients will be inside and monitored at all times. Board Member Dubois questioned why there are only two (2) staff members. Ms. Zacarias responded it is the first step in the detox medical facility and there will also be a daytime medical director on-call.

Vice-Chair Schneider asked the Town Attorney whether this is in fact a permitted special exception or a non-permitted use. The Town Attorney responded legally there is a distinction between a permitted use and a special exception use - a special exception use is allowed in a zoning district provided it meets the criteria established for special exception uses in the Code, whereas with a permitted use there are no extra criteria established. Vice-Chair asked if it meets every criteria then it would be allowed, and if it doesn't meet every criteria then it is not allowed. The Town Attorney responded it does have to meet all the special exception criteria, and if it does not meet one of the six criteria, that can be a basis for denial. Vice-Chair Schneider stated that substance abuse treatment is a special exception use in the R-2 District, so what type of substance abuse treatment would that refer to if not this type, and where would we look for this in the R-2 if not in this area. Mr. Schultz responded the substance abuse treatment facility definition covers a broad range of treatment facility types. Ms. DiTommaso added there are several components to a substance abuse treatment facility and detoxification is one of them. She referred to the Zoning Map and pointed out the R-2 residential areas within the Town and stated because there are so many different components to substance abuse treatment facilities, there are some residential type components that would be suitable in the parcels that are located more central in the residential core of the R-2 District. As we push closer to Federal Highway those areas would be more appropriate for the commercial type substance abuse treatment facility components. Ms. DiTommaso stated there is a lengthy list of the various components which is available to the Board. Ms. DiTommaso stated that Staff based their analysis on this proposal which is a 5-7 day treatment facility which Staff did not consider to be a residential alternative. Vice-Chair Schneider asked Staff if under the umbrella of substance abuse treatment would a longer term treatment facility be more appropriate in an R-2 type setting. Ms. DiTommaso replied yes, if the residential facility is compatible and mirrors the residential nature of the surrounding properties. The Town Attorney clarified the list Ms. DiTommaso is referring to is F.S. Chapter 397 which lists the different components of substance abuse facilities. On the bottom scale of the components is a facility that gets licensed, called an outpatient with residential, in which patients may live in the facility and get their services off-site. The proposed type of facility is further up the scale because it is a detox facility with medical services and is staffed 24/7 with medical personnel. He explained that both types of facilities are licensed by the State, in contrast to sober homes which are not licensed by the State and are purely residential facilities with no medical or counseling component but just a living facility for individuals in recovery. Vice-Chair Schneider stated there was no map indicating where other substance abuse treatment facilities are located within the area. Mr. Schultz responded there are two facilities on Northlake Boulevard, one on Prosperity Farms Road, one in Riviera

Beach and one on Singer Island. Ms. DiTommaso stated that none of the mentioned facilities are within 1200' of the proposed facility.

Vice-Chair Schneider questioned Staff what is going on directly west of the proposed. Ms. DiTommaso replied it is multi-family residential construction. Vice-Chair Schneider asked the Applicant how the no-vehicle rule for the clients will be enforced. Ms. Zacarias stated there will be a contract with a transportation company. He asked if the transportation company vehicle will have writing on the side or be non-descript. Ms. Zacarias replied the transportation company will be discreet. Vice-Chair Schneider asked if visitors will be allowed at the facility, to which Ms. Zacarias replied visitors will not be allowed. Vice-Chair Schneider asked if clients will be allowed to go outside to which Ms. Zacarias replied they will not be allowed out front but they can possibly go in the backyard, however, the patients will most likely be in their bedrooms being monitored 24/7.

Chair Thomas asked for an explanation of the difference between a sober house and medical detox facility. Attorney James Green, representing the Applicant, explained in detail the wide variety of treatment type facilities and a lengthy description and discussion ensued. The Town Attorney interrupted and reminded the Planning & Zoning Board they are simply charged with determining if the Special Exception Use Criteria is being met for the proposed facility, as outlined in the Staff Report and Special Exception Use Application. Chair Thomas stated that since they are providing medical services on site it appears to be more commercial in nature as opposed to residential.

Chair Thomas asked the Applicant how residents will be prevented from leaving the facility. The Applicant responded the doors are locked and cameras will be outside the facility monitoring who is coming in and going out. Chair Thomas questioned the Applicant if there is an appropriate number of staff persons to handle 12 individuals going through a detox process. Ms. Zacarias responded the facility is licensed by the State and highly regulated and therefore must have the appropriate number of Staff in order to operate, and stated there will also be a medical doctor on-call. Chair Thomas asked what happens to patients after the 5-7 day treatment period. Attorney Green responded the patients move on to a more therapeutic environment after being stabilized in detox. Chair Thomas asked the Applicant if they have other facilities and since it is transient in nature is it required they have any type of hotel/motel license. She asked if there is a house manager on staff. Attorney Green responded there is a clinical director and medical director on-call. Mr. Ashwin Bhatt, property owner, addressed the Board and stated that food will be provided from off-site 3 times per day and there will be a cleaning staff.

Vice-Chair Schneider asked the Applicant the zoning districts for Lumiere in Jupiter and Futures in Tequesta, to which she responded that she is unsure about the zoning district for Lumiere, but Futures in Tequesta is located in the mixed-use district.

Chair Thomas asked if there are sleeping facilities for Staff. The Applicant responded that they work 8 hour shifts and do not sleep at the facility.

Vice-Chair Schneider stated it is difficult as there are some criteria that are being met and other criteria where it is not clear. He stated his concerns are with the compatibility of the neighborhood, and the traffic statement and the number of trips coming in and out, which seems to be higher than what the analysis in the traffic report indicates. He stated the facility appears to have a high turnover rate for a residential area. Chair Thomas stated the Application does not meet the criteria for the R-2 District, but is more of a commercial use rather than a residential use because the patients will be there for 5-7 days. She is concerned that this will set a precedent in the area and will make it difficult for the renters in the area.

Board Member Dubois asked if the nurses and nursing assistants will work 7 days per week. The Applicant stated that there will always be a nurse on site, with 8 hour shifts 3 times per day.

Chair Thomas stated the Town is currently looking into a mixed-use overlay district and this Application does not appear to be consistent nor compatible with the proposed use. She stated the P&Z Board is governed to look at the future uses for the Town and how the Town is going to grow, and this use will be inconsistent.

PLANNING & ZONING BOARD RECOMMENDATION

Upon conclusion of the discussion, Vice-Chair Schneider stated he could not make a motion for approval. Chair Thomas passed the gavel to Vice-Chair Schneider and made a motion that the Application does not meet the Special Exception Use Criteria for a substance abuse treatment facility located at 143 Silver Beach Road in the R-2 Zoning District. The motion was seconded by Board Member Dubois, and the vote was as follows:

	Aye	Nay
Martin Schneider	X	
Judith Thomas	X	
Michele Dubois	X	

The vote was 3-0 in favor of denial of the Application for a Special Exception Use of a substance abuse treatment facility at 143 Silver Beach Road in the R-2 District.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Ms. DiTommaso announced that the Town is currently seeking Regular and Alternate Members for the Planning & Zoning Board and anyone who is interested may contact the Town Clerk's Office.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 9:05 p.m.

Respectfully Submitted,



Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:



Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE: 4/26/2016

Owner Letter Received 4-1-16

Nadia DiTommaso

From: mdmason@mindspring.com
Sent: Friday, April 01, 2016 2:59 PM
To: Nadia DiTommaso
Subject: Special Exception Use for Drug Abuse Treatment Facility

Dear Ms. DiTommaso,

Thank you for providing information concerning the subject application.

I am the owner of the building at 200-228 US Hwy 1 in Lake Park and wish to comment in opposition to the application. I am concerned that the proposed drug abuse treatment facility will negatively impact residents living in this area of Lake Park, as well the businesses that serve this community. While I appreciate the need to offer treatment to persons who suffer from addiction, I also believe that such facilities must be located in an area that minimizes potential harm and adverse consequences to the affected community.

Immediately adjacent to the east of the commercial building is a residential neighborhood with young children. A drug abuse treatment facility should not be located in this area.

