



**TOWN OF LAKE PARK  
SPECIAL CALL  
PLANNING & ZONING BOARD  
MEETING MINUTES  
MAY 8, 2017**

**CALL TO ORDER**

The Planning & Zoning Board Meeting was called to order by Vice-Chair Schneider at 7:00 p.m.

**ROLL CALL**

Judith Thomas, Chair	Not Present
Martin Schneider, Vice-Chair	Present
Joseph Rice	Present
Lawrence Malanga	Not Present
Charlemagne Metayer	Present

*Chair Thomas arrived at 7:03 p.m.*

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

**APPOINTMENT OF CHAIR**

Board Member Rice nominated Judith Thomas for Chair. There were no other nominations, and Judith Thomas was reappointed as Chair of the Planning & Zoning Board.

**APPOINTMENT OF VICE-CHAIR**

Board Member Rice nominated Martin Schneider for Vice-Chair. There were no other nominations, and Martin Schneider was reappointed as Vice- Chair of the Planning & Zoning Board.

**APPROVAL OF AGENDA**

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

	<b>Aye</b>	<b>Nay</b>
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	
Charlemagne Metayer	X	

**The Motion carried 4-0, and the Agenda was approved as submitted.**

**SCHEDULING OF JULY 2017 “SPECIAL CALL” P& Z BOARD MEETING**

Miss DiTommaso stated that due to the July 4<sup>th</sup> Holiday, a “Special Call” P&Z Meeting would be scheduled for either July 10<sup>th</sup> or July 17<sup>th</sup>, depending on the preference of the Board Members. Upon discussion, it was decided that July 10<sup>th</sup> is the preferred date. Chair Thomas asked for a vote for the approval of July 10, 2017, as the date of the Special Call Planning & Zoning Board Meeting. The vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	
Charlemagne Metayer	X	

**APPROVAL OF MINUTES**

Chair Thomas asked for a motion for the approval of the Minutes of the April 3, 2017, Planning & Zoning Board Meeting. Board Member Rice made a motion for approval, and the motion was seconded by Vice-Chair Schneider. The vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	
Charlemagne Metayer	X	

**The Motion carried 4-0 and the April 3, 2017, Planning & Zoning Board Meeting Minutes were approved.**

**PUBLIC COMMENTS**

Chair Thomas explained the Public Comment procedure.

**ORDER OF BUSINESS**

Chair Thomas outlined the Order of Business.

**NEW BUSINESS**

1. **PZ CASE 17-007: SITE PLAN APPLICATION – 1220 NORTHLAKE BOULEVARD**

**A SITE PLAN APPLICATION FOR PARCEL B OF THE PLAZA AT LAKE PARK, A PLANNED UNIT DEVELOPMENT (PUD) AS IT RELATES TO THE EXTERIOR ARCHITECTURAL ELEVATIONS ASSOCIATED WITH THE PROPOSED HOBBY LOBBY RETAIL STORE.**

**STAFF PRESENTATION – PZ CASE 17-007**

Scott Schultz, Town Planner, addressed the P&Z Board and explained this is a Site Plan Application for Parcel B of the Plaza at Lake Park Planned Unit Development (PUD), in regard to exterior architectural elevations for Hobby Lobby. Mr. Schultz stated the legal address is 1220 Northlake Boulevard, which is the former site of the K-Mart Store, and is being converted into two (2) separate retail spaces: 1) Hobby Lobby; and 2) Burlington Retail. Mr. Schultz stated this item is identical to the Burlington Retail Store façade improvements which came before the P&Z Board at the April Meeting. He explained the exterior improvements will be made to the north facade and east façade. Mr. Schultz stated the elevations, which go over and above the Minimum Design Standards for the NBOZ Regulations, have gone through several rounds of Staff review and comments, and the final version is being presented to the Board this evening. Mr. Schultz informed the Board that in an effort to expedite the request and to keep Hobby Lobby on schedule for their August opening, Staff has scheduled the item for the May 17<sup>th</sup> Town Commission Meeting. He stated that because the elevations meet all of the Code Provisions and will modernize a portion of the Plaza, Staff feels confident with the proposed elevations. Mr. Schultz stated that Staff will bring forward any comments and recommendations expressed by the P&Z Board to the Town Commission, that he is available for questions, and that a Representative from Hobby Lobby is present.

**STAFF RECOMMENDATION**

Mr. Schultz stated that Staff is recommending approval of the exterior architectural elevations for the proposed Hobby Lobby Store.

