



AGENDA REPORT
February 7, 2019

Happy Landings Homes, Inc. (Kevin Lee) requests an amendment to an existing BDP, in an IN(H) zoning classification. (18PZ00088) (District 4)

SUBJECT:

Public Hearing, Re: Happy Landings Homes, Inc. (Kevin Lee) requests an amendment to an existing BDP (Binding Development Plan), in an IN(H) (Institutional Use, High-Intensity) zoning classification. The property is 5.33 acres, located on the southwest corner of U.S. Highway 1 and Otter Creek Lane, on the east side of Old Dixie Highway. (18PZ00088) (District 4)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for an amendment to an existing Binding Development Plan.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking an amendment to their existing Binding Development Plan (BDP). The revised BDP proposes to remove the limitation of use for "Dormitory for women and children" (Dormitory is a permitted use within IN(H) zoning) and limit the use of the property to a "Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code" (Treatment and Recovery Facility is a permitted with conditions use within IN(H) zoning). The applicant is also proposing revisions to several of the existing BDP conditions.

The applicant has submitted revisions to the proposed Binding Development Plan several times during the course of this public hearing process, as follows:

December 15, 2009 - a change of Zoning classification from IN(L) to IN(H) was approved, with a BDP limiting the property to the "dormitory" use and including several conditions.

June 28, 2018 - the applicant submitted an application for a zoning action to amend the Binding Development Plan and provided a copy of proposed changes, which the Staff Comments and associated analyses evaluated.

November 5, 2018 - the applicant presented a revised version of a condition during the Planning & Zoning Board meeting for consideration.

November 14, 2018 - the applicant submitted a revised version of the BDP, incorporating conditions that the Planning & Zoning Board recommended.

November 19, 2018 - the applicant submitted a revised version of the BDP, making corrections to the language of specific conditions.

November 21, 2018 - the applicant submitted a newly revised BDP, along with a concept plan for a new facility, and provisions for 6,815 sq. ft. of newly proposed development allowances.

January 10, 2019 - the applicant submitted a newly revised BDP, with changes made to one condition since the December 6, 2018 BCC meeting, which addresses property access for new development.

An "**Addendum to Staff Comments**" has been included in the Board's package for consideration, which compares current BDP conditions to newly proposed conditions. Both a clean copy and a strikethrough/underline version of the proposed BDP changes have been included in the Board's package.

The Board may wish to consider whether the conditions, as newly proposed, amended or removed should be approved.

The Board should be aware that, pursuant to Sec. 62-1157, conditions proposed within a Binding Development Plan should be more restrictive than the existing County ordinances and cannot be used as a tool to circumvent existing code provisions.

If the Board should approve the replacement/amendment of the BDP and the change of use permissible on the property to a treatment and recovery facility, the applicant will be required to meet the facilities standards conditions of Sec. 62-1826 enumerated in the *Applicable Land Use Policies* section of this report.

The Board should consider whether the request for expanded use of the site necessitates that the parcel gain access from US 1. The applicant has not provided evidence that they have received approval for the installation of an access to a roadway classified as an arterial or higher as required within the IN(H) Zoning classification and defined with Section 62-1573(8)(b)(2). FDOT is the maintaining agency that would permit such an access to US 1.

On September 17, 2018, the Planning and Zoning Board heard the request and unanimously tabled it to the October 8, 2018, Planning and Zoning Board meeting to allow the applicant time to properly notice the property, and directed the applicant to meet with surrounding property owners within 500 feet of the subject property.

On October 8, 2018, the Planning and Zoning Board unanimously tabled the request to the November 5, 2018, Planning and Zoning Board meeting to allow the owner time to properly notice the property.

On November 5, 2018, the Planning and Zoning Board heard the request and recommended approval of the amendment to the existing BDP as proposed, with the additional conditions as follows: 1.) Incorporation of Condition 2 from the previously approved BDP recorded in ORB 6082, Pages 71 - 77, with the word 'forcible' added before 'felony' in the first sentence; 2.) Developer/Owner shall limit the existing square footage footprint to the existing structures; 3.) Developer/Owner shall limit ingress and

egress to Old Dixie Highway, unless access to U.S. Highway 1 were to become available in the future.

On December 6, 2018, at the applicant's request, the Board returned the item to the Planning and Zoning Board on January 28, 2019, and tabled it to the February 7, 2019, Commission meeting.

On January 28, 2019, the Planning and Zoning Board voted 5:2 to deny the request.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **Addendum to Staff Comments 01-15-19**
- ▢ **Maps**
- ▢ **Existing BDP**
- ▢ **BDP - StrikethroughUnderline Version 1-16-19**
- ▢ **BDP - Clean Version 1-16-19**
- ▢ **Revised BDP 01-10-19**
- ▢ **Draft BDP**
- ▢ **Power Point Presentation 09/17/18**
- ▢ **Revised BDP Condition - 11/05/18**
- ▢ **Florida Statute 776.08**
- ▢ **Revised BDP 11-14-18**
- ▢ **Summary of Proposed Changes**
- ▢ **Revised BDP 11-19-18**
- ▢ **P&Z Minutes - November**
- ▢ **P&Z Minutes - September**
- ▢ **Public Comment Part I**
- ▢ **Public Comment Part II**
- ▢ **Public Comment Part III**
- ▢ **Correspondence Part I**
- ▢ **Correspondence Part II**
- ▢ **Revised BDP Clean 11-21-18**
- ▢ **Draft Floor Plan 11-21-18**
- ▢ **Building Rendering 11-21-18**
- ▢ **Truck Traffic Prohibitions on Local Roads**
- ▢ **Request to Table**
- ▢ **Disclosures**
- ▢ **Addendum to Staff Comments 11-29-18**
- ▢ **ALFs within 1,000 feet**
- ▢ **Memo to Planning and Zoning Board**
- ▢ **Power Point Presentation 01/28/19**
- ▢ **P&Z Minutes January**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning and land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the planning and development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan appeals, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in

existing neighborhoods within the area which could foreseeably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of service will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations."

Section 62-1151 (c) of the Code of Ordinances of Brevard County directs "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) *Approval procedure.* An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use...

...In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odor, glare and noise, particulates, smoke, fumes and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General standards of review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in section 62-1151(c) plus a determination that the following general standards are satisfied. The Board shall make the determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
 - a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the

numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“...The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare...”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest MPO traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (ALOS): Acceptable Level of Service currently adopted by the County.

Current Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The LOS that a proposed development may generate on a roadway.

Correspondence

From: [Jones, Jennifer](#)
To: ["Mark Leslie"](#)
Subject: RE: Agenda Package
Date: Wednesday, January 23, 2019 8:23:00 AM
Attachments: [2004 Staff Report.pdf](#)

Mark,

See attached.

Jennifer

From: Mark Leslie [<mailto:boatbrevard@yahoo.com>]
Sent: Tuesday, January 22, 2019 3:54 PM
To: Jones, Jennifer
Subject: Re: Agenda Package

No worries Jennifer,

Below is language from the staff report addendum. The highlighted language references a memo to ACM. Could I get a copy of that memo?

2005 NC FLU, rezoned to IN(L) for an ALF
On September 1, 2005, an administrative Zoning Resolution was adopted, Z-11172. This Board initiated action changed the zoning from AU with CUPs (noted above) to Low intensity Institutional Use, IN(L) with removal of the mentioned CUPs and was additionally limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402 to be used as an Assisted Living Facility (ALF); this use provided support services for people recovering from addictions.

Zoning official opinion that the prior AU zoning action allowed for an ACLF CUP and did not grant an RSSF CUP. Memo to ACM and staff report define the differences between an RSSF and ACLF.

Thanks,
Mark

On Tuesday, January 22, 2019, 12:23:58 PM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark,

Due to ADA accessibility requirements, our P&Z agenda packages are not online at this time. The agenda itself is online, but not the entire package.

We hope to be able to put the packages back online in the not too distant future.

I emailed the package for Happy Landings to you, Jinger, and Lin last week. If you need me to send it again, I'd be glad to do that. It is quite large, so I had to send three separate emails.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Tuesday, January 22, 2019 11:51 AM
To: Jones, Jennifer
Subject: Agenda Package

Hello Jennifer,

Can you tell me when the agenda book--I mean package! lol--will be available online?

Thanks,

Mark

STAFF REPORT

TOPIC: RESURRECTION RANCH

BACKGROUND: The Board of County Commissioners, in regular session on April 2004, directed staff to report on issues that involve the activities of the Resurrection Ranch and how they relate to the property's zoning classification.

ISSUES:

1) Property's Zoning Classification - On April 7, 1986, the Board of County Commissioners granted the subject property a conditional use permit (CUP) for a school and a "residential social service facility (RSSF) (ACLF)".

A point of discussion surrounding the 1986 Board approval is whether or not the rezoning granted an RSSF CUP or just an ACLF (adult congregate living facility) CUP to the subject property. The current Board may wish to consider the intent of the 1986 approval and its relation to the current activities of the Ranch. In determining the 1986's Board intent the definitions of these two CUPs are listed below.

An RSSF is defined as follows:

a governmental, nongovernmental, nonprofit or for-profit facility providing an alternative to institutional placement, in which a caretaker provides 24-hour-a-day care to assigned residents at a location separate and apart from the assigned resident's own parents, relatives or guardians, and assists such assigned residents to the extent necessary for them to participate in normal activities and to meet the demands of daily living. Residential social service facilities shall include foster homes, family shelter homes, *group homes, adult congregate living facilities, and treatment and recovery facilities*, as defined in this section. (*italics added*)

An ACLF is defined as follows:

a structure in which the owner or operators are subject to licensing and approval by the state, whether operated on a profit or nonprofit basis. Such facilities may provide lodging, food and one or more personal services for unrelated adults and shall not be regulated or operated by or associated with any jail, prison or correctional facility or system. Generally, such facilities shall have more than 14 clients and must be licensed by the state as an adult congregate living facility. If a facility is not licensed by the state, such facility must be approved by the county.

The RSSF is an "umbrella" term that includes group homes, ACLFs and Treatment and Recovery Facilities. Each of these three terms are separate and distinct uses recognized by the Code. It is the Zoning Official's position that the Board's 1986 rezoning did not grant the subject property an RSSF CUP but only an ACLF CUP. This position is supported by a chronological review of every CUP for either RSSFs, ACLFs or Treatment and Recovery Facilities (see page 5). In the 1980s, the Board would consider CUP requests for a specific use contained within the definition of

the "umbrella" term RSSF. This practice is observed by reviewing the Board approved CUPs within this time frame. The Board abandoned this practice in the 1990s.

2) Permitted Uses within an ACLF CUP

- a) Children as Residents in an ACLF - A literal reading of the Zoning Code lends support to the position that children are not permitted as residents in an ACLF. "Children and families" are listed as possible residents in group homes, but not in the ACLF definition which lists "adults". However, Resurrection Ranch (Florida Christians Ministries, Inc. - applicant) represented throughout the public hearing process that it was their intention to establish "the finest boys ranch in the State" (see page 6). Therefore, in 2004, the Board may determine that it is equitably estopped from requiring only adults at this facility.

- b) Receiving Released Inmates from the Florida Department of Corrections - The definition of ACLF states that such facilities "shall not be regulated or operated by or associated with any jail, prison or correctional facility or system." The Ranch is party to a contract with the Department of Corrections (DOC) that enables the Ranch to receive released inmates. Through this contractual arrangement, DOC pays the rent for released inmates that choose this facility as their transitional housing. The Zoning Official's opinion is that this contractual arrangement is contrary to the ACLF definition. However, Mr. Jason Hedman, counsel for the Ranch, stated during the Board's April 20th meeting that this contractual relationship is not covered by the definition which prohibits any "association" between the Ranch and DOC. His position is that "association" as legally defined in Black's Law Dictionary, does not encompass the contractual relationship between the Ranch and DOC.

The Board may wish to consider Mr. Hedman's argument in determining whether or not a contractual arrangement is consistent with the Code's intent (see page 1 - ACLF definition and pages 8-9; Mr. Hedman's letter). If Mr. Hedman's interpretation is supported by the Board, the current DOC contract with the Ranch may remain intact. If the Board determines that an association equates to a contractual arrangement, the DOC has stated to the Zoning Official that it will terminate its contract with the Ranch.


- c) Permitted "Personal Services" Provided by Ranch Consistent with ACLF CUP - The Ranch provides a wide-range of personal services as well as drug counseling, casework supervision and rehabilitative services. The

difference between an ACLF and a Treatment and Recovery Facility is in the menu of services that are permitted. The definition of "treatment and recovery facility", in part, is as follows: a secure or nonsecure facility which provides residential rehabilitation services, including room and board, personal care and intensive supervision in casework with emphasis on treatment and counseling services. Such facility may include an outpatient component, and shall include but not be limited to psychiatric residential treatment programs, drug and alcoholic rehabilitation programs, group treatment centers, and group treatment centers for status offenders.

The Zoning Official has determined that permitted "personal services", since not defined in the Zoning Code, are defined by Florida Statutes. Chapter 400.402(17), F.S. states that: "Personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services which the department may define by rule. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services.

Due to this definition, it appears that drug treatment, mental health counseling and casework services which are provided to the residents of the Ranch, are not consistent with the definition of ACLF which only allows for the provision of food, lodging and personal services. The Board may consider determining whether the full range of services provided at the Ranch are consistent with its CUP for an ACLF.

- 3) Vested Rights Claim by Resurrection Ranch - The Board of County Commissioners was prompted by the Community Improvement Act of 1980, Chapter 80-250, Laws of Florida, to pass a resolution certifying that the Ranch's programs were consistent with the County's Comprehensive Plan and Consolidated Plan. The Board passed such a resolution on February 5, 2002. The Ranch may contemplate applying for a vested rights determination to have the Board consider whether the resolution is an act of government that might form the basis for vested rights appeal.
- 4) Remedial Actions if Current Activities are Deemed Not Consistent with Zoning Code - If the Board determines that any activities or services being provided by the Ranch are not consistent with the ACLF CUP, the following actions may be pursued by the Ranch:
 - *Comprehensive Plan Amendment and Rezoning*: If the Ranch's activities are deemed to be consistent with the Treatment and Recovery Facility CUP, the Ranch is able to apply for an amendment to the Future Land Use Map (from Residential to Neighborhood Commercial) and a rezoning from AU to BU-1-A (Neighborhood Commercial).
 - *Rezoning to proposed Institutional Use classification*: The Ranch has inquired as to the potential rezoning of their property to the proposed (draft) Institutional Use zoning classification. If adopted in the form currently



being advertised, the Ranch could apply for the High Intensity Institutional Use classification with an accompanying amendment to Community Commercial. This application would be necessary if the Board determines that the subject uses are consistent with the Treatment and Recovery Facility CUP. If the Board determines that the Ranch is consistent with its current ACLF CUP, then the property would be administratively rezoned to Low Intensity Institutional Use.

5) Ranch Activities Consistent with Zoning Code - If the Board determines that programs and services provided by the Ranch are consistent with the current Zoning Code, no further action is required. However, staff may present to the Board, for future consideration, Code amendments to codify the Board's interpretations as necessary.

Attachments:

Pages 1-4; Staff Report
Page 5; CUP Chronology
Page 6; P&ZO Board Meeting Minutes
Page 7; Resolution for Rezoning
Pages 8-9; Mr. Hedman's Letter
Page 10; Definition from Black's Law Dictionary
Pages 11-12; Board Resolution to Ranch
Page 13; Contract between Ranch and DOC

C:/brcdocuments/051804resurrection ranch report.doc

Sorted chronologically

6573	adult congregate living facility	12/8/83
6626	adult congregate living facility	2/9/84
6714	adult congregate living facility	5/10/84
7162	residential social service facility (RSSF) (ACLF)	6/25/85
7283	adult congregate living facility	10/21/85
7310	residential social service facility (RSSF) (ACLF)	11/18/85
7430	residential social service facility (RSSF) (ACLF)	4/21/86
7755	residential social service facility (ACLF)	4/20/87
8071	residential social service facility (treatment & recovery facility)	4/25/88
8715	treatment and recovery facility	1/28/91
9127	treatment and recovery facility	4/26/93
9349	adult congregate living facility	7/25/94
9424	adult congregate living facility	11/29/94
9597	treatment and recovery facility	8/28/95
10468	adult congregate living facility	11/2/00
10549	treatment and recovery facility	5/3/01
10675	adult congregate living facility	3/7/02

area. He presented the Board with letters of objection from these property owners. Mr. Brush said there is already a traffic problem here and feels this proposed office building and restaurant will only compound the problem. Peter Woods, representing Robert Woods, presented the Board with a letter opposing the request. Mr. Woods said his father owns approximately 19 acres that is zoned PUD that he had hoped to develop as multi-family. Mr. Ridenour said that the plan presented to the Board was a much better plan than was previously submitted. Mr. Bell asked Mr. Hansel if he would be willing to add a statement to the BCP that post development run-off would be equal to or less than pre-development run-off and he replied he would. The Board recommended approval of the request as previously stated as it is compatible with the area.

10. FLORIDA CHRISTIANS MINISTRIES, INC. - Motion by Jerry Freeman, seconded by Al Glover to ~~APPROVE a change of classification from BU-1 & RR-1~~ to AU with a Conditional Use Permit for a School and a Conditional Use Permit for a Residential Social Service Facility (RSSF) (ACLF). Richard Ronsisvalle, 190 Church Road, Merritt Island, representing this request, stated the property is located on the northwest corner of the intersection of Pineda Causeway and U. S. #1 and consists of approximately 5½ acres. He said Happy Landings, Inc. has an established boys ranch where they take care of homeless boys. Mr. Ronsisvalle said they also have established a school. He said they have started to refurbish the property and propose to construct a church as well as a retirement center as they feel one compliments the other. Mr. Ronsisvalle said they intend to make this the finest boys ranch in the State. He also pointed out that the property would have to be brought up to HRS standards. No objections were voiced. The Board recommended approval of the request.

DISTRICT 3

11. DONALD R. CASTINE - Motion by Sam Hersperger, seconded by William Powers to ~~APPROVE a change of classification from RU-1-13 to RU-2-10~~ subject to a Binding Concept Plan showing two (2) duplexes only; post development run-off is to be equal to pre-development run-off and setbacks from Class II Waters are to be met. Carol Senne, 1 Sum Dum Road, Grant, representing this request, stated they have submitted a concept plan showing that they propose to construct two small duplexes on the property which is located east of U.S. #1 on the river approximately 1/3 mile north of Berry Road. Ms. Senne said the Health Department has approved the use of septic tanks. No objections were voiced. Mr. Ridenour said he feels the binding concept plan should also indicate that post development run-off will be equal to pre-development run-off. Ms. Senne said she would add this to the binding concept plan. She also pointed out that there is an existing pool within the 50 ft. Class II Water setback area. The Board recommended approval of the request as previously stated.

12. RICHARD H. STOTTLER, JR., AS TRUSTEE - Withdrawn by applicant.

13. MICHAEL LEWIS & ELLEN RYAN ABBOTT - Motion by William Powers, seconded by Al Glover to ~~APPROVE a Conditional Use Permit for a Temporary Trailer for Security Purposes in a BU-1 zone classification.~~ Carol Senne, 1 Sum Dum Road, Grant, representing this request, stated the front property has a conditional use permit for the outside sale of mobile homes and the back property has a use on review for a warehouse.

On motion of Commissioner Schmitt, seconded by
Commissioner York, the following resolution was
unanimously adopted:

WHEREAS, FLORIDA CHRISTIANS MINISTRIES, INC.

has/have applied for a change of classification from BU-1 & RR-1 to AU with a
Conditional Use Permit for a School and a Conditional Use Permit for a Residential
Social Service Facility (RSSF) (ACLF)

on property described as SEE ATTACHED LEGAL DESCRIPTION

Section 19 Township 26 S, Range 37 E, and,

WHEREAS, a public hearing of the Brevard County Planning and
Zoning Board was advertised and held, as required by law, and
after hearing all interested parties and considering the adjacent
areas, the Planning and Zoning Board recommended that the appli-
cation be approved and,

WHEREAS, the Board, after considering said application and
the Planning and Zoning Board's recommendation and hearing all
interested parties and after due and proper consideration having
been given to the matter, find that the application should be
**approved, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard
County, Florida, that the requested change of classification from BU-1 & RR-1 to AU
& CUP for a School & CUP for a Residential Social Service Facility (RSSF) (ACLF)
be **approved and, that the zoning classification relating
to the above described property be changed to AU with a CUP for a School & a CUP
for a Residential Social Service Facility (RSSF) (ACLF)
and the Planning and Zoning Director is hereby directed to make
this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become
effective as of April 21, 1986.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

ATTEST:

by THAD ALTMAN
Chairman

R. C. WINSTEAD, JR., Clerk

by D.C.

(SEAL)

(Hearing - April 7, 1986)

**BCC - Approved predicated on submittal of a floor plan approved by H.R.S. for any new
ACLF construction at time of site development plan submission.

HEDMAN & WOOTEN, P. A.

Attorneys at Law

Email: jhedmanatty@bellsouth.net

335 S. Plumosa Street, Suite E
Merritt Island, Florida 32952

Telephone: (321) 452-3720
Fax: (321) 452-9096

April 30, 2004

George Wolfe, Code Enforcement Officer
Brevard County Code Enforcement
2725 Judge Fran Jamieson Way, Bldg. A
Viera, FL 32940

Re: Happy Landings Homes, Inc.
Action File No. 04-1303
Notice of Violation Dated April 19, 2004

Dear Mr. Wolfe:

This firm represents as counsel Resurrection Ranch, successor to the property owner in the above-referenced matter. We appeared before the Brevard County Commission on April 20, 2004. I understand there are essentially three issues contained in the Violation.

First, the boats, trailers, RV's and other items were not properly stored. I am advised by my client that he has met with representatives of the Code Enforcement Department and the storing of these items has been altered such that it is now in compliance with Brevard County Code.

Second, there is a residence housing several adults. I understand that my client has provided sufficient information to show that the residents prepare their own meals and it is not a "boarding house".

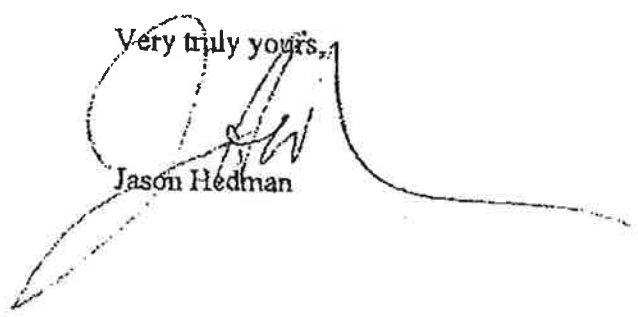
Third, the remaining alleged violation relates to certain contractual relationships between my client and the State of Florida. I had provided documents to the County Commission confirming that Zoning Code Provision 62-1103(3) defining an Adult Congregate Living Facility does not prohibit a contractual relationship with the Department of Corrections or any other State of Florida agency. The specific wording of the Code Section states "shall not be regulated or operated by or associated with a jail, prison or correctional facility or system". The legal definition of "associated" is "to join together for example as partners". Nothing in the Brevard County Code restricts my client's rights to freedom of contract. Their financial affairs cannot cause a Code Enforcement violation. My clients are in the process of obtaining documentation from the Department of Corrections to confirm my client's status as merely an independent contractor.

George Wolfe, Code Enforcement Officer
Brevard County Code Enforcement
April 30, 2004
Page 2

At the April 20, 2004, Commission Meeting, the Zoning Department was directed to make a report on this issue. If the proper interpretation of the Code, as outlined above, is rejected, it may be necessary for additional zoning applications or other quasi judicial procedures to take place in order for this issue to be resolved. I am writing to request that this matter be abated until such time as the zoning issues can be analyzed in depth. In the alternative, we would request a hearing before the Special Magistrate for a resolution.

If there are other corrective actions which my client must take, please let me know immediately. I appreciate your assistance in resolving this matter and I wish to resolve as many issues as possible on an amicable basis. Please contact me if you have any questions concerning the foregoing.

Very truly yours,


Jason Hedman

JH:sl

cc: Client

Assise of the forest. A statute touching orders to be observed in the king's forests.

Assise of utrum. A writ of assise which lay for a parson to recover lands which his predecessor had improperly allowed the church to be deprived of. 3 Bl.Comm. 257.

An assise for the trial of the question of whether land is a lay fee, or held in frankalmoigne.

Assise rents. The certain established rents of the freeholders and ancient copyholders of a manor; so called because they are *assised*, or made precise and certain.

Grand assize. A peculiar species of trial by jury, introduced in the time of Henry II, giving the tenant or defendant in a writ of right the alternative of a trial by battel, or by his peers. Abolished by 3 & 4 Wm. IV, c. 42, § 13. 3 Bl.Comm. 341. See *Battel*.

Assiser /asáyzar/. An assessor; juror; an officer who has the care and oversight of weights and measures.

Assisors /asáyzarz/. In Scotch law, jurors; the persons who formed that kind of court which in Scotland was called an "assise," for the purpose of inquiring into and judging divers civil causes, such as perambulations, cognitions, molestations, purprestures, and other matters; like jurors in England.

Assist. To help; aid; succor; lend countenance or encouragement to; participate in as an auxiliary. To contribute effort in the complete accomplishment of an ultimate purpose intended to be effected by those engaged.

Assistance, or (assistants) court of. See *Court of assistants*.

Assistance of counsel. Sixth Amendment to Federal Constitution, guaranteeing accused in criminal prosecution "assistance of counsel" for his defense, means effective assistance, as distinguished from bad faith, sham, mere pretense or want of opportunity for conferences and preparation. Fed.R.Crim.P. 44; *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799; *Geders v. U. S.*, 425 U.S. 80, 96 S.Ct. 1330, 47 L.Ed.2d 592. See *Assigned counsel*; *Counsel, right to*.

Assistance, writ of. See *Writ of assistance*.

Assistant. A deputy, aide, or subordinate; as an assistant assessor. One who stands by and aids or helps another. Ordinarily refers to employee whose duties are to help his superior, to whom he must look for authority to act. *State ex rel. Dunn v. Ayers*, 112 Mont. 120, 113 P.2d 785, 788.

Assisus /asáyzas/. Rented or farmed out for a specified assise; that is, a payment of a certain assessed rent in money or provisions.

Assize /asáyz/. See *Assise*.

Assizes de Jerusalem /asáyzas de jarúwzalam/. A code of feudal jurisprudence prepared by an assembly of barons and lords A.D. 1099, after the conquest of Jerusalem. It was compiled principally from the laws and customs of France.

Associate. Signifies confederacy or union for a particular purpose, good or ill. To join together, as e.g. partners. See *Association*.

Having subordinate status; e.g. associate professor.

An officer in each of the English courts of common law, appointed by the chief judge of the court, and holding his office during good behavior, whose duties were to superintend the entry of causes, to attend the sittings of *nisi prius*, and there receive and enter verdicts, and to draw up the postea and any orders of *nisi prius*. The associates were later officers of the Supreme Court of Judicature, and are styled "Masters of the Supreme Court". Duties of associates are now carried out by clerks in the Crown Office and Associates Department of the Central Office of the Supreme Court.

Associate justices. Judges of courts, other than the presiding or chief justice.

Associates in office. Those who are united in action; who have a common purpose; who share the responsibility or authority and among whom is reasonable equality. Those who are authorized by law to perform the duties jointly or as a body.

Association. The act of a number of persons in uniting together for some special purpose or business. It is a term of vague meaning used to indicate a collection or organization of persons who have joined together for a certain or common object. Also, the persons so joining; the state of being associated.

An unincorporated society; a body of persons united and acting together without a charter, but upon the methods and forms used by incorporated bodies for the prosecution of some common enterprise. *Clark v. Grand Lodge of Brotherhood of Railroad Trainmen*, 328 Mo. 1084, 43 S.W.2d 404, 408. It is not a legal entity separate from the persons who compose it. See also *Affiliation*.

An organization treated as a corporation for Federal tax purposes even though it may not qualify as such under applicable state law. What is designated as a trust or a partnership, for example, may be classified as an association if it clearly possesses corporate attributes. Corporate attributes include: centralized management, continuity of existence, free transferability of interests, and limited liability. I.R.C. § 7701(a)(3).

A "business trust" is an "association" when it has a continuing entity throughout trust period, centralized management, continuity of trust uninterrupted by death among beneficial owners, means for transfer of beneficial interests, and limitation of personal liabilities of participants to property embarked in undertaking. *Fletcher v. Clark, D.C. Wyo.*, 57 F.Supp. 479, 480.

See also *Articles of association*; *Confederacy*; *Joint stock association*; *Non-profit association*; *Professional association*; *Unincorporated association*.

Partnership association. See *Partnership*.

Professional corporation. See *Corporation (Professional corporation)*.

Unincorporated association. A confederation of individuals organized for a specific purpose which may

ADD-ON

Meeting Date

January 5, 2002



AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA

Section

Awards and
ResolutionsItem
No.

II.D

SUBJECT: Resolution Certifying Happy Landings Home Inc. d/b/a Resurrection Ranch

DEPT. / OFFICE: County Commission District 4

Requested Action:

It is requested that the Board of County Commissioners approve the attached resolution which certifies that the Happy Landings Home, Inc. d/b/a Resurrection Ranch is an operation consistent with the Comprehensive Plan and with local county plans and regulations such as those found in the homeless component of the Housing Consolidated Plan.

Summary Explanation & Background:

POC: Duwayne Lundgren, email duwayne.lundgren@countygovt.brevard.fl.us, tp# 633-2044

☐ Bits Attached:

Contract/Agreement (If attached): Reviewed by County Attorney

Ye ☐No ☐

County Manager's Office

Tom N. Jenkins, County Manager

Department

Sue Carlson

County Commissioner District 4

From: [Mark Leslie](#)
To: [Sterk, Erin](#)
Cc: [Jones, Jennifer](#)
Subject: Re: Agenda Package
Date: Wednesday, January 23, 2019 9:19:05 AM
Attachments: [BCC Determination of RSSF Applying.pdf](#)

Erin,

Please add the attached email to the file to clarify that the BCC did apply the RSSF classification based on County Attorney Scott Knox's input, despite the P & Z Managers position in the staff report attached to your staff report.

Thanks,
Mark

On Wednesday, January 23, 2019, 8:24:05 AM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark,

See attached.

Jennifer

From: Mark Leslie [<mailto:boatbrevard@yahoo.com>]
Sent: Tuesday, January 22, 2019 3:54 PM
To: Jones, Jennifer
Subject: Re: Agenda Package

No worries Jennifer,

Below is language from the staff report addendum. The highlighted language references a memo to ACM. Could I get a copy of that memo?

2005 NC FLU, rezoned to IN(L) for an ALF

On September 1, 2005, an administrative Zoning Resolution was adopted, Z-11172. This Board initiated action changed the zoning from AUwith CUPs (noted above) to Low intensity Institutional Use, IN(L) with removal of the mentioned CUPs and was additionally limited by a Binding Development Plan (BDP)

recorded in ORB 5579, Pages 6399-6402 to be used as an Assisted Living Facility (ALF); this use provided support services for people recovering from addictions.

Zoning official opinion that the prior AU zoning action allowed for an ACLF CUP and did not grant an RSSF CUP. Memo to ACM and staff report define the differences between an RSSF and ACLF.

Thanks,

Mark

On Tuesday, January 22, 2019, 12:23:58 PM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark,

Due to ADA accessibility requirements, our P&Z agenda packages are not online at this time. The agenda itself is online, but not the entire package.

We hope to be able to put the packages back online in the not too distant future.

I emailed the package for Happy Landings to you, Jinger, and Lin last week. If you need me to send it again, I'd be glad to do that. It is quite large, so I had to send three separate emails.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Tuesday, January 22, 2019 11:51 AM
To: Jones, Jennifer
Subject: Agenda Package

Hello Jennifer,

Can you tell me when the agenda book--I mean package! lol--will be available online?

Thanks,

Mark

From: mel.scott@brevardcounty.us [mailto:mel.scott@brevardcounty.us]
Sent: Wednesday, June 09, 2004 12:00 PM
To: mark.leslie@Titusville.com
Cc: scott.knox@brevardcounty.us; peggy.busacca@brevardcounty.us
Subject: RE: Clarification of RSSF ACLF designation

I have reviewed the tape and offer the following conclusions:

1) The BCC in a 5:0 vote decided to proceed with an administrative (Brevard County generated) modification to the CUP, in a manner that replicates an administrative rezoning. Therefore, the surrounding neighborhood will be notified. The proposed modifications should return to the BCC in 150 days and all Code Enforcement proceedings will be abated.

Regarding what the BCC intended by the "modification to the CUP", it is clear to me that the BCC was agreeing to Scott Knox's opinion that the 1986 resolution had the effect of granting the property an RSSF CUP. Mr. Knox spent quite a bit of time explaining his legal basis for this conclusion. The BCC did not contest this conclusion even though it also did not, in an abundantly obvious fashion, vote specifically to state that the RSSF applied. After Commissioner Higgs called for motions from the BCC, Mr. Knox again stated that the Ranch "appears to be properly zoned". I had already stated that the RSSF "umbrella", which included the Treatment and Recovery Facility CUP, would need to be seen by the BCC as applying to the Ranch for its programs and services to be consistent with the Code. The BCC was silent after Mr. Knox made this statement. Therefore, in my opinion, the BCC gave this view its tacit approval.

Further, I stated towards the end of the BCC's discussion of the motion, that "as a courtesy to the Ranch,...and by virtue of the RSSF being blessed by the Board...". Again, as I recapped to the BCC the set of assumptions that they were embracing by their motion to modify the existing CUP, the BCC did not challenge my recap.

Again, per your direction, I have reviewed the tape and still believe that the BCC is viewing the Ranch as having an RSSF approval in 1986, which the community and the Ranch must discuss. These discussions should then form the basis for possible modifications which will be administratively advertised for BCC consideration in a future public hearing.

I look forward to our continued discussions towards this end. It is my sincere hope that these discussions and negotiations result in modifications to the CUP that are acceptable to both the neighborhood and the Ranch.

Mel Scott, AICP, Director
Planning & Zoning Office

From: [Sterk, Erin](#)
To: [Jinger Knox](#)
Cc: [Calkins, Tad](#); [Ragain, Rebecca](#); [Jones, Jennifer](#)
Subject: RE: Happy landings bdp
Date: Wednesday, January 23, 2019 3:38:25 PM
Attachments: [Untitled.png](#)

Jinger,

Please find my feedback below in red.

Regards,
Erin

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Wednesday, January 23, 2019 1:04 PM
To: [Sterk, Erin](#)
Subject: Re: Happy landings bdp

I don't have answers to those questions just wanted to remind you

Thanks jinger

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Friday, January 18, 2019 8:44:43 AM
To: Jinger Knox
Subject: Re: Happy landings bdp

Jinger,

I have been out all week with a very sick son. I'm sorry you do not feel they are being responsive to your input.

These are great questions. I will have answers to you by Monday.

Thanks,
Erin

On Jan 18, 2019, at 8:29 AM, Jinger Knox <jingerk@msn.com> wrote:

Good morning

After meeting with the applicant it has become apparent that they are not in any way concerned about the neighborhoods input on the bdp and are 100% sure that their attorney can manipulate anything into their bdp that they need in order to usurp the existing code. Therefore I am going to need the following answers from your office as soon as possible so that I may follow up with the

county manager prior to the p and z meeting.

1. Please explain in detail why this is not an expansion of use, considering the addition of a building as well as out patient care. A proposal to expand the footprint of up to 7,000 additional sq. ft. would be considered an expansion of use.
2. Please explain your decision regarding the code of no more than one Alf /detox facility within 1000'. There are no Assisted Living Facilities or Treatment and Recovery Facilities within 1000' or even within ¼ mile of this property. As noted on the attachment and derived from the www.floridahealthfinder.gov website, there are no ALF's or TRF's within even a mile of this proposed location.
3. Clarify if bdp's are customarily used to make zoning/ building codes less restrictive. I.e. canceling the parking lot requirement and Sq footage requirements by way of bdp. A Binding Development Plan is a tool for an applicant to agree to conditions above and beyond code criteria. Conditions within a BDP should not be utilized as a mechanism to waive existing code provisions.
4. Please explain your wording in staff report which advises the board to "memorialize" non conforming items on the property. What is the meaning of this term and how would it affect the non conforming use? The language in the Addendum to the staff comments reads, *"The Board should consider whether it is appropriate to memorialize a commitment to construct a building that does not meet the IN(H) Zoning classifications criteria."* The language certainly does not advise the board to do so.
5. Has there been any county inspections done under the current bdp now that we have brought this to the counties attention? The property has not requested that the Planning & Development Department perform any inspections to date. I am not received any evidence that the property owner has requested an inspection from the Department of Health either.
6. Can we meet with p and z board members prior to the meeting? This communication is not prohibited. Can the applicant and have they? I am not sure, that would be clarified by the Board members during the meeting. Do p and z members have to disclose this information? Of course. Even if it was just a lunch or outing with mr. Knox? If they spoke about this item, they would need to disclose it. If they merely met for lunch and did not speak about the item, that would not trip the threshold for disclosure.

I appreciate your prompt response to these questions.

Jinger Knox

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<u>Name</u>	<u>Type</u>	<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Phone Number</u>	<u>Distance in miles</u>	<u>Licensed Beds</u>
<u>BREVARD THERAPY AND PHYSICAL MEDICINE</u> 🚗	Home Medical Equipment Provider	903 JORDAN BLASS DR #102	MELBOURNE	FL	32940	(321) 751-5351	0.93	0
<u>CENTER FOR ADVANCED UROLOGY & ROBOTICS</u> 🚗	Health Care Clinic Exemption	6032 FARCENDA PL STE 102	MELBOURNE	FL	32940	(321) 215-4799	0.54	0
<u>CORAL REEF GASTROENTEROLOGY</u> 🚗	Health Care Clinic Exemption	6300 N WICKHAM RD STE 101	MELBOURNE	FL	32940	(772) 589-0580	0.78	0
<u>FIRST CHOICE MEDICAL GROUP OF BREVARD LLC</u> 🚗	Health Care Clinic	6300 N WICKHAM RD	MELBOURNE	FL	32940-2028	(321) 725-2225	0.74	0
<u>MINUTECLINIC</u> 🚗	Health Care Clinic Exemption	5590 N WICKHAM RD	MELBOURNE	FL	32940	(954) 462-8185	0.72	0
<u>OSLER MEDICAL</u> 🚗	Health Care Clinic Exemption	6450 NORTH WICKHAM ROAD	MELBOURNE	FL	32940	(321) 255-5757	0.94	0
<u>SUNTREE INTERNAL MEDICINE</u> 🚗	Health Care Clinic Exemption	903 JORDAN BLASS DRIVE SUITE 102	MELBOURNE	FL	32940		0.88	0
<u>UNIVERSITY CENTER IMAGING-SUNTREE</u> 🚗	Health Care Clinic	6300 N WICKHAM ROAD STE 100	MELBOURNE	FL	32940	(321) 775-7100	0.67	0

Objection
18PZ00088
Happy Landings Homes
(Submitted 01/22/19)

ID#18PZ00088

Mark R. Leslie

2665 Hilltop Lane, Melbourne, FL

Provided herein is an explanation of why we believe the request by the Developer (JourneyPure) to amend an existing Binding Development Plan (BDP) for property owned by Happy Landings Homes, Inc., located at 5925 Old Dixie Highway, Melbourne FL should be denied. The amended BDP will change the subject facility from a dormitory for women with children to an expanded use as a residential detoxification, treatment, and recovery center (an to include men and women to be licensed by Florida DCF under rule 65D30. All of our comments are in italics.

Item d. of the most recent BDP states that: "Developer shall comply with standards set forth in 62-1862(3) of the Brevard County Code." We take this to mean section 62-1826(3), as there is no section 62-1862 in Brevard County code.

BDP item d. Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 square feet. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq.ft. on the 5.33 acre site, such square footage to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential development in the surrounding neighborhood.

Sec. 62-1826. - Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities shall comply with the following requirements, where applicable:

(3) Facility standards.

a. Prior to the granting of any permit for assisted living facilities or treatment and recovery facilities, the state Department of Health and Rehabilitative Services shall verify compliance with the following standards:

1. There shall be not less than 250 square feet of floor space per assigned resident.
2. There shall be one bathroom per two bedrooms. The bedroom square footage shall be not less than 75 square feet per assigned resident.

3. Centralized cooking and dining facilities shall equal 30 square feet per assigned resident.

b. If the request for a permit for assisted living facilities or treatment and recovery facilities is for a structure to be built, floor plans of the structure shall be submitted and approved prior to issuance of the permit.

*Developer has not submitted any proof they will be able to comply with the facility standards set forth in Section 62-1826 (3) (a) or (b) or Section 62-1826(5) of Brevard County Code. Further, Section 62-1826 (3)(b) requires that floor plans of the structure shall be submitted and approved **prior to** issuance of the permit. Developer has not submitted and gained approval for any floorplans for expansion, although they have submitted a design drawing for a facility built in a different location outside of Brevard County.*

In order to state definitively that there is adequate space for the expansion of the facility structures to include parking, a new building, and storm water management, and in order to verify adequate space is available, a site plan from a registered engineer should be developed and presented. It would appear that the applicant/developer is attempting to use this (BDP) to usurp County Land Development Rules for site plan approval.

BDP item i. The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.

Sec. 62-1826 (5) Off-street parking. There shall be two parking spaces, plus two additional parking spaces for every five occupants for which the facility is permitted.

There are wetlands on the property that will not be suitable for development, the property has a large septic drain field that would further limit usable land area available for 37.6 paved parking spaces, including handicapped parking, storm water management, and a new building.

BDP item h. If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

This item (h) contradicts the statement in item d. that they shall be in compliance with section 62-1826(3). If they are not in compliance with zoning code, they should not be allowed to operate. The agency with jurisdiction of the facility for land development, structures and proper application of local zoning code is Brevard County, whereas the licensable operations of the facility are overseen by agencies from the State of Florida.

Developer proposes to expand or modify the use from Dormitory," a permitted use," to Treatment and Recovery Facility, "a use permitted with conditions."

We argue this is an expansion, increase, or modification of the use. The addition of "Conditions" in Sec.62-1573. - Institutional Use, IN(L) and IN(H), implies an increase in square footage requirement for living space from a dormitory for housing women and children to a licensed treatment and recovery facility that must follow the guidelines set forth in Article VI,

Division 5, Subdivision II (permitted uses with conditions) of Section. 62-1826 (3). As a dormitory a permitted use, there is no specific square footage requirement in code compared to those requirements in code for a treatment and recovery facility permitted with conditions.

Developer proposes to expand the structures on the nonconforming property by 6,815 square feet in order to meet the living area square footage requirements set forth Section 62-1826 (3) of Brevard County Code .

We argue this expansion is an enlargement, expansion. or modification of the nonconformity of the property as stated in Sec. 62-1182 (a) (1).

Sec. 62-1182. - Continuation generally; enlargement, expansion or modification.

(a) The use of land or structures qualifying as a nonconforming use as defined in this subdivision **shall not be:**

(1) Enlarged, extended, increased or expanded to occupy a greater area of land than was occupied upon the effective date of the ordinance from which this article was derived or the effective date of any amendment to this article, whichever date rendered such use nonconforming. However, any conforming structure on a substandard lot may be expanded to occupy a greater land area provided such expansion complies with all setback requirements and provided such expansion is not for living area.

We also argue that such an expansion of use would increase the nonconformity of the use as laid out in section 62-1182 (b)(2)

(b) In addition to the provisions of subsection (a) of this section, structures qualifying as a nonconforming use as defined in this subdivision shall not be:

(2) Enlarged, extended, increased or expanded in any manner unless such enlargement, extension, increase or expansion is specifically in conformity with the provisions of this article and does not increase the nonconformity of such use. Nothing contained in this subsection shall be construed to prohibit the ordinary repair and maintenance of nonconforming structures provided such repair does not increase the cubic content of the structures; result in the enlargement, extension, increase or expansion of the nonconforming use; or result in a cost of repair and maintenance in excess of 50 percent of the fair market value of the structures. Fair market value for the purposes of this section shall be deemed the valuation of such structure by the county property appraiser in his assessment for levying of ad valorem taxes for the year of the intended repair or maintenance.

While we do not believe maintenance and repair language of Sec. 62-1182(b)(2) applies, the following is offered in the event the applicant/developer chooses to call the addition of a 6,815 sf building, maintenance or repair. The county property appraisal for 2018 valued the subject property at \$473,890. The applicant proposes to expand the nonconformity by 6,815 square feet in order to comply with section 62-1126 (3). Using a conservative commercial building square footage cost estimate of \$240 per square foot, it is clear that the additional square footage will be much greater than 50 percent of the fair market value as required in section 62-1182 (b) (2)
$$6815\text{sf} \times \$240 = \$1,635,600$$

The Developer requests (item h. of the BDP) permission to NOT comply with standards set forth in 62-1826(3) of the Brevard County Code for at least one year. Approval of this item/element of the BDP would be allowing the facility to operate in conflict with of section 62-1826 (3)(a) and (b) and (5) of Brevard County Code.

h. If not already in compliance on the day the treatment and recovery facility is approved for operation by **agencies with jurisdiction**, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

According to County Code the "agencies with jurisdiction" must verify compliance with the square footage requirements prior to permitting the expanded use to Treatment and Recovery Facility. Brevard County is one of the agencies with jurisdiction.

Sec. 62-1826. - Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities shall comply with the following requirements, where applicable:

(3) Facility standards.

- a. Prior to the granting of any permit for assisted living facilities or treatment and recovery facilities, the state department of health and rehabilitative services shall verify compliance with the following standards:
- b. If the request for a permit for assisted living facilities or treatment and recovery facilities is for a structure to be built, floor plans of the structure shall be submitted and approved prior to issuance of the permit.

Based on County Attorney Scott Knox's input during the May 18, 2004 BOCC regular meeting regarding zoning issues with the Resurrection Ranch, the Happy Landings Homes/Resurrection Ranch property maintained a conditional use permit (CUP) for a Residential Social Services Facility (RSSF) which included Treatment and Recovery Facility and ACLF from April 21, 1986 until administratively rezoned on September 1, 2005. This was confirmed by the BOCC and Assistant County Attorney Teri Jones. (minutes attached, pertinent discussion highlighted).

The CUP for (RSSF) treatment and recovery and (ACLF) was "abandoned" on September 1, 2005, per section 62-1183, when the Conditional Use Permit was removed and the property was administratively rezoned and limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402, to be used as an Assisted Living Facility (ALF).

Sec. 62-1183. - Abandonment. If any nonconforming use of land or structures is abandoned or discontinued for a period of 180 consecutive days or for 18 cumulative months during any three-year period, the land or structure shall thereafter only be put to a use specifically in conformity with the provisions of the applicable zoning classification and any other provision of this article or amendment to this article, and the privileges of this subdivision shall be deemed forfeited for the land or structures.

We believe the treatment and recovery use may NOT be reestablished per section 62-1182 (a)(2), Brevard County code.

Sec. 62-1182. - Continuation generally; enlargement, expansion or modification.

(a) The use of land or structures qualifying as a nonconforming use as defined in this subdivision shall not be:

(2) Reestablished if such nonconforming use of land or structures ceases or is discontinued for a period of 180 consecutive days, or for 18 cumulative months during any three-year period. However, nonconforming residential structures in residential zoning classifications and the GU classification may be reestablished.

Since the property maintained a CUP for RSSF, including Treatment and Recovery, until the administrative rezoning on September 1, 2005, it is clear that the Treatment and Recovery use ceased and was no longer permanent or continuous after the effective date of that rezoning. Thus, a change from dormitory use back to treatment and recovery use would mean the property no longer meets the criteria for nonconforming use as defined in section 62-1181.

Sec. 62-1181. - Definition.

For the purposes of this subdivision, the term "nonconforming use" is defined as the use of land or structures that was lawful prior to the effective date of the ordinance from which this article is derived or the county comprehensive plan, or the effective date of any amendments thereto, but is not now permitted within the applicable zoning classification or is not permitted under any provisions of this article or the county comprehensive plan or any amendment thereto. In order for a use of land or structures to be included within such definition, **such use must have been permanent and continuous prior to the effective date of the ordinance from which this article is derived or the effective date of any amendment to this article. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of the ordinance from which this article is derived or the effective date of any amendment to this article shall not be sufficient to qualify such use for the privileges of this subdivision.**

*Our contention at the BOCC meeting on May 18, 2004 was that Happy Landings Homes Inc., Dba Resurrection Ranch, was in violation of their Adult Congregate Living Facility (ACLF) zoning classification because of their associations and contracts with correctional institutions, courts, and local jails. Language in the ACLF definition prohibited such relationships, and the neighbors were compelled to request that the zoning official correct the noncompliant activities being conducted on the property. Planning and Zoning Director Mel Scott prepared a staff report framing his understanding of the issues and the remedies available to the Resurrection Ranch and the BOCC. In contrast to Mr. Scott's report, the BOCC was advised by County Attorney Scott Knox that the Resurrection Ranch, DBA Happy Landings Homes, Inc., had a Conditional Use Permit (CUP) for a Residential Social Service Facility (RSSF) **and** an (ACLF).*

“Mr. Knox advised the Board from a legal construction of that approval, it could view the property as having been given an RSSF rezoning in 1986, which would then include a drug treatment and recovery facility definition.

County Attorney Scott Knox advised, from the legal point of view, when the Board grants a CUP, it grants a use that becomes a permitted use under the Zoning Code; so when the Board granted the CUP for the RSSF(ACLF) in 1986, the Board granted approval of those two uses by operation of law.” (May 14 2004 minutes)

During that May 2004 BOCC meeting, the owners of the Resurrection Ranch were offered an opportunity to request a rezoning to IN(H)—an intensity designation required for Treatment and Recovery facilities which adds conditions for square footage for assigned residents. There was also discussion of a possible administrative rezoning to include the IN(H) intensity designation to the subject property during the dialog between Commissioners, staff, and the County Attorney during that meeting.

Subsequently, on September 1, 2005, an administrative Zoning Resolution, Z-11172, was adopted. The BOCC initiated action and changed the zoning from AU with CUPs for (RSSF), including Treatment and Recovery and (ACLF), to Low Intensity Institutional Use, IN(L), with removal of the mentioned CUPs. The property was additionally limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402, to be used as an Assisted Living Facility (ALF). This rezoning demonstrates that the owners gave up their option to maintain the RSSF treatment and recovery facility use designation to become an ALF use exclusively.

Additionally, On December 16, 2009, the Board approved Zoning Resolution Z-11531 which changed the Future Land Use of the property from Neighborhood Commercial (NC) to Community Commercial (CC) and changed the zoning from IN(L) to High Intensity Institutional, IN(H), with replacement of the BDP on file with one recorded in ORB 6082, Pages 71-77.

This rezoning established the Space Coast Center for Women with Children and limited the residents to women and children only. Staff comments indicated that the center was a non-profit organization which provided safe housing, support services, and spiritual guidance to women striving to become self-sufficient in a dormitory style setting. Dormitory use under the institutional use intensity designation table in Sec. 62-1573 is a permitted high intensity use which required the change in land use and zoning in order to be allowed on the site. The rezoning did not add additional conditions for square footage for residents.

Given the above reasoning, it is clear that approval of the request to amend their existing Binding Development Plan (BDP) recorded in ORB 6082, Pages 71-77, to expand their services to include men and women and to reestablish the property as a residential detoxification, treatment and recovery center licensed by Florida DCF under rule 65D30 would ignore the most basic premise of zoning, which is to protect neighborhoods. Based on provisions set forth in sections 62-1181, 62-1182 (2) and 62-1183, the owner/developer should not be permitted to intermittently change, reestablish, or expand the nonconforming use of the property.

Minutes from BOCC meeting May 14, 2004

DISCUSSION/DIRECTION, RE: ZONING CODE ISSUES AND RESURRECTION RANCH

Chair Higgs advised Item VI.A.2. regarding Resurrection Ranch is a time certain item that the Board will proceed with at this time.

REPORT, RE: CONSENT AGENDA

Commissioner Pritchard advised several people came to speak to Item III.F.3., Appointments/Reappointments to Citizen Advisory Boards, which is a Consent item; it was pulled by Commissioner Carlson for discussion at the end of the meeting; and the people who came to speak did not realize it was pulled. He stated generally when the public asks to pull an item from the Consent Agenda, it is heard at the end of the Consent Agenda; there are people here to speak on it; but it is the Board's discretion.

Commissioner Carlson advised she asked for that, but there must have been a misunderstanding because she understood Ken submitted a card to speak. She stated she does not have a problem with it, and did not know that time certain took precedent over Consent items.

Chair Higgs advised since the Board is far behind on the time certain items, she would like to do those then go back to the Consent items that were pulled.

DISCUSSION/DIRECTION, RE: ZONING CODE ISSUES AND RESURRECTION RANCH

(CONTINUED)

Chair Higgs requested staff give the Board a brief overview of the issues regarding Resurrection Ranch.

Planning and Zoning Director Mel Scott advised in 1986, the property received a rezoning, which granted the ability to operate an adult congregate living facility (CLF) and a school; it has been very successful over the years in providing a wide range of programs and services under the guidance of Resurrection Ranch; and the issues before the Board are the result of observations from community and staff of whether or not there might be certain programs and services currently being provided which may not have been fully contemplated and consistent with the current zoning classification. He stated the report is an attempt to identify five basic issue areas for Board discussion; and the Board is prompted to review the basis and compare and contrast certain aspects of Resurrection Ranch to certain provisions of the Zoning Code and Florida Statutes.

Chair Higgs advised there are at least 27 speaker cards; those who may have their comments covered by a previous speaker are requested to let the Board know if they agree with the speakers

and wish to pass on their comments. She stated each speaker will have five minutes; and explained the light system.

Esquire Jason Hedman, representing Resurrection Ranch, advised there is a Fair Housing Act under 42 U.S. Code 3604; there is also the Americans with Disabilities Act under 42 U.S. Code, and a case of *Recap v. the City of Middleton*, 282 Federal 333, where the City determined the residents of a halfway house were disabled persons under the Americans with Disabilities Act. He stated there is also a religious land use and Institutional Persons Act under 42 U.S. Code 2000; but they are not here to argue or threaten, they are here because for many years Resurrection Ranch provided a very valuable service to the community. He stated as Mr. Scott's report reflects, originally the site was Happy Landings; it was basically called a children's home or youth ranch, a euphemism for what they call a reform school or a place under the Juvenile Justice Services; so there is a long history of the property being used to help reshape lives, change lives, and move forward. He stated when they were before the Board on April 20, 2004, it was difficult to hear neighbors talking about being in fear; Resurrection Ranch is totally opposite of fear; they are not trying to threaten anyone or to bring down property values; but they are trying to help change lives. Mr. Hedman stated a life recovery program is being operated at Resurrection Ranch; and they hope to shine a little light and let Jinger Knox and other residents know what kind of supervision goes on and what kind of screening happens. He stated it is not anyone who walks down the railroad tracks and decides to go to Resurrection Ranch that becomes a resident; they are screened; and David Miller, Director of Resurrection Ranch, will cover many of the comments from citizens, the guidelines, and specific items. He stated everyone who becomes a resident signs a contract agreeing to abide by the rules; and there are at least 15 items on the checklist that include no sexually-oriented charges in background, and will abide by the standards of Resurrection Ranch and its guidelines, which means no profanity, no violence, no drug use, etc. He stated it is a life recovery program; those people are not necessarily criminals or everybody coming out of jail; it is an extension of the prison system and an opportunity for folks whose lives have been shipwrecked by drugs, alcohol, and other circumstances to be able to rehabilitate; and in essence, it is a Christian ministry. He stated it is faith-based; they believe the redemptive powers come from Almighty God; and if they can get them alone for 90 days without drinking, smoking, and doing other things, opportunities are going to happen for those persons' lives to be changed so they can get back with their families and become good members of society. Mr. Hedman stated there has been a lot of talk about the association and Contract with Department of Corrections; basically the ministry had an opportunity to bring dollars in for the faith-based initiative and fund programs to benefit Brevard County residents; they heard about money coming from the federal government; but what is happening is services are being subsidized by the State Contract to benefit the community; it is what they should be doing and what they are doing; and they believe the use is consistent. He stated Mr. Scott's report is very informative; he talks about an RSFF being an umbrella; and he disagrees with him a little bit and believe once they have a CUP for a residential facility, they have that use. He stated there is talk about children; as a group home, children are permitted; it is emphasized that the only children there are the children with their parents; and it is not like they are taking orphans in off the street. He stated those are families being reunited that is part of what the mission statement is; it is a life recovery family restoration ministry; and they do it by the gospel. He stated Mr. Miller will talk about the standards, and Mr. Tulley will explain the history; and it is not about jailbirds and felons. He stated they have had the existing zoning since 1986; they believe the Board wisely confirmed that on May 5, 2002; and they hope that Ms. Knox and everyone else in the

community will have the same confidence that judges and counselors in the area have, that it is a good facility that protects people and provides a nurturing environment for their lives to be changed.

Pastor Calvin Gittner, representing Pineda Presbyterian Church, advised they and the Suntree/Viera Association of Churches are in support of the ministry of Resurrection Ranch and the overall quality of life in Brevard County; and he will share their interactions with the staff and residents of Resurrection Ranch. He stated he has been the pastor at Pineda Presbyterian Church since May 2000; over the past four years he had the opportunity to interact with both the staff and residents of Resurrection Ranch at least on a monthly basis and often more frequently than that through his church and the ministry of Suntree/Viera Association of Churches; and the primary focus of his relationship and that of his church with the Ranch has been in finding ways to work together in order to serve those members of the community who are most in need. Pastor Gittner advised Pineda Presbyterian Church's relationship with Resurrection Ranch has been, and he hopes will continue to be, one where they share their gifts, talents, and resources; he could talk about their structural relationship with the Ranch and how their church and other churches in the area provide financial and in-kind support to the ministry of Resurrection Ranch, and about how Resurrection Ranch provides assistance to the community in many ways, serving people throughout the County who are in need of assistance, but he would rather talk about people and about their relationship with those people and their partnership with Resurrection Ranch. He stated over the past four years, his relationship with the family members of Resurrection Ranch, the staff, and the residents has grown closer in many ways; they now have a number of people from the Ranch who are regular attendees and participants in church activities at their church and other churches in the area; and members of the Resurrection Ranch community, who they consider their friends, attend community events. He stated those people are an active and vibrant part of their church families, from Sunday services to fellowship dinners and church work days; they are part of the fabric of life at their churches; and thus they are part of the fabric of life of Brevard County. Pastor Gittner stated one way to judge the true character of a community's health is to judge and look at how they treat and support those in greatest need; do they pretend those people do not exist or even worse, do they treat them as somehow less entitled to the rights and privileges that they all enjoy; or are they willing to give them the support and encouragement they need to continue to be full and active participants in society. He stated in their area, it has been Resurrection Ranch working in partnership with the faith community that has been their gauge of how the community is willing to support those in need; they are the ones who have been and will continue to be the ones who will reach out and build those lasting relationships that will make a difference in people's lives; and the ministry of Resurrection Ranch is a ministry of reconciliation, healing, and wholeness, and of rebuilding broken lives. He stated it is his hope and prayer that they can come together as a community in order to resolve any and all issues and concerns relative to the operation of Resurrection Ranch, including the legitimate concerns of all their friends and neighbors in order that together they can continue to provide a much needed and much appreciated ministry to the community. Pastor Gittner advised he is also Chaplain of the 920th Search and Rescue Wing at Patrick Air Force Base; and over the years they have also partnered with Resurrection Ranch to provide in-kind services to the Ranch, again joining together in true partnership to reach out and help those in greatest need. He offered his services and the services of his church and other churches in the Suntree/Viera Association of Churches, as might be needed, as they work together to serve all the people of Brevard County.

Chair Higgs requested the audience hold their applause because there are a lot of people who wish to speak and it will help the Board get through all of them.

Reverend Terry Highland, Head Pastor and Priest at Christ Redeemer Charismatic Episcopal Church, Chaplain of Melbourne Police Department, and Board member at Resurrection Ranch, advised he will comment on counseling at the Ranch. He stated spiritual counseling takes place at the Ranch; there are a number of churches from Titusville to Palm Bay that have members come and do counseling; and there are a number of pastors from various religions, Lutherans, Methodists, Catholics, nondenominational, Episcopalians, Baptists, Presbyterians, and others who come and counsel at Resurrection Ranch. He noted in many churches, they argue amongst themselves of what is right; but this is one example where that is set aside and they come together and do ministry and counseling in a spiritual direction mode to those people who are there. He stated it is not drug and alcohol counseling; they do not have a license to do that nor do they do that; that is referred to Circles of Care and other facilities, not the Ranch; and it is interesting that the pastors who come together have all different modus operandi, backgrounds, interests, and desires; but they focus on one thing and that is working to the glory of God and lifting people up.

Reverend Charles Lane advised he spent Saturday and Sunday at the Brevard Correctional Institution; he has taught at Resurrection Ranch for six of his eight years; he is a resident of Viera; and he loves Viera and Resurrection Ranch, so when he has time off he likes to give it to the Ranch.

David Miller, Director of Resurrection Ranch, advised he talked with each Commissioner and gave them his assurances that Resurrection Ranch has a very competent program and does a wonderful job in the community; and he wants to bear witness to the people who have come to not just say the Ranch is doing a good job, but who have firsthand knowledge of what goes on at Resurrection Ranch. He stated they have a group of people who went through the community and obtained signed petitions; there are over 1,500 signatures from Titusville to Palm Bay; those are people who are interested in what goes on at the Ranch; and they are concerned that the County continue to have institutions like Resurrection Ranch that will take care of people in need. He stated there were many people who could not make it here today due to the time situation; they have letters from groups in support of the Ranch; and the Department of Corrections blessed them with the opportunity to have the probation officers of Brevard County write letters of support to attest to the monitoring and to the amount of supervision that the State and Brevard County Probation Services provide to Resurrection Ranch. Mr. Miller stated they also have letters of support from their current neighbors; some are here to attest to the fact that they are good neighbors; and for the last four years that he has been at the Ranch, there have been no instances where a neighbor had to call the police, which speaks volumes for the amount of services they provide. He stated it is not up to him to say what a wonderful job they are doing, so he will concede to the residents and ask them if they have knowledge that would impact the Board, to come and say it. He noted they do not want to say the same thing over and over again; the Board knows what a wonderful job they do; and they want to work closely with the Board to get the problem resolved or do what it takes so Resurrection Ranch can continue to do its job within the confines of the law.

Chair Higgs stated that is what the Board is dealing with today, the zoning regulations and not the work of the Ranch; and inquired if anyone needs clarification on that.

Commissioner Colon advised one thing the neighbors brought to the Board's attention was safety; Resurrection Ranch is located in a community that has small children; and it scares the community to know that Department of Corrections is able to send folks to the Ranch. She inquired what are the guarantees that the community is safe; and stated the Board is aware of the good job the Ranch is doing, but it is here to talk about the zoning and safety of the neighborhood issues.

Mr. Miller responded the Department of Corrections does not have the ability to send anyone to Resurrection Ranch; the people who come to the ministry out of the jails and prison system have been 100% released; they are not on parole or in any form of incarceration; and they are allowed to move into any house in any neighborhood in Brevard County. He stated they know their neighbors are concerned, so they have in place a very structured guideline; for the first 30 days any resident coming out of jail or prison and coming into their facility is not allowed to walk in the immediate neighborhood; and that person is required to stay on the 5.5-acre facility until they get to know him or her and his or her daily habits and prove to them that he or she is going to be a good neighbor. He stated the program is set up that a simple disrespectful tone of voice to one of the neighbors is enough to terminate them from the facility. Mr. Miller advised the program is set up that at 6:00 a.m. their residents are out of bed, beds made, then meal time; after the meal they go to time of quiet devotion; throughout the day they are given chores to continue to help with the upgrade of the ministry and facilitation of running it; and with that they become part of their family. He stated the residents are held accountable and responsible, not only to his family, but the rest of the residents who are their family; they do not get up in the middle of the night and sneak out of the dormitories; if they do, their fellow residents stop them or tell administration that something like that is happening; and it is grounds for immediate termination. He stated the protection is the amount of oversight that is done on a day-to-day basis; his staff lives on the facility; they do not go home at night; and he lives within 500 yards of the facility.

Commissioner Carlson advised she met with Mr. Miller and they talked about the services, but for clarification for others who are listening and did not have that opportunity, could he explain all the services that Resurrection Ranch provides other than the Contract with Department of Corrections that seems to be the focal point.

Mr. Miller advised Resurrection Ranch partners with virtually every ministry and agency in Brevard County; the Hope to Go Clinic comes twice a week to provide medical care to residents; a doctor in Satellite Beach provides free dental care for the people in need; Dr. Samuel Winn provides eye care examinations to individuals; and they partner with Department of Labor and have a job link station on their facility. He stated individuals can do job search, job resumes, and get information on how to receive scholarships for any job training they may need so that they do not continue in the homeless state that they are in; most of the people who come into their facility work in very low-end jobs and that is what causes them to become homeless; so Brevard Community College works very closely with Resurrection Ranch in re-training individuals. He stated one of their young ladies is going to FIT on a full scholarship to become a nurse; the Ranch also provides day-to-day counseling; there are probably 32 churches that are involved in the Resurrection Ranch ministry and their associate pastors come to the Ranch daily to provide

one-on-one counseling with the individuals; and that speaks more to the program than having them sit in a classroom 30 or 40 at a time and listen to a pastor speaking of issues. He stated the one-on-one counseling gets right to the core issues that caused the person to become homeless and to come into their facility.

William Petrick of Melbourne advised one of the concerns noted in April 20, 2004 letter from the neighbors in Pinewood Park was the 111 9-1-1 calls to the Sheriff's Department; that is a gross misrepresentation; of those calls made to the Sheriff's Department from January 1, 2004 to April 13, 2004, 48 were initiated by the Sheriff's Department or other Law Enforcement agencies; some of those calls were Bob Cline and Deputy O'Connell saying hello; and 77 of those, or 69%, were not for police services, but attempts to contact persons and notify next of kin for traffic accidents. He stated 11 of the calls were initiated by residents pay phone or personal cell phones; 24 calls were initiated by the Ranch; of those 24 calls, only six were 9-1-1 in nature; and the other 18 calls were to the non-emergency number. He stated two of the 9-1-1 calls were in 2001; three were in 2002; and one was in 2003; and nobody from the Resurrection Ranch office, the pastor's personal phone, or the director's cell phone have called 9-1-1 this year. He stated of the six calls, two non-resident individuals were responsible for four of the 9-1-1 calls; they have a statement at the Ranch that there are no secrets; if anybody is misbehaving and causing a problem, the other residents turn them in; and he lives there and is there seven days a week, 24 hours a day, and is the men's director.

Commissioner Colon inquired if Mr. Petrick knows what the calls from citizens were for and was it for Code Enforcement; with Mr. Petrick responding two citizen calls were disgruntled previous residents who said they were running a chop shop; the police came and investigated and saw that they were not running a car chop shop; and two other calls were traffic accidents on U.S. 1, one for a boat coming off a trailer and blocking the intersection of U.S. 1 and Pineda Causeway, and the other for a minor traffic accident.

Oscar Watson of Melbourne advised in 2000 he came upon the Ranch and was out of control with drugs; he was homeless and had no where else to go; and from 2000 to now, the Ranch has turned his life around. He stated he learned what the word integrity really means; he met new friends, psychologists, retired servicemen, generals, and those type of people; and the Ranch has done a lot and will continue to do a lot because they have a love for humanity in their hearts. He stated it is not just the drug addicts, alcoholics, or the homeless, but there are many other people who fall into hard times as well; they assist in any way they can; and since he has been there, he has become part of their staff. He stated he enjoys doing what he does because it shows that none of them are exempt from falling into hard times; and the main factor is that they are helping one another and not cutting each others' throats.

Robin Switzer of Melbourne stated she will read some and ad-lib some; they have lived in the neighborhood since 1993; they have not had any problem; they had some issues with the Ranch when they first moved there; but they did not know what the Ranch was doing. She stated everyone who lives there now have moved in after anyone who runs the Ranch; they all moved into the neighborhood when the Ranch was there and in existence; it is not like they moved in and the Ranch moved in after them; and now they are saying they have a concern as far as safety for their children. Ms. Switzer stated her boys are 19, 18 and 5; when they moved into the neighborhood, her older boys were 6 and 7, and they never had a concern; but her concern now is

her five-year old because some of the new neighbors who moved in seem like they have a threatening air about them and they do not want anyone walking around the neighborhood or by their house. She stated there has been word that a gentleman stands on his property with a gun of some sort, which could be a BB gun, but that concerns her as far as her five-year old's safety, as they could be a threat, but not anyone from the Ranch. She stated they have lived in the area for almost 11 years; in 1999 new neighbors moved in next door; and they were David and Stephanie Miller. She stated they never had any problems with them and never had more wonderful neighbors than they have been; there are other neighbors they talk to and get together with, and most of them are willing to go out of the way to help people with any needs they have; and they never had any differences with David and Stephanie Miller. Ms. Switzer stated the neighborhood is peaceful and relaxing; her husband and she always said if they came into a lot of money and needed to move, he would flatten the property they live on next to the Ranch and rebuild where they live; and they have no desire to go anywhere else. She stated they believe Resurrection Ranch ministry is sorely needed in Brevard County; they not only minister to the residents with a Bible-based Christian lifestyle, but the entire staff, including the residents, giving back to the community. She stated volunteers from the Ranch can be found at the Daily Bread helping to feed and clothe the homeless, helping in a number of events by many of the churches, and sharing their clothing and food donations with other charitable drives sponsored throughout the County as well as with anyone in need who might ask for their assistance. She stated the Ranch is the first to pitch in and help any neighbor who asks for it; the Ranch has been there longer than any of the current residents who are now complaining; and sometimes it is hard to take a step in faith, yet every day the Ranch takes that step and reaches out to those whose lives they touch by Christian ministry. She stated most of the residents make it through the program and go out to live their lives, hopefully using the same guidelines provided by the Ranch; there are those who still cannot make it on their own after graduating; but there is no 100% success rate in any program. She stated the County does benefit from the program that returns those down and out, ex-convicts, and others who become productive contributing Christian members of Brevard County. She stated it is solely a matter of meeting the Code; requested the areas needed to be addressed be defined; and let the Ministry correct them and go on doing God's work.

Stephanie Miller, Director at Resurrection Ranch under the leadership of Pastor Arlene Kolter, advised their administrator is her wonderful husband David, and Bill Petrick completes the administrative portion of their staff. She stated she takes care of the women and children; she considers her position to be the most important thing that she has ever done; and the heart of their ministry is to take care of and assist people who have fallen on hard times in seeking life changes by focusing on their physical, emotional, and most of all spiritual needs. She stated most people come to them with the clothes on their backs; and it is incredibly rewarding to be able to bring such relief to a hurting individual and families who would otherwise have no place else to go. She stated they are a life recovery and family restoration ministry bringing life and hope to those who need them to help them to see themselves as worthy human beings; with loving structure and spiritual teachings, they teach them and lead them into a new life; and her desire to make a difference in society developed because her own life was at one time devastated. Ms. Miller stated she believed that she was a loser; she spent many years as a pitiful drug addict and alcoholic; she lived on the streets, wondered homeless, and landed in prison; and when she went to Resurrection Ranch when she got out in 1995, her life has been very different as a result of the love shown to her. She stated if it were not for this incredible ministry, she does not know where she would be today; they gave her not just three hots and a cot, but a warm bed, a structured

environment, spiritual direction, a safe sanctuary, and a loving family; and this year she celebrates ten years clean and sober and nine years in full time ministry. She stated they want others to find that tremendous hope; having been down and out, homeless, and without hope makes her realize that the County has an urgency for places like Resurrection Ranch; and even President Bush and Governor Bush recognize how imperative it is to minister to those in spiritual poverty as they proposed the faith-based initiative. Ms. Miller stated reality is that most people who land in homeless situations as a result of those lifestyles have ended up in jail or prison; it would be extremely difficult to find a homeless person who has not ever been arrested; and it is their desire to continue the wonderful work that is rebuilding so many lives and restoring families to function and live so they can go out and make a difference. She stated she and her husband David live in the neighborhood at 5850 Old Dixie Highway; the day they moved into their home was the most wonderful day of their lives; they have been living and serving in the ministry for several years without benefit of salary; and they asked God to bless them with a home when Bob Brown approached Resurrection Ranch about buying the house they live in. She stated they considered that offer to be a direct answer to their prayers and since moving in, things have been pleasant and peaceful. She stated they have extended hospitality to all their neighbors and have become friendly with most; they are grieved by the sudden contempt and division that has become so evident even to the point that their neighbors are asked to choose sides in the battle; and although a fear issue is a claim, there is a continence that suggests something entirely different. She stated many depend on Resurrection Ranch as their home; and they look forward to working with the Board and Zoning Board to bring those issues through to resolution and returning to the work they love so dearly. Ms. Miller advised the entry agreement is signed by the people who come there; they limit them to contact outside during their initial 90 days; they agree to participate in all the programs and activities; and they understand all incoming and outgoing mail is screened by staff for anything deceptive. She stated they understand that Resurrection Ranch staff members may thoroughly check personal possessions upon arrival and reserve the right to inspect personal property during the duration of their stay; they agree to have never been found guilty, plead no contest, or had adjudication withheld on sexually-oriented charges; and they consent to having criminal background checks. She stated they hold their residents to a very high standard on their entry agreement and they have guidelines they would love to share with the Board.

Gary Guido of Melbourne advised he wants to address the recent criticisms by certain neighbors of the Resurrection Ranch; he has lived in Brevard County for six years and has been an active member of the community volunteering with several different organizations; and his wife and he became involved in Resurrection Ranch through a neighbor, within the first few days after they moved in. He stated they have literally gone to Resurrection Ranch hundreds of times, taking residents back and forth to different meetings, to do things, bring clothing, washing machine, and visiting some in the morning, some in the afternoon, and at late meetings; and they have never seen people wandering all over the neighborhood as was stated at a recent meeting. Mr. Guido stated there is no truth to that statement; it does not happen there; and he would challenge anyone to ride through the neighborhood. He stated Resurrection Ranch is there to help brothers and sisters who need help; people take upon themselves to come out and help in the community; there are many people who are Resurrection Ranch residents who may have had a problem in the past, but everyone has had problems; and if the Board feels in the end that the CUP needs to be altered in some way, he would ask that the Board do something in that regard.

Chair Higgs reminded everyone that the issue is not the work of Resurrection Ranch, but the zoning issues; and requested they try to keep to that point. She stated she knows many are supporting of the Ranch, but requested they confine their comments to the real issues.

Jinger Knox of Melbourne advised she told everyone what her issues are with the zoning and so forth, so because her family has been attacked personally she is going to tell the Board why she has the feelings she does about the Ranch. She stated she hates to get into that because this is a zoning issue, and the Board knows there are legal grounds. She stated when people stop her three-year old in the hallway and say this is the weird family that wants to close the Ranch, she wants to explain to the Board why she is emotionally as well as legally involved; and she has been put in the position because of the lack of oversight by the County and State. She stated Resurrection Ranch has claimed it does not take money from the County, but are providing services for the County when in reality the County has given it thousands of dollars to run the facility, and the Ranch is burdening the County with public service needs and not lightening the load. She stated the Ranch has only a 34% success rate; that means 66% of the people are unsuccessful in finding a part-time job or getting a place to live; and that means when they take people through the DOC Contract, they are from other counties like Miami-Dade and are making those people come to Brevard County when 66% of them are not successful, so they are increasing the load on the already overcrowded jails and facilities. Ms. Knox stated they are not only helping people from Brevard County, but are also taking people from other counties with only a 34% success rate; the managers talked about their mini-job link program; the United Way provided a new computer system and paid them \$1,250 a month; and during the time they had it, nine people out of 59 residents took time to use the program during the month. She stated if she had a program and computer there, and was given \$1,250 a month to have it available, she would take more time than that; but if they are allowed to live in the facility five to ten years, like many of the people are, then why would they look for a job if they can live off the system for those years. She stated she saw a touching story in the paper about Lisa and her children; the family has lived at the facility for five years according to the article in Florida TODAY; many of the other residents have lived there for five to ten years; so it is not transitional housing, but just plain housing. She stated the program does not give the individuals the skills they need to succeed in society; if they look at the report from 1996, the year that David and Stephanie Miller took over the Ranch, and also the year when they stopped renewing their license through the proper State agencies, the Board would find a report from the fire marshal that says the facility is not an assisted living facility and is a multifamily transitional housing unit and should be considered as such. Ms. Knox stated in the Florida TODAY article, Ms. Carson stated she was concerned with the impact on children by being around a criminal element; and inquired if Lisa's children were taken out of the home, would that end the problem. She stated she has never used drugs and has never been a prostitute, yet the Board is willing to allow her children to be around that criminal element every day; it is letting criminals come into her house when she is not home and peer into her windows at night; and it is preventing her children from riding their bikes around the block because they are scared. She stated she wants the Board to tell her children what they did wrong to have to be prisoners in their own home; their parents have never committed a crime; and the only thing they did wrong was trust the Board had supervised the Resurrection Ranch, made sure that it was licensed per State laws, and had issued a zoning requirement for a children's home not for a transitional housing facility or drug rehabilitation center. She stated they took those things for granted that the Board had done all that since 1996 because they were licensed properly in 1996; but for some reason they no longer felt they had to have that licensing. Ms. Knox stated she

understands they want to help people and there is a need for that; but they do not understand the dangers involved for the children in the neighborhood and the children in their facilities; and if they did understand, they would take better precautions. She stated she has seen first hand and none of the Commissioners and a lot of other people have seen it firsthand, but they are residents and supporters of Resurrection Ranch and are not there every day; she would welcome them to sit there at her home, not this week because they have toned things down since she brought it to the Board; but before then, the people were coming around, were inside her house, and were doing all the things that they were doing before she made this plea to the Board. She stated furthermore the Resurrection Ranch has 7,400 square feet; the minimum requirement is 250 square feet for each resident; that means there is a maximum of 28 people allowed in that facility; but they have 68 people or 59 by their current record and licensed for 68. She stated she would like to see the Board tell the Ranch they have minimum requirements they have to meet for square footage, they need a State license so they can be overseen by the State, and they not have any association with Department of Corrections per zoning regulations. She stated those are things that are required for any institution.

