



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, May 4, 2016, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, May 4, 2016 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Anne Lynch and Michael O'Rourke, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

**SPECIAL PRESENTATIONS/REPORTS**

**1. Palm Beach County/Treasure Coast 2-1-1 Program**

Community Relations Specialist Patrice Schroeder explained the Palm Beach County 2-1-1 Program. She explained that the program was a non-profit organization mainly funded by The United Way and Palm Beach County. She highlighted many of the programs that are available. Brochures of the different programs were provided to the Commission and extra copies were left in the Commission Chamber for the public. The Commission expressed gratitude for the services the 2-1-1 Program provides.

**PUBLIC COMMENT:**

**None**

**CONSENT AGENDA:**

- 2. Regular Commission Meeting Minutes of April 20, 2016**
- 3. Proclamation Recognizing May 1-May 7, 2016 as Municipal Clerk's Week**

Commissioner O'Rourke pulled item number 3 on the consent agenda.

**Motion: Commissioner O'Rourke moved to approve item number 2 on the consent agenda; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner O'Rourke	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Commissioner O'Rourke felt remiss if the Commission recognized Municipal Clerk's Week without recognizing Vivian Mendez on the great job she does as the Lake Park Town Clerk.

**Motion: Commissioner O'Rourke moved to approve item number 3 on the consent agenda; Commissioner Lynch seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner O'Rourke	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**

None

**PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

None

**QUASI-JUDICIAL HEARING(S):**

**4. Special Exception Application Filed By NZ Consultants, Inc. For The Special Exception Use of A Substance Abuse Treatment Facility (Detox Component) To Be Located in The R-2 Residence District.**

Mayor DuBois opened the Public Hearing and explained the process. Attorney Baird swore in all witnesses. The Commission disclosed the following Ex-Parte Communication:

Commissioner Lynch had no ex-parte communication to disclose.

Commissioner Flaherty had no ex-parte communication to disclose.

Commissioner O'Rourke had no ex-parte communication to disclose.

Vice-Mayor Glas-Castro had no ex-parte communication to disclose.

Mayor DuBois had no ex-parte communication to disclose.

Community Development Director Nadia DiTommaso presented the item (see Exhibit "A"). NZ Consultant Principal Nilsa Zacarias representing Silver Beach Wellness, LLC (the applicant) gave a presentation (see Exhibit "B"). She introduced Mr. and Mrs. Bhatt, owners of 143 Silver Beach Road and residents of the Town of Lake Park for the past 16 years. She introduced each of the team members: Land Research Management Jim Fleischman; Real Estate Appraiser Ted Brown; Dr. Ashwin Bhatt, and Attorney Justin Claud.

Commissioner Flaherty asked what other businesses operate 24 hours a day. Community Development Director DiTommaso explained that hours of operation are not set for the Commercial Districts, but there are restrictions on alcohol sales. Commissioner Flaherty asked if the property were to go from rental to a business, what type of Business Tax Receipt (BTR) would be required. Community Development Director DiTommaso explained that a BTR would be required and was not sure the cost of such receipt. She stated that BTR's range from \$100 to \$200.

Commissioner O'Rourke stated that Mr. Fleischman remarked that he performed the Market Analysis, but was not a Property Appraiser. Mr. Fleischman explained that he was not a Property Appraiser. He explained that the request was for a market study and he was a market analyst. He explained the request had been to conduct a neighborhood study and determine if the project would not have negative impact. He explained that it was not a traditional study. He explained that he did research on the existing characteristic of the neighborhood with the resources that were available to him. Commissioner O'Rourke stated that the residential district was ignored when conducting the study. Mr. Fleischman stated that he did not ignore that the property was in a residential area. He explained that he did not identify Residential 2 District as the only district in the area; it was only a portion of the area.

Attorney Justin Claud asked if two (2) additional presentation would be allowable as the presentation would be brief. The Commission allowed the additional presentation. Dr. Bhatt explained his credentials and medical background. He explained detox, the controlled flow of admissions, and that it would not be a high traffic facility.

Attorney Justin Claud explained that the staff report references an incapability with the surrounding area and the Town's Comprehensive Plan. He stated that the Town's zoning Code already analysis and considered this type of application to be consistent with certain uses.

Town Attorney Baird explained the Florida State Statue regarding Comprehensive Plans. He stated that zoning must be consistent with the Comprehensive Plan and if a zoning application was not consistent, then it might not be permitted. He explained what procedure the Commission was expected to follow based on the evidence presented.

Commissioner Lynch asked what the medical supervision was. Dr. Bhatt stated that the medical supervision consisted of a nursing team of one Registered Nurse and one Nurses support per State regulations. Commissioner Lynch asked if the Doctor would be "on-call". Dr. Bhatt stated that the Doctor or the Nurse Practitioner would visit depending on the rotation. Commissioner Lynch asked what the procedure was for an emergency. Dr. Bhatt stated that they use 9-1-1. Commissioner Lynch asked if they would be using street marketers. Dr. Bhatt stated that street marketers would not be used. He explained that they use the internet, the radio, or other marketing products.

Commissioner Flaherty asked what type of vehicles would be used for transport. Dr. Bhatt stated that a normal mid-size vehicle would be used that would not attract attention.

Mayor DuBois asked for verification that the Town of Jupiter only had 28 non-emergency calls in one-year. Ms. Zacarias verified that the Town of Jupiter only had 28 police non-medical calls in one-year. Mayor DuBois asked how many calls were medical emergencies. Ms. Zacarias stated that she did not have that information.

Public Comment Open:

Walter Cunningham, Silver Beach Road expressed concern with this type of facility in his neighborhood.

Public Comment Closed:

Ms. Zacarias made a closing statement asking for approval of the project.

Town Attorney Baird explained the difference between Permitted Uses and Special Exceptions. He explained that in zoning law a Permitted Use was a use that was permitted by right in a zoning district, meaning that if it meets all the dimensional criteria, such as lots size, etc. then that use was permitted to be located there. Special Exception uses are different because by their nature are only permitted in a zoning district if they meet all six (6) criteria that exist in the Town Code. He stated that the Commission were to evaluate all of the evidence that were presented and make a determination based on that evidence whether they believe all six (6) of the Special Exception criteria were met.

**Motion: Commissioner O'Rourke moved to adopt the recommendation of staff and deny the application; Commissioner Lynch seconded the motion.**

Vice-Mayor Glas-Castro gave her credentials as a professional planner accredited by the American Institute of Certified Planners, based upon her review of the agenda packet presented by staff, she agrees with staff's recommendation. She professionally disagreed with the applicant's professionals who seem to overlook Town Code Section 78-2 that says Special Exception means a use that generally not be appropriate. She stated that the facility was appropriate for a commercial area not a Residential 2 (R2) District. She agreed with staff that it was inconsistent with the Town's Comprehensive Plan Goal 3.4.1 (see page 11 of Exhibit "A"). She stated that the use of this facility was not consistent with the Town's Comprehensive Plan under the criteria for Special Exception. She stated that it would have detrimental impact to the area and the City of Riviera Beach has requested that the Town deny it because it could have a negative impact on their residents on Silver Beach. She pointed out that it would not help the redevelopment objectives of the Federal Highway Corridor. She concurred with staff analysis.

Mayor DuBois stated that based on the Planning & Zoning Board and staff's recommendation to deny, he would not support the application.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner O'Rourke	X		
Vice-Mayor Glas-Castro	X		

Mayor DuBois	X		
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Motion passed 5-0.

Town Attorney Baird stated that he would prepare a final order with the Commission's Findings of Fact and conclusions of law consistent with the Commission's vote tonight.

Mayor DuBois closed the Public Hearing.

**NEW BUSINESS:**

**5. Resolution No. 19-05-16 for Approval of the Interlocal Agreement between the Town of Lake Park and the Village of North Palm Beach for the 2016 Summer Camp Program.**

Town Manager D'Agostino explained the item (see Exhibit "C"). Commissioner O'Rourke asked if the funded amount of \$11,600 was consistent with the summer camp program cost in the past. Town Manager D'Agostino stated "yes" and was not sure how much of those funds would be used for the program this year. He stated that the issue of transportation to the Village of North Palm Beach has not been addressed. Mayor DuBois asked if the Recreation bus could be used to transport the children. Town Manger D'Agostino explained that the Town does not have staff with a CDL license that could transport children. Human Resources Director Turner explained that the Town bus would need to be driven by a staff member to be covered by the Town's insurance plan. She further explained that the CDL license driver would need to have a passenger endorsement.

**Motion: Commissioner O'Rourke moved to approve Resolution 19-05-16; Commissioner Lynch seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner Lynch	X		
Commissioner O'Rourke	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

**TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**Town Attorney Baird** had no comments.

**Town Manager D'Agostino** reminded the Commission that two (2) Town Board applications were submitted for nomination. One (1) for the Planning & Zoning Board and one (1) for the Library Board. Mayor DuBois nominated Mr. Anthony "Tony" Bontrager to the Planning & Zoning Board. He stated that Mr. Bontrager was a Planning & Zoning Board member several years ago. Commissioner Flaherty nominated Guadalupe Lawrence to the Library Board. Town Clerk Mendez stated she would advance both Board nominations to the next Commission agenda.

Town Manager D'Agostino thanked Janet Perry and staff for another successful Sunset Celebration.

**Commissioner Lynch** had no comments.

**Commissioner Flaherty** congratulated Commissioner O'Rourke on winning the Commissioners Chili Cook-Off event, where he had a great time.

**Commissioner O'Rourke** stated that the Chili Cook-Off and the Sunset Celebrations were great events. He asked if there would be a Sunset Celebration on May 27, 2016, which was the Memorial Day weekend. Town Manager D'Agostino stated "yes".

**Vice-Mayor Glas-Castro** congratulated Commissioner O'Rourke on winning the Chili Cook-Off event and Kiwanis Club on the generous donation they received. She explained that this week the Palm Beach County Board of County Commissioners voted to change the infrastructure surtax proposal. She explained that they eliminated the Cultural component and the Economic Development component and proposing just that the School Board, Palm Beach County, and all the municipalities share the one-cent surtax. She asked if it changed and warrants the item to be brought back for further discussion by the Commission since the majority were against the surtax. Mayor DuBois would support bringing it back. Commissioner O'Rourke would support discussing the topic again. The Commission came to consensus to bring the item back for further consideration after the Palm Beach County School Board's consideration.

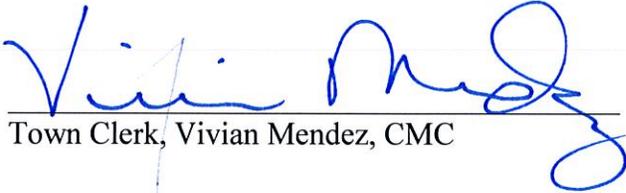
**Mayor DuBois** thanked staff for the Chili Cook-Off. He asked if the Kiwanis Club of Lake Park had paid their permit deposit. Community Development Director DiTommaso stated that payment was not received. Mayor DuBois congratulated Kiwanis Club of Lake Park for their efforts with the Chili Cook-Off. He stated that the funds raised by Kiwanis comes back to the Lake Park children. He congratulated Commission O'Rourke on winning the Chili Cook-Off. He stated that there would be a Memorial Day Celebration on Monday, May 31, 2016 at 11:00 a.m. in Kelsey Park presented by the Women's Auxiliary. He stated that he would not be available to attend the North Lake Blvd Task Force meeting and asked who would represent the Town. Vice-Mayor Glas-Castro stated that she would attend.

**ADJOURNMENT**

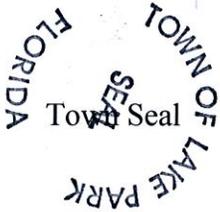
There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner O'Rourke, and by unanimous vote, the meeting adjourned at 8:43 p.m.