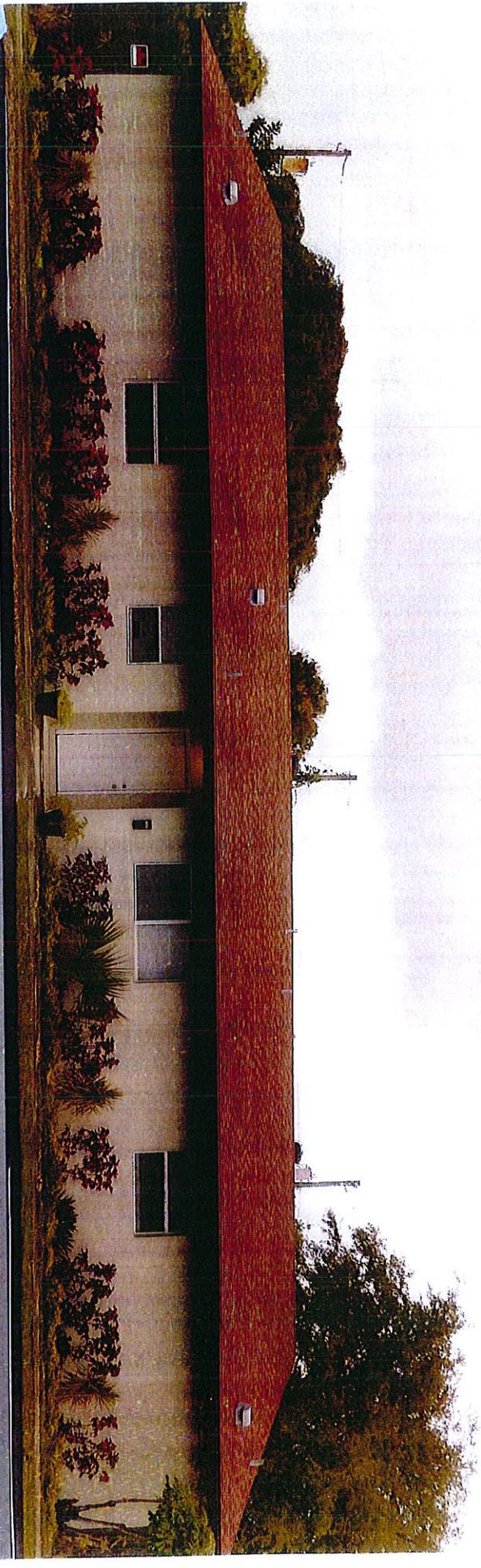
For the foregoing reasons, I request that the application be denied.

Thank you for your consideration and the opportunity to comment.

Michael D. Mason

Town of Lake Park

PLANNING & ZONING BOARD



Silver Beach Wellness, LLC

Special Exception Use Application

4.4.16



Silver Beach Wellness

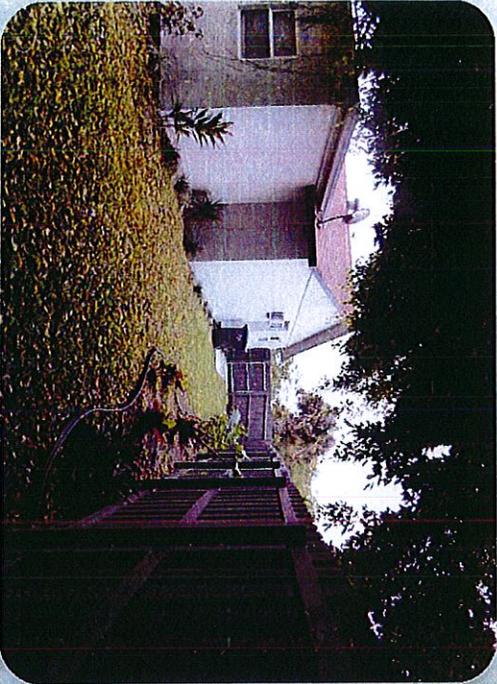
Subject
Property
143 Silver
Beach Road



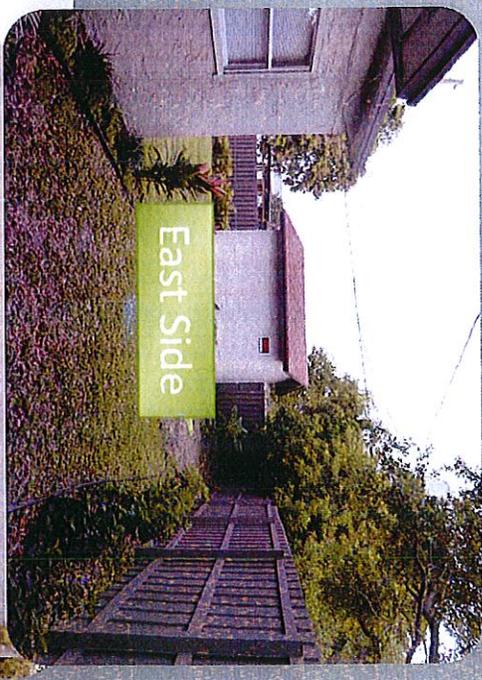
EXISTING CONDITIONS



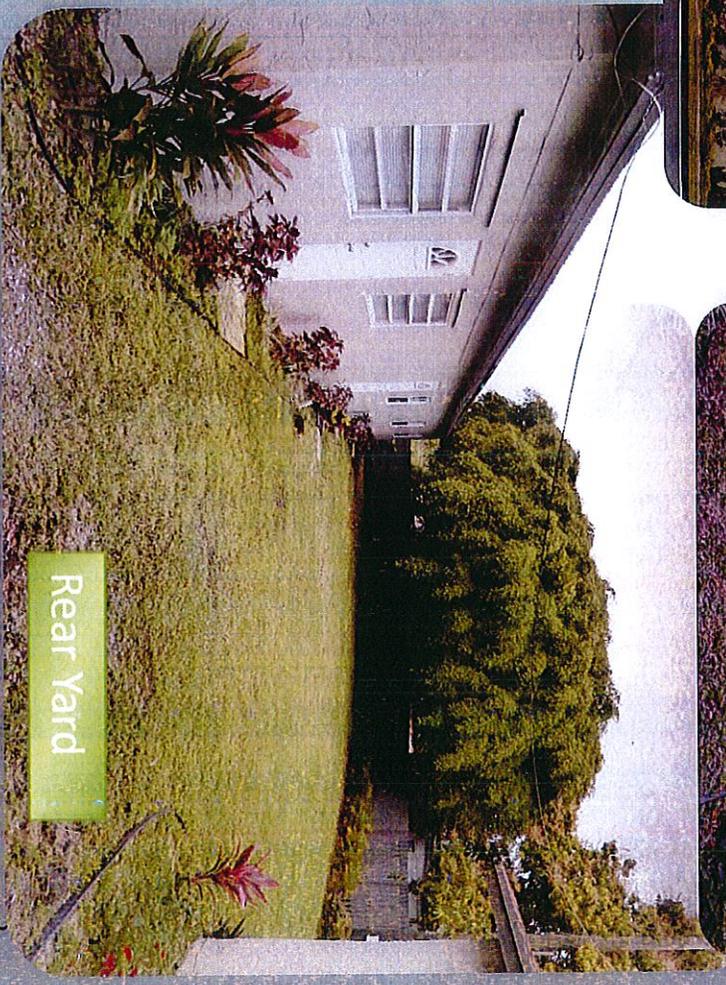
Front



West Side



East Side



Rear Yard

22.7 million

individuals aged 12 or older



need treatment for an illicit
drug or alcohol use problem

2.5 million

receive treatment at a facility

2013 National Survey on Drug Use and Health

FEDERAL GOVERNMENT



SUBSTANCE ABUSE IS A NATIONAL PROBLEM

A PRIORITY

INCREASE IN DEATH DUE TO OVERDOSES

28,648 deaths in 2014

Centers for Disease Control and Prevention (CDC)

\$1.1 Billion New Funding

Prescription Opioid Abuse and Heroin Use Epidemic

Help individuals seek treatment

Successfully complete treatment

Sustain recovery



**What is Silver
Beach
Wellness?**

**How it will
contribute to
the Town of
Lake Park?**

ADDICTION RECOVERY



3 CORE STEPS

Silver Beach
Wellness

DETOXIFICATION (DETOX)