**BOARD COMMENTS/DISCUSSION**

Vice-Chair Schneider stated he is fine with the architecture, but expressed that the proposed sign appears to be large, and requested the sign be made smaller. Chair Thomas asked to see the north elevation for the Burlington Store, for comparison and compatibility purposes to the Hobby Lobby elevations. Chair Thomas expressed she is fine with the architecture, but had some concern regarding color consistency throughout the Plaza.

John Speed, of the Sterling Organization, introduced himself to the P&Z Board and stated he is the Project Manager for the Construction Team for the Burlington Retail Store, as well as the utilities for Hobby Lobby. Chair Thomas inquired about the long term lease agreement with Hobby Lobby and stated it is nice to have someone occupy this space. Mr. Speed mentioned the entire center will be updated and painted to match Burlington/Hobby Lobby. There was discussion regarding background color and Mr. Speed confirmed that the color schemes will be consistent for the entire Plaza.



Board Member Rice inquired if benches will be placed in the entire plaza or only in front of Burlington and Hobby Lobby. Mr. Schultz replied that the benches will be in front of each store. Mr. Schultz stated regarding the signage, the site currently has all channel letters and moving forward the signage will remain consistent with the existing signage.

**BOARD RECOMMENDATION**

Upon conclusion of the discussion, Board Member Rice made a motion for approval for the exterior façade improvements for the proposed Hobby Lobby at 1220 Northlake Boulevard. The motion was seconded by Vice-Chair Schneider, and the vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	
Charlemagne Metayer	X	

The vote was 4-0 in favor of approval.

2. **PZ CASE 17-008: SUBSTANCE ABUSE TREATMENT FACILITY, GROUP HOME, AND COMMUNITY RESIDENTIAL HOME USE MODIFICATIONS IN THE TOWN’S VARIOUS ZONING DISTRICTS IN CHAPTER 78 OF THE TOWN CODE**

**STAFF PRESENTATION – PZ CASE 17-008**

Town Attorney Baird stated that he will be presenting this item. He informed the Board that in approximately 2008 the Town Code was amended to allow for Substance Abuse Treatment Facilities, which at that time were being confused with what are now called sober homes, into all zoning districts, including residential. The confusion stemmed from a Federal lawsuit which occurred and argued that the Town had to allow sober homes in wherever they wanted to go, which we now know is not the case, as the law has evolved and continues to evolve. Mr. Baird stated the Town currently has six (6) substance abuse treatment facilities, which are licensed by the Department of Children and Families (DCF). Sober homes, or recovery residences as they are now defined in Florida Statutes, are not licensed by the DCF. The Town Attorney stated that the P&Z Board is being asked to weigh in on the recommendation by himself and Staff to remove substance abuse treatment facilities from all Zoning Districts in the Town. The reason is the Town, which is 2.2 square miles and has a population of approximately 8,500, currently has six (6) substance abuse treatment facilities, and approximately forty (40) recovery residences that theoretically might provide housing for the substance abuse treatment facilities. He stated the belief is the forty (40) recovery residences are providing housing not only for the six (6) substance abuse treatment facilities located within the Town, but also for the eighteen (18) facilities located nearby in the City of Riviera Beach and the City of Palm Beach Gardens. The Town Attorney stated, therefore, the Town has more than enough substance abuse treatment facilities to serve the Town’s population, and the Amendments are part of the effort to minimize the proliferation of sober houses in the Town so that the residential neighborhoods can become stable.

## **STAFF RECOMMENDATION**

The Town Attorney stated that Staff is requesting a recommendation from the Board to the Town Commission to approve the Amendments to the various Zoning Districts in the Code to eliminate substance abuse treatment facilities from those Districts.

## **BOARD COMMENTS/DISCUSSION**

Chair Thomas asked for clarification on whether the Town is trying to control the substance abuse treatment facilities or the (40) recovery residences. The Town Attorney explained that the Town is trying to get a handle on both the substance abuse treatment facilities and the recovery residences. He stated the six (6) licensed facilities would continue to exist and operate as a legal non-conforming use moving forward, meaning that they could not expand, but can continue their existing operations. The Town has very little control over whether additional recovery residences open up in the Town, but it is our belief that the availability of sober homes has driven the location of substance abuse treatment facilities. So, the hope is, by eliminating the number of substance abuse treatment facilities, the Town will begin to get a handle on the proliferation of sober homes/recovery residences. The Town Attorney added, as a footnote, and not a part of this Ordinance, Legislation was recently passed, which was recommended by the Sober Home Task Force, of which he is a member, that is intended to address the “rogue” sober homes that are not operating as housing for people who want to stay sober, but rather operating as housing for rogue substance abuse treatment facilities that would like to make money off of its patients. He clarified the Code amendments will not have any effect on sober homes, because the Town cannot regulate sober homes, nor can the DCF, because individuals addicted to drugs and/or alcohol are a class of individuals who have disabilities under the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) and the Town cannot apply its definition of family to those individuals who may want to live together as a family. The Town Attorney further explained that the Town was sued in 2009 over its failure to permit disabled individuals from living together as a family. The result of the Federal lawsuit was a settlement whereby the Town agreed to create a Reasonable Accommodation procedure, which is a process that allows individuals who have a disability to petition the Town to “be excused” from the definition of family, which is three (3) or more unrelated individuals living together. He stated the Town has been operating with the Reasonable Accommodation process for some time now. Vice-Chair Schneider asked if Reasonable Accommodation is included in definitions, and the Town Attorney replied that the Reasonable Accommodation process is in the Town Code.