\_\_\_\_\_  
Mayor James DuBois



\_\_\_\_\_  
Town Clerk, Vivian Mendez, CMC



Approved on this 18 of May, 2016



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Exhibit "A"

Staff Report

**SPECIAL EXCEPTION APPLICATION FILED BY NZ CONSULTANTS, INC. FOR THE SPECIAL EXCEPTION USE OF A SUBSTANCE ABUSE TREATMENT FACILITY (DETOX COMPONENT) TO BE LOCATED IN THE R-2 RESIDENCE DISTRICT**

*\*\*A Certified Notice was mailed to all property owners within 300 feet on March 24, 2016. An ad was also placed in the Palm Beach Post on March 25, 2015 and April 22, 2016. (Copies are enclosed)\*\**

**BACKGROUND INFORMATION:**

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**Applicant:** NZ Consultants [Applicant]  
**Site:** 143 Silver Beach Road [Site]  
**Owner of Site:** Ashwin Bhatt  
**Net Acreage:** .30  
**Legal Description:** KELSEY CITY LTS 21 TO 24 INC BLK 37  
**Current Zoning:** R-2 Residence District  
**FLUM land use category:** Commercial/Residential

**Adjacent Zoning**  
**North:** R-1 Residence District  
**South:** City of Riviera Beach, R-6 Residence District  
**East:** R-2 Residence District  
**West:** R-2 Residence District

**Adjacent Existing Land Use**  
**North:** Single Family  
**South:** City of Riviera Beach, Single Family  
**East:** Commercial/Residential  
**West:** Commercial/Residential



FIGURE 1: Aerial View of Site



The Site





**FIGURE 2:** Aerial View of Site within Town with general zoning districts



Blue outlined areas are RESIDENTIAL DISTRICTS



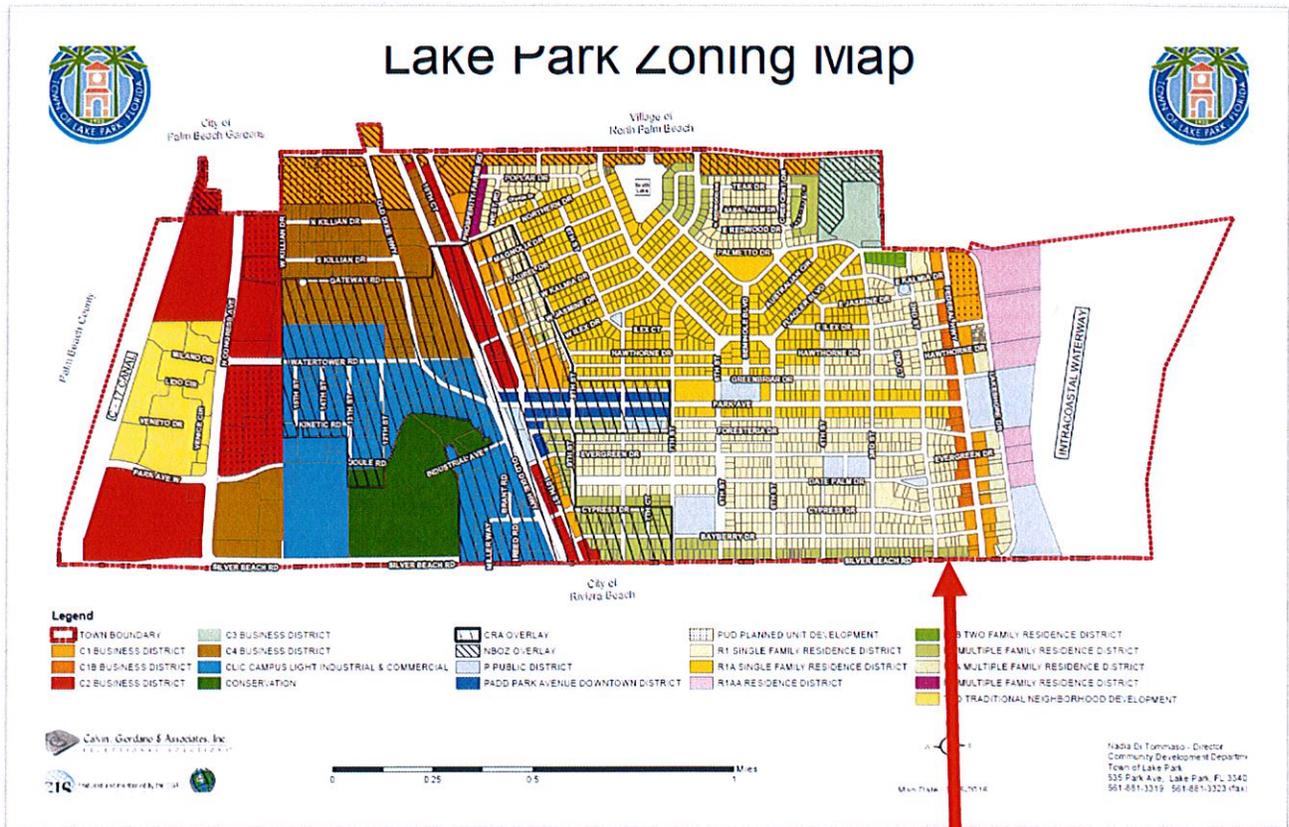
Yellow outlined areas are COMMERCIAL DISTRICTS

**The Site**



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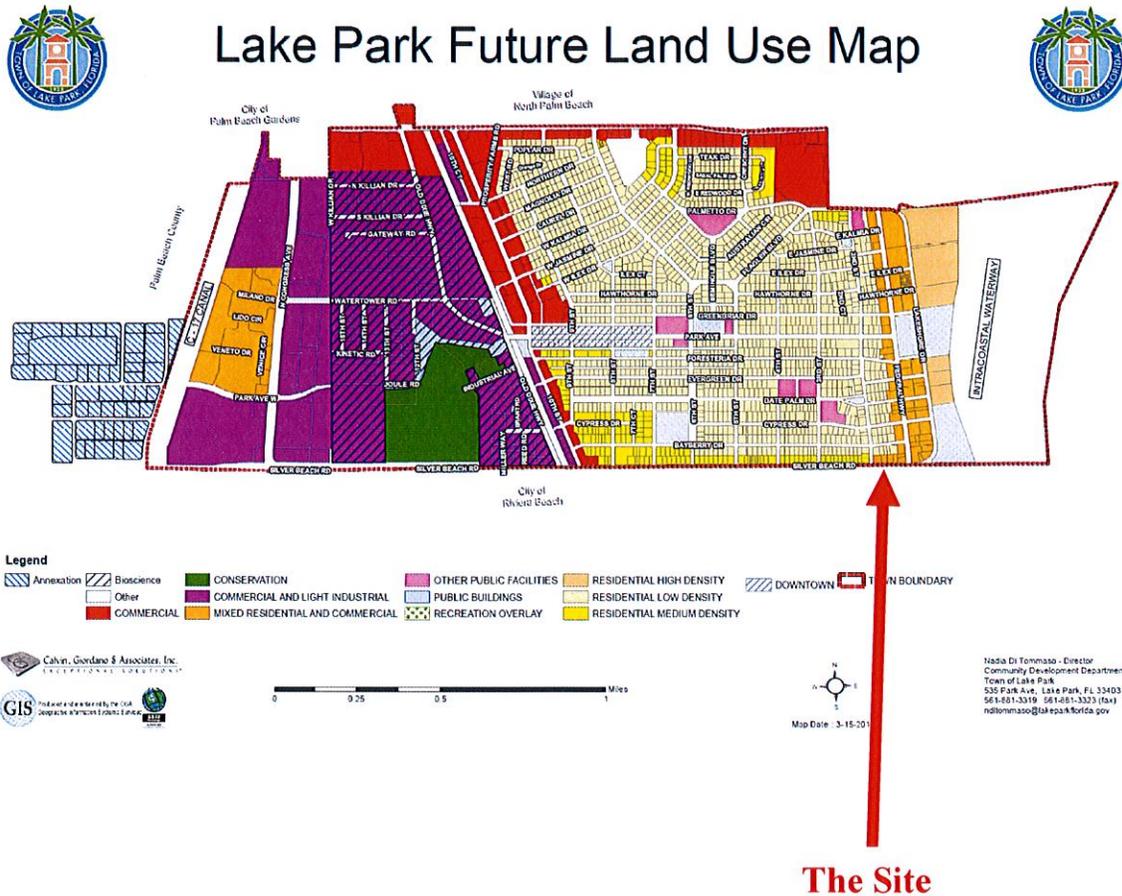
**FIGURE 3: Town Zoning Map**





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**FIGURE 4: Town Future Land Use Map (FLUM)**





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**FIGURE 5: View of Site on Silver Beach Road**





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**SUMMARY OF REQUEST:**

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The Applicant proposes to develop a licensed substance abuse treatment facility (the Facility), which includes a licensed component of which is medical detoxification. As is the nature of a medical detoxification Facility, patients will be required to reside on the property for a transitory period. The facility will serve up to 12 clients on site while they receive medical treatment during the time of their detoxification from drugs and/or alcohol. The average patient stay is 5 to 7 days. The Facility provides only the licensed medical detoxification component of treatment. It does not provide additional rehabilitation, therapy, or intensive in patient or outpatient treatment. The Facility will be operated by 1 registered nurse and 1 nurse's assistant on each daily shift. The Facility is staffed with this medical personnel 24 hours a day, 7 days a week. Essentially, the Facility will be staffed by two nurse practitioners, who will rotate daily as part of three, eight hour shifts. Accordingly the Facility will be staffed with a total of 6 medical professionals over 24 hours. A Medical Doctor will be on call. Since 2 employees will be on Staff for every shift, this equates to a total of 14 persons, working or residing on Site (patients + Staff) daily and at any given time.

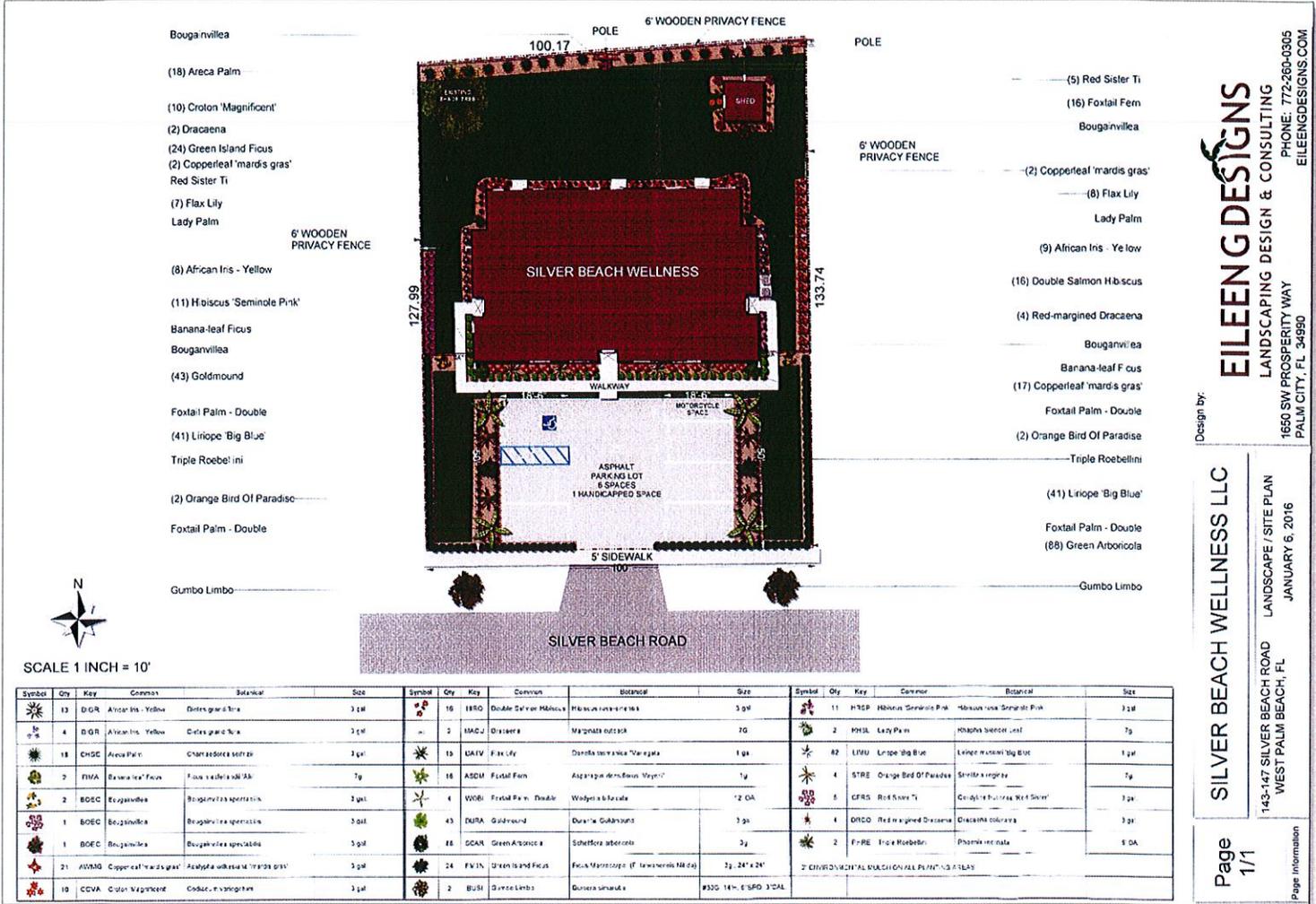
**Existing Conditions**

The Site is within the R-2 Residential Zoning District and is located on the north side of Silver Beach Road between Federal Highway and 2<sup>nd</sup> Street. It is approximately 313 feet west of Federal Highway. The structure was constructed in 1975 as multi-family rental housing, which is a permitted use in the R-2 zoning district. The structure currently has three rental units, each having 2 bedrooms and 1 to 2 bathrooms. The Applicant does not propose to expand the structure's footprint; rather it proposes to convert the interior floor plan to provide a kitchen, two offices, and rooms for the temporary stays of patients. The Applicant proposes to provide landscaping on the exterior of the structure.