REHABILITATION (REHAB) **NO**

INTENSIVE OUTPATIENT
TREATMENT (IOP- SOBER HOMES) **NO**

Silver Beach Wellness

Residential Medical Detoxification Facility

individuals seeking treatment for alcohol and
substance dependence

Occupy existing 3-unit
residential building

Private 12 bed licensed

Licensed/Regulated by

Florida Statutes Chapter 397

Florida Administrative Code

Chapter 65-30



Silver Beach Wellness Residential Medical Detoxification Facility

Medically supervised by

Board Certified Physician-

Medical Director – *On Call*

One nurse and nursing

support staff - *On-site at all times*

Average length of stay 5 to
7 days - *Monitored 24/7*

Patients will Not have vehicles



Silver Beach Wellness

Residential Medical Detoxification Facility

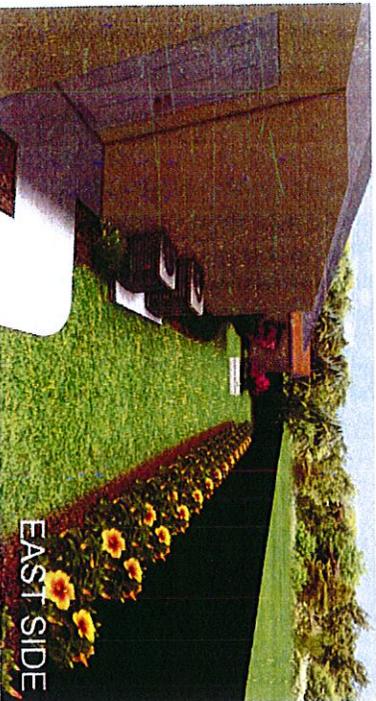
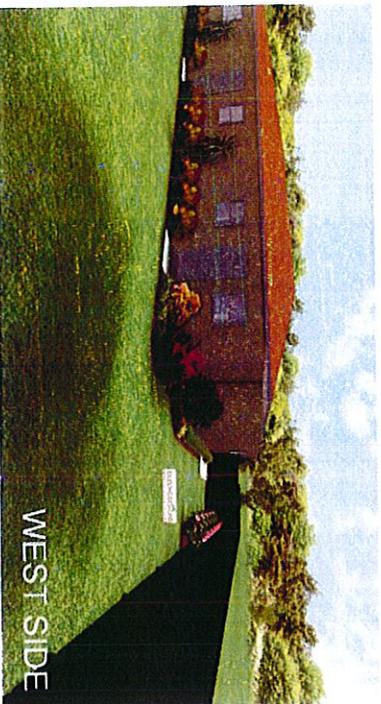
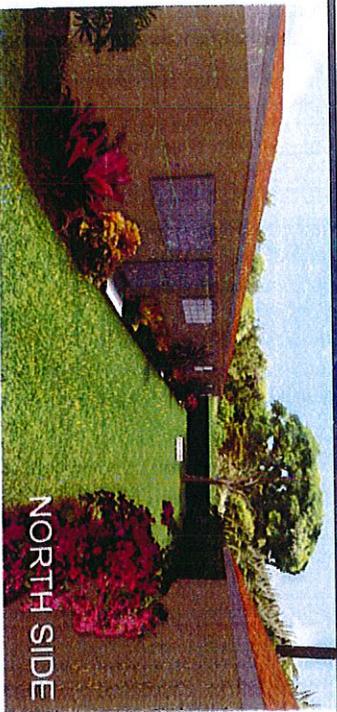
Individual Recovering from
substance abuse are persons
with disability under Title II
of the American with
Disability Act