Commissioner Pritchard inquired how long has Ms. Knox lived in the neighborhood; with Ms. Knox responding about four months, which was plenty of time to see that it was not a safe environment for her children and she needed to do something. She stated she went to the board of Resurrection Ranch before coming to the Board of County Commissioners and asked it to assure her and her family's safety; and it did nothing. Commissioner Pritchard inquired what made Ms. Knox move to the neighborhood; with Ms. Knox responding she bought a lot and was told that Resurrection Ranch was a nice place just like the people said today; she befriended the Ranch when she first moved in; and after hearing some of the things from the residents, she went to Stephanie Miller and said they were concerned with their safety; and Ms. Miller said when a new person comes in, they learn a little bit about them like they would in any neighborhood. She stated she told Ms. Miller if they are part of the neighborhood, they need to be afforded some protection; and Ms. Miller said she could not do that because she may use the information against her. She stated that is when she started doing research; and that is what brought her to this point. Commissioner Pritchard inquired what did Ms. Knox mean by residents of the neighborhood; with Ms. Knox responding the residents of Resurrection Ranch.

Reverend Len Gon Gola of Satellite Beach advised he has been ministering at the Ranch for seven years; he never found a ministry that gave him so much joy working with folks who need help; and he asked people to sign the petition and to pay serious attention to it before signing because the County Commissioners want to do a responsible job and it will show them that they care. He stated he is here today to show the Board that he cares and thinks they all know that folks who need help need a place that will show them love and concern, and offer a systematic way to help them change their lives. He stated he is known as Pastor Lenny at the Ranch; and he has never had such a loving joyful experience as working at the Resurrection Ranch. Reverend Gon Gola advised he has another ministry and is the founder of Sun Beam Prison Ministries; he covers prisons all over America through books, tapes, and writings; and he has a hands-on ministry of speaking to prisoners, which has been in operation for more than 28 years. He stated his real joy has been working with folks that he can see and touch every day.

Charles Boyd of Cocoa Beach, Chairman of the Resurrection Ranch Board, thanked all the people in the audience who have taken time off work and their busy schedules to come to the

meeting; and asked those in support of Resurrection Ranch to stand. He stated he knows it is a zoning issue; they said everything that needs to be said about the Ranch and the good work they do; but unfortunately through the years the Zoning Code has changed and none of the current zoning classifications fit what they are doing right now. He stated they have a long history of doing what they do and that has not changed much over the years; and requested the Board consider grandfathering in their activities and vesting their rights to do what they do by creating a new zoning category that fits what Resurrection Ranch does.

Cindy Marshall of Melbourne advised if it is a zoning problem, something needs to be done about it so that Resurrection Ranch can continue to help people who really need help.

William Powell of Satellite Beach advised he owns property at 2670 Pine Cone Drive and did not have a problem with the ranchers; they do not walk down the street in front of his house; and they do not go into the woods because he moved out of the neighborhood along with the Browns, Smiths, and others. He stated he believes all the good things people are saying and that everybody deserves a second chance to get back into society; he knows what he is talking about because he has been sober for three years and is proud of that; and there is no denying the good they do at Resurrection Ranch, but that is not the issue. He stated the issue is compliance and the bad things that go on; the Board heard it does not happen in the neighborhood, but it does happen and it is not the good people they are saving, but the ones they are not saving that go into the woods, drink, and have sex, but that is not his concern. Mr. Powell stated his concern is they are buying up the neighborhood; someone said property values increased 78% in Brevard County; but it has not increased in that neighborhood. He stated his home was a big investment and was his first home; when he bought it he was deceived and told it was a boys ranch and a church retreat by the seller, not by the Ranch; and he went into it blind. He stated the property values are going no where; and he left but could not take his house and property with him so he rents it now. He stated his mother asked if she could sell her house in Titusville and move closer to him, and he told her no and blamed it on the traffic on U.S. 1; she said she was a good driver; but he told her he did not want her in the neighborhood. He stated they moved into the house at the end of the street; he had one dealing with the band director because his music was loud and he asked him to turn it down; he smelled like a brewery and was high on something; and he said he was only at the Ranch because he had to be and as soon as Eric Clapton went on tour, he was going with him as his keyboard player. He stated that is what is going on at the Ranch; they are putting people into the neighborhood; they have 13 properties and two houses; and inquired how far are they going until they have all the homes and the Board will have the residents of Suntree coming and complaining like the neighbors are now. He stated it was fine when it was up the street, but they are moving through the neighborhood and want the whole neighborhood.

Jeff Lake of Grant advised he is speaking on behalf of the neighbors of Resurrection Ranch; he sent a packet of information to each Commissioner; and he believes it is highly relevant to Resurrection Ranch issues and consideration of proper zoning, site requirements, licensing, and other possible needed regulations of private contractors providing State and County-funded transitional living housing for clientele from the prisons, mental hospitals, and the homeless. He stated the clientele and faith-based services appear to be similar; however, the subcontractors and physical facilities of other places are not; the growing number of transitional living facilities are popping up all around the State and County; and his concern is how they are addressed as a whole. He encouraged the Board to consider the privately-owned facilities in the broader scope

and not set a precedent nor establish public policy from the singular consideration of Resurrection Ranch, which may be a more polished facility than others in the County that have issues and incidents that impact local neighborhoods. Mr. Lake stated at present there appears to be little or no consideration by the State or County for the safety, health, and welfare of neighboring residents that have a unique clientele that are associated with the State and County prisons by virtue of contract; and ex-prisoners, ex-mental patients, and the homeless are public concerns and are being channeled through private contractors while being supported by public funds without proper regulations that consider the impact to neighbors who pay for those programs via taxes. He stated he understands the overcrowded conditions of the prison system, but transferring liability from the public arena to select neighborhoods is inappropriate without proper regulations; and in light of that, he would like to relate some issues of a faith-based facility in his neighborhood that relate to this situation. He stated they serve the same type of clientele and is supported by Department of Corrections; they had issues of trespassing and home invasions; various clientele availed themselves to the use of his dock and lawn furniture, and his neighbor's dock; and they had to have them removed. He stated his neighbor reported to him recently that a resident who appeared out of drugs and medication entered his residence seeking a bedroom; he just walked in; the Sheriff was called to remove the individual and return him to the transitional facility; and that is a matter of police record. He stated he found an injection needle stashed under his fence that was apparently used by a resident living in the cottage by his home; according to another resident he confronted, he confessed the resident was a heroin addict; and he does not know what kind of diseases were on that needle that could have pricked him while cleaning the brush around the fence. He noted the police were called and the needle removed; and that is a matter of record. Mr. Lake stated another incident was a plastic liter bottle of vodka stashed by the property line near the same cottage next to his home; he almost ran over it with his tractor; and the weight of the tractor would have burst the bottle, igniting him into a ball of flames. He stated the Sheriff was called and the bottle was removed and is a matter of the police record. He stated on the Indian River side across U.S. 1, he saw from a distance residents passing what appeared to be a marijuana joint back and forth; at times he is awakened in the middle of the night by sounds, voices, or music accompanied by the smell of pot; and empty beer cans, booze bottles, and food wrappers were occasionally thrown over the fence onto his property. He stated the residents on a number of occasions were burning pepper tree cuttings without permits and choking neighbors and causing him to close his windows and sometimes having to vacate his property because he has low-grade emphysema. He stated he informed them of the need for a permit and that pepper tree smoke is caustic; and he contacted the local fire officials and confirmed that no permit was pulled. He stated domestic and farm animals were there, which exposed them to ecoli infection from animal fecal matter, which has caused diseases over the last two years and has ruined his health causing him not to be able to work. He stated his point is the facility is like Resurrection Ranch serving the same clientele, and things do happen.

Tom Greenawalt of Melbourne advised modern society requires government that often looks over the shoulders of and frequently rescues the institutions upon which it depends to champion the cause; unfortunately organizations with exemplary mission of salvaging people's lives are not exempt from a tax that is sometimes frivolous in conception and devoid of compassion. He stated one such organization is under attack by a group of parties that indignantly suppose that Resurrection Ranch has placed itself badly in relation to the neighborhood landscape, has provided human sanctuary for legions of youths and adults for over 15 years in refuge of restoration, and has extended its stewardship, goodwill, and resources to one and all including its

antagonists. He stated Resurrection Ranch and those of similar nature deserve to be shielded from those who may possess and demonstrate self-serving agendas and judgments; some people enthusiastically live lives of discontent, however misplaced and destructive; and there needs to be careful consideration and approval of a zone that will allow Resurrection Ranch and other vulnerable ministries to continue providing their services while providing proper protection and safeguards. He stated the issue deserves the Board's consideration because there must be an intelligent relationship between zoning ordinances and community services; the Resurrection Ranch ministries is an excellent neighbor and law-abiding community resource that is in the business of successfully enriching people's lives; and the personnel who administer the service and the people they diligently serve truly matter and desperately need the Board's help.

Chair Higgs advised the Board has gone through 18 of 32 cards; and if people feel their comments have been shared by someone else, the Board would appreciate it if they would just acknowledge that, so it can get to some discussion of this critical issue.

John Clifton of Melbourne advised he lives across the street from Resurrection Ranch; they do a wonderful job for everybody there; and the only complaint he has is the location. He stated he has owned the property for two years and should not be here complaining about something that was there before him, but for the first four months his house was broken into no less than ten times. He stated he came to the County for a fence permit, installed the fence, and had no more break-ins or troubles with them; and he put bulldogs in his yard, so he is safe, but is only one of the neighbors.

William Tulley of Melbourne advised he is here to provide the historical perspective regarding Resurrection Ranch; when he moved to Florida in 1956 with his wife Pat, U.S. 1 was a two-lane road and Pineda Causeway did not exist; the facility was a motel that had been abandoned and was in terrible disrepair; and in 1970 the property was acquired by Reverend Aubrey and his wife, who developed, under the auspices of the Florida Health and Rehabilitative Services Program, a facility to rehabilitate young men. He stated it took three years for the Aubreys to gain approval from the State to have convicted felons and juvenile delinquents placed in the facility rather than go to a State institution; and many came from the State institutions because the State could not handle them. He stated they could not even keep them physically restrained and they would break out of the State institutions. Mr. Tulley stated the program was a marvelous success; he got involved early and helped to restore the property; he was on the Board of Directors from 1971 through the mid-1980's; and in 1982, Reverend Aubrey died and his wife tried to continue the program but was unable to do that. He stated the facility was turned over to the Tabernacle Church; and the program continued somewhat differently, but it was a program to rehabilitate individuals of our society who needed serious help. He stated he does not know the statistics as far as the rehabilitation success at Resurrection Ranch, but he knows it was marvelous in the early years with the boys; and it seems to him that part of the issue is like someone building a house at the end of a runway then complaining about jets flying over his house. He stated the facility has served people who need help for over three decades; the Statue of Liberty stands in New York harbor to beckon people to come who need the liberty of this country; and Resurrection Ranch stands as a symbol in this County. He stated there is only one answer in the Board's deliberations on this matter, and that is to grandfather the Ranch in and its programs and activities; and requested the Board do the right thing.

Peter Cameron-Nott of Melbourne advised he came to Resurrection Ranch four years ago and was homeless for two years living in the woods and dining out of Conky Joe's dumpster; he literally had given up on life; but certain circumstances led him to Resurrection Ranch and within two weeks he gave his life to the Lord. He stated while he was at the Thanksgiving event in 2000, the Lord put it in his heart to start a food outreach ministry, which he has continued to do and is now serving 1,500 people a week. Mr. Cameron-Nott stated he started his own business, has his own home, and has a day job; and he is thankful to the Lord, Resurrection Ranch, and the people who counseled him and showed him the love of the Lord. He stated he visits the graduates on a daily basis to counsel and give them encouragement that there is life after the Ranch and to move on and do something positive. He stated he could have been on welfare or become a taxpayer; and it was his goal to be a taxpayer. He noted the more taxes he pays the more successful he is.

Reverend Richard Kinhead of Melbourne advised he is a retired police officer from NYPD, a minister, and President of East Gate Ministries; he has been a teacher and counselor at Resurrection Ranch for the last six years; and in that time he has seen many people like himself, who was an alcoholic, find Christ. He stated the Lord turned his life around and uses him to be a counselor and teacher to many of the people who are struggling with the same things; he has seen hundreds of lives turn around over the years; and those people became taxpayers. He stated Mr. Miller teaches the residents trades such as fibreglassing boats, carpentry, plumbing, and many other skills; it is not just faith-based, but has turned around many lives and given people reason to hope; and if that is taken away, it would not be doing them a good service. Reverend Kinhead urged the Board to seriously consider grandfathering in the Resurrection Ranch so they can continue their work; Mr. Cameron-Nott is an example of what can be done with Christ as the central figure in their lives; they are taught how to go to the Lord themselves and not to depend on anyone but God and his word; and they become strengthened and get their hopes from Christ who says who they are, not man.

Joshua Gee, Acting Associate Pastor of Agape Community Church and Program Director of Agape Road to Damascus Ministry, advised he supports Resurrection Ranch; he knows it is a zoning issue; but places like Resurrection Ranch are needed in the County. He stated he has been clean for three and a half years; spent some time at Resurrection Ranch a few years ago; and is familiar with the people in charge, what they do, who they represent, and what they represent. He stated in this society in general and this County in particular, the need for a place like Resurrection Ranch is paramount; the need for places like Agape, Light of the Lord Ministries, and His Place are paramount; and if the Board needs to change the zoning rules or whatever it needs to be done. He stated over the years it has been found that incarceration does nothing for the addict; it does nothing to change anything; faith-based initiatives and spiritual walks with our Creator and Savior Christ Jesus are changing the face of the addict today; and it is taking the addict, someone who has been a burden on society, and giving that addict a reason to live a right life and sending him or her back to society to live that correct life. Mr. Gee advised he has been clean for three and a half years and has dedicated his life to helping other addicts get clean and stay clean by the grace of God; and there is no other way to go for the addict and the alcoholic. He stated Resurrection Ranch also helps the homeless and to give them a chance to hope; hope turns into faith, faith turns into actions, and actions turn them to good members of society and children of God.

Dr. Samuel Winn of Melbourne advised he has lived in Brevard County since 1957 and as an optometrist since 1973; and for the last ten years, he has provided eye care and glasses to people at Resurrection Ranch as well as dozens of other ministries in Brevard County and as far south as Okeechobee and as far west as Orlando. He stated he visits the Ranch at least once a month and have not witnessed a number of things he heard about today; he personally sent people to the Ranch and provided finances for them; and he does not feel he is in a position to dictate to them their policies or way of doing business. Dr. Winn advised he is working on the details of something that will provide services and bring a quarter of a million dollars into some facility; he would like to see the Board change its zoning regulations to allow Resurrection Ranch to be that facility; and the facility will be the nationwide supplier of eyeglasses in America. Dr. Winn stated he plans to put a mock office where people will be trained to provide eyeglasses similar to what people have when they have their eyes checked; people will also be trained to make glasses, make appointments, and help select frames; and glasses that will be manufactured will also be sent to other restoration ministries. He commented, like the other man who spoke, he would like to pay a million dollars in taxes.

Shirley Leslie of Melbourne advised her concerns are the lack of supervision of control at Resurrection Ranch and the safety of their neighborhood and the children at the Ranch. She stated many of them react from fears from the Ranch; some of those fears can be supported by documentation; there are adult criminals sentenced to their neighborhood; and there were 186 9-1-1 calls, which do not include those from local residents. She stated there were trespassing violations, condoms and rags found in their yards, vagrancy, public alcohol consumption, trashing her mailbox, and constant overflow of strangers walking by her house. She stated not long ago she watched one of the residents walk along U.S. 1 with an open beer can, take a drink, and toss it before he entered the property; the same person was later seen by others doing things; he rode his bike on Wickham Road after the last Commission meeting; and anyone who lives in the neighborhood has heard about her because she is the one who calls the County about Code violations. Ms. Leslie stated she called Earlene Colter about one of the Ranch's children standing alone in the drain on U.S. 1 in early morning traffic years ago; and she is the one who confronted them about someone refusing to move so they could see oncoming traffic on U.S. 1, and about the vagrancy, their wooded property, and the man lying in her driveway when she came home one day. She stated she is the one the neighbors talk about when stories are told about them putting donated vehicles out in mass so they can upset her; she is the one who expressed anger at County staff for lying to her husband; and she is the one reminding the County that there are very young children living not with just adults, but with State-funded released criminals. She informed the Board that middle-aged children were involved in grant projects at the facility; she worked for 32 years and paid her taxes and did not live off the system; because of her work schedule, her daughter must walk home from her bus stop among more than a normal concentration of freed ex-criminals and other homeless groups of men; and as Mr. Hedman said, they are not pretty and they are not all good. Ms. Leslie stated the Ranch needs additional supervision; they need checks and balances; and inquired why are the neighbors the only ones who keep them in line, why has the County not known for the past 19 years whether or not the Ranch has proper licensing, and why has the Ranch not had its own internal checks for all those years to assure that what they do is in compliance. She stated they deserve some type of County intervention; it is not a safe shelter; the people do not live at just one location like other homeless or treatment facilities; and they do not live on the edge of an airport like the Girls Ranch in Melbourne or an industrial area like Circles of Care. She stated they live interwoven within their residential area; the Ranch owns

property all around the neighborhood and has past convicts living on Ranch properties next to their side and back yards; those people hide in bushes, drink in public, and move freely throughout the County while breaking laws and trespassing; and they are unabated. She stated the Ranch is trying to buy even more property in the neighborhood and expand their facilities to the west lots closer to Wickham Road to allow for more intense influence of homelessness and criminal elements. She requested, when the Board looks further into the living situation of the Ranch, that it consider a few things; stated there are people who have lived there for many years; and an effective program would turn people back out to become contributors to society and self-sufficient. She stated they also want to assure the Ranch has no religious discriminations contrary to its sign on U.S. 1; and they also want to investigate why a building cited by the County has been allowed to exist for so many years in violation of the Code.

Commissioner Colon stated she does not understand the issue about the middle-aged children; with Ms. Leslie responding there is a church that has a program that sends children into the community to learn how to do certain things, how to help the neighborhood, etc.; and those are sixth to eighth graders. Commissioner Colon inquired if they are going to Resurrection Ranch; with Ms. Leslie responding they have, but she does not know if they still are, but their synopsis projects that they would. Commissioner Colon stated she thought there was some impropriety that Ms. Leslie witnessed and that is why she asked about it. Ms. Leslie stated it is in writing.

Mark Leslie of Melbourne stated it is not about the neighbors attacking those who have gotten good from Resurrection Ranch; it is not about the good they are doing; and it took him a lot of soul-searching to get to this point. He stated it is not fun; he would rather sit through a Parks and Recreation Committee meeting with Tortoise Island residents than deal with this issue; but they have some issues they need to address; and requested more time. Chair Higgs advised Mr. Leslie that he needed to confine his presentation to five minutes. Mr. Leslie stated in Mel Scott's report, he talks about the RSSF definition; he maintains the RSSF definition is germane to this case and relevant to the zoning and attached to the zoning; and in the language they have assigned residents for a treatment or recovery facility, ACLF, group home, or whatever it is. He stated they are dealing with assigned residents; it is an umbrella definition that attaches to each of those subcategories; from that they looked at the definition of assigned resident; assigned resident is someone who has never been convicted of a felony; and that is the issue. Mr. Leslie stated they have had twelve years of this and the Board is only giving him five minutes; he has a problem with that; he agrees with Mr. Scott's opinion that Department of Corrections Contract is contrary to the ACLF definition; however, he would attest it is not the only violation. He stated the Ranch has association with other jail ministries; local judges sentence people to the Ranch as a condition of release; and urged the Board to make a determination regarding the relationship between local correctional systems and the Ranch in terms of its consistency with the RSSF and ACLS definitions. He stated the Ranch said it is a treatment and recovery facility for ex-convicts and others; that is not consistent with the RSSF and ACLF definitions; Mr. Scott's approach is assertion; he has a question for Commissioner Carlson; and inquired where did the resolution come from certifying their consistency. Chair Higgs advised Mr. Leslie the Board understands his question, but he should continue his presentation. Mr. Leslie stated his supposition about the resolution is that someone asked for it because it was required for the RFP for the contract with the Florida Department of Corrections, which states, "Contractor's facility shall meet all State, County, and city zoning, permitting, and licensing requirements necessary to operate the facility and provide documentation of compliance with all such requirements." He stated if he finds that

the resolution is the supporting document, it is his opinion it is a rezoning without due process, and the Board has a serious problem; the Board has let this grow and grow and nobody is paying attention; and they are asking the Board to pay attention now and hope that it will. He stated they want to resolve the issues; the facility is not zoned for what it is doing; it does not have the square footage for the number of people they have; and they have a land grab going on. Mr. Leslie stated the Board is not listening and the people need it to listen; they are a small group of people and need the Board's help; he sees all the votes in the audience; and he is afraid that the Board is not going to listen to the little guy. He stated it is something they are very serious about; they need some protection and need the Board to step up and understand they have a problem; it is not that they hate anybody or are out to get the Ranch; and they simply need the Board's support. He stated there are other questions that were asked, i.e. what is the actual square footage of the facility, were tax dollars used to purchase other property outside the CUP area, what is the determination regarding the properties outside the CUP area, and are the houses owned by Happy Landing Homes in the neighborhood authorized living quarters for residents of Resurrection Ranch ministry. He stated he would like to have any exparte communications the Commissioners may have had with the Resurrection Ranch; and presented letters to the Board, but not the Clerk.

Ginger Ferguson of Cocoa, Executive Director for the Coalition of the Hungry and Homeless WIN Program, advised they know the needs in the community for emergency shelter and transitional housing, and most of all affordable permanent housing for low-income residents; they know of the wonderful work the Resurrection Ranch has done; but they are here to talk about zoning issues. She inquired why is there nowhere in Brevard County or any municipality that has zoning that allows for emergency shelter; stated it is exclusionary zoning; and there is nowhere where someone can provide transitional housing and a rehabilitation program like the Resurrection Ranch faith-based program without applying for a CUP and go before public hearings and having the communities and neighbors that are concerned and fearful of "those people" objecting. She stated "those people" are everywhere; they are literally living in their backyards and woods; they are more of a threat when no one knows where they are and who they are, and when they are living in neighborhoods where there are people who do not understand that they are their neighbors. She stated they have a right to live and have a place to go, a place they can get the help they need; and inquired if the Board can guarantee her that someone in her own neighborhood is not going to be a threat to her or that her neighbor is not a convicted felon. She stated in the Guardian Paper that is published every month, there are convicted pedophiles; everyone knows where they are because it is in the paper; and inquired if anyone knows whether their neighbors are convicts. Ms. Ferguson stated their planning process is through the Board of County Commissioners, Continuing Care Coalition, and Community Mental Health and Community Solutions Committee; they realize the need for housing; hard-working people doing 90% of the labor can no longer afford a place to call home; the medium price last year was \$123,000; prices are escalating; and that is why they must have zoning in place for people who work hard and do not make a lot of money. She stated right now two people working at minimum wage cannot afford to rent anywhere; someone on disability income of \$540 a month is at risk of being homeless; and homelessness is so traumatic that it presents symptoms of other mental illnesses and diseases. She stated alcohol and drug use without places like the faith-based initiatives and the other agencies that are working to provide community solutions to the problem will be in serious problems because they would have to spend taxpayers dollars either up front or on the back end. She stated they put people in jail because they violate ordinances and do things criminally when they are desperate; desperate people commit desperate acts; so when they

provide assistance, they save taxpayers dollars. Ms. Ferguson stated they can help many more people with zoning, affordable housing, and supporting faith-based groups; there is fear everywhere in the community ever since 9/11; they do not know what is going to happen with them; but they know when they provide help and love and encouragement, people can recover through the grace of God.

Pamela DeFoe of Melbourne advised she bought a house in November at the end of Capeview Lane; she sees all the activities going on, the drug dealing, prostitution, etc.; the railroad got charged \$30,000 because one of those people drove their vehicle through the woods on the railroad tracks; and those things go on all the time. She stated she woke up one morning with one of their cars blocking her driveway; she called the Sheriff's Department; they came to her house five minutes after she called and those people were pushing it back; and now it is sitting at the Resurrection Ranch and is unsafe because they are not supervised at all. She stated they go into the woods; there is a doctor's house that is at the end of the road; they cut the fence to go in there to smoke drugs or whatever; and when they walk through the neighborhood, they see beer cans and everything else. She stated people are given tickets for driving without a license; those people are driving up and down the roads with no license, tags, or insurance; but if it was her, the law enforcement people would put her away. Ms. DeFoe stated there is a five-year old child in the neighborhood who dodges vehicles, and his parents do not even know where he is; and his parents are best friends with the people at Resurrection Ranch, so they are all going to stick up for them. She stated they need the Codes to benefit them because they are the ones who are paying the taxes; and they are the ones who take care of their neighborhood. She stated everyone deserves a second chance, but when they do it over and over again, it is ridiculous; the Commissioners should come to the neighborhood and sit there for a week at a time and see all the misfits that are coming in and out of the woods; it is unfair; and they would not want it in their neighborhoods. She stated if they were supervised or stayed on the five-acre facility, it would be all right, but they come and go in and out of their houses sneaking in their windows; she lives at the end of the road; and they have no business back there. Ms. DeFoe stated the little boy came to her driveway; and his mother did not even know where he was. She stated the Coast Guard went around to all the little islands; they have piled up canoes and boats with all kinds of things and are living on the islands; it is not a facility where people are watching anybody; and inquired if the Board is going to wait until they go to Suntree and break into someone's home there. She stated it is unfair to them; when she bought her home, the property was appraised so low that nobody wanted to buy the house and nobody told her about Resurrection Ranch; so when she pays her taxes, they are going to be high, but her appraisal will be so low that she will not be able to sell her house; and she cannot just give it to somebody. She stated she works at Sea Ray; at 4:00 a.m. she goes to work; those people would be out in the middle of the road or whatever watching television and stuff; they are not supervised; they are out being misfits, and she is out there trying to make a living; she lives by herself and pays her own taxes; and if she can do it, so can everybody else. She stated they are given 90 days to have a chance to rehabilitate themselves; they should have a week then go out and get a job because she owns her own fence company and cannot find anyone to work; nobody wants to work any more; they want to live off the system; and it is not right for America or taxpayers for anybody to live under the system and hide under the Lord's skirt tail.

Cheryl Howell of Cocoa with Continuum of Care, Director of Services for the WIN Program Coalition for the Hungry and Homeless, stated she heard a lot of good issues on both sides of the

issue this afternoon; she worked in the County for seven years with homeless people and people in need; and Brevard County has a lot of people in need. She stated she worked for 25 years; sometimes she worked two jobs to do things she needed to do; and it is important for her as a person and citizen to know that sometimes others are not able to do what she has done simply because they are who they are. She stated in medieval times, they took alcoholics and locked them away, but today they are a more intelligent society so they gather their knowledge and address problems in different manners and search for intelligent decisions for what is going on in society. She stated every point made today is a valid point; however, society has a responsibility to take care of society; and she loves being an American because with or without power or money, she is not reduced as a human being. Ms. Howell stated they rely on individuals like the Commissioners; they vote them in office because they can rely on their abilities and integrity to squarely look at a problem and make a decision for the good of all, not just a select few. She stated it is not an issue of whether or not it is a worthy cause because they all know it is; it is not an issue of whether or not it is something that is needed because they know it is; but it is an issue of fear and intolerance and irresponsibility. She stated when she purchased her home, she did not have to submit a biography to her neighbors to purchase it; she had a certain amount of responsibility and did her homework and made a choice of whether or not she wanted to live in a neighborhood and if it felt good and right for her; and she believes they all have that responsibility. She stated she cannot change what is and needs to respect and honor the process; and inquired what will happen to the people if they do not step forward; and where are they going to place them. She stated everyone has a responsibility for his or her brothers; there is a famous saying that is, "When much is given, much is required"; and as citizens of the United States of America, they are given so much, are required to do so much and to step up to the podium and meet the mark, which is expected of all; and when they look at what is for the greater good of the community, it is important that agencies take responsible steps to solve what is going on.

Richard Brace of Merritt Island advised he has been a resident of Brevard County for 31 years; is a retired Army Chief Warrant Officer; and in the last three years of service, he operated a drug rehabilitation program in Vietnam and at Fort Devens, Massachusetts. He stated their goal was to return troubled soldiers to active and productive duty; in some ways they were successful and in other ways they were not; and those they were not successful with were separated from the Army, put into the civilian community, and referred to the VA for assistance. He stated there are people who are put into correctional institutions and places like Brevard County Detention Center; but very little correction is going on and a lot of institute; and when they serve their time and pay their penalties, they are released back into the community. He stated they all agree there has to be places for those people to go to; Brevard County is no different than any other society across the country; and there has to be places for people to be rehabilitated and work back into the system to become productive citizens and taxpayers.

Mr. Brace stated if the Board is going to decide where in Brevard County it is going to put a situation like Resurrection Ranch, he would think not in Sunset Lakes, not in LaCita, and not in Suntree; and everyone agrees they have to have those places; but they do not want them in communities and neighborhoods. He stated there is a facility within the community; it is doing the job and has been doing the job; it will continue to do the job; and if the zoning is inappropriate or inadequate, the Board has the ability to correct that. He requested the Board give Resurrection Ranch what they need to keep up the good work.

R. Joshi of Melbourne advised he owns the Shell Station south of Pineda Causeway and has known David and Stephanie Miller for ten years; they are fine, honest, and respected people; and they are doing a good job for the community. He stated he tried to help the community by providing jobs within his premises and so far has not seen anyone doing anything different; they are strong hardworking people, and everybody is trying to get on their feet; and he has put three people on their feet at this point. He stated he is sure the Board will make the right decision.

Maura Emerson of Melbourne, advised she is a Suntime mom; her husband has a wonderful job as a business consultant and travels a lot; she is alone at home with the children a lot of the time; she does free-lance decorating consulting; and two and a half years ago she volunteered at Resurrection Ranch and informally wanted to see what was going on before making any commitments to the ministry. She stated she asked staff to see different pages on the screening process and asked extensive questions about the people who live there; and generally observed the operation. She stated during that time she brought her children with her to the Ranch; her daughter, who is four now, was very young then, and her son is six; and she did not observe any pollution with beer cans and other things. Ms. Emerson stated there are more children running around in the streets in Grand Haven than at Resurrection Ranch; the Ranch is a safe haven for her children to play; she considers herself a responsible mother; but other people keep an eye on her children while she is at the Ranch. She stated the language is clean; the atmosphere has been wholesome; it is a place that she feels very comfortable in; and to give the Board an idea of how often she is up there, she has almost been made an honorary resident because she is there almost every day. She stated there is a problem in the world today; she is not a drug addict and never has been an addict; but she believes drug addicts are brothers and sisters, mothers and fathers, and children; she does not think there is a family that has not been touched by all kinds of dysfunction; and in this world, people can be part of the problem or part of the solution. She stated she wants to teach her children how to be part of the solution and teach others to become part of the solution; and that is what she sees in the ministry of Resurrection Ranch. She stated in the two and a half years she has volunteered at the Ranch, she has found a balm for her soul there; and if most people entered those grounds with the same attitude that others come there with desperate needs, they would find that they will also be edified by the staff and the program of Resurrection Ranch.

Walter Schilling of Hope Episcopal Church in Melbourne, advised he is a Rector in Suntime; has been in the community for 15 years; and practically from the beginning has been involved with Resurrection Ranch at the community services of Easter and Thanksgiving. He stated Dave and Stephanie Miller have been members of his congregation, as have a number of the residents even if it is only for a few months while they are working through the program at the Ranch; their children attend Sunday school; and one of the youth of Resurrection Ranch is going on the Honduras Mission in June. He stated the Ranch people have come over to the church they built in 1997; and in 2000, if it was not for the Ranch, they would not have sod. Rector Schilling stated he has been at the Ranch during construction projects over the past years and painted one of the buildings; his daughter has gone with Stephanie Miller to one of the prisons with the Prison Fellowship to learn how Ms. Miller ministers in that; and his daughter is learning how to administer to people who are incarcerated and need a second chance in life. He stated during the 15 years, he has seen a number of construction projects go on at the Ranch as they renovated buildings, tore down buildings, and built new buildings to make it better; he has seen where they ran into zoning problems with a septic tank that was there and it was not adequate and they had to

put in a new septic tank; and he remembers the comments about zoning issues and getting permits and those are the things he knows they faithfully went forward to do. Rector Schilling stated he is also aware there has been a tremendous spirit of cooperation over the years with people in the County to make sure the things work because the zoning and permitting for the original place had some issues with the CUP that needed to be attended to; there has been that spirit of cooperation; and he encourages that spirit of cooperation continue even if it means readdressing the zoning, changing it, and doing what needs to be done. He stated he is on the Suntree/Viera Association of Churches and pledges his commitment to be involved with them, to review and look at issues of supervision, control, and oversight with Resurrection Ranch ministry; and he pledges his personal support and the support of Hope Episcopal Church and to talk to Suntree/Viera Association of Churches to make sure those kinds of supervision issues are also addressed and they are held accountable.

Commissioner Colon stated they want to stick with zoning issues; some of the things that were said is if the Board is to approve this type of facility in any neighborhood, there are certain things it would want them to follow whether they like what they are doing or not; today is about the kind of zoning and things they would respect; and she feels strong about community policing and community safety. She stated this issue is extremely important to her because she does not see folks sitting here as a vote; those are human beings with lives and serious concerns; the majority of them are not even from her District; so this is not about a vote. She stated the zoning part is important, but also the safety part; and she believes in accountability by human beings. She stated her mother was a single parent and had three jobs; she believes in the good Lord and being able to work hard; but she also believes people need to have a certain responsibility. She stated some of the questions that were asked are some of the questions that she wants to ask the attorney and the folks who run it. Commissioner Colon stated they talked about transitional housing and folks who have lived there for months and months; she wants an understanding that if that kind of facility is to go anywhere in the County, there are certain things they have to follow; and inquired how is transitional housing defined. She stated there were allegations about not having licenses; she has an issue with that; and if it is not corrected, then she expects one of the directors to answer it. She stated she wants answers on the fence variance, square-footage of the facility, and protection for the residents where those kinds of institutions are allowed to go into a neighborhood. She stated those folks deserve to be protected just like they would if they lived in Suntree, Viera, Palm Bay, or anywhere else. She stated their right to be protected should not be different than in a community with half a million-dollar homes; and the Board's job is to protect them also. Commissioner Colon stated today may be a blessing in disguise to make sure everything is done correctly; she supports what Resurrection Ranch is doing and believes in what they are doing; and she wishes there were more places in the community like it; but today they are talking about zoning. She stated if there were things in the past, she does not know who is telling the truth and who is lying; but she wants to make sure the rules are in place so those things are not happening; she does not want anyone wondering in the neighborhood or peeping in windows; and she wants the people in the community to feel comfortable. She stated she has some concerns if some of those things have happened; it is their job to be accountable; and she holds them completely responsible for that. She stated she is extremely protective of children and wants to know if there is a new category or new zoning the Board can consider to make it right; there are certain things the institution will have to abide by; she does not want sexual molesters in their backgrounds and taking just anybody in because of the almighty dollar; so if they all work together to protect the neighborhood and make sure there is accountability, they can come to a

conclusion where it will be a win/win for both parties. She stated she does not think the Board will solve the problem today; but asked staff to elaborate on some of the suggestions they made. Mr. Scott stated he can proceed with the issues identified in the report. Chair Higgs stated the Board already knows about those issues.

Mr. Scott stated the first issue the Board would have to resolve is the zoning approval that occurred in 1986; and once that decision is rendered, it can go from that point forward. He stated in 1986, the Resolution that was attached to the rezoning action gave them a residential social service facility (RSSF) and the adult congregate living facility (ACLF); and he articulated in the report how the Board historically received and granted rezoning classifications in the mid 1980's. He stated for years the Board was taking the RSSF term, which he characterized as an umbrella definition with group homes, ACLF's, and treatment and recovery facilities, which in and of themselves are separate and distinct CUP's, and in a clumsy fashion they would list the RSSF and select one of those items from the definition and specifically grant a rezoning request. He stated on April 20, 1987, the RSSF is listed and in parenthesis is the ACLF; and with that view of how the Board was granting them, one would come to the conclusion that in that particular action an ACLF was granted. Mr. Scott stated on April 25, 1988, the RSSF had a treatment and recovery facility in parenthesis; in his estimation, the drug treatment and recovery facility, which is a separate and distinct CUP, was granted; however, if one were to go back historically and were inclined to feel that interpretation, which he is offering to the Board today is not the case, it is equally interesting to note that the action itself granted a boys ranch, which is not specifically, per his reading of the Code literally, allowed in an ACLF. He stated the group home clearly talks about families and children being able to be in a group home; the ACLF with the use of the word adult then says adults; and drug treatment and recovery facility does not specify the age; so he would think that again would allow all types of scenarios to exist; however, if a boys ranch was noted and granted, the Board today would have the interpretative latitude to say that the Board at that time was looking at RSSF and granted a boys ranch, which is something it could find in a treatment recovery facility or group home. He stated it is something the Board can discuss and draw logical conclusions based on how it is willing to interpret what the Board did in 1986.

County Attorney Scott Knox advised, from the legal point of view, when the Board grants a CUP, it grants a use that becomes a permitted use under the Zoning Code; so when the Board granted the CUP for the RSSF(ACLF) in 1986, the Board granted approval of those two uses by operation of law. He stated it means the facility has an RSSF, which means the type of operation Resurrection Ranch is running falls within that definition of RSSF; but the Board may consider the possibility that it may have the ability to modify the CUP if it determines there is an adverse impact on general health, safety, or welfare of adjoining or nearby property owners and residents. He stated if the Board finds that is the case, it has the ability to modify it by imposing additional conditions; however, from a legal standpoint, what they have is an RSSF. Chair Higgs inquired if they do not have an ACLF; with Mr. Knox responding they have both. Chair Higgs inquired if they have to meet the Code for both; with Mr. Knox responding no because they can choose to use it for any one of the permitted facilities under the RSSF, one of which is the ACLF.

Commissioner Carlson stated based on what Mr. Knox commented on and what Mr. Scott gave the Board in staff's report, under the ACLF, as defined, it says, "Generally such facilities shall have more than 14 clients and must be licensed by the State as an adult congregate living facility. If the facility is not licensed by the State, such facility must be approved by the County." She

stated her question goes back to 2002 Happy Landings Resolution that said they abide by the Comprehensive Plan and laws, etc.; but yet the definition implies oversight that she does not know and does not think the Board is in the position to do. She noted there should be some sort of oversight, whether it is by the State or by the County; and inquired how does Mr. Knox read the definition of ACLF as it applies to the Resurrection Ranch. Mr. Knox stated he does not think it applies. Commissioner Carlson stated Mr. Knox said it did; with Mr. Knox responding no, he said they both apply because there are three different alternatives under RSSF, a treatment facility, ACLF, and group home; and they are all different uses. Commissioner Carlson inquired if the Board is obliged to provide oversight, who would have been liable if oversight was not there and the Board allowed it to go in, whether it is or is not an ACLF, and who is liable for any occurrence outside of the particular facility in the neighboring community; with Mr. Knox responding the oversight provision came out of the ACLF definition; that is not the RSSF definition; it is a separate definition; and if it was an ACLF, the Board has an oversight issue under that definition, but it is not what it is.

Chair Higgs stated the Code says an RSSF is, "A governmental, nongovernmental, nonprofit, or for-profit facility providing an alternative to institutional placement in which a caretaker provides 24 hours a day care to assigned residents at a location separate and apart from the assigned resident's own parents, relatives or guardians. . ."; it does not seem to fit what is going on; and it is not an alternative to institutional placement from what has been represented to the Board. Mr. Scott stated if the Board applies RSSF to the property, then it would also go to the definition of treatment and recovery facility; and if in fact the RSSF were applied to the property, that means they could choose to fall under the definition of drug treatment and recovery facility, which is also cross-referenced in the RSSF. Mr. Scott stated in that definition, the Board would find the programs and services being offered at Resurrection Ranch falling into compliance with the definition that references an in-residence place where a wide variety of personal care and intensive supervision in casework with emphasis on treatment counseling services are provided. He stated if the Board can get to that definition being applied to the facility today, then the scope of the programs and services Resurrection Ranch is offering are in compliance with the Zoning Code.

Commissioner Carlson stated right now they have a CUP for an RSSF/ACLF; with Mr. Scott responding what he attempted to do was frame the issue so that the Board could make a better determination of what it believes the Board granted the property in 1986; and Mr. Knox advised the Board from a legal construction of that approval, it could view the property as having been given an RSSF rezoning in 1986, which would then include a drug treatment and recovery facility definition. Commissioner Carlson inquired if it would not include an ACLF; with Mr. Scott responding that is correct, they could pick and choose, and it would be a very broad approval through that interpretation.

Commissioner Pritchard stated it seems as if what Mr. Scott says is in 1986, it was a CUP for a school, residential service facility, ACLF; so it seems that the intent of the Board in 1986 was to approve both conditions. He stated Mr. Scott raised the question whether the Board made that approval in 1986; it appears as if it had; so it takes it back to where they are today. He stated Commissioner Colon brought up the issue of the neighbors; and inquired if they are being subjected to something that is going on and it is not part of Resurrection Ranch, then what is it part of and where is it coming from. He stated the neighborhood has serious problems with

people living in the woods, banging on doors, etc.; the folks at the Ranch are doing good work, but there is still a problem; and inquired where is the problem coming from and what can the Board do to address it. He stated that is an issue that needs to be addressed; his assumption is, since it was approved in 1986, that is what it is and apparently they have been operating under the constraints imposed in 1986.

Mr. Knox stated he thinks it qualifies under RSSF; and Mr. Scott is right about the treatment and recovery facility; and by virtue of that definition, the Ranch qualifies. He stated the issue that Commissioner Carlson raised about supervision, because it requires either State license or County Division of Health and Social Services approval, the State has taken that away, so the County does not have that authority. He stated if the Board is concerned about how the operation is impacting the neighborhood, it has the ability to do something about that by modifying the conditions of the original CUP if it finds that it is a problem. Commissioner Pritchard stated that is if the Board finds out the problem is originating from Resurrection Ranch; but it could be others who are coming into the neighborhood, and maybe one or two from the Ranch.

Commissioner Carlson stated one of the speakers brought up the success and failure rate; and she does not know how accurate the numbers are, but would like the Ranch or whoever to take the question on regarding the success rate versus the failure rate. She stated obviously the success rate is wonderful, but she wants to know what procedure the Ranch uses to deal with those who do not choose to carry on through the program. She inquired what do they have them do, and do they give them a ticket out.

Mr. Miller stated because of the nature of their program, and because they are a group home facility and not a motel/hotel, the local Sheriff's Department gives them the ability to discharge any individual upon request; and it does not take a three-day notice or 30-day commencement of a court proceeding. He stated if he calls the police and tells them his residents are no longer in compliance, they will immediately escort them off the facility; and it takes about five minutes. Commissioner Carlson inquired where do they go; with Mr. Miller responding the Ranch provides them a ride to any institution in the County they choose to go to or back to the neighborhood they were in; and it has happened in the past. He stated Mrs. Knox indicated that some of the residents are doing things in the neighborhood; the one and only complaint that she came to him with was that her husband said one of the gentlemen was disrespectful to them; and it was not a serious crime. He stated they said the gentleman, in a loud and boisterous manner, was disrespectful to Mr. Knox; he asked that resident not to go back towards their house again; he did go back two days later; ten minutes after he heard about it, the gentleman was released from the facility; and that was just for being loud and boisterous to a neighbor. Mr. Miller stated the Ranch owns approximately five acres of wooded area that is currently not being used; the subdivision in mind happens to be in the actual cloverleaf of Pineda Causeway; anybody coming down U.S. 1, who is homeless and wants to get onto Wickham Road, finds a shortcut down Otter Creek Lane to Old Dixie Highway through the neighborhood, and cuts through the Resurrection Ranch tracts and continues on down; and if they are drinking, the beer cans may be thrown on the ground. He stated they recognize the problem; they tried to address that with their neighbors saying if they find somebody back there having sex or doing something wrong, to feel free to call the police; and they interpreted that as being able to stop anybody who comes down the street and disrespectfully tell them they are not allowed to be in the area. He stated that convoluted the problem because now they have legal residents at the Ranch with people who do not belong in

the neighborhood being treated the same; and that has been part of the fear and mistrust in the neighborhood. He stated as administration at Resurrection Ranch, he cannot constitutionally tell someone he or she is not allowed to walk in front of the Resurrection Ranch property.

Commissioner Carlson stated she understands his communication with Ms. Knox, but there are other members of the community who spoke today that had different issues. Mr. Miller stated besides Mr. Leslie, the other neighbors have been living there for no more than four months; Mr. Leslie has been there long enough and had unique situations from some people through the years, just as he has; and while the Ranch has been at the property, there has been a family living around the corner from it that has two mentally-challenged people living there. Chair Higgs stated they need to stick to the zoning issues if they can. Mr. Miller stated regarding lack of control, as administration, they are trying to do what they can; and if there are any recommendations that can improve it, they would be more than happy to try them. He stated going along with what Scott Knox was saying, it is their understanding that in 1986 when they were given the RSSF and ACLF, the County deemed they should be under County approval; the Code says it can be either State or County; and Mrs. Knox can no longer find any State regulation at the facility because it was turned over to the County. Mr. Miller stated they have facility inspections twice a year to make sure the living conditions are suitable to the Health Department for the clientele living in the area; the Health Department waived the square-footage rule; it required them to have safe living conditions for the people on the facility; and they have met the toilet requirements, living conditions, but not the square footage rule, which was waived. Chair Higgs stated the Health Department is a State Department. Mr. Miller stated it is the Department that regulates the Ranch; they come in twice a year to inspect; they are monitored by the Health Department through food services where they make sure the place is clean and the kitchen is up to Code; so that is why Ms. Knox did not see any regulations because it was turned over to those agencies at that time. He stated to the best of his knowledge, that is what was required at the time.

Commissioner Scarborough stated the Board is dealing with technical issues Mr. Scott brought up; the neighborhood has issues that the community brought up; and if the Board deals with the technical issues and addresses the CUP, it will be incumbent upon Mr. Miller to be cognizant that the Board would probably want to put some parameters in to give it some assurances.

Chair Higgs stated the Board needs to get to a motion or course of action.

Commissioner Carlson stated the course of action is to redefine the CUP so that it fits within whatever they have or to go forward with institutional zoning; and inquired what is the best course of events based on what was heard. **Scott Knox advised based upon what has been discussed today and what Mr. Scott discussed and he discussed, the Resurrection Ranch seems to be properly zoned for what it is doing;** the only issue he sees is that the Board may want to address whether or not there are any conditions it may want to impose to modify the CUP; that would address some concerns it heard about activities in the neighborhood, which would require initiation of either a modification, or if the Resurrection Ranch wants to proactively come in and apply for modifications to address those issues and propose conditions, they can do that too.

Commissioner Colon requested the Board allow her and Commissioner Pritchard to work with the neighbors and Resurrection Ranch to try and modify the CUP with some kind of restrictions

that it would impose on any new institution going into a neighborhood and basically start from scratch. Chair Higgs advised it is in Commissioner Carlson's District.

Commissioner Carlson stated the best way to go about it is to bring the community and Resurrection Ranch together with staff and iron out additional requirements in terms of what they do, procedures, etc. for those who do not want to commit to the program and for those who do want to commit; and the motion should be to direct staff to work with the community and Resurrection Ranch and bring back additional conditions the Board can consider.

Chair Higgs inquired if it would be administrative rezoning; with Scott Knox responding it would be the equivalent unless Resurrection Ranch wants to make that proposal and say they would initiate the application for modification; but he does not hear them doing that. Chair Higgs stated if the Board does it, it will be initiating it and bringing it forward to be amended. Commissioner Carlson stated they need to work together; and she or her staff would be glad to do that with the community, Resurrection Ranch, and staff, to talk through some of the issues to see what other kinds of conditions they might be able to lay out that would be amenable to all parties so they can come up with a win/win scenario.

Motion by Commissioner Carlson, seconded by Commissioner Scarborough, to direct staff to work with Resurrection Ranch and the community, and bring back additional conditions that would be amenable to all parties for the Board's consideration; and to initiate administrative rezoning to modify the conditional use permit, with required notices, etc. Motion carried and ordered unanimously.

Commissioner Colon inquired if there are other institutions the Board should be overseeing other than Resurrection Ranch. She stated since this issue was brought to the Board's attention, she is interested in finding out if there are others that are under the same scenario; and requested staff look into it to find out who else may fall into that category.

Chair Higgs inquired if staff has a timeframe for the action; with Assistant County Manager Peggy Busacca responding 90 days and perhaps longer. Chair Higgs advised it would have to go through the normal process before the LPA, P&Z Board and then to the Board of County Commissioners.

Ms. Busacca advised there is another issue regarding the Ranch; there is a scheduled hearing on June 17; and inquired if the Board wants to abate that action until the issues are resolved, or should staff continue to move forward. Commissioner Pritchard inquired what is the purpose of the hearing; with Assistant County Attorney Teri Jones responding there is no purpose to the hearing because it was a violation of the ACLF, and there is no longer a violation. Commissioner Carlson inquired since it is not considered an ACLF, is the Department of Corrections Contract current. Chair Higgs stated the Board did not say it was not an ACLF. Commissioner Carlson stated that is what Mr. Knox said a couple of times. Mr. Knox stated what he understood Mr. Scott to say was fitting words of the treatment/recovery facility rather than an ACLF; and it is something other than an ACLF, but it falls within the RSSF.

Commissioner Scarborough suggested the Board abate the hearing even though it may not have an issue, but it may want to come back.

Motion by Commissioner Scarborough, seconded by Commissioner Colon, to abate the June 17, 2004 hearing regarding Resurrection Ranch for 150 days.

Commissioner Carlson stated she does not have a problem with the motion; but inquired, with questions on the DOC Contract, ACLF, and everything else, would it be prudent to request Resurrection Ranch not take on any additional clients from DOC until the Board comes to some conclusion, or is it comfortable with allowing that Contract to go on. She stated it would not be to take away anyone who is at the Ranch, but not allow additional folks to come onto the Ranch based on the Contract; and inquired if that is something the Board ought to be concerned about in terms of liability.

Mr. Knox stated he can get an impression of what the Ranch may think about imposing those conditions. Jason Hedman stated from a legal perspective, it is their position in 1986 they were granted approval from the Board to do what they are currently doing; it was confirmed in 2002; they are still doing the same thing; and their position is if the neighbors have a concern, someone is out there throwing beer cans, they have a wonderful police department and pay a lot of money to put road deputies out there to arrest people. He stated they have guidelines to control their residents; and he does not think the Board has any legal ability to tell his client who can and cannot go there. He stated the Board is addressing land use issues; they want to be good neighbors and find a solution; that is why they are here and happy to try and facilitate some kind of accommodation; but he does not think, from a legal perspective, but maybe the County Attorney can enlighten him, that there is any ability legally, short of some kind of injunction, to restrict their freedom of association of who comes to the property. Mr. Knox stated the Board can do that; Mr. Hedman needs to look at the definition of assigned residency; there are certain categories of persons who are qualified as assigned residents under the RSSF; there are certain ones who do not; so to that extent, if the Ranch has anybody there who is not qualified, that is where they need to be concerned. Mr. Scott stated, he would add, as a courtesy to Resurrection Ranch, as they go through the process, even if they are not embracing the fact, there is a drug treatment and recovery facility applied to the property by virtue of the RSSF being blessed by the Board; however, there is still a square-footage requirement of 250 feet, so staff will also be looking at the facility; and that is part of the direction the Board has given staff as they go through the process in the next 120 days. Mr. Hedman stated there may be a need for some clarification; Resurrection Ranch is a life recovery facility and not a drug/alcohol treatment facility; it is not licensed or is seeking licenses for that; they basically do family restoration; it is a ministry trying to reconcile what the Board heard today; and he respects the difficulties, but the fact that they have been there since 1986 makes it difficult for them to have such changes. He stated he heard a lot of people say there has to be supervision; but the last time he went to the District Court in Orlando, it said there is no licensing requirement and they do not have to have a permit, but have to get permission from the government to help their fellowman. He stated he hates to be the one to bear that news to the Board that supervision has to come from on high because it is not what the law says; but they want to cooperate and assist as much as they can. Mr. Knox stated he agrees with that and there is no supervision requirements in the Ordinance either.

Chair Higgs called for a vote on the motion to abate. Motion carried and ordered unanimously.

Commissioner Colon stated she wants to be perfectly clear now that Resurrection Ranch is under the County's guidelines; the Board can deny the CUP right now if it wants to; so they need to realize that. She stated the Board has the power to do that; she does not think it realized that before because it was thinking it was the State, and the Ranch was thinking the Health Department was the County, but it is the State. She stated now the Board knows the Ranch has to abide by its rules; and she wants to make sure that is perfectly clear to everybody.

REZONING REVIEW WORKSHEET

18PZ00088

Commission District # 4

Hearing Dates: P&Z 09/17/18

BCC 10/04/18

Owner Name: HAPPY LANDINGS HOMES, INC.

Request: Amendment to Existing BDP

Subject Property:

Parcel ID# 26-37-19-DS-00-14.01

Tax Acct.# 2606020

Location: Southwest corner of U.S. Hwy 1 and Otter Creek Ln., on the east side of Old Dixie Hwy

Address: 5925 Old Dixie Hwy., Melbourne

Acreage: 5.33

Consistency with Land Use Regulations

<u>YES</u>	Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
<u>YES</u>	Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
<u>YES</u>	Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	IN(H) with BDP	IN(H) with Amended BDP
Potential*	12,325 sq. ft. 47-68 ALF residents	46,435 sq. ft. 47 ALF residents
Can be Considered under FLU MAP	YES CC	YES CC

*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations

	ADT	PM PEAK		
Trips from Existing Zoning	125	7	Segment Number	360L
Trips from Proposed Zoning	125	7	Segment Name	US 1 Pineda - Suntree Blvd.
Maximum Acceptable Volume (MAV)	41,790	115	Acceptable LOS	D
Current Volume	34,338	1,352	Directional Split	0.5
Volume With Proposed Development	34,338	3,090	ITE CODE	
Current Volume / MAV	82.17%	82.17%	254	
Volume / MAV with Proposal	82.17%	82.17%		
Current LOS	C	C		
OS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Background & Purpose of Request

The applicant is seeking an amendment to their existing Binding Development Plan (BDP) recorded in ORB 6082, Pgs. 71-77 for the purpose of expanding their services to include men and women and to develop the property as a residential detoxification, treatment and recovery center licensed by Florida DCF under rule 65D30. The BDP retains a commitment that the treatment center will not contract with DOC or any jail or prison for patients. The applicant proposes the following changes to the existing BDP:

New provisions:

- A limitation on ingress and egress to Old Dixie Highway.

Existing provisions to be removed:

- Condition #2 – prohibition of any resident or staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony from residing on or being employed on the property;
- Condition #2 – requirement that the developer/owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all dormitory residents and staff members on the property to the county;
- Condition #6 – requirement that semi-annual meetings be held with the neighbors;
- Condition #7 – requirement that Code Enforcement and Planning & Zoning office perform semiannual inspections; and
- Condition #8 – requirement that Environmental Health Services conduct annual inspections to monitor the function of the septic tank and drain field, function of the water supply and sanitary conditions for personal hygiene and conducive conditions for the harborage of pests.

Those existing provisions modified:

- Condition #4 (now Condition #3) – revised language more clearly calling out a limit on the number of residents and staff workers to specific numbers (47 residents and up to 21 staff); and
- Condition #5 – changed from board on board, stockade, six foot high fencing adjacent to Old Dixie Highway to state a six (6) foot privacy fence along Old Dixie Highway to include an unlisted buffer distance along the west portion of the property (noted in new condition #2).

Zoning background extends back to zoning approval under **Z-7430**, dated April 21, 1986. The property was rezoned from General Retail Commercial (BU-1) and Rural Residential (RR-1) to Agricultural Residential (AU) with two (2) conditional use permits for a school and a residential social service facility (RSSF) (ACLF). The use at this time was as an established Boys Ranch and went by the name of Resurrection Ranch. A Board Resolution found in the zoning file dates back to February 5, 2002 and recognizes that Happy Landings Home, Inc. DBA Resurrection Ranch was formed in 1967 to provide food, shelter and other services to low-income, indigent and homeless individuals in Brevard County. The Resolution also states that they provided housing for 60-80 men, women and children.

On September 1, 2005, an administrative Zoning Resolution was adopted, **Z-11172**. This Board initiated action changed the zoning from AU with CUPs (noted above) to Low intensity Institutional Use, IN(L) with removal of the mentioned CUPs and was additionally limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402 to be used as an Assisted Living Facility (ALF); this use provided support services for people recovering from addictions. On December 16, 2009, the Board approved Zoning Resolution, **Z-11531** which changed the Future Land Use of the property from Neighborhood Commercial (NC) to Community Commercial (CC) and changed the zoning from IN(L) to High intensity Institutional, IN(H) with replacement of the BDP on file with one recorded in ORB 6082 Pages 71-77. This approval established the Space Coast Center for Women with Children and limited the residents to women and children only. Staff comments indicated that the center was a non-profit organization which provided safe housing, support services, and spiritual guidance to women striving to become self-sufficient in a dormitory style setting. Dormitory use under the Institutional Use zoning

classification is a high intensity use which required the change in land use and zoning in order to be allowed on the site.

Land Use Compatibility

The subject property retains the Community Commercial Future Land Use designation.

FLUE 2.17 outlines the role of the Comprehensive Plan in the designation of Low and High Intensity Institutional land uses. This section lists three (3) parameters for compliance of High Intensity Institutional uses permitted in the Community Commercial Future Land Use Designation. They are:

- A. Access to a roadway classified as an arterial or higher.
- B. Access to a roadway classified as a collector or higher in established Community Commercial areas.
- C. Intrusion into residential areas shall be limited. High Intensity Institutional Uses shall be located in areas where commercial development is planned or established.

This site location maintains its current access from internal residential streets (Old Dixie Highway and Otter Creek Lane) and not directly accessing onto US Highway 1. The site is nonconforming, as the use has been ongoing since zoning approval under **Z-7430**; dated April 21, 1986 (predates the 1988 Comprehensive Plan).

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

N/A

Applicable Land Use Policies

The subject property retains the IN(H) Zoning classification with a BDP limiting the use to a dormitory for women with children. The applicant wishes to use the property for a "Residential Detoxification, Treatment and Recovery Center licensed by Florida DCF under Rule 65D30". The permitted with conditions use: "Assisted living facilities and treatment and recovery facility" conditioned in Section 62-1826, Brevard County Code discusses parameters not identified under Rule 65D30. Those parameters are:

- *Dispersal of facilities. The minimum distance between facilities, measured from the property line, shall be 1,000 feet.*
- *Neighborhood compatibility. In the institutional zoning classification, the external appearance of the treatment and recovery facility's structures and building sites shall maintain the general character of the area. Exterior building materials, bulk, landscaping, fences and walls and general design shall be compatible with those of surrounding dwellings.*
- *Facility standards.*
 - *Prior to the granting of any permit for treatment and recovery facilities, the state department of health and rehabilitative services shall verify compliance with the following standards:*
 - *There shall be not less than 250 square feet of floor space per assigned resident.*
 - *There shall be one bathroom per two bedrooms. The bedroom square footage shall be not less than 75 square feet per assigned resident.*
 - *Centralized cooking and dining facilities shall equal 30 square feet per assigned resident.*

- *Off-street parking. There shall be two parking spaces, plus two additional parking spaces for every five occupants for which the facility is permitted.*

If the Board should approve the replacement/amendment of the BDP, the applicant will be required to meet the above conditions in order to change the use from dormitory use to treatment and recovery facility use.

The adjacent zonings to the north of this site are General Use (GU) and General Retail Commercial (BU-1) zoning. The GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling. Zoning to the south is Single-Family Residential (RU-1-13).

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture. The lot abuts US Highway 1 to the east and Old Dixie Highway on the west. Existing access is from Old Dixie Highway.

Recent zoning applications noted within the last three (3) years within a ½ mile radius of this property includes the following actions:

- **18PZ00059 & 18PZ00060**; rezoning request from RU-2-15 to BU-1 and Small Scale Comprehensive Plan amendment. Will be before the commission on August 2, 2018. Site is located in a NW direction 1,220 feet from this site along Wickham Road. Property owner is Vinings Palm Bay Investment, LLC.
- **17PZ00109**; rezoning from PIP to RU-2-15 adopted 4/25/2018 located in a NW direction 1,220 feet from this site along Wickham Road. Property owner is Vinings Palm Bay Investment, LLC.
- **17PZ00068**; rezoning request to add a conditional use permit (CUP) for Cement, Concrete and Concrete Building Products to an IU-1 zoning parcel. Site is located in a NW direction 1,200 feet from this site along FEC railroad right-of-way 900 feet south of Allen Hill Ave. Property owner is Florida Hot Mix Inc.
- **16PZ00071**; rezoning request from GML(H) to BU-1 and Small Scale Comprehensive Plan amendment. Site was approved on October 13, 2016. Site is located in a SW direction 2,040 feet from this site along Pineda Causeway. Property owner is Brevard County.

For Board Consideration

The applicant is seeking an amendment to their existing Binding Development Plan (BDP) recorded in ORB 6082, Pgs. 71-77 for the purpose of expanding their services to include men and women and to develop the property as a residential detoxification, treatment and recovery center licensed by Florida DCF under rule 65D30.

The Board may wish to consider whether the conditions, as newly proposed, amended or removed should be approved.

The Board may wish to consider whether the request for expanded use of the site necessitates that the parcel gain access from US-1, in compliance with the locational criteria for the Community Commercial Future Land Use designation, as defined within Future Land Use Element Policy 2.17, seeking to limit intrusion into residential areas and requiring that the property have access to a roadway with at least an arterial functional classification – in this case, US 1 to the east. Currently, the revised BDP includes a newly proposed provision seeking to limit access to Old Dixie Highway, a local road.

The Board may also wish to consider whether increased buffers along Old Dixie Highway to the west are necessary, to buffer the use from the adjacent residential neighboring properties.

ADDENDUM TO STAFF COMMENTS – 01/15/19

SUMMARY OF 18PZ00088 BDP CONDITIONS

Condition Type	Current BDP December 15, 2009	Proposed BDP Changes January 10, 2019	BDP Condition #	Staff Analysis of Proposed Conditions
"Owner" and "Developer"	Happy landings Homes, Inc. a Florida corporation (hereinafter referred to as "Developer/Owner).	Happy Landings Homes, Inc. ("Owner) and Journeypure, Orlando LLC a Florida Limited Liability Company, as contract vendee for the purchase of the property (hereinafter referred to as "Developer").	INTRO	
Use	WHEREAS, Developer/Owner has requested the INH zoning classification and desires to maintain the property as a Dormitory for women with children pursuant to the Brevard County Code, Sec.62-1573;	The Property currently has INH zoning classification(s) and the Developer will develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code.	3.a	The Board may wish to consider whether allowing the change of use from Dormitory to Treatment and Recovery Facility within the IN(H) Zoning classification
Buffering	The Developer/Owner shall maintain the board on board, stockade, six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.	Developer shall install a 6 ft Privacy Fence along Old Dixie Highway on the west portion of the Property.	3.b.	The Board may wish to consider whether the "developer" is the appropriate responsible party, rather than the "owner."
Access	N/A	Developer shall limit ingress and egress to the existing access on Old Dixie Highway, unless access were to become available from U.S. 1. <u>provided the Developer may move the entrance to the northernmost part of the property if a new building is constructed at that location.</u>	3.c.	Prohibiting the provision of access to US-1 violates the IN(H) requirements of the zoning code. New development cannot be approved unless it meets section 62-1573(8)b.2. – "access to a roadway classified as an arterial or higher." The Board may wish to consider whether the "developer" is the appropriate responsible party,

<p>New Development Proposed</p>	<p>N/A</p>	<p>Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 sq.ft. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq. ft. on the 5.33 acre site, to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential development in the surrounding neighborhood.</p>	<p>3.d.</p>	<p>The applicant has not provided evidence that they have received approval for the installation of an access to a roadway classified as an arterial or higher as required within the IN(H) Zoning classification and defined with Section 62-1573(8)(b)(2). FDOT is the reviewing agency that would permit such an access.</p> <p>The Board should consider whether it is appropriate to memorialize a commitment to construct a building that does not meet the IN(H) Zoning classifications' criteria.</p> <p>Code reference should be 62-1826 (3).</p>
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<p># of Residents or Staff</p>	<p>The Developer/owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.</p>	<p>Developer shall limit occupancy of buildings onsite to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.</p>	<p>3.e.</p>	<p>The Board may wish to consider whether the proposed change is appropriate</p>
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<p>Felonies (Residents or Staff)</p>	<p>The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. S 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of Insanity of a forcible felony, as defined by F.S. I 776.08 from being employed on the property. For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request by the County.</p>	<p>The Developer shall prohibit any resident who has been convicted of a <u>forcible</u> felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer shall prohibit any staff member who has been convicted of a felony or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. section 776.08 from being employed on the property. For purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter upon request of the County.</p>	<p>3.f.</p>	<p>The Board may wish to consider whether the proposed change is appropriate</p>
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Jail, Prison, or Correctional Facility Association	The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.	The Developer operating the treatment center will not contract with DOC or any Jail or Prison for patients and pursuant to the Brevard County Code. Moreover, the Developer shall prohibit the use of any building from being operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.	3.g.	The Board may wish to consider whether the proposed change is appropriate
Facility Requirements	N/A	If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.	3.h.	The Board may wish to consider whether the condition, as proposed, would conflict with existing code provisions.
Parking	N/A	The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.	3.i.	The applicant has not provided any evidence to demonstrate this assertion. The Board may wish to consider whether the condition, as proposed, would conflict with existing code provisions.
Code Compliance	N/A	With the exception of the compliance required by subparagraphs d and h above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in section 62- 1826 throughout its utilization of the Property.	3.j.	The applicant has not provided any evidence to demonstrate this assertion.

Neighborhood Meetings	The Developer/Owner shall establish semiannual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, US Highway 1 on the east, and Pineda Causeway on the south), These meetings will provide open communications between the Developer/owner and the neighbors to discuss items of mutual concern.	The Developer shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter lane on the north, the railroad tracks on the west, Us Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer and the neighbors to discuss items of mutual concern.	4	The Board may wish to consider whether the “developer” is the appropriate responsible party, rather than the “owner.”
Inspections	The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating	Proposed to be stricken	N/A STRICKEN	The Board may wish to consider the appropriateness of striking this condition.

PRIOR BOARD ACTIONS FOR 18PZ00088

September 17, 2018 - the Planning and Zoning Board heard the request and unanimously tabled it to the October 8, 2018, Planning and Zoning Board meeting to allow the applicant time to properly notice the property, and directed the applicant to meet with surrounding property owners within 500 feet of the subject property.

October 8, 2018 - the Planning and Zoning Board unanimously tabled the request to the November 5, 2018, Planning and Zoning Board meeting to allow the owner time to properly notice the property.

November 5, 2018 - the Planning and Zoning Board heard the request and recommended approval of the amendment to the existing BDP as proposed, with the additional conditions as follows: 1.) Incorporation of Condition 2 from the previously approved BDP recorded in ORB 6082, Pages 71 - 77, with the word 'forcible' added before 'felony' in the first sentence; 2.) Developer/Owner shall limit the existing square footage footprint to the existing structures; 3.) Developer/Owner shall limit ingress and egress to Old Dixie Highway, unless access to U.S. Highway 1 were to become available in the future.

December 6, 2018 - at the applicant's request, the Board of County Commissioners heard the request and recommended that the applicant's revised proposal be sent back through the Planning & Zoning Board for recommendation to the Commission.

BINDING DEVELOPMENT PLAN (BDP) REVISIONS

The applicant has submitted revisions to the proposed Binding Development Plan several times during the course of this public hearing process, as follows:

December 15, 2009 - the existing BDP was enacted, resulting from a change of zoning classification from IN(L) to IN(H).

June 28, 2018 - the applicant submitted an application for a zoning action to amend the Binding Development Plan and provided a copy of proposed changes, which the Staff Comments and associated analyses evaluated.

November 5, 2018 - the applicant presented a revised version of a condition during the Planning & Zoning Board meeting for their consideration.

November 14, 2018 - the applicant submitted a revised version of the BDP, incorporating conditions that the Planning & Zoning Board recommended.

November 19, 2018 - the applicant submitted a revised version of the BDP, making corrections to the language of specific conditions.

November 21, 2018 - the applicant submitted a newly revised BDP, along with a concept plan for a new facility, and provisions for 6,815 sq. ft. of newly proposed development allowances.

January 10, 2018 - the applicant submitted a newly revised BDP, with changes only made to one condition, regarding property access for newly proposed development.

SUMMARY OF ZONING ACTION HISTORY AT SUBJECT PROPERTY

1986 NO Comp Plan, AU Zoning with CUP

Zoning background extends back to zoning approval under **Z-7430**, dated April 21, 1986. The property was rezoned from General Retail Commercial (BU-

1) and Rural Residential (RR-1) to Agricultural Residential (AU) with two (2) conditional use permits for a school and a residential social service facility (RSSF) (ACLF). The use at this time was as an established Boys Ranch and went by the name of Resurrection Ranch. A Board Resolution found in the zoning file dates back to February 5, 2002 and recognizes that Happy Landings Home, Inc. DBA Resurrection Ranch was formed in 1967 to provide food, shelter and other services to low-income, indigent and homeless individuals in Brevard County. The Resolution also states that they provided housing for 60-80 men, women and children.

Approval predicated on submittal of a floor plan approved by Florida Department of Health and Rehabilitative Services for any new ACLF construction at the time of site development plan submission, as recommended by staff.

2005 NC FLU, rezoned to IN(L) for an ALF

On September 1, 2005, an administrative Zoning Resolution was adopted, **Z-11172**. This Board initiated action changed the zoning from AU with CUPs (noted above) to Low intensity Institutional Use, IN(L) with removal of the mentioned CUPs and was additionally limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402 to be used as an Assisted Living Facility (ALF); this use provided support services for people recovering from addictions.

Zoning official opinion that the prior AU zoning action allowed for an ACLF CUP and did not grant an RSSF CUP. Memo to ACM and staff report define the differences between an RSSF and ACLF.

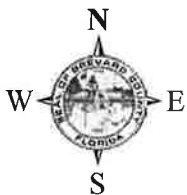
2009

On December 16, 2009, the Board approved Zoning Resolution, **Z-11531** which changed the Future Land Use of the property from Neighborhood Commercial (NC) to Community Commercial (CC) and changed the zoning from IN(L) to High intensity Institutional, IN(H) with replacement of the BDP on file with one recorded in ORB 6082 Pages 71-77. This approval established the Space Coast Center for Women with Children and limited the residents to women and children only. Staff comments indicated that the center was a non-profit organization which provided safe housing, support services, and spiritual guidance to women striving to become self-sufficient in a dormitory style setting. Dormitory use under the Institutional Use zoning classification is a high intensity use which required the change in land use and zoning in order to be allowed on the site.

Kitchen does not meet ALF requirements – changed the use to a dormitory to get out of meeting those requirements. Comment made at P&Z that they only had enough space to cook for 14 people.

LOCATION MAP

HAPPY LANDINGS HOMES, INC.
18PZ00088



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

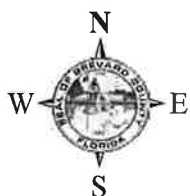
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Produced by BoCC - GIS Date: 7/10/2018

— Buffer
■ Subject Property

ZONING MAP

HAPPY LANDINGS HOMES, INC.
18PZ00088



1:4,800 or 1 inch = 400 feet

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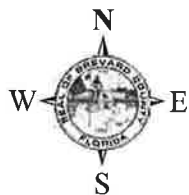
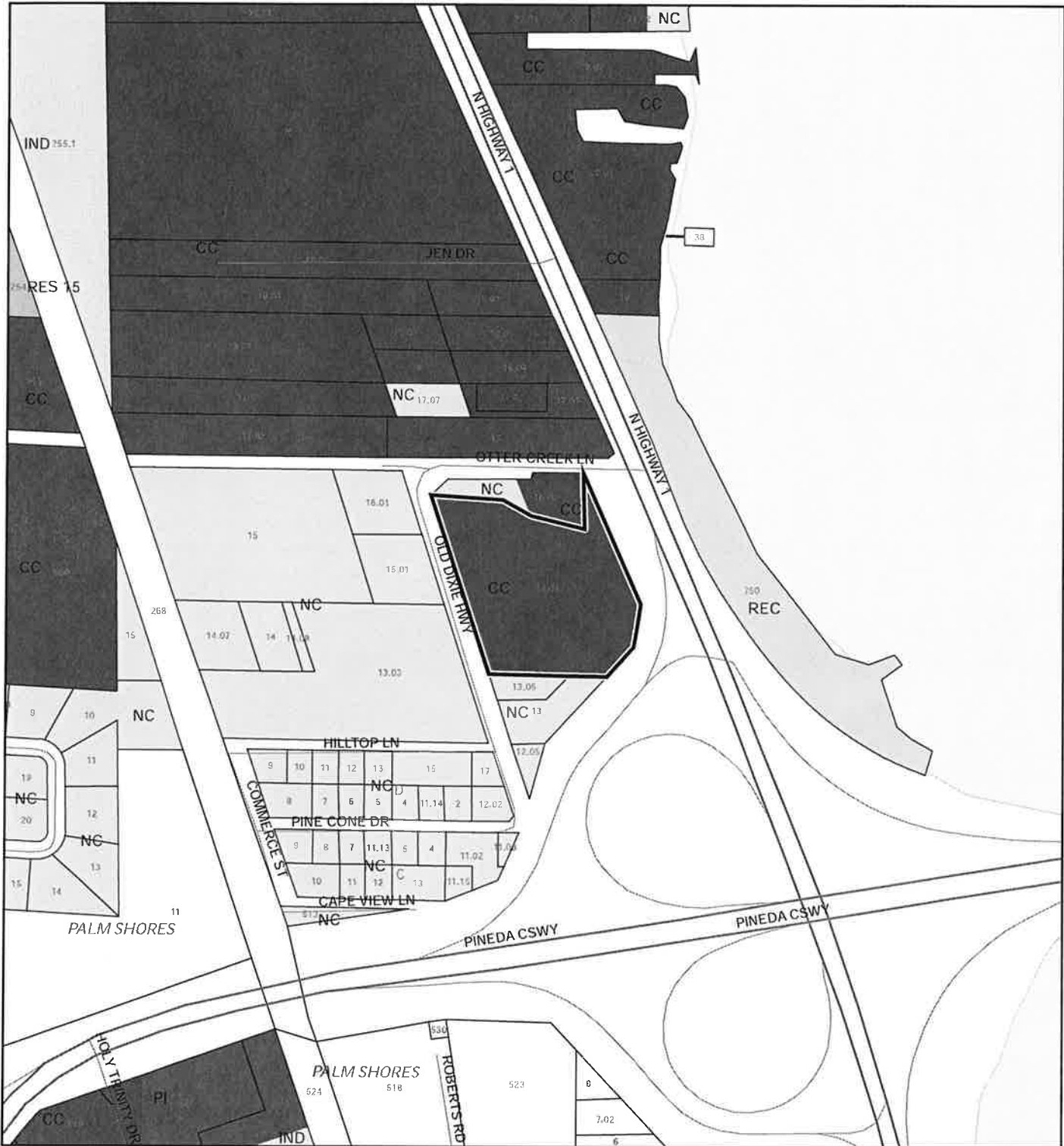
Produced by BoCC - GIS Date: 7/9/2018

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

HAPPY LANDINGS HOMES, INC.

18PZ00088



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

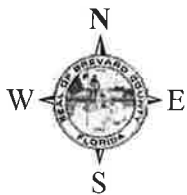
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Produced by BoCC - GIS Date: 7/9/2018

AERIAL MAP

HAPPY LANDINGS HOMES, INC.

18PZ00088



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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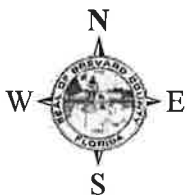
— Subject Property

□ Parcels

NWI WETLANDS MAP

HAPPY LANDINGS HOMES, INC.