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Figure 6: PROPOSED Site Plan





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Figure 7: PROPOSED Exterior Improvements

**SILVER BEACH WELLNESS LLC**

Design by: **EILEEN GDESIGNS**  
LANDSCAPING DESIGN & CONSULTING  
PHONE: 772-260-0305  
EILEENGDESIGNS.COM  
1650 SW PROSPERITY WAY  
PALM CITY, FL 34990

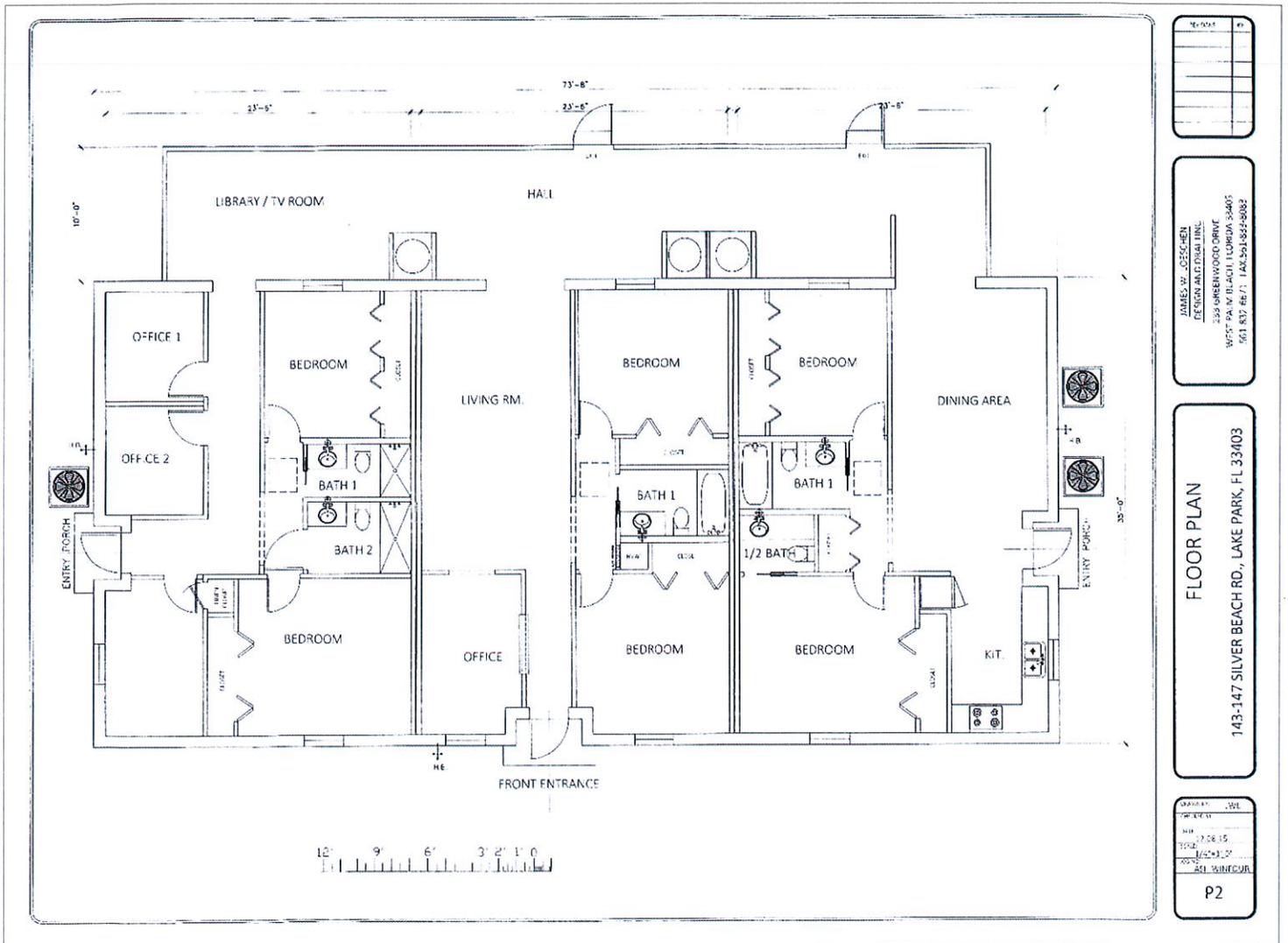
**SILVER BEACH WELLNESS LLC**  
143-147 SILVER BEACH ROAD  
WEST PALM BEACH, FL  
LANDSCAPE / SITE PLAN  
JANUARY 6, 2016

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**Figure 8: PROPOSED Floor Plan**





## ANALYSIS OF SPECIAL EXCEPTION CRITERIA

*The six criteria required for the granting of a Special Exception as set forth in Code Section 78-184 and Staff's analysis of same:*

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### Criteria 1

*The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.*

#### Applicable Goals and Objectives:

*Staff Comments:*

Goal 3.4.1

Ensure that the historic small town character of Lake Park is maintained, ***while fostering development and redevelopment that is compatible with and improves existing neighborhoods and commercial areas.*** The Town shall maintain and seek opportunities to improve its ability to provide: (1) a full range of municipal services; (2) a diversity of housing alternatives consistent with existing residential neighborhoods; (3) commercial, industrial and mixed-use development opportunities that will further the achievement of economic development goals; and (4) a variety of recreational activities and community facilities oriented to serving the needs and desires of the Town. Various land use activities, consistent with these Town character parameters, will be located to maximize the potential for economic benefit and the enjoyment of natural and man-made resources by residents and property owners, ***while minimizing potential threats to health, safety and welfare posed by hazards, nuisances, incompatibles land uses and environmental degradation.***

3.4, Objective 1, Policy 1.1(b):

Land Development Regulations shall be amended as necessary to contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:

b. Regulate the ***use*** and intensity of land development consistent with this element to ***ensure the compatibility of adjacent land uses;***

3.4, Objective 1, Policy 1.5:

The Town shall encourage the development and redevelopment of activities which will substantially increase the tax base ***while minimizing negative impacts on natural and historic resources, existing neighborhoods and development,*** and adopted Levels of Service standards.

3.4, Objective 4:

The Town shall ***coordinate with appropriate governments and agencies*** to minimize and mitigate potential mutual adverse impacts of future development and redevelopment activities.

3.4, Objective 5:

As a substantially built-out community in an urbanized area, the Town



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shall *promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses*, the built and natural environments, *and neighboring jurisdictions*.

3.4, Objective 5, Policy 5.1: *The Town shall protect, preserve, maintain and improve its core residential neighborhoods* and historic resources, and protect these areas from physical degradation and the *intrusion of incompatible uses*.

3.4, Objective 9, Policy 9.4: A Commercial or multifamily (including duplexes) expansion or development project that extends to the west more than 175 feet beyond the Federal Highway frontage line shall only occur through a design-unified mixed use redevelopment project as defined in the zoning code. Any such project must have commercial frontage on Federal Highway.

*Staff Note:* A Substance Abuse Treatment Facility catering to detoxification and having a live-in component is still a commercial use that is being proposed to be developed onto the subject Site.

***STAFF COMMENTS:***

The proposed special exception use is **not** consistent with the Goal, Objectives and Policies of the Town's Comprehensive Plan recited above based upon the following staff analysis:

Policy 9.4 of the Future Land Use Element of the Comprehensive Plan has established the future land use and vision for parcels, including the Site, which extend more than 175 feet west of Federal Highway under Policy 9.4. This policy states that a commercial use may only be developed in this area as part of a unified mixed use redevelopment project. As part of any redevelopment, the policy envisions that the commercial component of the mixed use project would be on Federal Highway. The use proposed by the Applicant is exclusively a commercial facility which includes offices and temporary housing serving the patients of the Facility. It would not be reasonable to suggest that the temporary housing of patients makes the Facility "mixed use" even if the Site fronted Federal Highway, or was part of a mixed use development that extended west from Federal Highway.

Per Objective 1, Policy 1.1(b) and 1.5, the proposed Facility is **not** consistent with Policy 1.1(b) of the Future Land Use Element. Specifically, the use and intensity of the Facility is not compatible with the adjacent residential neighborhood to the north and west. The character of this general area is predominantly single family residential. To the extent the Facility could be considered to have a residential component to it, this component is *overly* transient and will result in the turnover of patients every 3-5 days. The nature of the Facility is likely to result in increased calls for law enforcement services, and ambulatory activity at the Site, as demonstrated by the statistical data produced by PBSO based upon its experience with similar facilities elsewhere in the County. See **Appendix 'A'**. The transient use by patients of the Facility is markedly different from the residential use permitted in the R-2 Zoning District. The R-2 zoning permits the use of "a dwelling that has a turnover in occupancy of more two times a year...." The nature of this zoning district is to accommodate short term rentals of not less than six months, or seasonal residential rental properties. In comparison, the proposed use is more in the nature of a medical facility (like a hospital, but not nearly



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at the same scale) and has a potential turnover of 624-876 patients annually (12 patients having an average stay of 5-7 days).

The proposed use is **not** consistent with Objectives 4 and 5 of the Intergovernmental Coordination Element of the Comprehensive Plan. Pursuant to these Objectives, the Town is required to communicate and coordinate land use with adjacent jurisdictions. The purpose of these objectives is to ensure that potential land uses in the Town do not adversely impact adjacent jurisdictions, in this case the City of Riviera Beach (City). Silver Beach Road is the boundary line between the Town and the City. The Town contacted the City regarding the proposed Facility when the Applicant made its initial application to the Town. The City responded on June 12 and June 29, 2015 indicating that it did not support the proposed use. The Applicant submitted a subsequent application on January 20, 2016. Staff provided the City with the new application and the City again responded on February 16, 2016, and maintained its objection to the proposed use. The City's letters are attached as **Appendix 'B'**.

***FINDING: CRITERIA NOT MET***



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**Criteria 2**

*The proposed special exception is consistent with the land development and zoning regulations and all other portions of this code.*

<p>Parking 78-145(g)</p>	<p>Section 78-142(c)(5)(f) states that if a particular land use is not included within Section 78-142 that the community development director may assign parking standards for a similar use. Since this section does not contain specific parking standards for the term ‘substance abuse treatment facility’, Staff has applied standards for “convalescent and nursing homes”, the most similar (for parking-related purposes ONLY given the patient beds/staff environment) use to this proposal.</p> <p>Parking spaces for this use are calculated as follows:</p> <table border="1" data-bbox="448 730 1455 974"> <thead> <tr> <th>Requirement</th> <th>Calculation</th> <th>Required parking spaces</th> </tr> </thead> <tbody> <tr> <td><i>One space per four beds of patient capacity plus one space per employee at maximum shift</i></td> <td>Patient Capacity: 12 Beds Staff (maximum shift: 2 Staff Persons</td> <td>3 Spaces 2 Spaces</td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>TOTAL</b></td> <td><b>5</b></td> </tr> </tbody> </table> <p>The Applicant is providing 6 parking spaces, inclusive of 1 ADA space, and therefore would meet the minimum required parking spaces for a proposed commercial facility of this size.</p>	Requirement	Calculation	Required parking spaces	<i>One space per four beds of patient capacity plus one space per employee at maximum shift</i>	Patient Capacity: 12 Beds Staff (maximum shift: 2 Staff Persons	3 Spaces 2 Spaces	<b>TOTAL</b>		<b>5</b>
Requirement	Calculation	Required parking spaces								
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<b>TOTAL</b>		<b>5</b>								
<p>Paving 78-142(c)(10)(f) &amp; Striping 78-142(c)(10)(a)(i):</p>	<p>The proposed Facility would be able to meet the minimum paving standards; however, in order to accommodate the commercial nature of the Facility it would have to be restriped in accordance with current dimensional standards of the Town’s Code.</p> <p>➤ The Applicant proposes sealcoat and restripe the front parking lot pursuant to Site Plan submitted on 1/20/16 (improvements have been made in advance of this approval to simply bring the paving up to Code).</p>									
<p>Parking screening 78-253(1):</p>	<p>The Applicant’s Site Plan meets the parking screening requirements of Section 78-253(c).</p>									
<p>Landscaping 78-253(a):</p>	<p>The Applicant’s Site Plan meets landscape requirements of Section 78-253(b) (improvements have been made in advance of this approval).</p>									
<p>Signage 70-103(5):</p>	<p>The Applicant is not proposing signage; therefore, this section of code is not applicable.</p>									
<p>Building Height, Building Site Area, Minimum Floor Area &amp; Setbacks 78-71(2),(3), (4), &amp; (5):</p>	<p>The structure on the Site meets the requirements of the R-2 Zoning District as it relates to building height, building Site area, minimum floor area, and setbacks.</p>									

**STAFF COMMENTS:**

Criteria 2 is met if the Applicant improves the Site consistent with the plans submitted on 1/20/16.