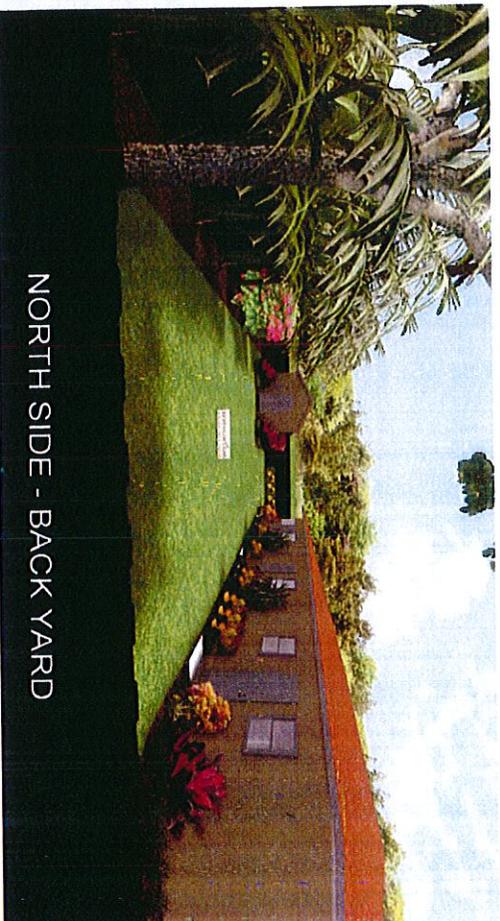
PROHIBITS DISCRIMINATION
ON THE BASIS OF DISABILITY
BY PUBLIC ENTITIES



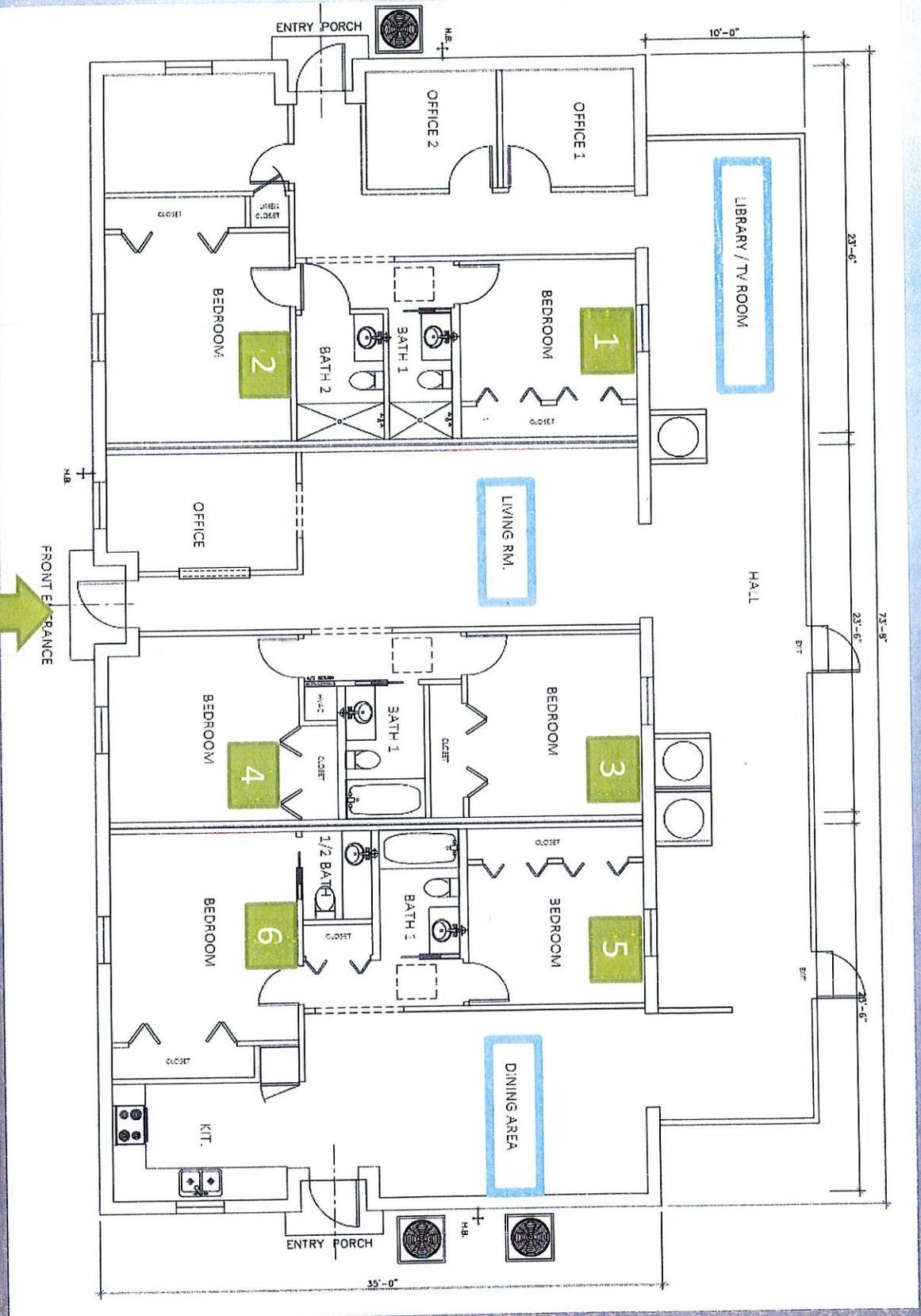
Silver Beach Wellness



SILVER BEACH WELLNESS LLC



Silver Beach Wellness



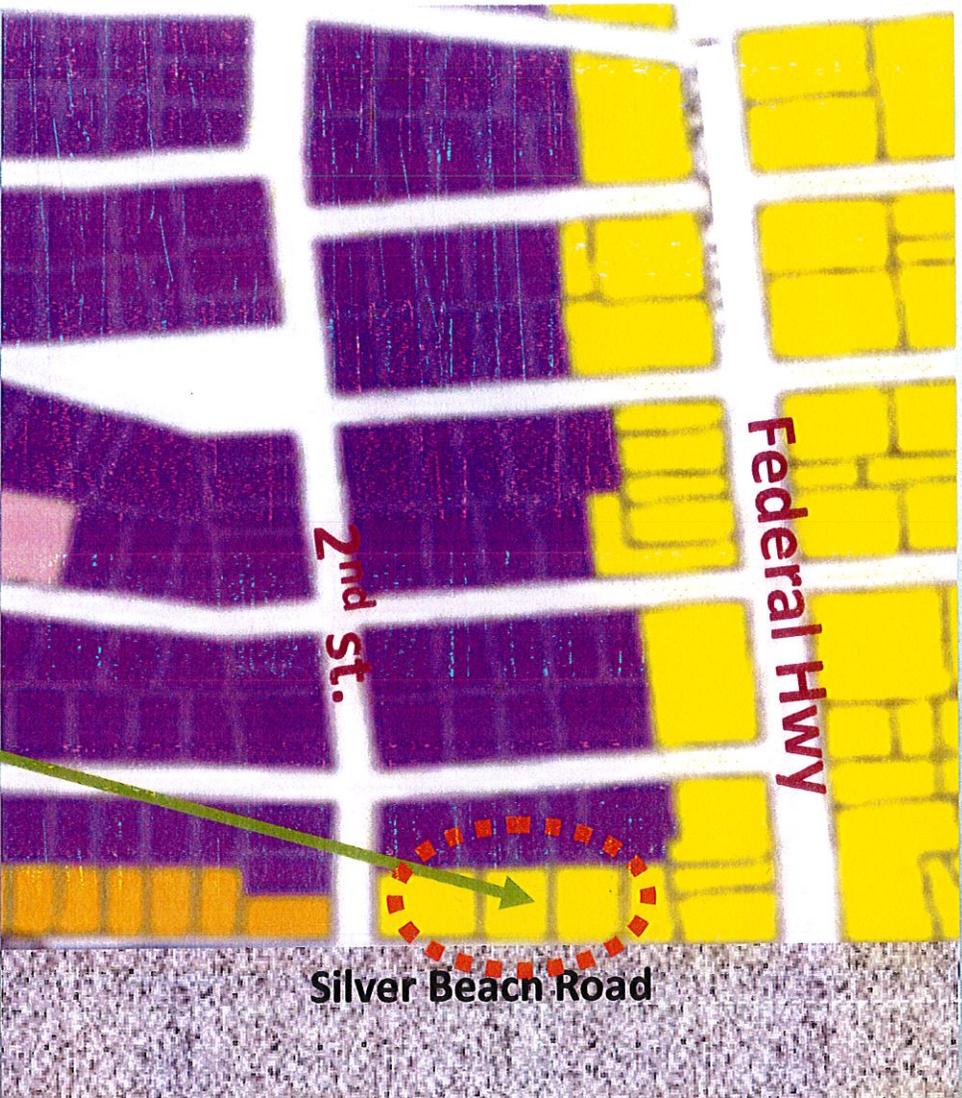
SPECIAL EXCEPTION USE CRITERIA



1

CONSISTENCY WITH COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT



Proposed Silver Beach Wellness

Residential and Commercial
Future Land Use Designation

TRANSITIONAL BLOCK
COMMERCIAL
CHARACTER FEDERAL
HWY AND RESIDENTIAL
DENSITY

Residential Low Density
Future Land Use Designation

1

CONSISTENCY WITH COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT

SILVER BEACH WELLNES IS CONSISTENT WITH THE COMPREHENSIVE PLAN

✓ **Goal 3.4.1.** Contributes to transitional character between commercial nature of Federal Hwy. and residential neighborhood of Silver Beach Road

✓ **Objective 3.** Meets required level of service standards

✓ **Objective 4.** Provides service to disabled individuals as defined under Title II of Americans with Disabilities Act

✓ **Objective 5.** Enhances the aesthetics of existing structure, landscaping, lighting, and parking area

1

CONSISTENCY WITH COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT

SILVER BEACH WELLNES IS CONSISTENT WITH THE COMPREHENSIVE PLAN

✓ **Policy 5.1.** Compatible with Residential and Commercial Future Land Use designation, extends types of services offered by Town, combined commercial and residential use serve as transitional component to neighboring residential uses

✓ **Policy 5.2.** Positive impact on neighborhood through property enhancements and greater utility

✓ **Policy 5.3.** Fosters redevelopment of a key town corridor and target area

✓ **Policy 1.5.** Increases tax base while improving current conditions

1

CONSISTENCY WITH COMPREHENSIVE PLAN

SILVER BEACH WELLNES IS CONSISTENT WITH THE COMPREHENSIVE PLAN

TRANSPORTATION ELEMENT

✓ **Policies 1.1, 1.3, 1.4.** Complies with County Traffic Performance Standards and Town's Level of Service

- Trip generation analysis provides one (1) net new peak hour trip

HOUSING ELEMENT

✓ **Objective 3; Policy 4.3.** Adequate housing services provided for persons with disabilities - Americans with Disabilities Act – Equal Access to Housing

2

CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

SILVER BEACH WELLNES IS CONSISTENT WITH ZONING REGULATIONS

✓ R-2 RESIDENTIAL ZONING DISTRICT

- ✓ Substance Abuse Treatment Facility **Permitted by Special Exception Use** → Code Section 78-66(1)(m)

“substance abuse treatment facility that provides room and board for seven to fourteen residents, provided that it is not located within a radius of 1,200 feet of another such existing substance abuse treatment facility, and further provided that the operator of any such facility obtains a business tax receipt from the town”

2

CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

SILVER BEACH WELLNES IS CONSISTENT WITH ZONING REGULATIONS

✓ R-2 RESIDENTIAL ZONING DISTRICT

ZONING	Max. Building Height	Max. No. of Stories	Min. Building Site Area	Min. Floor Area	Minimum Setback Regulations		
					Front	Side	Rear
Required	30 feet	2	12,000 sq. ft.	1,980 sq. ft.	30 ft.	10 ft.	7 ft.
Provided	20 feet	1	13,068 sq. ft.	3,250 sq. ft.	50 ft.	10.4 ft.	11.2 ft.