18PZ00088



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/9/2018

National Wetlands Inventory (NWI)

	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
	Subject Property		Parcels

18PZ00088

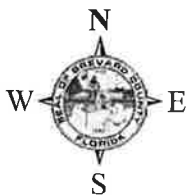
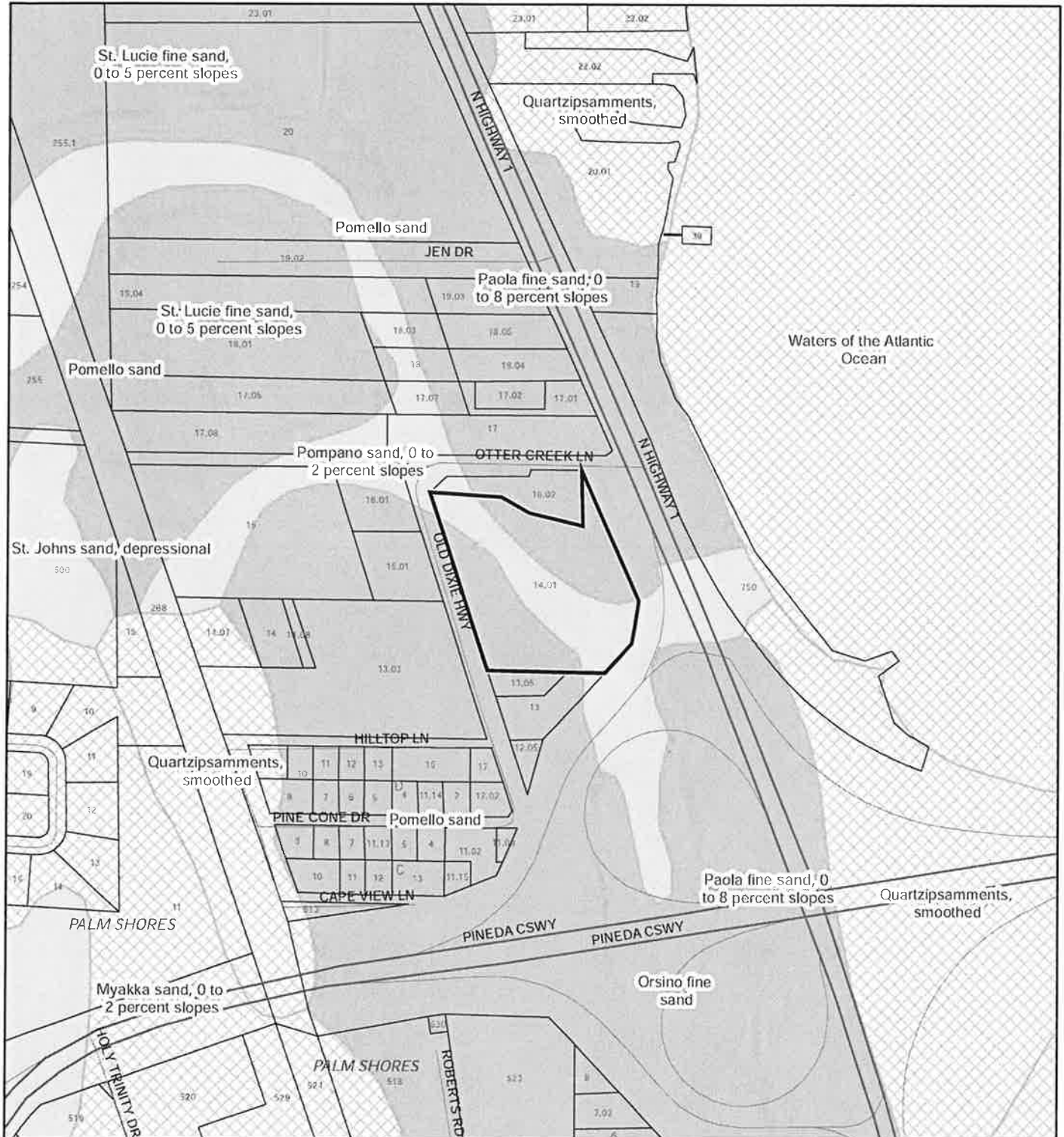


Produced by BoCC - GIS Date: 7/9/2018

USDA SCSSS SOILS MAP

HAPPY LANDINGS HOMES, INC.

18PZ00088



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/9/2018

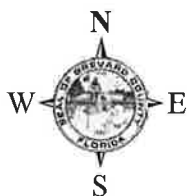
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

HAPPY LANDINGS HOMES, INC.

18PZ00088



1:4,800 or 1 inch = 400 feet

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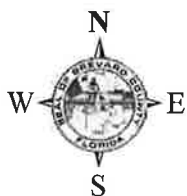
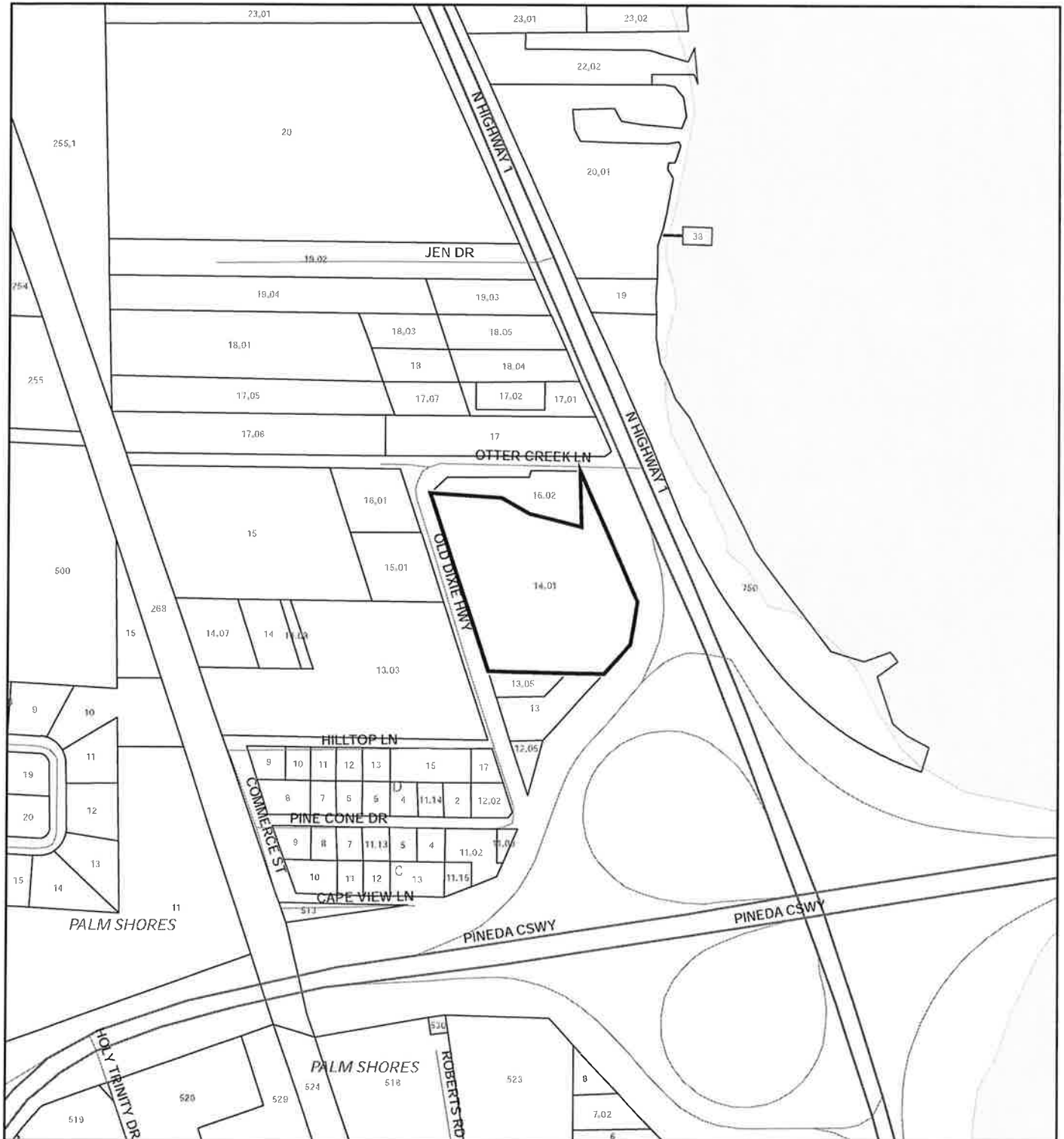
Produced by BoCC - GIS Date: 7/9/2018

FEMA Flood Zones

EAGLE NESTS MAP

HAPPY LANDINGS HOMES, INC.

18PZ00088




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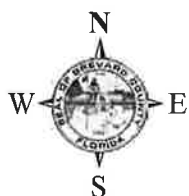
Produced by BoCC - GIS Date: 7/9/2018

 Subject Property

 Parcels

 Eagle Nests
FWS 2010

18PZ00088

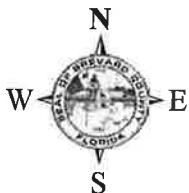


Produced by BoCC - GIS Date: 7/9/2018

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

HAPPY LANDINGS HOMES, INC.

18PZ00088



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/9/2018

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

CFN 2009233435, OR BK 6082 Page 71, Recorded 12/16/2009 at 03:37 PM, Scott Ellis, Clerk of Courts, Brevard County

RETURN: Clerk to the Board #27

Prepared by: Lila Buescher
Address: 5925 Old Dixie Highway
Melbourne, FL 32940

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 15 day of Dec, 2009 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Happy Landings Homes, Inc. a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described as Section 19, Township 26, Range 37, Subdivision #DS, Lot 14.01; and

WHEREAS, Developer/Owner has requested the INH zoning classification and desires to maintain the property as a Dormitory for women with children pursuant to the Brevard County Code, Sec. 62-1573; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from being employed on the property. For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication



RETURN: Clerk to the Board #27

was withheld or whether imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request by the County.

3. The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

4. The Developer/Owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.

5. The Developer/Owner shall maintain the board on board, stockade, six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.

6. The Developer/Owner shall establish semiannual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, US Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer/Owner and the neighbors to discuss items of mutual concern.

7. The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints.

8. Environmental Health Services shall perform yearly inspections for the purpose of determining if the property conforms to regulations pertaining to the following: function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for the harborage of pests. The Developer/Owner shall pay an Inspection fee established by Environmental Health Services.

9. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the

16

111.11.3

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property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

10. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1, 2005. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

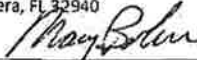
12. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:


Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamleson Way
Viera, FL 32940


Mary Bolin, Chairman
As approved by the Board on 12/15/09

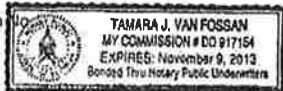
STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 15 day of December, 2009, by Mary Bolin, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires


Notary Public

SEAL
Commission



Tamara J. Van Fossan
(Name typed, printed or stamped)

(12)

RETURN: Clerk to the Board #27

WITNESSES

Brandi Lebowitz
Brandi Lebowitz
(Witness Name typed or printed)

Stacey Straub
Stacey Straub
(Witness Name typed or printed)

DEVELOPER/OWNER

Happy Landings Homes, Inc

5925 Old Dixie Highway, Melbourne, FL 32940
(Address)

Lila Buescher
Lila Buescher
(Name typed, printed, or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 6TH day of Nov., 2009, by Lila Buescher, President of Happy Landings Homes, Melbourne, Florida, who is personally known to me or who has produced as identification.

My commission expires 3/3/2013

Stacey Straub
Notary Public

SEAL
Commission No.:

Stacey T. Straub
(Name typed, printed or stamped)



RETURN: Clerk to the Board #27

Exhibit A

Begin at a point on the Westerly right-of-way line of U.S. Highway #1, said point being 187.5 feet East of and 876.07 feet North of the Southeast corner of the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East; thence go North 23 degrees 37 minutes 30 seconds West along said Westerly right-of-way line a distance of 294.57 feet to the point of beginning of the property described in this instrument; thence go North 23 degrees 37 minutes 30 seconds West along said right-of-way line a distance of 120.19 feet; thence West a distance of 110 feet; thence South 0 degrees 3 minutes 48 seconds East a distance of 152.27 feet; thence North 75 degrees 5 minutes 30 seconds East a distance of 163.83 feet to the Point of Beginning.

LESS AND EXCEPT that property deeded to the State of Florida for the use and benefit of the State Road Department.

Commence at the Southeast corner of the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East and run the East line of said NE 1/4 of the SW 1/4 Northerly a distance of 826.17 feet to a point which is the point of beginning of the land to be included in this description; thence for a first course of the property to be included in this description run East 242.96 feet more or less to a point on the West line of the right-of-way of U.S. Highway #1 (State Road #5); thence for a second course of the property to be included in this description run North 23 degrees 37 minutes 30 seconds West along the West line of the right-of-way of U.S. Highway #1 (State Road #5) a distance of 349.13 feet to a point; thence for a third course of the property to be included in this description run South 75 degrees 05 minutes 30 seconds West 163.85 feet to a point; thence for a fourth course of the property to be included in this description return to a point of beginning and go West a distance of 416.04 feet to a point in the center of the old County Road; thence for a fifth course of the property to be included in this description go Northwesterly and down the center of the Old County Road a distance of 367.74 feet to a point 15 feet West of the Northwest corner of lands conveyed to Starl N. Warfield and Amy L. Warfield, his wife, by deed dated October 15, 1962, recorded under Clerk's #323750 in Official Records Book 538, page 220 of the Public Records of Brevard County, Florida; thence for a sixth course of the property to be included in this description run East 15 feet to the Northwest corner of said land described in Official Records Book 538, Page 220; thence for a seventh course of the property to be included in this description run East 230.18 feet to a point; thence for an eighth course of the property to be included in this description run South 64 degrees 20 minutes 58 seconds East a distance of 109.85 feet to a point; thence for a ninth course of the property to be included in this description run Southeasterly to the Westerly terminus of the third course of the property to be included in this description, thereby completing the boundary of the lands to be included in this description.

EXCEPT that portion of the above described property taken under authority of eminent domain in that certain condemnation case filed in the Circuit Court of the Eighteenth Judicial Circuit of Florida in and for Brevard County, styled State of Florida Department of Transportation and Brevard County vs. Beulah Armstrong, et al., Civil Action No. 47922.

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RETURN: Clerk to the Board #27

A portion of Lot 14, Indian River Villa (unrecorded Plat) located in Government Lot 3, and the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, being more particularly described as follows: From the SE corner of the NE 1/4 of the SW 1/4 of said Section 19, run North 00 degrees 20 minutes 40 seconds East, along the East line of said NE 1/4 of the SW 1/4, of Section 19, a distance of 676.16 feet to the Point of Beginning of the herein described parcel; thence West a distance of 265.53 feet to the Easterly Right-of-Way line of Service Road (Old Dixie Highway) as shown on Florida State Road Department Right-of-Way Map for State Road 404 (Pineda Causeway) Sec. 70004-2503; thence North 17 degrees 22 minutes West, along said Easterly Right-of-Way line 157.18 feet; thence East 475.60 feet to the Limited Access Right-of-Way line of aforesaid S.R. 404; thence South 07 degrees 12 minutes 20 seconds West 59.37 feet; thence South 41 degrees 47 minutes 39 seconds West 122.20 feet; thence West 74.27 feet to the Point of Beginning.

RETURN: Clerk to the Board #27

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated 2 October 2007, given by HAPPY LANDINGS HOMES INC., as mortgagor, in favor of the undersigned, PRIME BANK as mortgagee, recorded in Official Records Book 5817, page 6759, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS

PRIME BANK

5770 N WICKHAM ROAD, MELBOURNE, FL 32940

(Address)

[Signature]
Authorized Agent Signature

[Signature]

Rebecca Ellis
(Witness name typed or printed)

Sabrina Clemen
(Witness name typed or printed)

Dana Kilborne
(Name/title typed, printed or stamped)
President/CEO

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 5 day of November, 2009, by DANA KILBORNE, who is personally known to me or who has produced Florida Drivers License as identification.

My commission expires

[Signature]
Notary Public

SEAL
Comm



Rebecca Ellis
(Name typed, printed or stamped)

Prepared by: Scott L. Knox, Esq.
Address: 1990 W. New Haven Ave.

Melbourne, FL 32904

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, is entered into this 15 day of Dec, 2009, 201 , between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Happy Landings Homes, Inc. ("Owner") and Journeypure, Orlando LLC a Florida corporation Limited Liability Company, as contract vendee for the purchase of the property (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns has a contract interest in the property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described as Section 19, Township 26, Range 27, Subdivision #DS, Lot 14.01 in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the INH zoning classification and desires to maintain the property as a Dormitory for women treatment center will not contract with children-DOC or any Jail or Prison for patients, and pursuant to the Brevard County Code, see Section 62-45731157; and,

WHEREAS, as part of its plan for development of the property Property, Developer/Owner wishes to mitigate negative impact impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property Property.

NOW, THEREFORE, the parties agree as follows;

1.1. The Recitals set forth above are incorporated by reference herein.

2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements improvements.

2. The Developer/Owner shall comply with the following conditions on the use and improvement of the Property:

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a. the Property currently has INH zoning classification(s) and the Developer will develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code;

b. Developer shall install a 6 ft Privacy Fence along Old Dixie Highway on the west portion of the Property.

c. Developer shall limit ingress and egress to the existing access on Old Dixie Highway, provided the Developer may move the entrance to the northernmost part of the property if a new building is constructed at that location.

d. Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 sq.ft. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq.ft. on the 5.33 acre site, such square footage to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential development in the surrounding neighborhood.

e. Developer shall limit occupancy of buildings onsite to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

f. The Developer shall prohibit any ~~Domestic~~ resident who has been convicted of a ~~felony~~, forcible felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. ~~§ 776.08~~ from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. ~~§ section~~ 776.08 from being employed on the property. ~~For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition~~ imposition of sentence was suspended. ~~The Developer/Owner~~ shall make available for inspection Florida Department of Law

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Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request ~~by~~ of the County.

~~3.g.~~ The Developer/Owner operating the treatment center will not contract with DOC or any Jail or Prison for patients, and pursuant to the Brevard County Code. Moreover, the Developer shall prohibit the ~~Dormitory~~ use of any building from being ~~regulated by~~, operated by or associated with any jail, prison or correctional facility or system, ~~including~~ including but not limited to contractual agreements.

4. The Developer/Owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.

5. The Developer/Owner shall maintain the board on board, stockade, six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.

6h. If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

i. The Developer/Owner represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.

j. With the exception of the compliance required by subparagraphs d and h above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in section 62-1826 throughout its utilization of the Property.

4. The Developer shall establish ~~semiannual~~ semi-annual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, ~~US~~ Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer/Owner and the neighbors to discuss items of mutual concern.

7. The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be

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~~construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints.~~

~~8. Environmental Health Services shall perform yearly inspections for the purpose of determining if the property conforms to regulations pertaining to the following: function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for the harborage of pests. The Developer/Owner shall pay an inspection fee established by Environmental Health Services.~~

~~9. Developer/Owner shall~~ 5. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This

~~Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.~~

~~the property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.~~

~~10.6. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.~~

~~11.7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject propertyProperty unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interestinterest directly or indirectlyindirectly to the subject propertyProperty, and be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1, 2005. In the event the subject propertyProperty is annexed into a municipality and rezoned, this Agreement shall be null and void.~~

~~12.8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.~~

~~Florida, as it may be amended. —IN WITNESS THEREOF,~~

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the parties hereto have caused these presents to potential for incompatibility and must be satisfied before Developer may implement the signed all as approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement constitutes a violation of the date and year first written Zoning Classification and is subject to enforcement action as

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described in Paragraph 8 above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

s/_____
Mary Bolin, Chairman

Scott Ellis, Clerk
(SEAL)
12/15/09 _____)

Kristine Isnardi, Chair
(As approved by the Board on

WITNESSES 1:

DEVELOPERS

For Journeypure Orlando, LLC

(Witness Name typed or printed) (Address) Lila Buescher, Pres. For Happy Landings Homes, Inc.

WITNESS 2:

(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____ and _____ who are personally known to me or who
produced a Florida Driver's License as identification.

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Notary Public (Name typed, printed or stamped)

My commission expires

SEAL

Commission No.:

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Prepared by: Scott L. Knox, Esq.
Address: 1990 W. New Haven Ave
Melbourne, FL 32904

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is entered into this day of ____, 201__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") Happy Landings Homes, Inc. ("Owner) and Journeypure, Orlando LLC a Florida Limited Liability Company, as contract vendee for the purchase of the property (hereinafter referred to as "Developer").

RECITALS

WHEREAS, Developer has a contract interest in the property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The Recitals set forth above are incorporated by reference herein.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer shall comply with the following conditions on the use and improvement of the Property:
 - a. the Property currently has INH zoning classification(s) and the Developer will develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code;
 - b. Developer shall install a 6 ft Privacy Fence along Old Dixie Highway on the west portion of the Property.
 - c. Developer shall limit ingress and egress to the existing access on Old Dixie Highway, provided the Developer may move the entrance to the northernmost part of the property if a new building is constructed at that location.

d. Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 sq.ft. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq.ft. on the 5.33 acre site, such square footage to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential development in the surrounding neighborhood.

e. Developer shall limit occupancy of buildings onsite to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

f. The Developer shall prohibit any resident who has been convicted of a forcible felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer shall prohibit any staff member who has been convicted of a felony or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. section 776.08 from being employed on the property. For purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter upon request of the County.

g. The Developer operating the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code. Moreover, the Developer shall prohibit the use of any building from being operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

h. If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

i. The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.

j. With the exception of the compliance required by subparagraphs d and h above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in section 62-1826 throughout its utilization of the Property.

4. The Developer shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter lane on the north, the railroad tracks on the west, Us Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer and the neighbors to discuss items of mutual concern.

5. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6. Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1. 7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Kristine Isnardi, Chair
(As approved by the Board on _____)

WITNESSES 1:

DEVELOPERS

For Journeypure Orlando, LLC

(Witness Name typed or printed) (Address)

Lila Buescher, Pres. For Happy Landings Homes, Inc.

WITNESS 2:

(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,
by _____ and _____ who are personally known to me or who
produced a Florida Driver's License as identification.

Notary Public (Name typed, printed or stamped)

My commission expires

SEAL _____
Commission No.:

Prepared by: Scott L. Knox, Esq.
Address: 1990 W. New Haven Ave
Melbourne, FL 32904

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is entered into this day of ____, 201__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") Happy Landings Homes, Inc. ("Owner") and Journeypure, Orlando LLC a Florida Limited Liability Company, as contract vendee for the purchase of the property (hereinafter referred to as "Developer").

RECITALS

WHEREAS, Developer has a contract interest in the property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the treatment center will not contract with DOC or any Jail or Prison for patients, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The Recitals set forth above are incorporated by reference herein.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer shall comply with the following conditions on the use and improvement of the Property:
 - a. the Property currently has INH zoning classification(s) and the Developer will develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code;
 - b. Developer shall install a 6 ft Privacy Fence along Old Dixie Highway on the west portion of the Property.
 - c. Developer shall limit ingress and egress to the existing access on Old Dixie Highway, ~~unless access were to become available from U.S. 1.~~ provided the Developer may move the entrance to the northernmost part of the property if a new building is constructed at that location.

d. Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 sq.ft. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq.ft. on the 5.33 acre site, such square footage to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential development in the surrounding neighborhood.

e. Developer shall limit occupancy of buildings onsite to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

f. The Developer shall prohibit any resident who has been convicted of a forcible felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer shall prohibit any staff member who has been convicted of a felony or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. section 776.08 from being employed on the property. For purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter upon request of the County.

g. The Developer operating the treatment center will not contract with DOC or any Jail or Prison for patients, and pursuant to the Brevard County Code. Moreover, the Developer shall prohibit the use of any building from being operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

h. If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

i. The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.

j. With the exception of the compliance required by subparagraphs d and h above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in section 62-1826 throughout its utilization of the Property.

4. The Developer shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter lane on the north, the railroad tracks on the west, Us Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer and the neighbors to discuss items of mutual concern.

5. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6. Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1. 7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Kristine Isnardi, Chair
(As approved by the Board on _____)

WITNESSES 1:

DEVELOPERS

For Journeypure Orlando, LLC

(Witness Name typed or printed) (Address)

Lila Buescher, Pres. For Happy Landings Homes, Inc.

WITNESS 2:

(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,
by _____ and _____ who are personally known to me or who
produced a Florida Driver's License as identification.

Notary Public (Name typed, printed or stamped)

My commission expires

SEAL _____
Commission No.:

Prepared by: _____
Address: _____

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 200__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Journeypure Orlando LLC, a _____ Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the INH zoning classification(s) and desires to develop the Property as Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D30. The treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. Developer/Owner shall provide a 6 ft Privacy Fence along Old Dixie Highway foot buffer on the west portion of the Property.

3. The Developer/Owner shall limit dormitories to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

4. The Developer/Owner shall limit ingress and egress to Old Dixie Highway.

5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation

9) Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

DEVELOPER/OWNER

George K Winn Jr
George K Winn Jr
(Witness Name typed or printed)

[Signature]

(Address)

George K Winn Jr
GEORGE K WINN JR
(Witness Name typed or printed)

[Signature]
(President)
Kevin D. Lee
(Name typed, printed or stamped)

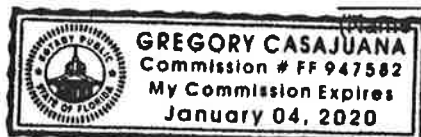
STATE OF Florida §

COUNTY OF Bay §

The foregoing instrument was acknowledged before me this 29 day of June, 2018, by Kevin Lee, President of Journey Pure Inc., who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

[Signature]
Notary Public
Gregory Casajuana
(Name typed, printed or stamped)



IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

(Please note: You must have two witnesses and a notary for each signature required. The notary may serve as one witness.)

WITNESSES:

DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

George K Winn Jr

GEORGE K WINN JR
(Witness Name typed or printed)

Kevin D. Lee

(President)
Kevin D. Lee
(Name typed, printed or stamped)

STATE OF Florida §

COUNTY OF Bay §

The foregoing instrument was acknowledged before me this 29 day of June, 2018, by Kevin Lee, President of JourneyPure Inc., who is personally known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Gregory Casajuana

Notary Public
(Name typed, printed or stamped)



FYI Presentation 18PZ00088 Happy Landings Homes (Submitted by applicant 09/17/18)



**Provides Addiction
Treatment Services**



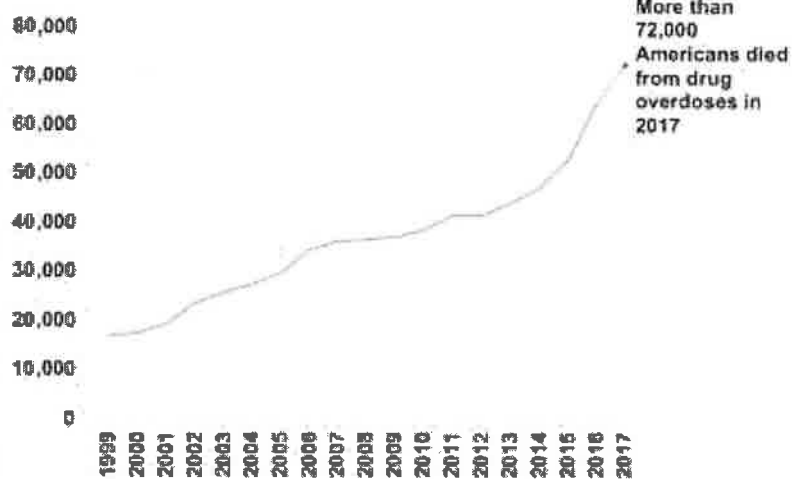


The Needs

Brevard County needs a
facility where
professionals can
provide effective
treatment for substance
abuse, simply because
we are faced with a
CRISIS

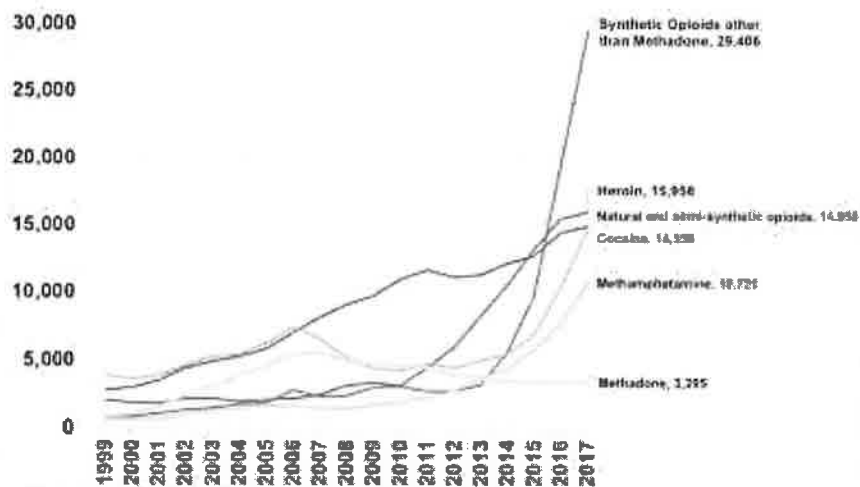
The Problem is Immense

Total U.S. Drug Deaths



The Problem is Immense

Drugs Involved in U.S. Overdose Deaths, 1999 to 2017



The Problem is Local

The top 5 counties in Florida with the most drug or alcohol overdoses from 2014 – 2016

1. Palm Beach (1142)
2. Brevard (1032)
3. Duval (717)
4. Miami-Dade (643)
5. Pinellas (638)

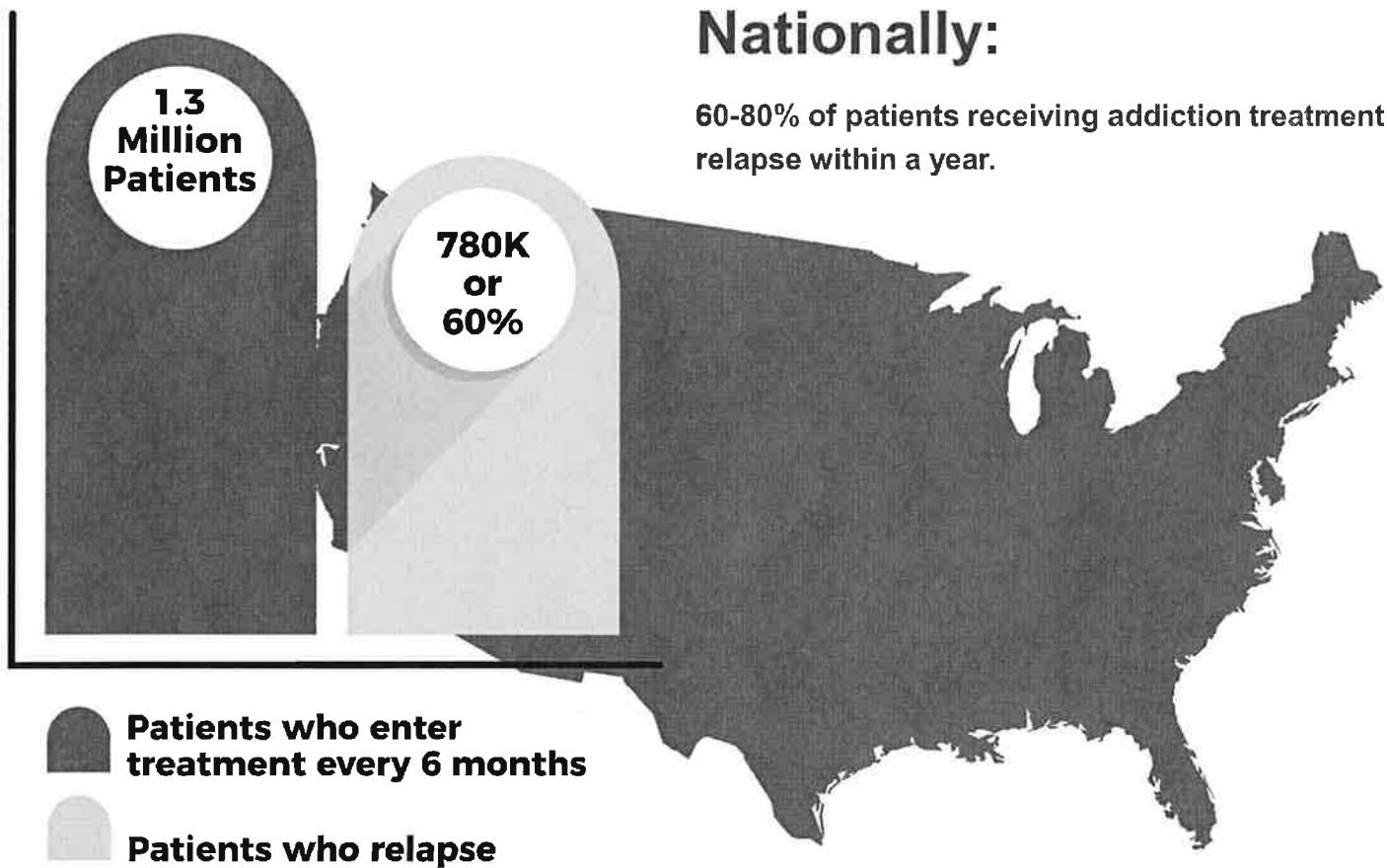
People who lived in Brevard County were 44 % more likely to die due to drug overdose than an average American

We Provide Solutions



Nationally:

60-80% of patients receiving addiction treatment relapse within a year.

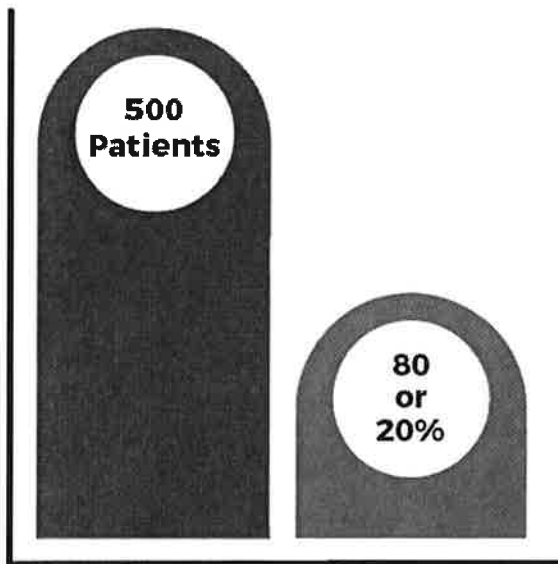


We Provide Solutions



Based on our patients' self reporting:

70% of our patients are healthy with no indication of substance abuse 6 months after treatment at JourneyPure facilities.



 JourneyPure patients who participate in coaching

 Patients who relapse



How We Provide Solutions

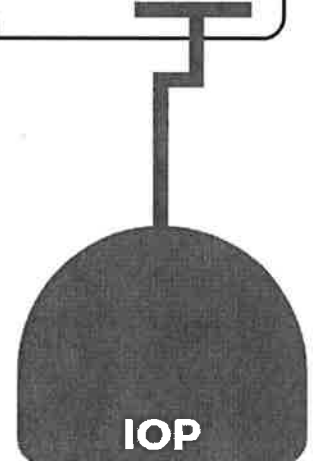


Assessment and Evaluation

We treat causes and not symptoms. We believe getting a diagnosis is key to positive outcomes. So we assess psychiatric health, physical health and other contributing factors.

Individualized Treatment

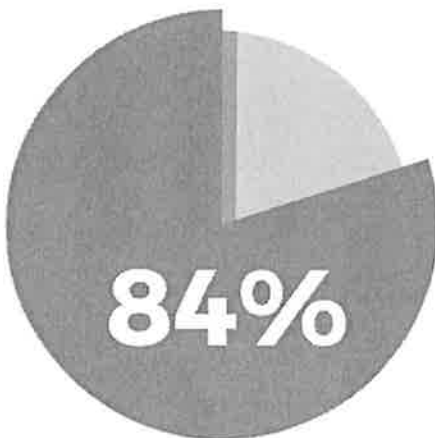
We tailor services for each patient, providing the level of care they need.



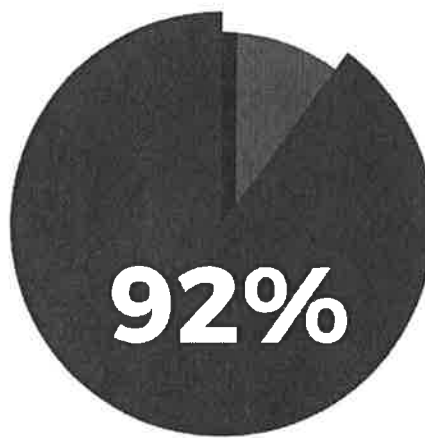
Our Outcomes



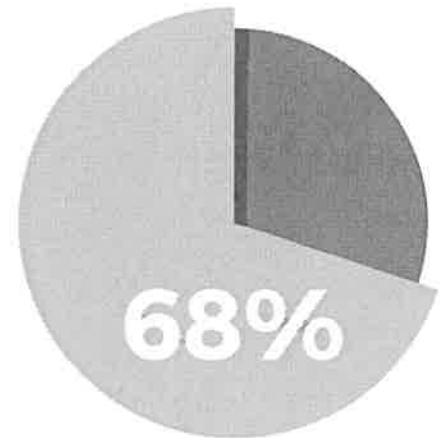
We can demonstrate the outcomes we achieve. Below are measures of recent results for over 500 JourneyPure patients who, on average, finished clinical programming six months earlier.



84% of patients report having not used substances since treatment.



92% of patients report seeking no treatment for physical or mental health issues from a hospital or emergency room in the last 30 days.



68% of patients report being paid for work over the last 30 days.

How We Provide Solutions

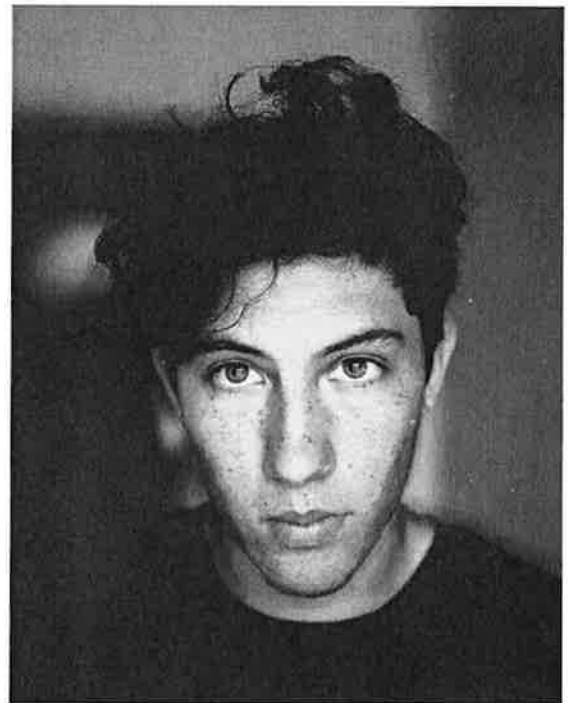


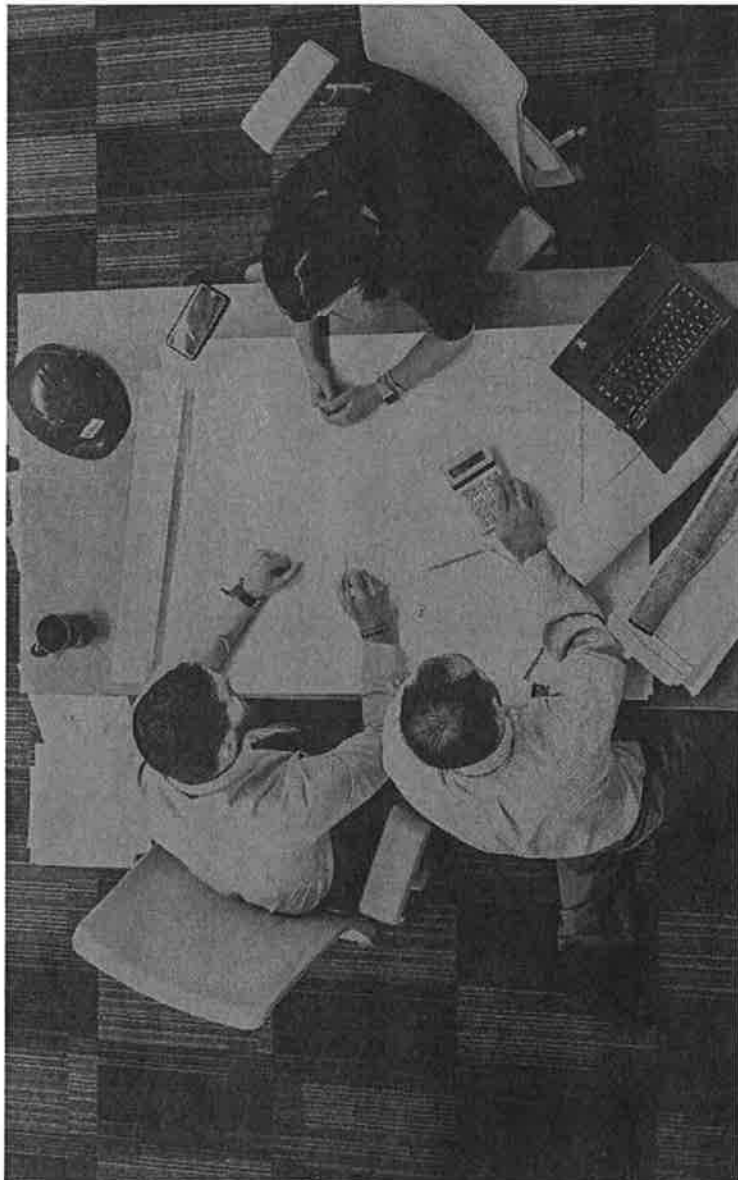
WE ARE NOT:

- A Recovery House
- A Sober Living Community
- A Community Mental Health Center that admits Baker Acted patients or patients for Court Mandated Treatment

WE ARE:

A group of professionals providing Medical Detox, Residential, and Intensive Outpatient services for patients who are self-motivated to become and stay healthy.






Contact Us

For questions, please contact:

Dr. Mike Ronsisvalle

 (321) 259-1662

 mronsisvalle@journeypure.com



JourneyPure 

FYI Revised BDP Condition
18PZ00088
Happy Landings Homes
(Submitted by applicant 11/05/18)

RETURN: Clerk to the Board #27

Prepared by: Lila Buescher
Address: 5925 Old Dixie Highway
Melbourne, FL 32940

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 15 day of Dec, 2009 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Happy Landings Homes, Inc. a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described as Section 19, Township 26, Range 37, Subdivision #DS, Lot 14.01; and

WHEREAS, Developer/Owner has requested the INH zoning classification and desires to maintain the property as a Dormitory for women with children pursuant to the Brevard County Code, Sec. 62-1573; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the Improvements. It is the Intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any Improvements.

2. The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a ^{forcible} felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of Insanity of a forcible felony, as defined by F.S. § 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of Insanity of a forcible felony, as defined by F.S. § 776.08 from being employed on the property. For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication

RETURN: Clerk to the Board #27

was withheld or whether imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request by the County.

3. The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

4. The Developer/Owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.

5. The Developer/Owner shall maintain the board on board, stockade-six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.

6. The Developer/Owner shall establish semiannual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, US Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer/Owner and the neighbors to discuss items of mutual concern.

7. The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints.

8. Environmental Health Services shall perform yearly inspections for the purpose of determining if the property conforms to regulations pertaining to the following: function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for the harborage of pests. The Developer/Owner shall pay an inspection fee established by Environmental Health Services.

9. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the

111. A. 3

RETURN: Clerk to the Board #27

property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

10. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1, 2005. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

12. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year

first written above

ATTEST:

Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Mary Bolin, Chairman
As approved by the Board on 12/15/09

STATE OF FLORIDA §
COUNTY OF BREVARD §

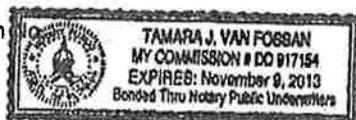
The foregoing instrument was acknowledged before me this 15 day of December, 2009, by Mary Bolin, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

Notary Public

SEAL

Commission



Tamara J. Van Fossan
(Name typed, printed or stamped)

RETURN: Clerk to the Board #27

WITNESSES

Brandi Lebowitz
Brandi Lebowitz
(Witness Name typed or printed)

Stacey Straub
Stacey Straub
(Witness Name typed or printed)

DEVELOPER/OWNER

Happy Landings Homes, Inc

5925 Old Dixie Highway, Melbourne, FL 32940
(Address)

Lila Buescher
Lila Buescher
(Name typed, printed, or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 6th day of Nov., 2009, by Lila Buescher, President of Happy Landings Homes, Melbourne, Florida, who is personally known to me or who has produced as Identification.

My commission expires 3/3/2013

Stacey T. Straub
Notary Public

SEAL

Commission No.:

Stacey T. Straub
(Name typed, printed or stamped)



Select Year:

The 2018 Florida Statutes

[Title XLVI](#)

CRIMES

[Chapter 776](#)

JUSTIFIABLE USE OF FORCE

[View Entire Chapter](#)

776.08 Forcible felony.—“Forcible felony” means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

History.—s. 13, ch. 74-383; s. 4, ch. 75-298; s. 289, ch. 79-400; s. 5, ch. 93-212; s. 10, ch. 95-195.

Prepared by: Scott L. Knox, Esq.
Address: 1990 W. New Haven Ave
Melbourne, FL 32904

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is entered into this day of ____, 201__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Journeypure, Orlando LLC a Florida Limited Liability Company (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the INH zoning classification(s) and desires to develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code; and

WHEREAS, the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The Recitals set forth above are incorporated by reference herein.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer/Owner shall comply with the following conditions on the use and improvement of the Property:
 - a. Developer/Owner shall install a 6 ft Privacy Fence along Old Dixie Highway foot buffer on the west portion of the Property.
 - b. Developer/Owner shall limit ingress and egress to the existing access on Old Dixie Highway, unless access were to become available from U.S. 1.

c. Developer/Owner shall utilize the existing building slab footprints, along with the existing slab square footage;

d. Developer/Owner shall limit dormitories to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

e. The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a forcible felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. section 776.08 from being employed on the property. For purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter upon request of the County.

f. The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

4. The Developer/Owner shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter lane on the north, the railroad tracks on the west, Us Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer/Owner and the neighbors to discuss items of mutual concern.

5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on . In

the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1. 7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

10. This Binding Development Plan shall not take effect until the recording date of the deed conveying the Property from Happy Landings Homes, Inc. the current owner of the Property, to Journeypure Orlando LLC.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Rita Pritchett, Chair
(As approved by the Board on _____)

WITNESSES 1:

DEVELOPER/OWNERS

Anthony Lopes

(Witness Name typed or printed) (Address)

Eugene Lomando

WITNESS 2:

(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,
by Anthony Lopes and Eugene Lomando who are personally known to me or who produced a Florida
Driver's License as identification.

Notary Public (Name typed, printed or stamped)

My commission expires

SEAL _____
Commission No.:

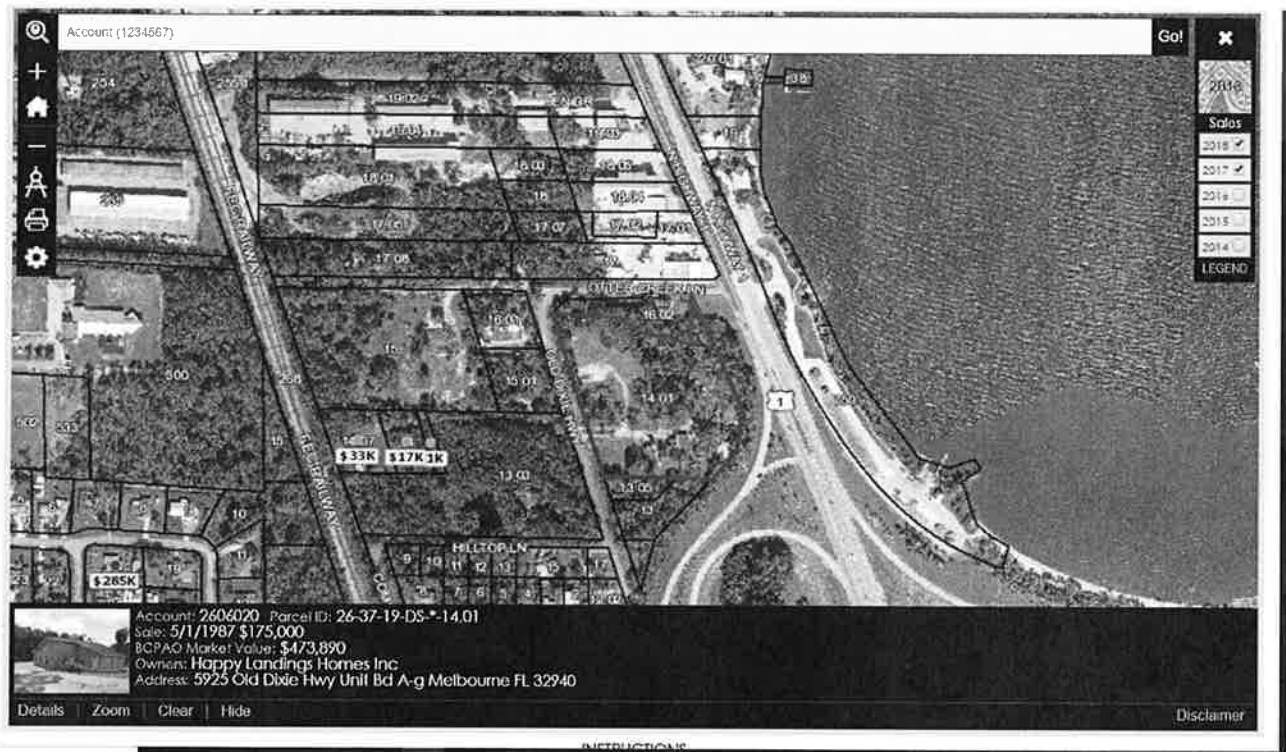


EXHIBIT A



November 14, 2018

Summary of Proposed Happy Landings Homes, Inc. / Journeypure Orlando, LLC BDP Changes

New changes to the Happy Landings Homes, Inc. Binding Development Plan relating to the proposed Detox, Treatment and Rehabilitation facility to be located at 5295 Old Dixie Highway, Melbourne, FL incorporates currently under contract for sale to Journeypure Orlando, LLC are based upon the recommendation of the Planning and Zoning Board made in a motion approved at the Board's November 5, 2018. That motion, as derived from the attached minutes, included the following:

Utilizing the existing footprint, along with the existing square footage,

Including paragraph 2 from the original BDP with the addition of the word "forcible" in order to exclude forcible felons as residents (which paragraph also prohibits former felons as employees)

Limiting access to present access to Old Dixie Highway unless access becomes available from U.S. 1

In addition, Journeypure has agreed to retain the prohibition of the facility's association with a jail, prison or correctional facility and the requirement for semi-annual meetings with the neighbors for discussions of mutual concern, both of which were in the original Happy Landings Homes, Inc. BDP.

Finally, a new paragraph 10 has been added stating that the provisions of the revised BDP will not take effect until the recording date of the deed conveying the Property from Happy Landings Homes, Inc. the current owner of the Property, to Journeypure Orlando LLC.

Sincerely,

WIDERMAN MALEK, PL

Scott L. Knox., Esquire
SKnox@USLegalTeam.com

MAIN OFFICE
1990 W. NEW HAVEN AVE.
SECOND FLOOR
MELBOURNE, FL 32904
321.255.2332

USLEGALTEAM.COM

 **Primerus**
Members of the International Society of Primerus Law Firms

OFFICES IN MELBOURNE, FL | ORLANDO, FL

Prepared by: Scott L. Knox, Esq.
Address: 1990 W. New Haven Ave
Melbourne, FL 32904

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is entered into this day of ____, 201__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") Happy Landings Homes, Inc. ("Owner) and Journeypure, Orlando LLC a Florida Limited Liability Company, as contract vendee for the purchase of the property (hereinafter referred to as "Developer").

RECITALS

WHEREAS, Developer has a contract interest in the property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Property currently has INH zoning classification(s) and the Developer desires to develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code; and

WHEREAS, the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The Recitals set forth above are incorporated by reference herein.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer shall comply with the following conditions on the use and improvement of the Property:
 - a. Developer shall install a 6 ft Privacy Fence along Old Dixie Highway foot buffer on the west portion of the Property.
 - b. Developer shall limit ingress and egress to the existing access on Old Dixie Highway, unless access were to become available from U.S. 1.

c. Developer shall utilize the existing building slab footprints, along with the existing slab square footage;

d. Developer shall limit dormitories to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

e. The Developer shall prohibit any Dormitory resident who has been convicted of a forcible felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer shall prohibit any staff member who has been convicted of a felony or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. section 776.08 from being employed on the property. For purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter upon request of the County.

f. The Developer shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

4. The Developer shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter lane on the north, the railroad tracks on the west, Us Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer and the neighbors to discuss items of mutual concern.

5. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6. Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1. 7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

10. This Binding Development Plan shall not take effect until the recording date of the deed conveying the Property from Happy Landings Homes, Inc. the current owner of the Property, to Journeypure Orlando LLC.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

_____, Chair
(As approved by the Board on _____)

WITNESSES 1:

DEVELOPERS

(Witness Name typed or printed) (Address)

For Journeypure Orlando, LLC

For Happy Landings Homes, Inc.

WITNESS 2:

(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this ____ day of _____, 20_____,
by _____ and _____ who are personally known to me or who
produced a Florida Driver's License as identification.

Notary Public (Name typed, printed or stamped)

My commission expires

SEAL _____
Commission No.:

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 5, 2018, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Robert LaMarr, Vice Chair; Ron Bartcher, Ben Glover; Brian Hodgers; Robert Solito; Mark Wadsworth; Bruce Moia; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Planning and Development Assistant Director; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, December 6, 2018, at 5:00 p.m.

Excerpt from complete agenda.

Happy Landings Homes, Inc. (Kevin Lee) requests an amendment to an existing BDP (Binding Development Plan), in an IN(H) (Institutional Use – High-Intensity) zoning classification. The property is 5.33 acres, located on the southwest corner of U.S. Highway 1 and Otter Creek Lane, on the east side of Old Dixie Highway. (5925 Old Dixie Highway) (18PZ00088) (District 4) This item was tabled from the October 8, 2018, Planning and Zoning meeting.

[Exhibits presented to the board during discussion of the request can be found in file 18PZ00088, located in the Planning and Development Department]

Scott Knox – What you have before you is two items. One is a Binding Development Plan. The Binding Development Plan is what we're here about today; we're here trying to get a modification to it, which requires us to come before this board and the Board of County Commissioners. What you have before you is the existing Binding Development Plan, and my client is satisfied that they can comply with the terms of this Binding Development Plan, with the exception of one word that they would like to add to it. If you look at the first page, in paragraph 2, you will see that word inserted before the word 'felony'; it now says 'forcible felony', and that's the change we would like to receive if possible. If you look at the definition I handed out of a forcible felony you'll note it includes treason, murder, manslaughter, sexual battery, basically violent crimes or anything committed with a weapon, and those are the types of people that my client will hopefully not have to be dealing with.

Henry Minneboo – So it's much more stringent?

Scott Knox – It's not more stringent in the sense that it's limited to forcible felonies, which are violent crimes and crimes committed with weapons. The reason for that is that some of the folks that will be.....this will be a treatment and recovery facility, that's what they're planning. As a treatment and recovery facility, sometimes you will come across patients who have a history of a felony sometime in their past, when they were teenagers, and that shouldn't stop them from getting help when it comes to the kinds of problems they're facing. I was going to go into details about this, but I'm going to let Mike come up and give you an overview of what it is exactly they will be doing in this neighborhood, so the folks that are out there won't have the angst that they seem to be having. They've had several meetings with them and I think for the most part they've resolved most of the issues. I know Ms. Knox is here tonight to say something, but I would like Mike to come up and give you an overview.

Henry Minneboo – What I was concerned with was what this board would have liked to have happened, that you met with the people.....there were numerous people before and you met with those people.

Scott Knox – Yes.

Mike Ronsisvalle – I'm just going remind you we spoke about a month ago, but I want to give you a quick re-cap of what we're hoping to do on the property. We'd like to do a detoxification and residential treatment program for addictions. There's not another program like this, or facility like this, in Brevard County. In many ways, we will be addressing a need that we sorely need to fill in the county. I want to make some indication of what this treatment center looks like, because I know there's questions of who can come and go. I just want to remind you that as patients come, they will stay 7-10 days for detoxification, and then about another 20 days for the residential treatment program. Once a patient comes on property they are not allowed to leave; that's our protocol; people are not going to be walking around the neighborhood, for obvious reasons that we can't have people coming on and off the property by virtue of the issues that they're dealing with, because that wouldn't be healthy for them or our treatment. Once they come, they stay, and we give them treatment and hopefully release them into the community. We're already doing partial hospitalization and intensive outpatient program for addictions here in Melbourne; we have follow-up treatment here in place for people that will really help them get better over time. We did meet, on your recommendation, with the neighbors. I worked with the Planning and Zoning office to assemble the list and we sent that invitation; we met at our current office in Melbourne, and I think we had a good meeting. As a matter of fact, that's where the words 'forcible felony' grew from, it grew out of that meeting, and we're absolutely 100% willing to make that commitment to the neighborhood because we don't want to put anyone in the neighborhood at risk, or the people in our treatment program. It just makes sense for everyone that we would shield people from dealing with forcible felonies.

Henry Minneboo – Thank you. Is there anybody in the audience who would like to speak for or against this?

Erin Sterk – Mr. Chair, can I ask some questions before you proceed with the public comment? It may change what we're commenting about. Mr. Knox, you just handed out a Binding Development Plan with a word added to the current Binding Development Plan. Could you clarify? In the revised Binding Development Plan that condition is proposed to go away.

Scott Knox – We simply added a word.

Erin Sterk – But you struck the condition in the revision, so I don't know what we're adding the word to.

Scott Knox – I'm not sure I understand what you're saying.

Erin Sterk – Are you proposing that that be the only change to the binding development plan?

Scott Knox – Yes.

Erin Sterk – So, all of the stuff in the staff report about the conditions that are going away are no longer going away?

Scott Knox – Let me correct it, okay? We're supporting the staff report, and we want to add this word to this particular provision, that's it.

Erin Sterk – That provision is proposed to be struck, so are you proposing to retain that provision?

Scott Knox – We thought that was a provision that was one of the ones that folks were upset with, so if we strike it all together, I think they will be upset, because they were concerned about felons being there.

Erin Sterk – So you're proposing to retain the condition with that word in it.

Scott Knox – With the word 'forcible'.

Erin Sterk – Thank you for clarifying.

Henry Minneboo – Erin, do you have any other questions?

Erin Sterk – No.

Henry Minneboo – Is there anybody in the audience who would like to speak?

Shirley Leslie – My name is Shirley Leslie, 2665 Hilltop Lane, Melbourne. First, I question the development of a Binding Development Plan presented by Happy Landings Homes when clearly the plan is for Journeypure to assume the facility and expand to a drug and alcohol rehab facility, a totally different use that may require conforming land use. I also want to present to the board that Journeypure represented their Jensen Beach facility as a pristine facility, where photos depict it is an un-maintained status. Also, Happy Landings Homes, the person requesting this, is currently to go before the County because they are in violation of County Code Enforcement, twice. Section 62-1182 says, "The use of land or structures qualifying as a non-conforming use as defined in this subsection shall not be enlarged, expanded, increased, or expanded, to occupy a greater area of land. Mr. Scott [sic] argued in an earlier court case that a change of use is an increase regardless of whether a physically larger footprint results. Planning and Zoning also alluded in that case that a change in use would be an expansion prohibited by Section 62-1182. The County contended that the ordinance applies if the use is increased regardless of whether a physically larger footprint results. Happy Landings Homes, perhaps Journeypure, is asking to expand their use to drug and alcohol treatment without changing their non-conforming status. I'm asking that the County dismiss the request for a Binding Development Plan, that they act according to all statutes and laws, and not adversely affect the neighborhood or general welfare of the area. I request the County not allow convicted felons into our neighborhood. I also request the County require Happy Landings Homes, or Journeypure, to obtain a conforming use status because of their expansion of use. And I also encourage the County to eliminate all non-conforming structures and uses for the rights of those affected. Thank you.

Henry Minneboo – Thank you.

Tim Montgomery – My name is Tim Montgomery, I live at 2695 Pine Cone Drive, in the neighborhood. I've been there almost 50 years; I was there in '76 when there was just a couple of children; and it's escalated to a riskier development ever since. At every phase of every development we were promised there would be no problems, and at every phase there has been problems. This last time, when they had whatever was there, we had almost physical confrontations with people that were roaming the streets. One of the things that was said today was that when these people come here they can't leave, and that's apparently not true, or they told us all mis-information, because we were told at that meeting that those individuals that are at the facility, they cannot hold them there; they can walk out of that facility if they decide to quit. We're going to be faced, if this is true, we're going to be faced with people walking through our streets that are probably at their most vulnerable and ugliest, and meanest point when they've either failed a situation, or they've walked out of it. And this is the zoning I don't want to have to face, I have grandchildren.

Henry Minneboo – I think I saw some other hands before, is there somebody else back there?

Linda Blumauer – Linda Blumauer, Old Dixie Highway. I'm curious, has a traffic study been done on the impact? I heard you speaking about it on Wickham, which is a big road with lots of traffic, the same as U.S. 1. Our little area right there can't take more traffic. I'd like to know if a study has been done, what's going to impact Otter Creek and Old Dixie Highway with a big facility like this coming in. Also, any other studies, I think Jinger spoke with FDOT and I'm not sure how that all went, but it seems to me that this is just not the place for

a facility like this. It's going to affect the neighborhood, the grandchildren running around, all of those things. I'm all about helping people, giving them other chances, but like you said, these people are at the lowest point of their lives and if they don't stay, they get kicked out; you can read articles about where it's happening in South Florida, and they're homeless now and it's a problem. I don't want that in our area; I don't want it in anybody's area; it should be in a commercial facility. I'm sorry, I try not to get emotional, but it's really hard to not be emotional when your life is being affected by this. I think that's pretty much what I have to say, and I hope you guys do the right thing.

Jinger Knox – 2720 Pine Cone Drive. What I would actually like to clarify before I start my thing that I have written, just like Shirley, because we get emotional and we like to read. I would like to know from staff if there has been a traffic study ordered, and if not, why, because this is a non-conforming property. It's non-conforming because it doesn't come off of U.S. 1, and it's the only Institutional High Density that doesn't come off of a major road, and that makes it non-conforming, so don't we want to know how it's going to affect traffic? It's a 20-foot road right there, so how is it going to affect the traffic there, and why haven't we studied that before coming to you?

Henry Minneboo – We'll try to get staff to answer that at the end.

Jinger Knox – You're going to send me away and I'm not going to be able to do any rebuttal questions?

Henry Minneboo – Just go ahead and say whatever you feel, don't hold back.

Jinger Knox – I don't know what questions to ask if I don't know the answer to my questions.

Henry Minneboo – Erin, can we answer that now?

Erin Sterk – The proposals of the conditions of the changes in the Binding Development Plan, we do not perceive as an expansion of use, or impact. The criteria that's proposed to be changed is inspections, semi-annual meetings, and things like that, but we do not perceive it as an increase to the impact on the site, so the concurrency evaluation that's been included in the staff report, which is our methodology of assessing it at this level, does not demonstrate any change in traffic impact from the proposed changes in the Binding Development Plan.

Jinger Knox – What I think I heard you say is that you're not considering this as a greater use than it was before, that's what staff is doing all their research based on.

Erin Sterk – The provisions proposed to be removed from the Binding Development Plan and the modifications to the provisions.....

Jinger Knox – Isn't it true in their new Binding Development Plan they're asking to specifically say they're coming off of Old Dixie Highway and that is not on their old Binding Development Plan?

Erin Sterk – Condition 5, I have in the staff report that it's changed from a board-on-board stockade 6-foot high fence.

Jinger Knox – I didn't ask you for what.....

Erin Sterk -adjacent to Old Dixie Highway, to a 6-foot privacy fence along Old Dixie Highway.

Jinger Knox – No, ma'am, it's in the beginning, and I unfortunately don't have their revised Binding Development Plan that they apparently gave to you today. I'm not sure how that's legal, and I don't have it in

front of me, but it specifically says in there that they want it to be in their Binding Development Plan that they come off of Otter Creek.

Erin Sterk – I'll look into that and I'll respond before the end of the meeting.

Jinger Knox – Thank you. Will it be in time for me to rebuttal?

Erin Sterk – There's one public comment period, but I'll be sure to give that information to the board.

Jinger Knox – Thank you. I'm not here to talk about the social aspects, I'm sure they need places for drug abusers and rehabs, and that's all great, but I don't think this is the place to determine what social situations we need to address in this county. I think this is a Planning and Zoning Board, I think that you guys need to look at the ropes, I think you need to see if there's proper....like the fire trucks and ambulances that come to the hospital, which this is going to be a hospital. It's going to be staffed by nurses, they're going to be giving medication, there's going to be ambulances in and out of the facility, and you will be putting those ambulances and peoples' lives at risk because you're going to have a 20-foot road, one of the narrowest in the county, and now you're going to be adding a hospital to that road. There's a reason IN(H) zoning is made for a main road and there's a reason this is the only non-conforming IN(H) property in the county; there's only four IN(H) properties in the county as far as staff has told me, and this is the only one that is off of an auxiliary road. That means this is a non-conforming property, only because we sat in front of a board like this, this neighborhood all said, "Yes, you're right, we need a place for homeless children and homeless women, and there's not going to be a lot of traffic. Let's go ahead and allow them to get a higher zoning than what they should have on that side road." And now look where we are, we are going to put a hospital in our neighborhood without the proper facilities to get people in and out safely, because we thought with our hearts. You are not allowed to think with your heart, you are here because you are on the Planning and Zoning Board, you are here to talk about roads, you are here to talk about property values, you are here to talk about safety on those roads, you don't have the facilities to get people to and from that property safely, so if you approve it and somebody gets in a wreck, guess whose fault it is? Next, it will be the Commissioners' faults, and I understand that; we'll get the news involved in all that, but right now it's your responsibility, it's your responsibility to know there's a 20-foot road there with two blind corners that you're going to put a hospital on, not U.S. 1. This place should never ever have been zoned IN(H), ever. And it was only zoned like that because we wanted help with women and children without vehicles, not 45 patients with all their families coming every Saturday and Sunday, which is going to be 90 cars, and ambulances, and fire trucks with people who are having a bad reaction to their medication they're just starting, because that's what they're going to be doing, they're going to be starting a new medication at this facility. This is a hospital coming off of Otter Creek. If you guys have never driven there, you need to before you approve this.

Henry Minneboo – Thank you. Is there anyone else who would like to speak for or against this? Mr. Knox, can you give us a little bit of a summary of some of her concerns?

Scott Knox – This is a treatment and recovery facility, it's not a hospital. There are no ambulances coming to this facility. The people who are there stay there, and they are there because their insurance companies send them there, and the folks want to be there, and if they don't want to be there, there are arrangements that the facility makes to transport them offsite and take them away to wherever they want to go, they can't just walk out of the place. As far as the traffic concerns, the only traffic they will have are the employees that work there, and it's not that many of them, and they show up at different shifts. This is not a major facility where you are going to have people visiting; these people are there to be treated, they are there to recover, and it doesn't require a lot of visiting. We would concur with staff's evaluation that there really is no expansion and no additional impact on the site. Don't forget, this property started out long ago as Resurrection Ranch, which was much more intense than what we're proposing here, and there was a big battle, and there's restrictions

that exist on the property. I think that happened back in the mid-2000's. It has developed for the better over a period of time, I think it's going to be a fine facility.

Henry Minneboo – I've got two small questions. The people that come here pay for this, you guys don't have a bundle of money and you do the treatment, they pay for the service?

Scott Knox – That's correct. This is not a place where there are referrals from the court when they free people.

Henry Minneboo – I'm sure they must have some history. How is their success rate in relationship to other locations?

Mike Ronsisvalle – About 1.3 million people seek treatment in the United States every year for addictions. Six months after treatment, 80% of those people have relapsed. It's really kind of a sad situation. Journeypure, the organization that we're a part of, has very incredible treatment protocol because we start people in a facility like this, and when they start they are assigned a coach who interacts with them their entire treatment. Once they leave the facility and are involved in our outpatient facility, their same coach follows them for a year. We have applications, proprietary applications, on the phone that people communicate that get triggers from their coach, they're really encouraged to stay clean and sober. For people that start with us and follow through with the treatment – that's the big piece, when they follow through with the treatment and the coaching – six months after they're done with that year, 68% are clean and sober. I think I have my data wrong; 72% - 73% are clean and sober, and 68% are employed, and 93% have not sought treatment for addictions at a general practitioners office, which are incredible results.

Henry Minneboo – Anybody have questions?

Dane Theodore – I'm going to direct this to staff. I'm a little confused on what we're voting for on the Binding Development Plan, given the change in Condition 2, 'forcible felony'. My recollection from our last meeting is that the new Binding Development Plan is very changed; it has numerous strike-outs and additions to it. We all agree that we're going with the new Binding Development Plan, and I just heard that the applicant is advocating that we vote on his new Binding Development Plan with the insertion of old Condition 2 with the addition of 'forcible felony'. Is that what you understand?

Erin Sterk – What I believe based on what was presented today, is the new Binding Development Plan previously in your packet is proposed as-is, which did proposed to remove, from that version you have today, Condition 2 of the previous Binding Development Plan. Mr. Knox is asking for – correct me if I'm wrong – Condition 2 to be re-incorporated with the change that it be 'forcible felony'. The restriction, or elimination, of the prohibition on persons with a felony from – is it working there or residing there – would be retained but only limited to those with a forcible felony. I believe the proposed Binding Development Plan with all the changes as reported in the staff report is as-is, and they're re-incorporating Condition 2 from the previous Binding Development Plan, which is what you had handed out to you today, with one word added to condition 2.

Dane Theodore – And you're comfortable with that based on the discussion of my question that what we're voting on, should we approve it, puts this entire point, or paragraph, back in with the addition of 'forcible'?

Erin Sterk – If Mr. Knox can confirm that that was correct, we would ask him to revise that report before it goes before the Board of County Commissioners, to be much cleaner than it is.

Scott Knox – Yes.

Dane Theodore – My second question relates to intensification of use. I don't recall, this has 47 residents until such time as it increases to 68, which includes residents and staff. Is the new Binding Development Plan consistent with that, or have we increased the number of occupants and staff to a higher number?

Erin Sterk – I believe it's the same exact number of residents.

Dane Theodore – And my final question, we had a question from the public at the last meeting regarding the number of square feet. What I thought I heard was that there are an existing number of square feet on the site, some of which is occupied, some of which is not, that in its final configuration the new development, the new treatment center, will have no more than the existing number of square feet.

Erin Sterk – What is the question?

Dane Theodore - Is that true?

Erin Sterk – The current zoning classification, if it's non-conforming it cannot be expanded, so I don't believe they are proposing to expand it, so if that's something you want to incorporate into the Binding Development Plan that that be a limitation recorded in the Binding Development Plan, that's a possibility.

Dane Theodore – I was confused. I thought I saw a number of square feet somewhere, and there was a question from the audience about expanding that beyond the existing footprint, whether that existing footprint is either currently on (inaudible) or not, my question is, ultimately, will there be more square feet of occupied space property than there are currently existing on the property?

Erin Sterk – If they have a non-conforming use now then they cannot expand.

Henry Minneboo – Mr. Knox, maybe you can enlighten us.

Scott Knox – My client is going to stick with the existing footprint; nothing additional on the square footage.

Henry Minneboo – The existing footprint, you're going to stay with?

Scott Knox – Right.

Henry Minneboo – Okay, I thought maybe if you had 8,000 feet you would shift it, but it's all going to stay where it's at.

Erin Sterk – Mr. Chair, I'd like to go back and talk about the access, to address Ms. Knox's point about Old Dixie Highway. The only reference I find in the revised Binding Development Plan to Old Dixie Highway is Condition 2, which is change from the previous condition, but it's regarding a fence and it says, "The Developer/Owner shall provide a 6-foot privacy fence along Old Dixie, along the west portion of the property." It doesn't say that's the only place they'll ever get access from, so it does not prohibit them if FDOT were to allow for it, from getting access to U.S. 1. Not that I think it's likely that FDOT will revise access (inaudible).

Ron Bartcher – Mr. Chair, in the Binding Development Plan that's in my package.....

Erin Sterk – Thank you. As soon as I say it, I see Condition 4. I'm sorry, I was reading it backwards and forwards. I'm looking at the old one to see if that carries on, so if you want to move on to something else I'll go back to that.

Ben Glover – I have a question for Mr. Knox. How do the patients get to the property? Are they voluntarily admitted, or how does it work? Just so we know what kind of traffic we're looking at.

Mike Ronsisvalle – That's a good question. These are, as I said earlier, not court-ordered patients; these are people that self-refer, so someone would drive them to their appointment, intake, and drop them off.

Ben Glover – Is there ambulances or fire trucks?

Mike Ronsisvalle – No. There's different levels of care; as in, an ambulance would take someone with acute issues to a hospital, and then there are inpatient units for detox and things like that, this is a lower level of care, so we wouldn't have that level of traffic.

Ben Glover – What level of care is this? Is this top-of-the-line expensive, what kind of people are you getting? Are they doctors who may have a problem, or are these..... I mean, everyone has their problems. I guess it's not a valid question.

Mike Ronsisvalle – I can answer.

Ben Glover – No, that's okay.

Mark Wadsworth – I'm still a little confused. The Binding Development Plan, Mr. Knox, that you gave us.

Robert LaMarr – That's from 2009.

Mark Wadsworth – It's from 2009. In looking at our package, we're striking Conditions 2, 6, 7, and 8.

Erin Sterk – Prior to walking in this room, that's what I thought we were doing. I think we're proposing to re-incorporate Condition 2.

Mark Wadsworth – We're voting on this Binding Development Plan, with the addition of 'forcible'.

Jinger Knox (from audience) – Could you tell me what Condition 1 says? I don't have the thing he gave you.

Erin Sterk – Condition 1 is a boilerplate condition about whatever they're binding themselves to, the County's not obligated to bring to fruition.

Jinger Knox – It doesn't say anything about the ingress and egress?

Erin Sterk – I'll go back to that one; that one is different than this one. My impression is that the proposed Binding Development Plan that's in your packet, which did.....

Mark Wadsworth – This one....

Erin Sterk – No, that's the old one.

Mark Wadsworth – The one Mr. Knox handed us.

Scott Knox – I gave you the old one to show you what that provision was comparative to. That's what's we want to re-insert.....

Mark Wadsworth – Into the new Binding Development Plan.

Scott Knox – That's a lot of what the objection was.

Mark Wadsworth – So, that's going into the new Binding Development Plan.

Erin Sterk – Into the new Binding Development Plan.

Mark Wadsworth – With additional verbiage of 'forcible'.

Scott Knox – Right.

Henry Minneboo – There will be a clean copy that goes to the Commission, is that correct?

Erin Sterk – Yes, a lot of times, stuff like this happens, which is why we have a second meeting for the recording of the Binding Development Plan, but I would ask that this be cleaned up before the Commission hears it. To go back to the other provision, Mr. Bartcher, you are correct, there is a provision that says the developer/owner shall limit ingress and egress to Old Dixie Highway. Because the property was developed before the Zoning Code, which requires that access to an arterial, was in place, the property wasn't developed to meet that criteria, but I do not believe staff would be in support of memorializing a prohibition against meeting the current Zoning Code.

Henry Minneboo – Did everybody hear that?

Erin Sterk – That's Condition 4.

Henry Minneboo – What's the pleasure of the board?

Mark Wadsworth – I would proposed to approve this, but can we make an addition to the Binding Development Plan as far as sticking with the existing footprint of existing structures?

Henry Minneboo – Yes.

Erin Sterk – It's an applicant consideration. If that's something they would be willing to commit to, that's up to them.

Scott Knox – We will stand by what we have said before.

Henry Minneboo – That's not a problem for you all, okay. There's a motion on the floor, with the language that the square footage and the footprint will remain the same.

Erin Sterk – Could we also clarify in that motion the incorporation of Condition 2, as presented from the old Binding Development Plan.

Mark Wadsworth – Yes, the addition of the word 'forcible'.

Henry Minneboo – You'll have a newly dated plan?

Jinger Knox (from audience) And striking the Old Dixie ingress/egress?

Erin Sterk – That would be something that the applicant would have to determine whether or not they would be willing to change that. These are voluntary commitments.

Jinger Knox (from audience) – Didn't staff just say that you would want that done?

Erin Sterk – Staff does not support memorializing a condition that prevents someone from meeting current zoning criteria.

Robert Solito – I have a question clarifying the addition of the word 'forcible'. In Condition 2 of the Binding Development Plan, it discusses residents, and are you intending to include that word for employees as well? The second sentence down talks about employees, it is the identical sentence, minus that word.

Scott Knox – The felon requirement is more restrictive than the forcible felon requirement, so by limiting the forcible felons to the patients, we won't treat anybody that has been guilty of a forcible felony, and we will exclude from employment anybody that's been (inaudible) of any kind of felony. That's what the intent is.

Henry Minneboo – We have a motion on the floor.

Erin Sterk – Can I get clarity on what the intention with Condition 4 is, please, from the applicant?

Scott Knox – I think we would concur with staff's position on that, that it shouldn't be a condition changing the access; I think the access should stay the way it is.

Erin Sterk – Would you re-state your motion? Do you mind, or was that enough for you?

Mark Wadsworth – I'm making a motion to approve the Binding Development Plan, with the addition of Condition 2, for the forcible felony, and also to add to stick with the existing footprint of the existing structures.

Henry Minneboo – To include the square footage? Okay. Did you get that, Erin, how we did that?

Erin Sterk – Forgive me, but I think the applicant agreed to omit Condition 4 as well, from the Binding Development Plan.

Henry Minneboo – Correct.

Audience member – What is Condition 4?