**FINDING: CRITERIA MET**



### Criteria 3

*The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.*

Zoning & Future Land Use:  
**(Not Satisfied)**

The Site is located in the R-2 Residential District, which is comprised of single and multi-family residences. It is abutted by the R-1 Residential District to the North, the R-6 Residential District to the South (Riviera Beach’s jurisdiction), and the R-2 District to the east and west. This area is comprised solely of residential uses. The proposed Facility is not consistent with the R-2 Zoning District due to its predominately commercial use. To the extent there is a “residential component” to the Facility, this component is substantially different in its function from the adjacent residential uses. Moreover, the Facility’s residential component is not for purposes of residential living, rather its purpose is for medical treatment purposes.

While the Future Land Use Map assigns a Residential/Commercial future land use to the Site, it does so contemplating that future redevelopment of properties west of Federal Highway will be developed as mixed-use with the commercial uses fronting Federal Highway and the mixture of commercial and residential uses extending west along Silver Beach Road for 175 feet.

The Town is believed to be Florida’s first zoned community, and as such was designed in a manner that separated commercial, residential, and industrial uses into separate districts. This plan remains evident today. The map below depicts the division of uses today. There is a strong core residential district made up primarily of single family and some multi-family housing. Surrounding the core residential district are lands zoned commercial and industrial. The current Zoning Map clearly separates commercial uses away from the residential core uses. The application and redevelopment of the multi-family residential use to a commercial use is not consistent with the historical vision of the Town nor with the current zoning.



Hours of Operation:  
**(Not Satisfied)**

Furthermore, while a component of the proposed Facility is described as “residential style”, the proposed use, in particular its business operation being 24/7, is not consistent with the residential character of this area of the Town or the City. This is



**Town of Lake Park**  
**TOWN COMMISSION**  
**Meeting Date: May 4, 2016**

	highlighted by the fact that the business will require 6 staff persons changing shifts three times a day, the arrival and departure of patients, and the deliveries of food and medical supplies. Additionally, based on experience, PBSO anticipates that there will be emergencies requiring an increased need for police assistance. (See <b>Appendix ‘A’</b> – PBSO Statistics).
Traffic: (Not Satisfied)	The Applicant submitted a traffic statement to the County. Although the County confirmed that the proposed use will not impact the level of service (LOS) for Silver Beach Road, this review is only concerned with the actual capacity of the roadway to accommodate traffic. It is a quantitative measure, not qualitative. Evaluating the Facility based upon a qualitative planning perspective, Staff has concluded that the proposed Facility will introduce increased traffic from commercial delivery vehicles, employees, and perhaps neighboring ambulatory and police emergencies into the surrounding residential neighborhoods in the Town and the City. <u>Therefore, the proposed special exception use <b>will</b> have a detrimental impact on surrounding properties based on the amount and flow of traffic in the vicinity around the clock.</u>  See <b>Appendix ‘A’</b> – PBSO & PBCFR Information
Location\Mass\ Setbacks\Other: (Satisfied)	The proposed use would not require any modifications to the structure’s massing, or its location on the Site. Thus, it meets these standards.

**STAFF COMMENTS:**

Staff finds that the proposed special exception use is not compatible with the character and use of the surrounding properties based on the hours of operation and existing and future land use.

**FINDING: CRITERIA NOT MET**

**Criteria 4**

*The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.*

**STAFF COMMENTS:**

While there are no other substance abuse treatment facilities located within a 1,200 foot radius of the Site, Staff is of the opinion that the introduction of this medical facility into this residential area could lead to the proliferation of other licensed substance abuse components and the proliferation of recovery residences to serve the patients of these facilities as they progress through various treatment protocols. The Town has struggled with the proliferation of recovery residences because the housing stock in the Town is attractive to investors. Therefore, to the extent the proposed Facility might accelerate the concentration and proliferation of medical facilities and recovery residences in the Town, staff is of the opinion that the nature of the Facility would be incompatible with the predominately single family residential character of the Town west of Federal Highway.

**FINDING: CRITERIA NOT MET**



**Town of Lake Park  
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Meeting Date: May 4, 2016**

### **Criteria 5**

*The proposed special exception use does not have a detrimental impact on surrounding properties based on:*

*(a) The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and, (c) The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.*

- (a) The Site is 0.3 acres (13,068 s.f.). The existing use is a three-family dwelling. The proposed Facility would have 14 individuals using, temporarily residing (for treatment purposes), or working on the Site (patients + Staff). As previously noted, the proposed Facility would have a potential turnover of patients and staff resulting in 624-876 persons per year coming and going from the Site. This turnover is out of character with the turnover of persons using the current three-family dwelling, and is not compatible with the surrounding residential uses and intensities.

Therefore, the proposed Facility **would** have a detrimental impact on, and be out of character with, the surrounding residential properties because of the number of persons working, using and residing at the Site.

- (b) Noise:

Based on the nature of the medical services provided and the known potential for emergencies requiring police assistance and possible ambulatory services (see **Exhibit 'A'**), noise is likely to increase and not be consistent with the surrounding residential uses. The potential for 624-876 patients per year and the coming and going of, 2,190 employees annually, is also likely to generate substantially more noise for neighboring residential uses. Therefore, the proposed special exception use **would** have a detrimental impact on surrounding properties based on noise generated activities at the Site.

Odor:

The proposed Facility **would not** have a detrimental impact on surrounding properties based on odor that is generated by the activities on Site.

Visual:

From outside appearances, the proposed Facility **would not** have a detrimental impact on surrounding properties based on visual nuisance.

- (c) See the response to Criteria # 3 under "Traffic." Based upon this analysis, Staff finds that the proposed Facility **would** have a detrimental impact on surrounding properties based on the amount and flow of traffic in the vicinity.

#### **STAFF COMMENTS:**

Staff finds that the proposed special exception use **would** have a detrimental impact on surrounding properties based on the number of persons using, residing or working on the property; **would** have a detrimental impact on surrounding properties based on the degree of noise; **would** have a detrimental impact on surrounding properties based on the effect on the amount and flow of traffic generated by the use; but **will not** have a detrimental impact on the surrounding area based on the degree of odor or visual nuisance created by the proposed special exception use.

**FINDING: CRITERIA NOT MET**



**Town of Lake Park**  
**TOWN COMMISSION**  
**Meeting Date: May 4, 2016**

**Criteria 6**

*That the proposed special exception use: (a) Does not significantly reduce light and air to adjacent properties, (b) Does not adversely affect property values in adjacent areas, (c) Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations, (d) Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces, (e) Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.*

- (a) The proposed special exception use **would not** reduce light or air to adjacent properties since the application does not propose any additions or renovations to alter building height and mass.
- (b) The Applicant submitted a market analysis with its application that was prepared by LRM, Inc. (LRM). The LRM report demarcates the neighborhood boundaries as: “Bayberry Drive to the north, West 37<sup>th</sup> Street to the south, Federal Highway to the east and 2<sup>nd</sup> Street to the west.”

The boundary used by LRM with its inclusion of the strip commercial parcels along Federal Highway should be differentiated from the residential core of the Town which extends from Federal Highway west along Silver Beach Road where the Site is located. The Site is actually four parcels west of Federal Highway, or approximately 313 feet. This area is entirely residential in nature. Staff finds the inclusion of the commercial uses on Federal Highway is from a market analysis perspective, inconsistent with the properties west of Federal Highway along Silver Beach Road.

Further, the LRM market analysis mistakenly identifies the beginning of the R-2 District’s eastern boundary as Federal Highway, not 115 Silver Beach Road. The commercial parcels located along Federal Highway included in the LRM market analysis are actually located in the C-1 Business District (and applicable Commercial District of Riviera Beach) and not the R-2 Residence District. Therefore, Staff is of the opinion that the boundaries demarcated in the LRM market analysis should not have included the predominantly commercial neighborhoods.

- (c) Based on the LRM market analysis, Staff finds the proposed Facility **would** be a deterrent to the improvement, development or redevelopment of surrounding properties because, as the LRM report observes: “...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...”
- (d) The Facility **would not** have an impact on natural systems or public facilities.
- (e) The Facility **would not** include pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

***FINDING: CRITERIA NOT MET***



**Town of Lake Park**  
**TOWN COMMISSION**  
**Meeting Date: May 4, 2016**

### **PLANNING & ZONING BOARD RECOMMENDATION**

**PLEASE REFER TO THE ENCLOSED P&Z BOARD MINUTES.** The Planning and Zoning Board concluded that the Application did not meet the Special Exception Use Criteria and has recommended that the Commission deny the special exception use of a substance abuse treatment facility to be located at 143 Silver Beach Road.

### **STAFF RECOMMENDATION**

---

In order for an application for a special exception use to be approved, the Commission must determine that each of the six criteria set forth in Code Section 78-184 have been met. Staff's analysis concludes that the application for the special exception use of a substance abuse facility does not meet Criteria 1, 3, 4, 5 and 6 of Code Section 78-184. Therefore, Staff recommends **denial.**

Should the Town Commission determine that all six criteria have been met, Staff recommends the Commission incorporate the following as conditions of the Development Order:

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

## Appendix 'A'

### PBSO & PBCFR Statistics

#### Palm Beach County Sheriff's Office (PBSO)

##### Nursing Home and Detox Facility

Palm Beach County Sheriff's Office (PBSO) provided statistics of police activity for two sites in the County for a period covering one year. One site, Sunrise Detox, a 33 bed detoxification facility located at 3185 Boutwell Road in Lake Worth, and the second site, Northlake Rehabilitation and Health, an 85 bed nursing home that is located at 750 Bayberry Drive in Lake Park.

The average number of police activity incidents were similar for both sites (the nursing home has 3 times the amount of beds) over the period, but the distinguishing factor, however, is the nature of the incidents requiring police assistance. PBSO **responded to 11 additional categories of calls that can, according to PBSO, be considered to be a threat or nuisance to the general safety and welfare of the community immediately adjacent to or nearby the site.** Those categories of calls are highlighted in **red** in the table below.

Staff met with Lieutenant Vassalotti on March 22, 2016 to review these statistics and to talk about comparisons between the types of police activity and the volume that is associated with a substance abuse treatment facility (particularly the Applicant's application for a detox center), a nursing home, and residential sites. Lieutenant Vassalotti stated that the nature and volume of calls received from a substance abuse treatment facility is very different and not comparable to the type of calls received from a nursing home or even a residential site. Further, it was his opinion that a substance abuse treatment facility was not a compatible use to be located within a residential neighborhood and should be located in a purely commercial zoning district because it is not a residence, but a for-profit business that will generate a level of police activity not consistent with what is found in a residential area.

Sunrise Detox (Detoxification Facility) 3185 Boutwell Road, Lake Worth – 33 Beds			Northlake Rehabilitation and Health (Nursing Home) 750 Bayberry Drive, Lake Park – 85 Beds		
Type	Type of Call Received	Number	Type	Type of Call Received	Number
S/13P	Suspicious Person	1	S/31	Assault	5
S/19	Misdemeanor	1	S/81	Verbal Threat	2
S/20	Mentally Disturbed Person	1	S/78	Obscene/Harassing Phone Call	1
S/22	Disturbance	5	10-14	Convoy Escort	3
S/22IP	Disturbance in Progress	2	10-38	Roadblock or Obstruction	1
S/30	Theft/Larceny	2	10-63	Business/Residence Check	1
S/36	Fight	1	10-73	Open Gate	3
S/66	Civil Matter	13	S/16A	Adult Abuse/neglect	5
S/79	Suspicious Incident	2	S/32A	Suicide Attempt	1
S/80	Unwanted Guest	4	S/67	Accidental Injury	1
S/8	Missing Person	3	S/68	Police Service Call	8
S/68	Police Service Call	10	S/76	Assist to Another Dept.	4
S/73	Man Down/Sick Person	3	S/84	Welfare Check	2
S/87	Welfare Check	4	10-20	Location	3
S/11	Abandoned Vehicle	1	10-53	Coming by Office (paperwork)	1
S/76	Assist to Another Dept.	1	10-22	Disregard	7
S/32A	Suicide Attempt	3	n/a	911	11
S/14	Information	3		<b>TOTAL</b>	<b>55</b>
10-67	Serving Civil Process	1			
n/a	911	4			
	<b>TOTAL</b>	<b>65</b>			

# Appendix 'A'

## PBSO & PBCFR Statistics

### Residential Properties on Silver Beach Rd.

Staff also requested records of four single and multi-family properties that are adjacent to the Site of the proposed special exception use to compare with above findings. During the same one-year period the three multi-family and one single family properties had just two incidents requiring police assistance that did not appear to be a result of the activity of the actual residents, since both incidents were burglary of the residence.