2

CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

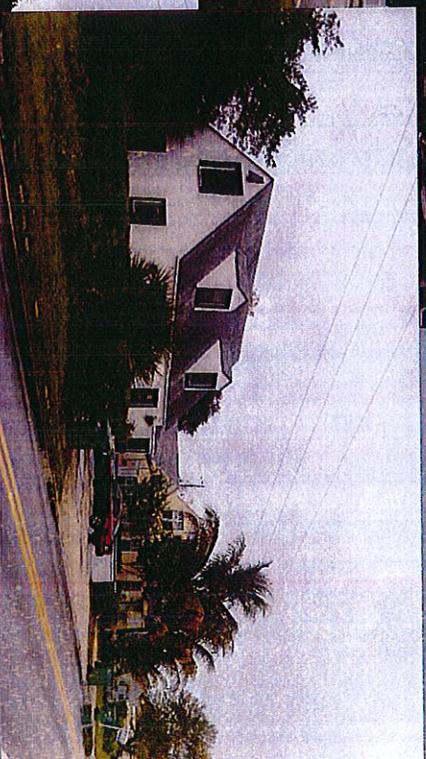
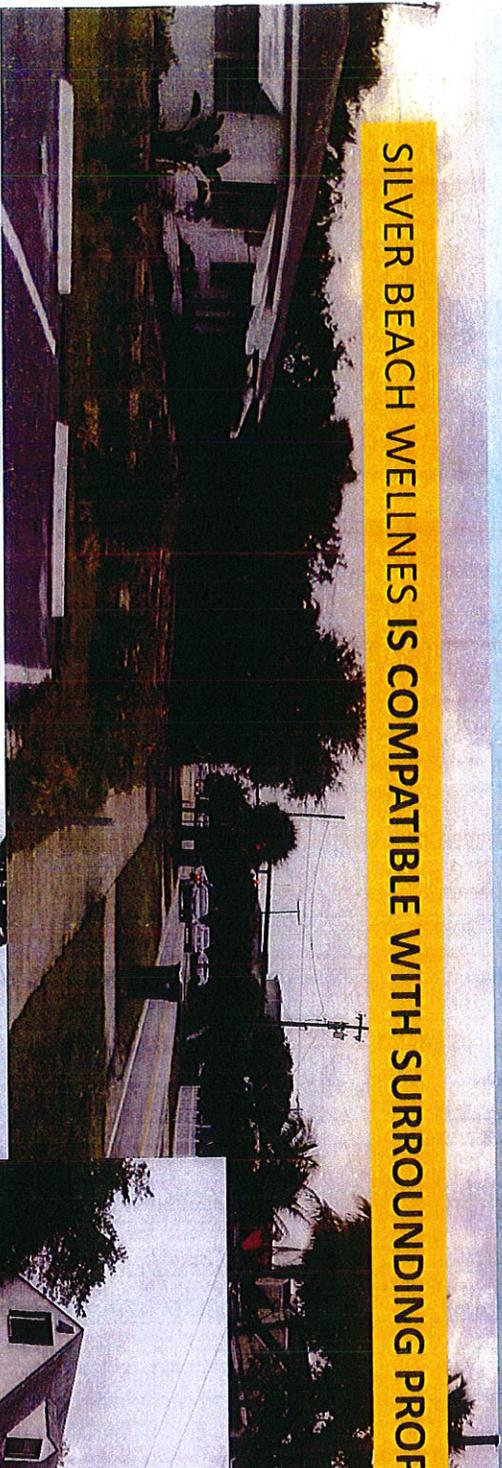
SILVER BEACH WELLNES IS CONSISTENT WITH ZONING REGULATIONS

✓ **Meets parking requirements** per Code Sec. 78-142(c)(5), and 78-145 Congregate Living Facilities (comparable use)

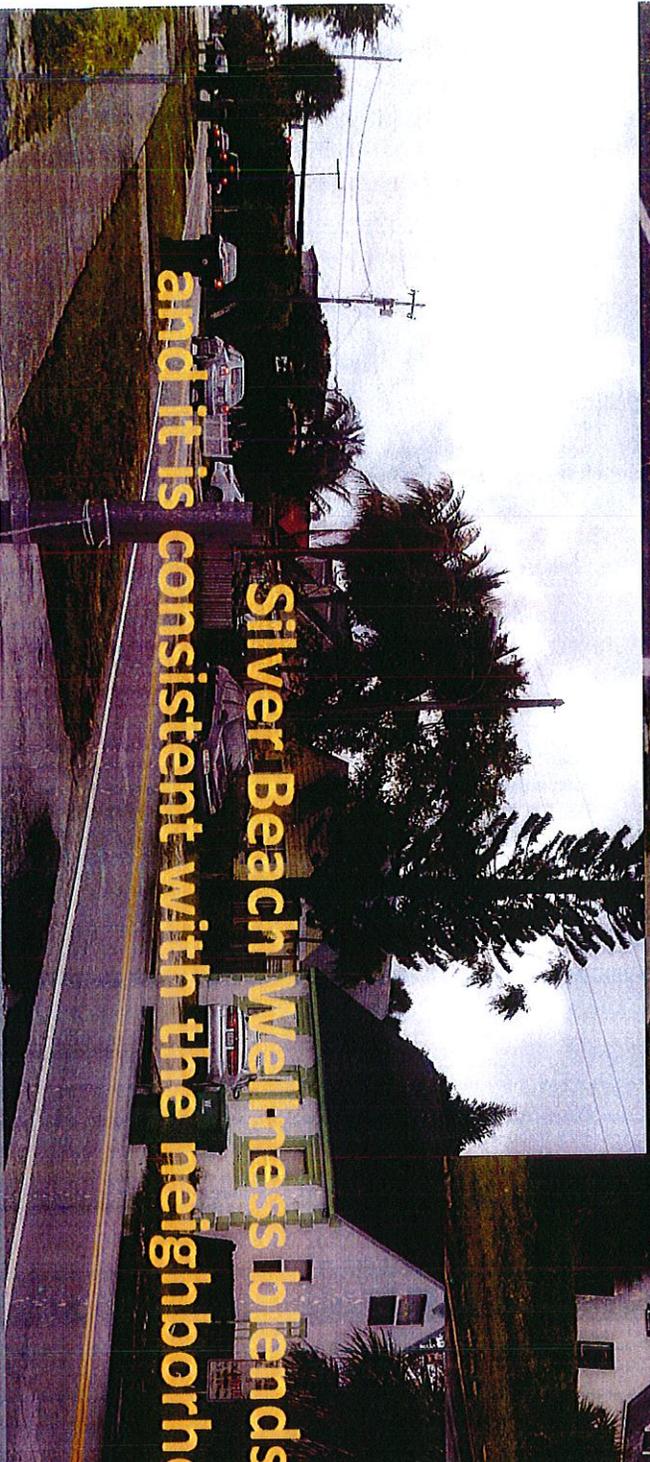
PARKING	Minimum 1 space per 4 Residents	Minimum 1 space per Employee	Total
Required	3	2	5
Provided	3	3	6

3 Compatibility with Character and Use of Surrounding Properties

SILVER BEACH WELLNES IS COMPATIBLE WITH SURROUNDING PROPERTIES



Silver Beach Wellness blends in, and it is consistent with the neighborhood character



