



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
MEDICAL SUB-COMMITTEE

MAY 7, 2018
2300 NORTH JOG ROAD, ROOM VC-1W-47
MEETING SUMMARY

A. CALL TO ORDER

Commenced at 11:00 a.m.

Call to order by Dr. Vinikoor who started the meeting by requesting introduction of participants.

Roll Call LDRAB Subcommittee Members:

Philip Barlage, Jim Knight, Drew Martin, Michael Peragine, Dr. Lori Vinikoor, and Anna Yeskey.

Interested Parties: Debbie Lytle from Amazing Grace Assisted Living Home I, II III.

County Staff: Bob Banks, Maryann Kwok, Monica Cantor, Jan Rodriguez, Jehan Wallace Vincent Ubiera and Zona Case.

1. Additions, Substitutions and Deletions to Agenda

None

2. Motion to Adopt Agenda

Motion to adopt the agenda by Mr. Peragine, seconded by Mr. Barlage (6-0)

3. Review Meeting Minutes from April 20, 2018 (Attachment A)

Motion to adopt the agenda by Mr. Peragine, seconded by Mr. Knight (6-0)

B. PRESENTATION OF ULDC CONGREGATE LIVING FACILITY (CLF) SUPPLEMENTARY USE STANDARDS

Ms. Cantor did a power point presentation on Congregate Living Facilities (CLF), and elaborated on the three types of facilities by indicating the difference based on the occupancy allowed. She added that CLF Types 1 and 2 are permitted by right or administratively approved through the Development Review Officer (DRO) process, depending on the zoning district,. She noted that CLF Type 3 is subject to Public Hearing Process either through the Board of County Commissioners (BCC) or Zoning Commission (ZC) approval and other regulations applicable such as licensing, separation between facilities, frontage and access requirements, Fire Rescue, signage, and permanent generators.

C. REASONABLE ACCOMMODATION PROPOSED LANGUAGE (EXHIBIT B)

The proposed amendments were discussed and the main concerns and suggestions were:

- Mr. Martin expressed that he was not in favor as he was not convinced that the changes are necessary and are just being done to satisfy one or two persons. If there is no request for certification then certain standards will not be met. He went on to say that the increase in occupancy in Type 1 will impact neighborhoods in terms of traffic, noise, etc. and that the neighbors should be informed of the increase. Mr. Barlage supported certification.
- Ms. Yeskey was of the view that the issues are related to demographics as there are more single family residences and inquired whether there could be a one year period since the Code is not being changed at this point. She continued that it was the right of property owners to know because their houses were bought as single family residences and the increase will have significant impact.
- Mr. Knight referred to the last meeting where certification was proposed, the purpose being that it validates that certain requirements are met. Also, the neighborhood is entitled to know that the facility could have up to 10 persons because of the resulting impact. Mr. Knight raised a question about separation distances between facilities and whether HOA's had the right to restrict.

Mr. Banks responded as follows:

- Notice is not given to surrounding properties or residents as these establishments are not subject to notification, and under Federal Law they are treated as homes.
- A one year Ordinance was already done. This change is a small one as the process is continuing and a new ordinance should not be done until a more comprehensive study is carried out on how the ULDC treats residents, drug treatment facilities, etc., instead of a band aid in one place, as there are questions in other places. Florida Association for

Recovery Residences (FARR) has indicated that some facilities are certified and others are not, and this amendment cannot comprehensively deal with this issue. Delray and Fort Lauderdale did studies and gathered data before making the changes, so he recommends that the County continue to review the project. He is not against considering FARR certification. Other municipalities were looked at and the County Attorney questions whether local government should be looking at certification, which under State law is voluntary.

- With regards to separation distances and HOA's, as it relates to the ULDC, the question under Reasonable Accommodation is, does it alter the character of the neighborhood like a CLF does. Under Federal laws they can ask for exemption from HOA requirements, and being an association does not make a difference. He cited instances where the exemption was approved.

Ms. Yeskey referred to her earlier question on a one year period and inquired whether this could be done for existing home owners, and Mr. Banks replied that this was already codified.

Ms. Kwok remarked that requesting Reasonable Accommodation skips the entire zoning process as Zoning will only get to review the Reasonable Accommodation and not observe the single family regulations anymore.

Dr. Vinikoor inquired why language could not be added that Type 1 can go from 6-10, even though they are licensed CLFs. Mr. Banks indicated that the intent is just to deal with recovery residences and that the requirement would not be changed, but will be what is currently in the ULDC for 4. He asked if we wanted to go through the higher review process for 10 residents.

Ms. Kwok said she had been assured that the Code is clear on the application process for Reasonable Accommodation, which involves review done by several agencies. Dr. Vinikoor suggested that since Type 1 is already licensed, text could be added to say that it only affects you if you are licensed.

A member of the public, Ms. Debbie Lytle, representing Amazing Grace Assisted Living, owner of three residential facilities, expressed the opinion that any change that applies to Sober Homes should apply to similar facilities, such as Assisted Living, Foster Homes, etc. If the changes are in keeping with the State guidelines, that would be a good thing as all facilities should be treated the same across the board. Increasing the Type 1 CLF to 10 would be financially beneficial to her and would allow her to employ more people.

C. Summary of Today's Discussion

Mr. Knight said that there is a need to have consistency across the board and he was not in favor as written in the exhibit.

Motion by Dr. Vinikoor to not approve the paragraph as written. The motion passed (5-1). Mr. Peragine voted nay. Dr. Vinikoor asked for suggestions to recommend to the Board.

Mr. Knight proposed a motion to accept the language with the following changes: (1) a level playing field for Type 1, with 4 -6 as the number; (2) FARR or similar certification from State or recognized Federal authority; and, (3) that it sunset after 12 months. Motion seconded by Mr. Barlage. Motion did not pass as the vote was (3-3).

Mr. Martin suggested that another meeting be held on the amendment. Mr. Barlage supported the suggestion. The other members were of the view that the matter had been discussed enough and a consensus could not be reached. Zoning staff also said there would not be sufficient time to have a meeting and have the exhibit ready for presentation at the LDRAB/LDRC meeting on May 23, 2018.

Mr. Banks recommended that a decision not be made until a more comprehensive study is done. He would rather not do it for only six resident, as it seems to be able to function as a Single Family.

E. Future Meetings

None planned.

F. Adjourn

Motion to adjourn by Mr. Knight, seconded by Mr. Peragine, motion passed (6-0)

Meeting adjourned at .12:00 p.m.