The Town Attorney added that another change being recommended is to clean up the existing definitions in the Town Code with respect to Group Homes, in order to be consistent with the definition in Florida Statutes.

Vice-Chair Schneider questioned if the sober home type use could fall into one of the community residential home or group home definitions, to which the Town Attorney replied they could not, because they do not meet the definition of a community residential home since they are in essence a family. The Town Attorney explained that a Community Residential Home might have

individuals with other types of disabilities, such as Autism or Downs Syndrome; or a Group Home might be elderly individuals living together.

Chair Thomas expressed she is struggling with the Town not having any control over the existing (40) recovery residences located in the Town and the proliferation of the homes since they aren't required to meet any regulations. How does the Town say we have more than enough of a concentration of the use within our Town? The Town Attorney reiterated that the Code Amendment does not have anything to do with sober homes/recovery residences, but has to do with licensed substance abuse treatment facilities. With respect to sober homes, Town Staff, along with PBSO, through windshield surveys and Reasonable Accommodation Applications that have been submitted, have determined that there are approximately forty (40) residences in Lake Park operating as sober homes/recovery residences. There could be less, or there could be more, but Towns cannot regulate sober homes because they are protected by the ADA and the FHA. The only thing a municipality can do is try to limit the impact of the sober homes by its recommendation of what is a Reasonable Accommodation to its Magistrate. However, we should not focus on sober homes, as this Code Amendment does not address the issue of sober homes, nor can we address this issue. All we can address is does the Town have enough licensed substance abuse treatment facilities.

Vice-Chair Schneider asked if the existing licensed substance abuse treatment facilities are located throughout all of the zoning districts, or within a certain zoning district. Ms. DiTommaso replied they are located predominately in the C-1 District and some are in the C-2 District. The Town Attorney stated that moving forward, if the Board recommends approval to the Town Commission and they adopt, there will not be any more applications. Vice-Chair Schneider stated his concern that if the existing (6) licensed treatment facilities become existing non-conforming, and if they were to go away for whatever reason there will be no placed zoned to allow for a new licensed treatment facility. Therefore, perhaps keep them in the C-1 District as a Special Exception. The Town Attorney reminded the Board that there are twenty-four (24) licensed substance abuse treatment facilities within a 2-mile radius of the Town of Lake Park. Ms. DiTommaso stated that the Code allows for if a substance abuse treatment facility leaves the location there is a six-month period where a new substance abuse treatment facility could relocate in that same location.

**BOARD RECOMMENDATION**

Upon conclusion of the discussion, Vice-Chair Schneider made a motion for approval, and the motion was seconded by Board Member Rice, and the vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	
Charlemagne Metayer	X	

The vote was 4-0 in favor of recommending approval to the Town Commission the proposed Text Amendments to the Zoning Districts in Chapter 78.

**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

There were no comments from the Community Development Director.

**ADJOURNMENT**


Chair Thomas welcomed Mr. Metayer to the Planning & Zoning Board. Board Member Metayer stated it is a pleasure to be serving and he looks forward to doing something positive for the Town.

There being no further business before the Board, Chair Thomas asked for a motion to adjourn. Board Member Rice made a motion to adjourn, and it was seconded by Board Member Metayer. The vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Joseph Rice	X	
Martin Schneider	X	
Judith Thomas	X	
Charlemagne Metayer	X	

The vote was 4-0 and the Meeting was adjourned at 7:35 p.m.

Respectfully Submitted,



Kimberly B. Rowley  
Planning & Zoning Board Recording Secretary

**PLANNING & ZONING BOARD APPROVAL:**



Judith Thomas, Chair *Martin Schneider* Vice Chair  
Town of Lake Park Planning & Zoning Board

DATE: 5/30/17