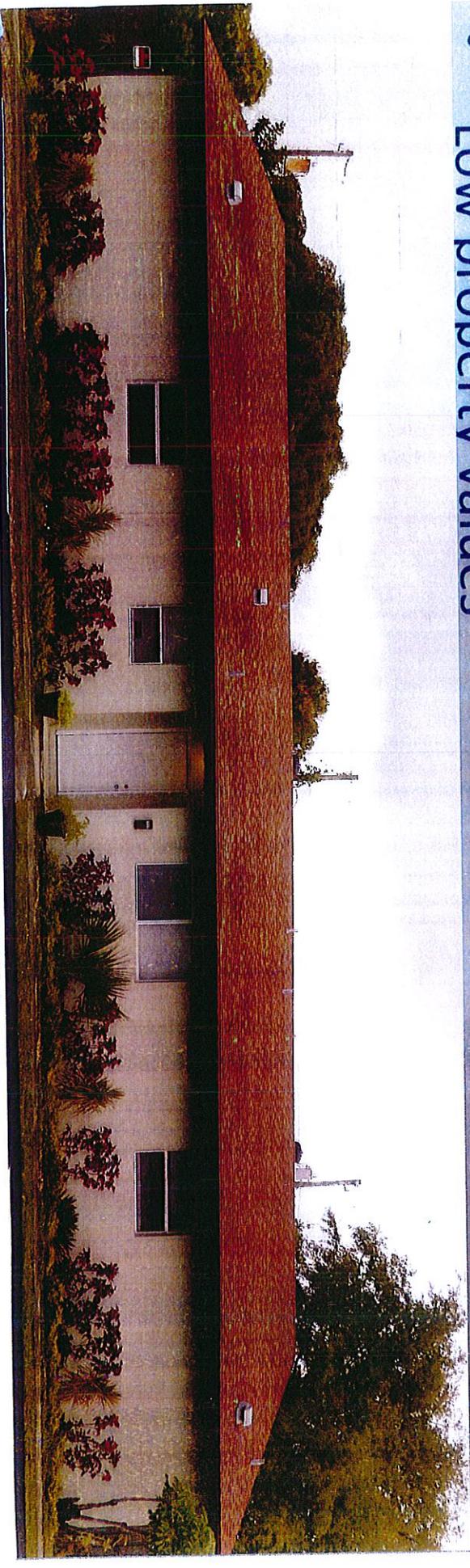
3

Compatibility with Character and Use of Surrounding Properties

SILVER BEACH WELLNES IS COMPATIBLE WITH SURROUNDINGS

Neighborhood Character – Market Analysis

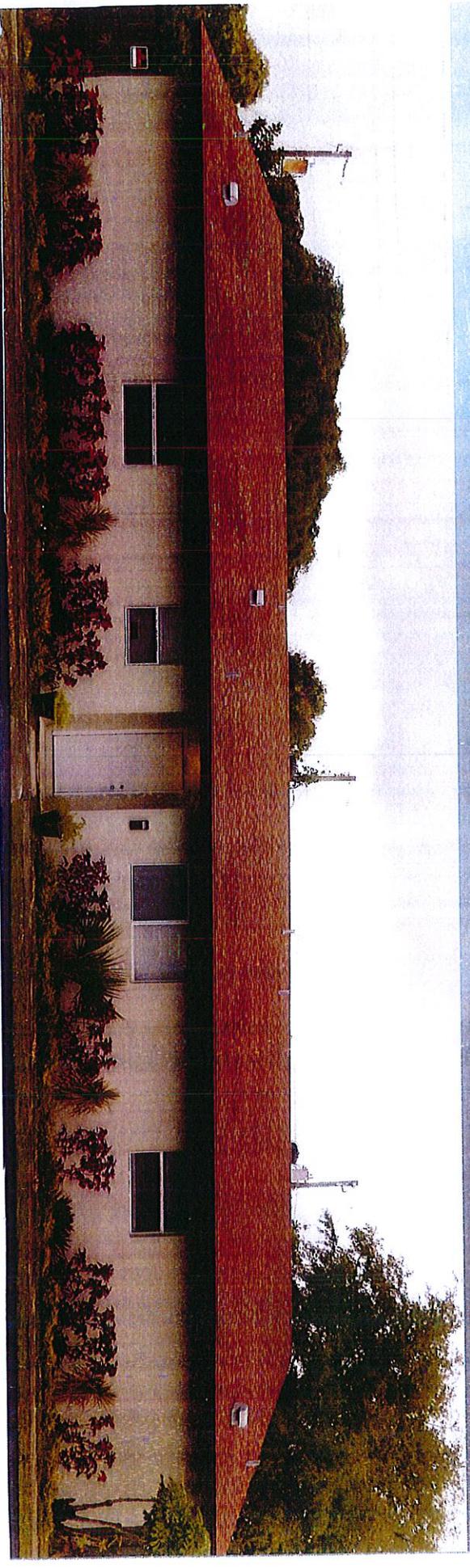
- Mix of uses of owner/renter occupied
- Residential single/multi-family units
- Commercial properties, not single uses
- Proximity to high impact commercial uses
- Older residential structures –*Lack of maintenance*
- Low property values



3 Compatibility with Character and Use of Surrounding Properties

SILVER BEACH WELLNES IS COMPATIBLE WITH SURROUNDING PROPERTIES

Market analysis Impact to the Neighborhood indicates **proposed facility will not** negatively impact the “neighborhood,” including property values

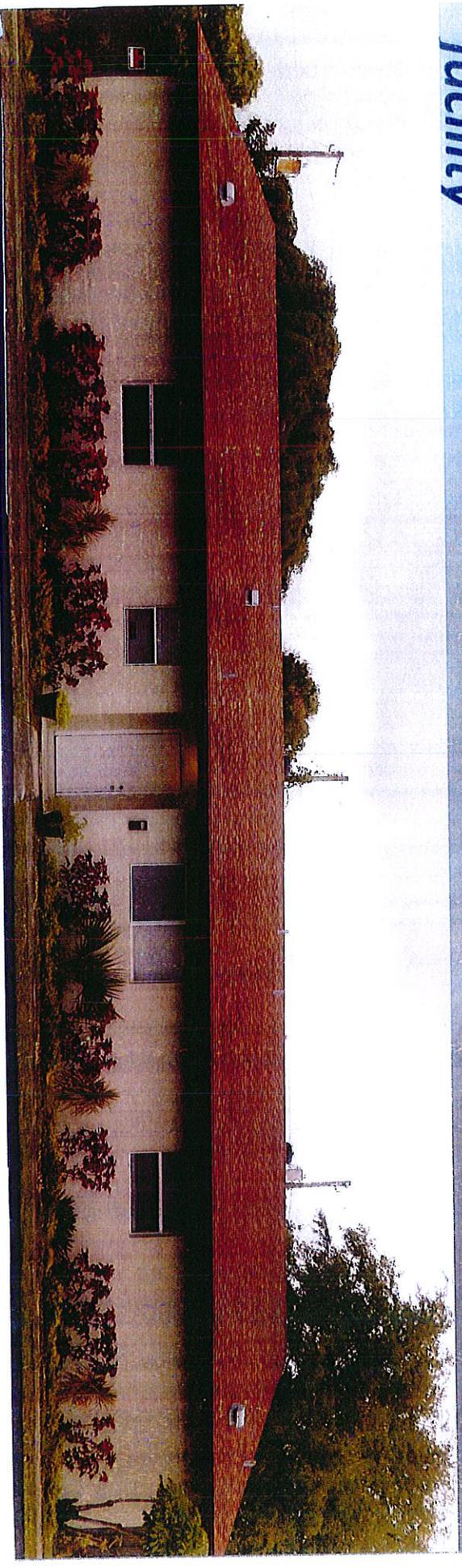


4

Does Not Create Concentration or Proliferation

SILVER BEACH WELLNES IS IN COMPLIANCE

Code Section 78-66(1)(m) restricts proximity - medical detox facilities to each other, **code compliance will prevent proliferation** “substance abuse treatment facility that provides room and board for seven to fourteen residents, provided that it is not located within a radius of 1,200 feet of another such existing substance abuse treatment facility”



5 Impact to Surrounding Properties Based on:

SILVER BEACH WELLNES IS IN COMPLIANCE

- a. **The number of persons anticipated to be using, residing, or working**
 - 12-bed medically supervised patients
 - 1 nurse and 1 nurse support staff- *on site*

- b. **The degree of noise, odor, visual, or other potential nuisance factors generated**
 - No impact – Outdoor lighting and monitoring camera*

5 Impact to Surrounding Properties Based on:

SILVER BEACH WELLNES IS IN COMPLIANCE

C. The effect on the amount and flow of traffic within the vicinity

Clients will be transported to and from the proposed facility by a transportation service- **No vehicles**

Trip generation analysis- predict impact on AM Peak Hour and PM Peak Hour conditions - **One net new peak hour trip**

Palm Beach County Traffic Division reviewed Traffic Statement- **Meets the Traffic Performance Standards**

6

Effects on Adjacent Property

SILVER BEACH WELLNES IS IN COMPLIANCE

a.

Does not significantly reduce light and air to adjacent properties

Compliance with required setbacks and lighting requirements for R-2 zoning. Proposed facility **will not** reduce light or air to adjacent properties

b.

Does not adversely affect property values in adjacent areas:

Proposed facility **will not** negatively impacts the neighborhood including property values

6

Effects on Adjacent Property

SILVER BEACH WELLNES IS IN COMPLIANCE

C. **Would not be deterrent to the improvement, development or redevelopment of surrounding properties**

Compliance with Residential and Commercial Future Land Use and R-2 zoning district regulations