Erin Sterk – Condition 4 is, "The Developer/Owner shall limit ingress and egress to Old Dixie Highway", which is something that was not previously in the Binding Development Plan.

Bruce Moia – I have one quick comment about doing that. That means he can put additional access on Old Dixie or.....

Henry Minneboo – He's not going to get any on Pineda.

Bruce Moia – True, but shouldn't we say it's limited to the existing ingress and egress from Old Dixie, or the arterial road if it became available. To take that out completely, or even to have it in there, they could add two or three more accesses onto Old Dixie.

Jinger Knox (from audience) – They have to get Board approval.

Bruce Moia – Whether it's necessary or not, I don't know if we should be a little bit more specific on that. That's just a thought.

Henry Minneboo – How are we going to control that, Bruce?

Bruce Moia – He wants the ingress and egress to remain as-is, so that means leave it where it is, but don't prohibit him from being able to go to U.S. 1 if that ever became an option in the future.

Jinger Knox (from audience) – You can take it out of the BDP, but you're not prohibiting him from doing anything.

Bruce Moia – Is that complicating the issue?

Jinger Knox (from audience) – Yes, just take it out.

Henry Minneboo – Mr. Knox, do you see what Bruce is saying?

Scott Knox – I see what he's saying. You're saying if that ever became available, direct access to U.S. 1, we would have an opportunity to take advantage of that. Is that what you're saying?

Bruce Moia – Yes, and then also to just limit that one access he currently has, as to modify it to a different location.

Scott Knox – That would be fine.

Jinger Knox (from audience) – So, you're going to change the BDP to say something that's illegal?

Henry Minneboo – We're going to add that to the motion as well.

Erin Sterk – If the language as-is, "The Developer/Owner shall limit ingress and egress to Old Dixie Highway, unless access were to be modified to U.S. 1", we wouldn't oppose that.

Henry Minneboo – I still have a motion on the floor with significant changes.

Dane Theodore – Mr. Chair, let me clarify once again their intent, because this is pretty complicated. I think the board has just requested, and the developer has agreed to, limiting the access off of Old Dixie, to the existing access only. Is that correct, Erin?

Erin Sterk – Yes.

Dane Theodore – Okay, I didn't hear you say that. I'm not worried about whether or not you're going to get access onto Pineda, because you won't.

Henry Minneboo – I'll assure you he won't.

Dane Theodore – But they are agreeing, and we are incorporating into the revised, revised, revised, development plan, that it's limited to Old Dixie Highway only in the current location.

Erin Sterk – A better way to say that would be, "The Developer/Owner shall limit ingress and egress to the existing access on Old Dixie Highway, unless access were to become available from U.S. 1."

Audience member – (inaudible) yet another access to the property?

Jinger Knox – Yes, off of Otter Creek, which now you guys are taking away from us in an illegal motion that we have not even been able to discuss. You really have no business changing a BDP about ingress/egress without any of the information.

Henry Minneboo – Do you have access on Otter?

Erin Sterk – From what I can tell, the property comes to a point at Otter Creek, and to the best of my knowledge you cannot put a driveway through a point.

Jinger Knox – You're not a traffic engineer, and FDOT owns the other part of that.

An unidentified board member asked for some order.

Audience member – Mr. Knox, do you realize that you have another access?

Scott Knox – The applicants are happy with the access they have right now.

Jinger Knox – I'm out of here. This is kangaroo court.

Henry Minneboo – We're going to utilize the existing footprint, along with the square footage, and we're going to make the Binding Development Plan with that one word in there, and we're going to...their access will be presently what's existing on that site. What's left, Mark?

Mark Wadsworth – Unless something else becomes available, as far as access.

Erin Sterk – At the TPO, they did just fund the widening of that roadway, so it's something that could be evaluated.

Henry Minneboo – We have a motion.

Bruce Moia – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Upon consensus of the board, the meeting adjourned at 4:07 p.m.

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 17, 2018, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair, Ron Bartcher, Andy Barber; Brian Hodgers; Ben Glover; Robert Solito; Ron McLellan; Mark Wadsworth; Bruce Moia; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Christine Valliere, Assistant County Attorney; Rebecca Ragain, Planning and Development Assistant Director; George Ritchie, Planner II; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, October 4, 2018, at 5:00 p.m.

Excerpt of complete agenda.

1. **Happy Landings Homes, Inc.** (Kevin Lee) requests an amendment to an existing BDP (Binding Development Plan), in an IN(H) (Institutional Use, High-Intensity) zoning classification. The property is 5.33 acres, located on the southwest corner of U.S. Highway 1 and Otter Creek Lane, on the east side of Old Dixie Highway. (5925 Old Dixie Highway) (18PZ00088) (District 4)

Dr. Mike Ronsisvalle, 160 Hacienda Dr., Merritt Island, stated he was born and raised in Brevard County and a Merritt Island High School graduate. He has worked in Melbourne, treating addictions and mental health for over a decade as a psychologist. He stated Brevard County needs a facility where professionals can provide effective treatment for substance abuse because Brevard is faced with an incredible crisis. He said they have all heard about the opiate crisis in the country; in 2017, there were 72,000 drug overdoses nationally; in 2014 it was around 45,000, so it almost doubled in three years; and opiate deaths have almost quadrupled from 2015 to 2017 nationally. In Brevard County it is shocking how residents have a hard time dealing with drugs and alcohol. He said of the top five counties in Florida for overdoses from 2015 to 2016, Palm Beach is #1, and Brevard is #2 with 1,032 drug overdoses. A lot of time, Florida is #1 in the nation, so that would put Brevard #2 in the nation for the amount of drug overdoses it has. People in Brevard County are 44% more likely to die due to a drug overdose than an average American. He stated 1.3 million patients pursue treatment every year in the country. A year after they pursue treatment, 780,000 patients relapse. Journeypure is an organization based out of Tennessee that they have partnered with in order to produce the facility in question on Dixie Highway. Based on self-reports from patients of Journeypure, 70% of patients are healthy with no indication of substance abuse six months after treatment. Journeypure starts with evaluation and treatment; the goal is to treat the causes, not the symptoms; they like to help people with coping skills to help them go forward and lead healthy lives. Once they understand and evaluate what's going on with patients they develop a treatment plan specifically to where they're at and what's going on in their lives. There are four different levels of treatment to put people in a healthy environment. The highest level is detox, then residential treatment, then partial hospitalization, and then outpatient. It's important to note that currently they have had PHP (partial hospitalization) and IOP (intensive outpatient) for almost three or four years in Brevard County, so they have a long history serving Brevard. Six months after treatment at Journeypure, 84% of patients reported not having any substance use at all; 92% of patients seek no treatment for physical or

mental health issues; and 68% are working within six months. He said Journeypure is not a recovery house; there's a lot of concern over whether it is a recovery house; there was a recovery house on the property years ago and it was not regulated, with people coming and going as they wanted, and that is not what Journeypure is doing, but it is also not a sober living community. He stated they will serve people who have money to pay privately or have commercial insurance. Once people are at the facility, they do not leave; they do not walk around the neighborhood. Journeypure is a group of licensed professionals, such as counselors, social workers, therapists, psychologists, medical doctors, and nurses, all working together to help people with medical detox, residential, and intensive outpatient services. These people are self-motivated and want to be there and get help.

Kevin Lee, Brentwood, Tennessee, stated Journeypure has a family of facilities in the southeast, including Melbourne and Orlando. They are about helping people be healthy who want to be there and live in a comfortable environment and live a healthy lifestyle.

Dane Theodore stated he has no doubt that Brevard needs these services, but asked why they chose Brevard. He said previously the facility was Resurrection Ranch, and subsequently the Space Coast Center for Women and Children, and then Gabriel's Place, which was run by the same person. He doesn't have any doubt that Journeypure is a fine organization, and Brevard is in need of those services, but his question is why Brevard, and why are they asking for the elimination of some pretty significant conditions of the binding development plan.

Mr. Lee stated the property is a nice, residential facility, it's kind of difficult to access, and it's a safe area. He said he can't think of a better place, or why it would be better or worse than any others. He pointed out that Journeypure's other locations are in areas that border, or are in, residential pockets, with the exception of the outpatient clinics, which oftentimes are in medical office buildings. He said the proposed facility is a residential-type facility and a good environment.

Mr. Theodore asked why they were requesting to eliminate some fairly significant binding development plan restrictions. Mr. Lee replied there is one with regard to felons that is probably concerning to a lot of people. He said in Florida, if you steal \$600 you're a felon, so Journeypure has about 450 employees and a lot of them have felony records for something they did in the past, but they're healthy now.

Mr. Theodore stated Condition 2 of the binding development plan requires the developer to make available inspections to the FDLE (Florida Department of Law Enforcement). Mr. Lee stated he doesn't have a problem with it, and he thinks it would add value.

Kenny Lee stated the original intent of the FDLE involvement was so they could do the background checks and make sure Happy Landings wasn't employing or housing felons, so there wouldn't be a need for Journeypure to use FDLE; all of their employees go through a background check, but they do have an exception depending on the degree of the felony.

Mr. Theodore stated they are asking that the requirement that Code Enforcement and Planning and Zoning should perform semi-annual inspections be eliminated. Mr. Lee stated yes, they are asking for that to be eliminated. Mr. Theodore asked if Mr. Lee would have a problem with that remaining.

Mr. Theodore asked if the applicant's consultants have said they can connect to U.S. 1. He stated what was there before was a residential-type of establishment coming off of a secondary road, and this is a full-blown, commercial, for-profit establishment, and the comments from staff are that it would require connection to a highway such as U.S. 1.

Mr. Lee stated they cannot connect to U.S. 1, as it is a federal highway. He said Journeypure might only have 15 – 20 cars per day going in and out of the facility. The residents live there for 30, 50, or 60 days, and the employee traffic is minimal, so connecting to U.S. 1 would possibly be cost-prohibitive.

Andy Barber stated the first condition in the binding development plan that they want to get rid of is the restriction of not allowing people who have felonies to work there, and the reason is because a lot of the counselors might have some prior history. He stated he would like to clarify that they are willing to keep the other conditions, such as the FDLE inspections, and the condition of semi-annual meetings with the neighbors. He said the next condition is semi-annual inspections by Code Enforcement, and Mr. Lee said they would keep that one. He asked what type of security would they be providing onsite to protect the neighbors as well as the residents. Mr. Lee stated they have employees who are trained to deal with anyone trying to come onto the property, but there is no security because it's not necessary.

Mr. Barber asked if there are other Journeypure facilities in Melbourne. Mr. Lee replied they are outpatient clinics, not residential facilities.

Bruce Moia stated they are using the existing buildings, but the proposed binding development plan significantly increases the request for square footage. Mr. Lee said some of the buildings that exist are not in use.

Public Comment

Jinger Knox stated she is a property owner in the community and also was a very integral part of getting the original binding development plan in place. She stated the company has not met with any of the neighbors, except Mark Leslie, who requested a meeting this morning. She said emailed each of the Journeypure board members when she found out about the rezoning eight days ago. She stated she would like to know how long the notice was on the property, because she doesn't think it was noticed properly. She stated the organization that's in there now got high-intensity zoning because they had the binding development plan, and it took the neighbors over a year to work on the binding development plan, because they understood there was a need for women and children, so they came to an agreement that they could spot-zone the property as commercial zoning, even though they didn't access U.S. 1. She said there is a blind corner on Otter Creek Lane, but they knew with the protections in the binding development plan that the traffic wouldn't be a concern. The new binding development plan does not say they won't have court-ordered people there, and it does not say the residents won't be villains. She stated Mr. Lee just told the board that their main concern are people coming into the facility, and she asked if they are afraid their residents will be attacked or given drugs. It is a residential neighborhood, and there is a 33-foot easement there, and if the board is going to approve they request, it needs to make them connect to U.S.1, which is the only way Community Commercial should be approved. If the binding development plan is going to be stripped, then the zoning should be stripped also and go back to the previous zoning.

Mr. Barber asked if there was ever a traffic problem with the past facilities. Ms. Knox replied that the traffic problem wasn't necessarily vehicles because most of the people were on foot, the issue was the residential area. She said once the facility opens, there is nothing to prevent 48 residents and 22 resident employees from exercising around the block. It takes away the neighborhood's safety and security, so it's not just about the traffic. If they have 22 employees instead of three, like Resurrection Ranch had, it's going to be substantial around that corner.

Mark Leslie, 2665 Hilltop Lane, stated he has been in the neighborhood since 1991, and has been through several different iterations of entities in the facility, but since 2009 it has been quiet for the most part and no real issues. He likes that this particular entity will fall under State licensure and they will have to abide by all the DCF rules, but none of that applied in the past. The two criteria that he would like to see put in the binding development plan are, 1.) that they not take in people from prisons, courts or jails; and 2.) access to U.S. 1. He said since Grills opened traffic has gotten worse, and if Journeypure builds out to 47,000 square feet, and if they house more people than are there now, it's going to add to an already difficult intersection. If anyone has ever tried to turn left onto Otter Creek Lane at 5:00 on a Friday night, you have to sit there and wait until every car has turned off to make the U-turn to Grills, because you can't see the southbound traffic. If you're turning right onto Otter Creek Lane from the north, everyone knows to get on the shoulder and decelerate and make the sharp right turn onto Otter Creek Lane. He said the binding development plan is the tool they have to fix it; DOT is not on board with making it easier for Grills to get their people out, but DOT needs to take some responsibility. He said the Planning and Zoning board has a responsibility to make the right recommendation to the Board of County Commissioners.

Dane Theodore stated Otter Creek Lane is the access off of U.S. 1, and there is a parcel there, so they would need to acquire a portion of that parcel and put an entrance road there. What the neighbors are not asking for is an entrance off of U.S. 1, but an entrance off of Otter Creek Lane, and there can't be another entrance onto U.S. 1.

Mr. Leslie stated he spoke with Joe Penovich, the owner of Grills, and he would be amenable to look at solutions, but getting DOT onboard is going to be the challenge. Somebody has to deal with this intersection because someone is going to get killed.

Les Jackowski stated he is not against the facility, but it should be fenced and the entrance should be from another side.

Michael Switzer, 5840 Old Dixie Highway, stated he has lived there since 1993, and he can verify and agree with Mr. Leslie about the issues they've had in the past with the different entities in the facility. It took a great deal of effort between the community to get it squared away. He said they are a small community and they deserve the same consideration for our properties. The entrance to Otter Creek Lane now is virtually impossible to get into from U.S. 1; there's nothing to slow people down coming across the top of the U.S. 1 southbound. Now, they are adding 25 employees, which is not going to change the neighborhood for the better. There was supposed to be a community meeting, but it wasn't to this detail. He said he doesn't think anyone has a problem with people getting private help with addiction, but it's a different story when people are pulled out of jails. He said the main issue for the community is the increased traffic and the security at the facility, and he thinks the entrance needs to be on U.S. 1.

Mr. Barber stated the applicant is asking to amend the binding development plan, and if they don't amend the binding development plan and leave everything in position, then they can do whatever they want. He asked if they have to amend the binding development plan in order to create the new facility. Mr. Minneboo replied that is correct.

Doug Kemp, 2645 Pine Cone Drive, stated southbound on U.S. 1 to turn into Otter Creek Lane is a 5 degree turn and Otter Creek is only 12 feet wide. He stated Old Dixie Highway is a 20-foot wide section.

Sage Morello, 2725 Otter Creek Lane, stated he owns the property behind the marina. He said his property was a wooded area and he has found leftovers from the previous entities at the facility, such as alcohol containers, clothing, food, and other things. He stated the neighborhood has a low traffic volume now, so it's a great place to loiter, and that's what he's worried about happening. He noted there is access to the railroad tracks, and sometimes people will try to walk through the tracks to get to Wickham Road. He agrees with everyone about the turn from southbound U.S. 1, as it's a huge problem, but a deceleration lane would be a solution. He stated if Florida is No. 2 in the nation for drug overdosing, maybe a little spot in a little residential area is not the place to choose to treat this immense problem. If between 60% and 80% of the people drop back into addiction, then they are bringing a bunch of people to the neighborhood who are going to be addicted again and who will know about the neighborhood. He said if they cannot access from U.S. 1, they may not have a viable piece of property.

Linda Blumauer, stated she and her husband recently purchased 5920 and 5130 Old Dixie Highway, which is across the street from the entrance to 5955 where they intend to have a facility. While she applauds and commends Journeypure, she agrees with Mr. Morello that a residential neighborhood is not the place for that large of a facility. Otter Creek Lane cannot handle the volume that they are talking about bringing in. She said she doesn't feel safe with an institution like that coming in, and she agrees with the other speakers on everything that was said.

Costas Manouselis, 2750 Otter Creek Lane, stated his daughter is getting ready to build a house next door to him, but she is afraid for her safety, and if this facility opens she might have to pull her contract. He said it's a safety issue, and he worries about the neighborhood.

Brian Bussen, 76405 Genoa Trail, stated the intersection of Pineda Causeway and U.S. 1 is the central part of the county. Circles of Care is up to their eaves trying to take care of the needs in the county. If there is somebody who wants to get treatment for an addiction, even if they have insurance, there's nowhere to go in Brevard County because every place is full. He said this is a great opportunity for Brevard County to have a facility like this at a major intersection. He stated that from what he's heard, the facility is being run by wounded healers, the best that are out there, to help other people to succeed. He understands the neighborhood is a small and quaint neighborhood, but he thinks this is an opportunity for the County that they can't give away. Historically, the property has been used for volunteer efforts to help people, and we now have a professional group that's going to come in and do it right, and those people who are paying to get in are not going to sneak out into the neighborhood because they are paying.

Irma Jolle stated she doesn't know anything about Resurrection Ranch, but she's worked with Lila Buescher for years, who has taken the time to clean up the neighborhood, and she knows Lila had a

meeting with the neighbors. She said Journeypure is moving forward to somewhere where they can make a difference, and this is where they want to start making a difference.

Dr. Ronsisvalle stated he understands the concerns of the neighbors and he appreciates everybody coming out and sharing their concerns.

Henry Minneboo stated when there are conflicts between neighbors and future development, one of the first things the board asks is if the applicant has met with the neighbors to discuss the issues. He said 99% of the confusion that comes before the board is because no one was informed. He asked if there is a possibility to set up some kind of formal meeting.

Dr. Ronsisvalle stated they had a meeting with the neighbors, and a lot of them were there, but they are more than happy to meet with anybody who is interested.

Mr. Minneboo asked if the request could be tabled for a month. Dr. Ronsisvalle stated most of the issues are safety, and they can alleviate those concerns by talking to the neighbors about how this is different than what they've experienced with Resurrection Ranch, in that once residents come to Journeypure, they don't leave until they go home. He said he wanted to make sure that everyone understands the binding development plan doesn't preclude them from using the property; someone is going to come in and develop this property; and it's not necessarily a bad thing that Journeypure is going to be there, because they're going to beautify it, and it will increase property values. He mentioned the amount of traffic coming and going is going to be negligible, and the 15 cars that come to the facility are not going to make a difference.

Ron McLellan stated a lot of the problem is that the neighbors don't fully understand, but something to remember is that the people coming to the facility have to pay to be there.

Dr. Ronsisvalle stated Circles of Care is a community mental health organization that contracts with the State to accept Baker-Acts, indigent populations, and court-ordered treatment, but Journeypure is not going to be one of those because what they do best is work with people who are insured and will have the money to come.

Mr. McLellan asked if Journeypure is similar to Sunrise in Orlando. Dr. Ronsisvalle stated Sunrise is a PPO insurance carrier, so they take a lot of people who have PPO insurance; Journeypure is a lot like that, but they will be in-network with insurance companies. Mr. McLellan asked if people who are there for five days will be able to walk through the neighborhood. Dr. Ronsisvalle replied no, and he understands what was there before. He stated once someone comes to the facility, they are admitted to the facility; they cannot leave and walk outside the gate, hang around, smoke a cigarette, then come back. Once admitted, they are under medical care and will follow through with treatment. He said they cannot ethically let someone walk out the doors without getting transportation.

Bruce Moia asked how many people were at the neighborhood meeting, how were they notified of the meeting, and if it was the same people who received a notice from Planning and Development. Dr. Ronsisvalle stated Lila Buescher has relationships with the community, so when they started talking about purchasing the property she assembled the neighbors together, and there were about ten people there. Mr. Moia stated what typically happens is the County notifies property owners within a certain range, and the applicants take that same range and send a separate notice for a

neighborhood meeting, and so the same people who get notified of this meeting also get notified of the neighborhood meeting. Dr. Ronsisvalle stated that is not what happened, and they had the meeting in April or May.

Erin Sterk asked the applicant to clarify if the sign was posted on the property. Dr. Ronsisvalle stated the sign was posted, but not long ago someone from Journeypure retrieved it because he had thought the meeting had already taken place, but it has been up.

Mr. Moia stated there are minimum requirements for how long the sign has to be posted, and asked when the sign was removed. Kenny Lee stated it has been weeks since he picked it up.

George Ritchie stated the requirements are that the sign has to be posted within 15 to 25 days of the Planning and Zoning Board meeting, and must remain posted on the property through the date of the County Commission meeting. If the sign is not posted when specified, the request shall be tabled.

Motion by Bruce Moia, seconded by Ron McLellan, to table the request with the condition that they meet again with the neighbors within at least 500 feet of the subject property.

Ben Glover asked how many residents purchased their homes when the recovery facility was there, and stated they purchased their property knowing what was there.

Ms. Knox asked if he was referring to the illegally-run recovery house that was shut down by the board. She said it took the neighbors a year to get a binding development plan in place. She stated if they were worried about the neighbors they would have already had a meeting with them, so they have already shown that they are not worried about the impact their corporation is going to have on the neighborhood.

Brian Hodgers asked about the difference between the 47 residents that are there currently, maximum, versus the 47 proposed, and stated there's no change there, but they are proposing a 400% increase in square footage. He asked for clarification as to why they need that big of an increase in square footage. Mr. Lee replied only a portion of the buildings there are being used, and it's about 1/3 of the total capacity, so the 47 number of total beds would still apply as it does now, but it's not all being used. Mr. Hodgers asked how many buildings are currently on the property. Mr. Lee replied eight buildings. Mr. Hodgers asked if they're not going to be increasing the square footage, why are they proposing an increase in the binding development plan. He said if they don't propose that, and they've already agreed that they're going to request these provisions to be removed, they've got everything they need already. Mr. Lee stated they will correct that.

Mr. Hodgers said if they correct the square footage they don't need to make any changes other than to post the proper signage and come back next month.

Henry Minneboo called for a vote on the motion to table the request to the October 8, 2018, Planning and Zoning meeting to allow the applicant time to properly notice the property, and direct the applicant to meet with surrounding property owners within 500 feet of the subject property. The motion passed unanimously.

From: Jinger Knox
To: [Jones, Jennifer](#)
Subject: 18PZ00088 Application to revise BDP for 5920 Old Dixie HWY (Formally known as resurrection ranch)
Date: Tuesday, September 11, 2018 11:51:49 AM
Attachments: [Objections to BDP.pdf](#)

Jennifer, Please forward this information to all parties involved as soon as possible, including all planning and zoning board members. Thank you..

Good afternoon,

I am contacting you as a concerned citizen and property owner regarding the planning and zoning request to change the BDP located at 5920 Old Dixie Hwy. Please allow me to give you some background information on the current BDP along with the current zoning of the property as I was intimately involved in the process of the rezoning and the writing of their current BDP. As some of you may know the property was being used as a detox/ rehab facility in the past without any government oversight or the proper zoning. After the neighborhood worked diligently to bring the matter to the attention of the county they were able to work with the corporation that owns the property and county staff in order to allow the corporation to rezone the property and bring it into compliance. The county actually wrote a new zoning code specifically for the corporation, now known as IN(H). This rezoning was done on a non conforming property that is accessed from an arterial road, this was only agreed upon in conjunction with the current BDP, which was meant to protect the residential neighborhood from the safety concerns that they had been forced to deal with in the past (i.e. people shooting up in their yards, prostitutes knocking on their doors, etc). The neighbors attended dozens of meetings with county and corporation members in order to assure their property values, safety and security issues were addressed and after more than a year an agreement was put into place and the rezoning of the property was finalized. During this time it was always the concern of the neighbors that the corporation agreed to the BDP only because they knew that in the future it would be much easier to revise a BDP after obtaining their desired zoning. It looks like our fears were well founded because that is exactly what the corporation is now attempting to do. They are trying to make you believe that they have the proper zoning and are a conforming use for a methadone clinic, however history tells us that is far from the truth. The truth is that this is a non-conforming property that claimed to be helping homeless people so the county allowed them to continue in a residential area by spot zoning. They agreed to protections for the residential neighborhood such as "no felons, women and children only, and limited occupancy in order to reduce the traffic impact". To state that they are a conforming use for a drug rehab clinic and claim that it has been used that way in the past is blatantly false. While it was used illegally in that manner it is not a conforming use and their history should not be rewritten to appear that way.

The corporation now seeks to remove all of the protections that the neighborhood worked so diligently to procure while keeping the spot zoning that came along with those protections. This can not be allowed. I have attached my main points against the new BDP along with this email however let me be very clear about my thoughts on this matter. This corporation is clearly not looking out for the property owners with their current BDP request. Not only are they attempting to strip all of the protections afforded us in the current BDP, they are neglecting to add specific protections into the BDP they have brought before you as a replacement. It is clear from the proposed BDP that Journey Pure LLC has no interest in protecting our property values, assuring our safety and security or working with the neighbors in order to be good stewards of their community. Changing the current BDP to the proposed BDP without requiring the corporation to address our concerns would be incomprehensible. The proposed BDP would severely affect our property values, would allow hundreds of cars per day to use an arterial road that is not designed to handle the traffic, and would allow outpatient care without a plan for security. Your decision on this BDP could change the entire atmosphere of the Pineda/ US 1 area and should not be made hastily . I request that you table this request and require the corporation to meet with the community in order to address their concerns and revise their BDP request to address safety, security and property value issues.

Jinger Knox
321.288.1689

Please let me address the BDP request that has been made for 5920 Old Dixie Hwy, owned by Happy Landings homes, previously known as Resurrection Ranch. This corporation is attempting to rewrite their BDP. This BDP was written after lengthy collaboration with the corporation, county employees, and the neighborhood and was a condition of changing the zoning to IN(H). The corporation now seeks to strip its BDP of all provisions that were written into its current BDP to protect neighbors against safety, security and property value detriments. I am requesting that you deny this request for an amended BDP as it is being done rashly, without any input from the neighborhood or any research on the effects of property value. This is a non-conforming property and the commission should not rush to change a BDP which will have such a negative impact on the surrounding community.

It is clear that facilities like this are needed in our society today, however this specific facility and many of their current board members, have proven throughout their history that they are not good stewards for their neighbors and can not effectively administer a drug treatment facility in an area that abuts residential property while taking the neighbors needs and concerns into account without requirements strictly laid out in a BDP. Changing this BDP will strip all protections from the neighborhood that were an integral part of the zoning change and allow the corporation to destroy property values, safety, security and the neighbors right to live in a peaceful environment. It is not a conforming use with the current ingress and egress from Old Dixie and is not a conducive use in a residential neighborhood. While I understand the corporations desire to increase their revenue, I would argue that without major changes in the property, (I.e. ingress from US 1, security fence along Old Dixie Hwy, a provision for discharge or visitation, limits on outpatient treatment, etc.) the proposed BDP is inappropriate and should not be approved.

County board members should address whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use....

By allowing Felons to not only be the clients but also the employees of this facility you are directly affecting the safety and quality of life of the surrounding properties. Not just those of the neighbors directly living in the surrounding residential neighborhood, but the day care around the corner and the park across the street. This is not an appropriate location for a facility with no security or oversight as it is located directly within a residential area. History has shown that this facility does not have the ability or desire to limit their residents to their property and instead they encourage their residents to walk around the residential neighborhood as part of their activities. As shown in the past this creates an environment that breeds drug use in the neighborhood....let's imagine dealers meeting clients at the end of the dead end road in order to deliver their drugs while they take their "walk"... **I don't have to imagine it, I lived through it the first time they had a drug treatment facility here.** The board of county commissioners stopped it by enacting the first BDP and for this board to ignore their history would be deplorable. The current zoning is only as a result of the current BDP, do not let this corporation rewrite history.

Commissioners also must consider whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

Residents would assert that this facility would **dramatically decrease property values**, as the facility is directly located within their residential neighborhood. Property owners request that the corporation prove that the change of BDP will not decrease their property value by more than 5%. Taking into account the change of use along with the possibility of adding over 60 convicted felons to the property which is currently not allowed as well as any additional outpatient care which is currently ignored in the BDP request. All uses must be addressed in the BDP and taken into account when assessing the impact on neighboring property values. This should be done prior to any new BDP being entered into.

Regarding specific items in the request for amendment to the BDP I have the following objections.

1. Property owner requests that the provision for felons be removed from the BDP. The initial rezoning occurred to allow for IN(H) zoning only after the current BDP was negotiated with the neighbors. The provisions for no felons and only women and children were specifically negotiated in order to provide for the safety and security of the neighbors in order to negotiate the higher zoning classification. This facility has never been "approved" as a use other than for women or children so the use for treatment facility for men and women would be a new use for a non-conforming property and should not be approved. The previous use as a treatment facility was done illegally and can not be considered a preexisting use. You can not simply do something illegally and then claim it as pre-existing, and this is why the previous commission required the existing BDP and did not simply allow resurrection ranch to continue operating in the same illegal manner as an existing use.

2. The application states that this is not a non-conforming property, however the property has been non-conforming since its inception. It was only approved because it was being used illegally as a non conforming use and allowed to continue because of the current BDP which addressed the issues that were caused because of its non conforming use. To claim that it currently has an IN(H) zoning makes it conforming use is misleading and not consistent with the properties history. The ingress and egress is coming from an arterial road and is non conforming for obvious reasons. This is the only property in the neighborhood with this zoning and the neighbors allowed the "spot zoning" in order to allow for the treatment of women and children under a very specific BDP which was written in conjunction with their input to protect their property values and quality of life concerns.

3. Zoning does not have verification that this would be a state licensed or regulated facility. According the George Ritchy I would have to "ask the applicant" if they need to be state regulated. Meanwhile you are considering taking the protections of oversight away from the county on issues of sanitation, such as septic and pest evaluations. This would strip vital protections from the residents of the facility. History has shown that this corporation will not provide protections for their residents without being governmentally mandated. The protections were put into the BDP because the corporation was not adhering to square footage

requirements or pest control procedures in the past. Stripping them from the current BDP without knowing if another organization will be providing this service for the residents is unconscionable.

4. The use of Old Dixie Hwy as an ingress and egress is not appropriate for 68 residents and their guests. The road has limited visibility around corners and is not appropriate for this type of additional traffic. If the board considers approving any portion of this new BDP then they must not allow the non-conforming use of Old Dixie Hwy for the ingress and egress of the business. This is a residential neighborhood. This property would be the only commercial use off of Old Dixie Hwy and was only allowed to continue under the current zoning because the amount of residents were decreased under the current BDP. Otter creek or US 1 are the only properties that have commercial use and increased traffic should be limited to those roads.

5. There is no security provision to keep the residents on the property and no presumption of protection for the neighborhood. The BDP, nor state licensing, addresses how residents will be restricted to the property while detoxing or when discharged (either because they have completed the program or because they have decided they want to get high). Consider the fact that you are allowing 47 actively addicted felons into a residential neighborhood without any plan for security. This can not be allowed. The BDP must address security at the facility, plans for transporting clients away from the neighborhood if discharged and other security concerns that might be unknown to the neighborhood. Another reason to allow neighbors time to speak to the corporation and address our concerns prior to approving a BDP.

6. The BDP does not outline the organizations plan regarding the number of outpatient clients. This could exponentially increase the amount of traffic coming and going from the property as well as increase the other risks that are inherent to these facilities. According to a Boston Police report study the amount of violent crimes within a 1400 feet radius of a detox center is similar to that of convenience or liquor store. Would you put a liquor store in the middle of a residential neighborhood with its only means of ingress and egress through that residential neighborhood? I believe the answer would be an unequivocal NO.

Keep in mind this is only violent crimes, the crime of burglary and theft is sure to be much higher, especially when outpatient clients who could still be actively using drugs are added to the client base. The use of a residential neighborhood for such a high risk use without doing due diligence on a proper BDP is not acceptable.

A. The organization needs to be specific as to the total number and scope of their clientele. Will all clients be receiving residential treatment or will they be including day and night treatment, intensive treatment, etc. These factors all weigh in on the neighborhoods security issues.

B. Will Methadone maintenance be a part of the program and will this be done on a non residential basis? How many addicts could be visiting this facility in a residential neighborhood per day for their "fix"? 100? 200? The safety and security issues, along with the traffic issues are incomprehensible. How can you even consider approving a new BDP without these answers?

C. Will this be for voluntary clients only or also include non-voluntary clients? If the board is considering this change we request that you add the language that no clients who are involuntarily placed into a detoxification unit under protective custody, emergency admission or involuntary assessment and stabilization pursuant to Section 397.6772, 397.6797, or 397.6811, F.S., shall be assessed and referred as in subsection 65D-30.005(9), F.A.C. shall be served by the facility.

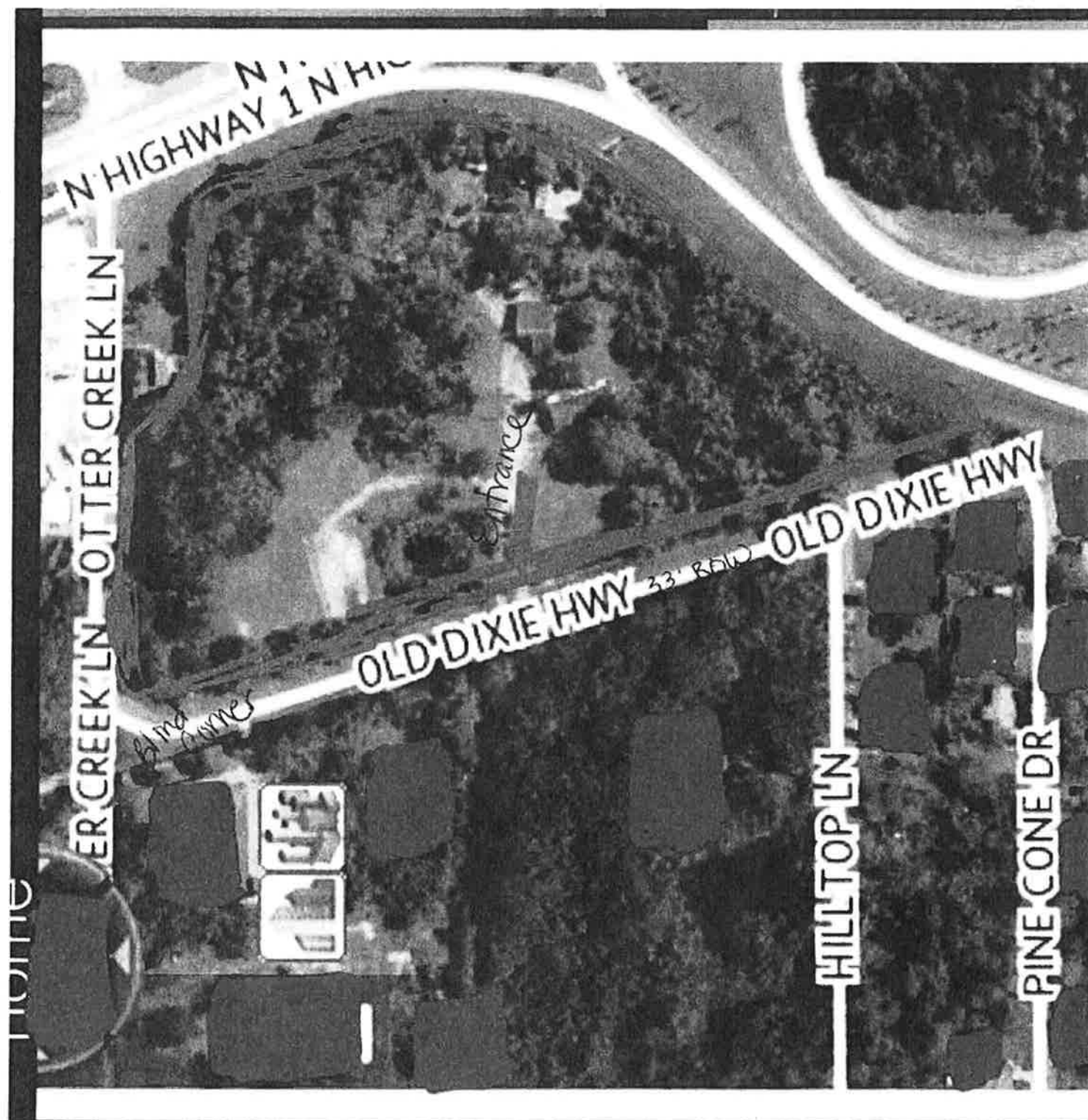
D. How will clients be escorted from the property when they no longer wish to receive treatment? Remember this is a residential neighborhood, if they don't want to be in the program will they simply be allowed to walk away through the neighborhood?

7. This organization owns several residential lots in the neighborhood. Do they have plans to expand the program into host homes? The county does not have regulations that will protect homeowners from this organization expanding into the neighborhood and providing "outpatient" care to up to a dozen homes that holds up to 3 "residents". This means 36 more active addicts in the neighborhood without any oversight from the county, state or employees. This will greatly

diminish the value of neighborhood property values and is an obvious next step if this BDP is approved.

I implore this board to pause this BDP application in order to allow the neighbors and the corporation time to address their concerns. Nearly all of the original neighbors that were involved in the current BDP are still homeowners and neighbors to this corporation, yet the corporation has failed to reach out to us in any manner for input on their request for a change of use or BDP. It is clear that the corporation is attempting to use deceit in order to erase all protections fought for by the neighbors and agreed to by the board of commissioners and the corporation. If the county approves the BDP with only 7 days notice to the neighbors I will contact an attorney and start a class action suit against the county on behalf of the property owners in the neighborhood. You have the right and responsibility to deny this BDP and I am requesting that you do so. The corporation could then choose to meet with neighbors and mitigate our concerns and return to the board with a BDP request that would meet not only their own needs, but the needs of the neighbors as well. I look forward to working with all parties involved in order to find a solution that will be fair to not only the corporation but the citizens of Brevard County, the residents of this facility and the neighbors of PineWood Park.

Jinger Knox





11:26 AM



Home



? Property Use:

7500 - Assisted-Care Living
Facility

? Total Acres:

5.33

? Site Code:

0300 - U S 1

*zoned as if
coming off
US 1*

? Plat Book/Page:

0000/0000

? Subdivision Name:

Indian River Villa Rec In Db 318
Pg 182

? Land Description:

Indian River Villa Rec In Db 318
Pg 182 Part Of NE 1/4 Of SW
1/4 & Pt Of Govt Lot 3 As Desc
In Orb 2799 Pg 175 Known As Pt
Of Lots 14,15,&16 Exc Cswy
R/W Par 14.02,14.03,

Pay All: \$3,168.93

2017

2016

\$1587.09 due

\$1581.84 due

2015

2014

PAID

PAID

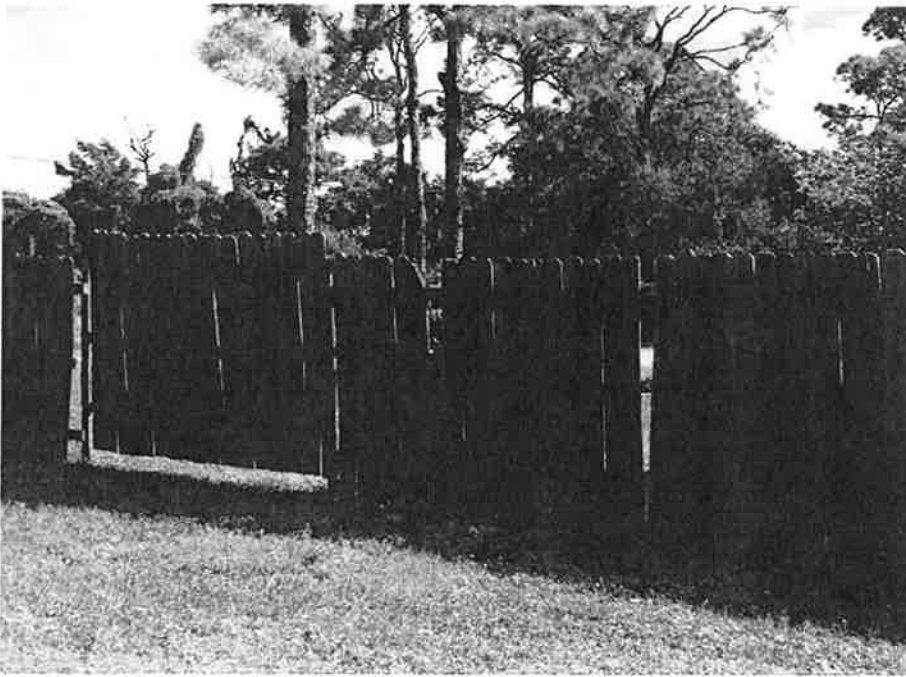
2005

PAID

Get Bills by Email

Pay this bill: \$1,587.09



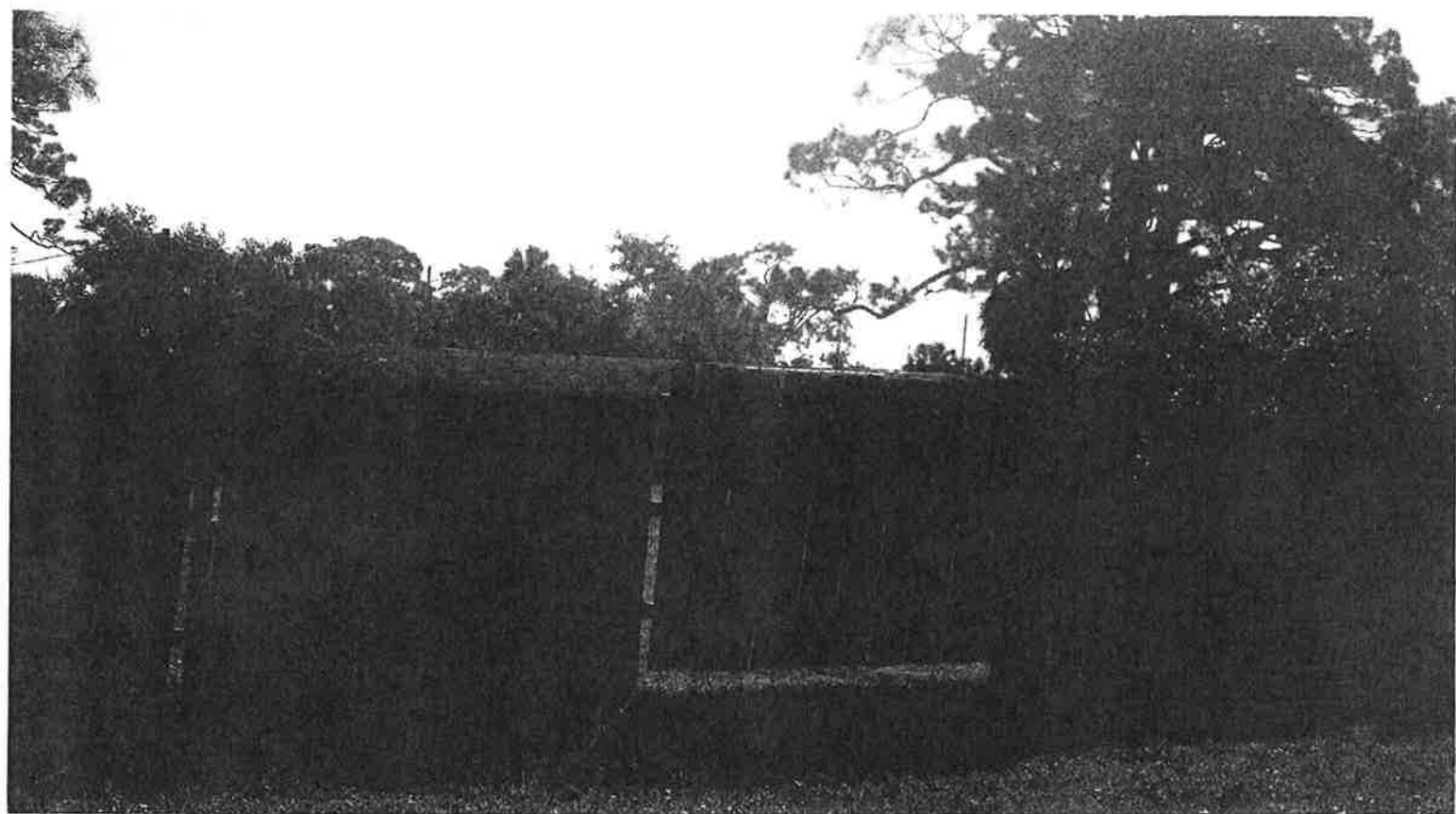


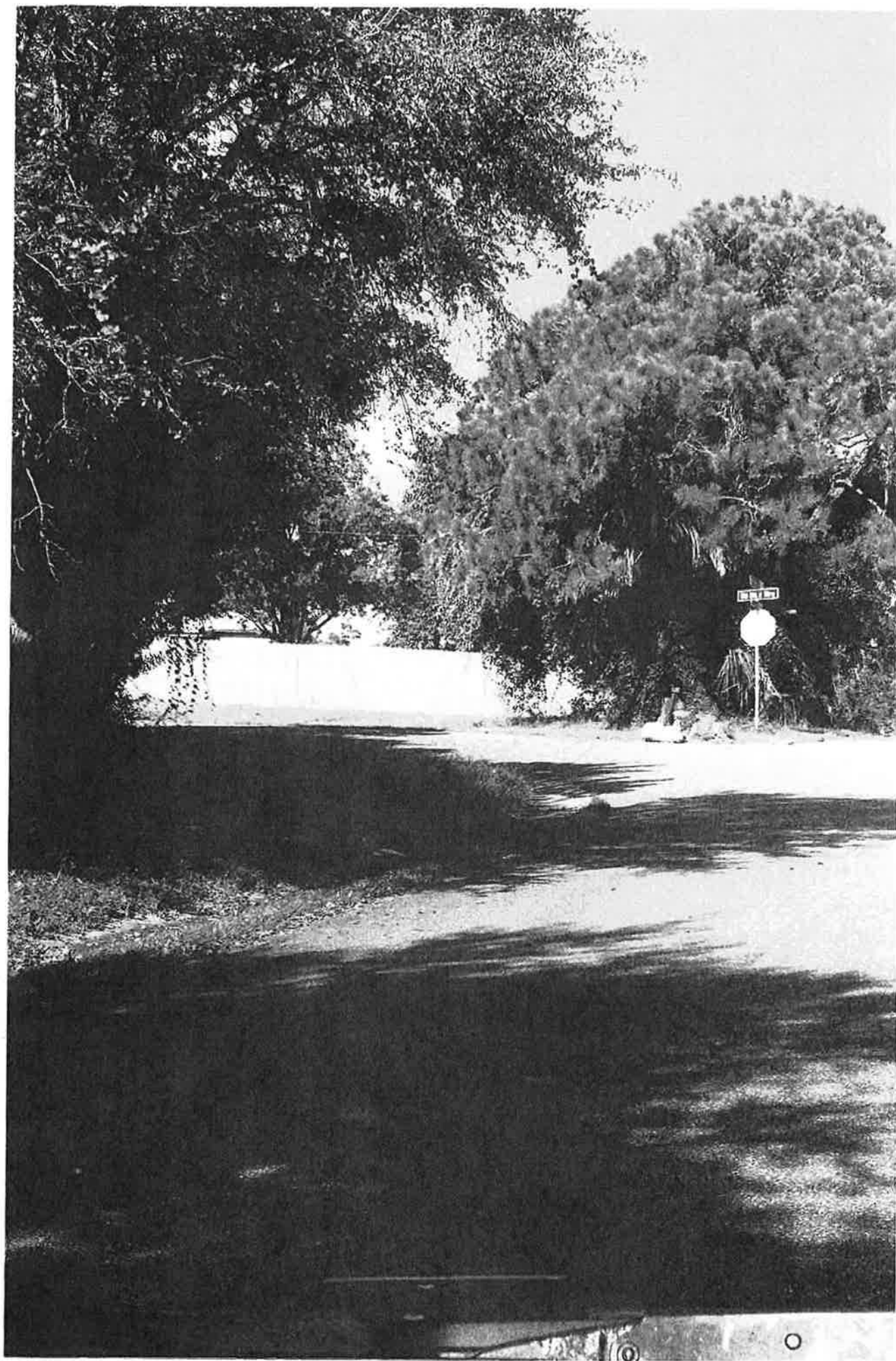
Not properly maintaining
fence which is in
current BDP.



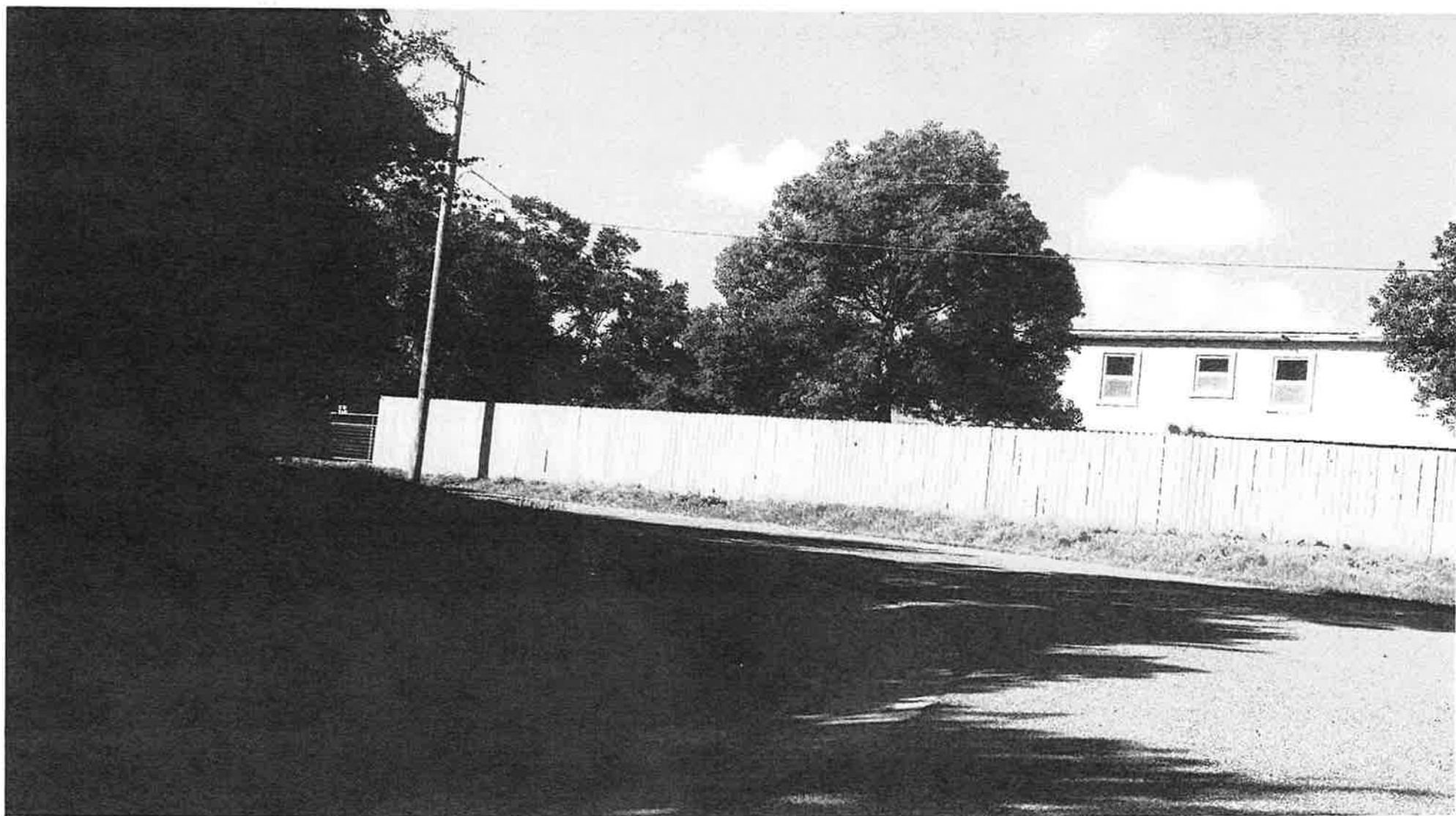
Blind corner on Old
Dixie Hwy.







Blind corner View from Otter Creek



From: Marietta Vinland
To: Jones, Jennifer
Date: Wednesday, September 12, 2018 1:51:15 PM

Good Afternoon,

I am a concerned neighbor to this property and I would like to let the planning and zoning board know that the corporation asking for this major bdp change did not correspond with me in any way to see how their changes would affect my children's safety and security!

I moved to this neighborhood knowing that it was safe due to the fact that the facility could not have felons and could only accept women and children. The Bdp that Journey Pure is seeking would strip this neighborhood of all of those protections and put our children, who must walk past the facility and stand at the bus stop next to it, in danger!

It is clear that the corporation has no regard for our input or in protecting our safety and security, therefore I implore this board to table their request and require them to work with the neighborhood to come up with a Bdp that meets everyone's needs, or Deny the application out right!

Thank you for your service on the board, it is safety issues like this that make your board vital to our community!

Sincerely a Concerned Citizen,

Marietta

Objection
18PZ00088
Happy Landings

From: Leszek Jackowski
To: Jones, Jennifer
Subject: Zoning Changes
Date: Thursday, September 13, 2018 1:34:20 PM

I would ask that the planning and zoning board table the request for changes to the bdp for this property based on the fact that the neighbors will lose all protections afforded to them from the current bdp if this new bdp is adopted as proposed. The proposed bdp does nothing to protect property values, address security concerns or outline the types of services that will be rendered on the site. As an adjacent property owner it is concerning to me that a company would attempt to completely change the use of the property with only 8 days notice to their neighbor and without any input or communication. It is my hope that this board will not ignore that lack of regard for the community and will force this corporation to be better stewards from this point forward.

Please table the request for change of bdp for happy landings homes

Thank you, Les Jackowski

Objection
18PZ00088
Happy Landings Homes

From: Dawna Murello
To: [Jones, Jennifer](#)
Cc: [Sage Murello](#)
Subject: 5925 Old Dixie Hwy
Date: Monday, September 17, 2018 1:22:56 AM

To whom it may concern,

I own property at 2725 Otter Creek Ln. in Melbourne and have been informed that there is a plan to have an inpatient and outpatient drug rehabilitation facility in our neighborhood. I would strongly discourage this from coming into fruition and ask that this very serious matter be carefully looked at for the safety and well being of our families.

As we have been clearing our property and getting it ready for construction we have time and time again come across beer/liquor bottles, drug paraphernalia and needles, clothing, etc. these are left over from the time, not so long ago, when Resurrection ranch did not monitor or keep tabs on the drug addicts and "ex" criminals taking residence at their facility in the neighborhood. We have heard about the drug deals that were happening on our property along with the rest of the neighborhood and even included someone hiding out on a property and a squat team having to be called in. To this day the family of that property no longer lives here and was permanently emotionally scarred by the incident. We have children and grandchildren on our property and I don't want to feel like I need to be policing and guarding our property for their safety from incidents like that. Crazy things happen in life and you can't safeguard against it all but you certainly don't invite it to live next-door and increase the odds of a problem.

If the voices of the people in our neighborhood do you not sway your decision and convince you that this is not an appropriate place for this kind of treatment center I would at least beg that very strict parameters are put on this business venture.

There will be from what I hear at least 48 people inpatient at this facility and that they will be eligible for a year to come back as an outpatient to this facility. That exponentially makes for hundreds of people coming and going in our neighborhood. I don't believe that they should have access to the building or be encouraged to travel down Otter Creek or Old Dixie Highway. There should be an entrance to the facility from US 1 and they should be mandated to put a fence around the perimeter of the property to discourage anyone wandering into the neighborhood from the facility.

I am all for helping people but I'm looking at the situation realistically. Having personal experience with a family member that has been a drug addict, to relapse is not only bound to happen but pretty much a certainty and I don't want my family or someone else in this neighborhood to be a victim of opportunity to facilitate that! If someone is robbed or harmed by the influx of unfortunate souls being welcomed into our neighborhood, it will be a travesty. History has shown us that a facility like this doesn't belong in our neighborhood and could have very easily ended in tragedy.

Please help us to keep our neighborhood safe and as protected as possible.

Thank you,

Dawna Murello

Sent from Yahoo Mail for iPhone

Objection
18PZ00088
Happy Landings Homes

From: Calkins, Tad
To: Jones, Jennifer; Sterk, Erin
Subject: FW: Concern of Zoning Request
Date: Monday, September 17, 2018 11:17:49 AM

FYI

-----Original Message-----

From: angeliki Marie [<mailto:angelikimarie2792@vahoo.com>]
Sent: Sunday, September 16, 2018 2:25 PM
To: Calkins, Tad
Subject: Concern of Zoning Request

Hello,

I am emailing because I cannot attend the Planning and Zoning Board public hearing due to my work schedule. If I have the wrong email address for this concern, please let me know and I will send elsewhere, or if you could please forward my concerns to the board members.

My concern is the requested zoning changes of 5925 Old Dixie Highway to become a "High Intensity Institutional Use." Which I am hearing will be a drug rehabilitation program. I am in the process of purchasing my first home at 5990 Old Dixie which is almost directly across the street from the "Happy Landings" property. I am very concerned about my safety. I am a 26 year old female who will be getting home very late nights from my job as a bartender. I do not like the idea of an institution being directly across the street, it is a residential neighborhood, I do not support the zoning being changed to allow this. (Let me be clear, I do not mind the women's shelter, we have never had a bad experience with the women and children seeking shelter from domestic violence, but drug rehabilitation is not something you put in a neighborhood of families.)

I understand that before it was a women's shelter, it was a halfway house, and there was nothing but trouble around this neighborhood, so we have heard, even the home I am buying, while it was vacant at the time, was broken into. I hope you will all take into consideration my concerns for this and decide against it.

Thank you for your time.
Angeliki Manouselis

Sent from my iPhone

From: Dr. Florian Braich
To: Jones, Jennifer
Subject: binding development plan change / 5880 Old Dixie Highway
Date: Monday, September 17, 2018 12:56:40 PM

Dear Ms. Jones

May this email serve as our response to Brevard county notice concerning the proximity of our property at 5880 Old Dixie Highway to the proposed binding development change filed for the property directly across the street from our property.

We do not agree with the proposal.

For decades the owners of the property have been trying such diverse speculations - halfway houses, rehabilitation centers, etc - in order to attract public funds. The neighborhood is too small and private to accept and absorb such a development and the detrimental changes it would bring.

In the matter of safety, again for decades nobody felt safe particularly in the night; no kids were left to play in the yard as in other communities due to homeless people and disgruntled elements of the society, druggies and junkies roaming around on the small and private streets. Needles and syringes were found all over the place and alot of garbage like bedding discovered in bushes on different properties.

the value of all contingent properties diminished over the years considerably.

Personally, we had many interested parties who rejected purchasing in such a neighborhood due to proximity to such undesirable developments.

also to be addressed is the substantial escalation in vandalism and private property destruction as a result of the concentration of such marginalized members of the society. the higher the concentration of such individuals in one small location, the higher the increase in possible attacks, unsafe behaviors and vandalism will become.

the small neighborhood surrounded by Pineda Causeway, railway tracks and US1 will become a swamp and impossible to live in.

furthermore, it will be completely unsafe for such addicts to roam around the highest trafficked road in Brevard County (US1). Accidents will increase as they constantly will try in the future as in the past to run across US1 to the shores and back. With such developments the necessity of intense police patrolling at considerable costs will also have to be expected and planned for.

Bottom line the small and very exposed geographic location does not support such a proposal.

if needed, please contact me via this email address or by phone 561.795.2242

Thank you for your consideration in this matter,

Dr Florian Braich

Objection
18PZ00088
Happy Landings Homes

Mr. and Mrs. Timothy Montgomery

2695 Pine Cone Drive

Melbourne, Florida 32940

September 12, 2018

Brevard County Board of County Commissioners

Planning & Development Department

2725 Judge Fran Jamieson Way, Building A

Viera, FL 32940

ID# 18PZ00088

To: Planning and Development Department

It is our understanding that the reason for this zoning change is to accommodate an organization that wants to put in a multiple bed facility to house individuals who have a history of drug dependency. As residents in the neighborhood since 1976 we are gravely concerned that a high-risk facility of this nature would be placed in such a small community with only one traffic entrance. This would increase our risk level of something happening— to property or personal injury – to a level well beyond any normal residential area. The County would thus deny our freedom to live in a normally safe environment should they approve changes to the existing zoning for 5925 Old Dixie Hwy., Melbourne 32940

If approval is given for this zoning change, and in the event of a situation that violates our freedom to live in a safe environment, who will bear the responsibility? Will the County or another entity be held accountable for having allowed a facility of this nature to be in a small residential area where young children play and live? This is a serious matter that needs to be addressed and resolved before any consideration of this zoning change.

Concerned Residents,


Timothy and Ellen Montgomery

JourneyPure Rezoning Notes

Brevard County P & Z Board Public Hearing 9/17/18

Mark Leslie
2665 Hilltop Lane
Melbourne, FL 32940

Since the 2009 Zoning Resolution (Z-11531), we in the neighborhood have enjoyed a very peaceful existence with Happy Landings Homes Inc. dba the Space Coast Center for Women with Children. The Center has been the best neighbor we've had in the facility since we moved here in 1991.

One reason for the facility's more tranquil presence is the relatively low population housed there since 2009. They have not housed anywhere near the proposed 47 residents.

JourneyPure, the proposed buyer/applicant proposes to fall under all of the licensing and legal constraints required of a Treatment and Recovery Facility. The fact that the previous entities did not fall under any agency oversight was a primary reason for most of the language included in the current binding development plan (BDP). Thus, many elements of the current BDP should be satisfied by State oversight. Of substantial importance to the safety and security of the neighborhood is the commitment to never contract with jails, prisons, and/or courts for transitional housing for convicts, inmate release, or court ordered rehabilitation.

Historical actions of the Facility Directors have included contractual and non-contractual referrals from Courts and the Department of Corrections. This has been a source of significant neighborhood strife in the past.

We seek assurance(s) that this will not be a component of the applicant's future business plan. As such, we respectfully ask that the "Director" of the proposed JourneyPure Treatment and Recovery Facility invoke his or her right to refuse to admit any offenders referred as referenced in Ch. 397.705 (2) (b) as part of this rezoning.

397.705 (2)

(b) The director may refuse to admit any offender referred to the service provider under subsection (1). The director's refusal to admit the offender must be communicated immediately and in writing within 72 hours to the referral source, stating the basis for such refusal.

A standing directive from the Director of the Journeypure facility to the referral agencies outlining a refusal to admit any offender should logically be included in the BDP as an assurance that the commitment won't be easily broken by future Directors.

The facility has been operating as a non-conforming entity since it was rezoned from Neighborhood Commercial, IN(L) to Community Commercial IN(H) in 2009. As a high intensity use, the facility is required have direct access to Highway US 1. This is mentioned by staff in the agenda report.

As previously stated, the Center for Women with Children has not housed anywhere close to the proposed 47 residents and 21 staff. Thus, we have had very little additional traffic turning into the neighborhood. We are very concerned about the safety of our families and

those who will be residing in the proposed facility. The intersection at Otter Creek and US 1 has become more and more dangerous over the years, especially with the addition of Grills Restaurant and the DOT mandated U-turn for approaching the popular restaurant from the north.

I respectfully request that this Board ask staff to fully investigate this intersection from a safety perspective. The FDOT has situational criteria that stipulates how many conflict points may occur in an intersection. When one considers all of the conflict points that occur at this confluence, it is not difficult to see why we are so deeply concerned.

JourneyPure is a for-Profit entity. They can include vehicular ingress and egress to the facility into their business plan. If this was a hotel seeking the same rezoning; would this Board sign off on such a non-conforming use?

When turning left onto Otter Creek Lane from the south, one is completely unable to see southbound/oncoming traffic when another vehicle is staged in the median lane to make a U-turn to go to Grills when approaching from the north. When approaching Otter Creek Lane from the north, the right hand turn is greater than 90 degrees, making it a very difficult turn to make with high-speed traffic right on one's tail. Most who know the intersection use the shoulder in front of the boat dealership as a deceleration lane.

A solution needs to be implemented before adding additional traffic to an already very hazardous intersection, PLEASE!

I believe the owner of Grill's may be willing participate in the solution. The challenge is getting the FDOT on board.

CH. 397.411 fs

(7) Violations of this part or applicable rules shall be classified according to the nature of the violation and the gravity of its probable effect on an individual receiving substance abuse treatment. Violations shall be classified on the written notice as follows:

(a) Class "I" violations are those conditions or occurrences related to the operation and maintenance of a service component or to the treatment of an individual which the department determines present an imminent danger or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the department, is required for correction. The department shall impose an administrative fine as provided by law for a cited class I violation. A fine shall be levied notwithstanding the correction of the violation.

Planning and Zoning Board of Brevard County
2725 Judge Fran Jameson Way
Viera, FL

09/17/2018

RE: ID # 18PZ00088, Happy Landing Homes (HLH) Request for Amendment to Existing Binding Development Plan (BDP)

My name is Shirley Leslie, a homeowner who has lived for over 26 years within 500 feet of the HLH property at 5925 Old Dixie Highway. Please accept my comments for consideration in allowing or not allowing HLH's request for amendment to their BDP.

Your notice says the request is provided by HLH. However, HLH will close on the sale of the aforementioned property to JourneyPure on October 1, 2018. Is the county allowed to entertain a request by HLH for the future owner, JourneyPure? The amendment appears to be written to accommodate JourneyPure, not HLH.

Some neighbors and I were introduced to and briefed by JourneyPure, an addiction treatment center that plans to operate as such with the inclusion of detoxification at this property. We were also told by HLH that JourneyPure has drafted the BDP amendment which includes removal of: prohibition of staff who have been convicted of a felony, FDLE background records, meetings with neighbors, Code Enforcement and Planning inspections, and inspection of the septic system. Many of the JourneyPure staff admitted to being previous addicts. This likens to "the fox watching the henhouse." HLH appears to have been a nonconforming use all along.

JourneyPure staff admitted that their recidivism rate is high. A 2018 National Institute on Drug Abuse report (drugabuse.gov) says that 40-60 percent of addiction patients relapse, indicating that treatment needs to be reinstated or adjusted; JourneyPure provides for only one year of treatment.

These types of facilities do and can lower the value of surrounding residential properties. It should be noted that HLH has been operating as a Center for Women with children for several years. One might inquire as to how many clients HLH successfully graduated for all these years. Also, many dollars and volunteer hours from the community and Habitat for Humanities have been used to keep HLH alive while supporting so few clients. HLH also continually failed to adhere to county codes. The alarm for the septic system is known to come on and stay on for days. The fence is not up to code. Brush and debris is left on the roadside for months until neighbors take care of it. Mowing on their neighboring properties is not to code. Their property on Cape View is totally out of compliance and unsafe. They do not pick up trash along the roadsides of their properties (also noted as nonprofit—tax free), and dead trees that could damage other properties are not attended to. Will JourneyPure be the same?

The added traffic at US 1 and Otter Creek, combined with existing traffic to Grills Restaurant and the DOT-required U turn, will add another level of danger. Also, the school buses stop at this intersection. If this is a high use facility and they are not connected to US1, they will be nonconforming. I would like assurance that JourneyPure and their clients will not increase vehicular and foot traffic, or bring additional risk to our community. According to JourneyPure's web page, only their admission team is available 24 hours a day, a lack of continued supervision and security. On-line reviews of JourneyPure say that the business side

of this company is not good. Their clients will be given drugs to assist with their addictions, and there is no control of their travels. Children walk past this facility, their only access to the school bus, and they play and bike nearby. Everyone, including several seniors, must pass by this facility to access and exit their homes. Others of us close up their homes to be away for extended periods of time.

Many thanks to the Board for consideration of my concerns in amending the BDP for HLH, or JourneyPure, whichever applies.

Sincerely,
Shirley D. Leslie (mashtori@yahoo.com)
2665 Hilltop Lane
Melbourne FL 32940

JourneyPure Reviews

Updated July 24, 2018

4 reviews

34%

Recommend to a friend

N/A

Approve of CEO



Kevin Lee

0 Ratings

Close

Your trust is our top concern, so companies can't alter or remove reviews.

Employee Reviews

Sort: **Popular**RatingDate

1. Oct 28, 2017



"Very dedicated organization"

Current Employee - Utilization Review Coordinator in Murfreesboro, TN

Recommends

Positive Outlook

Approves of CEO

I have been working at JourneyPure part-time (More than a year)

Pros

Positive culture, good pay, great benefits. I work with some of the hardest working, generous people in the addiction treatment industry.

Cons

I can't fault the organization at all. With addiction at an all time high, the therapists and staff stay busy. Leadership is working very hard to keep up with the demand and is always communicating with staff and evolving to strive to treat our patients.

- Share on Facebook
 - Share on Twitter
 - Share via Email
 - Copy Link
- Flag as Inappropriate* *Flag as Inappropriate*

Helpful

2. Jul 24, 2018



"Director"

Former Employee - Anonymous Employee in Nashville, TN
Doesn't Recommend
Negative Outlook

I worked at JourneyPure full-time (Less than a year)

Pros

Pay was decent, but that was it.

Cons

Leadership at the highest levels are incredibly deceptive and refuse to take ownership or accountability. The high rate of turn over should be a huge indicator of the issues inherent within the entire organization. Unethical practices in marketing and lies around promised compensation are common place. Proper etiquette around Human Resources is non-existent and I would not recommend anyone work for any facet of this organization. Employees are treated unfairly. Employees are treated unequally. Employees are treated as completely expendable regardless of their tenure OR performance. Show Less

Advice to Management

Take action around HR issues and make leadership accountable

3. Jul 24, 2018



"Leadership is the problem"

Former Employee - Anonymous Employee
Positive Outlook
Disapproves of CEO

Pros

There are no pro's for JourneyPure

Cons

The highest levels of leadership refuse to take any accountability for what is actually happening at JourneyPure. They are engaged in unethical behavior and when the C level was alerted to the behavioral issues they hushed (or waited two weeks and fired) everyone that blew the whistle and protected their own. I'm glad I wasn't there any more to see it all happen. It is not surprising to me that employees are leaving left and right and they are having trouble meeting their goals. Leadership changes need to be made immediately or the company is going to continue to be used as a slush fund for a C level employee and his buddies that he hired. Show Less

Advice to Management

If a C level employee is engaged in unethical behavior and can't keep a department from quitting on him. He. Is. The. Problem.

- Share on Facebook
 - Share on Twitter
 - Share via Email
 - Copy Link
- Flag as Inappropriate* *Flag as Inappropriate*

Helpful

4. Oct 22, 2017

Helpful (1)



"Director"

Former Employee - Anonymous Employee in P C Beach, FL
Doesn't Recommend

I worked at JourneyPure full-time (More than a year)

Pros

Owner is committed to recovery from substance abuse

Cons

No progressive disciplinary process in PC. PC administrator prefers to hire only for substance abusers or former prison inmates. Fires staff indiscriminately. High turnover of staff

Advice to Management

Be more aware of what is going on in PC

3.0

stressful, each department not working together

LPN (Former Employee) — Panama City Beach, FL — September 22, 2017

Very fast pace, to demanding for one nurse, i learned some computer skills, management doesnt seem to know what is going on, they try to make it a fun place, but overwork staff

Was this review helpful?Yes 7NoReport

.0

Any job is what you make of it

Utilization Review Specialist (Current Employee) — Murfreesboro, TN — August 1, 2018

Just like any company, it has great people and those who don't seem to be team players. However, I have learned a lot, and been encouraged to further develop my strengths and interests by my direct supervisor. I'm happy to work for JourneyPure.

Was this review helpful?YesNo 1Report

Share

Beautiful on the outside, unbearable on the inside.

Therapist (Former Employee) — Tennessee — May 14, 2018

For anyone thinking of applying here, please don't do it if you have any self respect. The work demands are unrealistic and the management has no comprehension of what actually occurs in a workday nor do they care to hear about it. There is no staff support and management is very disorganized with rapid changes occurring constantly. Due to frequent lay-offs, staff morale is at an all-time low and the work environment is cut-throat at best as many are fearful of losing their jobs at any given moment. As supervisors know this, they can threaten your job to get you to accommodate whatever demands they ask. The hours are long and often include working most holidays as it is a 24 hour a day/365 day a year establishment. All things to consider in taking a position here. TAKE GREAT CAUTION and I would say ask a LOT of questions, but it doesn't matter as you will most likely be lied to anyway or things will change from the day you are hired to the day you actually begin your position. This is so extremely sad as there is so much greatness that could come from here, but it is just so poorly managed and organized.

Pros

Beautiful campus, good interactions within small work group

Cons

Not good life/work balance at all. No self care, very demanding and stressful with no staff support whatsoever. Also frequent lay-offs/"budget cuts"

Was this review helpful? Yes 4 No Report

Great environment and place to work

Utilization Review Specialist (Former Employee) — Nashville, TN — April 12, 2018

- Typical day was 8 to 10 hours
- Learned how to better communicate with insurance companies in order to help clients needing recovery services appropriately utilize his/her benefits.
- Management is invested in helping clients/patients seeking recovery services.
- Hardest part of the job was/is that the company is growing and changing so quickly . . . Ironically this is a pro and con at the same time.
- Great people within this organization that truly care about helping people start or restart on their road to recovery.
- If I had the opportunity I would return to this company.

Pros

Client focused and fast growing company

Cons

Growing so quickly and upper management does not communicate growth plans to everyone

Was this review helpful? Yes 1 No Report

0

Volatile atmosphere with questionable practices

Registered Nurse (Former Employee) — Panama City Beach, FL — October 17, 2015

This treatment center, while founded with honorable intentions, performs with anything but that. Practices are flirting with the borders of legality, patient safety is not a priority, and you are discouraged from having different opinions or viewpoints. Offering suggestions of alternative methods or asking questions will get you labeled as a "difficult employee." Thus, the staff turnover rate is extremely high. Pay and benefits are not equivalent to the average market for the area and they will take advantage of you if you are a hard worker. Management/administration has unrealistic expectations. If you value your sanity, this is not the place for you.

Pros

Some staff truly care about the patients

Cons

Volatile milieu, poor compensation, no advancement potential

Was this review helpful? Yes 15 No Report

Share

JourneyPure Reviews by Job Title

- [Utilization Review Nurse](#) (2)
- [Licensed Practical Nurse](#) (1)
- [Registered Nurse](#) (1)
- [Therapist](#) (1)

JourneyPure Reviews by Location

- [Panama City Beach, FL](#)

- Murfreesboro, TN

Josh

- Treatment Effectiveness
- Accommodations & Amenities
- Meals & Nutrition

I currently have a loved one in this facility and it is horrendous to say the least. Within three days she got bed bugs. When the family tried to make contact with supervision to see what's being done about the issue it took 2 days for them to call back. When they did call back they had no answers to what they were going to do to resolve this issue.

em

Office is rude

Josh

- Treatment Effectiveness
- Accommodations & Amenities
- Meals & Nutrition

It Looks Nice. 127 Acres. In which you only use 10 of them. You don't get your own room you actually sleep in a room with 3 other people in a small twin bed. You have to make your own meals, and we ran out of food twice. I just left there and as of this Halloween 2018 you can no longer use your cell phones at Journey Pure at any time. So don't believe what you hear and you don't get 4 individual sessions a week I had one in 3 weeks. Hope this helps.

Flag For Review

ysfunctional Management

Therapist (Former Employee) – Panama City Beach, FL – July 25, 2018

Journey Pure could and should be a great place to work. While I was there we had 3 different local directors in a year due to owners/management focus on growth (profit) instead of building a solid foundation that meets the needs of actual patients. With no Board of Directors, management operates like a dysfunctional family system, making decisions based more on personal whim than professional standards. In my experience there, people got fired randomly and mysteriously; one patient would be forced to leave treatment for the same behaviors that were tolerated in another. There were many talented and dedicated staff members working at Journey Pure who have since left or been fired. Very

sad, especially for patients who complained of getting less therapy and more paperwork sessions. Overall the work is very stressful due to lack of job security, programming chaos and poor communication. I hope it gets better for everyone who is currently there!

Pros

Reasonable salary

Cons

Management

Was this review helpful? Yes 2 No Report

Share

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1.0

Not a good place to work

Therapist (Former Employee) – Panama City Beach, FL — July 7, 2018

One week of working there and I left. The company had multiple employees quit and I was told the 2 before me were not trained and then fired because of the lack of training and then not knowing how to use their software. The company seemed to be doing the same thing with new people brought on. It was upsetting to see this happening when so many people need the services. I felt my professional opinion not respected in group meetings and then wondered why they would hire me if they didn't think I was a knowledgeable professional. I had heard from several former employees similar things before being hired but thought I would give it a go.

Pros

helping this population and working with a medical team at a detox unit, the pay

Cons

everything else

Was this review helpful? Yes No 1 Report

Share

•

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4.0

Patients

LPN (Licensed Practical Nurse) (Current Employee) – Panama City Beach, FL – May 19, 2018

Loved working with the patient and seeing the transformation in them after completion of the program. Co workers are great to work with and always eager to help.