**Police Activity by PBSO**  
**Period March 22, 2015 through March 19, 2016**  
**Adjacent Residential Sites**

Address	Type	Type of Call Received	Number
115 Silver Beach Road	n/a	n/a	0
135 Silver Beach Road	S/21R	Burglary - Residence	2
143 Silver Beach Road	n/a	n/a	0
205 Silver Beach Road	n/a	n/a	0
<b>TOTAL</b>			<b>2</b>

### All Sites Comparative Table

**Activity by PBCFR**  
**Period March 22, 2015 through March 19, 2016**  
**All Sites**

Type/Name	Address	Number
Single Family Residential	115 Silver Beach Road	0
Residential Duplex	135 Silver Beach Road	2
Residential Triplex	143 Silver Beach Road	0
Residential Duplex	205 Silver Beach Road	0
Sunrise Detox	3185 Boutwell Road, Lake Worth	65
Northlake Rehab. Nursing Home	750 Bayberry Drive, Lake Park	55

### **Palm Beach County Fire Rescue (PBCFR)**

Staff requested call statistics from PBCFR for the same sites and they were not able to release data on private residences due to HIPPA Regulations. At the time this report was released, Fire Rescue was still preparing a statement regarding the differences in Fire Rescue activity among single/multi-family homes vs. substance abuse facilities and nursing homes. Based on our verbal communications, PBCFR indicated there is a difference. Staff hopes to present their official statement at the Town Commission meeting on May 4<sup>th</sup>.

### **Conclusion**

Sunrise Detox was selected for review because no detox facility existed with the Town and since it was providing the same or similar services as the proposed special exception use. The nursing home at 750 Bayberry Dr. was selected because it has one of the lowest bed capacities in the County, per the Florida Agency for Health Care Administration (AHCA). While these two samples both have a higher bed capacity than the proposed special exception use, the data sample does, however, confirm the comparative type of police activity and the comparative potential volume that is associated with each land use. While the actual numbers cannot be predicted for this proposal, and while the total numbers may be lower since the proposal is for a 12 bed facility, it will be greater than your standard residential or nursing home type of use. PBSO confirmed with staff that the data they provided regarding the type of calls and volume are all consistent with the policing needs of this type of facility and they fully anticipate, should it be approved, that the Town will see an increase in calls for assistance that is consistent with this data. This is also clear when comparing the sample location statistics to those of single and multi-family residential. PBCFR statement is also forthcoming.



OFFICE OF  
COMMUNITY DEVELOPMENT

# Appendix 'B'

## CITY OF RIVIERA BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT  
600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404  
(561) 845-4060 FAX: (561) 845-4038

February 16, 2016

Scott Schultz, Planner  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

RE: 143 Silver Beach Road Site Plan Application

Dear Mr. Schultz:

On February 16, 2016, the City of Riviera Beach received a request from the Town of Lake Park to provide comments for the proposed special exception application by Ashwin Bhatt at 143 Silver Beach Road (PCN: 36-43-42-20-01-037-0210) to develop a 24/7 substance abuse treatment facility onsite. On June 12, 2015, the City provided comments on the proposed special exception application. The intent of this letter is to inform you that City staff has completed review for the Ashwin Bhatt's Special Exception Use Application and confirms the original comments as follow:

- The proposed use is not compatible with and is inconsistent with the adjacent single family residential future land use and zoning designations.
- The proposed use is a more intensive use than the existing multi-family units. As such, the City has a major concern with the increase of traffic along the Silver Beach Road corridor that will be associated with the proposed substance abuse facility. The City also has a major concern with the parking needed to support a facility such as a substance abuse facility on the referenced parcel.
- The proposed use operating a 24/7 facility creates a public safety concern for the residents in the area.

The City of Riviera Beach is not in support of approving the proposed substance abuse facility located at 143 Silver Beach Road. Please feel free to contact my office at (561) 845-4060 should you have any questions regarding this matter.

Sincerely,



Mary McKinney, AICP  
Director of Community Development



OFFICE OF  
COMMUNITY DEVELOPMENT

# Appendix 'B'

## CITY OF RIVIERA BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT  
600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404  
(561) 845-4060 FAX: (561) 845-4038

June 29, 2015

Scott Schultz, Planner  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

RE: 143 Silver Beach Road Site Plan Application

Dear Mr. Schultz:

On June 2, 2015, the City of Riviera Beach was requested to provide comments for the proposed special exception application by Ashwin Bhatt at 143 Silver Beach Road (PCN: 36-43-42-20-01-037-0210) to develop a 24/7 substance abuse treatment facility onsite. On June 12, 2015, the City provided comments on the proposed special exception application. On June 23, 2015, the City received a letter from the applicant Ashwin Bhatt regarding the City's comments. The intent of this letter is to inform you that City staff has completed review for the Ashwin Bhatt's Special Exception Use Application and confirms the original comments as follow:

- The proposed use is not compatible with and is inconsistent with the adjacent single family residential future land use and zoning designations.
- The proposed use is a more intensive use than the existing multi-family units. As such, the City has a major concern with the increase of traffic along the Silver Beach Road corridor that will be associated with the proposed substance abuse clinic. The City also has a major concern with the parking needed to support a facility such as a substance abuse clinic on the referenced parcel.
- The proposed use operating a 24/7 facility creates a public safety concern for the residents in the area.

The City of Riviera Beach is not in support of approving the proposed substance abuse clinic located at 143 Silver Beach Road. Please feel free to contact my office at (561) 845-4060 should you have any questions regarding this matter.

Sincerely,

Mary McKinney, AICP  
Director of Community Development



OFFICE OF  
COMMUNITY DEVELOPMENT

## Appendix 'B'

# CITY OF RIVIERA BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT  
600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404  
(561) 845-4060 FAX: (561) 845-4038

June 12, 2015

Scott Schultz, Planner  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

RE: 143 Silver Beach Road Site Plan Application

Dear Mr. Schultz:

On June 2, 2015, the City of Riviera Beach was requested to provide comments for the proposed special exception application by Ashwin Bhatt at 143 Silver Beach Road (PCN: 36-43-42-20-01-037-0210) to develop a 24/7 substance abuse treatment facility onsite. The intent of this letter is to inform you that City staff has completed review for the Ashwin Bhatt's Special Exception Use Application. The City is responding to the Special Exception application with the following comments:

- The proposed use is not compatible with and is inconsistent with the adjacent single family residential future land use and zoning designations.
- The proposed use is a more intensive use than the existing multi-family units. As such, the City has a major concern with the increase of traffic along the Silver Beach Road corridor that will be associated with the proposed substance abuse clinic. The City also has a major concern with the parking needed to support a facility such as a substance abuse clinic on the referenced parcel.
- The proposed use operating a 24/7 facility creates a public safety concern for the residents in the area.

The City of Riviera Beach is not in support of approving the proposed substance abuse clinic located at 143 Silver Beach Road. Please feel free to contact my office at (561) 845-4060 should you have any questions regarding this matter.

Sincerely,

Mary McKinney, AICP  
Director of Community Development

Town of Lake Park

# TOWN COMMISSION



Silver Beach Wellness, LLC

Special Exception Use Application

5.4.16



Exhibit "B"

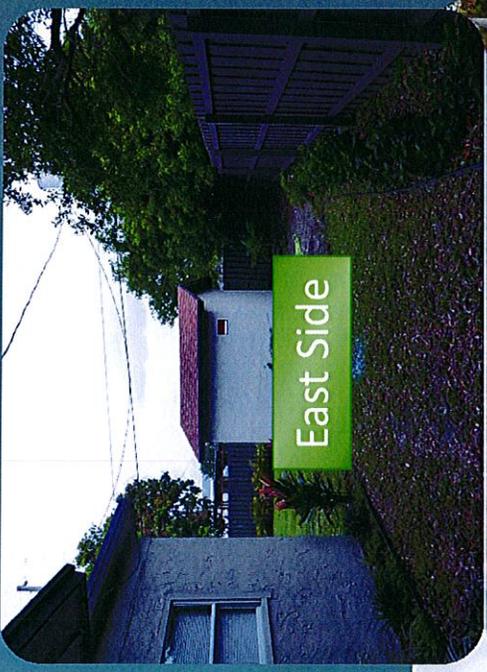
# Silver Beach Wellness



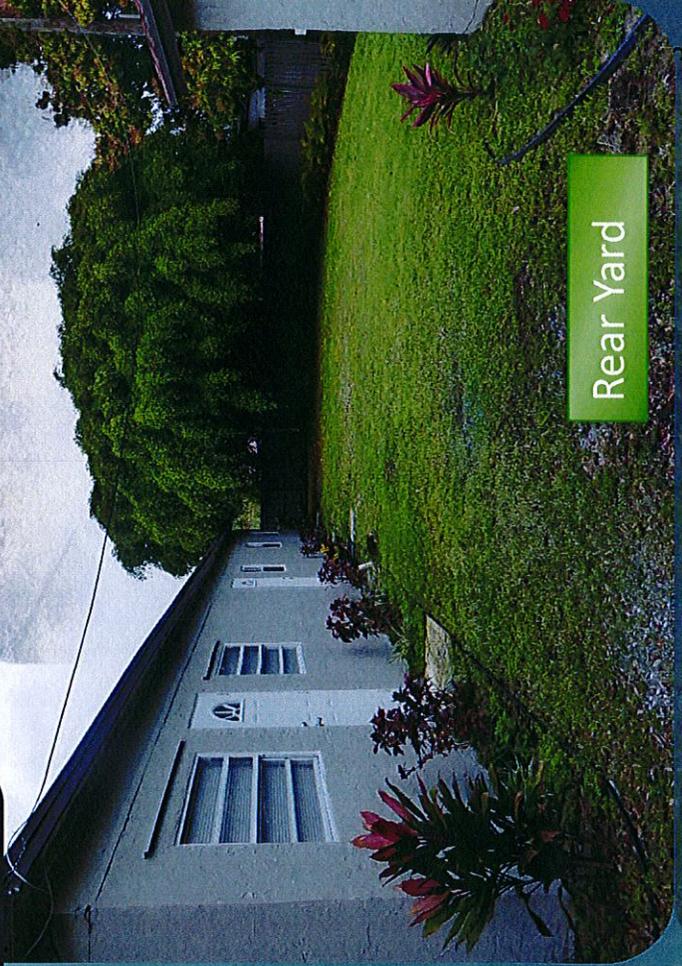
# EXISTING CONDITIONS



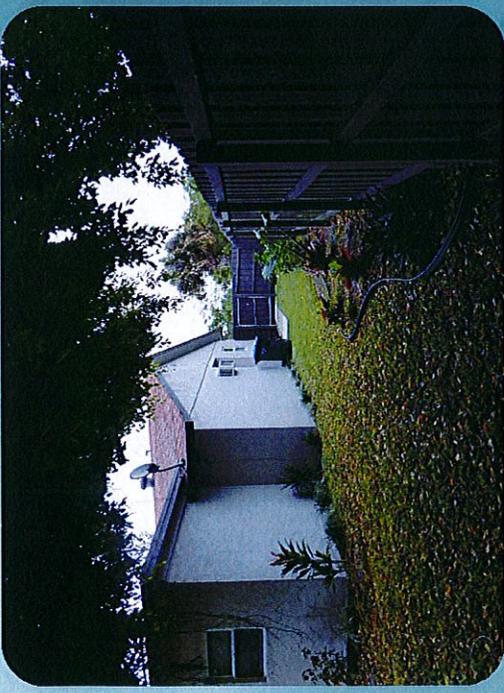
Front



East Side



Rear Yard



West Side

**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**

# **Dr. Ash Bhatt, MD**

American Board of Addiction Medicine  
American Board of Psychiatry and Neurology,  
Adult Psychiatry  
American Board of Psychiatry and Neurology,  
Child and Adolescent Psychiatry

# 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*

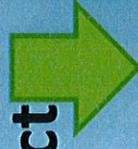
Average length of stay 5 to  
7 days - *Monitored 24/7*