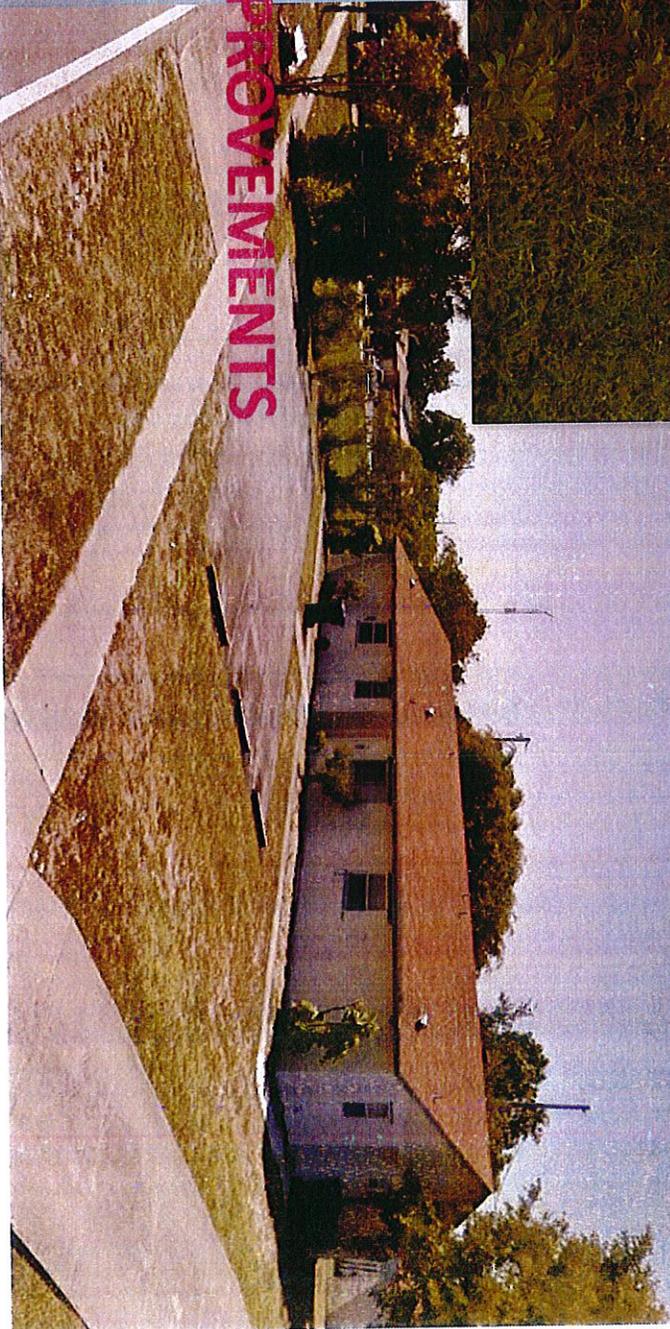
Proposed facility **will not** negatively impact future improvements, development, or redevelopment of surrounding properties

Aesthetic improvements: landscaping, parking lot paving, and painting positive impact on surrounding properties and character of neighborhood - **Contribute to a more attractive environment for new development**



EXISTING SITE VIEW

IMPROVEMENTS
PARKING LOT
LANDSCAPING
LIGHTING
PAINTING



PRIOR
TO SITE IMPROVEMENTS

6

Effects on Adjacent Property

SILVER BEACH WELLNES IS IN COMPLIANCE

C. Does not negatively impact adjacent natural systems of public facilities, including parks and open spaces; and provides



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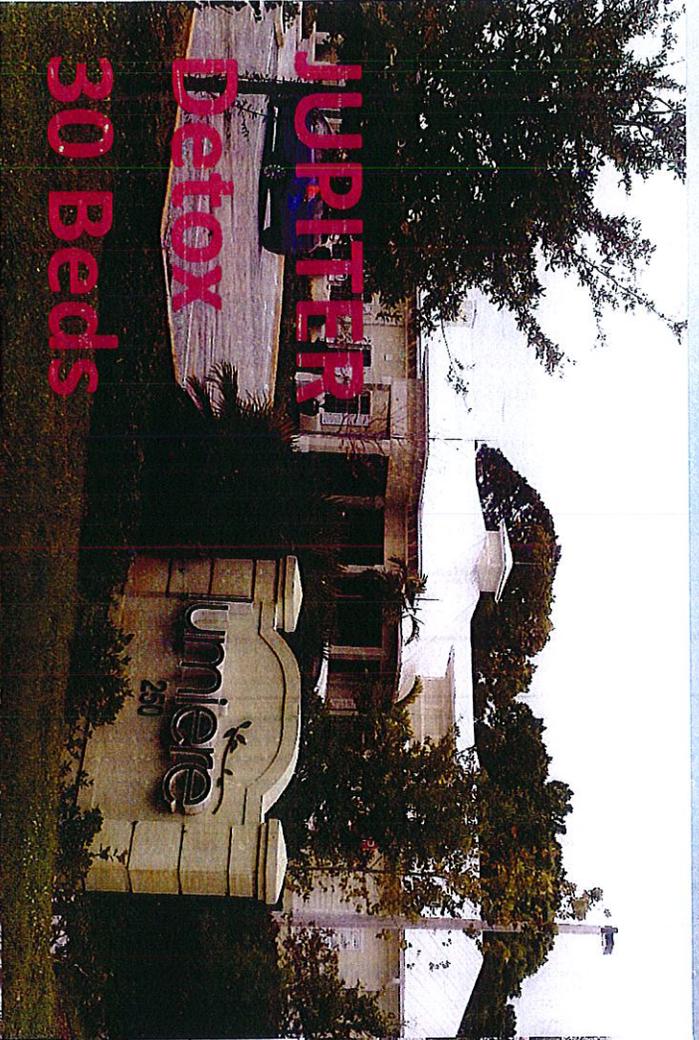
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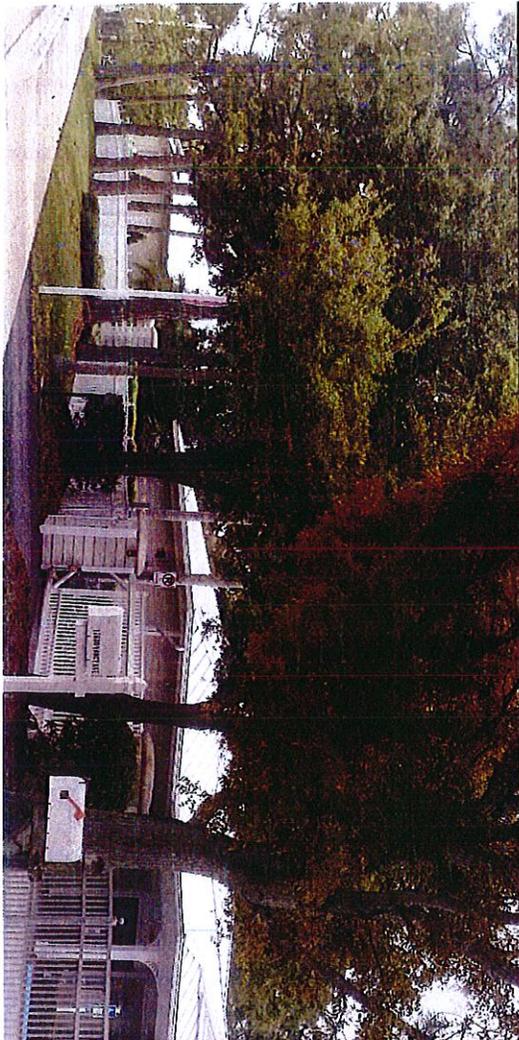
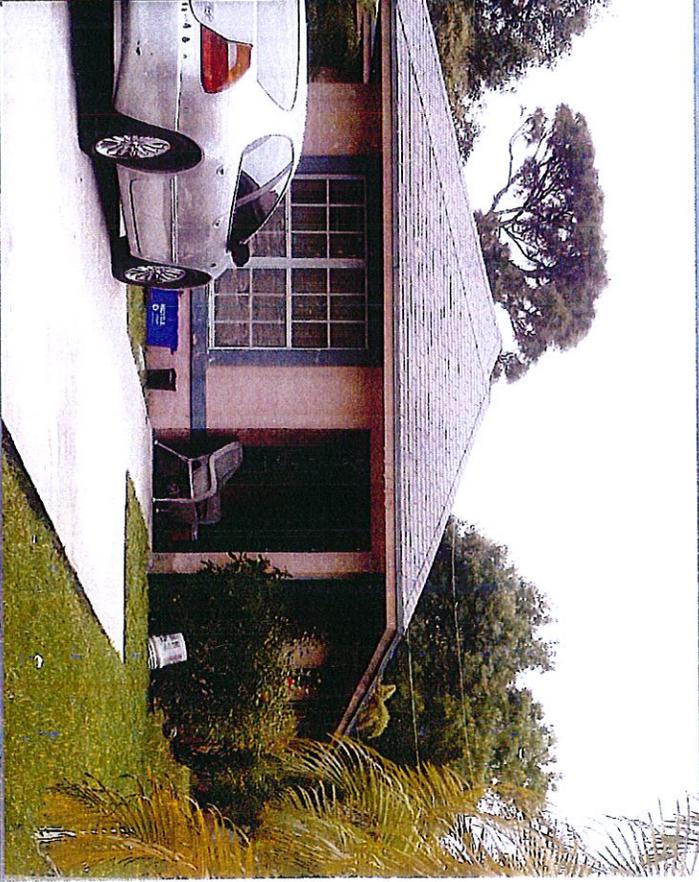
Silver Beach Wellness