Was this review helpful? Yes 1 No 2 Report

Share

1.0

Unorganized and unethical

Recovery Support Tech (Former Employee) – Panama City Beach, FL – April 10, 2018

It was very hectic everyday of work. I cant imagine being one of the patients. The patients complained a lot about how unorganized it was daily. It seemed like the activities that were planned for the day would change at the last minute. Lots of horse play with some of the staff. Lack of communication between departments. Unethical practices. I felt very uncomfortable going to work everyday, not knowing what was going to happen during my shift, not due to the patients, but the staff. Poor management.

Pros

Being able to help some of the patients.

Cons

Fake, unorganized, poor managment

Was this review helpful? Yes 3 No 1 Report

Share

2.0

Very unethical practices. Job security is based on how much butt you're willing to kiss

LPN Detox Nurse (Current Employee) – Panama City Beach, FL – March 31, 2018

Ok to have if it's a second job. Do not plan to make this your fulltime or only job, there is no job security. Management stuck, very unethical, do not take responsibility for they're own shortcomings. Unsafe nursing practices. Your license will be at risk.

Pros

Pay is decent

Cons

Unprofessionalism, no job security, management sucks, rules are not followed, no structure.

Was this review helpful? Yes 6 No 1 Report

Share



1.0

Good number of uneducated inexperienced people running the show

Nurse (Former Employee) – Panama City Beach, FL – February 6, 2018

Thought it was going to be a growing opportunity. it turned out to be an experience that I do not want to repeat. They definitely need new management. They are also discriminate if you are NOT in recovery. It is ridiculous.

Pros

Pay was decent.

Cons

Inexperienced managment, uneducated management making decisions that they had no business making.

Was this review helpful? Yes 8 No 3 Report

Share



1.0

Horrible place to work management's all related and they r all hypocrites

Mental Health Technician (Former Employee) – Panama City Beach, FL – December 17, 2017

Absolutely ridiculous I did nothing wrong I was speaking to another employee nothing was said that was wrong or against rules

..then they withheld my money until I had to call the big owner and make a fuss! I love the girls I miss them lots.

Pros

Getting to go to mt home group mtg with pay

Cons

Being verbally abused and manipulated by a sick sick woman

Was this review helpful? Yes 8 No 2 Report

Share

1.0

Poor management, zero advancement opportunities, unsafe environment for staff and patients

Substance Abuse Treatment RN (Former Employee) – Panama City Beach, FL – March 24, 2015

JourneyPure bought Bridging the Gap under the guise of improving the treatment center. Unfortunately, this company just brought in more money to otherwise further the exploitations of the staff and the patients. Staff is frequently requested to lie in charting so that inappropriate patients can be admitted; thus, causing an unsafe environment for the patients and the staff, all just to make a few extra dollars. While I understand that it is a business, any "business" in healthcare should have patient safety as the number one priority. Management is manipulative and there is no teamwork atmosphere. There is no job security and your position will be threatened if you do not comply with whatever tasks you are assigned, legal or not. This company abuses the Florida "right to work" laws, where you can be let go without notice and without reason.

Pros

Gratifying work to see patients improve

Cons

Poor management, unsafe environment for staff/patients, lack of protocols, lack of teamwork

Was this review helpful? Yes 8 No 1 Report

Share



See more **JourneyPure Emerald Coast** reviews

You may want to try:

- [all JourneyPure Emerald Coast reviews in United States](#) (9 reviews)
- [all JourneyPure Emerald Coast reviews worldwide](#) (9 reviews)

Claimed Profile

Want to know more about working here?

Ask a question about working or interviewing at JourneyPure Emerald Coast. Our community is ready to answer.

[Ask a Question](#)

Overall rating

1.7

Based on 9 reviews

50

41

31

21

16

See reviews about

1.6 Work/Life Balance

2.6 Compensation/Benefits

1.0 Job Security/Advancement

1.0 Management

1.7 Culture

Questions about JourneyPure Emerald Coast

- [How do you feel about going to work each day?](#)

One person answered

- [What is the vacation policy like? How many vacation days do you get per year?](#)

One person answered

[See all questions and answers](#)

JourneyPure Emerald Coast Reviews by Job Title

- [Licensed Practical Nurse](#) (2)
- [Therapist](#) (2)
- [Mental Health Technician](#) (1)
- [Nurse](#) (1)
- [Substance Abuse Counselor](#) (1)

JourneyPure Emerald Coast Reviews by Location

- [Panama City, FL](#)

Find companies

From: Mark Leslie
To: Woodard, Patrick
Cc: Jones, Jennifer; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Happy Landings Homes Rezoning 18PZ00088
Date: Monday, October 1, 2018 11:29:14 AM

Hi Pat,

Thank you for taking my call this morning.

I would like to offer the the following input to the above referenced rezoning request for Happy Landings Homes/JourneyPure Treatment and Recovery facilities.

There is currently a Binding Development Plan attached to the subject property that was agreed upon after significant arbitration, public hearings, and neighborhood strife over a rather long period of time. This was necessary because the entity in place was out of compliance with Brevard County Zoning Code. (providing transitional housing for ex-convicts for compensation by the State) The rezoning worksheet provided to the Planning and Zoning Advisory Board does not clearly articulate a very important condition the applicant is requesting to have removed in condition #2.

- "• Condition #2 – prohibition of any staff member who has been convicted of a felony, or entered a plea of"
"guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony from being employed on the property;"
- "• Condition #2 – requirement that the developer/owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all dormitory residents and staff members on the property to the county;"

October 17, 2018 P&Z Minutes - "Mr. Theodore asked why they were requesting to eliminate some fairly significant binding development plan restrictions. Mr. Lee replied there is one with regard to felons that is probably concerning to a lot of people. He said in Florida, if you steal \$600 you're a felon, so Journeypure has about 450 employees and a lot of them have felony records for something they did in the past, but they're healthy now."

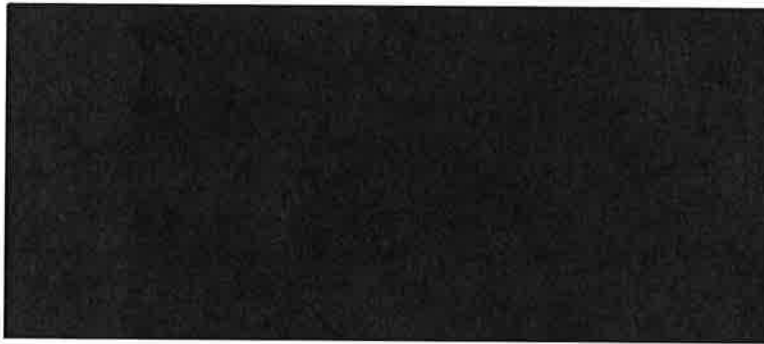
What they are actually asking for is the right to accept anyone with a felony record as either a Patient or a Staff Member, whether it be for a drug related crime or a **violent crime**. This is the most important condition of the Binding Development Plan. A vote to allow the removal of this condition is a vote to allow individuals who fit the statutory definition (below) of Forcible Felon to inhabit the subject property, either as staff or as a patient.

776.08 Forcible felony.—"Forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual. History.—s. 13, ch. 74-383; s. 4, ch. 75-298; s. 289, ch. 79-400; s. 5, ch. 93-212; s. 10,

ch. 95-195.

Felons who have been convicted of drug related crimes **ARE ALLOWED** under the current Binding Development Plan as long as forcible violence was not part of their conviction etc.. In fact, they are protected under Florida Statute. At significant expense to the County, we went through some rather grueling arbitration to get the Forcible Felon component into the Binding Development Plan. Please don't take that protection from us.

Statutes & Constitution :View Statutes : Online Sunshine



Statutes & Constitution :View Statutes : Online Sun...

(4) EXEMPTIONS FROM DISQUALIFICATION.—

(a) The department may grant to any service provider personnel an exemption from disqualification as provided in s. 435.07.

(b) Since rehabilitated substance abuse impaired persons are effective in the successful treatment and rehabilitation of individuals with substance use disorders, for service providers which treat adolescents 13 years of age and older, service provider personnel whose background checks indicate crimes under s. 817.563, s. 893.13, or s. 893.147 may be exempted from disqualification from employment pursuant to this paragraph.

JourneyPure has stated they will upgrade to subject property and make it nice like their Jensen Beach facility. So that I might verify claims that the Jensen Beach facility was a good neighbor, I asked the applicant for the address of the 12 keys JourneyPure facility since the address listed on the website is for a different location than that pictured on the website. <https://www.12keysrehab.com/> The applicant said **NO**, they did not want me bothering their neighbors there. For me, this brought about an enhanced level of concern. Subsequently, one of my neighbors located the property using Google Earth. While in the area recently, I drove by to have a look. The pictures attached were taken from the entrance to the property as I did not want to actually enter the property and cause problems. Not quite the resort pictured on the website.

During the September 17, 2018 Planning and Zoning Advisory Board meeting, "Ben Glover asked how many residents purchased their homes when the recovery facility was there, and stated they purchased their property knowing what was there." (P&Z Minutes) There was only a show of hands, no statements were made by the group. It is important to clarify that the property has **never** been a **legal** Recovery Facility. It was originally a Motel, then a home for boys, then a Ministry, and to date, a facility for homeless women with children. When those types of illegal treatment and recovery activities were found to be occurring some 10 years ago, the County stepped in and began code enforcement proceedings.

Ultimately we ended up with the current Binding Development Plan. We did not buy next to an airport and then complain about the noise!

Humbly submitted,

Mark Leslie
2665 Hilltop Lane
Melbourne, FL 32940
321-427-8817

From: Lin
To: Tice, Molly; Valliere, Jennifer; Jones, Jennifer; Sterk, Erin; Woodard, Patrick
Cc: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Happy Landings Homes Rezoning 18PZ00088
Date: Friday, October 5, 2018 3:13:53 PM

Hello all,

This email is in reference to Happy Landings Homes Rezoning 18PZ00088 my name is Lin Blumauer, my husband Rob and I spent the last 2 years acquiring 5920 & 5930 Old Dixie Hwy and working on our retirement home plans for what we thought was the ideal quiet country meets coastal setting. We were quite surprised on Oct 17th at the P & Z meeting. We are aware of the current BDP and why it was put into place. We have many concerns and issues with the proposed new BDP changes and what could really happen if this business moves in.

Let me say we understand the growing need for these facilities and I am sympathetic, however I don't feel any residential neighborhood should have this or any business of its kind so close to them. Certainly there has to be a location where this business could operate with little to no impact on residential neighborhoods. This neighborhood has already been through a nightmare and now it's threatening to return.

Old Dixie Hwy can in no way shape or form safely handle the volume of traffic with this type of business.

We have been hearing from Kevin Lee that Journey Pure facilities are great neighbors. What I have found on the internet from newspaper articles, indeed.com, glassdoor.com and yelp is a far different story. If the BDP is changed and the entrance to the business is on Old Dixie Hwy regardless of how wonderful or not the facility may be it would negatively affect my property value. Our property would no longer be desirable for our home, we wouldn't feel safe.

Respectfully,

Lin & Rob Blumauer
112 Anona Place
Indian Harbour Beach, FL 32937
321-779-4534

From: [Ritchie, George C](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Sign at 5925 old Dixie
Date: Friday, October 26, 2018 3:12:07 PM

FYI

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Friday, October 26, 2018 3:10 PM
To: Ritchie, George C
Subject: Sign at 5925 old Dixie

Just letting you know the notice has been down for a week I see that it has made its way all the way acrossed the street in the ditch now. It's obvious that they don't think they have to adhere to the law, even the simplest of laws.

Please add this to the public information for the meeting on the 4th.

Thank you
Jinger Knox

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Objection
18PZ00088
Happy Landings Homes, Inc.

From: [Ritchie, George C](#)
To: [Jinger Knox](#)
Cc: [Sterk, Erin](#); [Jones, Jennifer](#); [Ragain, Rebecca](#)
Subject: RE: Alf license
Date: Friday, September 28, 2018 8:10:53 AM

I will forward your concern to my supervisors so your comments/concerns are placed in the file, 18PZ00088 (Happy Landings Homes INC).

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
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Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Thursday, September 27, 2018 5:08 PM
To: Ritchie, George C
Subject: RE: Alf license

My concern is that the information you are providing with the bdp request includes state licensing information that may or may not pertain to their actual use. If they are not going to be obtaining the license then many of the items they are leaving off the bdp, that were specifically put in there to cover the lack of state oversight. If they are not getting a state license I would request that it specifically be note on the bdp request and noted on the information about alfs which were included with their request.

My concern is that you are considering their request based on a use they are not actually applying for.

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From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Thursday, September 27, 2018 5:03:48 PM
To: Jinger Knox
Subject: RE: Alf license

I am not aware of a verification requirement prior to obtaining Zoning approval. If the Board approves the new use, then staff will request the information in order to review a Business Tax Receipt.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Thursday, September 27, 2018 4:47 PM
To: Ritchie, George C
Subject: RE: Alf license

Can you please tell me if our county does have such an approval? And if this facility has indicated to you how they plan to be licensed or approved?

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From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Thursday, September 27, 2018 4:34:53 PM
To: Jinger Knox
Subject: RE: Alf license

Here are the Zoning requirements for a treatment and recovery facility.

Treatment and recovery facility means a secure or nonsecure facility which provides residential rehabilitation services, including room and board, personal care and intensive supervision in casework with emphasis on treatment and counseling services. Such facility may include an outpatient component, and shall include but not be limited to psychiatric residential treatment programs, drug and alcoholic rehabilitation programs, group treatment centers, and group treatment centers for status offenders. Such facility shall be licensed by the state department of health and rehabilitative services as a treatment and recovery facility. If such facility is not licensed by the state department of health and rehabilitative services, it must be approved by the county division of health and social services.

Sec. 62-1826. Assisted living facilities and treatment and recovery facilities.

Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities shall comply with the following requirements, where applicable:

- (1) *Dispersal of facilities. The minimum distance between facilities, measured from the property line,*

shall be 1,000 feet.

- (2) *Neighborhood compatibility.* In the institutional zoning classification, the external appearance of the assisted living facility's or treatment and recovery facility's structures and building sites shall maintain the general character of the area. Exterior building materials, bulk, landscaping, fences and walls and general design shall be compatible with those of surrounding dwellings.
- (3) *Facility standards.*
 - a. Prior to the granting of any permit for assisted living facilities or treatment and recovery facilities, the state department of health and rehabilitative services shall verify compliance with the following standards:
 1. There shall be not less than 250 square feet of floor space per assigned resident.
 2. There shall be one bathroom per two bedrooms. The bedroom square footage shall be not less than 75 square feet per assigned resident.
 3. Centralized cooking and dining facilities shall equal 30 square feet per assigned resident.
 - b. If the request for a permit for assisted living facilities or treatment and recovery facilities is for a structure to be built, floor plans of the structure shall be submitted and approved prior to issuance of the permit.
- (4) *Reserved.*
- (5) *Off-street parking.* There shall be two parking spaces, plus two additional parking spaces for every five occupants for which the facility is permitted.
- (6) *Compliance with state regulations.* Violations of applicable statutes and regulations of the state shall be deemed violations of this division.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Thursday, September 27, 2018 1:42 PM
To: Ritchie, George C
Subject: RE: Alf license

5925 old dixie.. bdp revision request

It doesn't appear their other sites are state licensed how do we know they plan to do that here and is it required

Get Outlook for Android

From: Ritchie, George C <George.Ritchie@brevardfl.gov>

Sent: Thursday, September 27, 2018 1:40:34 PM

To: Jinger Knox

Subject: RE: Alf license

Please identify the site you are interested in. State license for whom and where?

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]

Sent: Thursday, September 27, 2018 1:35 PM

To: Ritchie, George C

Subject: Alf license

George can you please confirm that they do have to have a state license to do what they're requesting to do there or if you just assumed they had to have a state license thanks jinger

Get Outlook for Android

From: Lin
To: Sterk, Erin
Date: Sunday, November 11, 2018 6:16:08 PM

Residents on Seaspray Avenue in Delray Beach complained about this \$3 million sober home. (Thomas Cordy / The Palm Beach Post)

'You get tired of calling the police'

When Joanne Varga of Delray Beach pulls into her driveway at night, she calls her husband who is in the house to come out and escort her inside.

"You never know what you're going to have to contend with," Frank Varga said, referring to the problems they say they've had since a sober home opened several years ago in an old motel across the street.

The problems, he said, include attempted break-ins to their house and cars. The Vargases say they keep a supply of plastic gloves close by — to pick up syringes and needles they often find in their driveway.

"You get tired of calling (the police) because it's every day," said Joanne Varga.

The motel, the Delray Inn, is owned by Harold and Dawn Jonas, who said it is no longer a sober home.

Closer to the beach, residents on Seaspray Avenue still complain about the \$3 million mansion Caron Treatment converted into Ocean Drive, a sober house for the upscale clients who reportedly pay up to \$60,000 a month.

Neighbors say it operates more like a boutique hotel, with traffic from delivery trucks and black SUVs with tinted windows that whisk clients to and from treatment at Caron facilities in Boca Raton.

"It has never made sense why that's not considered a business," said Kelly Barrette, who lives down the street.

"It's a mysterious neighbor. They want to be in the neighborhood, but they're not part of the neighborhood. All of the secrecy is what's problematic with the industry."

One Sunday morning in August, Barrette and her neighbors were shocked to see police cars, emergency vehicles and a medical examiner's car in front of

the house. A client had hanged himself in a bedroom.

Broad Street residents file suit vs. Voyage

SAM STOCKARD, Post Contributor

Dec 7, 2014

A group of Southeast Broad Street residents is suing the city of Murfreesboro and a rehabilitation company claiming the former home of County Attorney Jim Cope was turned into a treatment facility - in violation of the city's zoning ordinance - that will hurt their neighborhood and property values.

A group of Southeast Broad Street residents is suing the city of Murfreesboro and a rehabilitation company claiming the former home of County Attorney Jim Cope was turned into a treatment facility - in violation of the city's zoning ordinance - that will hurt their neighborhood and property values.

From: Lin
To: Sterk, Erin
Subject: Package info 18PZ00088
Date: Sunday, November 11, 2018 12:07:39 PM
Attachments: [Property Value.pdf](#)

Treatment Centers Can Impact Home Prices

October 17, 2014

Residential substance abuse treatment centers can impact the price of neighboring homes, according to a study that uses MLS data to show just how much it can potentially hamper nearby values.

Centers for treating substance abuse are increasingly being located within residential neighborhoods, and the number is expected to grow. Many property owners respond with a "not in my backyard" attitude when a center is proposed, with nearby residents arguing that recovering addicts could bring higher crime risk to their community.

Researchers Claire Reeves La Roche, Bennie D. Waller, and Scott A. Wentland at Longwood University in Farmville, Va., used MLS data from central Virginia to estimate the impact of substance abuse treatment centers on nearby home values. They also used the data to figure out whether homes near substance abuse treatment centers stayed on the market for a longer amount of time.

They found that home values within one-eighth mile of a residential treatment center is associated with an 8 percent reduction in home prices when measured against comparable homes that are farther away. The discount is magnified even more when the treatment centers are for those that specifically treat opiate addiction, which includes addictions to heroin or morphine. In those cases, home values are reduced by up to 17 percent, researchers found.

"Operating a treatment center is a growing industry and it is reasonable to assume that new centers will be built nationally, many of which will be sited near residential communities," researchers note in the study. "Indeed, there is very little that individuals and localities can do to prohibit a substance abuse treatment center from locating in a residential area because alcohol and drug addiction is considered to be a handicap and thus alcoholic/addicts in recovery are members of a protected class under the federal anti-discrimination housing laws. Hence, as residential treatment centers become more common, it is important to understand all their effects, including the effects they may have on nearby real estate and how markets price the potential risk of nearby externalities."

Source: "Not in My Backyard": The Effect of Substance Abuse Treatment Centers on Property Values"

Comment

Objection
18PZ00088
Happy Landings

From: Lin
To: Sterk, Erin
Subject: 18PZ00088/FW: US 1 at Otter Creek - crash and data inquiry
Date: Sunday, November 11, 2018 5:55:21 PM
Attachments: 70020000 MP 9.930-10.180 201007 US 1 from Otter Creek to Unsigned Rd.pdf

RE: 18PZ00088

From: Marquez, Kevin [mailto:Kevin.Marquez@dot.state.fl.us]
Sent: Friday, November 9, 2018 3:51 PM
To: lblumauer@cfl.rr.com
Subject: FW: US 1 at Otter Creek - crash and data inquiry

Forwarding due to typing error.

Thank you,

Kevin

From: Marquez, Kevin
Sent: Friday, November 09, 2018 3:49 PM
To: 'lblumauer@dfc.rr.com' <lblumauer@dfc.rr.com>
Cc: Pearson, Lauren <Lauren.Pearson@dot.state.fl.us>; D5 Public Records <PublicRecords.D5@dot.state.fl.us>
Subject: US 1 at Otter Creek - crash and data inquiry

Ms. Blumauer:

Per your request, please find attached our latest completed study at the subject intersection which was completed in 2010.

We will also complete a cursory review of crash data for the last 24 months, and inform you of our findings.

Last, we will look into our permits to see if we have received any applications for redevelopment off of Otter Creek.

Thank you

Kevin Marquez, P.E.
Safety Studies Engineer
Traffic Operations - FDOT District V
(386) 943-5527
Kevin.Marquez@dot.state.fl.us

**QUALITATIVE ASSESSMENT
For
US 1 from Otter Creek Lane to Unsigned Road**

**Study #2
Work Order #84**

**BREVARD COUNTY
SECTION 70020
MP 9.930-10.180**

Prepared for:

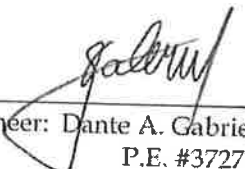
The Florida Department of Transportation

Districtwide Continuing Service Contract for Traffic Operations
Financial Project No. 237988-1-32-07
Contract No. C-8L46

Prepared by:

**GMB ENGINEERS & PLANNERS, INC.
Orlando, FL**

June 2010


Professional Engineer: Dante A. Gabriel
P.E. #37271
June 30, 2010

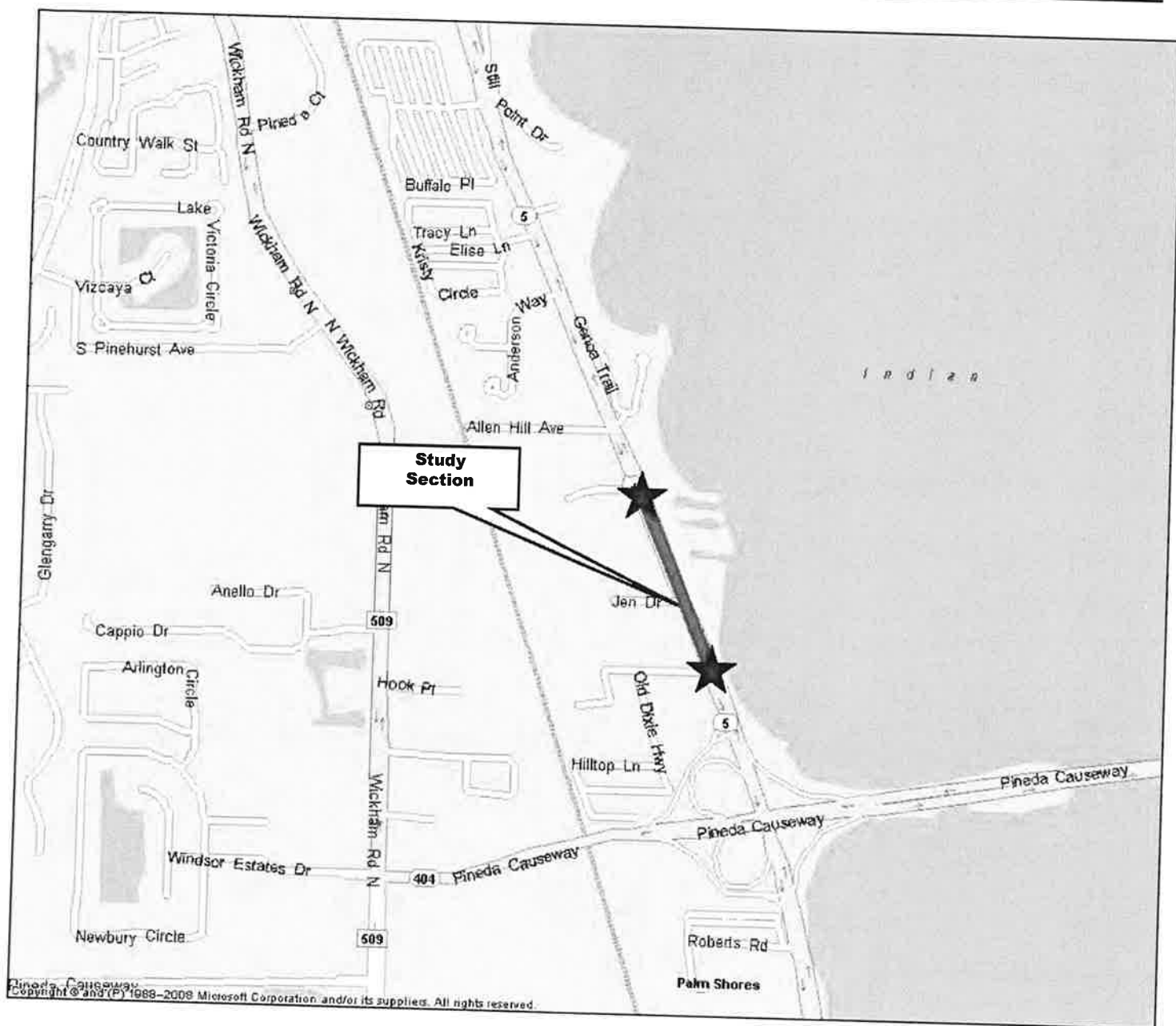


FIGURE 1

GMB Engineers & Planners, Inc.

Location Map
 US 1 from Otter Creek Lane to Unsigned Road
 Brevard County
 Section 70020
 MP 9.930 – 10.180

QUALITATIVE ASSESSMENT

A qualitative assessment based on field observations of the traffic flow conditions occurring on US 1 between Otter Creek Lane (M.P. 9.930) and the unsigned road (M.P. 10.180) located in Melbourne, Brevard County was performed by a registered professional engineer during the mid-day and p.m. peak hours of a typical weekday and the busy Friday evening period. The purpose of the qualitative assessment was to evaluate prevailing operating conditions and traffic flow patterns, and identify areas where improvements would be potentially beneficial for safety and efficiency reasons. Specifically, this study evaluates the operation of these two median openings as they serve induced u-turns associated with vehicular traffic generated by the new Grills Restaurant and Tiki Bar along the eastside of US 1. The existing geometry is illustrated in the condition diagram and the following observations were noted:

1. The US 1 study segment features two intersections with full median openings at Otter Creek Lane to the south and the unsigned road located to the north. This study segment is located immediately north of the SR 404 (Pineda Causeway) interchange with US 1. The intersection to the south features Otter Creek Lane approaching US 1 from the west and an access to a boat ramp approaching from the east. The intersection to the north features the unsigned road approaching US 1 from the west. Along this study segment, US 1 extends north-south with two through lanes each direction, a 20-ft. wide grass median, 4-ft. wide paved shoulder on either side, and shallow open drainage storm water conveyance. South of the SR 404 interchange, US 1 expands to a 6-lane rural section.

At the Otter Creek Lane intersection, US 1 provides two through lanes and one left-turn lane on the northbound and southbound approaches. The northbound approach also features an auxiliary lane that extends from the exit ramp of westbound SR 404 (Pineda Causeway) to northbound US 1 and functions as a right-turn deceleration lane to the boat ramp. Otter Creek Lane is a two-lane local road serving low-density residential units and a boat sales and repair facility. The boat ramp access across from Otter Creek Lane serves the boat ramp and its parking lot and a small vacant building.

The unsigned road serves an aggregate mixing plant for a road construction company. The intersection in front of the unsigned road features two northbound and southbound through lanes, one northbound and southbound left-turn lane (the latter accessing the entrance to a motel), and one eastbound approach lane. The driveway to a motel on the east side of US 1 is offset from the unsigned road. Stop sign assemblies control access to US 1 from Otter Creek Lane and from the unsigned road. There are no sidewalk or marked crosswalk facilities along US 1. Overhead transmission power lines supported by tall concrete poles run along the east side of US 1.

2. The Grills Restaurant and Tiki Bar is located on the east side of US 1 at approximately M.P. 10.090 which brings its driveway approximately 475 ft. south of the unsigned road, and 845 ft. north of Otter Creek Lane. The driveway

operates as a right-in, right-out only condition with no access to the US 1 median. The Grills driveway features a gradual vertical drop of approximately 10 ft. from US 1 to the parking lot. It is worth noting that the northbound left-turn lane at the unsigned road intersection extends approximately 400 ft. long.

3. Four-hour vehicle turning movement counts including u-turns along the mainline were collected at the two study intersections of US 1 between 11:00 a.m.-1:00 p.m. and 4:00-6:00 p.m. during a regular weekday. The mid-day period coincides with the lunchtime crowd going to the Grills restaurant, while the p.m. period coincides with the commuter return trip from work. The counts revealed a balanced traffic flow pattern along US 1 during the mid-day and p.m. peak hour periods. The two side streets generate very light traffic volumes.

Vehicles making a southbound-to-northbound u-turn at the Otter Creek Lane intersection recorded 28 vehicles per hour during the mid-day period and 34 vehicles during the p.m. peak hour. At the unsigned road intersection, the hourly number of vehicles making a northbound-to-southbound u-turn reached 40 vehicles for the mid-day and 46 vehicles during the p.m. peak hour. These u-turn maneuvers were observed to be generated by the Grills Restaurant.

Pedestrian activity was observed to be very light at either intersection with a total of two pedestrians recorded crossing the Otter Creek Lane intersection and no pedestrian crossing the unsigned road intersection during the 4-hour count period. Turning movement and pedestrian counts are provided in the appendix section of this report. Turning movement patterns at the intersection consist of the following:

Intersection Turning Movement Percentages at Otter Creek Lane

	NB	SB	EB	WB
Left-Turn/U-turns	0.4%	2.7%	19.5%	26.9%
Through	99.1%	97.2%	0.0%	0.0%
Right Turn	0.5%	0.1%	80.5%	73.1%

Intersection Turning Movement Percentages at the Unsigned Road

	NB	SB	EB
Left-Turn/U-turns	3.2%	0.0%	31.8%
Through	96.8%	99.5%	0.0%
Right Turn	0.0%	0.5%	68.2%

Turning movement counts were also collected on a Friday at the Otter Creek Lane intersection between 4:00-8:00 p.m. to account for the busier start of weekend customer base generated by the Grills Restaurant. The counts on US 1 revealed a higher northbound traffic flow during the 4:00-6:00 p.m. peak period and a relatively balanced traffic flow pattern during the 6:00-8:00 p.m. period. The side streets generated light traffic volumes.

Vehicles making a southbound-to-northbound u-turn at the intersection recorded 71 vehicles per hour during the Friday 5:00-6:00 p.m. period opposed by 1,700 vehicles going northbound. Between 6:00-8:00 p.m., this movement was consistently around 70 vehicles per hour, but the opposing northbound through

movement dropped significantly (1,200 vph between 6:00-7:00 p.m. and 842 vph between 7:00-8:00 p.m.).

Intersection Turning Movement Percentages at Otter Creek Lane (Friday)

	NB	SB	EB	WB
Left-Turn/U-turns	0.4%	5.8%	13.8%	40.6%
Through	98.7%	94.1%	0.0%	0.0%
Right Turn	0.9%	0.1%	86.2%	59.4%

4. According to crash records provided by the Department, there were four crashes reported in the study segment during the latest 12-month period covering May 1, 2009 to April 30, 2010. These crashes consisted of two rear-end collisions, one right-turn collision and one head-on when a vehicle hydroplaned and crossed the median. (There were two crashes that occurred at the Jen Drive median opening which has been subsequently closed and no longer considered applicable.) These four crashes led to two injuries and total property damage amounting to \$39,200. Three of the crashes were cited for careless driving while the right-turn crash was cited for failing to yield the right of way. None of the crashes involved DUI driving. Crash #3 occurred on wet pavement conditions, while crash #4 occurred at night. None of the crashes involved u-turn vehicles at the Otter Creek Lane and at the unsigned intersections.
5. The Department conducted speed studies on US 1 at Otter Creek Lane (Location #1) and at the unsigned road (Location #2). Location #1 is located within a 50 mph speed zone, while Location #2 is within a 55 mph zone. Traffic engineers use several statistical measures to determine the basis for establishing the regulatory speed limit on a roadway. The 85th percentile speed represents the speed at or below which 85% of the vehicles are moving. Traffic engineers generally use the 85th percentile speed and the 10 mph pace, which represents the speed range recorded by the highest number of vehicles along the corridor, as the basis for setting the posted speed limit on a road segment. Factors used in interpreting spot speeds are defined below:
 - a) 85th Percentile Speed - The speed that 85% of the free flowing vehicles do not exceed.
 - b) 50th Percentile Speed - The speed that 50% of the free flowing vehicles do not exceed.
 - c) Pace - A 10-mph range that includes the highest number of vehicles observed.

Table 1 Vehicle Spot Speed Summary						
	Location #1: Otter Creek Lane (50 mph posted speed)			Location 2: Unsigned Road (55 mph posted speed)		
	NB	SB	Combined	NB	SB	Combined
85 th Percentile Speed	58.3	58.7	58.5	59.0	59.2	59.1
50 th Percentile Speed	54.1	53.9	54.0	54.3	55.3	54.8
10 mph Pace	50-59	50-59	50-59	49-58	50-59	50-59

The speed data reveals that vehicles traveling northbound and southbound on US 1 move at almost the same speed through the two study locations despite the slower speed zone in front of the Otter Creek Lane intersection. The combined speed data on Otter Creek Lane registered an 85th percentile speed of 58.5 mph, compared to its 50 mph posting. The data also reveals that 50 percent of the sample vehicles at this location exceeded 54 mph, compared to the 50 mph posting. In front of the unsigned road, the 85th percentile registered 59.1 mph, compared to its 55 mph posting. The 50th percentile speed at this location is 54.8 mph meaning that 50 percent of the sample vehicles traveled slightly lower than the 55 mph posting.

6. The Otter Creek Lane intersection serves light turning movements during the weekday mid-day and p.m. peak hours. The highest hourly turning movement occurs on the southbound lane with 36 vehicles (29 are u-turns) during the midday and 47 (37 are u-turns) vehicles during the p.m. The u-turning movement involves vehicles accessing the Grills Restaurant to the north. Vehicles making this u-turn maneuver must yield to northbound vehicles going over the SR 404 overpass as well as vehicles going from the westbound SR 404 ramp going north on US 1.

During the midday, when traffic volumes are lighter, u-turn maneuvers are more efficiently accomplished due to the presence of frequent and long gaps in the northbound traffic stream. No more than three vehicles were observed queued on any given time.

During the p.m. peak hour with higher and denser traffic flows, u-turning vehicles experience longer delays and queues with up to four to five vehicles on the queue. The 480-ft. long southbound left-turn lane provides sufficient storage capacity to service the southbound left-turning/u-turning movements. When gaps occur on the traffic stream, multiple u-turning vehicles are able to discharge from the queue. Passenger cars and SUVs are able to make the u-turn maneuver using the two northbound receiving lanes. Single unit light trucks delivering refrigerated goods and overnight mail are also able to make the u-turn maneuvers; however, since they track a wider path, the grass shoulder on the northeast corner shows evidence of wear due to wheel tracking.

Driver sightline from the eastbound, westbound, and the mainline left-turn lanes are adequate. During the periods of observation, traffic from the boat ramp was very sporadic and only one pickup truck pulling a fishing boat was observed during the midday and none during the p.m. peak hour. He was able to enter the southbound lanes of US 1 with little delay and no intermediate stop at the median. Given the 20-ft. wide median, vehicles pulling their boats wait for simultaneous gaps to occur on the US 1 traffic stream as it is difficult to make an intermediate stop at the median especially when pulling larger sized boats.

7. The unsigned road intersection serves even lighter turning movements than the Otter Creek Lane intersection. The highest hourly movement occurs on the northbound left-turn lane with 62 vehicles (57 are u-turns) during the midday and 53 vehicles (52 are u-turns) during the p.m. peak hour. As in the previous

intersection, these u-turn movements are generated by vehicles leaving the Grills Restaurant and going south on US 1.

During the midday, lighter traffic flows on southbound US 1 enable u-turning vehicles to complete their maneuvers with little delay. A maximum of four vehicles were observed waiting at the queue and they were able to discharge multiple vehicles at a time due to frequent and long gaps in the southbound traffic stream. The traffic signal to the north at Suntree Blvd. approximately 1.3 miles away introduces artificial gaps in the southbound traffic stream to facilitate discharging the northbound u-turn movements.

During the p.m. peak hour when southbound traffic volumes are 40-50 percent higher than during the midday, u-turning vehicles were observed experiencing longer delays with up to six queued vehicles. The 400-ft. long northbound left-turn lane provides sufficient storage capacity to service the northbound left-turning/u-turning movements. Queues dissipate quickly as multiple vehicles are able to discharge when gaps become available in the southbound traffic stream.

The eastbound and westbound approach volumes are sporadic. Driver sightlines from the eastbound and mainline left-turn lanes are adequate. The grass shoulder at the southwest corner is worn out and showing signs of rutting. This shoulder condition could be caused by large trucks turning right out of the aggregate plant and by tracking caused by northbound u-turning vehicles. Future access management plans reported by the Department indicate that this median opening is a candidate to be reconfigured to a north-south directional opening (i.e., prevent left-turns out of the unsigned road).

8. The driveway serving the Grills Restaurant is located within the 55 mph speed zone on US 1 and at the crest of a slight vertical curve that dips to the south approaching Otter Creek Lane.

Vehicles entering the driveway from the south were observed using the paved shoulder as a deceleration lane to slow down and maneuver into the downward sloping driveway. Because of the driveway configuration, vehicles were observed slowing down to about 25-30 mph at which time the vehicles are positioned out of the US 1 travel lane and on the paved shoulder. A concrete power pole and a fire hydrant are positioned 13 ft. from the travel lane and on the upstream side of the driveway entrance.

Vehicles exiting the restaurant face an uphill slope which plateaus out just before merging with northbound US 1. From a stopped position on the driveway prior to merging to US 1, driver sightline to approaching vehicles from the south is restricted slightly by the vertical curve; however, approaching vehicles are visible from approximately 640 ft. away which is less than the 780-ft. sightline recommended for 60 mph design speed in Index 546.

Drivers exiting the restaurant are able to merge with northbound US 1 with low levels of delay during the midday and slightly moderate levels of delay during

the p.m. peak hour. The longest queue observed exiting the restaurant during the midday was four vehicles and six to seven vehicles during the p.m. peak hour. Multiple vehicles were able to discharge when gaps occur on the northbound traffic stream. Approximately half of the exiting vehicles immediately access the northbound left-turn lane approaching the unsigned road. Because of the speed on US 1, turning into the outside lane first before switching two lanes over to get to the left-turn lane presents a more challenging maneuver because it is easy to run out of room to maneuver to the end of the northbound left-turn lane. A few of the exiting vehicles were observed making this latter maneuver in the absence of vehicles traveling on the inside through lane.

9. Qualitative assessments were also conducted on a Friday evening coinciding with the Grills Restaurant busy period overlap with the weekday. A maximum queue length of four vehicles was observed in the southbound left-turn lane performing a u-turn maneuver. Multiple u-turning vehicles were observed able to clear the intersection due to available longer gaps in the northbound traffic flow. The southbound turn lane length was found adequate to accommodate the demand. Due to sporadic arrivals along the side street approaches, no conflicts were observed at the intersection.

The unsigned road intersection was observed operating efficiently during this period. The u-turning vehicles intended to go south were able to clear the intersection with minimal delay. A maximum queue length of three vehicles was observed on the northbound left-turn lane. The northbound turn lane was found to have adequate length to accommodate the traffic demand.

The Grills Restaurant parking was observed to be fully occupied. A maximum queue length of four vehicles was observed exiting the restaurant driveway. Vehicles were able to clear the intersection with minimal delay. The right-turn maneuver to access the northbound left-turn lane at the unsigned road was achieved efficiently due to availability of adequate gaps in the northbound traffic stream.

10. The qualities of the road surface and pavement markings are in average condition. A traffic monitoring station (#700412) on US 1 is located in front of the Grills Restaurant driveway.
11. Based on observations of traffic flow patterns and demand, volume counts, crash records, and field qualitative assessment at the intersection, this report recommends the following:
 - The two study intersections at Otter Creek Lane and at the unsigned road should retain their existing geometric configuration and operational control. The two intersections operate efficiently during the midday and p.m. peak hour weekday conditions and evening weekend conditions and are able to efficiently serve the induced u-turns from the Grills Restaurant. The proposed draft access modification at the unsigned road intersection in the future will further improve the traffic flow operation of this intersection.

- Construct a 10' x 40' U-turn pad at the northeast corner of the Otter Creek Lane intersection to accommodate the paths of southbound to northbound u-turning vehicles.
- Construct a 5' x 40' U-turn pad at the southwest corner of the unsigned road intersection to accommodate the paths of northbound to southbound u-turning vehicles. The narrower pad avoids impacting a fire hydrant.

**US 1 at Otter Creek Lane
East Approach**



Exhibit 1: Looking west from the intersection along Otter Creek Lane

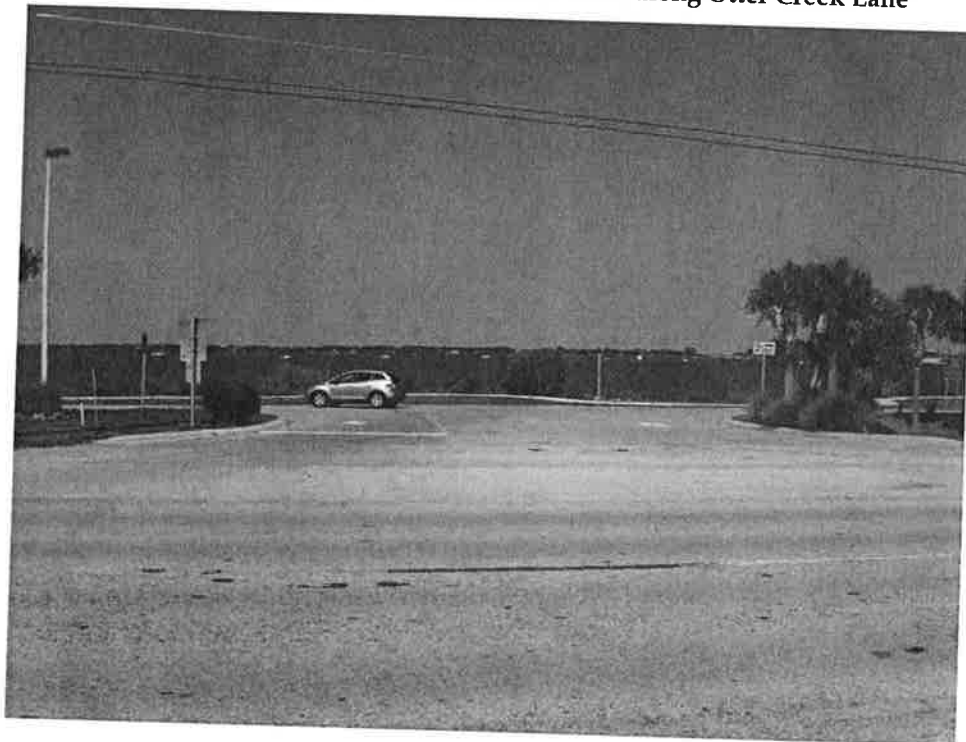


Exhibit 2: Looking east into the intersection along Otter Creek Lane

**US 1 at Otter Creek Lane
West Approach**

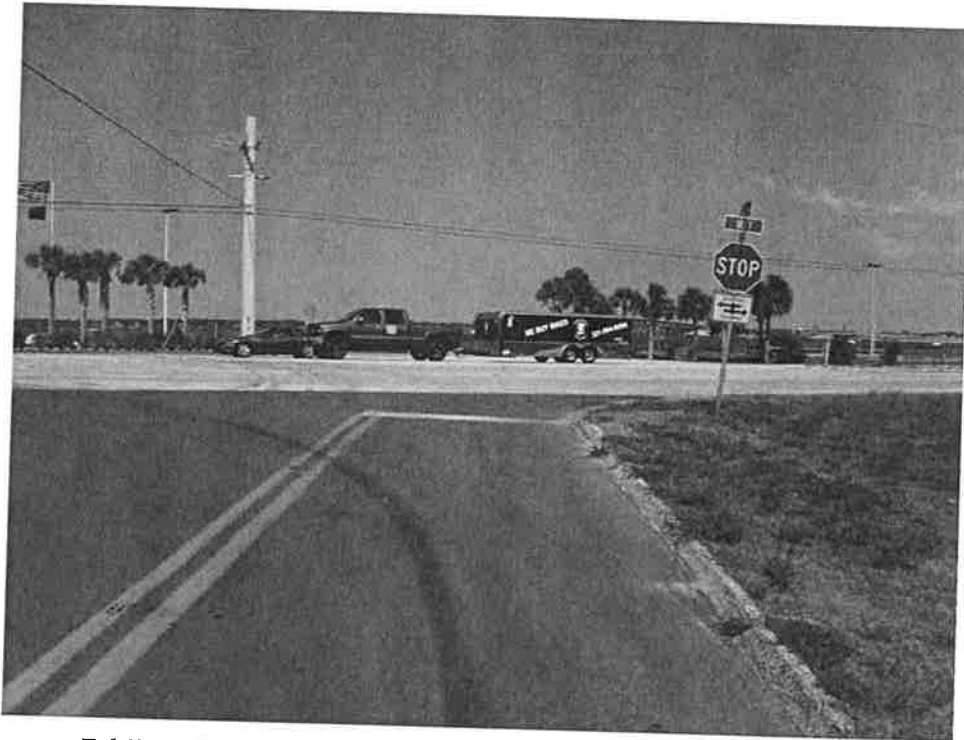


Exhibit 3: Looking east into the intersection along Otter Creek Lane



Exhibit 4: Looking west from the intersection along Otter Creek Lane

**US 1 at Otter Creek Lane
North Approach**



Exhibit 5: Looking south into the intersection along US 1



Exhibit 6: Looking north from the intersection along US 1

**US 1 at Otter Creek Lane
South Approach**



Exhibit 7: Looking north into the intersection along US 1



Exhibit 8: Looking south from the intersection along US 1

**US 1 at Unsigned Road
West Approach**

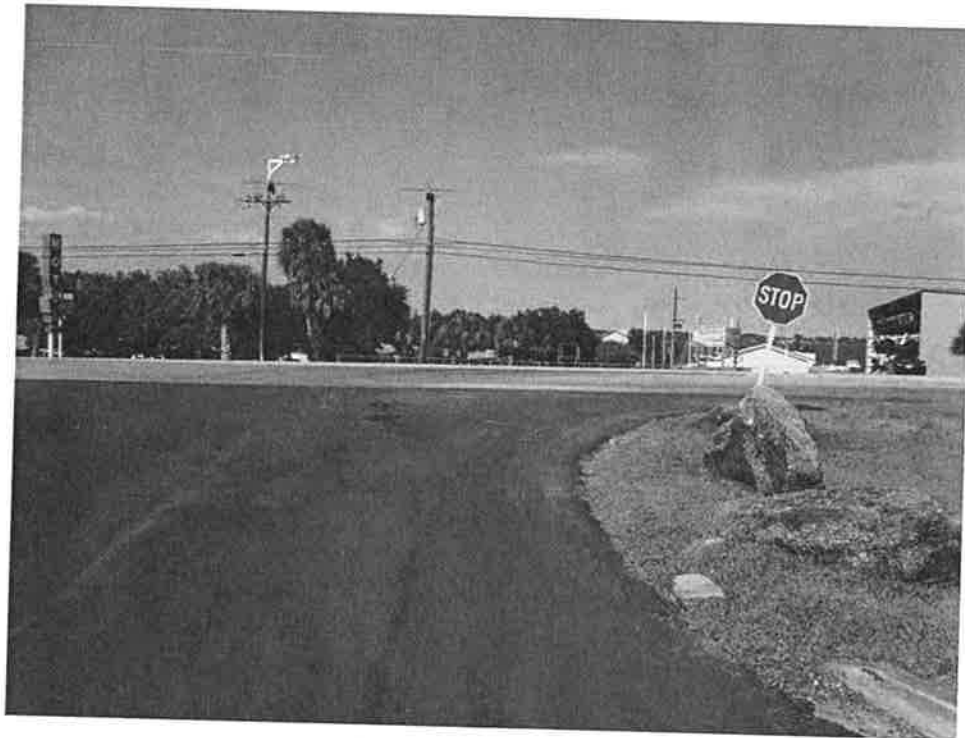


Exhibit 9: Looking east into the intersection along Unsigned Road



Exhibit 10: Looking west from the intersection along Unsigned Road

**US 1 at Unsigned Road
North Approach**



Exhibit 11: Looking south into the intersection along US 1

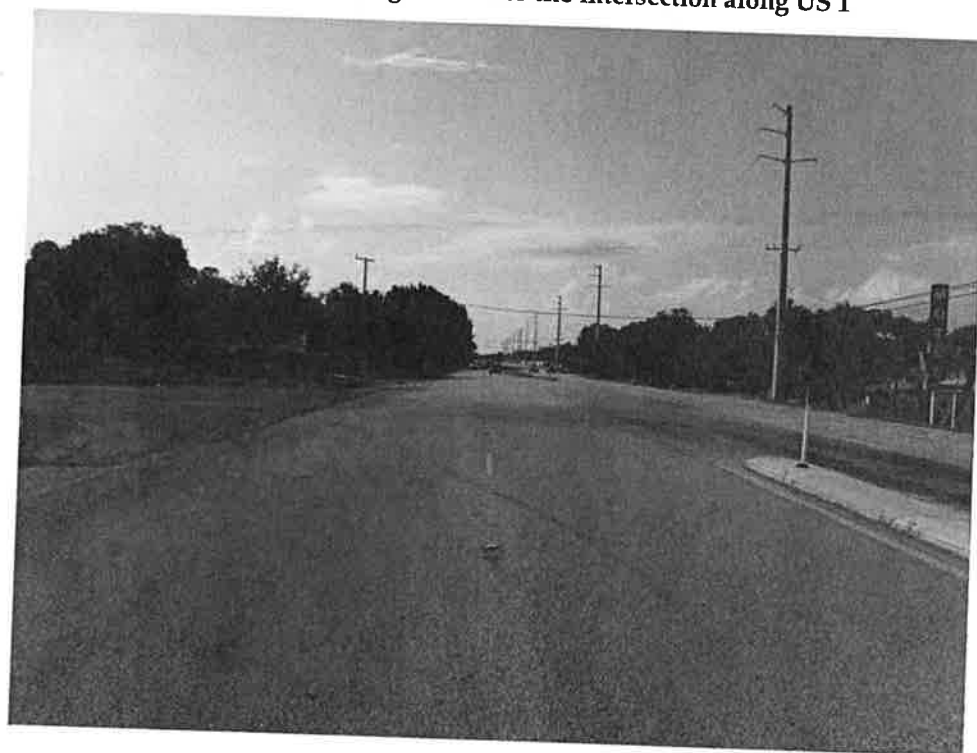


Exhibit 12: Looking north from the intersection along US 1

**US 1 at Unsigned Road
South Approach**

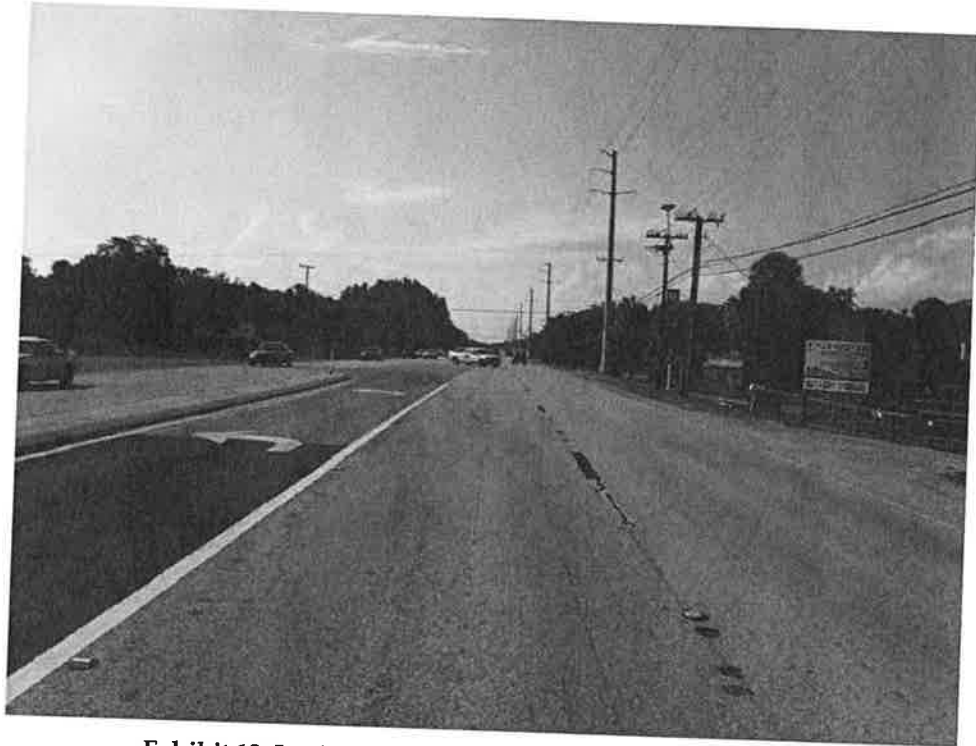


Exhibit 13: Looking north into the intersection along US 1

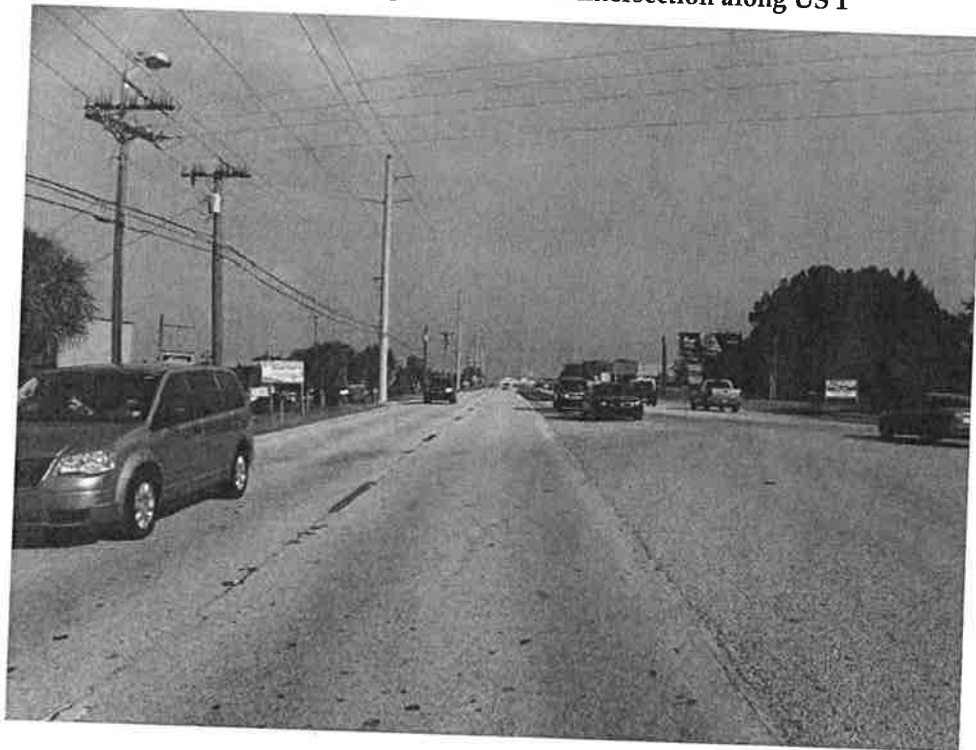


Exhibit 14: Looking south from the intersection along US 1

US 1 at Grill's Restaurant Entrance



Exhibit 15: Looking west into the intersection along Restaurant Entrance

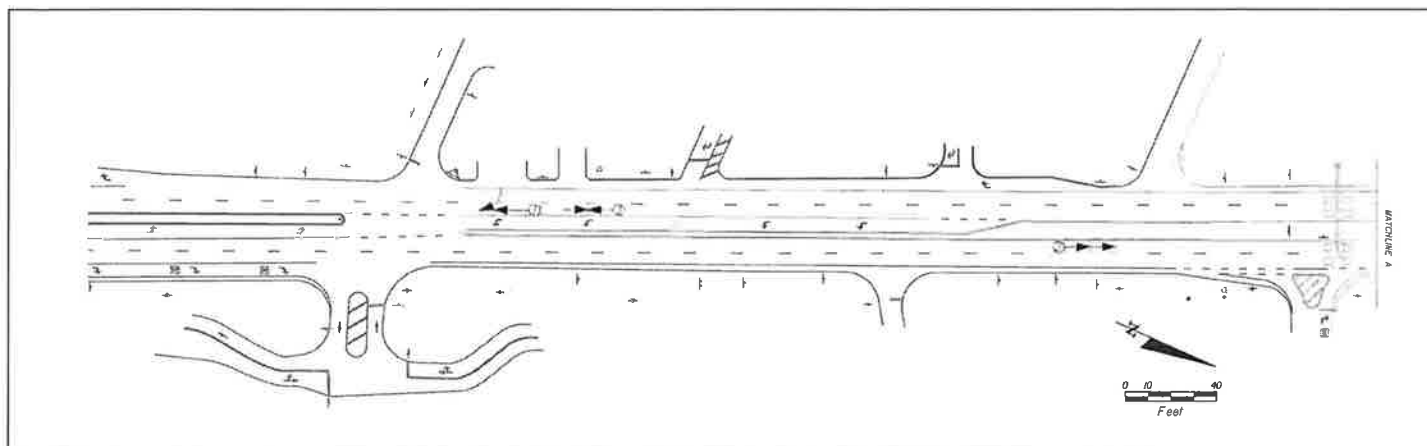


Exhibit 16: Looking north into the intersection along US 1



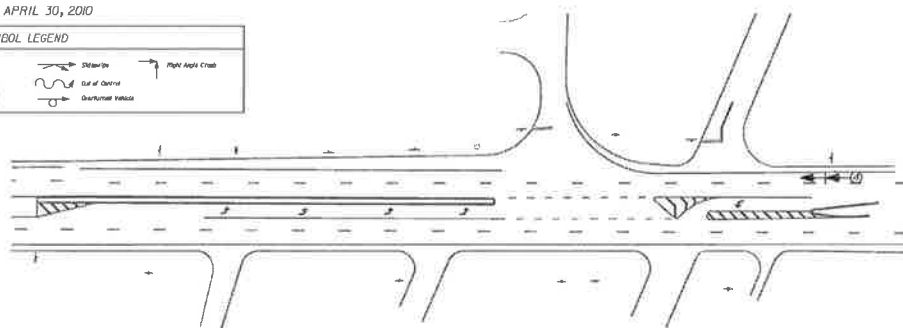
TABLE 2
COLLISION SUMMARY

MAJOR ROUTE:		SR 5 (US 1)											
INTERSECTING ROUTE:		OTTER CREEK LANE (MP 9.930) TO UNSIGNED ROAD (MP 10.180)							COUNTY:		BREVARD		
STUDY PERIOD:		1-May-09			TO		30-Apr-10			ENGINEER:		DAG	
CRASH REF. NO.	DATE	DAY	TIME	CRASH TYPE	FATAL	INJURY	PROPERTY DAMAGE	DAY/ NIGHT	WET/ DRY	CONTRIBUTING CAUSE			
1	10/3/2009	Saturday	1:17 PM	RIGHT TURN	0	1	\$2,700	DAY	DRY	FTYRW			
2	10/9/2009	Friday	8:06 AM	REAR END	0	0	\$7,000	DAY	DRY	CARELESS DRIVING			
3	3/12/2010	Friday	3:00 PM	HEAD ON	0	0	\$25,000	DAY	WET	CARELESS DRIVING			
4	3/30/2010	Tuesday	10:40 PM	REAR END	0	1	\$4,500	NIGHT	DRY	CARELESS DRIVING			
Total					0	2	\$39,200						
				CRASH TYPE									
TOTAL CRASHES	FATAL	INJURY	PROP. DAMAGE	PED / BIKE	ANGLE	LEFT TURN	RIGHT TURN	REAR END	SIDESWIPE	RAN OFF ROAD	OTHER		
4	0	2	4	0	0	0	1	2	0	0	1		
	0%	50%	100%	0%	0%	0%	25%	50%	0%	0%	25%		
					CONTRIBUTING CAUSE								
ONE VEHICLE	TIME OF DAY		ROAD CONDITION		NO IMPROPER DRIVING	CARELESS DRIVING	FTYRW	IMPROPER LANE CHANGE	DUI	DISREGARDED STOP SIGN		OTHER	
0	3	1	1	3	0	3	1	0	0	0		0	
0%	75%	25%	25%	75%	0%	75%	25%	0%	0%	0%		0%	



CRASH PERIOD: MAY 1, 2009 TO APRIL 30, 2010

CRASH SYMBOL LEGEND			



0 10 40
Feet

REVISIONS				STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			CRASH DIAGRAM US 1 FROM OTTER CREEK LANE TO UNSIGNED ROAD		FIGURE NO.
DATE	DESCRIPTION	DATE	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID			
				US 1	BREVARD	06-154.B4			3



GMB Engineers & Planners, Inc.
302 E. Longleaf Dr.
Orlando, FL 32803
Phone: 407-688-9400 Fax: 407-688-9405

3/17/2010

3/17/2010

3/17/2010

PROJECT: US 1 FROM OTTER CREEK LANE TO UNSIGNED ROAD



Appendix

15 MINUTE TURNING MOVEMENT COUNTS (ALL VEHICLES)

DATE: June 1, 2010

(Tuesday)

CITY: PALM SHORES

LOCATION: OTTER CREEK LANE and US 1

COUNTY: BREVARD

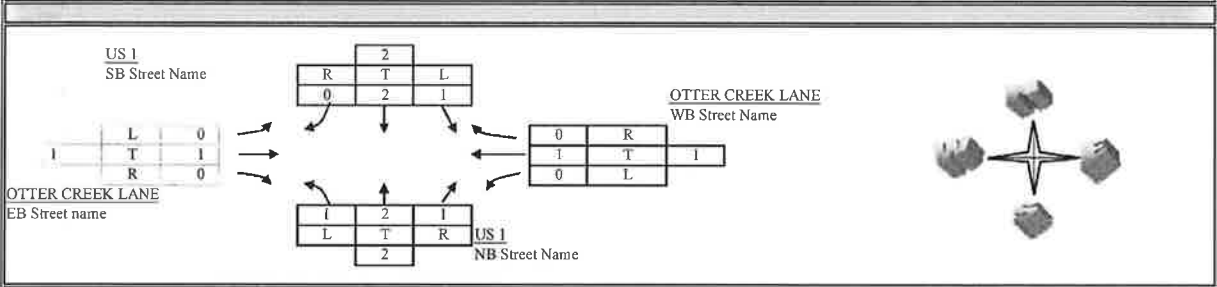
US 1

OTTER CREEK LANE

TIME BEGIN	NORTHBOUND					SOUTHBOUND					N/S TOT	EASTBOUND					WESTBOUND					E/W TOT	GRAND TOTAL
	R	T	L	U	TOT	R	T	L	U	TOT		R	T	L	U	TOT	R	T	L	U	TOT		
11:00	0	302	1	0	303	0	302	3	8	313	616	1	0	0	0	1	5	0	0	0	5	6	622
11:15	1	234	0	0	235	0	269	0	5	274	509	1	0	0	0	1	5	0	1	0	6	7	516
11:30	2	268	1	0	271	0	258	2	7	267	538	1	0	4	0	5	2	0	2	0	4	9	547
11:45	2	303	0	0	305	1	322	2	9	334	639	1	0	1	0	2	3	0	1	0	4	6	645
TOTAL	5	1,107	2	0	1,114	1	1,151	7	29	1,188	2,302	4	0	5	0	9	15	0	4	0	19	28	2,330
12:00	2	308	2	2	314	2	278	4	9	293	607	2	0	0	0	2	8	0	1	0	9	11	618
12:15	1	319	1	0	321	2	315	3	7	327	648	6	0	0	0	6	3	0	1	0	4	10	658
12:30	1	300	3	0	304	0	288	1	8	297	601	2	0	0	0	2	1	0	1	0	2	4	605
12:45	4	297	0	0	301	0	303	0	4	307	608	1	0	0	0	1	3	0	0	0	3	4	612
TOTAL	8	1,224	6	2	1,240	4	1,184	8	28	1,224	2,464	11	0	0	0	11	15	0	3	0	18	29	2,493
4:00	2	373	2	0	377	3	341	2	6	352	729	2	0	0	0	2	3	0	7	0	10	12	741
4:15	4	448	1	0	453	0	349	2	8	359	812	6	0	1	0	7	5	0	0	0	5	12	824
4:30	1	425	0	1	427	0	378	2	7	387	814	0	0	1	0	1	2	0	0	0	2	3	817
4:45	1	459	0	1	461	0	413	1	7	421	882	2	0	0	0	2	4	0	0	0	4	6	888
TOTAL	8	1,705	3	2	1,718	3	1,481	7	28	1,519	3,237	10	0	2	0	12	14	0	7	0	21	33	3,270
5:00	0	444	2	0	446	0	397	3	12	412	858	2	0	1	0	3	1	0	1	0	2	5	863
5:15	4	454	3	1	462	0	571	3	8	582	1,044	3	0	0	0	3	6	0	2	0	8	11	1,055
5:30	1	407	0	1	409	0	405	3	7	415	824	2	0	0	0	2	3	0	3	0	6	8	832
5:45	3	381	2	1	387	0	358	1	10	369	756	1	0	0	0	1	3	0	1	0	4	5	761
TOTAL	8	1,686	7	3	1,704	0	1,731	10	37	1,778	3,482	8	0	1	0	9	13	0	7	0	20	29	3,511

FLORIDA DEPARTMENT OF TRANSPORTATION SUMMARY OF VEHICLE MOVEMENTS

SECTION:	70020	CITY:	PALM SHORES	COUNTY:	BREVARD
STATE ROUTE:	US 1			INTERSECTING ROUTE:	OTTER CREEK LANE
OBSERVER:	KTF	DATE:	06/01/10	MILEPOST:	9.93
WEATHER:	CLEAR			ROAD CONDITION:	DRY
REMARKS:					
FORM COMPLETED BY/DATE:	KTF/June 2, 2010				



VEHICLE MOVEMENTS

[illegible]

15 MINUTE TURNING MOVEMENT COUNTS (TRUCKS)

DATE: June 1, 2010 (Tuesday)

CITY: PALM SHORES

LOCATION: US 1 and OTTER CREEK LANE

COUNTY: BREVARD

US 1

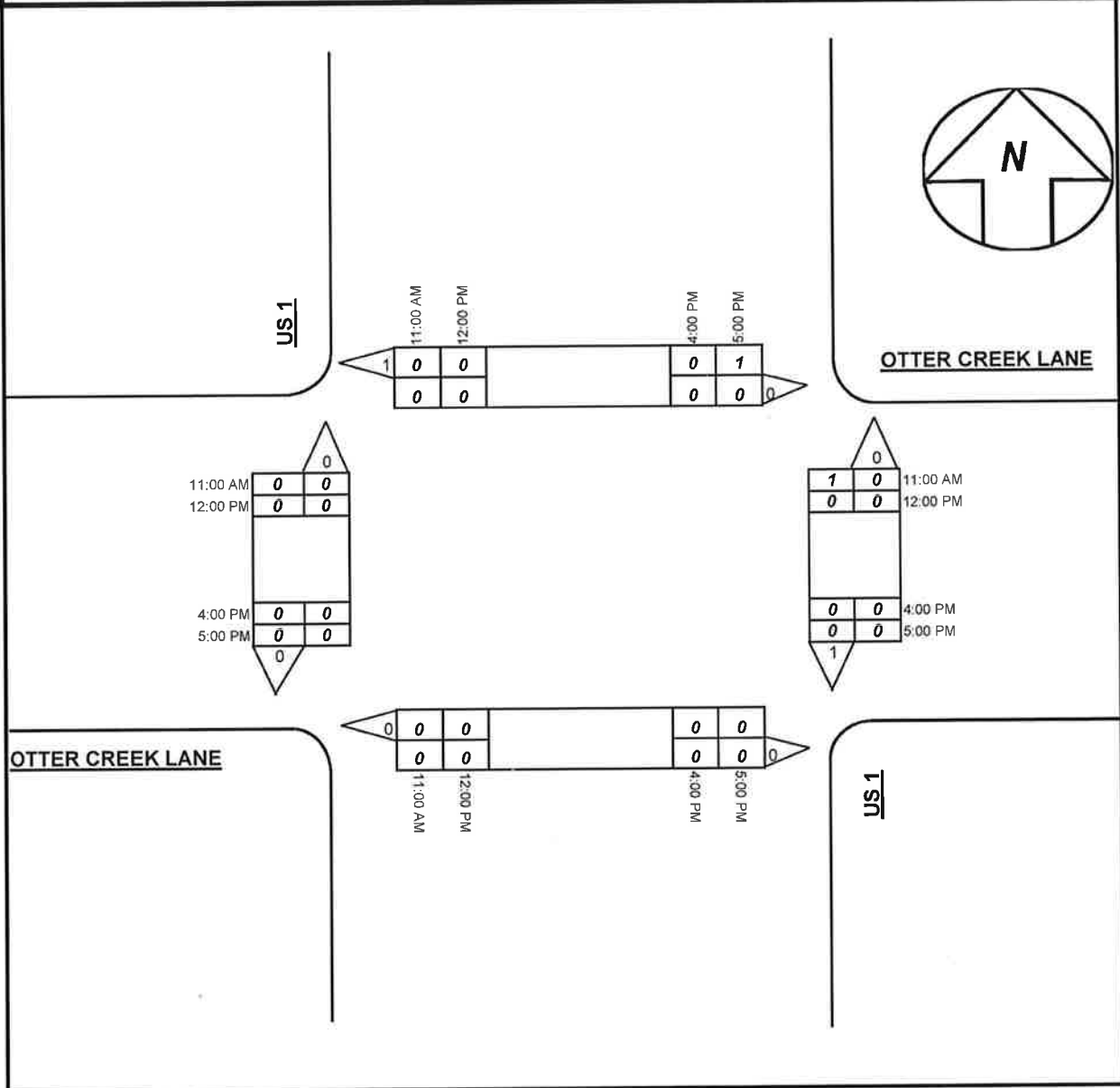
OTTER CREEK LANE

TIME BEGIN	NORTHBOUND				SOUTHBOUND				N/S TOT	EASTBOUND				WESTBOUND				E/W TOT	GRAND TOTAL
	R	T	L	TOT	R	T	L	TOT		R	T	L	TOT	R	T	L	TOT		
11:00	0	6	1	7	0	8	0	8	15	0	0	0	0	1	0	0	1	1	16
11:15	0	4	0	4	0	8	0	8	12	1	0	0	1	1	0	1	2	3	15
11:30	0	3	0	3	0	4	0	4	7	0	0	0	0	0	0	0	0	0	7
11:45	0	13	0	13	0	8	0	8	21	0	0	0	0	0	0	1	1	1	22
TOTAL	0	26	1	27	0	28	0	28	55	1	0	0	1	2	0	2	4	5	60
12:00	0	6	0	6	0	3	0	3	9	0	0	0	0	0	0	0	0	0	9
12:15	0	8	0	8	1	4	0	5	13	1	0	0	1	0	0	0	0	1	14
12:30	0	1	0	1	0	9	0	9	10	0	0	0	0	0	0	0	0	0	10
12:45	0	6	0	6	0	16	0	16	22	0	0	0	0	0	0	0	0	0	22
TOTAL	0	21	0	21	1	32	0	33	54	1	0	0	1	0	0	0	0	1	55
4:00	0	5	0	5	0	9	0	9	14	0	0	0	0	0	0	0	0	0	14
4:15	0	3	0	3	0	4	0	4	7	0	0	0	0	0	0	0	0	0	7
4:30	0	6	0	6	0	2	0	2	8	0	0	0	0	0	0	0	0	0	8
4:45	0	2	0	2	0	1	0	1	3	0	0	0	0	0	0	0	0	0	3
TOTAL	0	16	0	16	0	16	0	16	32	0	0	0	0	0	0	0	0	0	32
5:00	0	1	0	1	0	4	0	4	5	0	0	0	0	0	0	0	0	0	5
5:15	0	5	0	5	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5
5:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45	0	1	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1	1	2
TOTAL	0	7	0	7	0	4	0	4	11	0	0	0	0	1	0	0	1	1	12

FLORIDA DEPARTMENT OF TRANSPORTATION

Pedestrian Movement Summary

Section 70020 City PALM SHORES County BREVARD
 State Route US 1 Intersecting Route OTTER CREEK LANE
 Data By GMB Date 6/1/2010 Form Completed By KTF
 Remarks NONE



15 MINUTE TURNING MOVEMENT COUNTS (ALL VEHICLES)

DATE: June 11, 2010

(Friday)

CITY: PALM SHORES

LOCATION: OTTER CREEK LANE and US 1

COUNTY: BREVARD

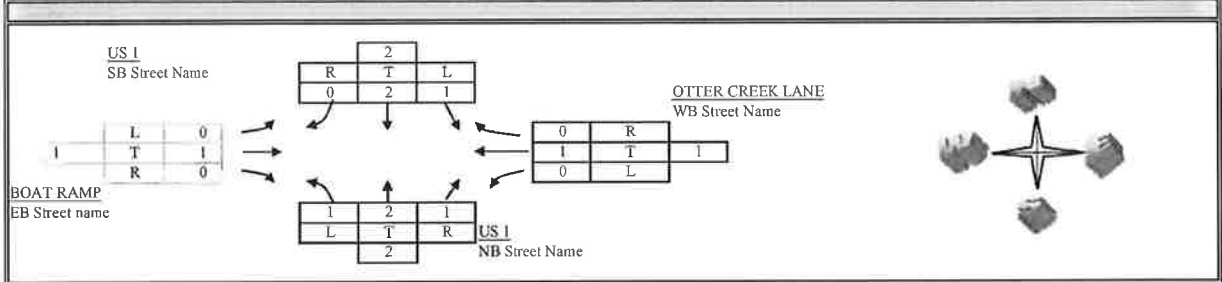
US 1

OTTER CREEK LANE

TIME BEGIN	NORTHBOUND					SOUTHBOUND					N/S TOT	EASTBOUND					WESTBOUND					E/W TOT	GRAND TOTAL
	R	T	L	U	TOT	R	T	L	U	TOT		R	T	L	U	TOT	R	T	L	U	TOT		
4:00	5	409	0	1	415	0	317	2	2	321	736	2	0	0	0	2	5	0	10	0	15	17	753
4:15	0	445	1	0	446	0	348	4	18	370	816	3	0	1	0	4	4	0	4	0	8	12	828
4:30	2	440	1	1	444	1	393	1	16	411	855	0	0	0	0	0	3	0	1	0	4	4	859
4:45	2	475	1	0	478	1	387	6	13	407	885	0	0	1	0	1	4	0	0	0	4	5	890
TOTAL	9	1,769	3	2	1,783	2	1,445	13	49	1,509	3,292	5	0	2	0	7	16	0	15	0	31	38	3,330
5:00	8	424	4	1	437	1	359	3	13	376	813	3	0	1	0	4	4	0	3	0	7	11	824
5:15	0	471	0	1	472	0	399	3	21	423	895	3	0	0	0	3	3	0	0	0	3	6	901
5:30	2	440	0	0	442	0	403	0	16	419	861	2	0	0	0	2	3	0	0	0	3	5	866
5:45	2	365	0	1	368	1	294	1	21	317	685	5	0	1	0	6	1	0	10	0	11	17	702
TOTAL	12	1,700	4	3	1,719	2	1,455	7	71	1,535	3,254	13	0	2	0	15	11	0	13	0	24	39	3,293
6:00	3	349	1	0	353	0	306	2	14	322	675	0	0	0	0	0	5	0	2	0	7	7	682
6:15	8	289	0	1	298	1	262	2	14	279	577	1	0	0	0	1	10	0	0	0	10	11	588
6:30	2	298	1	0	301	0	324	1	23	348	649	0	0	0	0	0	1	0	2	0	3	3	652
6:45	4	266	4	0	274	0	240	4	19	263	537	1	0	0	0	1	4	0	3	0	7	8	545
TOTAL	17	1,202	6	1	1,226	1	1,132	9	70	1,212	2,438	2	0	0	0	2	20	0	7	0	27	29	2,467
7:00	3	237	0	0	240	0	215	2	14	231	471	0	0	0	0	0	1	0	3	0	4	4	475
7:15	2	191	2	1	196	0	239	4	20	263	459	1	0	0	0	1	2	0	1	0	3	4	463
7:30	5	200	0	0	205	0	202	4	20	226	431	1	0	0	0	1	8	0	1	0	9	10	441
7:45	0	214	0	1	215	0	183	2	17	202	417	3	0	0	0	3	2	0	1	0	3	6	423
TOTAL	10	842	2	2	856	0	839	12	71	922	1,778	5	0	0	0	5	13	0	6	0	19	24	1,802