**Patients will Not have vehicles**



# Silver Beach Wellness Residential Medical Detoxification Facility

Individuals Recovering from  
substance abuse are persons  
with disability under Title II  
of the Americans with  
Disabilities Act

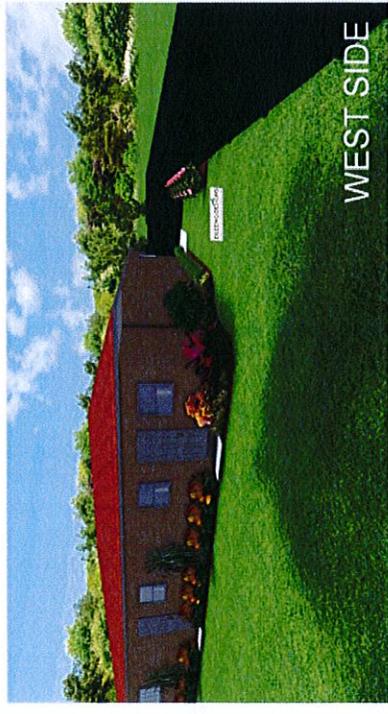
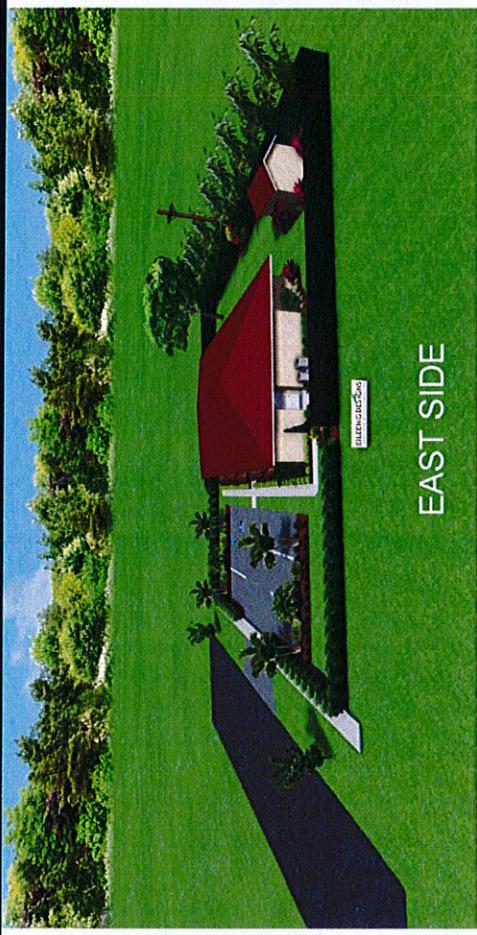
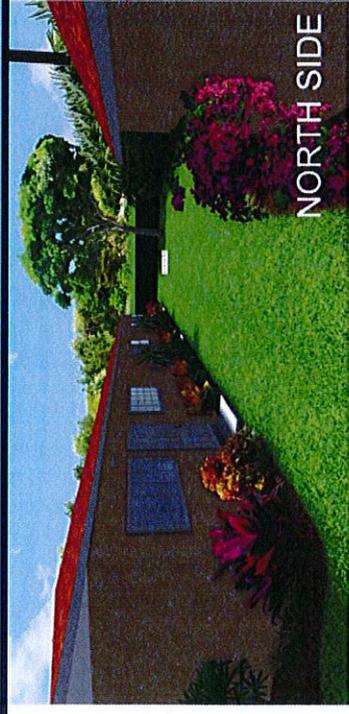


**PROHIBITS DISCRIMINATION**  
**ON THE BASIS OF DISABILITY**  
**BY PUBLIC ENTITIES**

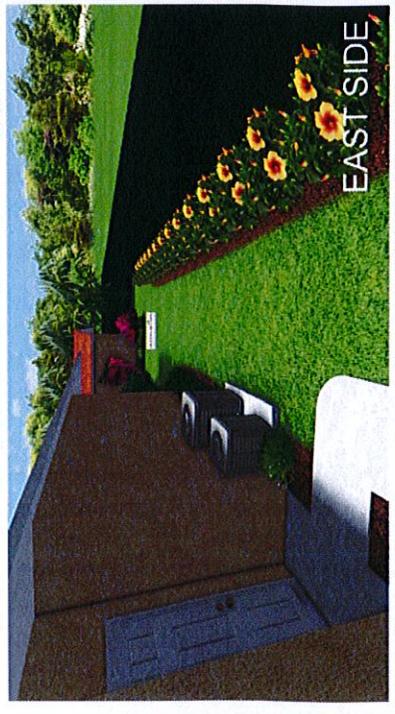
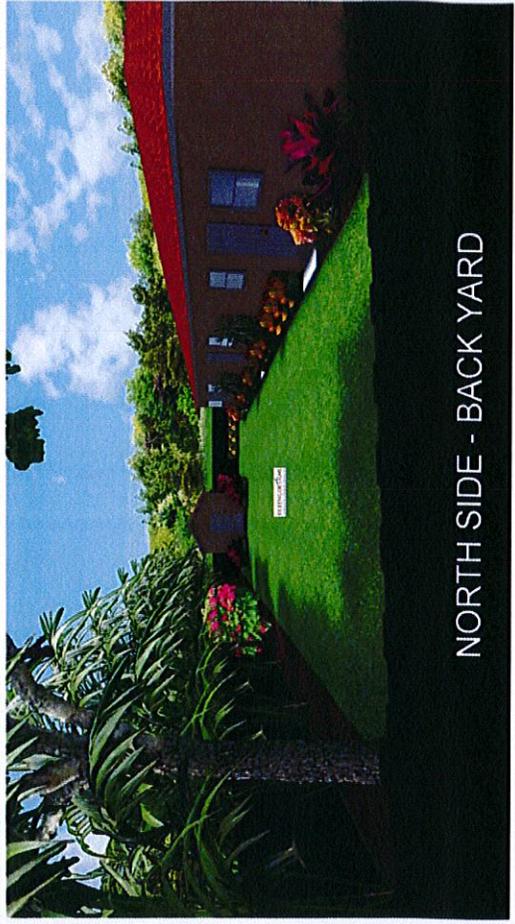




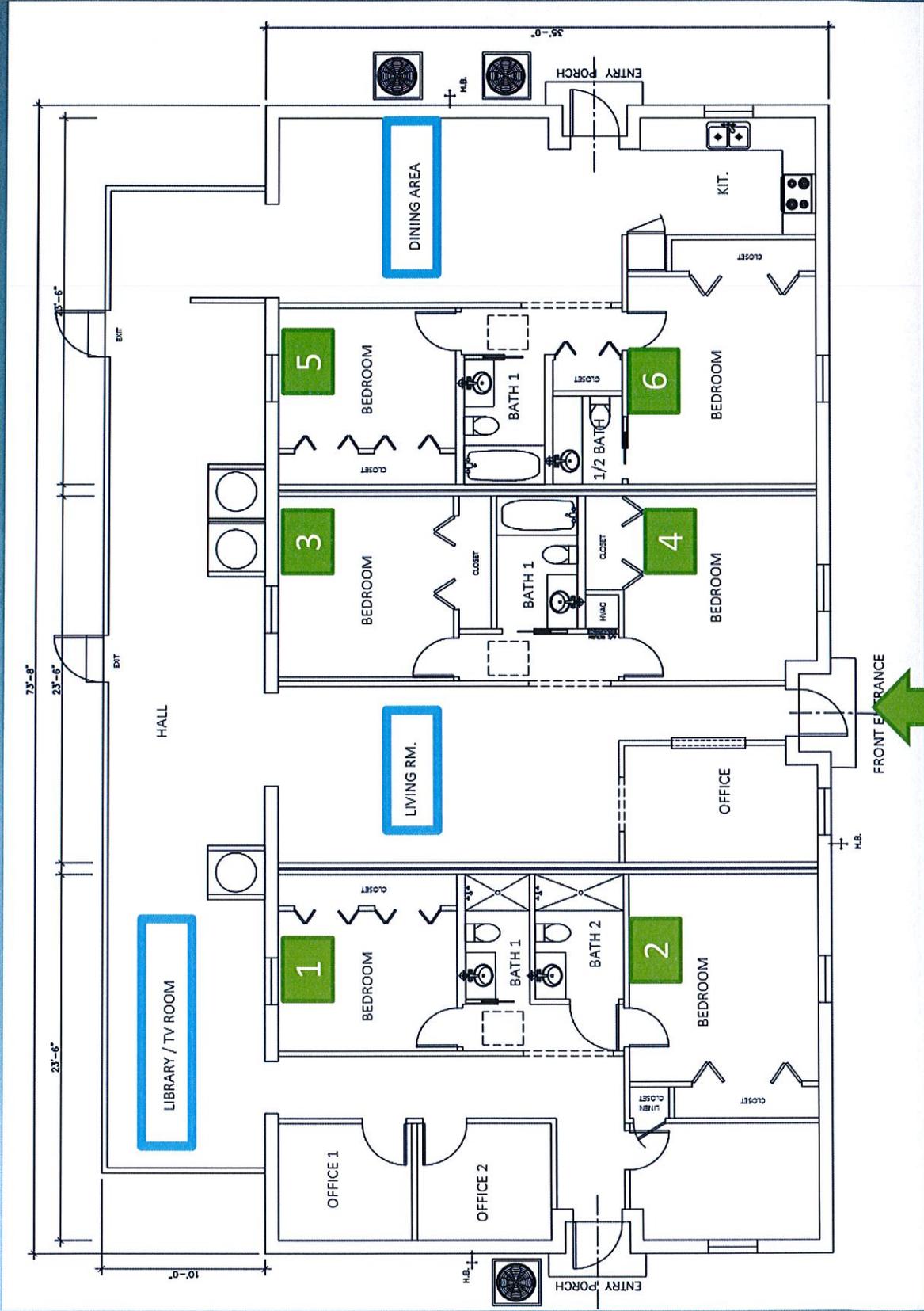
# Silver Beach Wellness



## SILVER BEACH WELLNESS LLC



# Silver Beach Wellness



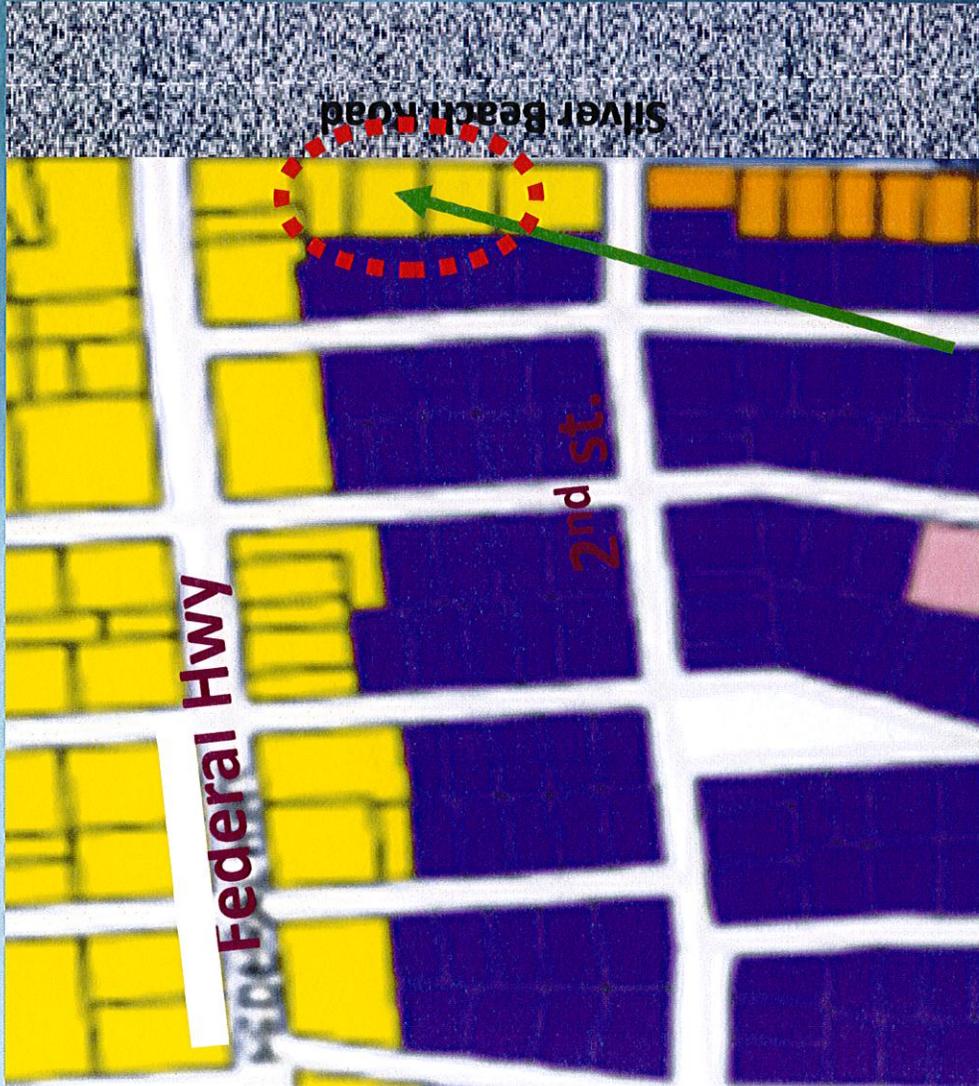
# SPECIAL EXCEPTION USE CRITERIA



# 1

## CONSISTENCY WITH COMPREHENSIVE PLAN

### FUTURE LAND USE ELEMENT



Residential and Commercial  
Future Land Use Designation

**TRANSITIONAL BLOCK**  
COMMERCIAL  
CHARACTER FEDERAL  
HWY AND RESIDENTIAL  
DENSITY

Residential Low Density  
Future Land Use Designation

Proposed Silver Beach Wellness

# 1

## CONSISTENCY WITH COMPREHENSIVE PLAN

### FUTURE LAND USE ELEMENT

#### SILVER BEACH WELLNESS 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 WELLNESS 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 WELLNESS 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