CRITERIA	IN COMPLIANCE
1	✓ MET CRITERIA
2	✓ MET CRITERIA
3	✓ MET CRITERIA
4	✓ MET CRITERIA
5	✓ MET CRITERIA
6	✓ MET CRITERIA

SUBSTANCE ABUSE FACILITIES



**JUPITER
Detox
30 Beds**

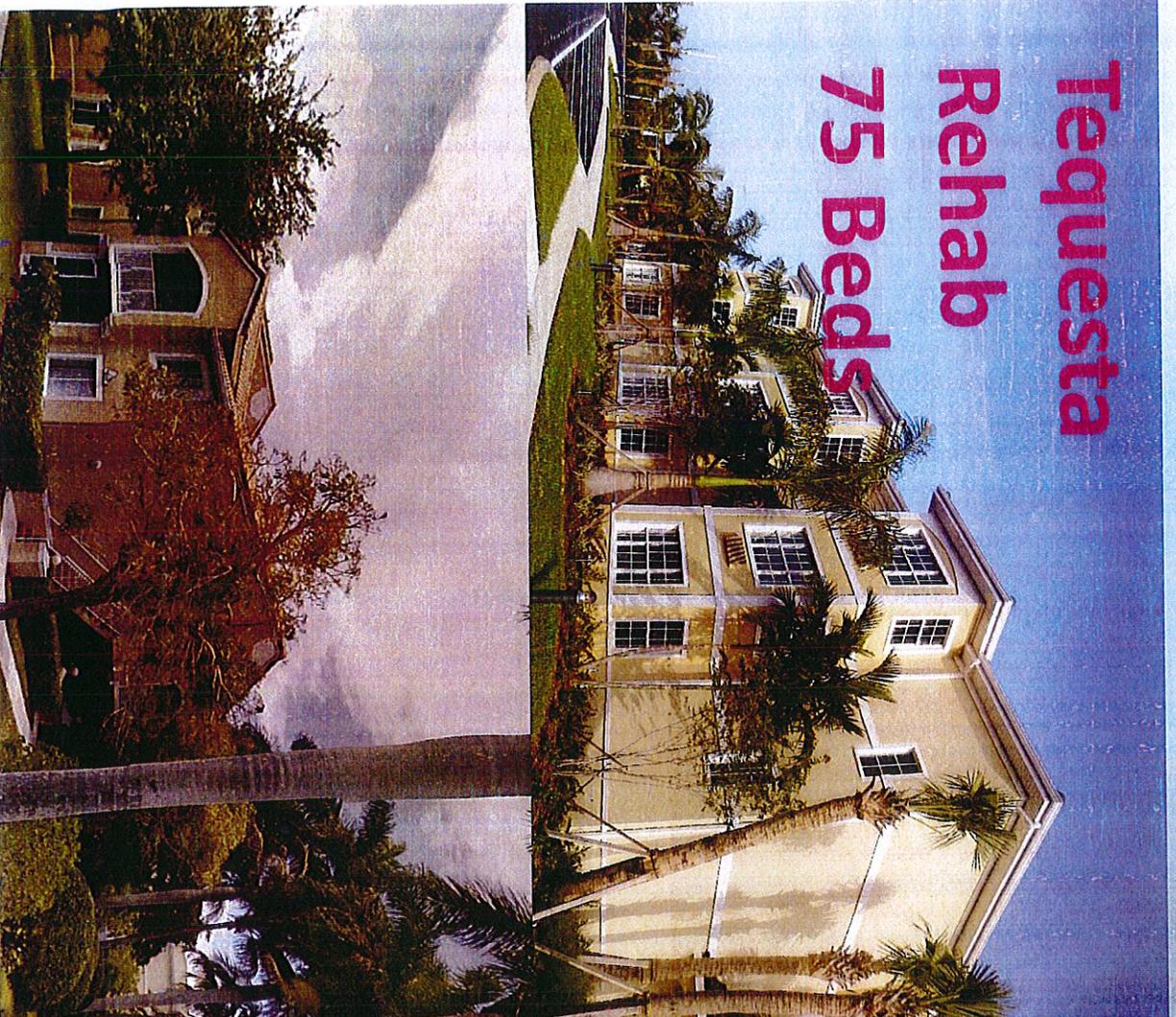


SUBSTANCE ABUSE FACILITIES

Tequesta

Rehab

75 Beds



**Lighthouse Cove
Residential**

SUBSTANCE ABUSE FACILITIES



**ARE COMPATIBLE WITH RESIDENTIAL
NEIGHBORHOODS**

**ARE NOT DETRIMENTAL TO ITS
SURROUNDINGS**

Silver Beach Wellness

SUMMARY OF FACTS



- ✓ Provide Service- Respond to a Need- Serious National Problem
- ✓ Federal Government Supports
- ✓ Use is Permitted Spec. Excep.
- ✓ Consistent with Comp. Plan
- ✓ Staff Report - Cherry Pick Inconsistent Analysis
- ✓ Compatible with Surroundings
- ✓ Compliance with Zoning Reg.
- ✓ Not a Sober Home
- ✓ Positive Impact- Site Improvements
- ✓ No Traffic Impact

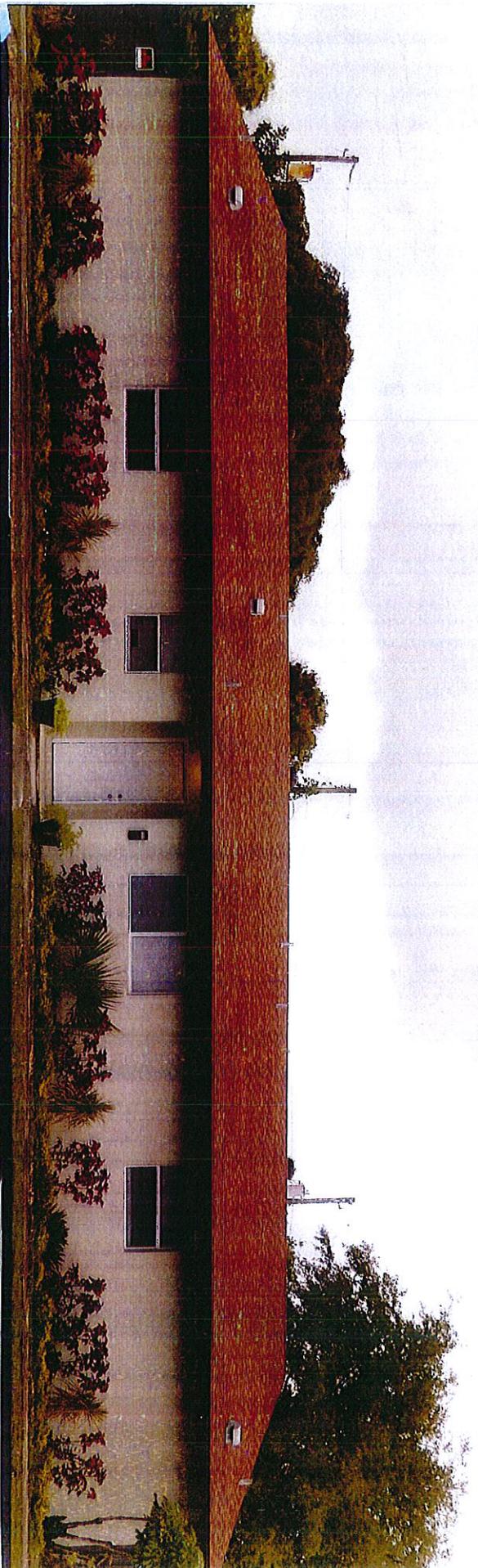
Residential Medical Facility

Silver Beach Wellness

Provide a service to disabled individuals seeking treatment for alcohol and/or substance dependence

Individuals recovering from substance abuse are persons with disabilities under Title II of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131), which prohibits discrimination on the basis of disability by public entities

THANK YOU



 VZ consultants