FLORIDA DEPARTMENT OF TRANSPORTATION SUMMARY OF VEHICLE MOVEMENTS

SECTION:	70020	CITY:	PALM SHORES	COUNTY:	BREVARD
STATE ROUTE:	US 1	INTERSECTING ROUTE:	OTTER CREEK LANE		
OBSERVER:	KTF	DATE:	06/11/10	MILEPOST:	9.93
WEATHER:	CLEAR	ROAD CONDITION:	DRY		
REMARKS:					
FORM COMPLETED BY/DATE:	KTF/June 12, 2010				

[illegible]

15 MINUTE TURNING MOVEMENT COUNTS (TRUCKS)

DATE: June 11, 2010 (Friday)

CITY: PALM SHORES

LOCATION: US 1 and OTTER CREEK LANE

COUNTY: BREVARD

US 1

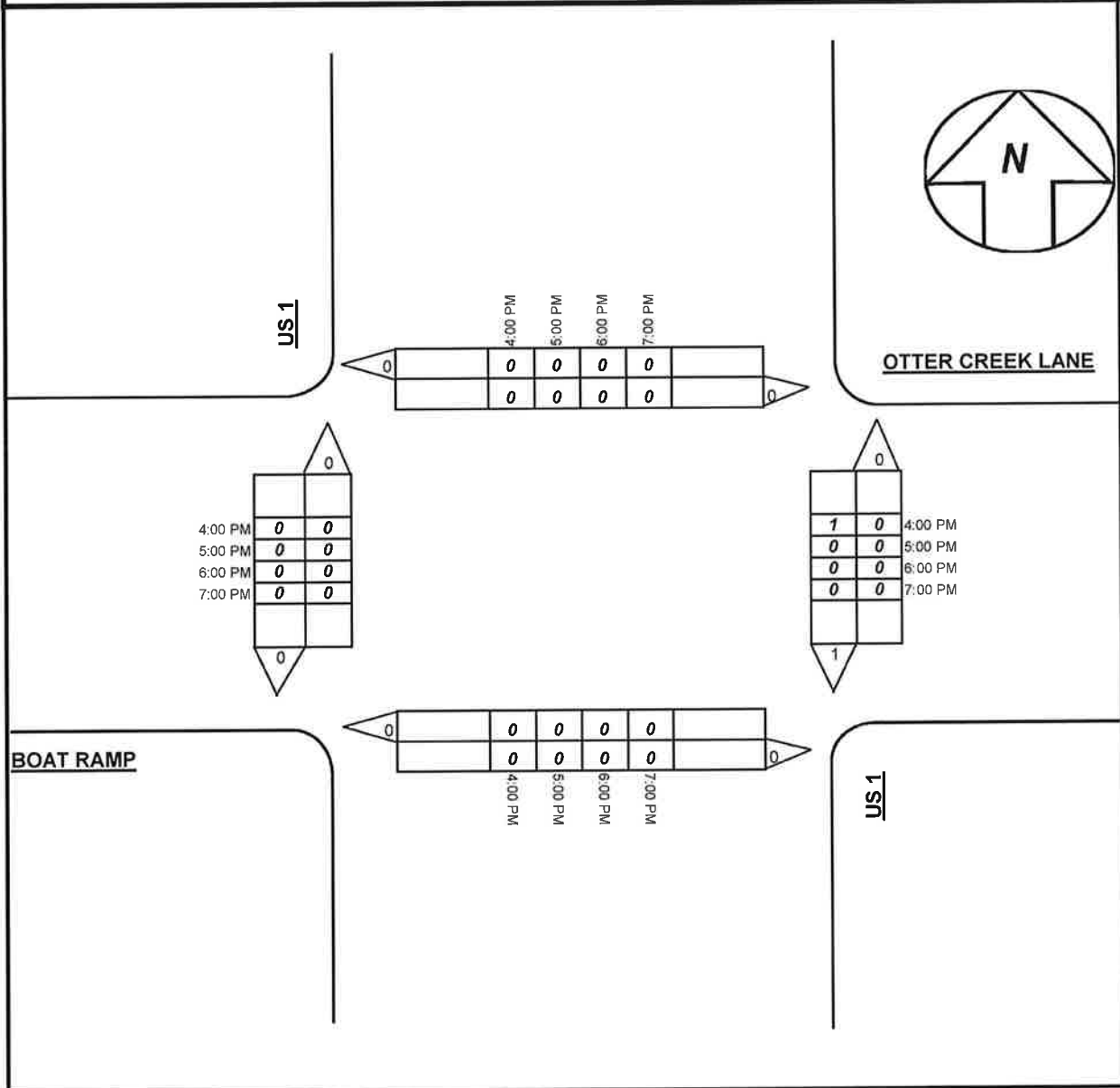
OTTER CREEK LANE

TIME BEGIN	NORTHBOUND				SOUTHBOUND				N/S TOT	EASTBOUND				WESTBOUND				E/W TOT	GRAND TOTAL
	R	T	L	TOT	R	T	L	TOT		R	T	L	TOT	R	T	L	TOT		
4:00	0	5	0	5	0	6	0	6	11	0	0	0	0	1	0	0	1	1	12
4:15	0	7	0	7	0	2	0	2	9	0	0	0	0	0	0	0	0	0	9
4:30	0	4	0	4	0	3	1	4	8	0	0	0	0	2	0	0	2	2	10
4:45	0	4	1	5	0	2	1	3	8	0	0	0	0	0	0	0	0	0	8
TOTAL	0	20	1	21	0	13	2	15	36	0	0	0	0	3	0	0	3	3	39
5:00	1	7	0	8	0	5	0	5	13	0	0	1	1	0	0	1	1	2	15
5:15	0	4	0	4	0	2	0	2	6	0	0	0	0	0	0	0	0	0	6
5:30	0	2	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
5:45	1	2	0	3	0	2	0	2	5	0	0	0	0	0	0	1	1	1	6
TOTAL	2	15	0	17	0	9	0	9	26	0	0	1	1	0	0	2	2	3	29
6:00	0	1	0	1	0	1	0	1	2	0	0	0	0	0	0	0	0	0	2
6:15	0	1	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1	1	2
6:30	0	2	0	2	0	4	0	4	6	0	0	0	0	0	0	0	0	0	6
6:45	0	1	0	1	0	2	0	2	3	0	0	0	0	1	0	0	1	1	4
TOTAL	0	5	0	5	0	7	0	7	12	0	0	0	0	2	0	0	2	2	14
7:00	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	1	1	1	2
7:15	0	1	0	1	0	2	0	2	3	0	0	0	0	0	0	0	0	0	3
7:30	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
7:45	0	1	0	1	0	1	0	1	2	0	0	0	0	0	0	0	0	0	2
TOTAL	0	3	0	3	0	4	0	4	7	0	0	0	0	0	0	1	1	1	8

FLORIDA DEPARTMENT OF TRANSPORTATION

Pedestrian Movement Summary

Section 70020 City PALM SHORES County BREVARD
 State Route US 1 Intersecting Route OTTER CREEK LANE
 Data By GMB Date 6/11/2010 Form Completed By KTF
 Remarks NONE



15 MINUTE TURNING MOVEMENT COUNTS (ALL VEHICLES)

DATE: June 1, 2010 (Tuesday)

CITY: PALM SHORES

LOCATION: UNSIGNED ROAD and US 1

COUNTY: BREVARD

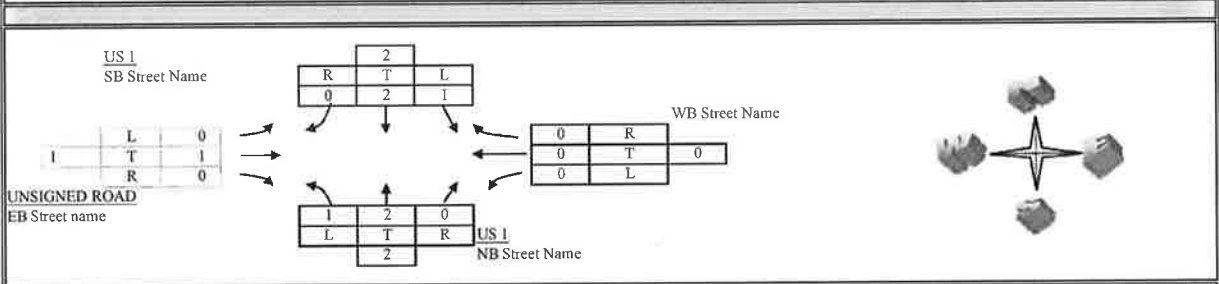
US 1

UNSIGNED ROAD

TIME BEGIN	NORTHBOUND					SOUTHBOUND					NS TOT	EASTBOUND					WESTBOUND					EW TOT	GRAND TOTAL
	R	T	L	U	TOT	R	T	L	U	TOT		R	T	L	U	TOT	R	T	L	U	TOT		
11:00	0	307	2	1	310	2	321	0	1	324	634	2	0	0	0	2	0	0	0	0	0	2	636
11:15	0	298	2	3	303	1	295	0	0	296	599	3	0	1	0	4	0	0	0	0	0	4	603
11:30	0	298	0	4	302	0	304	0	0	304	606	0	0	0	0	0	0	0	0	0	0	0	606
11:45	0	309	1	8	318	1	297	0	0	298	616	2	0	0	0	2	0	0	0	0	0	2	618
TOTAL	0	1,212	5	16	1,233	4	1,217	0	1	1,222	2,455	7	0	1	0	8	0	0	0	0	0	8	2,463
12:00	0	287	2	10	299	0	305	0	0	305	604	2	0	0	0	2	0	0	0	0	0	2	606
12:15	0	318	1	12	331	2	307	0	0	309	640	2	0	0	0	2	0	0	0	0	0	2	642
12:30	0	330	1	10	341	0	306	0	0	306	647	0	0	0	0	0	0	0	0	0	0	0	647
12:45	0	286	1	25	312	2	284	0	0	286	598	0	0	0	0	0	0	0	0	0	0	0	598
TOTAL	0	1,221	5	57	1,283	4	1,202	0	0	1,206	2,489	4	0	0	0	4	0	0	0	0	0	4	2,493
4:00	0	369	1	10	380	14	360	0	0	374	754	1	0	0	0	1	0	0	0	0	0	1	755
4:15	0	418	0	12	430	0	375	0	0	375	805	0	0	0	0	0	0	0	0	0	0	0	805
4:30	0	425	0	17	442	0	397	0	0	397	839	0	0	5	0	5	0	0	0	0	0	5	844
4:45	0	424	0	13	437	1	412	0	0	413	850	2	0	0	0	2	0	0	0	0	0	2	852
TOTAL	0	1,636	1	52	1,689	15	1,544	0	0	1,559	3,248	3	0	5	0	8	0	0	0	0	0	8	3,256
5:00	0	440	1	12	453	1	424	0	0	425	878	0	0	0	0	0	0	0	0	0	0	0	878
5:15	0	417	0	15	432	0	511	0	0	511	943	0	0	1	0	1	0	0	0	0	0	1	944
5:30	0	416	0	6	422	0	471	0	0	471	893	0	0	0	0	0	0	0	0	0	0	0	893
5:45	0	412	0	18	430	2	385	0	0	387	817	1	0	0	0	1	0	0	0	0	0	1	818
TOTAL	0	1,685	1	51	1,737	3	1,791	0	0	1,794	3,531	1	0	1	0	2	0	0	0	0	0	2	3,533

FLORIDA DEPARTMENT OF TRANSPORTATION SUMMARY OF VEHICLE MOVEMENTS

SECTION:	70020	CITY:	PALM SHORES	COUNTY:	BREVARD
STATE ROUTE:	US 1	INTERSECTING ROUTE:	UNSIGNED ROAD		
OBSERVER:	KTF	DATE:	06/01/10	MILEPOST:	10.18
WEATHER:	CLEAR	ROAD CONDITION:	DRY		
REMARKS:					
FORM COMPLETED BY/DATE:	KTF/June 2, 2010				

[illegible]

15 MINUTE TURNING MOVEMENT COUNTS (TRUCKS)

DATE: June 1, 2010 (Tuesday)

CITY: PALM SHORES

LOCATION: US 1 and UNSIGNED ROAD

COUNTY: BREVARD

US 1

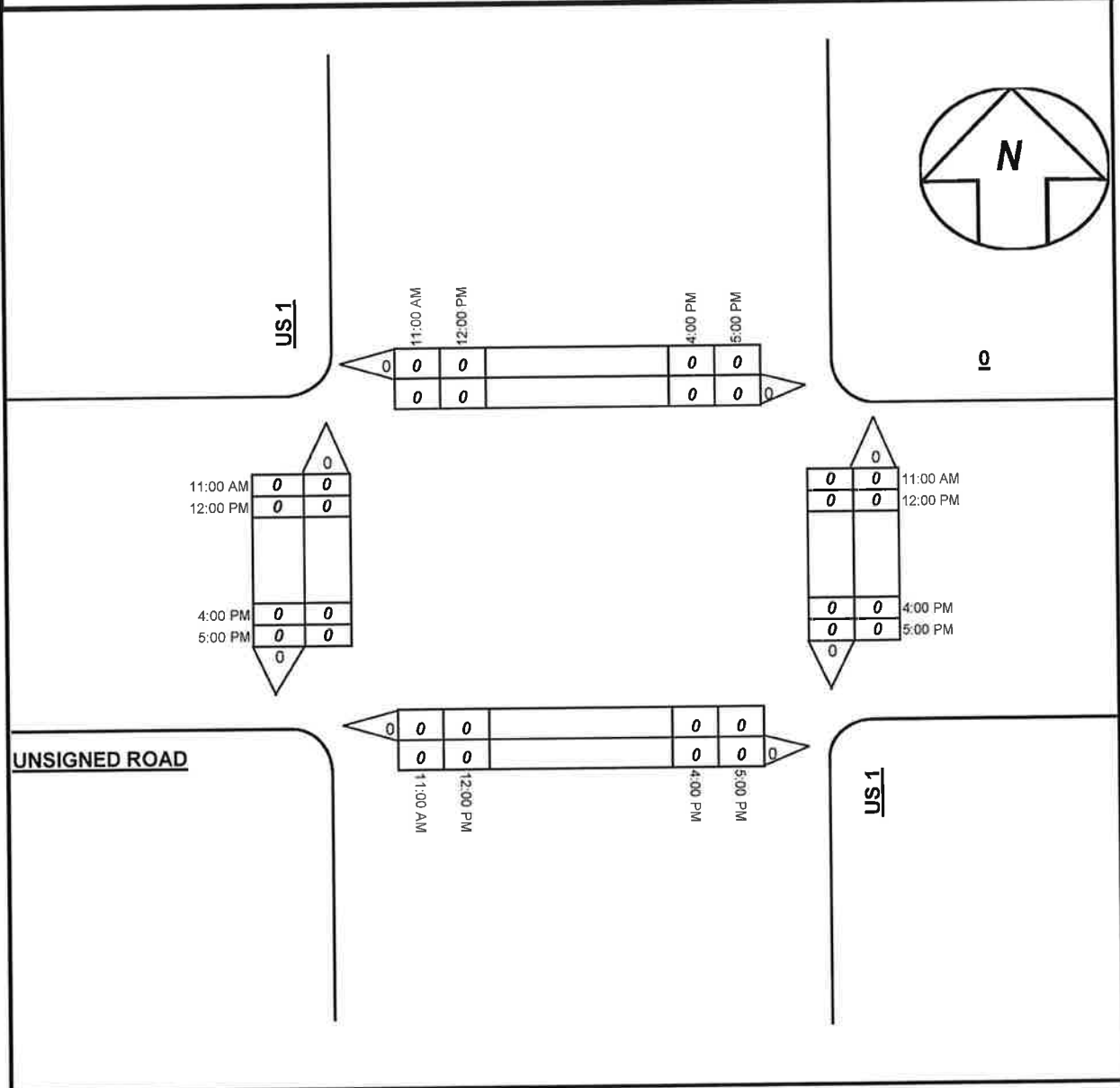
UNSIGNED ROAD

TIME BEGIN	NORTHBOUND				SOUTHBOUND				N/S TOT	EASTBOUND				WESTBOUND				E/W TOT	GRAND TOTAL
	R	T	L	TOT	R	T	L	TOT		R	T	L	TOT	R	T	L	TOT		
11:00	0	9	0	9	1	9	0	10	19	0	0	0	0	0	0	0	0	0	19
11:15	0	8	0	8	0	11	0	11	19	0	0	1	1	0	0	0	0	1	20
11:30	0	5	0	5	0	5	0	5	10	0	0	0	0	0	0	0	0	0	10
11:45	0	11	0	11	0	5	0	5	16	0	0	0	0	0	0	0	0	0	16
TOTAL	0	33	0	33	1	30	0	31	64	0	0	1	1	0	0	0	0	1	65
12:00	0	7	0	7	0	4	0	4	11	0	0	0	0	0	0	0	0	0	11
12:15	0	10	0	10	0	4	0	4	14	0	0	0	0	0	0	0	0	0	14
12:30	0	3	0	3	0	11	0	11	14	0	0	0	0	0	0	0	0	0	14
12:45	0	6	0	6	1	12	0	13	19	0	0	0	0	0	0	0	0	0	19
TOTAL	0	26	0	26	1	31	0	32	58	0	0	0	0	0	0	0	0	0	58
4:00	0	5	1	6	0	9	0	9	15	0	0	0	0	0	0	0	0	0	15
4:15	0	4	0	4	0	4	0	4	8	0	0	0	0	0	0	0	0	0	8
4:30	0	5	0	5	0	4	0	4	9	0	0	4	4	0	0	0	0	4	13
4:45	0	2	0	2	1	1	0	2	4	0	0	0	0	0	0	0	0	0	4
TOTAL	0	16	1	17	1	18	0	19	36	0	0	4	4	0	0	0	0	4	40
5:00	0	3	1	4	0	4	0	4	8	0	0	0	0	0	0	0	0	0	8
5:15	0	3	0	3	0	0	0	0	3	0	0	1	1	0	0	0	0	1	4
5:30	0	1	0	1	0	1	0	1	2	0	0	0	0	0	0	0	0	0	2
5:45	0	3	0	3	0	1	0	1	4	0	0	0	0	0	0	0	0	0	4
TOTAL	0	10	1	11	0	6	0	6	17	0	0	1	1	0	0	0	0	1	18

FLORIDA DEPARTMENT OF TRANSPORTATION

Pedestrian Movement Summary

Section 70020 City PALM SHORES County BREVARD
 State Route US 1 Intersecting Route UNSIGNED ROAD
 Data By GMB Date 6/1/2010 Form Completed By KTF
 Remarks NONE



FLORIDA DEPARTMENT OF TRANSPORTATION VEHICLE SPOT SPEED STUDY

LOCATION ID: <u>S-1</u>		SECTION: <u>70020</u>	
LOCATION: <u>US 1</u>		City: <u>Melbourne</u>	MP: <u>9.930</u>
SPEED LIMIT (MPH): <u>50</u>		Weather: <u>Sunny</u>	County: <u>Brevard</u>
DATE: <u>05/26/10</u>		Time From: <u>1:30 PM</u>	To: <u></u>
OBSERVER: <u>JG</u>			
REMARKS: <u></u>			

Southbound		SPEED MPH	Northbound		Both Directions	
Cumulative Total	TOTAL		TOTAL	Cumulative Total	TOTAL	CUM TOTAL
		80				
		79				
		78				
		77				
		76				
		75				
		74				
		73				
		72				
		71				
		70				
		69				
		68				
		67				
110	2	66			2	210
		65				
108	1	64	1	100	2	208
107	2	63	2	99	4	206
		62	2	97	2	202
105	3	61	3	95	6	200
102	7	60	2	92	9	194
95	5	59	7	90	12	185
90	7	58	6	83	13	173
83	9	57	10	77	19	160
74	12	56	9	67	21	141
62	6	55	9	58	15	120
56	11	54	6	49	17	105
45	8	53	12	43	20	88
37	4	52	11	31	15	68
33	11	51	11	20	22	53
22	9	50	4	9	13	31
13	2	49	4	5	6	18
11	4	48			4	12
7	4	47			4	8
3	3	46	1	1	4	4
		45				
		44				
		43				
		42				
		41				
		40				
	110	TOTALS	100		210	
Southbound	Speed Data Summary		Northbound			BOTH
58.7	85th Percentile Speed (mph)		58.3			58.5
53.9	50th Percentile Speed (mph)		54.1			54.0
50-59	10 mph PACE		50-59			50-59

FLORIDA DEPARTMENT OF TRANSPORTATION VEHICLE SPOT SPEED STUDY

LOCATION ID: <u>S-2</u>		SECTION: <u>70020</u>	
LOCATION: <u>US 1</u>		City: <u>Melbourne</u>	MP: <u>10.180</u>
SPEED LIMIT (MPH): <u>55</u>		Weather: <u>Sunny</u>	County: <u>Brevard</u>
DATE: <u>05/26/10</u>		Time From: <u>2:00 PM</u>	To: <u></u>
OBSERVER: <u>JG</u>			
REMARKS: <u></u>			

Southbound		SPEED MPH	Northbound		Both Directions	
Cumulative Total	TOTAL		TOTAL	Cumulative Total	TOTAL	CUM TOTAL
		85				
		84				
		83				
		82				
		81				
		80				
		79				
		78				
		77				
		76				
		75				
		74				
		73				
		72				
		71				
		70				
		69				
		68				
100	2	67			2	200
		66				
98	1	65			1	198
		64				
97	1	63	3	100	4	197
96	3	62	2	97	5	193
93	4	61	3	95	7	188
89	5	60	7	92	12	181
84	7	59	2	85	9	169
77	7	58	5	83	12	160
70	11	57	12	78	23	148
59	12	56	8	66	20	125
47	10	55	12	58	22	105
37	4	54	14	46	18	83
33	7	53	13	32	20	65
26	11	52	4	19	15	45
15	3	51	5	15	8	30
12	7	50	6	10	13	22
		49	4	4	4	9
5	5	48			5	5
		47				
		46				
		45				
	100	TOTALS	100		200	
Southbound	Speed Data Summary		Northbound			BOTH
59.2	85th Percentile Speed (mph)		59.0			59.1
55.3	50th Percentile Speed (mph)		#N/A			54.8
50-59	10 mph PACE		49-58			50-59

From: [Lin](#)
To: [Sterk, Erin](#)
Subject: FW: USA today article about the facility in PCB traffic/keeping patients in issues
Date: Sunday, November 11, 2018 11:06:06 AM

This article is in reference to the Journey Pure facility in PCB FL Kevin Lee and Dr. Mike have repeated many times that patients won't be leaving the facility and walking around our neighborhood. Please add this to the package.

Thanks

Residents are lobbying the county to block off a west end beaches residential street to prevent people in a new drug rehabilitation facility on Back Beach Road from walking or driving down the road and into their neighborhoods.

PANAMA CITY BEACH — Residents are lobbying the county to block off a west end beaches residential street to prevent people in a new drug rehabilitation facility on Back Beach Road from walking or driving down the road and into their neighborhoods.

And they just might get their wish.

At the request of Commissioner Mike Thomas, the County Commission on Tuesday agreed to the concept of putting up a fence on the county-maintained Florida Lane behind the rehab facility, which is going into a former bank building at the corner of Florida Lane and Back Beach Road (U.S. 98). Thomas said he first wanted to ensure that everyone on Florida Lane agreed to the road closure.

He said Friday he has gotten that endorsement to put up a 6-foot-tall privacy fence that would stretch across the right of way next to the street and to vegetation in the next lot, which supporters hope would deter people from the rehab center from walking around the fence down Florida Lane.

Thomas, who met Thursday night with residents at the restaurant he owns, said the residents who attended pointed out they hated that a fence had to be erected.

“The ones who came said they would make that sacrifice in order to stop pedestrian traffic from coming from that clinic” into their

neighborhoods, Thomas said.

Some residents on Florida Lane said they want the county to go a step further — building a wall that extends across the street and right of way to prevent rehab patients from simply walking around the fence. But Thomas said Friday the county couldn't do that.

Juanita Craig, who rents out a home on Florida Lane, said her neighbors are passionate about putting up a barrier keeping out the rehabilitation patients.

"If it's what they want, if it gets them to stop complaining, then do it," she said, adding that if Florida Lane is blocked off she would just drive a couple of blocks over to access Back Beach Road.

About the facility

On Sept. 1, F. Rene Fountain sold the property at 22219 Back Beach Road to JPP Real Estate Investors LLC for \$1.67 million, according to court records. The head of the company is Jui-Lien Chou Ho of 2202 Memphis Ave. #202 in Lubbock, Texas. That address is a medical office for Chou, an oncologist, who could not be reached for comment for this story.

The Brentwood, Tenn.-based JourneyPure, a company that treats people for drug and alcohol addiction, is owned by Chou Ho Holdings in Lubbock, Texas. JourneyPure Emerald Coast at 220 S. Arnold Road on Panama City Beach has an association with the new center on Back Beach Road. An official for the center said Thursday they could not comment about the new rehab center until Dec. 9, when officials are slated to visit the area.

The company's website states it is a "leading treatment center for substance abuse, dual diagnosis and behavioral health challenges."

The company uses three homes — two on Front Beach Road and one on Southfields Road — that it purchased for patients of the program to stay. Bay County Director of Community Development Martin Jacobson said county officials initially were concerned the houses were being used as in-patient treatment facilities, which the zoning

wouldn't allow, but the homes are being used as housing for patients, and they are transported by vehicle to the JourneyPure facility on Arnold Road for treatment. Jacobson said under the Federal Fair Housing Act and Americans with Disabilities Act, those uses must be allowed for the homes.

Also, the county can't stop the rehab center from going into the former bank building on Back Beach Road, Jacobson said, pointing out a state law that "essentially says you can't discriminate against this kind of use." Also, the rehab center is an allowable use under the county's general commercial zoning on the property, and the use is now grandfathered in because the company has pulled building permits to renovate the building for the new facility, Jacobson said.

Opposition

Not all residents want to see Florida Lane closed off.

Residents who live in the neighborhood on other side streets, such as Sun Lane and Kelly Street, said blocking off Florida Lane goes too far, as they often use the street to get out onto Back Beach Road and the nearby Tom Thumb convenience store.

Christine Thebeau, who live on Kelly Street, said she is not pleased with the proposal to close the road, but she also doesn't like the fact that a drug rehab center is going in so close to homes.

"It's commercial property, but a bank was different than a rehab" center, she said. "There is a need for it, but not right here. There is other land in other places they could have gone to."

Thebeau drives her golf cart to get around and to work. She said the closure of Florida Lane will cause her problems, as she uses the road to drive to the Tom Thumb store for gas for her golf cart and to purchase other assorted items.

"I take my family there all the time," she said. "I drive a golf cart. I don't own a car any more."

Ron Strickland, who lives on Sun Lane, said he is not necessarily pleased about a drug rehab facility opening right around the corner

from his home, especially since it is unclear what type of patients it will be serving, but he said closing off Florida Lane is going too far.

"If it's a traffic issue then, yeah, but if it's just the threat that maybe someone is going to walk by to a drug treatment center, that [road closing] doesn't sound very logical to me."

From: Lin
To: Sterk, Erin
Subject: 18PZ00088
Date: Sunday, November 11, 2018 5:52:33 PM

https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=COORBRCOFLVOII_CH62LADERE_ARTVIZORE_DIV4RESPCL_SDIXSPCL_S62-1573INUSLH

<http://search.flcourts.org/texis/search/context.html?query=Casey+Anthony&pr=5DCA&prox=page&rorder=500&rprox=500&rdfreq=500&rwfreq=500&rlead=500&rdepth=0&rufs=0&rorder=r&cmd=context&id=531f42a424>

https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=COORBRCOFLVOII_CH62LADERE_ARTVIZORE_DIV2ADEN_SDIINOUS_S62-1181DE

General standards of review.

(1)

The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in [section 62-1151\(c\)](#) plus a determination that the following general standards are satisfied. The board shall make the determination whether an application meets the intent of this section.

a.

The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

b.

The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

c.

The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

(2)

The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

a.

Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the board of county commissioners.

b.

The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

c.

Noise levels for a conditional use are governed by [section 62-2271](#).

d.

The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

Objection
18PZ00088
Happy Landings

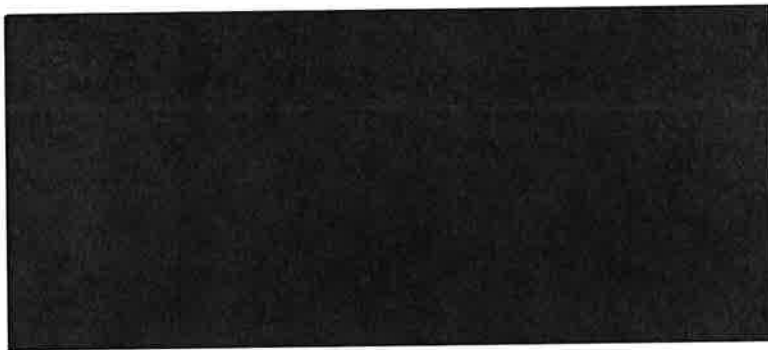
From: [Mark Leslie](#)
To: [Jones, Jennifer](#)
Subject: Resend with just yesterday's email to Erin
Date: Friday, November 16, 2018 9:57:59 AM
Attachments: [Fifth District Court of Appeal.html](#)

Jennifer,

Because the email to Erin yesterday included some other emails in a chain, I'm re sending just the three items and language I sent to her yesterday. There are two images 1454 and 1455 and language from a court case both as a link and a html doc.. Let me know how that works.

Thanks,
Mark

[Fifth District Court of Appeal](#)



Fifth District Court of Appeal

Erin,

It seems the change to a for-profit, treatment and recovery facility, licensed by the State, represents an expansion or increase of use and is prohibited under 62-1182(a) (1). Case law argued and defended through appeal by Mr. Knox--now Council for the Applicant--while working for the County seems to substantiate this. (text and link attached for your review) Also, the Happy Landings Property was administratively rezoned to IN(L), then subsequently the intensity increased to IN(H) in 2009 to "make it work" for the applicant to have a dormitory classification under current ALF designations. Had the IN(L) been left as originally administratively rezoned, treatment and recovery would not be allowed under the terms set forth in 62-1573.

Please review the attached staff report. I believe the zoning official at the time was Rick Enos. His position was that ACLF and Treatment and recovery facilities are separate and distinct uses. In my mind, a dormitory for homeless women with

children, or a school for homeless boys is is certainly not as intense as a State Licensed Treatment and Recovery Facility. It seems the County would be arbitrarily applying zoning code for a non-conforming use should the proposed rezoning be approved.

Feel free to call to discuss.
321-427-8817

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2002

JPM INVESTMENT GROUP, INC.,

Appellant,

V.

Case No. 5D01-1536 &
5D01-1869

BREVARD COUNTY BOARD OF COUNTY
COMMISSIONERS,

Appellee.

Opinion filed May 3, 2002

Appeal from the Circuit Court
for Brevard County,
Kerry I. Evander, Judge.

Richard E. Torpy of Amundsen, Moore, Torpy,
Melbourne, for Appellant.

Scott L. Knox, Office of the County Attorney, Viera, for
Appellee.

PETERSON, J.

JPM Investments Group, Inc. d/b/a Runway Sports Restaurant & Cabaret (JPM) appeals a declaratory judgment and the dismissal of a petition for certiorari. These appeals can be summarized as a two-pronged attack on the two trial courts' approvals of the Brevard County Board of County Commissioners' interpretation of county zoning ordinances. The interpretation resulted in the inability of JPM to gain approval from the State of Florida to serve all varieties of alcoholic beverages under a state 4COP license at JPM's long-standing place of business.

JPM serves beer and wine under a state 2COP license in an unincorporated area of Brevard County that abuts lands used for residential purposes. JPM or its predecessors in title to the lands on which it operates has been selling beer and wine for a period dating back to the time when Brevard County had no zoning ordinances. In 1958, the county adopted zoning ordinances and JPM's operation on its land became a non-conforming use, that is, a use that was outlawed under the adopted zoning ordinance, but was allowed to continue because the use predated the ordinance.

The Brevard County zoning ordinance defines a non-conforming use as:

Sec. 62-1181. Definition.

For the purposes of this subdivision, the term "nonconforming use" is defined as the use of land or structure that was lawful prior to the effective date of the ordinance from which this article is derived or the county comprehensive plan, or the effective date of any amendments thereto, but is not now permitted within the applicable zoning classification or is not permitted under any provisions of this article or the county comprehensive plan or any amendment thereto. In order for a use of land or structures to be included within such definition, such use must have been permanent and continuous prior to the effective date of the ordinance from which this article is derived or the effective date of any amendment to this article. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of the ordinance from which this article is derived or the effective date of any amendment to this article shall not be sufficient to qualify such use for the privileges of this subdivision.

Section 62-1182 of the Brevard County Code allows the continuation of a non-conforming use with certain limitations:

Sec. 62-1182. Continuation generally; enlargement, expansion or modification.

(a) The use of land or structures qualifying as a nonconforming use as defined in the subdivision shall not be:

- (1) Enlarged, extended, increased or expanded to occupy a greater area of land than was occupied upon the effective date of the ordinance from which this article was derived or the effective date of any amendment to this article, whichever date rendered such use nonconforming. However, any conforming structure on a substandard lot may be expanded to occupy a greater land area provided such expansion complies with all setback requirements and provided such expansion is not for living area.

* * *

(b) In addition to the provisions of subsection (a) of this section, structures qualifying as a nonconforming use as defined in this subdivision shall not be:

* * *

- (2) Enlarged, extended, increased or expanded in any manner unless such enlargement, extension, increase or expansion is specifically in conformity with the provisions of this article and does not increase the nonconformity of such use. Nothing contained in this subsection shall be construed to prohibit the ordinary repair and maintenance of nonconforming structures provided such repair does not increase the cubic content of the structures; result in the enlargement, extension, increase or expansion of the nonconforming use; or result in a cost of repair and maintenance in excess of 50 percent of the fair market value of the structures.

In the year 2000, JPM applied to the State of Florida for a 4COP liquor license that would allow it to serve all types of alcoholic beverages rather than being limited by its existing 2COP liquor license to the serving of beer and wine. One of the requirements of the application was gaining the signature of a Brevard County official indicating that the location where JPM would be exercising its rights under the license was appropriately zoned. Brevard County's planning and zoning official refused to approve the license application reasoning that the sale of all types of alcoholic beverages would be an expansion prohibited by section 62-1182 because: 1) The State of Florida has different licenses for beer and wine (2COP) versus full liquor (4COP); 2) The Brevard County Commissioners have different regulations applicable to beer and wine versus full liquor; and 3) The County Commissioners have on two occasions denied conditional use permit applications filed for the purpose of adding full liquor consumption on-site to the previously allowed consumption of beer and wine.

JPM appealed to the Board of County Commissioners who affirmed the official's action and adopted his reasoning. JPM initiated the two actions in the circuit court, lost and appeals to this court.

JPM urges that a plain reading of section 62.1182 prohibits only an expansion or enlargement of a use if it is going to impact a greater area of land, that is, the section only prohibits a use that would make a physically larger footprint on the land area. Brevard County contends that the ordinance applies if the use is increased regardless of whether a physically larger footprint results. In summary, JPM argues that it is the physical structures that must be examined while the County argues that it is the activity conducted on the premises that must be examined.

We agree with the County that the ordinance should be read by adding the disjunctive "or" resulting in the following: "[T]he use of land or structures qualifying as a nonconforming use . . . shall not be . . . [e]nlarged [**or**], extended [**or**], increased or expanded to occupy a greater area of land than was occupied upon the effective date of the ordinance" Under this interpretation, only an "expansion" of the nonconforming use contemplates a physical impact to the land occupied by the structure housing the use. In contrast, the remaining three alternative circumstances identified in section 62-1182(a)(1) - enlargement, extension or increase - relate back solely to the nonconforming "use" itself. We also agree with the County that if section 62-1182(a)(1) were read as applying to structures, as opposed to uses, section 62-1182(b) would be redundant because both sections would then prohibit enlargements, extensions, increases or expansion of structures qualifying as nonconforming uses. *E.g., City of Opa Locka v. State ex. rel. Tepper*, 257 So. 2d 100 (Fla. 3d DCA 1972)(provisions of municipal ordinance must be considered as a whole, and be construed so as to be reasonable and consistent with one another, and construction which would defeat legislative purpose should not be supplied). This construction of the ordinance complies with the legislative purpose which is to prohibit the enlargement, extension, increase or expansion of nonconforming structures and uses. Zoning regulations, in providing for nonconforming structures and uses, look forward to the eventual elimination of all nonconforming structures and uses as speedily as is consistent with proper safeguards for the rights of those persons affected. *See generally* 12A Fla. Jur. 2d, Counties and Municipal Corporations §203; *see also Salemi v. Scheuy*, 102 A.2d 528, 530 (Conn. 1954)("It is a general principle in zoning that nonconforming uses should be abolished or reduced to conformity as quickly as the fair

interest of the parties will permit.”)

Further support for this interpretation can be found by reviewing section 62-1181, the definition provision, in conjunction with section 62-1182, the operative section. Clearly the former definition section contemplated that both activities and structure on the zoned land could constitute a non-conforming use. Unless section 62-1182 was intended to apply to both activities conducted on land and also to non-conforming structures, nothing in the code would have outlawed the activities.

Having determined that the Brevard County Code does prohibit the expansion of an activity on a parcel of land constituting a non-conforming use, we now turn to the issue of whether the serving of all alcoholic beverages is an enlargement, extension or increase of the prior use of JPM's activity of selling only beer and wine.

JPM argues that this court should not make a determination that the serving of "hard liquor" on its premises constitutes an increase in a non-conforming use without any record evidence. We disagree for the reason that the Brevard County ordinances and the State of Florida laws have already made that distinction. We find additional support from other jurisdictions which have found that a change in activity from the serving of beer and wine to all alcoholic beverages is an expansion of a "use" as a matter of law.

The Brevard County Code broadly defines alcoholic beverages as "any beer, wine, liquor or other beverage meeting the definition of alcoholic beverages set out in Fla. Stat. § 561.01(4)." § 6.1. Also, code § 6-3 which regulates the hours of sale distinguishes between "beer", "wine" and "liquor." More restrictive hours are placed on establishments serving all alcoholic beverages as distinguished from establishments selling only beer and wine.

The State of Florida distinguishes between the sale of "liquor" as distinguished from "beer" and "wine" in its statutory scheme of regulation. See Fla. Stat. ch. 561-565. The requirements for liquor licenses are more onerous than those applicable to the other forms of alcoholic beverages.

In *Jasper v. Dolan*, 242 N.E.2d 540 (Mass. 1968), the court specifically addressed the issue of the addition of a product (hard liquor) sold by a package store previously licensed to sell only beer and wine and found that the additional sale of hard liquor did not reflect the nature and purpose of the pre-existing non-conforming use and differed in the quality or character, as well as the degree, from the prior use. The court cited *Salerni v. Scheuy*, 102 A.2d 528 (Conn. 1954) in support of its decision and enjoined the store from expanding its product line.

The facts of *Salerni* are strikingly similar to those of the instant case. The activity involved was a restaurant or tavern that operated for many years and sold only beer and wine. Zoning law changes eventually prohibited both the restaurant and sale of alcoholic beverages and the activity became a non-conforming use. *Salerni* applied to the city for a "full" liquor permit and the city clerk denied the application with the cryptic notation, "Beer only at this location." The *Salerni* opinion agreed with the action of the clerk stating:

The difference between the sale of beer only in a restaurant and the sale of all liquors therein is so great that our law requires a different permit from the liquor control commission for each of the two kinds of business. The fee charged for a permit to sell all kinds of liquor in a restaurant is much larger than for a permit to sell beer only. The reason for this must be either that the legislature believed that a restaurant selling all liquors would ordinarily do a different kind of business or that it was contemplated that it would cost more to police it.

The judgments in both cases on appeal are affirmed.

AFFIRMED.

GRIFFIN and PLEUS, JJ., concur.

STAFF REPORT

TOPIC: RESURRECTION RANCH

BACKGROUND: The Board of County Commissioners, in regular session on April 20, 2004, directed staff to report on issues that involve the activities of the Resurrection Ranch and how they relate to the property's zoning classification.

ISSUES:

- 1) Property's Zoning Classification - On April 7, 1986, the Board of County Commissioners granted the subject property a conditional use permit (CUP) for a school and a "residential social service facility (RSSF) (ACLF)".

A point of discussion surrounding the 1986 Board approval is whether or not the rezoning granted an RSSF CUP or just an ACLF (adult congregate living facility) CUP to the subject property. The current Board may wish to consider the intent of the 1986 approval and its relation to the current activities of the Ranch. In determining the 1986's Board intent the definitions of these two CUPs are listed below.

An RSSF is defined as follows:

a governmental, nongovernmental, nonprofit or for-profit facility providing an alternative to institutional placement, in which a caretaker provides 24-hour-a-day care to assigned residents at a location separate and apart from the assigned resident's own parents, relatives or guardians, and assists such assigned residents to the extent necessary for them to participate in normal activities and to meet the demands of daily living. Residential social service facilities shall include foster homes, family shelter homes, *group homes, adult congregate living facilities, and treatment and recovery facilities*, as defined in this section. (*italics added*)

An ACLF is defined as follows:

a structure in which the owner or operators are subject to licensing and approval by the state, whether operated on a profit or nonprofit basis. Such facilities may provide lodging, food and one or more personal services for unrelated adults and shall not be regulated or operated by or associated with any jail, prison or correctional facility or system. Generally, such facilities shall have more than 14 clients and must be licensed by the state as an adult congregate living facility. If a facility is not licensed by the state, such facility must be approved by the county.

The RSSF is an "umbrella" term that includes group homes, ACLFs and Treatment and Recovery Facilities. Each of these three terms are separate and distinct uses recognized by the Code. It is the Zoning Official's position that the Board's 1986 rezoning did not grant the subject property an RSSF CUP but only an ACLF CUP. This position is supported by a chronological review of every CUP for either RSSFs, ACLFs or Treatment and Recovery Facilities (see page 5). In the 1980s, the Board would consider CUP requests for a specific use contained within the definition of

the "umbrella" term RSSF. This practice is observed by reviewing the Board approved CUPs within this time frame. The Board abandoned this practice in the 1990s.

2) Permitted Uses within an ACLF CUP

a) Children as Residents in an ACLF - A literal reading of the Zoning Code lends support to the position that children are not permitted as residents in an ACLF. "Children and families" are listed as possible residents in group homes, but not in the ACLF definition which lists "adults". However, Resurrection Ranch (Florida Christians Ministries, Inc. - applicant) represented throughout the public hearing process that it was their intention to establish "the finest boys ranch in the State" (see page 6). Therefore, in 2004, the Board may determine that it is equitably estopped from requiring only adults at this facility.

b) Receiving Released Inmates from the Florida Department of Corrections - The definition of ACLF states that such facilities "shall not be regulated or operated by or associated with any jail, prison or correctional facility or system." The Ranch is party to a contract with the Department of Corrections (DOC) that enables the Ranch to receive released inmates. Through this contractual arrangement, DOC pays the rent for released inmates that choose this facility as their transitional housing. The Zoning Official's opinion is that this contractual arrangement is contrary to the ACLF definition. However, Mr. Jason Hedman, counsel for the Ranch, stated during the Board's April 20th meeting that this contractual relationship is not covered by the definition which prohibits any "association" between the Ranch and DOC. His position is that "association" as legally defined in Black's Law Dictionary, does not encompass the contractual relationship between the Ranch and DOC.

The Board may wish to consider Mr. Hedman's argument in determining whether or not a contractual arrangement is consistent with the Code's intent (see page 1 - ACLF definition and pages 8-9; Mr. Hedman's letter). If Mr. Hedman's interpretation is supported by the Board, the current DOC contract with the Ranch may remain intact. If the Board determines that an association equates to a contractual arrangement, the DOC has stated to the Zoning Official that it will terminate its contract with the Ranch.

c) Permitted "Personal Services" Provided by Ranch Consistent with ACLF CUP - The Ranch provides a wide-range of personal services as well as drug counseling, casework supervision and rehabilitative services. The

From: Mark Leslie
To: Jones, Jennifer
Subject: Fw: Happy Landings Homes Rezoning 18PZ00088
Date: Wednesday, November 7, 2018 7:04:57 PM
Attachments: 2. 18PZ00088_1 FYI Existing BDP.pdf

Hi Jennifer,

Not sure if Erin Sterk is aware, but wanted to ask you to pass along that the existing BDP for the Happy Landings Property already prohibits forcible felons. The existing BDP is attached.

"2. The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a felony... as defined by" F.S. § 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been"...

After reading the minutes, it appears there was considerable confusion about forcible felon. FS 776.08 is the definition of a forcible felon. The existing BDP never prohibited all felons, just the violent ones.

I'm fairly certain that Mr. Knox, attorney for the applicant, knows this as he was with the County when the BDP was drafted and executed. Perhaps this is just a way of clarifying it a little better.

Don't mean to confuse things, just wanted to pass along.

Thanks,
Mark

----- Forwarded Message -----

From: Mark Leslie <boatbrevard@yahoo.com>
To: patrick.woodard@brevardfl.gov <patrick.woodard@brevardfl.gov>
Cc: Jennifer Jones <jennifer.jones@brevardfl.gov>; D1.Commissioner@BrevardFL.gov <D1.Commissioner@BrevardFL.gov>; D2.Commissioner@BrevardFL.gov <D2.Commissioner@BrevardFL.gov>; D3.Commissioner@BrevardFL.gov <D3.Commissioner@BrevardFL.gov>; D4.Commissioner@BrevardFL.gov <D4.Commissioner@BrevardFL.gov>; D5.Commissioner@BrevardFL.gov <D5.Commissioner@BrevardFL.gov>
Sent: Monday, October 1, 2018, 11:28:46 AM EDT
Subject: Happy Landings Homes Rezoning 18PZ00088

Hi Pat,

Thank you for taking my call this morning.

I would like to offer the the following input to the above referenced rezoning request for Happy Landings Homes/JourneyPure Treatment and Recovery facilities.

There is currently a Binding Development Plan attached to the subject property that was agreed upon after significant arbitration, public hearings, and neighborhood strife over a rather long period of time. This was necessary because the entity in place was out of compliance with Brevard County Zoning Code. (providing transitional housing for ex-convicts for compensation by the State) The rezoning worksheet provided to the Planning and Zoning Advisory Board does not clearly articulate a very important condition the applicant is requesting to have removed in condition #2.

- "• Condition #2 – prohibition of any staff member who has been convicted of a felony, or entered a plea of "guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony from being employed on the property;"
- "• Condition #2 – requirement that the developer/owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all dormitory residents and staff members on the property to the county;"

October 17, 2018 P&Z Minutes - "Mr. Theodore asked why they were requesting to eliminate some fairly significant binding development plan restrictions. Mr. Lee replied there is one with regard to felons that is probably concerning to a lot of people. He said in Florida, if you steal \$600 you're a felon, so Journeypure has about 450 employees and a lot of them have felony records for something they did in the past, but they're healthy now."

What they are actually asking for is the right to accept anyone with a felony record as either a Patient or a Staff Member, whether it be for a drug related crime or a **violent crime**. This is the most important condition of the Binding Development Plan. A vote to allow the removal of this condition is a vote to allow individuals who fit the statutory definition (below) of Forcible Felon to inhabit the subject property, either as staff or as a patient.

776.08 Forcible felony.—"Forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual. History.—s. 13, ch. 74-383; s. 4, ch. 75-298; s. 289, ch. 79-400; s. 5, ch. 93-212; s. 10, ch. 95-195.

Felons who have been convicted of drug related crimes **ARE ALLOWED** under the current Binding Development Plan as long as forcible violence was not part of their conviction etc.. In fact, they are protected under Florida Statute. At significant expense to the County, we went through some rather grueling arbitration to get the Forcible Felon component into the Binding Development Plan. Please don't take that protection from us.

[Statutes & Constitution :View Statutes : Online Sunshine](#)





**Statutes & Constitution :View Statutes : Online
Sun...**

(4) EXEMPTIONS FROM DISQUALIFICATION.--

- (a) The department may grant to any service provider personnel an exemption from disqualification as provided in s. 435.07.
- (b) Since rehabilitated substance abuse impaired persons are effective in the successful treatment and rehabilitation of individuals with substance use disorders, for service providers which treat adolescents 13 years of age and older, service provider personnel whose background checks indicate crimes under s. 817.563, s. 893.13, or s. 893.147 may be exempted from disqualification from employment pursuant to this paragraph.

JourneyPure has stated they will upgrade to subject property and make it nice like their Jensen Beach facility. So that I might verify claims that the Jensen Beach facility was a good neighbor, I asked the applicant for the address of the 12 keys JourneyPure facility since the address listed on the website is for a different location than that pictured on the website. <https://www.12keysrehab.com/> The applicant said **NO**, they did not want me bothering their neighbors there. For me, this brought about an enhanced level of concern. Subsequently, one of my neighbors located the property using Google Earth. While in the area recently, I drove by to have a look. The pictures attached were taken from the entrance to the property as I did not want to actually enter the property and cause problems. Not quite the resort pictured on the website.

During the September 17, 2018 Planning and Zoning Advisory Board meeting, "Ben Glover asked how many residents purchased their homes when the recovery facility was there, and stated they purchased their property knowing what was there." (P&Z Minutes) There was only a show of hands, no statements were made by the group. It is important to clarify that the property has **never** been a **legal** Recovery Facility. It was originally a Motel, then a home for boys, then a Ministry, and to date, a facility for homeless women with children. When those types of illegal treatment and recovery activities were found to be occurring some 10 years ago, the County stepped in and began code enforcement proceedings. Ultimately we ended up with the current Binding Development Plan. We did not buy next to an airport and then complain about the noise!

Humbly submitted,

Mark Leslie
2665 Hilltop Lane
Melbourne, FL 32940
321-427-8817

CFN 2009233435, OR BK 6082 Page 71, Recorded 12/16/2009 at 03:37 PM, Scott
Ellis, Clerk of Courts, Brevard County

RETURN: Clerk to the Board #27

Prepared by: Lila Bucscher
Address: 5925 Old Dixie Highway
Melbourne, FL 32940

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 15 day of Dec, 2009 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Happy Landings Homes, Inc. a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described as Section 19, Township 26, Range 37, Subdivision #DS, Lot 14.01; and

WHEREAS, Developer/Owner has requested the INH zoning classification and desires to maintain the property as a Dormitory for women with children pursuant to the Brevard County Code, Sec. 62-1573; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1 The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the Improvements. It is the Intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any Improvements.

2. The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from being employed on the property. For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication



RETURN: Clerk to the Board #27

was withheld or whether imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request by the County.

3. The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

4. The Developer/Owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.

5. The Developer/Owner shall maintain the board on board, stockade, six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.

6. The Developer/Owner shall establish semiannual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, US Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer/Owner and the neighbors to discuss items of mutual concern.

7. The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints.

8. Environmental Health Services shall perform yearly inspections for the purpose of determining if the property conforms to regulations pertaining to the following: function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for the harborage of pests. The Developer/Owner shall pay an inspection fee established by Environmental Health Services.

9. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the

111.1.3

RETURN: Clerk to the Board #27

property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.


10. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1, 2005. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

12. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:


Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940


Mary Bolin, Chairman
As approved by the Board on 12/15/09

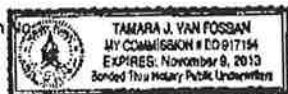
STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 15 day of December, 2009, by Mary Bolin, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires


Notary Public

SEAL
Commission



Tamara J. Van Fossan
(Name typed, printed or stamped)

(2)

RETURN: Clerk to the Board #27

WITNESSES

Brandi Lebowitz
Brandi Lebowitz
(Witness Name typed or printed)
Stacey Straub
Stacey Straub
(Witness Name typed or printed)

DEVELOPER/OWNER

Happy Landings Homes, Inc
5925 Old Dixie Highway, Melbourne, FL 32940
(Address)
Lila Buescher
Lila Buescher
(Name typed, printed, or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 6TH day of Nov., 2009, by Lila Buescher, President of Happy Landings Homes, Melbourne, Florida, who is personally known to me or who has produced as identification.

My commission expires 3/3/2013

Stacey T. Straub
Notary Public
Stacey T. Straub
(Name typed, printed or stamped)

SEAL
Commission No.:



RETURN: Clerk to the Board #27

Exhibit A

Begin at a point on the Westerly right-of-way line of U.S. Highway #1, said point being 187.5 feet East of and 876.07 feet North of the Southeast corner of the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East; thence go North 23 degrees 37 minutes 30 seconds West along said Westerly right-of-way line a distance of 294.57 feet to the point of beginning of the property described in this instrument; thence go North 23 degrees 37 minutes 30 seconds West along said right-of-way line a distance of 120.19 feet; thence West a distance of 110 feet; thence South 3 degrees 3 minutes 48 seconds East a distance of 152.27 feet; thence North 75 degrees 5 minutes 30 seconds East a distance of 163.83 feet to the Point of Beginning.

LESS AND EXCEPT that property deeded to the State of Florida for the use and benefit of the State Road Department.

Commence at the Southeast corner of the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East and run the East line of said NE 1/4 of the SW 1/4 Northerly a distance of 826.17 feet to a point which is the point of beginning of the land to be included in this description; thence for a first course of the property to be included in this description run East 247.96 feet more or less to a point on the West line of the right-of-way of U.S. Highway #1 (State Road #5); thence for a second course of the property to be included in this description run North 23 degrees 37 minutes 30 seconds West along the West line of the right-of-way of U.S. Highway #1 (State Road #5) a distance of 349.13 feet to a point; thence for a third course of the property to be included in this description run South 75 degrees 05 minutes 30 seconds West 163.85 feet to a point; thence for a fourth course of the property to be included in this description return to a point of beginning and go West a distance of 416.04 feet to a point in the center of the old County Road; thence for a fifth course of the property to be included in this description go Northwesterly and down the center of the Old County Road a distance of 367.74 feet to a point 15 feet West of the Northwest corner of lands conveyed to Starl N. Warfield and Amy L. Warfield, his wife, by deed dated October 15, 1962, recorded under Clerk's #323750 in Official Records Book 538, page 220 of the Public Records of Brevard County, Florida; thence for a sixth course of the property to be included in this description run East 15 feet to the Northwest corner of said land described in Official Records Book 538, Page 220; thence for a seventh course of the property to be included in this description run East 230.18 feet to a point; thence for an eighth course of the property to be included in this description run South 64 degrees 20 minutes 58 seconds East a distance of 109.85 feet to a point; thence for a ninth course of the property to be included in this description run Southeasterly to the Westerly terminus of the third course of the property to be included in this description, thereby completing the boundary of the lands to be included in this description.

EXCEPT that portion of the above described property taken under authority of eminent domain in that certain condemnation case filed in the Circuit Court of the Eighteenth Judicial Circuit of Florida in and for Brevard County, styled State of Florida Department of Transportation and Brevard County vs. Beulah Armstrong, et al., Civil Action No. 47922.

19

RETURN: Clerk to the Board #27

A portion of Lot 14, Indian River Villa (unrecorded Plat) located in Government Lot 3, and the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, being more particularly described as follows: From the SE corner of the NE 1/4 of the SW 1/4 of said Section 19, run North 00 degrees 20 minutes 40 seconds East, along the East line of said NE 1/4 of the SW 1/4, of Section 19, a distance of 676.16 feet to the Point of Beginning of the herein described parcel; thence West a distance of 265.53 feet to the Easterly Right-of-Way line of Service Road (Old Dixie Highway) as shown on Florida State Road Department Right-of-Way Map for State Road 404 (Pineda Causeway) Sec. 70004-2503; thence North 17 degrees 22 minutes West, along said Easterly Right-of-Way line 157.18 feet; thence East 475.60 feet to the Limited Access Right-of-Way line of aforesaid S.R. 404; thence South 07 degrees 12 minutes 20 seconds West 59.37 feet; thence South 41 degrees 47 minutes 39 seconds West 122.20 feet; thence West 74.27 feet to the Point of Beginning.

RETURN: Clerk to the Board #27

JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated 2 October 2007, given by HAPPY LANDINGS HOMES INC., as mortgagor, in favor of the undersigned, PRIME BANK as mortgagee, recorded in Official Records Book 5817, page 6759, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS

PRIME BANK

5770 N WICKHAM ROAD, MELBOURNE, FL 32940

(Address)

[Signature]
Authorized Agent Signature

Dana Kilborne
(Name/title typed, printed or stamped)

President/ CEO

[Signature]

Rebecca Ellis
(Witness name typed or printed)

[Signature]

Sabrina Ammon
(Witness name typed or printed)

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 5 day of November, 2009, by DANA Kilborne, who is personally known to me or who has produced Florida Drivers License as Identification

My commission expires

[Signature]
Notary Public

Rebecca Ellis
(Name typed, printed or stamped)













From: [Sterk, Erin](#)
To: [Jones, Jennifer](#)
Cc: [Calkins, Tad](#); [Bentley, Eden](#); [Brewer, Jad](#); [Raquin, Rebecca](#)
Subject: Public Comment for 18PZ00088 - Happy Landings
Date: Tuesday, November 13, 2018 8:56:54 AM
Attachments: [Untitled.msg](#)
[18PZ00088FW US 1 at Otter Creek - crash and data inquiry.msg](#)
[18PZ00088.msg](#)
[Package info 18PZ00088.msg](#)
[FW USA today article about the facility in PCB traffickeeping patients in issues.msg](#)

Jennifer,

Please find attached public comment for 18PZ00088 – Happy Landings, which are on the following topics, in this order:

- Neighborhood Impact
- FDOT Traffic Operations Report for US1 @ Otter Creek
- Conditional Use Permit (CUP) Criteria – including ingress and egress
- Case Study on diminution of residential property values resulting from neighborhood Substance Abuse Treatment Centers
- Neighborhood bicyclist/pedestrian traffic impact – including County bearing burden for resolution

Please add the emails and their respective attachments to the package for the Board's consideration.

Thanks,

Erin Sterk

Planning & Zoning Manager

Brevard County

(321) 633-2070 ext. 52640

From: [Lin](#)
To: [Sterk, Erin](#)
Date: Sunday, November 11, 2018 6:16:08 PM

Residents on Seaspray Avenue in Delray Beach complained about this \$3 million sober home. (Thomas Cordy / The Palm Beach Post)

'You get tired of calling the police'

When Joanne Varga of Delray Beach pulls into her driveway at night, she calls her husband who is in the house to come out and escort her inside.

"You never know what you're going to have to contend with," Frank Varga said, referring to the problems they say they've had since a sober home opened several years ago in an old motel across the street.

The problems, he said, include attempted break-ins to their house and cars. The Vargases say they keep a supply of plastic gloves close by — to pick up syringes and needles they often find in their driveway.

"You get tired of calling (the police) because it's every day," said Joanne Varga.

The motel, the Delray Inn, is owned by Harold and Dawn Jonas, who said it is no longer a sober home.

Closer to the beach, residents on Seaspray Avenue still complain about the \$3 million mansion [Caron Treatment converted into Ocean Drive](#), a sober house for the upscale clients who reportedly pay up to \$60,000 a month.

Neighbors say it operates more like a boutique hotel, with traffic from delivery trucks and black SUVs with tinted windows that whisk clients to and from treatment at Caron facilities in Boca Raton.

"It has never made sense why that's not considered a business," said Kelly Barrette, who lives down the street.

"It's a mysterious neighbor. They want to be in the neighborhood, but they're not part of the neighborhood. All of the secrecy is what's problematic with the industry."

One Sunday morning in August, Barrette and her neighbors were shocked to see police cars, emergency vehicles and a medical examiner's car in front of

the house. A client had hanged himself in a bedroom.

Broad Street residents file suit vs. Voyage

SAM STOCKARD, Post Contributor

Dec 7, 2014

A group of Southeast Broad Street residents is suing the city of Murfreesboro and a rehabilitation company claiming the former home of County Attorney Jim Cope was turned into a treatment facility - in violation of the city's zoning ordinance - that will hurt their neighborhood and property values.

A group of Southeast Broad Street residents is suing the city of Murfreesboro and a rehabilitation company claiming the former home of County Attorney Jim Cope was turned into a treatment facility - in violation of the city's zoning ordinance - that will hurt their neighborhood and property values.

From: [Lin](#)
To: [Sterk, Erin](#)
Subject: Package info 18PZ00088
Date: Sunday, November 11, 2018 12:07:39 PM
Attachments: [Property Value.pdf](#)

Treatment Centers Can Impact Home Prices

October 17, 2014

Residential substance abuse treatment centers can impact the price of neighboring homes, according to a study that uses MLS data to show just how much it can potentially hamper nearby values.


Centers for treating substance abuse are increasingly being located within residential neighborhoods, and the number is expected to grow. Many property owners respond with a "not in my backyard" attitude when a center is proposed, with nearby residents arguing that recovering addicts could bring higher crime risk to their community.

Researchers Claire Reeves La Roche, Bennie D. Waller, and Scott A. Wentland at Longwood University in Farmville, Va., used MLS data from central Virginia to estimate the impact of substance abuse treatment centers on nearby home values. They also used the data to figure out whether homes near substance abuse treatment centers stayed on the market for a longer amount of time.

They found that home values within one-eighth mile of a residential treatment center is associated with an 8 percent reduction in home prices when measured against comparable homes that are farther away. The discount is magnified even more when the treatment centers are for those that specifically treat opiate addiction, which includes addictions to heroin or morphine. In those cases, home values are reduced by up to 17 percent, researchers found.

"Operating a treatment center is a growing industry and it is reasonable to assume that new centers will be built nationally, many of which will be sited near residential communities," researchers note in the study. "Indeed, there is very little that individuals and localities can do to prohibit a substance abuse treatment center from locating in a residential area because alcohol and drug addiction is considered to be a handicap and thus alcoholic/addicts in recovery are members of a protected class under the federal anti-discrimination housing laws. Hence, as residential treatment centers become more common, it is important to understand all their effects, including the effects they may have on nearby real estate and how markets price the potential risk of nearby externalities."

Source: *"Not in My Backyard": The Effect of Substance Abuse Treatment Centers on Property Values*



Comment

“Not in My Backyard”: The Effect of Substance Abuse Treatment Centers on Property Values

Authors Claire R. La Roche, Bennie D. Waller, and Scott A. Wentland

Abstract Residential treatment centers offer the most intense form of treatment for substance abuse and are often embedded in residential neighborhoods. As a result of the Patient Protection and Affordable Care Act, the number of treatment centers has been forecasted to burgeon. We examine the external effect of residential rehab centers on nearby real estate. As addiction treatment centers are planned, a common response of nearby property owners is “not in my backyard” (NIMBY). Using a large MLS dataset from central Virginia, we estimate the impact of substance abuse treatment centers on nearby home prices and liquidity (as measured by time on market). We find that a neighboring treatment center is associated with an 8% reduction in nearby home prices, and that this discount is magnified for treatment centers that specifically treat opiate addiction (as much as 17%).

The primary residence is perhaps the greatest single investment made by an individual and the mantra “location, location, location” is an ever-present concern of a prospective buyer. Before purchasing a home, a savvy buyer will frequently research the community and the school system, as well as the crime statistics. When homeowners are made aware of an application for a special use permit for the possibility of an addiction treatment center being located in their neighborhood, initial concern for personal and household safety, followed by the stark realization that home values in their neighborhood may be adversely affected, almost always lead homeowners to the universal response of “not in my backyard” (NIMBY). The typical opposition to a proposed substance abuse treatment facility is based on two visceral concerns: an increase in crime risk and a related decrease in property values. The primary purpose of this paper is to examine the latter claim empirically, determining whether there is significant evidence that treatment centers have a negative impact on nearby real estate.

Ex ante, it is not clear that substance abuse treatment centers will adversely impact neighboring real estate, which motivates our empirical examination of this externality. On one hand, there may be a priori reasons to suspect that treatment facilities will not have much of an impact on neighboring real estate. Locating addiction treatment centers in residential areas has become commonplace.

Treatment centers tend to be inconspicuous and may have blackout curtains and minimal signage (or no sign). The housing is often gated and locked at a certain time of the day. Generally, clients enrolled in residential treatment programs are not allowed to interact with the “locals” of the neighborhood or leave the premises. Under current law (discussed in the next section), despite their challenges, residential treatment centers have relatively few limitations on where they are sited.

On the other hand, like many negative externalities or NIMBY issues, there are reasons to suspect that rehab facilities may adversely impact neighboring real estate. Substance abuse is a multifaceted health issue and many patients in residential treatment have a dual diagnosis: a mental health issue and an addiction (Connery, 2011). The Substance Abuse Mental Health Services Administration (SAMHSA, 2008) surveyed 14,423 facilities in 2008 and had a response rate of 94.1%. The SAMHSA survey indicated that 39% of the clients in treatment centers had a dual diagnosis. In addition, concurrent alcohol and drug addiction accounted for approximately 45%, while clients in treatment solely for drug abuse accounted for 34%–36% and 18%–20% of the patients only abused alcohol (SAMHSA, 2008).

One consequence of locating drug and alcohol rehabilitation centers in residential areas is that patients in substance abuse treatment programs frequently leave or are administratively discharged before successful completion. At some point, experts say that, “relapse is an almost unavoidable—and potentially useful—step in recovery” (Shaffer, 2012). For many, intensive residential treatment is a “last resort.” A healthy family of an addict will decline to “enable” negative behavior and, instead, will insist that the alcoholic/addict experience the “consequence” of the decision to use again and refuse treatment. In other words, the family will often not offer any form of financial support and the addict will have to fend for himself or herself. In addition to having a substance abuse disorder and possibly a dual diagnosis, those who relapse and leave treatment prior to completion often have limited job skills and perhaps even a criminal record—factors that make employment a challenge. Thus, as a practical matter, nearby neighbors may have valid concerns that the presence of a treatment center will be accompanied by additional unemployed or even homeless addicts on the street near the area in which the treatment center is located. This perception of elevated risk in these areas may then be reflected in the market prices of nearby real estate.

The likely occurrence of relapse combined with the probability of criminal charges and/or convictions associated with substance abuse corroborates the argument that the presence of a treatment center may bring objectionable consequences into a community. The purpose of this paper is to use market data to assess whether there is substantial evidence of nearby real estate being adversely impacted by the presence of treatment centers, consistent with the potential risks that proximity to these facilities may bring. As a clear-cut NIMBY issue, this paper contributes to the broader literature of examining the market effects of specific externalities or environmental factors in real estate. Our study contributes to the literature by being the first to examine the effect of substance abuse treatment centers on the

surrounding real estate market and, more generally, adding to our understanding of external factors that impact home prices.

Substance Abuse Treatment: Salient Issues, Recent Trends, and Related Literature

It is anticipated that the impact of the July 1, 2014 changes to insurance coverage under the Affordable Care Act (ACA) will cause the number of treatment centers to burgeon and thus, a study of the effect of nearby addiction treatment centers on real estate is timely. Prior to investigating treatment centers' effects on nearby real estate, it is crucial to understand the background of substance abuse treatment and why the current issues motivate the examination of potential real estate externalities.

Although accurate statistics of drug or alcohol disorders are difficult to obtain, according to a Harvard Medical School Special Health Report, between 15% and 28% of Americans will have a substance use disorder sometime during their lifetime and this estimate does not include addiction to nicotine (Shaffer, 2012). Residential treatment has become a more common way to treat addiction and, like many areas in healthcare services, residential rehabilitation has become a growth industry.

Broadly speaking, there are three types of treatment centers: intensive outpatient program (IOP), inpatient treatment, and partial hospitalization program (PHP). Typically, IOP treatment centers offer each client nine hours of group therapy, one hour of individual therapy, and one hour of case management (managing auxiliary services) per week. IOP clients either live in a halfway house or at home with strict guidelines established by their primary therapist. Although halfway houses can vary greatly, they generally have full-time house managers and mandatory, random urinalysis. Inpatient programs require clients to live at the facility in which all treatment takes place and may either be freestanding or hospital-based. PHP, also known as the “Florida model,” is a hybrid version of inpatient treatment and intensive outpatient treatment: individuals go to a counseling center during the day, and after a full day of therapy sessions return to off-site housing located in a neighborhood. Behavioral health technicians work at the off-site facilities around the clock.

Mandatory addiction treatment (commitment) does not exist under the law. An addict must choose to be in a recovery program. It is interesting to note that all three of the substance abuse treatment models include the possibility of group housing in neighborhood settings.

Projected Increase in SUD Treatment Facilities: MHPAEA and the ACA

The Patient Protection and Affordable Care Act (PPACA), also known as Obama Care, made sweeping changes to Mental Health/Substance Use Disorder

(MH/SUD) insurance coverage that went into effect on July 1, 2014. To understand the ramifications for residential treatment centers, it is necessary to briefly examine the legislative history of MH/SUD insurance coverage. Prior to July 1, 2014, the high cost of MH/SUD treatment meant that it was only available to patients with (or whose families have) considerable means, or those whose health insurance provided coverage. The Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) attempted to address the unequal treatment of MH/SUD health insurance coverage and legislated equal treatment between MH/SUD benefits and medical/surgical benefits. If a plan had MH/SUD coverage, then it must be on par with the medical/surgical benefits offered under that policy. The MHPAEA did not mandate that an insurance policy must cover MH/SUD and only applied to group health plans sponsored by employers with 50 or more employees. Both individual and small employer group policies were specifically exempted from coverage (MHPAEA Fact Sheet).

The PPACA mandates that MH/SUD coverage be included in marketplace health insurance policies as an “essential health benefit” as of July 1, 2014 (MHPAEA Fact Sheet). The effect of inclusion of MH/SUD coverage as an essential health benefit is that the MH/SUD parity rules now apply to non-grandfathered individual and small group plans (Beronio, Po, Skopec, and Glied, 2013). With expansion of the “parity rules” and inclusion of MH/SUD coverage as an essential health benefit under the ACA, it is anticipated that the number of patients having access to expensive addiction treatment options will grow exponentially, as will the number of treatment centers.

Antidiscrimination Housing Laws

When a proposed treatment center is sited, concerned members of the community frequently pressure lawmakers or hire attorneys, causing treatment centers to fight protracted legal battles that attempt to prevent the opening of the center. However, numerous laws hinder such NIMBY efforts, providing legal basis for treatment centers to be located just about anywhere. There are several federal laws that prohibit discrimination in housing based on a “disability” and define disability as: “Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment” (HUD).

Substance abuse disorders are clearly recognized disabilities and thus are covered under fair housing laws. Federal housing laws that prohibit disability-based discrimination and ensure equal housing opportunities are briefly discussed below.

Fair Housing Act. The Fair Housing Act (FHA) was designed to prohibit discrimination in housing. In 1988, the FHA was amended to include persons with handicaps to the protected classes under the FHA, 42 U.S.C. §3604(f)(3)(B). The definition of “handicap” under the FHA is very broad, and drug addiction and alcoholism are considered to be disabilities that are covered. The FHA also has a provision (42 U.S.C. §3604(f)(9)) that permits the exclusion of those “whose tenancy would constitute a direct threat to the health or safety of other individuals or ... would result in substantial physical damage to the property of others.” Thus,

the FHA does not protect an individual currently using illegal drugs or a person with a conviction of distributing or illegally manufacturing a controlled substance.

The FHA covers almost every aspect of a real estate transaction. According to the Act, it is illegal to discriminate in the sale or rental of a dwelling against a person with a disability. Thus, an alcoholic/addict cannot be denied housing based solely on his or her addiction. The Act does permit “reasonable local, State or Federal restriction regarding the maximum number of occupants permitted to occupy a dwelling” 42 U.S.C. §3607(b)(1). This exemption is for living space per occupant and is intended to promote health and safety, not exclude group homes from residential areas.

Although a person with a conviction for dealing or illegally manufacturing a controlled substance is not protected under the FHA, a drug distribution conviction does not automatically exclude a person from invoking the Rehabilitation Act or the Americans with Disabilities Act.

Rehabilitation Act. §504 (45 CFR Part 84) of the Rehabilitation Act of 1973 prohibits any entity from receiving federal funds from discriminating on the basis of a disability. Drug addiction and alcoholism are covered under this act as well. Communities have attempted to use zoning laws to exclude treatment centers. Under §504, if a community’s zoning regulation excludes substance abuse treatment centers, that community risks losing its federal funds.

Americans with Disabilities Act. Among other things, the purpose of Title II of the Americans with Disabilities Act (ADA) is to eliminate discrimination in housing against people with disabilities. This Act has further reach than §504 of the Rehabilitation Act because the receipt of federal funds is not required for Title II of the ADA to apply.

Zoning and Case Law. Zoning regulations create perhaps the biggest barrier to entry for a substance abuse center. As a practical matter, when considering a proposed site for a treatment center, the owners prefer to avoid spending a lot of time and money fighting a protracted court battle associated with a zoning ordinance. This mindset, however, did not stop a significant case from being appealed to the United States Supreme Court by Oxford House, a self-supporting, resident-run, residential treatment program. In the landmark case of *City of Edmonds v. Oxford House, Inc.*, et al., 514 U.S. 725 (1995), the City of Edmonds attempted to use an occupancy restriction in a zoning ordinance to exclude treatment centers from residential areas. The zoning ordinance in question allowed an unlimited number of related persons to live in a home and attempted to restrict the number of unrelated persons living in a single-family dwelling to five. The City of Edmonds claimed that the §3607(b)(1) exemption to the FHA applied to the city’s zoning ordinance. In a 5–4 decision, the Supreme Court held that a zoning ordinance that defined a family in such a way as to exclude treatment centers was unlawful. The ordinance was not a maximum occupancy provision but a provision describing who may compose a “family” and, thus, it violated the FHA. This case was a critical victory for the “Oxford House Model” because this community-based treatment program leases houses located in upscale neighborhoods across the U.S.

The bottom line is that there must be a “rational basis” for zoning regulation to be valid and localities have consistently been prohibited from discriminating against substance abuse treatment centers. Absent drastic changes to the laws outlined above, it is clear that residential centers are here to stay, and that if challenged in court, NIMBY proponents will have an uphill battle. Thus, given the growth trends in this industry, the potential risks posed to neighbors, and the laws that protect the treatment centers’ rights to locate almost anywhere, what is the consequence for real estate when a treatment center is located in one’s “backyard,” so to speak?

Related Literature in Real Estate

Researchers have long recognized that numerous externalities impact the marketing outcomes of residential real estate. These externalities may include, for example, neighboring pollution,¹ or even the condition of adjoining or nearby properties and/or the tenant’s behavior living in such properties. Real property has intangible benefits or disamenities, which are determined largely by public perception and capitalized into the pricing and marketing duration of residential properties. Furthermore, negative externalities are likely to significantly impact the marketing outcomes of properties in close proximity to the properties being marketed for sale, as well as impact the desirability of the overall neighborhood. Such “stigma” events are likely to be correlated with an exodus of higher income residents causing a “snowball” effect in declining property values (McCluskey and Rausser, 2003).

There are a number of researchers who analyze the degree to which external or neighborhood factors, both positive and negative, are capitalized in residential real estate marketing outcomes. For example, Thaler (1978) finds a negative relationship between neighborhood crime rates and property values. Gibbons (2004) finds an inverse relationship between vandalism and property values in London. As one would expect, robbery and aggravated assault rates have a significant and negative impact on property values (Ihanfeldt and Mayock, 2010). Pope (2012) found that decrease in crime rates had a positive effect on property values, particularly in those cities with substantial decreases in crime rates. Using a microspatial approach, Rosiers (2002) examined the impact of the visual encumbrance of power lines on property value and finds that on average it negatively impacts value by approximately 10%, but increases to 14% in areas where setback in property lines are less.

As a result of the recent economic and housing collapse, there are several studies that have examined the impact of foreclosed properties. Foreclosed properties may present a variety of negative effects on neighboring properties, including (but not limited to) the “eyesore effect” where neighboring foreclosures that have long been vacant adversely impact the aesthetic appeal of the neighborhood. Such studies include Harding, Rosenblatt, and Yao (2009), Lin, Rosenblatt, and Yao (2009), Daneshvary, Clauretie, and Kader (2011), Daneshvary and Clauretie (2012), and Agarwal, Ambrose, Chomsisengphet, and Sanders (2013). Generally, these studies find negative neighborhood spillovers from foreclosed or distressed properties.

A review of the literature does not reveal any specific examples of residential drug rehabilitation centers and their impact on neighboring property values. However, there is analogous literature of undesirable neighbors impacting property values. For example, Congdon-Hohman (2013) finds a significant and negative effect on home values located within one-eighth of a mile of a methamphetamine lab. The effect dissipates both as time passes after the discovery of and distance from a meth lab. Reichert, Small, and Mohanty (1992) estimate the impact of landfills on nearby real estate, finding a negative impact when located within several blocks of an expensive housing area. They find an effect that ranges from 5.5% to 7.3%, depending on the distance from the landfill. Indeed, the authors find that the percentage impact on older, less expensive properties to be significantly less (3%–4%) relative to the more expensive properties. Similarly, Hite, Chern, Hitzusen, and Randall (2001) find significant differences in property values located within 3.25 miles of a landfill.

Other studies have shown that a variety of other external factors affect real estate market outcomes. Coulson and Leichenko (2001) find that designated properties, as well as neighboring properties, are significantly impacted by historical designations. Other examples include the impact of registered sex offenders on the marketing outcomes of neighboring properties. Three recent studies have examined the impact as to the proximity of registered sex offenders. Most recently, Wentland, Waller, and Brastow (2014) found that close proximity to sex offenders rendered large price and liquidity effects, declining but significant out to one mile. The authors also found amplified effects for homes with more bedrooms, a proxy for children, and whether the nearby offender was convicted of a violent sex offense. Linden and Rockoff (2008) found significant reductions in home prices across radii of less than 0.1 miles and 0.1 to 0.3 miles when an offender moves in. Pope (2008) found properties located within 0.1 miles of a sex offender significantly reduced home values.