**1**

**CONSISTENCY WITH COMPREHENSIVE PLAN**

**SILVER BEACH WELLNESS IS CONSISTENT WITH THE COMPREHENSIVE PLAN**

**By Florida Statutes**

Chapter 397

**Silver Beach Wellness  
Residential Character**

# 2

## CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

SILVER BEACH WELLNESS IS CONSISTENT WITH ZONING REGULATIONS

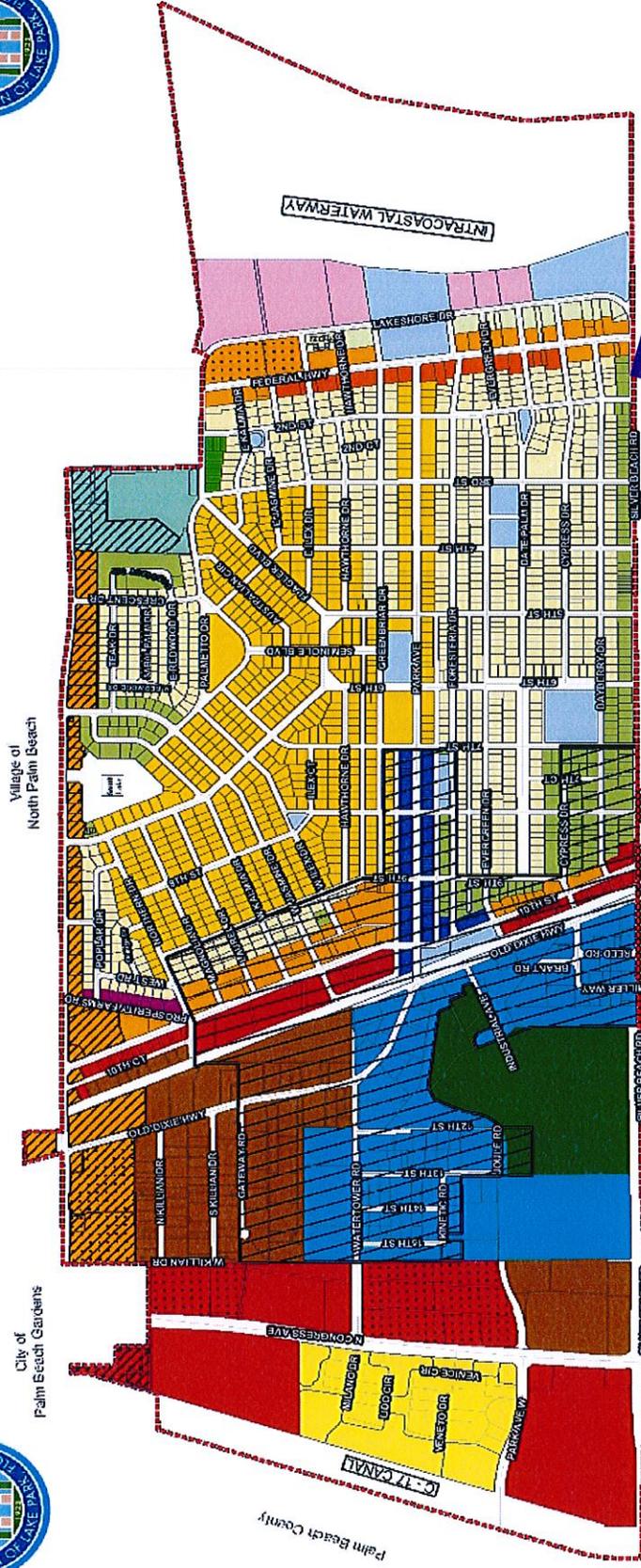
### ✓ R-2 RESIDENTIAL ZONING DISTRICT

- ✓ 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”*



# Lake Park Zoning Map



City of  
Riviera Beach

- Legend**
- TOWN BOUNDARY
  - C1 BUSINESS DISTRICT
  - C1B BUSINESS DISTRICT
  - C2 BUSINESS DISTRICT
  - C3 BUSINESS DISTRICT
  - C4 BUSINESS DISTRICT
  - C1C CAMPUS LIGHT INDUSTRIAL & COMMERCIAL
  - C2C CONSERVATION
  - CRA OVERLAY
  - NBOZ OVERLAY
  - P PUBLIC DISTRICT
  - PADD PARK AVENUE DOWNTOWN DISTRICT
  - R1 SINGLE FAMILY RESIDENCE DISTRICT
  - R1A SINGLE FAMILY RESIDENCE DISTRICT
  - R1AA RESIDENCE DISTRICT
  - R2 MULTIPLE FAMILY RESIDENCE DISTRICT
  - R2A MULTIPLE FAMILY RESIDENCE DISTRICT
  - R2B MULTIPLE FAMILY RESIDENCE DISTRICT
  - R3 MULTIPLE FAMILY RESIDENCE DISTRICT
  - TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Calvin, Giordano & Associates, Inc.  
PLANNING CONSULTANTS

Includes data provided by the USGS  
Geographic Information Systems Center



Map Date : 3-15-2016

Nadia Di Tommaso - Director  
Community Development Department  
Town of Lake Park  
535 Park Ave., Lake Park, FL 33403  
561-881-3319 561-881-3323 (fax)  
ndtommaso@lakeparkflorida.gov

## Similar Uses Permitted “by Right” in R-2 Residence Districts

### Uses

Community Residential Home

Group Home

Nursing or Convalescent Homes

Transient Residential Use

# 2

## CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

SILVER BEACH WELLNESS 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

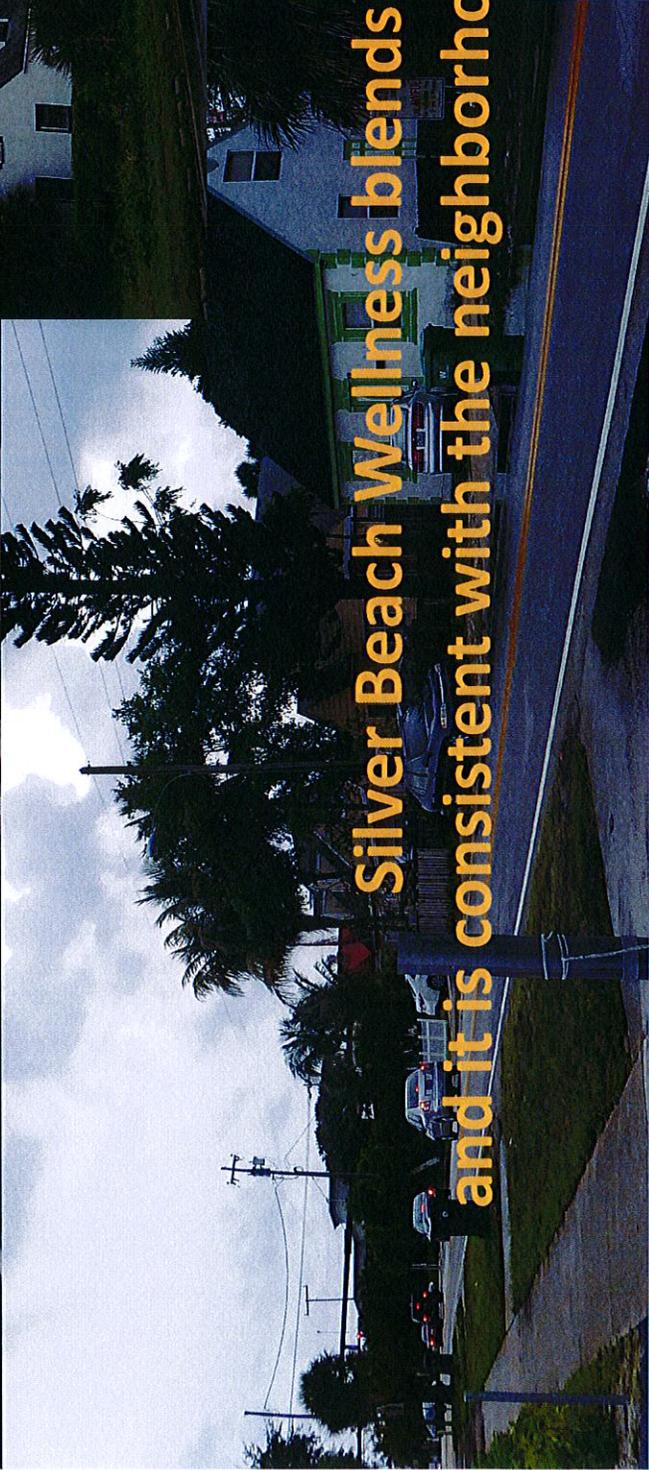
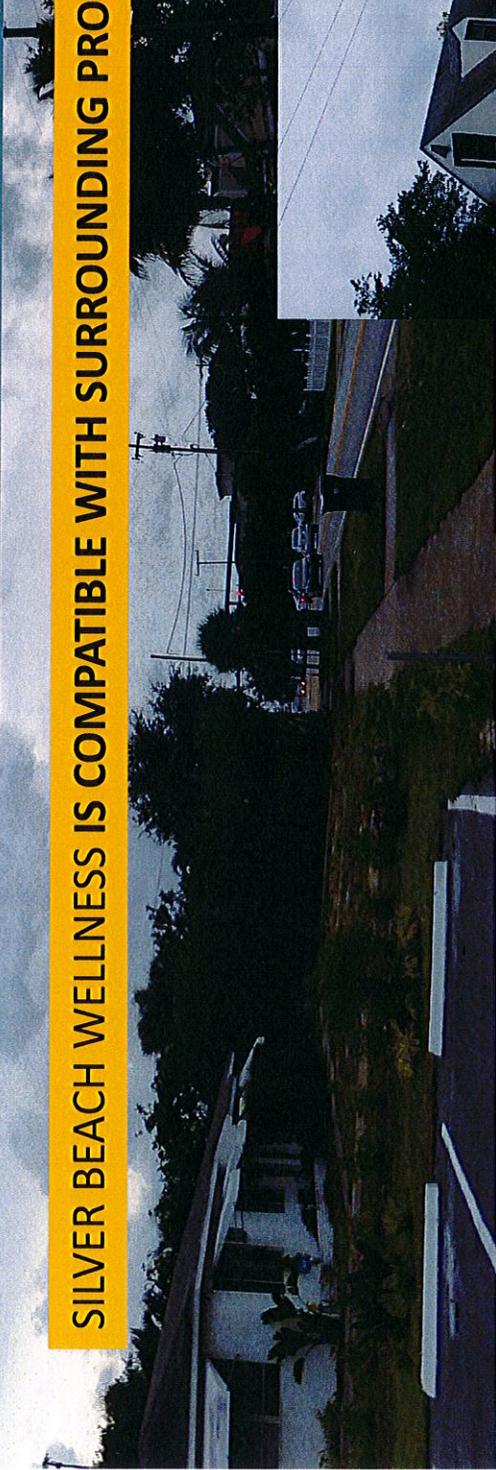
### SILVER BEACH WELLNESS IS CONSISTENT WITH ZONING REGULATIONS

✓ **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 WELLNESS IS COMPATIBLE WITH SURROUNDING PROPERTIES



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

## Compatibility with Character and Use of Surrounding

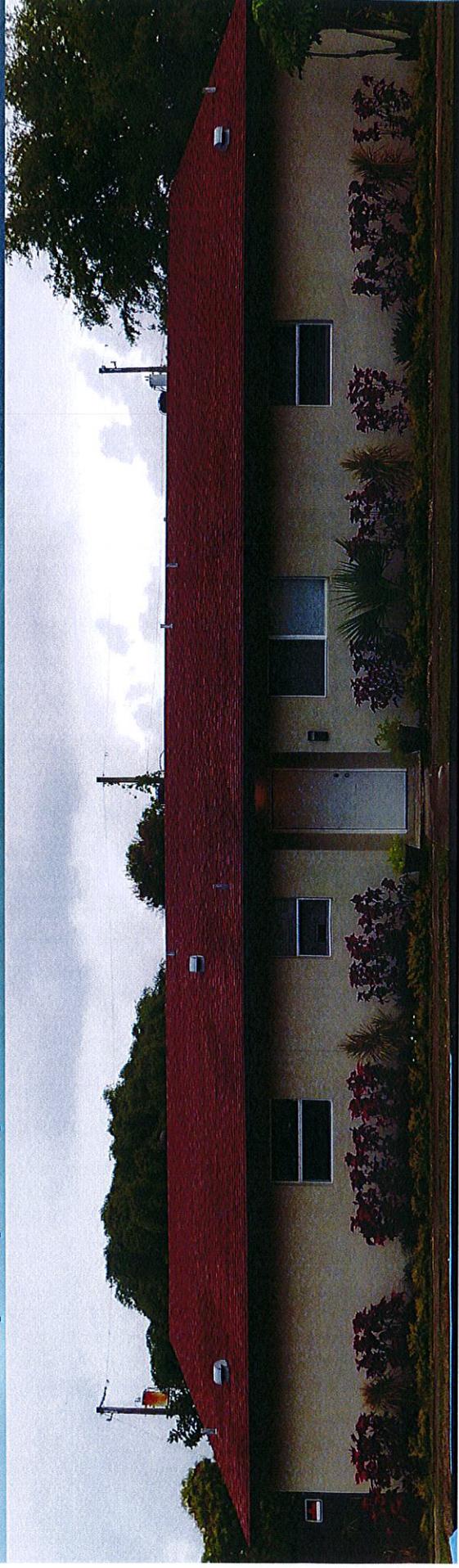
3

### Properties

SILVER BEACH WELLNESS 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



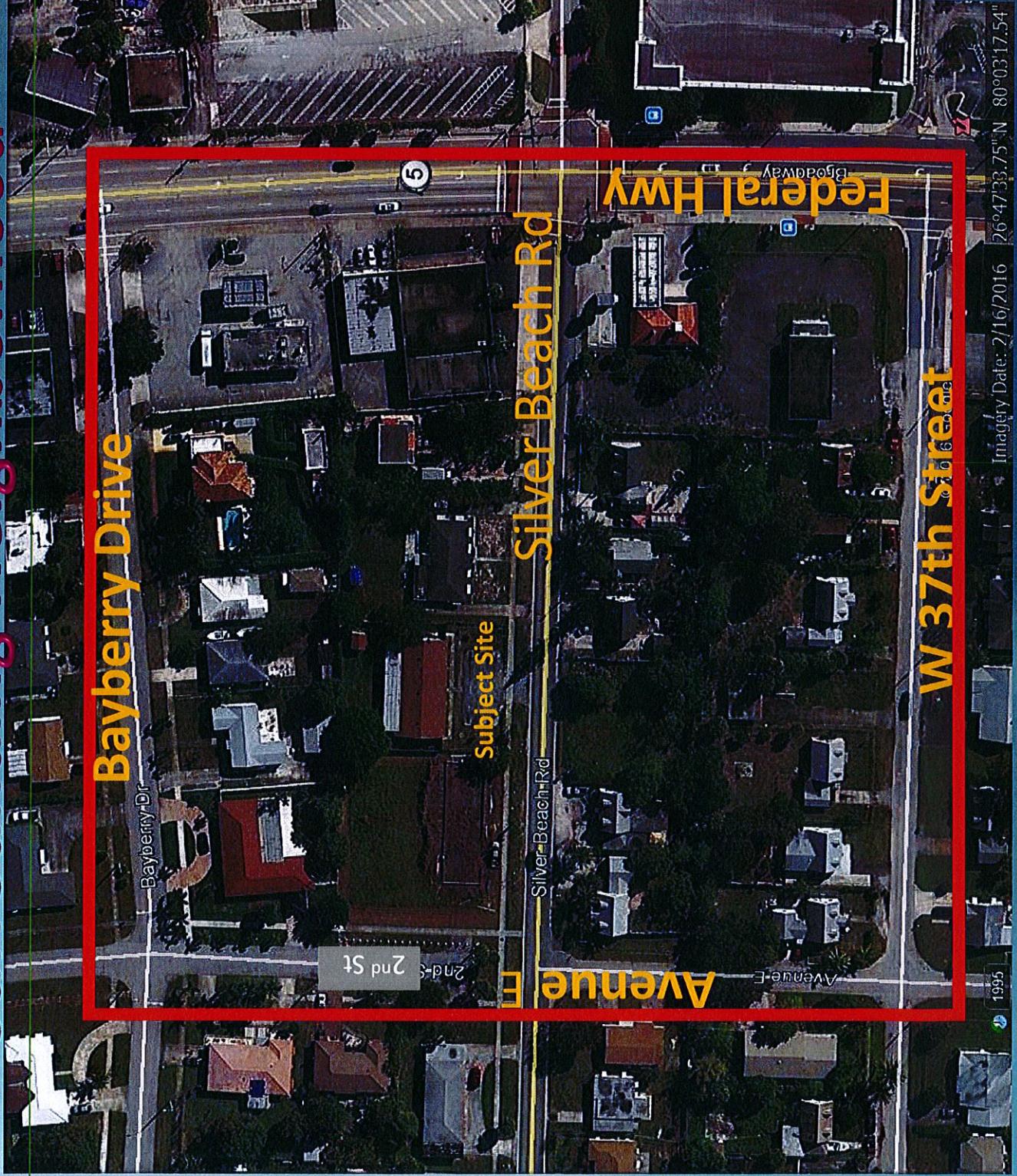
### 3 Compatibility with Character and Use of Surrounding Properties

SILVER BEACH WELLNESS IS COMPATIBLE WITH SURROUNDING PROPERTIES

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



# Surrounding Neighborhood



# Surrounding Neighborhood

7.2 Acres

28 Properties

Bisected by "Urban  
Collector" Roadway

Use	Quantity	Percent
Single-Family	15	53%
Two- or Three-Family	5	18%
Multi-Family Under Development	1	4%
Commercial	5	18%
Vacant	2	7%

Residential

High Renter Occupancy



Commercial

Includes 2 gas stations with  
convenience stores

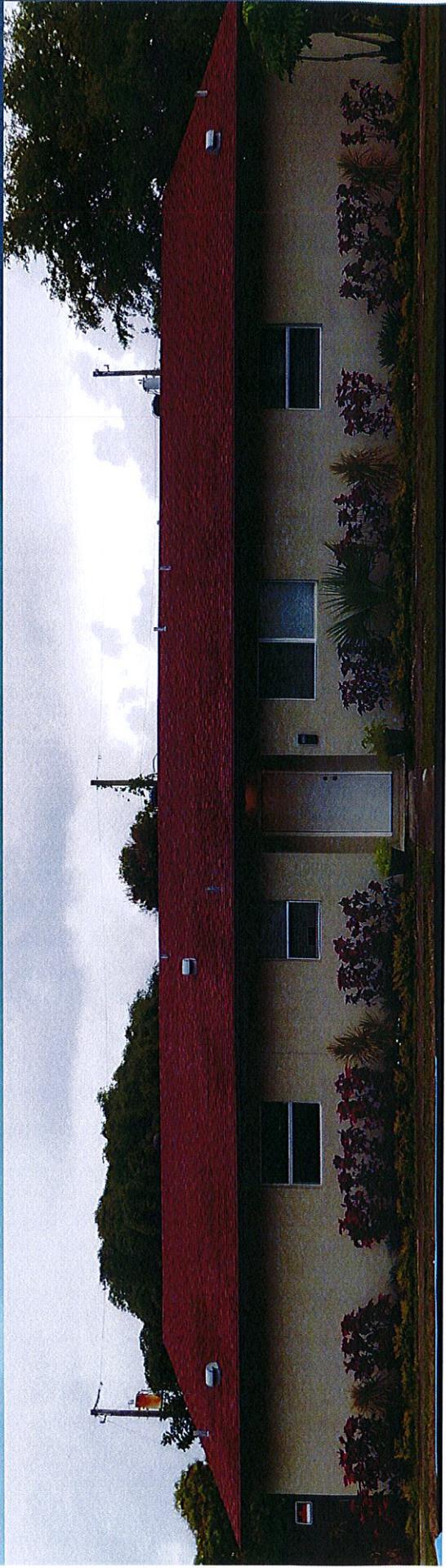


4

## Does Not Create Concentration or Proliferation

SILVER BEACH WELLNESS IS IN COMPLIANCE

Code Section 78-66(1)(m) restricts proximity of 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 WELLNESS 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 WELLNESS 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**

The Palm Beach County Traffic Division has reviewed the Traffic Statement for the above referenced project, dated December 11, 2015, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code (ULDC). The project involves converting an existing 3-Unit apartment complex to a 12-Bed Detox facility. The project is summarized as follows:

**Municipality:** Town of Lake Park  
**Location:** On Silver Beach Rd, W of US 1  
**PCN #:** 36-43-42-20-01-037-0210  
**Existing Uses:** Apartment=3 DU  
**Proposed Uses:** Nursing Home=12 Beds

Palm Beach County  
Board of County  
Commissioners  
Mayor Lou Beltrone  
Existing Uses: Apartment=3 DU  
Proposed Uses: Nursing Home=12 Beds  
Access: NA  
New Daily Trips: 10  
New PH Trips: -3 (0/-3) AM and 1 (0/1) PM

**New Daily Trips:** 10  
**New PH Trips:** -3 (0/-3) AM and 1 (0/1) PM  
**Build-Out:** December 31, 2018

Based on the review, the Traffic Division has determined that the traffic study meets the Traffic Performance Standards of Palm Beach County.

# 6

## Effects on Adjacent Property

SILVER BEACH WELLNESS 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 impact the neighborhood including property values

# 6

## Effects on Adjacent Property

SILVER BEACH WELLNESS 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**



*Exhibit "C"*

**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** May 4, 2016

**Agenda Item No.** *Tab 5*

**Agenda Title: Resolution for Approval of the Interlocal Agreement between the Town of Lake Park and the Village of North Palm Beach for the 2016 Summer Camp Program**

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
  - NEW BUSINESS**
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

**Approved by Town Manager** *J. J. Griffin* **Date:** *4-25-16*

*Samuel McKibben*  
 Name/Title *HUMAN RESOURCES DIRECTOR*

<b>Originating Department:</b>  Mayor James DuBois	Costs: \$ <u><i>11,600</i></u> Funding Source: <u><i>Budgeted</i></u> Acct. # <u><i>600-57220</i></u> <input checked="" type="checkbox"/> Finance <u><i>BKR</i></u>	<b>Attachments:</b>  (1) Resolution; and (2) Interlocal Agreement
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or <u><b>Not applicable in this case</b></u> <u><b>BMT</b></u>  Please initial one.

**Summary Explanation/Background:**

At the March 16, 2016 Commission meeting, it was announced by the Town Manager that due to the vacancy in the position of Recreation Director and the lack of Recreation Department staff, the Town will not be able to host its annual summer camp program this year. The question was raised by the Mayor as to whether the Town could collaborate with another municipality to enable Lake Park children to attend that municipality's summer camp program at a reduced fee to enable Town residents to pay that municipality's summer rate. He asked the Town Manager to reach out to neighboring municipalities. The Town Manager suggested that the funds budgeted for Fiscal Year 2016 for the summer camp program could be used to subsidize the fee for Lake Park residents.

On March 24, 2016, the Town Manager met with the North Palm Beach Village Manager to discuss such an arrangement between the Town of Lake Park and the Village of North Palm Beach for children of Lake Park families who meet certain income guidelines. The outcome of this meeting was the development of an Interlocal Agreement between the Town of Lake Park and the Village of North Palm Beach Pertaining to the Village of North Palm Beach's Summer Camp Program setting forth the terms and conditions according to which such arrangement will take place.

Such arrangement will result in a cost to the Town in the amount of \$11,600, which will enable the Town to subsidize up to 15 children per week for the Village's eight week summer camp program.

The purpose of this agenda item is the approval of this Interlocal Agreement. Once the Town has approved this agreement, it will be brought up for consideration by the North Palm Beach Village Council at a later meeting.

**Recommended Motion:** I move to approve Resolution 19-05-16.