Data

We use residential real estate data from a multiple listing service (MLS) located in central Virginia, including Richmond and other surrounding areas. MLS data are critical for any externality study, particularly those that analyze both time on market and price, because it contains both the list date and sell date (or withdraw date) of residential properties, while tax data and other publically available data usually only include the property's date of sale. This is critical because nearby amenities or disamenities may be capitalized into a home's price, liquidity, or some combination of the two. In this study, we examine both. While the expected sign of living near a potential disamenity is likely negative for the price estimates, the estimated impact on liquidity is theoretically ambiguous. While the disamenity may lower the arrival rate of potential buyers, lengthening the time on market, the seller may be willing to discount the home in part to counteract this effect.

The sample is composed of listings in the residential real estate market over approximately a decade, between 2001 and 2011. The initial housing data contains 207,793 observations (including both sold and unsold properties). Among others,

Levitt and Syverson (2008) point out that MLS data are entered by real estate agents and can be incorrect or incomplete. The data were carefully examined in light of common issues prevalent in the data. After culling for incomplete, missing or illogical data that suggest data entry errors or extravagant outliers, the final data set consists of approximately 194,983 homes on the market, with approximately 111,580 that eventually sold.² The MLS data include numerous property characteristics (square footage, bedrooms, baths, age, acreage, etc.) and, of course, each property's location.

Our MLS data are a fairly representative housing market in the U.S., which includes urban, suburban, and rural sales. Richmond is a medium-sized city located in the eastern part of central Virginia and the MLS covers much of the "Greater Richmond" area (or Richmond MSA). The average property in this MLS has a listing and selling price of \$263,641 and \$242,116, respectively. The average listed property was 25 years of age, with 2,143 square feet, 3.6 bedrooms, and 2.4 bathrooms with an average time on market of 85 days. During this time period, there were 36 substance abuse treatment centers located within the broader region encompassing the listings in our data, and nine were located within the city limits of Richmond specifically.³ See Exhibit 1 for additional descriptive statistics.

The primary source of the treatment center externality is its proximity to a given home on the market. Intuitively, there is likely an increasing NIMBY sentiment as the proximity to the center is closer in distance. Thus, we compute the distance from a given home in the MLS and each treatment center, using address data to code the longitude and latitude from which the straight-line distance is calculated using the great-circle formula. While NIMBY does not literally refer to one's "backyard," it is usually taken to mean very close proximity, but the definition of what qualifies as "very close proximity" may be different depending on the person and the issue. Below we examine the effect of nearby substance abuse treatment centers on nearby real estate, using different spatial proximities (e.g., 0.175 miles, 0.15 miles, and 0.125 miles) as a robustness check.⁴

Empirical Methodology

Our primary goal is to isolate the effect of a treatment center on neighborhood real estate outcomes. Numerous studies have examined other neighborhood externalities, using a variety of empirical approaches.⁵ Initially, we focus on a treatment center's effect on the sale price and liquidity of a home, utilizing a cross-sectional OLS hedonic pricing model as the baseline. While hedonic pricing models are commonly used to determine the value of specific property attributes and surrounding (dis)amenities by estimating marginal effects on the sale price of the property,⁶ we also explore a simultaneous equation model to account for the joint determination of both price and liquidity. The purpose of exploring multiple approaches is to demonstrate that the results are not particularly sensitive to the choice of modeling technique.

Baseline OLS Hedonic Models

Beginning with a simple cross-sectional approach, we provide a baseline estimate of the effect of a nearby substance abuse treatment center, employing a traditional

Exhibit 1 | Summary Statistics

Variable	Mean	Std. Dev.
List Price (\$)	263,641	142,300
Sale Price (\$)	242,116	127,608
Time on Market (in Days)	85.45	79.99
Rehab Center (Dummy Var. = 1 if the home is near a rehab center (distance specified in each table), 0 otherwise)	0.0003	0.02
Age (in Years)	24.99	26.16
Acreage	0.79	1.91
Square Feet	2,143.29	888.25
Bedrooms	3.60	0.77
Bathrooms	2.38	0.82
Foreclosure (Dummy Var. = 1 if foreclosure, 0 otherwise)	0.02	0.12
Number of levels	1.83	0.65
Pool (Dummy Var. = 1 if the home has a pool, 0 otherwise)	0.05	0.23
Basement (Dummy Var. = 1 if they have a basement, 0 otherwise)	0.17	0.38
Short Sale (Dummy Var. = 1 if short sale, 0 otherwise)	0.02	0.13
Tenant (Dummy Var. = 1 if it has a tenant at listing, 0 otherwise)	0.03	0.16
Vacant (Dummy Var. = 1 if the home is vacant, 0 otherwise)	0.36	0.48
Taxes	1,779.95	1,311.74
HOA Fees (Dummy Var. = 1 if it has HOA fees, 0 otherwise)	0.32	0.47
Listing Density	64.41	577.40
Competition	582.22	1,062.08

Note: Location and year fixed effects summary stats omitted.

hedonic model that accounts for heterogeneous characteristics of both homes and their locations. We estimate the following functional forms:

$$SP_i = \varphi_P(X_i, LOC_i, T_i, TOM_i) + \varepsilon \quad (1)$$

and

$$TOM_i = \varphi_T(X_i, LOC_i, T_i, LP_i) + \varepsilon, \quad (2)$$

where SP_i is a vector for property selling price,⁷ LP_i is a vector for property listing price X_i is a vector of property specific characteristics,⁸ LOC_i is a vector for location control using ZIP Codes (see below), T_i , the variable of interest, equals

1 if a treatment center is located nearby of a given home, and is 0 otherwise, TOM_i is the time on market (in days), which the literature also calls marketing duration or a measure of liquidity, and ε is an error term that is heteroskedastic-consistent and clustered by ZIP Code.⁹

Hedonic analysis of the housing market requires some control for spatial heterogeneity because location itself is a key source of differences in housing prices. The goal is to disentangle specific proximity to a treatment center from broader location differences that explain real estate prices. Following numerous studies in the real estate and urban economics literature, we chose ZIP Code fixed effects to control for unobserved heterogeneity *across* these areas so that the explanatory variables' effects are identified from variation *within* a given area (or even in a given year, as is the case for time fixed effects). In effect, our results may then be interpreted as the treatment center's effect on home prices given comparable homes within the same ZIP Code, but located further away. In this sense, we are attempting to disentangle the broader location effect from the proximity to a treatment center by essentially comparing homes within a certain ZIP Code. Further, we explore alternative location controls (census tracts, block groups, and blocks) in a similar vein, as well as altering the control group itself by confining it to narrow bands around a rehab facility. Appropriate location controls can disentangle the negative externality effect from simply a "bad neighborhood" or "bad part of town" effect.

Simultaneous Equations Approach: System Identification

Numerous studies in real estate and urban economics model price and time on market in a simultaneous system (like 2SLS or 3SLS) given likely joint determination of these factors. A seller can always lower price to increase liquidity, and vice versa. Yet, a home's sale price and time on market are determined by virtually identical factors. Econometrically, this creates an identification problem because if one wants to model this simultaneity with a system of equations, then, by definition, such a system could not be identified using identical exogenous variables. While a number of empirical studies acknowledge this simultaneity,¹⁰ Turnbull and Dombrow (2006) and Zahirovic-Herbert and Turnbull (2008) have identified a novel way of overcoming this identification problem through their incorporation of variables that represent market conditions from other listings on the market. Below we summarize a solution to this identification issue, as we utilize an adapted form of this approach to model price and liquidity in a simultaneous system.

Following Krainer's (2001) search market model, one can model a home's expected liquidity, $E[TOM]$, (measured as a home's marketing duration or time on market) and expected house sale price, $E[SP]$, as simultaneously determined and implicitly defined as:

$$F(E[SP], E[TOM], T, X, LOC, C) = 0, \quad (3)$$

where T is an indicator of whether a home is near a rehab treatment center, X is a vector of house (and market) characteristics, LOC is location controls, and C are neighborhood market conditions. The latter variable, C , represents neighborhood market conditions that have an ambiguous external effect on local properties. On one hand, when the number of nearby homes that go on the market increases, the supply of additional homes on the market ought to negatively impact the price and liquidity of a nearby home (i.e., “a competition effect”). On the other hand, the increased traffic generated from additional nearby homes on the market could actually positively impact a home’s price and liquidity, which is termed “a shopping externality effect.” Empirically, the sales price and time on market can be represented as separate functions with jointly distributed stochastic errors ε_p and ε_T :

$$SP = \varphi_p(TOM, T, LOC, X, C) + \varepsilon_p \quad (4)$$

and

$$TOM = \varphi_T(SP, T, LOC, X, C) + \varepsilon_T. \quad (5)$$

The vector C (i.e., market conditions or neighborhood competition) and another vector, L (i.e., listing density), are the keys to Turnbull and Dombrow’s (2006) solution to over-identifying this system of equations (since equations 3 and 4 are not yet identified). Neighborhood competition, C , is a measure that accounts for “nearby houses for sale as long as each competing listed house overlaps with the period that this house is on the market, inversely weighted by the distance between the houses to reflect the assumption that nearby houses will have stronger effects on the sale of this house than houses that are farther away” (Zahirovic-Herbert and Turnbull, 2008).¹¹ Listing density, L , is similarly defined as “the measure of competing overlapping listings per day on the market” (Zahirovic-Herbert and Turnbull, 2008), where: $L(i) = \sum_j (1 - D(i, j))^2 \{\min[s(i), s(j)] - \max[l(i), l(j)]\} / s(i) - l(i) + 1$. Essentially, both measures capture neighborhood market conditions by quantifying the marketing overlap of nearby homes on the market simultaneously, however, listing density is weighted by time on market. Turnbull and Dombrow (2006) point out that a change in competition while holding selling time constant is also the partial derivative with respect to listing density (and it is easy to see that $\partial \varphi_p / \partial C \equiv \partial \varphi_p / \partial L$). Therefore, we can rewrite our system of equations to reflect:

$$SP = \varphi_p(TOM, T, LOC, X, L) + \varepsilon_p \quad (6)$$

and

$$TOM = \varphi_T(SP, T, LOC, X, C) + \varepsilon_T. \quad (7)$$

Both L and C vectors uniquely identify the simultaneous system. Further, we supplement this approach by using different location controls across equations.¹² We estimate the system of equations (5) and (6) using three-stage least squares (3SLS) in the next section to generate a coefficient estimate of the effect of a nearby treatment center on price and time on market. We model simultaneity using a 3SLS approach because it incorporates an additional step with seemingly unrelated regression (SUR) estimation to control for correlations between error terms.¹³

Alternative Specifications and Robustness

While the baseline results include location controls, an additional way to isolate the treatment effect of a rehab facility is by limiting the control group to homes closer to rehab facilities more generally (i.e., omitting observations sufficiently far from any rehab facility). Methodologically, the comparison is then between homes that are near a rehab treatment facility and homes just outside a given range. Specifically, we explore the effect of a rehab center (within 1/8 mile) on nearby real estate as compared to similar homes further out (i.e., within 1.5 miles, 1 mile, and 2/3 mile, respectively). This approach allows us to further homogenize location as a robustness check, and to provide additional evidence that the external effect is specific to the rehab facility, and not simply the part of town in which it is located.

We also examine whether facilities that only treat opiate addicts (commonly known as methadone clinics) have a larger impact on nearby real estate. Clinics that treat heroin or prescription addicts, for example, often use buprenorphine or methadone as part of the rehabilitation process. Nearby residents may perceive patients who are still intoxicated, albeit at a lower dose, as an elevated crime risk. Approximately half of the 36 treatment centers in our sample only treat opiate addiction (hereinafter referred to as methadone clinics). We examine whether nearby real estate is more affected by methadone clinics specifically.

Results

Baseline OLS Results

The baseline OLS results provide evidence that nearby treatment centers adversely impact surrounding home values, but have little if any impact on property liquidity. Estimating equations (1) and (2), Exhibit 2 shows that this adverse effect is not qualitatively sensitive to the choice of the definition of “nearby.” Column 1 shows that the presence of a rehab center within 0.125 (1/8) miles is associated with

Exhibit 2 | Effect of a Nearby Rehab Center on a Home's Price and Liquidity: Baseline OLS Results

	Dependent Variable: <i>ln(Sale Price)</i>			Dependent Variable: <i>ln(Days on Market)</i>		
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Rehab Center ≤ 0.125 Mile</i>	-0.0796** (-1.97)			-0.0513 (-0.28)		
<i>Rehab Center ≤ 0.15 Mile</i>		-0.0623** (-2.20)			0.1101 (0.76)	
<i>Rehab Center ≤ 0.175 Mile</i>			-0.0517** (-2.49)			0.1190 (1.10)
<i>ln(Age of Home)</i>	-0.0649*** (-19.07)	-0.0649*** (-19.07)	-0.0649*** (-19.08)	0.0213*** (2.71)	0.0213*** (2.71)	0.0213*** (2.71)
<i>Acreage</i>	0.0206*** (13.39)	0.0206*** (13.39)	0.0206*** (13.39)	0.0203*** (4.47)	0.0203*** (4.46)	0.0203*** (4.46)
<i>Sq. Ft.</i>	0.0003*** (15.38)	0.0003*** (15.38)	0.0003*** (15.38)	-0.0000 (-0.50)	-0.0000 (-0.50)	-0.0000 (-0.50)
<i>Bedrooms</i>	-0.0075 (-0.99)	-0.0075 (-0.99)	-0.0075 (-0.99)	0.0441*** (5.06)	0.0441*** (5.07)	0.0441*** (5.06)
<i>Bathrooms</i>	0.0390*** (6.30)	0.0390*** (6.30)	0.0390*** (6.30)	-0.0517*** (-5.34)	-0.0517*** (-5.34)	-0.0517*** (-5.33)
<i>Foreclosure</i>	-0.1691*** (-20.60)	-0.1691*** (-20.60)	-0.1691*** (-20.60)	-0.3936*** (-15.90)	-0.3938*** (-15.91)	-0.3939*** (-15.93)
<i>Number of Levels</i>	-0.0055 (-1.17)	-0.0055 (-1.17)	-0.0055 (-1.17)	0.0419*** (4.93)	0.0418*** (4.93)	0.0418*** (4.93)
<i>Pool</i>	0.0334*** (3.61)	0.0334*** (3.61)	0.0334*** (3.60)	0.0060 (0.18)	0.0060 (0.18)	0.0060 (0.18)
<i>Basement</i>	0.0418*** (3.15)	0.0418*** (3.15)	0.0418*** (3.15)	0.0045 (0.23)	0.0046 (0.23)	0.0046 (0.23)

Exhibit 2 | (continued)

Effect of a Nearby Rehab Center on a Home's Price and Liquidity: Baseline OLS Results

	Dependent Variable: <i>ln</i> (Sale Price)			Dependent Variable: <i>ln</i> (Days on Market)		
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Short Sale</i>	-0.0935*** (-12.68)	-0.0935*** (-12.68)	-0.0935*** (-12.67)	0.3775*** (18.07)	0.3775*** (18.08)	0.3775*** (18.07)
<i>Tenant</i>	-0.0815*** (-10.10)	-0.0815*** (-10.10)	-0.0815*** (-10.10)	0.2479*** (11.82)	0.2479*** (11.81)	0.2479*** (11.81)
<i>Vacant</i>	-0.0279*** (-6.56)	-0.0279*** (-6.56)	-0.0279*** (-6.57)	0.1207*** (7.44)	0.1207*** (7.43)	0.1207*** (7.43)
<i>Taxes (\$)</i>	0.0001*** (6.81)	0.0001*** (6.81)	0.0001*** (6.81)	-0.0000 (-1.23)	-0.0000 (-1.23)	-0.0000 (-1.23)
<i>HOA Fee</i>	0.0715*** (7.11)	0.0715*** (7.11)	0.0715*** (7.11)	-0.0690*** (-3.26)	-0.0691*** (-3.26)	-0.0690*** (-3.26)
<i>ln</i> (Days on Market)	0.0003 (0.21)	0.0003 (0.21)	0.0003 (0.21)			
<i>ln</i> (List Price)				0.6486*** (9.34)	0.6487*** (9.34)	0.6487*** (9.34)
Constant	11.4723*** (171.71)	11.4723*** (171.70)	11.6581 (0.07)	-5.6213*** (-6.69)	-5.6222*** (-6.69)	-5.6225*** (-6.69)
Location Controls (ZIP Code)	✓	✓	✓	✓	✓	✓
Year Fixed Effects	✓	✓	✓	✓	✓	✓

Notes: This table presents results of hedonic OLS models showing the effect of a nearby (i.e., within 0.125 mile, 0.15 mile, and 0.175 mile) rehab facility on a property's sale price and time on market (errors clustered by ZIP Code). *T*-statistics are in parentheses. The number of observation in columns 1–3 is 117,187; the number of observation in columns 4–6 is 206,420.

*Significant at the 10% level.

**Significant at the 5% level.

***Significant at the 1% level.

approximately an 8% reduction in home values. The corresponding impact on time on market is not statistically significant at any conventional level, providing initial evidence that the externality is primarily capitalized into home prices, rather than liquidity. Indeed, columns 2 and 3 show that homes sold for approximately 6% or 5% less if they were located within 0.15 miles or 0.175 miles of a rehab center, respectively. While qualitatively similar, these coefficient estimates also provide some evidence that the externality may be diminishing in distance, as additional, further properties are included in the latter estimates. The regressions tabulated in columns 5 and 6 tell approximately the same story as column 4, in that there is little evidence that rehab centers have a statistically significant impact on a home's liquidity.

The real estate literature has not adopted a single way to control for spatial heterogeneity. In Exhibit 3 we examine a few common alternatives to controlling for location. The initial estimates in Exhibit 2 use ZIP Codes to control for spatial heterogeneity. In Exhibit 3, we use census tract fixed effects (columns 1 and 4), block group fixed effect (columns 2 and 5), and block fixed effects (columns 3 and 6). Census tracts, according to the U.S. Census, are “small, relatively permanent statistical subdivisions of a county ... designed to be homogenous with respect to population characteristics, economic status, and living conditions.”¹⁴ Census block groups are subsets of census tracts; and, blocks are further subsets of block groups. One can think of these as different measures of “neighborhoods,” broadly to more narrowly defined. The results from the price regressions in Exhibit 3 are consistent with Exhibit 2, falling within a fraction of a percentage point of one another, with an effect of approximately 7.2% to 7.9%. Columns 4–6 in Exhibit 3 also show that substance abuse treatment centers are not associated with a statistically significant impact on nearby property liquidity. Overall, it is clear that the estimates of the effect of a substance abuse treatment center on nearby real estate is not particularly sensitive to the choice of location controls, providing evidence that the external effect of substance abuse treatment centers is robust.

Simultaneous Equation Results

When price and time on market are modeled within a simultaneous 3SLS system of equations, the estimated effect of a nearby substance abuse treatment center on home price and liquidity are similar to the OLS results, finding that nearby substance abuse treatment centers are associated with an approximately 8% drop in home values (within 1/8 mile). Column 1 in Exhibit 4 displays this result. Like the initial OLS results, the 3SLS estimations also show that substance abuse treatment centers have little impact on nearby property liquidity, as the externality appears to be capitalized into price exclusively. Exhibit 4 provides additional evidence that the external impact of substance abuse treatment centers is robust to multiple modeling approaches that are common in empirical real estate studies.

Exhibit 4 also provides evidence that not all substance abuse treatment centers may be perceived by nearby residents as presenting equal risk. It is possible that methadone clinics have a greater NIMBY sentiment from the broader community. We test this proposition empirically by exclusively examining the effect of

Exhibit 3 | Effect of a Nearby Rehab Center on a Home's Price and Liquidity with Different Location Controls

	Dependent Variable: <i>ln(Sale Price)</i>			Dependent Variable: <i>ln(Days on Market)</i>		
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Rehab Center ≤ 1/8 Mile</i>	-0.0720** (-2.01)	-0.0787** (-2.16)	-0.0744** (-2.25)	-0.0695 (-0.41)	-0.0919 (-0.55)	-0.0520 (-0.32)
<i>ln(Age of Home)</i>	-0.0683*** (-36.51)	-0.0668*** (-39.52)	-0.0650*** (-48.49)	0.0066 (0.87)	-0.0111 (-1.50)	-0.0110** (-2.39)
<i>Acreage</i>	0.0200*** (17.12)	0.0209*** (20.28)	0.0201*** (24.52)	0.0372*** (9.82)	0.0589*** (12.25)	0.0552*** (23.18)
<i>Sq. Ft.</i>	0.0002*** (14.20)	0.0002*** (13.45)	0.0002*** (14.30)	0.0000** (1.96)	0.0001*** (4.91)	0.0001*** (7.83)
<i>Bedrooms</i>	0.0004 (0.08)	0.0038 (0.71)	0.0046 (1.12)	0.0356*** (3.56)	0.0148 (1.34)	0.0202*** (2.81)
<i>Bathrooms</i>	0.0404*** (7.09)	0.0394*** (7.06)	0.0383*** (7.96)	-0.0495*** (-5.08)	-0.0441*** (-4.00)	-0.0463*** (-5.91)
<i>Foreclosure</i>	-0.1546*** (-24.91)	-0.1482*** (-27.52)	-0.1401*** (-32.23)	-0.4062*** (-19.06)	-0.4258*** (-18.46)	-0.4239*** (-21.16)
<i>Number of Levels</i>	-0.0032 (-1.08)	-0.0012 (-0.46)	0.0022 (0.96)	0.0202*** (2.65)	-0.0078 (-0.78)	0.0010 (0.16)
<i>Pool</i>	0.0355*** (4.99)	0.0333*** (5.69)	0.0289*** (8.30)	0.0126 (0.43)	0.0159 (0.48)	0.0219 (1.07)
<i>Basement</i>	0.0231*** (3.52)	0.0193*** (3.89)	0.0152*** (4.88)	0.0400*** (2.77)	0.1021*** (6.03)	0.0865*** (8.86)
<i>Short Sale</i>	-0.0822*** (-14.38)	-0.0818*** (-14.82)	-0.0817*** (-14.83)	0.3531*** (18.52)	0.3422*** (17.81)	0.3410*** (18.39)
<i>Tenant</i>	-0.0729*** (-14.28)	-0.0721*** (-16.27)	-0.0702*** (-18.31)	0.2570*** (13.10)	0.2966*** (14.02)	0.2882*** (15.87)

Exhibit 3 | (continued)

Effect of a Nearby Rehab Center on a Home's Price and Liquidity with Different Location Controls

	Dependent Variable: <i>ln</i> (Sale Price)			Dependent Variable: <i>ln</i> (Days on Market)		
	(1)	(2)	(3)	(4)	(5)	(6)
<i>Vacant</i>	-0.0309*** (-9.74)	-0.0326*** (-12.22)	-0.0345*** (-20.51)	0.1171*** (7.81)	0.1393*** (8.97)	0.1301*** (12.79)
<i>Taxes (\$)</i>	0.0001*** (10.40)	0.0001*** (10.45)	0.0001*** (13.13)	-0.0001** (-2.17)	-0.0001*** (-3.20)	-0.0001*** (-6.69)
<i>HOA Fees</i>	0.0660*** (9.93)	0.0681*** (11.85)	0.0635*** (16.69)	-0.0847*** (-4.25)	-0.1136*** (-5.04)	-0.1100*** (-8.49)
<i>ln</i> (Time on Market)	0.0014* (1.67)	0.0016** (2.40)	0.0015*** (2.79)			
<i>ln</i> (List Price)				0.5101*** (11.71)	0.2620*** (5.67)	0.2991*** (11.74)
Constant	11.4958*** (156.44)	11.4429*** (260.80)	11.5281*** (259.87)	-4.1742*** (-7.64)	-1.1906** (-2.12)	-1.6416*** (-4.76)
Location Controls (Census Tracts)	✓			✓		
Location Controls (Blocks Groups)		✓			✓	
Location Controls (Blocks)			✓			✓
Year Fixed Effects	✓	✓	✓	✓	✓	✓

Notes: This table presents results of hedonic OLS models showing the effect of a nearby (i.e. within 0.125 mile) rehab facility on a property's sale price and time on market, while controlling for different spatial/area fixed effects. Errors are clustered by spatial area in each regression respectively. *T*-statistics are in parentheses. The number of observation in columns 1-3 is 116,663; the number of observation in columns 4-6 is 205,281.

* Significant at the 10% level.

** Significant at the 5% level.

*** Significant at the 1% level.

Exhibit 4 | Effect of a Nearby Rehab and Methadone Treatment Center on a Home's Price and Liquidity

	Dependent Variable: <i>ln</i> (Sale Price)	Dependent Variable: <i>ln</i> (Days on Market)	Dependent Variable: <i>ln</i> (Sale Price)	Dependent Variable: <i>ln</i> (Days on Market)
	(1)	(2)	(3)	(4)
<i>Rehab Center</i> ≤ 1 / 8 Mile	-0.077** (-2.44)	-0.009 (-0.04)		
<i>Meth. Center</i> ≤ 1 / 8 Mile			-0.174** (-2.35)	0.192 (0.33)
<i>ln</i> (Age of Home)	-0.063*** (-118.93)	0.125*** (10.89)	-0.063*** (-118.92)	0.125*** (10.86)
<i>Acreage</i>	0.019*** (42.37)	0.026*** (5.22)	0.019*** (42.38)	0.027*** (5.24)
<i>Sq. Ft.</i>	0.000*** (232.99)	-0.000*** (-7.14)	0.000*** (233.00)	-0.000*** (-7.10)
<i>Bedrooms</i>	-0.023*** (-23.53)	0.093*** (11.70)	-0.023*** (-23.52)	0.093*** (11.69)
<i>Bathrooms</i>	0.024*** (22.80)	-0.054*** (-5.75)	0.024*** (22.80)	-0.053*** (-5.73)
<i>Foreclosure</i>	-0.153*** (-36.57)	-0.025 (-0.62)	-0.153*** (-36.60)	-0.026 (-0.64)
<i>Number of Levels</i>	-0.018*** (-18.27)	0.077*** (9.51)	-0.018*** (-18.27)	0.077*** (9.51)
<i>Pool</i>	0.027*** (11.63)	-0.038** (-2.04)	0.027*** (11.62)	-0.038** (-2.03)
<i>Basement</i>	0.039*** (24.13)	-0.062*** (-4.68)	0.039*** (24.13)	-0.061*** (-4.67)
<i>Short Sale</i>	-0.115*** (-20.08)	0.529*** (11.42)	-0.115*** (-20.07)	0.528*** (11.41)
<i>Tenant</i>	-0.080*** (-21.18)	0.078** (2.46)	-0.080*** (-21.19)	0.078** (2.45)
<i>Vacant</i>	-0.041*** (-34.67)	0.240*** (22.44)	-0.041*** (-34.66)	0.240*** (22.42)
<i>Taxes (\$)</i>	0.000*** (91.96)	0.000* (1.82)	0.000*** (91.95)	0.000* (1.86)
<i>HOA Fees</i>	0.059*** (41.51)	-0.076*** (-5.07)	0.059*** (41.50)	-0.076*** (-5.05)
<i>ln</i> (Time on Market)	0.050*** (45.52)		0.050*** (45.45)	
<i>ln</i> (Sale Price)		1.254*** (7.48)		1.248*** (7.44)

Exhibit 4 | (continued)

Effect of a Nearby Rehab and Methadone Treatment Center on a Home's Price and Liquidity

	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>
	(1)	(2)	(3)	(4)
<i>Listing Density</i>	0.000*** (21.93)		0.000*** (21.95)	
<i>Competition</i>		0.000*** (21.48)		0.000*** (21.50)
<i>Location Controls</i>	✓	✓	✓	✓
<i>Year Fixed Effects</i>	✓	✓	✓	✓

Notes: This table presents the results of hedonic 3SLS models showing the effect of a nearby (i.e., within 0.125 mile) rehab facility, and a rehab facility that treats methadone addiction specifically, on a property's sale price and time on market; constant omitted here for brevity. Z-statistics are in parentheses. The number of observations in columns 1–4 is 110,361.

*Significant at the 10% level.

**Significant at the 5% level.

***Significant at the 1% level.

methadone clinics. Columns 3 and 4 in Exhibit 4 display the results of the same 3SLS estimations as columns 1 and 2, but confining the treatment variable to a dummy variable that equals one if the home is within 0.125 mile of a methadone clinic. The coefficient estimates in Exhibit 4 indicate that homes within 0.125 miles of a methadone clinic sell for approximately a 17% discount relative to homes that are located further away, holding other factors constant. There is little evidence, however, that these clinics affect nearby home liquidity. Overall, Exhibit 4 provides evidence that the market differentiates among risks generated by these potential externalities, and the treatment centers that may be perceived as having a higher risk to their neighbors have a much greater impact on the surrounding real estate market.

As a robustness check, in Exhibit 5 we explore the extent to which the control groups matter, finding results generally consistent with those in Exhibit 4. A critique of hedonic models for estimating any externality might be that the interpretation of the dummy variable essentially defines the control group as homes not located near (within 0.125 miles) the potential externality. Defining the control group in this way may present some unobserved spatial heterogeneity issues. To address this issue, in Exhibits 5 and 6 we estimate the same regressions as Exhibit 4, but confine the sample to homes that are located within 1.5 miles, 1 mile, and 0.6 miles of a rehab facility respectively. The results are consistent with the initial 3SLS estimates in Exhibit 4, and by extension, the initial OLS estimates in Exhibits 2 and 3. Both exhibits show that homes near substance abuse

Exhibit 5 | Effect of a Nearby Rehab Facility on a Home's Sale Price and Days on Market

	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>
	Within 1.5 Miles of a Rehab Facility		Within 1 Mile of a Rehab Facility		Within 0.6 Miles of a Rehab Facility	
	(1a)	(1b)	(2a)	(2b)	(3a)	(3b)
<i>Rehab Center ≤ 1 / 8 Mile</i>	-0.076** (-2.34)	-0.008 (-0.03)	-0.077** (-2.42)	-0.083 (-0.34)	-0.075** (-2.27)	-0.331 (-1.34)
<i>ln(Age of Home)</i>	-0.063*** (-30.75)	0.133*** (3.60)	-0.059*** (-20.19)	0.060 (1.34)	-0.063*** (-12.40)	0.102 (1.60)
<i>Acreage</i>	0.022*** (12.14)	0.017 (0.91)	0.020*** (7.61)	0.045* (1.85)	0.028*** (5.83)	0.015 (0.35)
<i>Sq. Ft.</i>	0.000*** (57.61)	-0.000** (-2.31)	0.000*** (42.39)	-0.000 (-0.59)	0.000*** (25.45)	-0.000 (-1.08)
<i>Bedrooms</i>	-0.023*** (-5.92)	0.123*** (4.30)	-0.025*** (-4.44)	0.144*** (3.42)	-0.026*** (-2.96)	0.211*** (3.21)
<i>Bathrooms</i>	0.028*** (6.69)	-0.018 (-0.51)	0.018*** (2.88)	0.040 (0.81)	0.027*** (2.58)	-0.048 (-0.60)
<i>Foreclosure</i>	-0.147*** (-9.84)	0.014 (0.11)	-0.171*** (-7.62)	-0.195 (-1.00)	-0.188*** (-4.93)	-0.628** (-2.11)
<i>Number of Levels</i>	-0.025*** (-6.57)	0.079*** (2.64)	-0.021*** (-3.81)	0.046 (1.05)	-0.018** (-1.99)	0.110 (1.64)
<i>Pool</i>	0.021** (2.17)	0.034 (0.48)	0.016 (1.16)	-0.103 (-0.97)	0.027 (1.12)	-0.134 (-0.77)

Exhibit 5 | (continued)

Effect of a Nearby Rehab Facility on a Home's Sale Price and Days on Market

	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>
	Within 1.5 Miles of a Rehab Facility		Within 1 Mile of a Rehab Facility		Within 0.6 Miles of a Rehab Facility	
	(1a)	(1b)	(2a)	(2b)	(3a)	(3b)
<i>Basement</i>	0.040*** (6.44)	0.004 (0.08)	0.034*** (3.71)	0.052 (0.71)	0.029* (1.91)	-0.105 (-0.89)
<i>Short Sale</i>	-0.122*** (-6.04)	0.389** (2.56)	-0.106*** (-3.23)	0.315 (1.25)	-0.166*** (-3.06)	0.006 (0.02)
<i>Tenant</i>	-0.099*** (-6.82)	0.038 (0.32)	-0.114*** (-5.82)	0.018 (0.11)	-0.140*** (-4.47)	0.161 (0.65)
<i>Vacant</i>	-0.044*** (-9.59)	0.218*** (5.59)	-0.046*** (-7.05)	0.254*** (4.66)	-0.034*** (-2.97)	0.304*** (3.68)
<i>Taxes (\$)</i>	0.000*** (23.21)	0.000 (1.13)	0.000*** (15.54)	0.000*** (3.58)	0.000*** (11.40)	0.000** (2.22)
<i>HOA Fees</i>	0.068*** (11.98)	-0.104** (-1.98)	0.078*** (9.59)	-0.128* (-1.72)	0.079*** (5.73)	-0.151 (-1.36)
<i>ln(Time on Market)</i>	0.043*** (10.91)		0.019*** (3.80)		0.010 (1.50)	
<i>ln(Sale Price)</i>		1.023** (1.98)		0.071 (0.12)		0.295 (0.39)
<i>Listing Density</i>	0.000*** (6.30)		0.000*** (4.33)		0.000** (2.35)	

Exhibit 5 | (continued)
Effect of a Nearby Rehab Facility on a Home's Sale Price and Days on Market

	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>
	Within 1.5 Miles of a Rehab Facility		Within 1 Mile of a Rehab Facility		Within 0.6 Miles of a Rehab Facility	
	(1a)	(1b)	(2a)	(2b)	(3a)	(3b)
Competition		0.000*** (8.80)		0.000*** (6.26)		0.000*** (5.95)
Location Controls	✓	✓	✓	✓	✓	✓
Year Fixed Effects	✓	✓	✓	✓	✓	✓

Notes: This table presents the 3SLS results of simultaneous estimation of the effect of a nearby rehab facility on a home's selling price and liquidity (time on market), changing the sample to vary the control groups by smaller radii from a rehab center. Z-statistics are in parentheses. The number of observations in columns 1–2 is 7,711; the number of observations in columns 3–4 is 3,589; the number of observations in columns 5–6 is 1,324.

* Significant at the 10% level.

** Significant at the 5% level.

*** Significant at the 1% level.

Exhibit 6 | Effect of a Nearby Rehab Facility that Treats Methadone Addiction

	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>
	Within 1.5 Miles of a Rehab Facility		Within 1 Mile of a Rehab Facility		Within 0.6 Miles of a Rehab Facility	
	(1a)	(1b)	(2a)	(2b)	(3a)	(3b)
<i>Meth. Center ≤ 1 / 8 Mile</i>	-0.169** (-2.21)	-0.020 (-0.04)	-0.179** (-2.37)	-0.086 (-0.15)	-0.168** (-2.17)	-0.289 (-0.52)
<i>ln(Age of Home)</i>	-0.063*** (-30.70)	0.129*** (3.49)	-0.059*** (-20.14)	0.061 (1.35)	-0.063*** (-12.30)	0.104 (1.64)
<i>Acreage</i>	0.022*** (12.17)	0.018 (0.99)	0.020*** (7.62)	0.045* (1.84)	0.028*** (5.83)	0.014 (0.33)
<i>Sq. Ft.</i>	0.000*** (57.63)	-0.000** (-2.17)	0.000*** (42.43)	-0.000 (-0.61)	0.000*** (25.54)	-0.000 (-1.10)
<i>Bedrooms</i>	-0.023*** (-5.88)	0.122*** (4.26)	-0.024*** (-4.42)	0.145*** (3.45)	-0.026*** (-2.91)	0.216*** (3.29)
<i>Bathrooms</i>	0.028*** (6.70)	-0.016 (-0.45)	0.018*** (2.89)	0.040 (0.81)	0.027*** (2.59)	-0.047 (-0.59)
<i>Foreclosure</i>	-0.148*** (-9.90)	0.004 (0.03)	-0.173*** (-7.71)	-0.196 (-1.00)	-0.193*** (-5.06)	-0.653** (-2.19)
<i>Number of Levels</i>	-0.025*** (-6.58)	0.078*** (2.60)	-0.021*** (-3.84)	0.047 (1.05)	-0.018** (-2.04)	0.109 (1.62)
<i>Pool</i>	0.021** (2.16)	0.035 (0.50)	0.016 (1.15)	-0.103 (-0.97)	0.026 (1.10)	-0.135 (-0.78)

Exhibit 6 | (continued)
Effect of a Nearby Rehab Facility that Treats Methadone Addiction

	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>
	Within 1.5 Miles of a Rehab Facility		Within 1 Mile of a Rehab Facility		Within 0.6 Miles of a Rehab Facility	
	(1a)	(1b)	(2a)	(2b)	(3a)	(3b)
<i>Basement</i>	0.040*** (6.44)	0.006 (0.13)	0.035*** (3.72)	0.051 (0.70)	0.030* (1.94)	-0.104 (-0.89)
<i>Short Sale</i>	-0.121*** (-6.02)	0.383** (2.52)	-0.106*** (-3.21)	0.318 (1.26)	-0.165*** (-3.03)	0.029 (0.07)
<i>Tenant</i>	-0.099*** (-6.84)	0.031 (0.26)	-0.114*** (-5.84)	0.019 (0.12)	-0.142*** (-4.52)	0.158 (0.64)
<i>Vacant</i>	-0.044*** (-9.58)	0.216*** (5.52)	-0.047*** (-7.08)	0.254*** (4.67)	-0.034*** (-3.03)	0.303*** (3.66)
<i>Taxes (\$)</i>	0.000*** (23.18)	0.000 (1.26)	0.000*** (15.44)	0.000*** (3.56)	0.000*** (11.24)	0.000** (2.16)
<i>HOA Fees</i>	0.068*** (11.94)	-0.100* (-1.90)	0.077*** (9.53)	-0.130* (-1.75)	0.078*** (5.65)	-0.159 (-1.43)
<i>ln(Time on Market)</i>	0.042*** (10.81)		0.020*** (3.93)		0.012* (1.67)	
<i>ln(Sale Price)</i>		0.955* (1.85)		0.082 (0.14)		0.322 (0.43)
<i>Listing Density</i>	0.000*** (6.42)		0.000*** (4.40)		0.000** (2.48)	

Exhibit 6 | (continued)

Effect of a Nearby Rehab Facility that Treats Methadone Addiction

	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>	Dependent Variable: <i>ln(Sale Price)</i>	Dependent Variable: <i>ln(Days on Market)</i>
	Within 1.5 Miles of a Rehab Facility		Within 1 Mile of a Rehab Facility		Within 0.6 Miles of a Rehab Facility	
	(1a)	(1b)	(2a)	(2b)	(3a)	(3b)
Competition		0.000*** (8.86)		0.000*** (6.25)		0.000*** (5.89)
Location Controls	✓	✓	✓	✓	✓	✓
Year Fixed Effects	✓	✓	✓	✓	✓	✓

Notes: This table presents 3SLS results of simultaneous estimation of the effect of a nearby rehab facility that treats methadone addiction on a home's selling price and liquidity (time on market), changing the sample to vary the control groups by smaller radii from a rehab center. Z-statistics are in parentheses. The number of observations in column 1 is 7,711; the number of observations in column 2 is 3,589; the number of observations in column 3 is 1,324.

* Significant at the 10% level.

** Significant at the 5% level.

*** Significant at the 1% level.

treatment centers are still negatively impacted, and by approximately the same magnitudes. Indeed, the last two columns are particularly striking. Given that this is already a “within neighborhood” estimation, by controlling for location, the fact that the substance abuse treatment center result is robust when the control group is reduced to 1 mile and 0.6 miles indicates that unobserved spatial heterogeneity is not likely driving the core results of this paper. More intuitively, this provides strong evidence that the substance abuse treatment center effect is not simply a “bad part of town effect,” in that we are comparing “apples with apples” across the dimension of location; and, the principle characteristic distinguishing the variation in prices in these areas is the presence of a nearby substance abuse treatment center. Based on these results, we cannot conclude that there is a robust impact on property liquidity, but there appears to be a robust negative relationship between the presence of a substance abuse treatment center and nearby home values.

Conclusion

In this study, we find evidence that residential substance abuse treatment centers adversely impact the price of neighboring homes. We find that homes within 1/8 mile of a treatment center sell for approximately 8% less than otherwise comparable homes that are located further away. Furthermore, we find that the market differentiates between potential risks that nearby treatment centers may carry, as living near a methadone clinic that treats opiate addictions such as heroin or morphine may be associated with a reduction in home values by as much as 17%. We find little evidence that nearby treatment centers affect a home’s time on market.

Examining this particular externality is important to the broader literature on neighborhood externalities and environmental factors, as well as the specific literature on the issue of residential treatment centers. The PPACA has expanded MH/SUD coverage and made intensive treatment options affordable, and as a result, demand for effective substance abuse treatment is increasing. Operating a treatment center is a growing industry and it is reasonable to assume that new centers will be built nationally, many of which will be sited near or within residential communities. Indeed, there is very little that individuals and localities can do to prohibit a substance abuse treatment center from locating in a residential area because alcohol and drug addiction is considered to be a handicap and thus alcoholic/addicts in recovery are members of a protected class under the federal anti-discrimination housing laws. Hence, as residential treatment centers become more common, it is important to understand all their effects, including the effects they may have on nearby real estate and how markets price the potential risk of nearby externalities.

Endnotes

- ¹ For a more complete review on the impact of environmental externalities, see Boyle and Kiel (2001).

- ² Consistent with other real estate studies, we culled outliers from our data set, confining our data to more “typical” range of homes listed at less than \$1,000,000, fewer than 10 bedrooms, fewer than 16 acres (99% of observations), property taxes paid that were less \$10,000 (99% of observations), and younger than 150 years old (99% of observations). For our other dependent variable of interest, time on market, we similarly trim the 1% extremes. Generally, the findings are not sensitive to dropping these observations. Further, important to disclose how our data has been trimmed for transparency and replicability. As an additional quality check, a sample of the MLS data was compared to county tax records, which contain data on price and housing characteristics.
- ³ There were approximately 153, 96, and 60 properties listed within 0.175 miles, 0.15 miles, and 0.125 miles of a rehab treatment facility respectively, over the time period of our study. Given the very recent and projected growth of rehab centers nationally, future research will be able to take advantage of additional homes (data points) being bought and sold near rehab facilities.
- ⁴ The choice of this radius does not fundamentally alter the qualitative conclusions of this study. The definition of one’s “backyard” is somewhat ambiguous, and may differ depending on an individual’s perception. Some externality studies use 0.1 mile, 0.2 mile, or 0.3 mile as a radius to examine a given externality. While similar results are obtained looking at bands slightly larger and slightly smaller, we follow Congdon-Hohman (2013) and use 1/8 mile in most of our tabulated regression results. An easy way to think of 0.125 miles, 0.15 miles, and 0.175 miles is that these are 2.5 minute, 3 minute, and 3.5 minute walks respectively (assuming a pace of 3 miles per hour).
- ⁵ For recent examples of amenity or disamenity studies of externality effects, see Asabere and Huffman (1991), Gibbons (2004), Linden and Rockoff (2008), Pope (2008), Rossi-Hansberg, Sarte, and Owens (2010), Campbell, Giglio, and Pathek (2011), Hoen, Wiser, Cappers, Thayer, and Sethi (2011), Daneshvary, Clauretie, and Kader (2011), Grout, Jaeger, and Plantinga (2011), Daneshvary and Clauretie (2012), Congdon-Hohman (2013), Guignet (2013), Linn (2013), Munneke, Sirmans, Slade, and Turnbull (2013), and Wentland, Waller, and Brastow (2014).
- ⁶ Recent examples include neighborhood foreclosure effects (Harding, Rosenblatt, and Yao, 2009; Lin, Rosenblatt, and Yao, 2009; Agarwal, Ambrose, Chomsisengphet, and Sanders, 2010).
- ⁷ Kuminoff, Parmeter, and Pope (2010) survey 69 hedonic studies and found that 80% rely on linear, semi-log, or log-log functional form. We have explored a number of non-linear functional forms and our results remain robust. Rather than repeat all of the above models with various non-linear explanatory variables, the authors will produce results of alternative specifications upon request.
- ⁸ For example, we use the following property specific variables: square footage, age, acreage, number of bedrooms, bathrooms, number of stories, new, vacant, HOA fees, whether it has a pool, a tenant, a basement, and whether it is a short sale or foreclosure. We also include year fixed effects to control for variation over time.
- ⁹ When we explore different location controls later, we will cluster by location (e.g., census tract, block group, or block).
- ¹⁰ For example, see Yavas and Yang (1995), Knight (2002), and Turnbull and Dombrow (2006).
- ¹¹ Specifically, both our paper and Zahirovic-Herbert and Turnbull (2008) calculate C in the following way: “The days-on-market or selling time is $s(i) - l(i) + 1$, where $l(i)$ and $s(i)$ are the listing date and sales date for house i . Denoting the listing date and

sales date for house j by $l(j)$ and $s(j)$, the overlapping time on the market for these two houses is $\min[s(i), s(j)] - \max[l(i), l(j)]$. The straight-line distance in miles between houses i and j is $D(i, j)$. The measured competition for house i is: $C(i) = \sum_j (1 - D(i, j))^2 \{\min[s(i), s(j)] - \max[l(i), l(j)]\}$ where the summation is taken over all competing houses j , that is, houses for sale within one mile and 20% larger or smaller in living area of house i " (Zahirovic-Herbert and Turnbull, 2008).

- ¹² At the suggestion of a reviewer, we also identify the system by using different control variables. A simple way to do this is to use different location controls. We use ZIP Code fixed effects in the price equation, and census tract fixed effects in the time on market equation. Generally, the results are not very sensitive to which location controls are used in each equation. Further, the results are similar when we use the Turnbull and Dombrow (2006) method alone to identify the system.
- ¹³ According to Belsley (1988), when there are strong interrelations among error terms, 3SLS is used instead of 2SLS in estimating systems of equations because it is more efficient. Specifically, one would expect unobservables that contribute to error in estimating price to be also correlated the error in liquidity.
- ¹⁴ See www.census.gov for more detail, specifically: http://www.census.gov/geo/www/cob/tr_metadata.html#gad.

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Bennie D. Waller, Longwood University, Farmville, VA 23909 or wallerbd@longwood.edu.

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From: [Lin](#)
To: [Sterk, Erin](#)
Subject: 18PZ00088/FW: US 1 at Otter Creek - crash and data inquiry
Date: Sunday, November 11, 2018 5:55:21 PM
Attachments: 70020000 MP 9.930-10.180 201007 US 1 from Otter Creek to Unsigned Rd.pdf

RE: 18PZ00088

From: Marquez, Kevin [mailto:Kevin.Marquez@dot.state.fl.us]
Sent: Friday, November 9, 2018 3:51 PM
To: lblumauer@cfl.rr.com
Subject: FW: US 1 at Otter Creek - crash and data inquiry

Forwarding due to typing error.

Thank you,

Kevin

From: Marquez, Kevin
Sent: Friday, November 09, 2018 3:49 PM
To: 'lblumauer@dfi.rr.com' <lblumauer@dfi.rr.com>
Cc: Pearson, Lauren <Lauren.Pearson@dot.state.fl.us>; D5 Public Records <PublicRecords.D5@dot.state.fl.us>
Subject: US 1 at Otter Creek - crash and data inquiry

Ms. Blumauer:

Per your request, please find attached our latest completed study at the subject intersection which was completed in 2010.

We will also complete a cursory review of crash data for the last 24 months, and inform you of our findings.

Last, we will look into our permits to see if we have received any applications for redevelopment off of Otter Creek.

Thank you

Kevin Marquez, P.E.
Safety Studies Engineer
Traffic Operations - FDOT District V
(386) 943-5527
Kevin.Marquez@dot.state.fl.us

QUALITATIVE ASSESSMENT
For
US 1 from Otter Creek Lane to Unsigned Road

Study #2
Work Order #84

BREVARD COUNTY
SECTION 70020
MP 9.930-10.180

Prepared for:

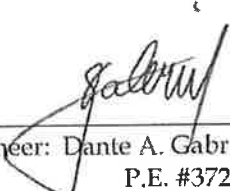
The Florida Department of Transportation

Districtwide Continuing Service Contract for Traffic Operations
Financial Project No. 237988-1-32-07
Contract No. C-8L46

Prepared by:

GMB ENGINEERS & PLANNERS, INC.
Orlando, FL

June 2010



Professional Engineer: Dante A. Gabriel
P.E. #37271
June 30, 2010

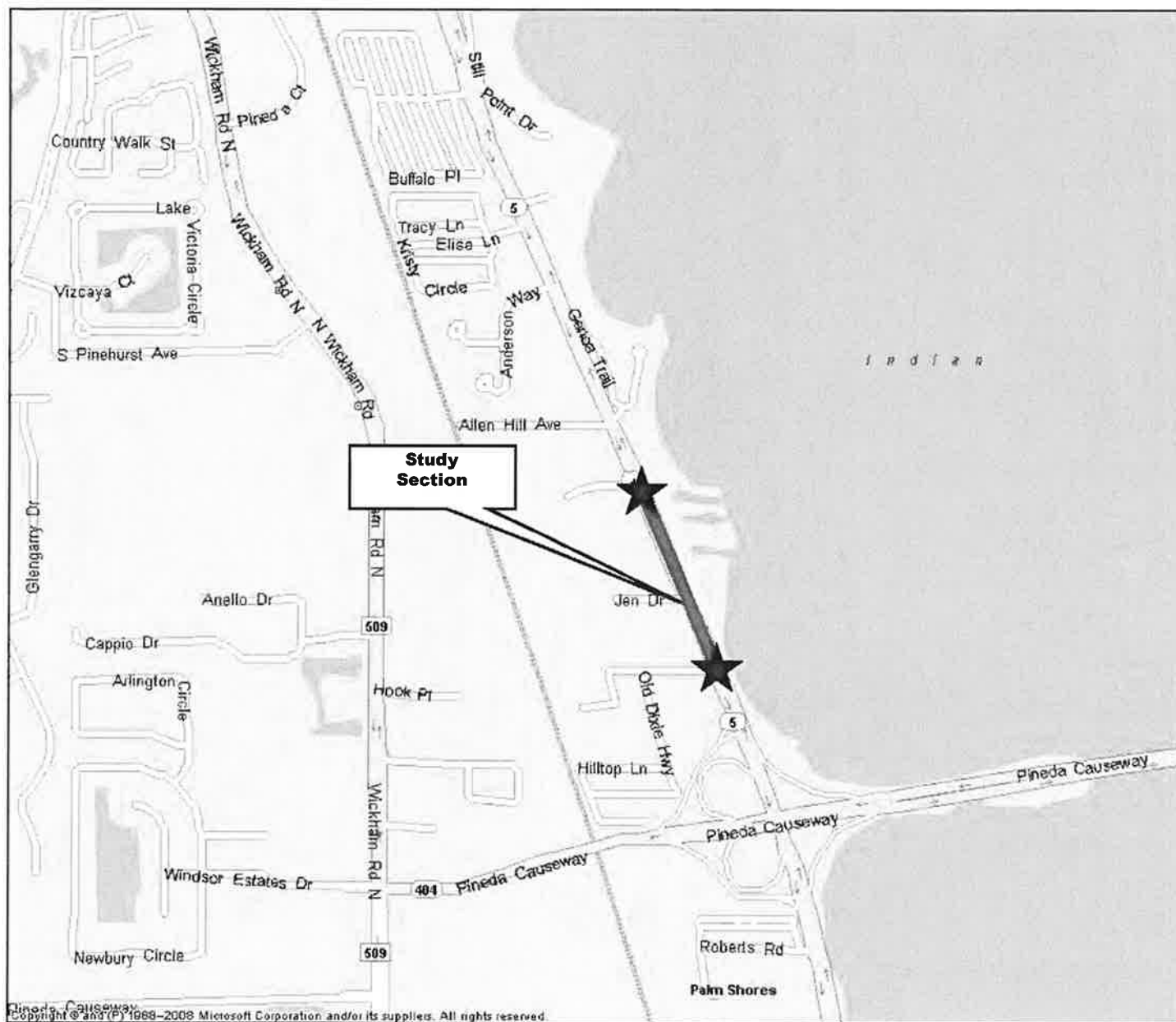


FIGURE 1

GMB Engineers & Planners, Inc.

Location Map
 US 1 from Otter Creek Lane to Unsigned Road
 Brevard County
 Section 70020
 MP 9.930 – 10.180

QUALITATIVE ASSESSMENT

A qualitative assessment based on field observations of the traffic flow conditions occurring on US 1 between Otter Creek Lane (M.P. 9.930) and the unsigned road (M.P. 10.180) located in Melbourne, Brevard County was performed by a registered professional engineer during the mid-day and p.m. peak hours of a typical weekday and the busy Friday evening period. The purpose of the qualitative assessment was to evaluate prevailing operating conditions and traffic flow patterns, and identify areas where improvements would be potentially beneficial for safety and efficiency reasons. Specifically, this study evaluates the operation of these two median openings as they serve induced u-turns associated with vehicular traffic generated by the new Grills Restaurant and Tiki Bar along the eastside of US 1. The existing geometry is illustrated in the condition diagram and the following observations were noted:

1. The US 1 study segment features two intersections with full median openings at Otter Creek Lane to the south and the unsigned road located to the north. This study segment is located immediately north of the SR 404 (Pineda Causeway) interchange with US 1. The intersection to the south features Otter Creek Lane approaching US 1 from the west and an access to a boat ramp approaching from the east. The intersection to the north features the unsigned road approaching US 1 from the west. Along this study segment, US 1 extends north-south with two through lanes each direction, a 20-ft. wide grass median, 4-ft. wide paved shoulder on either side, and shallow open drainage storm water conveyance. South of the SR 404 interchange, US 1 expands to a 6-lane rural section.

At the Otter Creek Lane intersection, US 1 provides two through lanes and one left-turn lane on the northbound and southbound approaches. The northbound approach also features an auxiliary lane that extends from the exit ramp of westbound SR 404 (Pineda Causeway) to northbound US 1 and functions as a right-turn deceleration lane to the boat ramp. Otter Creek Lane is a two-lane local road serving low-density residential units and a boat sales and repair facility. The boat ramp access across from Otter Creek Lane serves the boat ramp and its parking lot and a small vacant building.

The unsigned road serves an aggregate mixing plant for a road construction company. The intersection in front of the unsigned road features two northbound and southbound through lanes, one northbound and southbound left-turn lane (the latter accessing the entrance to a motel), and one eastbound approach lane. The driveway to a motel on the east side of US 1 is offset from the unsigned road. Stop sign assemblies control access to US 1 from Otter Creek Lane and from the unsigned road. There are no sidewalk or marked crosswalk facilities along US 1. Overhead transmission power lines supported by tall concrete poles run along the east side of US 1.

2. The Grills Restaurant and Tiki Bar is located on the east side of US 1 at approximately M.P. 10.090 which brings its driveway approximately 475 ft. south of the unsigned road, and 845 ft. north of Otter Creek Lane. The driveway

operates as a right-in, right-out only condition with no access to the US 1 median. The Grills driveway features a gradual vertical drop of approximately 10 ft. from US 1 to the parking lot. It is worth noting that the northbound left-turn lane at the unsigned road intersection extends approximately 400 ft. long.

3. Four-hour vehicle turning movement counts including u-turns along the mainline were collected at the two study intersections of US 1 between 11:00 a.m.-1:00 p.m. and 4:00-6:00 p.m. during a regular weekday. The mid-day period coincides with the lunchtime crowd going to the Grills restaurant, while the p.m. period coincides with the commuter return trip from work. The counts revealed a balanced traffic flow pattern along US 1 during the mid-day and p.m. peak hour periods. The two side streets generate very light traffic volumes.

Vehicles making a southbound-to-northbound u-turn at the Otter Creek Lane intersection recorded 28 vehicles per hour during the mid-day period and 34 vehicles during the p.m. peak hour. At the unsigned road intersection, the hourly number of vehicles making a northbound-to-southbound u-turn reached 40 vehicles for the mid-day and 46 vehicles during the p.m. peak hour. These u-turn maneuvers were observed to be generated by the Grills Restaurant.

Pedestrian activity was observed to be very light at either intersection with a total of two pedestrians recorded crossing the Otter Creek Lane intersection and no pedestrian crossing the unsigned road intersection during the 4-hour count period. Turning movement and pedestrian counts are provided in the appendix section of this report. Turning movement patterns at the intersection consist of the following:

Intersection Turning Movement Percentages at Otter Creek Lane

	NB	SB	EB	WB
Left-Turn/U-turns	0.4%	2.7%	19.5%	26.9%
Through	99.1%	97.2%	0.0%	0.0%
Right Turn	0.5%	0.1%	80.5%	73.1%

Intersection Turning Movement Percentages at the Unsigned Road

	NB	SB	EB
Left-Turn/U-turns	3.2%	0.0%	31.8%
Through	96.8%	99.5%	0.0%
Right Turn	0.0%	0.5%	68.2%

Turning movement counts were also collected on a Friday at the Otter Creek Lane intersection between 4:00-8:00 p.m. to account for the busier start of weekend customer base generated by the Grills Restaurant. The counts on US 1 revealed a higher northbound traffic flow during the 4:00-6:00 p.m. peak period and a relatively balanced traffic flow pattern during the 6:00-8:00 p.m. period. The side streets generated light traffic volumes.

Vehicles making a southbound-to-northbound u-turn at the intersection recorded 71 vehicles per hour during the Friday 5:00-6:00 p.m. period opposed by 1,700 vehicles going northbound. Between 6:00-8:00 p.m., this movement was consistently around 70 vehicles per hour, but the opposing northbound through

movement dropped significantly (1,200 vph between 6:00-7:00 p.m. and 842 vph between 7:00-8:00 p.m.).

Intersection Turning Movement Percentages at Otter Creek Lane (Friday)

	NB	SB	EB	WB
Left-Turn/U-turns	0.4%	5.8%	13.8%	40.6%
Through	98.7%	94.1%	0.0%	0.0%
Right Turn	0.9%	0.1%	86.2%	59.4%

4. According to crash records provided by the Department, there were four crashes reported in the study segment during the latest 12-month period covering May 1, 2009 to April 30, 2010. These crashes consisted of two rear-end collisions, one right-turn collision and one head-on when a vehicle hydroplaned and crossed the median. (There were two crashes that occurred at the Jen Drive median opening which has been subsequently closed and no longer considered applicable.) These four crashes led to two injuries and total property damage amounting to \$39,200. Three of the crashes were cited for careless driving while the right-turn crash was cited for failing to yield the right of way. None of the crashes involved DUI driving. Crash #3 occurred on wet pavement conditions, while crash #4 occurred at night. None of the crashes involved u-turn vehicles at the Otter Creek Lane and at the unsigned intersections.
5. The Department conducted speed studies on US 1 at Otter Creek Lane (Location #1) and at the unsigned road (Location #2). Location #1 is located within a 50 mph speed zone, while Location #2 is within a 55 mph zone. Traffic engineers use several statistical measures to determine the basis for establishing the regulatory speed limit on a roadway. The 85th percentile speed represents the speed at or below which 85% of the vehicles are moving. Traffic engineers generally use the 85th percentile speed and the 10 mph pace, which represents the speed range recorded by the highest number of vehicles along the corridor, as the basis for setting the posted speed limit on a road segment. Factors used in interpreting spot speeds are defined below:
 - a) 85th Percentile Speed – The speed that 85% of the free flowing vehicles do not exceed.
 - b) 50th Percentile Speed – The speed that 50% of the free flowing vehicles do not exceed.
 - c) Pace – A 10-mph range that includes the highest number of vehicles observed.

Table 1 Vehicle Spot Speed Summary						
	Location #1: Otter Creek Lane (50 mph posted speed)			Location 2: Unsigned Road (55 mph posted speed)		
	NB	SB	Combined	NB	SB	Combined
85th Percentile Speed	58.3	58.7	58.5	59.0	59.2	59.1
50th Percentile Speed	54.1	53.9	54.0	54.3	55.3	54.8
10 mph Pace	50-59	50-59	50-59	49-58	50-59	50-59

The speed data reveals that vehicles traveling northbound and southbound on US 1 move at almost the same speed through the two study locations despite the slower speed zone in front of the Otter Creek Lane intersection. The combined speed data on Otter Creek Lane registered an 85th percentile speed of 58.5 mph, compared to its 50 mph posting. The data also reveals that 50 percent of the sample vehicles at this location exceeded 54 mph, compared to the 50 mph posting. In front of the unsigned road, the 85th percentile registered 59.1 mph, compared to its 55 mph posting. The 50th percentile speed at this location is 54.8 mph meaning that 50 percent of the sample vehicles traveled slightly lower than the 55 mph posting.

6. The Otter Creek Lane intersection serves light turning movements during the weekday mid-day and p.m. peak hours. The highest hourly turning movement occurs on the southbound lane with 36 vehicles (29 are u-turns) during the midday and 47 (37 are u-turns) vehicles during the p.m. The u-turning movement involves vehicles accessing the Grills Restaurant to the north. Vehicles making this u-turn maneuver must yield to northbound vehicles going over the SR 404 overpass as well as vehicles going from the westbound SR 404 ramp going north on US 1.

During the midday, when traffic volumes are lighter, u-turn maneuvers are more efficiently accomplished due to the presence of frequent and long gaps in the northbound traffic stream. No more than three vehicles were observed queued on any given time.

During the p.m. peak hour with higher and denser traffic flows, u-turning vehicles experience longer delays and queues with up to four to five vehicles on the queue. The 480-ft. long southbound left-turn lane provides sufficient storage capacity to service the southbound left-turning/u-turning movements. When gaps occur on the traffic stream, multiple u-turning vehicles are able to discharge from the queue. Passenger cars and SUVs are able to make the u-turn maneuver using the two northbound receiving lanes. Single unit light trucks delivering refrigerated goods and overnight mail are also able to make the u-turn maneuvers; however, since they track a wider path, the grass shoulder on the northeast corner shows evidence of wear due to wheel tracking.

Driver sightline from the eastbound, westbound, and the mainline left-turn lanes are adequate. During the periods of observation, traffic from the boat ramp was very sporadic and only one pickup truck pulling a fishing boat was observed during the midday and none during the p.m. peak hour. He was able to enter the southbound lanes of US 1 with little delay and no intermediate stop at the median. Given the 20-ft. wide median, vehicles pulling their boats wait for simultaneous gaps to occur on the US 1 traffic stream as it is difficult to make an intermediate stop at the median especially when pulling larger sized boats.

7. The unsigned road intersection serves even lighter turning movements than the Otter Creek Lane intersection. The highest hourly movement occurs on the northbound left-turn lane with 62 vehicles (57 are u-turns) during the midday and 53 vehicles (52 are u-turns) during the p.m. peak hour. As in the previous

intersection, these u-turn movements are generated by vehicles leaving the Grills Restaurant and going south on US 1.

During the midday, lighter traffic flows on southbound US 1 enable u-turning vehicles to complete their maneuvers with little delay. A maximum of four vehicles were observed waiting at the queue and they were able to discharge multiple vehicles at a time due to frequent and long gaps in the southbound traffic stream. The traffic signal to the north at Suntree Blvd. approximately 1.3 miles away introduces artificial gaps in the southbound traffic stream to facilitate discharging the northbound u-turn movements.

During the p.m. peak hour when southbound traffic volumes are 40-50 percent higher than during the midday, u-turning vehicles were observed experiencing longer delays with up to six queued vehicles. The 400-ft. long northbound left-turn lane provides sufficient storage capacity to service the northbound left-turning/u-turning movements. Queues dissipate quickly as multiple vehicles are able to discharge when gaps become available in the southbound traffic stream.

The eastbound and westbound approach volumes are sporadic. Driver sightlines from the eastbound and mainline left-turn lanes are adequate. The grass shoulder at the southwest corner is worn out and showing signs of rutting. This shoulder condition could be caused by large trucks turning right out of the aggregate plant and by tracking caused by northbound u-turning vehicles. Future access management plans reported by the Department indicate that this median opening is a candidate to be reconfigured to a north-south directional opening (i.e., prevent left-turns out of the unsigned road).

8. The driveway serving the Grills Restaurant is located within the 55 mph speed zone on US 1 and at the crest of a slight vertical curve that dips to the south approaching Otter Creek Lane.

Vehicles entering the driveway from the south were observed using the paved shoulder as a deceleration lane to slow down and maneuver into the downward sloping driveway. Because of the driveway configuration, vehicles were observed slowing down to about 25-30 mph at which time the vehicles are positioned out of the US 1 travel lane and on the paved shoulder. A concrete power pole and a fire hydrant are positioned 13 ft. from the travel lane and on the upstream side of the driveway entrance.

Vehicles exiting the restaurant face an uphill slope which plateaus out just before merging with northbound US 1. From a stopped position on the driveway prior to merging to US 1, driver sightline to approaching vehicles from the south is restricted slightly by the vertical curve; however, approaching vehicles are visible from approximately 640 ft. away which is less than the 780-ft. sightline recommended for 60 mph design speed in Index 546.

Drivers exiting the restaurant are able to merge with northbound US 1 with low levels of delay during the midday and slightly moderate levels of delay during

the p.m. peak hour. The longest queue observed exiting the restaurant during the midday was four vehicles and six to seven vehicles during the p.m. peak hour. Multiple vehicles were able to discharge when gaps occur on the northbound traffic stream. Approximately half of the exiting vehicles immediately access the northbound left-turn lane approaching the unsigned road. Because of the speed on US 1, turning into the outside lane first before switching two lanes over to get to the left-turn lane presents a more challenging maneuver because it is easy to run out of room to maneuver to the end of the northbound left-turn lane. A few of the exiting vehicles were observed making this latter maneuver in the absence of vehicles traveling on the inside through lane.

9. Qualitative assessments were also conducted on a Friday evening coinciding with the Grills Restaurant busy period overlap with the weekday. A maximum queue length of four vehicles was observed in the southbound left-turn lane performing a u-turn maneuver. Multiple u-turning vehicles were observed able to clear the intersection due to available longer gaps in the northbound traffic flow. The southbound turn lane length was found adequate to accommodate the demand. Due to sporadic arrivals along the side street approaches, no conflicts were observed at the intersection.

The unsigned road intersection was observed operating efficiently during this period. The u-turning vehicles intended to go south were able to clear the intersection with minimal delay. A maximum queue length of three vehicles was observed on the northbound left-turn lane. The northbound turn lane was found to have adequate length to accommodate the traffic demand.

The Grills Restaurant parking was observed to be fully occupied. A maximum queue length of four vehicles was observed exiting the restaurant driveway. Vehicles were able to clear the intersection with minimal delay. The right-turn maneuver to access the northbound left-turn lane at the unsigned road was achieved efficiently due to availability of adequate gaps in the northbound traffic stream.

10. The qualities of the road surface and pavement markings are in average condition. A traffic monitoring station (#700412) on US 1 is located in front of the Grills Restaurant driveway.
11. Based on observations of traffic flow patterns and demand, volume counts, crash records, and field qualitative assessment at the intersection, this report recommends the following:
 - The two study intersections at Otter Creek Lane and at the unsigned road should retain their existing geometric configuration and operational control. The two intersections operate efficiently during the midday and p.m. peak hour weekday conditions and evening weekend conditions and are able to efficiently serve the induced u-turns from the Grills Restaurant. The proposed draft access modification at the unsigned road intersection in the future will further improve the traffic flow operation of this intersection.

- Construct a 10' x 40' U-turn pad at the northeast corner of the Otter Creek Lane intersection to accommodate the paths of southbound to northbound u-turning vehicles.
- Construct a 5' x 40' U-turn pad at the southwest corner of the unsigned road intersection to accommodate the paths of northbound to southbound u-turning vehicles. The narrower pad avoids impacting a fire hydrant.

**US 1 at Otter Creek Lane
East Approach**



Exhibit 1: Looking west from the intersection along Otter Creek Lane



Exhibit 2: Looking east into the intersection along Otter Creek Lane

**US 1 at Otter Creek Lane
West Approach**



Exhibit 3: Looking east into the intersection along Otter Creek Lane



Exhibit 4: Looking west from the intersection along Otter Creek Lane

**US 1 at Otter Creek Lane
North Approach**



Exhibit 5: Looking south into the intersection along US 1



Exhibit 6: Looking north from the intersection along US 1

**US 1 at Otter Creek Lane
South Approach**



Exhibit 7: Looking north into the intersection along US 1



Exhibit 8: Looking south from the intersection along US 1

**US 1 at Unsigned Road
West Approach**

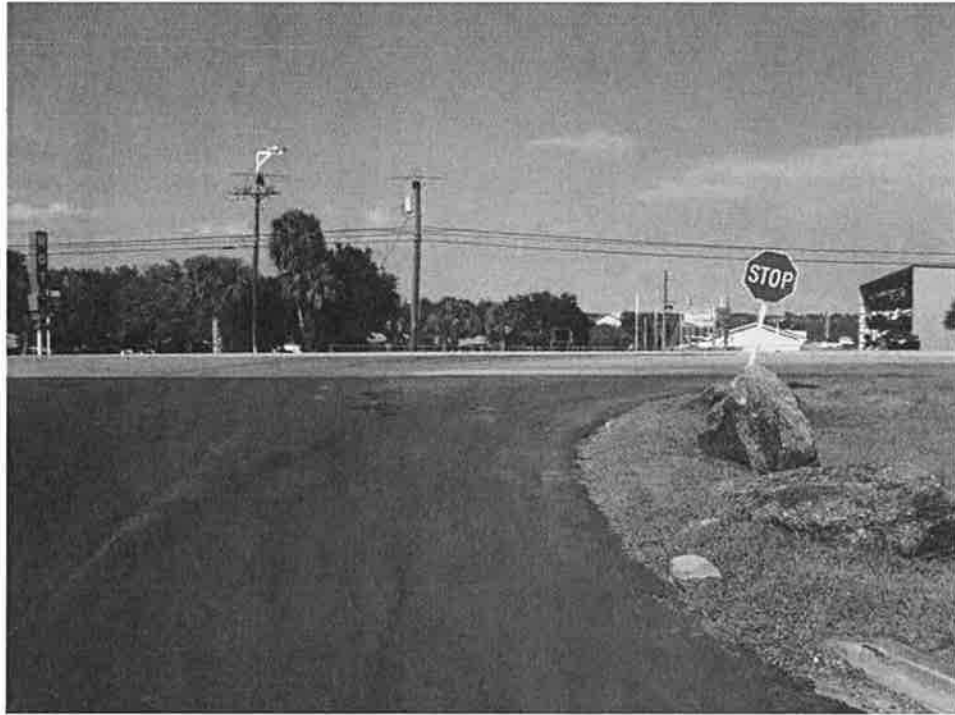


Exhibit 9: Looking east into the intersection along Unsigned Road



Exhibit 10: Looking west from the intersection along Unsigned Road

**US 1 at Unsigned Road
North Approach**



Exhibit 11: Looking south into the intersection along US 1



Exhibit 12: Looking north from the intersection along US 1

**US 1 at Unsigned Road
South Approach**



Exhibit 13: Looking north into the intersection along US 1



Exhibit 14: Looking south from the intersection along US 1

US 1 at Grill's Restaurant Entrance



Exhibit 15: Looking west into the intersection along Restaurant Entrance



Exhibit 16: Looking north into the intersection along US 1

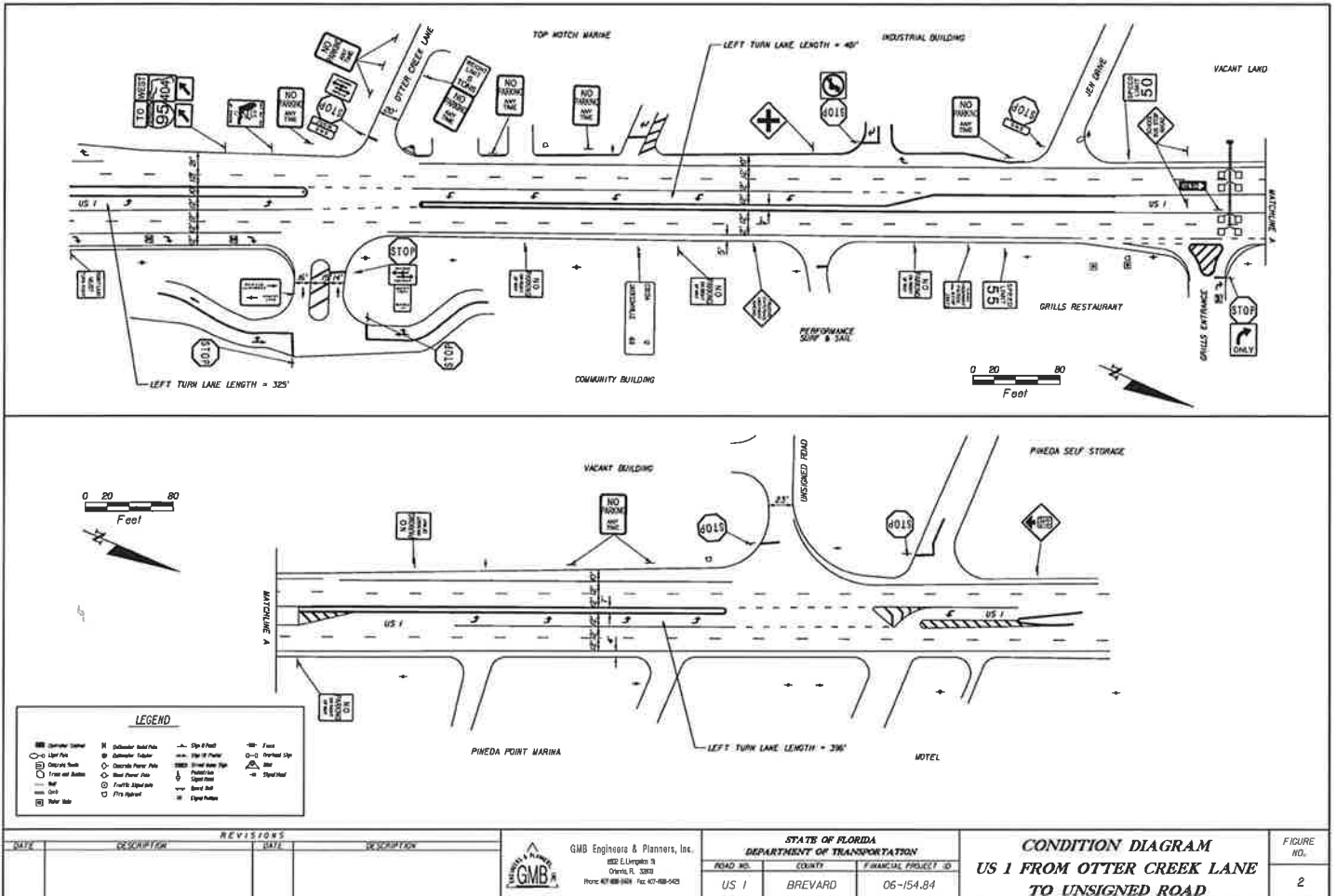
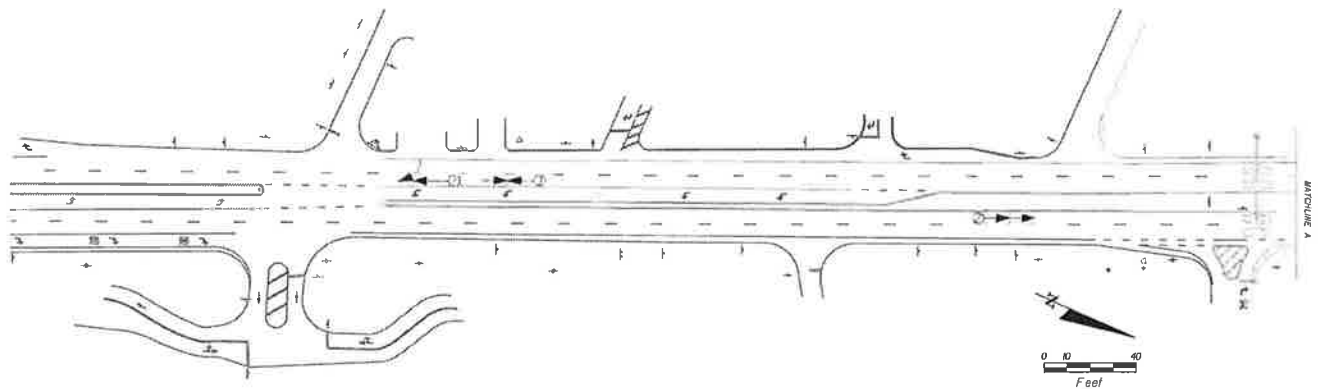


TABLE 2
COLLISION SUMMARY

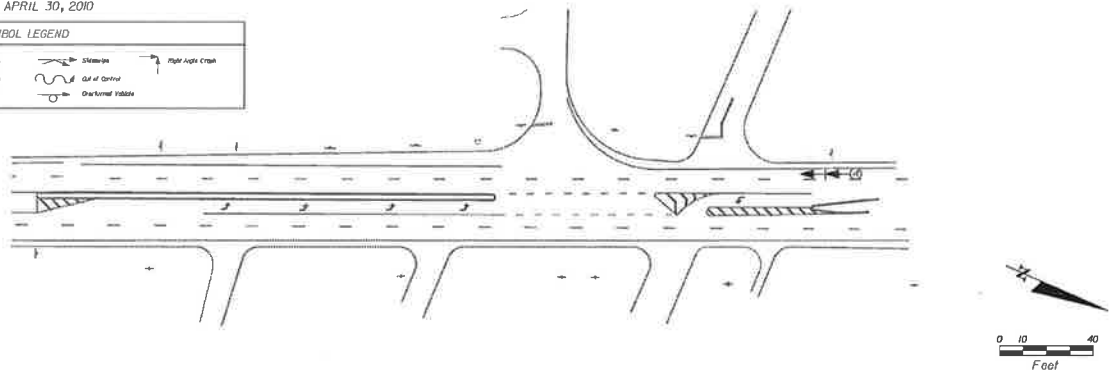
MAJOR ROUTE:				SR 5 (US 1)							
INTERSECTING ROUTE:				OTTER CREEK LANE (MP 9.930) TO UNSIGNED ROAD (MP 10.180)				COUNTY:		BREVARD	
STUDY PERIOD:				1-May-09		TO		30-Apr-10		ENGINEER: DAG	
CRASH REF. NO.	DATE	DAY	TIME	CRASH TYPE	FATAL	INJURY	PROPERTY DAMAGE	DAY/ NIGHT	WET/ DRY	CONTRIBUTING CAUSE	
1	10/3/2009	Saturday	1:17 PM	RIGHT TURN	0	1	\$2,700	DAY	DRY	FTYRW	
2	10/9/2009	Friday	8:06 AM	REAR END	0	0	\$7,000	DAY	DRY	CARELESS DRIVING	
3	3/12/2010	Friday	3:00 PM	HEAD ON	0	0	\$25,000	DAY	WET	CARELESS DRIVING	
4	3/30/2010	Tuesday	10:40 PM	REAR END	0	1	\$4,500	NIGHT	DRY	CARELESS DRIVING	
Total					0	2	\$39,200				
				CRASH TYPE							
TOTAL CRASHES	FATAL	INJURY	PROP. DAMAGE	PED / BIKE	ANGLE	LEFT TURN	RIGHT TURN	REAR END	SIDESWIPE	RAN OFF ROAD	OTHER
4	0	2	4	0	0	0	1	2	0	0	1
	0%	50%	100%	0%	0%	0%	25%	50%	0%	0%	25%
					CONTRIBUTING CAUSE						
ONE VEHICLE	TIME OF DAY		ROAD CONDITION		NO IMPROPER DRIVING	CARELESS DRIVING	FTYRW	IMPROPER LANE CHANGE	DUI	DISREGARDED STOP SIGN	OTHER
0	3	1	1	3	0	3	1	0	0	0	0
0%	75%	25%	25%	75%	0%	75%	25%	0%	0%	0%	0%



CRASH PERIOD: MAY 1, 2009 TO APRIL 30, 2010

CRASH SYMBOL LEGEND

→○←	Outlets of Pedestrian	→←→←→←	Pass-Stop Crash	→○←	Outlets of Pedestrian
→○←	Outlets of Pedestrian	→←→←→←	Left Turn Crash	→○←	Outlets of Pedestrian
→○←	Outlets of Pedestrian	→←→←→←	Head-On Crash	→○←	Outlets of Pedestrian
→○←	Outlets of Pedestrian	→←→←→←	Out of Control	→○←	Outlets of Pedestrian
→○←	Outlets of Pedestrian	→←→←→←	Overturned Vehicle	→○←	Outlets of Pedestrian



REVISIONS				STATE OF FLORIDA			CRASH DIAGRAM US 1 FROM OTTER CREEK LANE TO UNSIGNED ROAD	FIGURE NO. 3
DATE	DESCRIPTION	DATE	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		
				US 1	BREVARD	06-154.84		



GMB Engineers & Planners, Inc.
200 E. US Highway 1
Orlando, FL 32801
Phone: 407-888-1400 Fax: 407-888-1401

DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
US 1	BREVARD	06-154.84

CRASH DIAGRAM
US 1 FROM OTTER CREEK LANE
TO UNSIGNED ROAD

4/1/2010

5/10/2010

8/3/2010

11/3/2010

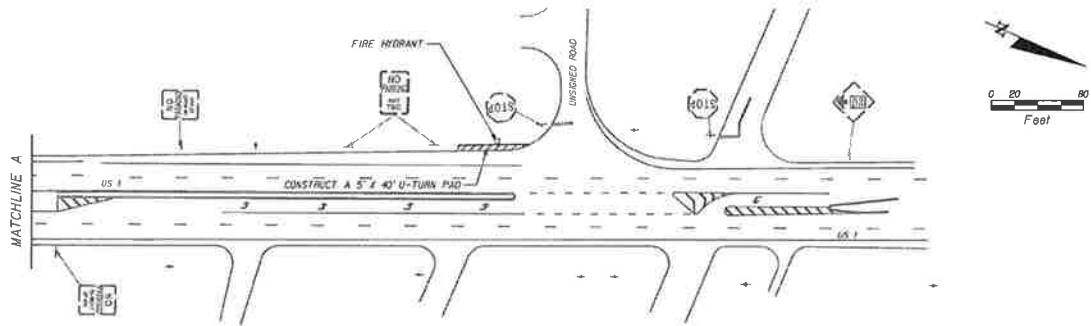
2/3/2011

5/3/2011

8/3/2011

11/3/2011

2/3/2012



REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

Appendix

15 MINUTE TURNING MOVEMENT COUNTS (ALL VEHICLES)

DATE: June 1, 2010

(Tuesday)

CITY: PALM SHORES

LOCATION: OTTER CREEK LANE and US 1

COUNTY: BREVARD

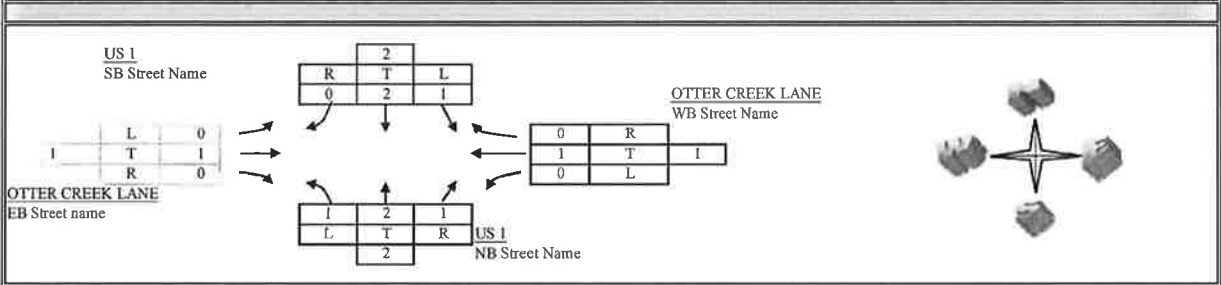
US 1

OTTER CREEK LANE

TIME BEGIN	NORTHBOUND					SOUTHBOUND					N/S TOT	EASTBOUND					WESTBOUND					E/W TOT	GRAND TOTAL
	R	T	L	U	TOT	R	T	L	U	TOT		R	T	L	U	TOT	R	T	L	U	TOT		
11:00	0	302	1	0	303	0	302	3	8	313	616	1	0	0	0	1	5	0	0	0	5	6	622
11:15	1	234	0	0	235	0	269	0	5	274	509	1	0	0	0	1	5	0	1	0	6	7	516
11:30	2	268	1	0	271	0	258	2	7	267	538	1	0	4	0	5	2	0	2	0	4	9	547
11:45	2	303	0	0	305	1	322	2	9	334	639	1	0	1	0	2	3	0	1	0	4	6	645
TOTAL	5	1,107	2	0	1,114	1	1,151	7	29	1,188	2,302	4	0	5	0	9	15	0	4	0	19	28	2,330
12:00	2	308	2	2	314	2	278	4	9	293	607	2	0	0	0	2	8	0	1	0	9	11	618
12:15	1	319	1	0	321	2	315	3	7	327	648	6	0	0	0	6	3	0	1	0	4	10	658
12:30	1	300	3	0	304	0	288	1	8	297	601	2	0	0	0	2	1	0	1	0	2	4	605
12:45	4	297	0	0	301	0	303	0	4	307	608	1	0	0	0	1	3	0	0	0	3	4	612
TOTAL	8	1,224	6	2	1,240	4	1,184	8	28	1,224	2,464	11	0	0	0	11	15	0	3	0	18	29	2,493
4:00	2	373	2	0	377	3	341	2	6	352	729	2	0	0	0	2	3	0	7	0	10	12	741
4:15	4	448	1	0	453	0	349	2	8	359	812	6	0	1	0	7	5	0	0	0	5	12	824
4:30	1	425	0	1	427	0	378	2	7	387	814	0	0	1	0	1	2	0	0	0	2	3	817
4:45	1	459	0	1	461	0	413	1	7	421	882	2	0	0	0	2	4	0	0	0	4	6	888
TOTAL	8	1,705	3	2	1,718	3	1,481	7	28	1,519	3,237	10	0	2	0	12	14	0	7	0	21	33	3,270
5:00	0	444	2	0	446	0	397	3	12	412	858	2	0	1	0	3	1	0	1	0	2	5	863
5:15	4	454	3	1	462	0	571	3	8	582	1,044	3	0	0	0	3	6	0	2	0	8	11	1,055
5:30	1	407	0	1	409	0	405	3	7	415	824	2	0	0	0	2	3	0	3	0	6	8	832
5:45	3	381	2	1	387	0	358	1	10	369	756	1	0	0	0	1	3	0	1	0	4	5	761
TOTAL	8	1,686	7	3	1,704	0	1,731	10	37	1,778	3,482	8	0	1	0	9	13	0	7	0	20	29	3,511

FLORIDA DEPARTMENT OF TRANSPORTATION SUMMARY OF VEHICLE MOVEMENTS

SECTION:	70020	CITY:	PALM SHORES	COUNTY:	BREVARD
STATE ROUTE:	US 1	INTERSECTING ROUTE:	OTTER CREEK LANE		
OBSERVER:	KTF	DATE:	06/01/10	MILEPOST:	9.93
WEATHER:	CLEAR	ROAD CONDITION:	DRY		
REMARKS:					
FORM COMPLETED BY/DATE:	KTF/June 2, 2010				



VEHICLE MOVEMENTS

[illegible]

15 MINUTE TURNING MOVEMENT COUNTS (TRUCKS)

DATE: June 1, 2010 (Tuesday)

CITY: PALM SHORES

LOCATION: US 1 and OTTER CREEK LANE

COUNTY: BREVARD

US 1

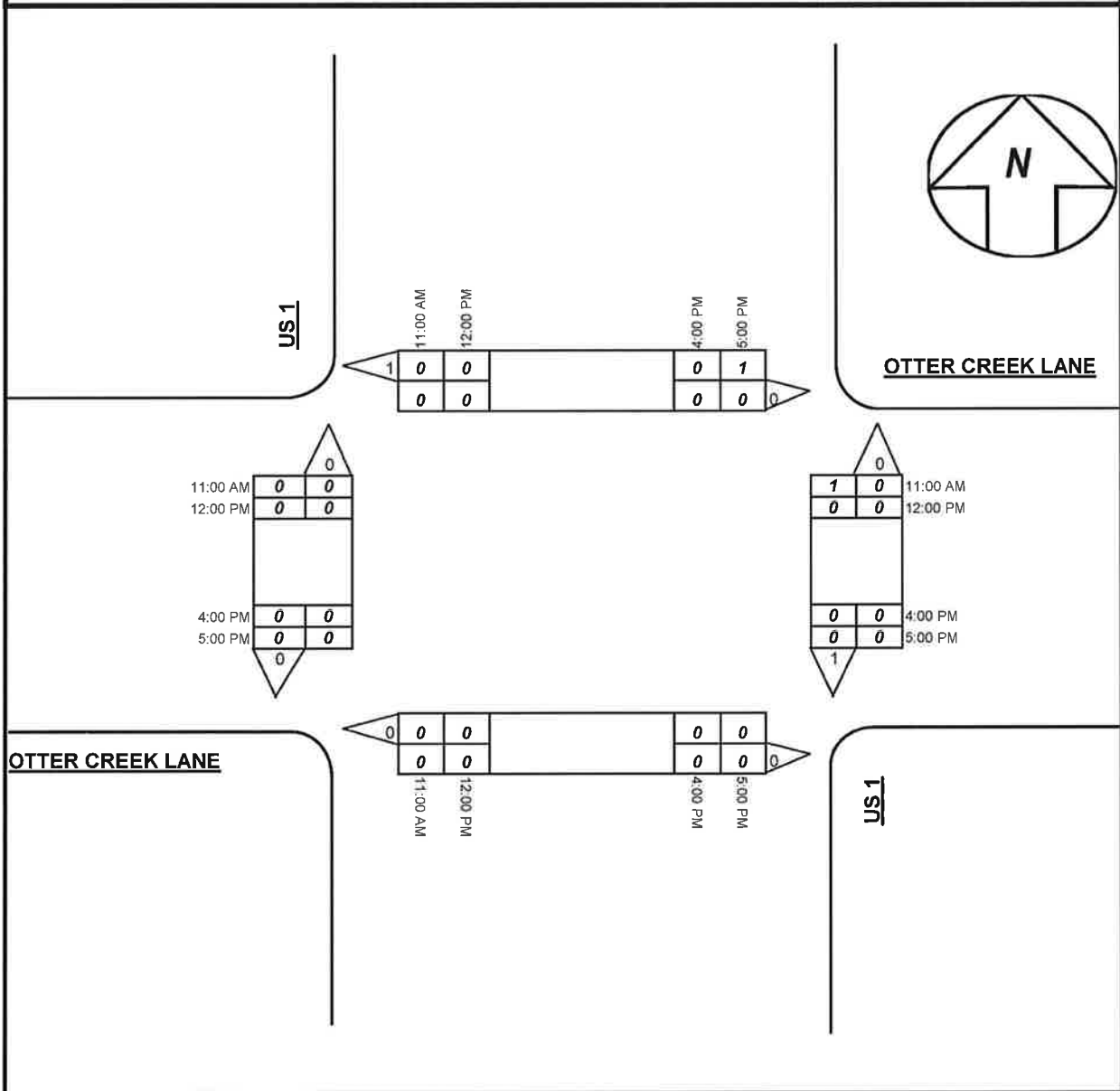
OTTER CREEK LANE

TIME BEGIN	NORTHBOUND				SOUTHBOUND				N/S TOT	EASTBOUND				WESTBOUND				E/W TOT	GRAND TOTAL
	R	T	L	TOT	R	T	L	TOT		R	T	L	TOT	R	T	L	TOT		
11:00	0	6	1	7	0	8	0	8	15	0	0	0	0	1	0	0	1	1	16
11:15	0	4	0	4	0	8	0	8	12	1	0	0	1	1	0	1	2	3	15
11:30	0	3	0	3	0	4	0	4	7	0	0	0	0	0	0	0	0	0	7
11:45	0	13	0	13	0	8	0	8	21	0	0	0	0	0	0	1	1	1	22
TOTAL	0	26	1	27	0	28	0	28	55	1	0	0	1	2	0	2	4	5	60
12:00	0	6	0	6	0	3	0	3	9	0	0	0	0	0	0	0	0	0	9
12:15	0	8	0	8	1	4	0	5	13	1	0	0	1	0	0	0	0	1	14
12:30	0	1	0	1	0	9	0	9	10	0	0	0	0	0	0	0	0	0	10
12:45	0	6	0	6	0	16	0	16	22	0	0	0	0	0	0	0	0	0	22
TOTAL	0	21	0	21	1	32	0	33	54	1	0	0	1	0	0	0	0	1	55
4:00	0	5	0	5	0	9	0	9	14	0	0	0	0	0	0	0	0	0	14
4:15	0	3	0	3	0	4	0	4	7	0	0	0	0	0	0	0	0	0	7
4:30	0	6	0	6	0	2	0	2	8	0	0	0	0	0	0	0	0	0	8
4:45	0	2	0	2	0	1	0	1	3	0	0	0	0	0	0	0	0	0	3
TOTAL	0	16	0	16	0	16	0	16	32	0	0	0	0	0	0	0	0	0	32
5:00	0	1	0	1	0	4	0	4	5	0	0	0	0	0	0	0	0	0	5
5:15	0	5	0	5	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5
5:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45	0	1	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1	1	2
TOTAL	0	7	0	7	0	4	0	4	11	0	0	0	0	1	0	0	1	1	12

FLORIDA DEPARTMENT OF TRANSPORTATION

Pedestrian Movement Summary

Section 70020 City PALM SHORES County BREVARD
 State Route US 1 Intersecting Route OTTER CREEK LANE
 Data By GMB Date 6/1/2010 Form Completed By KTF
 Remarks NONE



15 MINUTE TURNING MOVEMENT COUNTS (ALL VEHICLES)

DATE: June 11, 2010 (Friday)

CITY: PALM SHORES

LOCATION: OTTER CREEK LANE and US 1

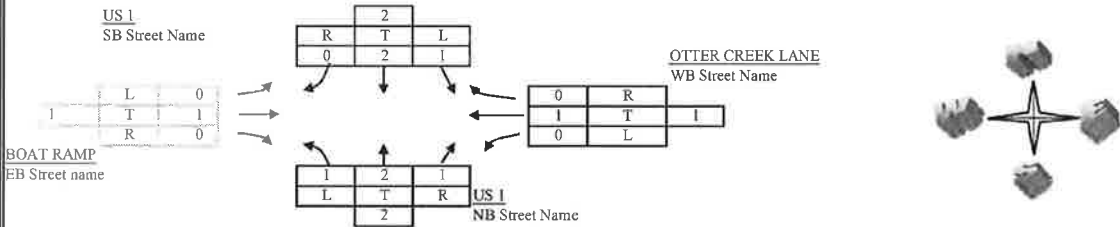
COUNTY: BREVARD

US 1

OTTER CREEK LANE

TIME BEGIN	NORTHBOUND					SOUTHBOUND					N/S TOT	EASTBOUND					WESTBOUND					E/W TOT	GRAND TOTAL
	R	T	L	U	TOT	R	T	L	U	TOT		R	T	L	U	TOT	R	T	L	U	TOT		
4:00	5	409	0	1	415	0	317	2	2	321	736	2	0	0	0	2	5	0	10	0	15	17	753
4:15	0	445	1	0	446	0	348	4	18	370	816	3	0	1	0	4	4	0	4	0	8	12	828
4:30	2	440	1	1	444	1	393	1	16	411	855	0	0	0	0	0	3	0	1	0	4	4	859
4:45	2	475	1	0	478	1	387	6	13	407	885	0	0	1	0	1	4	0	0	0	4	5	890
TOTAL	9	1,769	3	2	1,783	2	1,445	13	49	1,509	3,292	5	0	2	0	7	16	0	15	0	31	38	3,330
5:00	8	424	4	1	437	1	359	3	13	376	813	3	0	1	0	4	4	0	3	0	7	11	824
5:15	0	471	0	1	472	0	399	3	21	423	895	3	0	0	0	3	3	0	0	0	3	6	901
5:30	2	440	0	0	442	0	403	0	16	419	861	2	0	0	0	2	3	0	0	0	3	5	866
5:45	2	365	0	1	368	1	294	1	21	317	685	5	0	1	0	6	1	0	10	0	11	17	702
TOTAL	12	1,700	4	3	1,719	2	1,455	7	71	1,535	3,254	13	0	2	0	15	11	0	13	0	24	39	3,293
6:00	3	349	1	0	353	0	306	2	14	322	675	0	0	0	0	0	5	0	2	0	7	7	682
6:15	8	289	0	1	298	1	262	2	14	279	577	1	0	0	0	1	10	0	0	0	10	11	588
6:30	2	298	1	0	301	0	324	1	23	348	649	0	0	0	0	0	1	0	2	0	3	3	652
6:45	4	266	4	0	274	0	240	4	19	263	537	1	0	0	0	1	4	0	3	0	7	8	545
TOTAL	17	1,202	6	1	1,226	1	1,132	9	70	1,212	2,438	2	0	0	0	2	20	0	7	0	27	29	2,467
7:00	3	237	0	0	240	0	215	2	14	231	471	0	0	0	0	0	1	0	3	0	4	4	475
7:15	2	191	2	1	196	0	239	4	20	263	459	1	0	0	0	1	2	0	1	0	3	4	463
7:30	5	200	0	0	205	0	202	4	20	226	431	1	0	0	0	1	8	0	1	0	9	10	441
7:45	0	214	0	1	215	0	183	2	17	202	417	3	0	0	0	3	2	0	1	0	3	6	423
TOTAL	10	842	2	2	856	0	839	12	71	922	1,778	5	0	0	0	5	13	0	6	0	19	24	1,802

SECTION:	70020	CITY:	PALM SHORES	COUNTY:	BREVARD
STATE ROUTE:	US 1			INTERSECTING ROUTE:	OTTER CREEK LANE
OBSERVER:	KTF	DATE:	06/11/10	MILEPOST:	9.93
WEATHER:	CLEAR			ROAD CONDITION:	DRY
REMARKS:					
FORM COMPLETED BY/DATE:	KTF/June 12, 2010				

[illegible]

15 MINUTE TURNING MOVEMENT COUNTS (TRUCKS)

DATE: June 11, 2010 (Friday)

CITY: PALM SHORES

LOCATION: US 1 and OTTER CREEK LANE

COUNTY: BREVARD

US 1

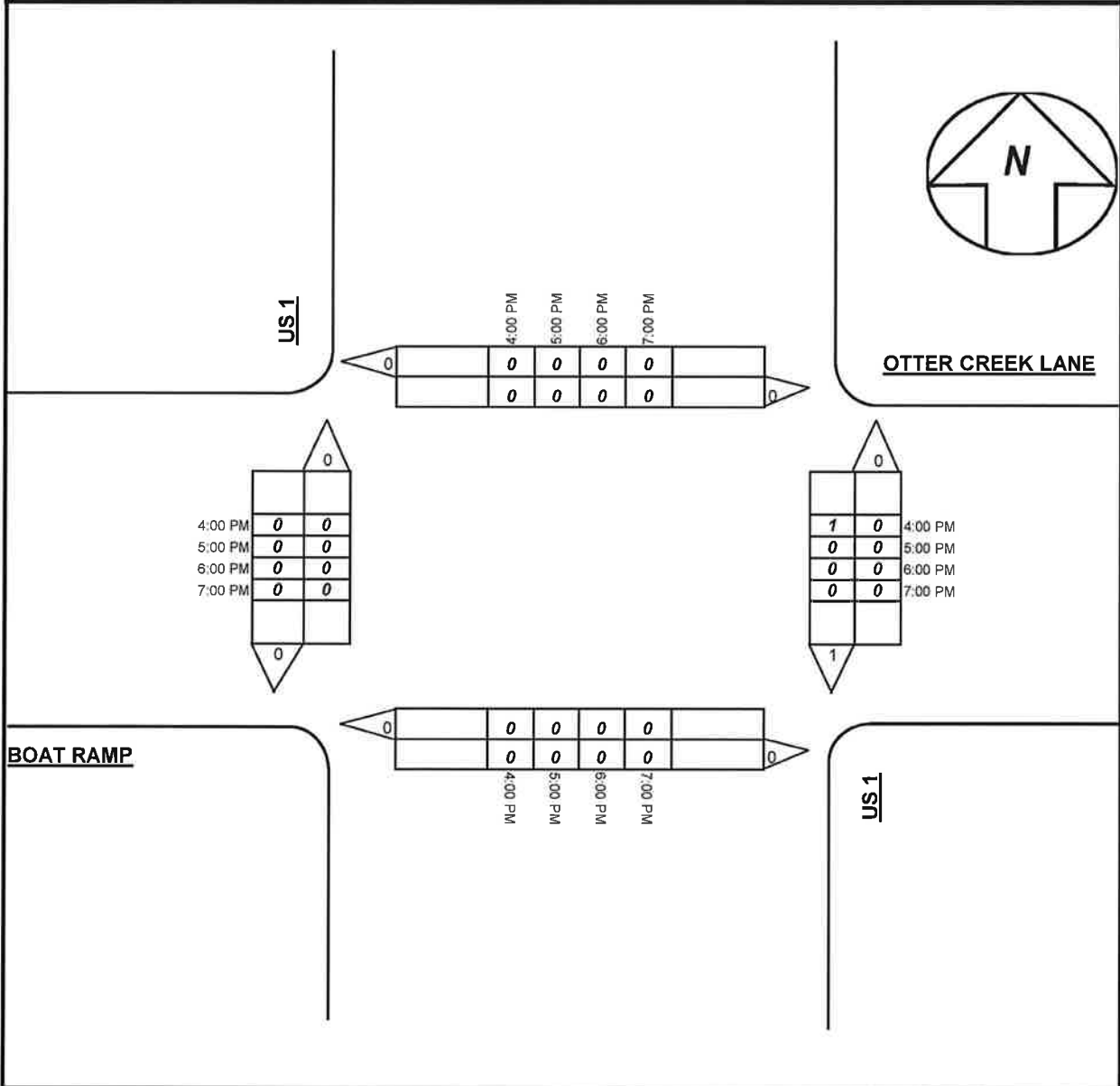
OTTER CREEK LANE

TIME BEGIN	NORTHBOUND				SOUTHBOUND				N/S TOT	EASTBOUND				WESTBOUND				E/W TOT	GRAND TOTAL
	R	T	L	TOT	R	T	L	TOT		R	T	L	TOT	R	T	L	TOT		
4:00	0	5	0	5	0	6	0	6	11	0	0	0	0	1	0	0	1	1	12
4:15	0	7	0	7	0	2	0	2	9	0	0	0	0	0	0	0	0	0	9
4:30	0	4	0	4	0	3	1	4	8	0	0	0	0	2	0	0	2	2	10
4:45	0	4	1	5	0	2	1	3	8	0	0	0	0	0	0	0	0	0	8
TOTAL	0	20	1	21	0	13	2	15	36	0	0	0	0	3	0	0	3	3	39
5:00	1	7	0	8	0	5	0	5	13	0	0	1	1	0	0	1	1	2	15
5:15	0	4	0	4	0	2	0	2	6	0	0	0	0	0	0	0	0	0	6
5:30	0	2	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
5:45	1	2	0	3	0	2	0	2	5	0	0	0	0	0	0	1	1	1	6
TOTAL	2	15	0	17	0	9	0	9	26	0	0	1	1	0	0	2	2	3	29
6:00	0	1	0	1	0	1	0	1	2	0	0	0	0	0	0	0	0	0	2
6:15	0	1	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1	1	2
6:30	0	2	0	2	0	4	0	4	6	0	0	0	0	0	0	0	0	0	6
6:45	0	1	0	1	0	2	0	2	3	0	0	0	0	1	0	0	1	1	4
TOTAL	0	5	0	5	0	7	0	7	12	0	0	0	0	2	0	0	2	2	14
7:00	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	1	1	1	2
7:15	0	1	0	1	0	2	0	2	3	0	0	0	0	0	0	0	0	0	3
7:30	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
7:45	0	1	0	1	0	1	0	1	2	0	0	0	0	0	0	0	0	0	2
TOTAL	0	3	0	3	0	4	0	4	7	0	0	0	0	0	0	1	1	1	8

FLORIDA DEPARTMENT OF TRANSPORTATION

Pedestrian Movement Summary

Section 70020 City PALM SHORES County BREVARD
 State Route US 1 Intersecting Route OTTER CREEK LANE
 Data By GMB Date 6/11/2010 Form Completed By KTF
 Remarks NONE



15 MINUTE TURNING MOVEMENT COUNTS (ALL VEHICLES)

DATE: June 1, 2010 (Tuesday)

CITY: PALM SHORES

LOCATION: UNSIGNED ROAD and US 1

COUNTY: BREVARD

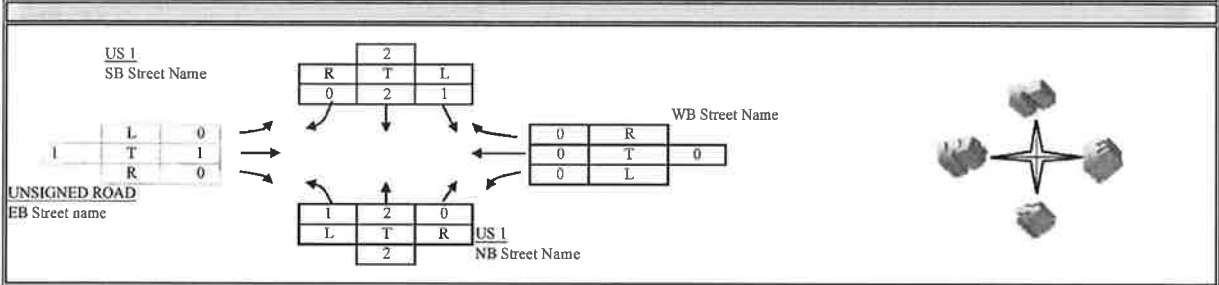
US 1

UNSIGNED ROAD

TIME BEGIN	NORTHBOUND					SOUTHBOUND					N/S TOT	EASTBOUND					WESTBOUND					E/W TOT	GRAND TOTAL
	R	T	L	U	TOT	R	T	L	U	TOT		R	T	L	U	TOT	R	T	L	U	TOT		
11:00	0	307	2	1	310	2	321	0	1	324	634	2	0	0	0	2	0	0	0	0	0	2	636
11:15	0	298	2	3	303	1	295	0	0	296	599	3	0	1	0	4	0	0	0	0	0	4	603
11:30	0	298	0	4	302	0	304	0	0	304	606	0	0	0	0	0	0	0	0	0	0	0	606
11:45	0	309	1	8	318	1	297	0	0	298	616	2	0	0	0	2	0	0	0	0	0	2	618
TOTAL	0	1,212	5	16	1,233	4	1,217	0	1	1,222	2,455	7	0	1	0	8	0	0	0	0	0	8	2,463
12:00	0	287	2	10	299	0	305	0	0	305	604	2	0	0	0	2	0	0	0	0	0	2	606
12:15	0	318	1	12	331	2	307	0	0	309	640	2	0	0	0	2	0	0	0	0	0	2	642
12:30	0	330	1	10	341	0	306	0	0	306	647	0	0	0	0	0	0	0	0	0	0	0	647
12:45	0	286	1	25	312	2	284	0	0	286	598	0	0	0	0	0	0	0	0	0	0	0	598
TOTAL	0	1,221	5	57	1,283	4	1,202	0	0	1,206	2,489	4	0	0	0	4	0	0	0	0	0	4	2,493
4:00	0	369	1	10	380	14	360	0	0	374	754	1	0	0	0	1	0	0	0	0	0	1	755
4:15	0	418	0	12	430	0	375	0	0	375	805	0	0	0	0	0	0	0	0	0	0	0	805
4:30	0	425	0	17	442	0	397	0	0	397	839	0	0	5	0	5	0	0	0	0	0	5	844
4:45	0	424	0	13	437	1	412	0	0	413	850	2	0	0	0	2	0	0	0	0	0	2	852
TOTAL	0	1,636	1	52	1,689	15	1,544	0	0	1,559	3,248	3	0	5	0	8	0	0	0	0	0	8	3,256
5:00	0	440	1	12	453	1	424	0	0	425	878	0	0	0	0	0	0	0	0	0	0	0	878
5:15	0	417	0	15	432	0	511	0	0	511	943	0	0	1	0	1	0	0	0	0	0	1	944
5:30	0	416	0	6	422	0	471	0	0	471	893	0	0	0	0	0	0	0	0	0	0	0	893
5:45	0	412	0	18	430	2	385	0	0	387	817	1	0	0	0	1	0	0	0	0	0	1	818
TOTAL	0	1,685	1	51	1,737	3	1,791	0	0	1,794	3,531	1	0	1	0	2	0	0	0	0	0	2	3,533

FLORIDA DEPARTMENT OF TRANSPORTATION SUMMARY OF VEHICLE MOVEMENTS

SECTION:	70020	CITY:	PALM SHORES	COUNTY:	BREVARD
STATE ROUTE:	US 1	INTERSECTING ROUTE:	UNSIGNED ROAD		
OBSERVER:	KTF	DATE:	06/01/10	MILEPOST:	10.18
WEATHER:	CLEAR	ROAD CONDITION:	DRY		
REMARKS:					
FORM COMPLETED BY/DATE:	KTF/June 2, 2010				



VEHICLE MOVEMENTS	
1	2
3	4
5	6
7	8
9	10
11	12
13	14
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21	22
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45	46
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59	60
61	62
63	64
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67	68
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81	82
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87	88
89	90
91	92
93	94
95	96
97	98
99	100

[illegible]

15 MINUTE TURNING MOVEMENT COUNTS (TRUCKS)

DATE: June 1, 2010 (Tuesday)

CITY: PALM SHORES

LOCATION: US 1 and UNSIGNED ROAD

COUNTY: BREVARD

US 1

UNSIGNED ROAD

TIME BEGIN	NORTHBOUND				SOUTHBOUND				N/S TOT	EASTBOUND				WESTBOUND				E/W TOT	GRAND TOTAL
	R	T	L	TOT	R	T	L	TOT		R	T	L	TOT	R	T	L	TOT		
11:00	0	9	0	9	1	9	0	10	19	0	0	0	0	0	0	0	0	0	19
11:15	0	8	0	8	0	11	0	11	19	0	0	1	1	0	0	0	0	1	20
11:30	0	5	0	5	0	5	0	5	10	0	0	0	0	0	0	0	0	0	10
11:45	0	11	0	11	0	5	0	5	16	0	0	0	0	0	0	0	0	0	16
TOTAL	0	33	0	33	1	30	0	31	64	0	0	1	1	0	0	0	0	1	65
12:00	0	7	0	7	0	4	0	4	11	0	0	0	0	0	0	0	0	0	11
12:15	0	10	0	10	0	4	0	4	14	0	0	0	0	0	0	0	0	0	14
12:30	0	3	0	3	0	11	0	11	14	0	0	0	0	0	0	0	0	0	14
12:45	0	6	0	6	1	12	0	13	19	0	0	0	0	0	0	0	0	0	19
TOTAL	0	26	0	26	1	31	0	32	58	0	0	0	0	0	0	0	0	0	58
4:00	0	5	1	6	0	9	0	9	15	0	0	0	0	0	0	0	0	0	15
4:15	0	4	0	4	0	4	0	4	8	0	0	0	0	0	0	0	0	0	8
4:30	0	5	0	5	0	4	0	4	9	0	0	4	4	0	0	0	0	4	13
4:45	0	2	0	2	1	1	0	2	4	0	0	0	0	0	0	0	0	0	4
TOTAL	0	16	1	17	1	18	0	19	36	0	0	4	4	0	0	0	0	4	40
5:00	0	3	1	4	0	4	0	4	8	0	0	0	0	0	0	0	0	0	8
5:15	0	3	0	3	0	0	0	0	3	0	0	1	1	0	0	0	0	1	4
5:30	0	1	0	1	0	1	0	1	2	0	0	0	0	0	0	0	0	0	2
5:45	0	3	0	3	0	1	0	1	4	0	0	0	0	0	0	0	0	0	4
TOTAL	0	10	1	11	0	6	0	6	17	0	0	1	1	0	0	0	0	1	18

FLORIDA DEPARTMENT OF TRANSPORTATION
Pedestrian Movement Summary

Section 70020 City PALM SHORES County BREVARD
 State Route US 1 Intersecting Route UNSIGNED ROAD
 Data By GMB Date 6/1/2010 Form Completed By KTF
 Remarks NONE

The diagram illustrates the intersection of US 1 and UNSIGNED ROAD. Pedestrian counts are recorded at four time intervals: 11:00 AM, 12:00 PM, 4:00 PM, and 5:00 PM. The counts are as follows:

Time	US 1 Northbound	US 1 Southbound	Unsigned Road Eastbound	Unsigned Road Westbound
11:00 AM	0	0	0	0
12:00 PM	0	0	0	0
4:00 PM	0	0	0	0
5:00 PM	0	0	0	0

A north arrow is located in the upper right corner of the diagram, pointing towards the top right.

**FLORIDA DEPARTMENT OF TRANSPORTATION
VEHICLE SPOT SPEED STUDY**

LOCATION ID: <u>S-1</u>		SECTION: <u>70020</u>	
LOCATION: <u>US 1</u>		City: <u>Melbourne</u>	MP: <u>9.930</u>
SPEED LIMIT (MPH): <u>50</u>		Weather: <u>Sunny</u>	County: <u>Brevard</u>
DATE: <u>05/26/10</u>			
OBSERVER: <u>JG</u>		Time From: <u>1:30 PM</u>	To: <u></u>
REMARKS: <u></u>			

Southbound		SPEED MPH	Northbound		Both Directions	
Cumulative Total	TOTAL		TOTAL	Cumulative Total	TOTAL	CUM TOTAL
		80				
		79				
		78				
		77				
		76				
		75				
		74				
		73				
		72				
		71				
		70				
		69				
		68				
		67				
110	2	66			2	210
		65				
108	1	64	1	100	2	208
107	2	63	2	99	4	206
		62	2	97	2	202
105	3	61	3	95	6	200
102	7	60	2	92	9	194
95	5	59	7	90	12	185
90	7	58	6	83	13	173
83	9	57	10	77	19	160
74	12	56	9	67	21	141
62	6	55	9	58	15	120
56	11	54	6	49	17	105
45	8	53	12	43	20	88
37	4	52	11	31	15	68
33	11	51	11	20	22	53
22	9	50	4	9	13	31
13	2	49	4	5	6	18
11	4	48			4	12
7	4	47			4	8
3	3	46	1	1	4	4
		45				
		44				
		43				
		42				
		41				
		40				
	110	TOTALS	100		210	
Southbound	Speed Data Summary		Northbound		BOTH	
58.7	85th Percentile Speed (mph)		58.3		58.5	
53.9	50th Percentile Speed (mph)		54.1		54.0	
50-59	10 mph PACE		50-59		50-59	

FLORIDA DEPARTMENT OF TRANSPORTATION VEHICLE SPOT SPEED STUDY

LOCATION ID: <u>S-2</u>		SECTION: <u>70020</u>	
LOCATION: <u>US 1</u>		City: <u>Melbourne</u>	MP: <u>10.180</u>
SPEED LIMIT (MPH): <u>55</u>		Weather: <u>Sunny</u>	County: <u>Brevard</u>
DATE: <u>05/26/10</u>			
OBSERVER: <u>JG</u>		Time From: <u>2:00 PM</u>	To: <u></u>
REMARKS: <u></u>			

Southbound		SPEED MPH	Northbound		Both Directions	
Cumulative Total	TOTAL		TOTAL	Cumulative Total	TOTAL	CUM TOTAL
		85				
		84				
		83				
		82				
		81				
		80				
		79				
		78				
		77				
		76				
		75				
		74				
		73				
		72				
		71				
		70				
		69				
		68				
100	2	67			2	200
		66				
98	1	65			1	198
		64				
97	1	63	3	100	4	197
96	3	62	2	97	5	193
93	4	61	3	95	7	188
89	5	60	7	92	12	181
84	7	59	2	85	9	169
77	7	58	5	83	12	160
70	11	57	12	78	23	148
59	12	56	8	66	20	125
47	10	55	12	58	22	105
37	4	54	14	46	18	83
33	7	53	13	32	20	65
26	11	52	4	19	15	45
15	3	51	5	15	8	30
12	7	50	6	10	13	22
		49	4	4	4	9
5	5	48			5	5
		47				
		46				
		45				
	100	TOTALS	100		200	

Southbound	Speed Data Summary	Northbound	BOTH
59.2	85th Percentile Speed (mph)	59.0	59.1
55.3	50th Percentile Speed (mph)	#N/A	54.8
50-59	10 mph PACE	49-58	50-59

From: [Lin](#)
To: [Sterk, Erin](#)
Subject: FW: USA today article about the facility in PCB traffic/keeping patients in issues
Date: Sunday, November 11, 2018 11:06:06 AM

This article is in reference to the Journey Pure facility in PCB FL Kevin Lee and Dr. Mike have repeated many times that patients won't be leaving the facility and walking around our neighborhood. Please add this to the package.

Thanks

Residents are lobbying the county to block off a west end beaches residential street to prevent people in a new drug rehabilitation facility on Back Beach Road from walking or driving down the road and into their neighborhoods.

PANAMA CITY BEACH — Residents are lobbying the county to block off a west end beaches residential street to prevent people in a new drug rehabilitation facility on Back Beach Road from walking or driving down the road and into their neighborhoods.

And they just might get their wish.

At the request of Commissioner Mike Thomas, the County Commission on Tuesday agreed to the concept of putting up a fence on the county-maintained Florida Lane behind the rehab facility, which is going into a former bank building at the corner of Florida Lane and Back Beach Road (U.S. 98). Thomas said he first wanted to ensure that everyone on Florida Lane agreed to the road closure.

He said Friday he has gotten that endorsement to put up a 6-foot-tall privacy fence that would stretch across the right of way next to the street and to vegetation in the next lot, which supporters hope would deter people from the rehab center from walking around the fence down Florida Lane.

Thomas, who met Thursday night with residents at the restaurant he owns, said the residents who attended pointed out they hated that a fence had to be erected.

"The ones who came said they would make that sacrifice in order to stop pedestrian traffic from coming from that clinic" into their

neighborhoods, Thomas said.

Some residents on Florida Lane said they want the county to go a step further — building a wall that extends across the street and right of way to prevent rehab patients from simply walking around the fence. But Thomas said Friday the county couldn't do that.

Juanita Craig, who rents out a home on Florida Lane, said her neighbors are passionate about putting up a barrier keeping out the rehabilitation patients.

"If it's what they want, if it gets them to stop complaining, then do it," she said, adding that if Florida Lane is blocked off she would just drive a couple of blocks over to access Back Beach Road.

About the facility

On Sept. 1, F. Rene Fountain sold the property at 22219 Back Beach Road to JPP Real Estate Investors LLC for \$1.67 million, according to court records. The head of the company is Jui-Lien Chou Ho of 2202 Memphis Ave. #202 in Lubbock, Texas. That address is a medical office for Chou, an oncologist, who could not be reached for comment for this story.

The Brentwood, Tenn.-based JourneyPure, a company that treats people for drug and alcohol addiction, is owned by Chou Ho Holdings in Lubbock, Texas. JourneyPure Emerald Coast at 220 S. Arnold Road on Panama City Beach has an association with the new center on Back Beach Road. An official for the center said Thursday they could not comment about the new rehab center until Dec. 9, when officials are slated to visit the area.

The company's website states it is a "leading treatment center for substance abuse, dual diagnosis and behavioral health challenges."

The company uses three homes — two on Front Beach Road and one on Southfields Road — that it purchased for patients of the program to stay. Bay County Director of Community Development Martin Jacobson said county officials initially were concerned the houses were being used as in-patient treatment facilities, which the zoning

wouldn't allow, but the homes are being used as housing for patients, and they are transported by vehicle to the JourneyPure facility on Arnold Road for treatment. Jacobson said under the Federal Fair Housing Act and Americans with Disabilities Act, those uses must be allowed for the homes.

Also, the county can't stop the rehab center from going into the former bank building on Back Beach Road, Jacobson said, pointing out a state law that "essentially says you can't discriminate against this kind of use." Also, the rehab center is an allowable use under the county's general commercial zoning on the property, and the use is now grandfathered in because the company has pulled building permits to renovate the building for the new facility, Jacobson said.

Opposition

Not all residents want to see Florida Lane closed off.

Residents who live in the neighborhood on other side streets, such as Sun Lane and Kelly Street, said blocking off Florida Lane goes too far, as they often use the street to get out onto Back Beach Road and the nearby Tom Thumb convenience store.

Christine Thebeau, who live on Kelly Street, said she is not pleased with the proposal to close the road, but she also doesn't like the fact that a drug rehab center is going in so close to homes.

"It's commercial property, but a bank was different than a rehab" center, she said. "There is a need for it, but not right here. There is other land in other places they could have gone to."

Thebeau drives her golf cart to get around and to work. She said the closure of Florida Lane will cause her problems, as she uses the road to drive to the Tom Thumb store for gas for her golf cart and to purchase other assorted items.

"I take my family there all the time," she said. "I drive a golf cart. I don't own a car any more."

Ron Strickland, who lives on Sun Lane, said he is not necessarily pleased about a drug rehab facility opening right around the corner

from his home, especially since it is unclear what type of patients it will be serving, but he said closing off Florida Lane is going too far.

“If it’s a traffic issue then, yeah, but if it’s just the threat that maybe someone is going to walk by to a drug treatment center, that [road closing] doesn’t sound very logical to me.”

From: Lin
To: Starb, Erin
Subject: 18PZ00088
Date: Sunday, November 11, 2018 5:52:33 PM

https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=COORBRCOFLVOII_CH62LADERE_ARTVIZORE_DIV4RESPCL_SDIXSPCL_S62-1573INUSLH

<http://search.flcourts.org/texis/search/context.html?query=Casey+Anthony&pr=5DCA&prox=page&order=500&rprox=500&rdfreq=500&rwfreq=500&rlead=500&rdepth=0&sufs=0&order=r&cmd=context&id=531f42a424>

https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=COORBRCOFLVOII_CH62LADERE_ARTVIZORE_DIV2ADEN_SDIINOUS_S62-1181DE

General standards of review.

(1)
The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in section 62-1151(c) plus a determination that the following general standards are satisfied. The board shall make the determination whether an application meets the intent of this section.

a.
The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

b.
The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

c.
The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

(2)
The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

a.
Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the board of county commissioners.

b.
The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

c.
Noise levels for a conditional use are governed by section 62-2271.

d.
The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

From: Sterk, Erin
To: Jones, Jennifer
Subject: FW: From traffic engineering
Date: Wednesday, November 28, 2018 4:51:54 PM
Attachments: 2012 Otter Creek Ln No Trucks.pdf

Please add to the record + the attachment.

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Wednesday, November 28, 2018 9:50 AM
To: Sterk, Erin
Subject: From traffic engineering

Please put this into the record.

The
Jinger



BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

**INTER-OFFICE
MEMORANDUM**

DEPARTMENT OF PUBLIC WORKS
TRAFFIC OPERATIONS Program
2725 Judge Fran Jamieson Way, Suite A211
Viera, Florida 32940

[321]-633-2077
[321]-637-5471 Fax

To: Gil Ramirez, Traffic Operations Manager
sa.
From: Deborah Adkison, Engineer II
Re: Chad Knox – Otter Creek Lane (Rd# 45370)/Old Dixie Hwy
Pinewood Park Subdivision
Date: November 28, 2012

In reviewing Pine Wood Park Subdivision by way of Otter Creek Lane for adequate road turn radius and pavement widths concerning semi-trucks towing boat trailers, semi-tractor trailers and other vehicles that would not meet the minimum turning radius requirements, the following information is provided.

- Hilltop Lane, Pine Cone Drive, Cape View Lane, Commerce Street, Old Dixie Highway and Otter Creek Lane, was resurfaced in September 2010. (Pavement is in good condition and shows no sign of semi-truck-trailer markings). At the intersection of Hilltop Lane & Commerce Street there is a 35 foot radius and Cape View Lane & Commerce Street a 30 foot radius. However, the pavement width of the remainder roads, vary from 20 feet to 20.6 feet.
- The following, design vehicles, taken from 'Geometric Design of Highways and Streets 2004' was used to determine the minimum turning path.
 - Interstate semitrailer (WB-19 [WB-62]) - 45 ft radius (minimum)
 - Motor Home and Boat Trailer (MH/B) - 50 ft radius (minimum)
 - Conventional School Bus (S-Bus-11 [S-BUS-36]) - 38.9 ft radius (minimum)

Conclusion:

The turning radius, for the above mention roads do not meet the minimum design standards for semi-tractor-trailers, semi-trucks towing boat trailers, motor home/boat trailers and conventional school buses. Therefore, it is recommended to install traffic sign R5-2 (NO TRUCKS) at two locations. First location, install on the north side of Otter Creek Lane, approximately 100 feet west of US#1; and the second sign to be 80 feet south of the driveway at 5990 Old Dixie Hwy on the west side of the roadway. (See attached map).





Objection
18PZ00088
Happy Landings Homes
(Submitted 01/22/19)

ID#18PZ00088

Mark R. Leslie
2665 Hilltop Lane, Melbourne, FL

Provided herein is an explanation of why we believe the request by the Developer (JourneyPure) to amend an existing Binding Development Plan (BDP) for property owned by Happy Landings Homes, Inc., located at 5925 Old Dixie Highway, Melbourne FL should be denied. The amended BDP will change the subject facility from a dormitory for women with children to an expanded use as a residential detoxification, treatment, and recovery center (an to include men and women to be licensed by Florida DCF under rule 65D30. All of our comments are in italics.

Item d. of the most recent BDP states that: "Developer shall comply with standards set forth in 62-1862(3) of the Brevard County Code." We take this to mean section 62-1826(3), as there is no section 62-1862 in Brevard County code.

BDP item d. Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 square feet. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq.ft. on the 5.33 acre site, such square footage to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential development in the surrounding neighborhood.

Sec. 62-1826. - Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities shall comply with the following requirements, where applicable:

(3) Facility standards.

a. Prior to the granting of any permit for assisted living facilities or treatment and recovery facilities, the state Department of Health and Rehabilitative Services shall verify compliance with the following standards:

1. There shall be not less than 250 square feet of floor space per assigned resident.
2. There shall be one bathroom per two bedrooms. The bedroom square footage shall be not less than 75 square feet per assigned resident.

3. Centralized cooking and dining facilities shall equal 30 square feet per assigned resident.

b. If the request for a permit for assisted living facilities or treatment and recovery facilities is for a structure to be built, floor plans of the structure shall be submitted and approved prior to issuance of the permit.

*Developer has not submitted any proof they will be able to comply with the facility standards set forth in Section 62-1826 (3) (a) or (b) or Section 62-1826(5) of Brevard County Code. Further, Section 62-1826 (3)(b) requires that floor plans of the structure shall be submitted and approved **prior to** issuance of the permit. Developer has not submitted and gained approval for any floorplans for expansion, although they have submitted a design drawing for a facility built in a different location outside of Brevard County.*

In order to state definitively that there is adequate space for the expansion of the facility structures to include parking, a new building, and storm water management, and in order to verify adequate space is available, a site plan from a registered engineer should be developed and presented. It would appear that the applicant/developer is attempting to use this (BDP) to usurp County Land Development Rules for site plan approval.

BDP item i. The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.

Sec. 62-1826 (5) Off-street parking. There shall be two parking spaces, plus two additional parking spaces for every five occupants for which the facility is permitted.

There are wetlands on the property that will not be suitable for development, the property has a large septic drain field that would further limit usable land area available for 37.6 paved parking spaces, including handicapped parking, storm water management, and a new building.

BDP item h. If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

This item (h) contradicts the statement in item d. that they shall be in compliance with section 62-1826(3). If they are not in compliance with zoning code, they should not be allowed to operate. The agency with jurisdiction of the facility for land development, structures and proper application of local zoning code is Brevard County, whereas the licensable operations of the facility are overseen by agencies from the State of Florida.

Developer proposes to expand or modify the use from Dormitory, "a permitted use," to Treatment and Recovery Facility, "a use permitted with conditions."

We argue this is an expansion, increase, or modification of the use. The addition of "Conditions" in Sec.62-1573. - Institutional Use, IN(L) and IN(H), implies an increase in square footage requirement for living space from a dormitory for housing women and children to a licensed treatment and recovery facility that must follow the guidelines set forth in Article VI,

Division 5, Subdivision II (permitted uses with conditions) of Section. 62-1826 (3). As a dormitory a permitted use, there is no specific square footage requirement in code compared to those requirements in code for a treatment and recovery facility permitted with conditions.

Developer proposes to expand the structures on the nonconforming property by 6,815 square feet in order to meet the living area square footage requirements set forth Section 62-1826 (3) of Brevard County Code .

We argue this expansion is an enlargement, expansion. or modification of the nonconformity of the property as stated in Sec. 62-1182 (a) (1).

Sec. 62-1182. - Continuation generally; enlargement, expansion or modification.

(a) The use of land or structures qualifying as a nonconforming use as defined in this subdivision **shall not be:**

(1) Enlarged, extended, increased or expanded to occupy a greater area of land than was occupied upon the effective date of the ordinance from which this article was derived or the effective date of any amendment to this article, whichever date rendered such use nonconforming. However, any conforming structure on a substandard lot may be expanded to occupy a greater land area provided such expansion complies with all setback requirements and provided such expansion is not for living area.

We also argue that such an expansion of use would increase the nonconformity of the use as laid out in section 62-1182 (b)(2)

(b) In addition to the provisions of subsection (a) of this section, structures qualifying as a nonconforming use as defined in this subdivision shall not be:

(2) Enlarged, extended, increased or expanded in any manner unless such enlargement, extension, increase or expansion is specifically in conformity with the provisions of this article and does not increase the nonconformity of such use. Nothing contained in this subsection shall be construed to prohibit the ordinary repair and maintenance of nonconforming structures provided such repair does not increase the cubic content of the structures; result in the enlargement, extension, increase or expansion of the nonconforming use; or result in a cost of repair and maintenance in excess of 50 percent of the fair market value of the structures. Fair market value for the purposes of this section shall be deemed the valuation of such structure by the county property appraiser in his assessment for levying of ad valorem taxes for the year of the intended repair or maintenance.

While we do not believe maintenance and repair language of Sec. 62-1182(b)(2) applies, the following is offered in the event the applicant/developer chooses to call the addition of a 6,815 sf building, maintenance or repair. The county property appraisal for 2018 valued the subject property at \$473,890. The applicant proposes to expand the nonconformity by 6,815 square feet in order to comply with section 62-1126 (3). Using a conservative commercial building square footage cost estimate of \$240 per square foot, it is clear that the additional square footage will be much greater than 50 percent of the fair market value as required in section 62-1182 (b) (2)
$$6815\text{sf} \times \$240 = \$1,635,600$$

The Developer requests (item h. of the BDP) permission to NOT comply with standards set forth in 62-1826(3) of the Brevard County Code for at least one year. Approval of this item/element of the BDP would be allowing the facility to operate in conflict with of section 62-1826 (3)(a) and (b) and (5) of Brevard County Code.

h. If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

According to County Code the "agencies with jurisdiction" must verify compliance with the square footage requirements prior to permitting the expanded use to Treatment and Recovery Facility. Brevard County is one of the agencies with jurisdiction.

Sec. 62-1826. - Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities shall comply with the following requirements, where applicable:

(3) Facility standards.

- a. Prior to the granting of any permit for assisted living facilities or treatment and recovery facilities, the state department of health and rehabilitative services shall verify compliance with the following standards:
- b. If the request for a permit for assisted living facilities or treatment and recovery facilities is for a structure to be built, floor plans of the structure shall be submitted and approved prior to issuance of the permit.

Based on County Attorney Scott Knox's input during the May 18, 2004 BOCC regular meeting regarding zoning issues with the Resurrection Ranch, the Happy Landings Homes/Resurrection Ranch property maintained a conditional use permit (CUP) for a Residential Social Services Facility (RSSF) which included Treatment and Recovery Facility and ACLF from April 21, 1986 until administratively rezoned on September 1, 2005. This was confirmed by the BOCC and Assistant County Attorney Teri Jones. (minutes attached, pertinent discussion highlighted).

The CUP for (RSSF) treatment and recovery and (ACLF) was "abandoned" on September 1, 2005, per section 62-1183, when the Conditional Use Permit was removed and the property was administratively rezoned and limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402, to be used as an Assisted Living Facility (ALF).

Sec. 62-1183. - Abandonment. If any nonconforming use of land or structures is abandoned or discontinued for a period of 180 consecutive days or for 18 cumulative months during any three-year period, the land or structure shall thereafter only be put to a use specifically in conformity with the provisions of the applicable zoning classification and any other provision of this article or amendment to this article, and the privileges of this subdivision shall be deemed forfeited for the land or structures.

We believe the treatment and recovery use may NOT be reestablished per section 62-1182 (a)(2), Brevard County code.

Sec. 62-1182. - Continuation generally; enlargement, expansion or modification.

(a) The use of land or structures qualifying as a nonconforming use as defined in this subdivision shall not be:

(2) Reestablished if such nonconforming use of land or structures ceases or is discontinued for a period of 180 consecutive days, or for 18 cumulative months during any three-year period. However, nonconforming residential structures in residential zoning classifications and the GU classification may be reestablished.

Since the property maintained a CUP for RSSF, including Treatment and Recovery, until the administrative rezoning on September 1, 2005, it is clear that the Treatment and Recovery use ceased and was no longer permanent or continuous after the effective date of that rezoning. Thus, a change from dormitory use back to treatment and recovery use would mean the property no longer meets the criteria for nonconforming use as defined in section 62-1181.

Sec. 62-1181. - Definition.

For the purposes of this subdivision, the term "nonconforming use" is defined as the use of land or structures that was lawful prior to the effective date of the ordinance from which this article is derived or the county comprehensive plan, or the effective date of any amendments thereto, but is not now permitted within the applicable zoning classification or is not permitted under any provisions of this article or the county comprehensive plan or any amendment thereto. In order for a use of land or structures to be included within such definition, such use must have been permanent and continuous prior to the effective date of the ordinance from which this article is derived or the effective date of any amendment to this article. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of the ordinance from which this article is derived or the effective date of any amendment to this article shall not be sufficient to qualify such use for the privileges of this subdivision.

*Our contention at the BOCC meeting on May 18, 2004 was that Happy Landings Homes Inc., Dba Resurrection Ranch, was in violation of their Adult Congregate Living Facility (ACLF) zoning classification because of their associations and contracts with correctional institutions, courts, and local jails. Language in the ACLF definition prohibited such relationships, and the neighbors were compelled to request that the zoning official correct the noncompliant activities being conducted on the property. Planning and Zoning Director Mel Scott prepared a staff report framing his understanding of the issues and the remedies available to the Resurrection Ranch and the BOCC. In contrast to Mr. Scott's report, the BOCC was advised by County Attorney Scott Knox that the Resurrection Ranch, DBA Happy Landings Homes, Inc., had a Conditional Use Permit (CUP) for a Residential Social Service Facility (RSSF) **and** an (ACLF).*

“Mr. Knox advised the Board from a legal construction of that approval, it could view the property as having been given an RSSF rezoning in 1986, which would then include a drug treatment and recovery facility definition.

County Attorney Scott Knox advised, from the legal point of view, when the Board grants a CUP, it grants a use that becomes a permitted use under the Zoning Code; so when the Board granted the CUP for the RSSF(ACLF) in 1986, the Board granted approval of those two uses by operation of law.” (May 14 2004 minutes)

During that May 2004 BOCC meeting, the owners of the Resurrection Ranch were offered an opportunity to request a rezoning to IN(H)—an intensity designation required for Treatment and Recovery facilities which adds conditions for square footage for assigned residents. There was also discussion of a possible administrative rezoning to include the IN(H) intensity designation to the subject property during the dialog between Commissioners, staff, and the County Attorney during that meeting.

Subsequently, on September 1, 2005, an administrative Zoning Resolution, Z-11172, was adopted. The BOCC initiated action and changed the zoning from AU with CUPs for (RSSF), including Treatment and Recovery and (ACLF), to Low Intensity Institutional Use, IN(L), with removal of the mentioned CUPs. The property was additionally limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402, to be used as an Assisted Living Facility (ALF). This rezoning demonstrates that the owners gave up their option to maintain the RSSF treatment and recovery facility use designation to become an ALF use exclusively.

Additionally, On December 16, 2009, the Board approved Zoning Resolution Z-11531 which changed the Future Land Use of the property from Neighborhood Commercial (NC) to Community Commercial (CC) and changed the zoning from IN(L) to High Intensity Institutional, IN(H), with replacement of the BDP on file with one recorded in ORB 6082, Pages 71-77.

This rezoning established the Space Coast Center for Women with Children and limited the residents to women and children only. Staff comments indicated that the center was a non-profit organization which provided safe housing, support services, and spiritual guidance to women striving to become self-sufficient in a dormitory style setting. Dormitory use under the institutional use intensity designation table in Sec. 62-1573 is a permitted high intensity use which required the change in land use and zoning in order to be allowed on the site. The rezoning did not add additional conditions for square footage for residents.

Given the above reasoning, it is clear that approval of the request to amend their existing Binding Development Plan (BDP) recorded in ORB 6082, Pages 71-77, to expand their services to include men and women and to reestablish the property as a residential detoxification, treatment and recovery center licensed by Florida DCF under rule 65D30 would ignore the most basic premise of zoning, which is to protect neighborhoods. Based on provisions set forth in sections 62-1181, 62-1182 (2) and 62-1183, the owner/developer should not be permitted to intermittently change, reestablish, or expand the nonconforming use of the property.

Minutes from BOCC meeting May 14, 2004

DISCUSSION/DIRECTION, RE: ZONING CODE ISSUES AND RESURRECTION RANCH

Chair Higgs advised Item VI.A.2. regarding Resurrection Ranch is a time certain item that the Board will proceed with at this time.

REPORT, RE: CONSENT AGENDA

Commissioner Pritchard advised several people came to speak to Item III.F.3., Appointments/Reappointments to Citizen Advisory Boards, which is a Consent item; it was pulled by Commissioner Carlson for discussion at the end of the meeting; and the people who came to speak did not realize it was pulled. He stated generally when the public asks to pull an item from the Consent Agenda, it is heard at the end of the Consent Agenda; there are people here to speak on it; but it is the Board's discretion.

Commissioner Carlson advised she asked for that, but there must have been a misunderstanding because she understood Ken submitted a card to speak. She stated she does not have a problem with it, and did not know that time certain took precedent over Consent items.

Chair Higgs advised since the Board is far behind on the time certain items, she would like to do those then go back to the Consent items that were pulled.

DISCUSSION/DIRECTION, RE: ZONING CODE ISSUES AND RESURRECTION RANCH
(CONTINUED)

Chair Higgs requested staff give the Board a brief overview of the issues regarding Resurrection Ranch.

Planning and Zoning Director Mel Scott advised in 1986, the property received a rezoning, which granted the ability to operate an adult congregate living facility (CLF) and a school; it has been very successful over the years in providing a wide range of programs and services under the guidance of Resurrection Ranch; and the issues before the Board are the result of observations from community and staff of whether or not there might be certain programs and services currently being provided which may not have been fully contemplated and consistent with the current zoning classification. He stated the report is an attempt to identify five basic issue areas for Board discussion; and the Board is prompted to review the basis and compare and contrast certain aspects of Resurrection Ranch to certain provisions of the Zoning Code and Florida Statutes.

Chair Higgs advised there are at least 27 speaker cards; those who may have their comments covered by a previous speaker are requested to let the Board know if they agree with the speakers

and wish to pass on their comments. She stated each speaker will have five minutes; and explained the light system.

Esquire Jason Hedman, representing Resurrection Ranch, advised there is a Fair Housing Act under 42 U.S. Code 3604; there is also the Americans with Disabilities Act under 42 U.S. Code, and a case of *Recap v. the City of Middleton*, 282 Federal 333, where the City determined the residents of a halfway house were disabled persons under the Americans with Disabilities Act. He stated there is also a religious land use and Institutional Persons Act under 42 U.S. Code 2000; but they are not here to argue or threaten, they are here because for many years Resurrection Ranch provided a very valuable service to the community. He stated as Mr. Scott's report reflects, originally the site was Happy Landings; it was basically called a children's home or youth ranch, a euphemism for what they call a reform school or a place under the Juvenile Justice Services; so there is a long history of the property being used to help reshape lives, change lives, and move forward. He stated when they were before the Board on April 20, 2004, it was difficult to hear neighbors talking about being in fear; Resurrection Ranch is totally opposite of fear; they are not trying to threaten anyone or to bring down property values; but they are trying to help change lives. Mr. Hedman stated a life recovery program is being operated at Resurrection Ranch; and they hope to shine a little light and let Jinger Knox and other residents know what kind of supervision goes on and what kind of screening happens. He stated it is not anyone who walks down the railroad tracks and decides to go to Resurrection Ranch that becomes a resident; they are screened; and David Miller, Director of Resurrection Ranch, will cover many of the comments from citizens, the guidelines, and specific items. He stated everyone who becomes a resident signs a contract agreeing to abide by the rules; and there are at least 15 items on the checklist that include no sexually-oriented charges in background, and will abide by the standards of Resurrection Ranch and its guidelines, which means no profanity, no violence, no drug use, etc. He stated it is a life recovery program; those people are not necessarily criminals or everybody coming out of jail; it is an extension of the prison system and an opportunity for folks whose lives have been shipwrecked by drugs, alcohol, and other circumstances to be able to rehabilitate; and in essence, it is a Christian ministry. He stated it is faith-based; they believe the redemptive powers come from Almighty God; and if they can get them alone for 90 days without drinking, smoking, and doing other things, opportunities are going to happen for those persons' lives to be changed so they can get back with their families and become good members of society. Mr. Hedman stated there has been a lot of talk about the association and Contract with Department of Corrections; basically the ministry had an opportunity to bring dollars in for the faith-based initiative and fund programs to benefit Brevard County residents; they heard about money coming from the federal government; but what is happening is services are being subsidized by the State Contract to benefit the community; it is what they should be doing and what they are doing; and they believe the use is consistent. He stated Mr. Scott's report is very informative; he talks about an RSFF being an umbrella; and he disagrees with him a little bit and believe once they have a CUP for a residential facility, they have that use. He stated there is talk about children; as a group home, children are permitted; it is emphasized that the only children there are the children with their parents; and it is not like they are taking orphans in off the street. He stated those are families being reunited that is part of what the mission statement is; it is a life recovery family restoration ministry; and they do it by the gospel. He stated Mr. Miller will talk about the standards, and Mr. Tulley will explain the history; and it is not about jailbirds and felons. He stated they have had the existing zoning since 1986; they believe the Board wisely confirmed that on May 5, 2002; and they hope that Ms. Knox and everyone else in the

community will have the same confidence that judges and counselors in the area have, that it is a good facility that protects people and provides a nurturing environment for their lives to be changed.

Pastor Calvin Gittner, representing Pineda Presbyterian Church, advised they and the Suntree/Viera Association of Churches are in support of the ministry of Resurrection Ranch and the overall quality of life in Brevard County; and he will share their interactions with the staff and residents of Resurrection Ranch. He stated he has been the pastor at Pineda Presbyterian Church since May 2000; over the past four years he had the opportunity to interact with both the staff and residents of Resurrection Ranch at least on a monthly basis and often more frequently than that through his church and the ministry of Suntree/Viera Association of Churches; and the primary focus of his relationship and that of his church with the Ranch has been in finding ways to work together in order to serve those members of the community who are most in need. Pastor Gittner advised Pineda Presbyterian Church's relationship with Resurrection Ranch has been, and he hopes will continue to be, one where they share their gifts, talents, and resources; he could talk about their structural relationship with the Ranch and how their church and other churches in the area provide financial and in-kind support to the ministry of Resurrection Ranch, and about how Resurrection Ranch provides assistance to the community in many ways, serving people throughout the County who are in need of assistance, but he would rather talk about people and about their relationship with those people and their partnership with Resurrection Ranch. He stated over the past four years, his relationship with the family members of Resurrection Ranch, the staff, and the residents has grown closer in many ways; they now have a number of people from the Ranch who are regular attendees and participants in church activities at their church and other churches in the area; and members of the Resurrection Ranch community, who they consider their friends, attend community events. He stated those people are an active and vibrant part of their church families, from Sunday services to fellowship dinners and church work days; they are part of the fabric of life at their churches; and thus they are part of the fabric of life of Brevard County. Pastor Gittner stated one way to judge the true character of a community's health is to judge and look at how they treat and support those in greatest need; do they pretend those people do not exist or even worse, do they treat them as somehow less entitled to the rights and privileges that they all enjoy; or are they willing to give them the support and encouragement they need to continue to be full and active participants in society. He stated in their area, it has been Resurrection Ranch working in partnership with the faith community that has been their gauge of how the community is willing to support those in need; they are the ones who have been and will continue to be the ones who will reach out and build those lasting relationships that will make a difference in people's lives; and the ministry of Resurrection Ranch is a ministry of reconciliation, healing, and wholeness, and of rebuilding broken lives. He stated it is his hope and prayer that they can come together as a community in order to resolve any and all issues and concerns relative to the operation of Resurrection Ranch, including the legitimate concerns of all their friends and neighbors in order that together they can continue to provide a much needed and much appreciated ministry to the community. Pastor Gittner advised he is also Chaplain of the 920th Search and Rescue Wing at Patrick Air Force Base; and over the years they have also partnered with Resurrection Ranch to provide in-kind services to the Ranch, again joining together in true partnership to reach out and help those in greatest need. He offered his services and the services of his church and other churches in the Suntree/Viera Association of Churches, as might be needed, as they work together to serve all the people of Brevard County.

Chair Higgs requested the audience hold their applause because there are a lot of people who wish to speak and it will help the Board get through all of them.

Reverend Terry Highland, Head Pastor and Priest at Christ Redeemer Charismatic Episcopal Church, Chaplain of Melbourne Police Department, and Board member at Resurrection Ranch, advised he will comment on counseling at the Ranch. He stated spiritual counseling takes place at the Ranch; there are a number of churches from Titusville to Palm Bay that have members come and do counseling; and there are a number of pastors from various religions, Lutherans, Methodists, Catholics, nondenominational, Episcopalians, Baptists, Presbyterians, and others who come and counsel at Resurrection Ranch. He noted in many churches, they argue amongst themselves of what is right; but this is one example where that is set aside and they come together and do ministry and counseling in a spiritual direction mode to those people who are there. He stated it is not drug and alcohol counseling; they do not have a license to do that nor do they do that; that is referred to Circles of Care and other facilities, not the Ranch; and it is interesting that the pastors who come together have all different modus operandi, backgrounds, interests, and desires; but they focus on one thing and that is working to the glory of God and lifting people up.

Reverend Charles Lane advised he spent Saturday and Sunday at the Brevard Correctional Institution; he has taught at Resurrection Ranch for six of his eight years; he is a resident of Viera; and he loves Viera and Resurrection Ranch, so when he has time off he likes to give it to the Ranch.

David Miller, Director of Resurrection Ranch, advised he talked with each Commissioner and gave them his assurances that Resurrection Ranch has a very competent program and does a wonderful job in the community; and he wants to bear witness to the people who have come to not just say the Ranch is doing a good job, but who have firsthand knowledge of what goes on at Resurrection Ranch. He stated they have a group of people who went through the community and obtained signed petitions; there are over 1,500 signatures from Titusville to Palm Bay; those are people who are interested in what goes on at the Ranch; and they are concerned that the County continue to have institutions like Resurrection Ranch that will take care of people in need. He stated there were many people who could not make it here today due to the time situation; they have letters from groups in support of the Ranch; and the Department of Corrections blessed them with the opportunity to have the probation officers of Brevard County write letters of support to attest to the monitoring and to the amount of supervision that the State and Brevard County Probation Services provide to Resurrection Ranch. Mr. Miller stated they also have letters of support from their current neighbors; some are here to attest to the fact that they are good neighbors; and for the last four years that he has been at the Ranch, there have been no instances where a neighbor had to call the police, which speaks volumes for the amount of services they provide. He stated it is not up to him to say what a wonderful job they are doing, so he will concede to the residents and ask them if they have knowledge that would impact the Board, to come and say it. He noted they do not want to say the same thing over and over again; the Board knows what a wonderful job they do; and they want to work closely with the Board to get the problem resolved or do what it takes so Resurrection Ranch can continue to do its job within the confines of the law.

Chair Higgs stated that is what the Board is dealing with today, the zoning regulations and not the work of the Ranch; and inquired if anyone needs clarification on that.

Commissioner Colon advised one thing the neighbors brought to the Board's attention was safety; Resurrection Ranch is located in a community that has small children; and it scares the community to know that Department of Corrections is able to send folks to the Ranch. She inquired what are the guarantees that the community is safe; and stated the Board is aware of the good job the Ranch is doing, but it is here to talk about the zoning and safety of the neighborhood issues.

Mr. Miller responded the Department of Corrections does not have the ability to send anyone to Resurrection Ranch; the people who come to the ministry out of the jails and prison system have been 100% released; they are not on parole or in any form of incarceration; and they are allowed to move into any house in any neighborhood in Brevard County. He stated they know their neighbors are concerned, so they have in place a very structured guideline; for the first 30 days any resident coming out of jail or prison and coming into their facility is not allowed to walk in the immediate neighborhood; and that person is required to stay on the 5.5-acre facility until they get to know him or her and his or her daily habits and prove to them that he or she is going to be a good neighbor. He stated the program is set up that a simple disrespectful tone of voice to one of the neighbors is enough to terminate them from the facility. Mr. Miller advised the program is set up that at 6:00 a.m. their residents are out of bed, beds made, then meal time; after the meal they go to time of quiet devotion; throughout the day they are given chores to continue to help with the upgrade of the ministry and facilitation of running it; and with that they become part of their family. He stated the residents are held accountable and responsible, not only to his family, but the rest of the residents who are their family; they do not get up in the middle of the night and sneak out of the dormitories; if they do, their fellow residents stop them or tell administration that something like that is happening; and it is grounds for immediate termination. He stated the protection is the amount of oversight that is done on a day-to-day basis; his staff lives on the facility; they do not go home at night; and he lives within 500 yards of the facility.

Commissioner Carlson advised she met with Mr. Miller and they talked about the services, but for clarification for others who are listening and did not have that opportunity, could he explain all the services that Resurrection Ranch provides other than the Contract with Department of Corrections that seems to be the focal point.

Mr. Miller advised Resurrection Ranch partners with virtually every ministry and agency in Brevard County; the Hope to Go Clinic comes twice a week to provide medical care to residents; a doctor in Satellite Beach provides free dental care for the people in need; Dr. Samuel Winn provides eye care examinations to individuals; and they partner with Department of Labor and have a job link station on their facility. He stated individuals can do job search, job resumes, and get information on how to receive scholarships for any job training they may need so that they do not continue in the homeless state that they are in; most of the people who come into their facility work in very low-end jobs and that is what causes them to become homeless; so Brevard Community College works very closely with Resurrection Ranch in re-training individuals. He stated one of their young ladies is going to FIT on a full scholarship to become a nurse; the Ranch also provides day-to-day counseling; there are probably 32 churches that are involved in the Resurrection Ranch ministry and their associate pastors come to the Ranch daily to provide

one-on-one counseling with the individuals; and that speaks more to the program than having them sit in a classroom 30 or 40 at a time and listen to a pastor speaking of issues. He stated the one-on-one counseling gets right to the core issues that caused the person to become homeless and to come into their facility.

William Petrick of Melbourne advised one of the concerns noted in April 20, 2004 letter from the neighbors in Pinewood Park was the 111 9-1-1 calls to the Sheriff's Department; that is a gross misrepresentation; of those calls made to the Sheriff's Department from January 1, 2004 to April 13, 2004, 48 were initiated by the Sheriff's Department or other Law Enforcement agencies; some of those calls were Bob Cline and Deputy O'Connell saying hello; and 77 of those, or 69%, were not for police services, but attempts to contact persons and notify next of kin for traffic accidents. He stated 11 of the calls were initiated by residents pay phone or personal cell phones; 24 calls were initiated by the Ranch; of those 24 calls, only six were 9-1-1 in nature; and the other 18 calls were to the non-emergency number. He stated two of the 9-1-1 calls were in 2001; three were in 2002; and one was in 2003; and nobody from the Resurrection Ranch office, the pastor's personal phone, or the director's cell phone have called 9-1-1 this year. He stated of the six calls, two non-resident individuals were responsible for four of the 9-1-1 calls; they have a statement at the Ranch that there are no secrets; if anybody is misbehaving and causing a problem, the other residents turn them in; and he lives there and is there seven days a week, 24 hours a day, and is the men's director.

Commissioner Colon inquired if Mr. Petrick knows what the calls from citizens were for and was it for Code Enforcement; with Mr. Petrick responding two citizen calls were disgruntled previous residents who said they were running a chop shop; the police came and investigated and saw that they were not running a car chop shop; and two other calls were traffic accidents on U.S. 1, one for a boat coming off a trailer and blocking the intersection of U.S. 1 and Pineda Causeway, and the other for a minor traffic accident.

Oscar Watson of Melbourne advised in 2000 he came upon the Ranch and was out of control with drugs; he was homeless and had no where else to go; and from 2000 to now, the Ranch has turned his life around. He stated he learned what the word integrity really means; he met new friends, psychologists, retired servicemen, generals, and those type of people; and the Ranch has done a lot and will continue to do a lot because they have a love for humanity in their hearts. He stated it is not just the drug addicts, alcoholics, or the homeless, but there are many other people who fall into hard times as well; they assist in any way they can; and since he has been there, he has become part of their staff. He stated he enjoys doing what he does because it shows that none of them are exempt from falling into hard times; and the main factor is that they are helping one another and not cutting each others' throats.

Robin Switzer of Melbourne stated she will read some and ad-lib some; they have lived in the neighborhood since 1993; they have not had any problem; they had some issues with the Ranch when they first moved there; but they did not know what the Ranch was doing. She stated everyone who lives there now have moved in after anyone who runs the Ranch; they all moved into the neighborhood when the Ranch was there and in existence; it is not like they moved in and the Ranch moved in after them; and now they are saying they have a concern as far as safety for their children. Ms. Switzer stated her boys are 19, 18 and 5; when they moved into the neighborhood, her older boys were 6 and 7, and they never had a concern; but her concern now is

her five-year old because some of the new neighbors who moved in seem like they have a threatening air about them and they do not want anyone walking around the neighborhood or by their house. She stated there has been word that a gentleman stands on his property with a gun of some sort, which could be a BB gun, but that concerns her as far as her five-year old's safety, as they could be a threat, but not anyone from the Ranch. She stated they have lived in the area for almost 11 years; in 1999 new neighbors moved in next door; and they were David and Stephanie Miller. She stated they never had any problems with them and never had more wonderful neighbors than they have been; there are other neighbors they talk to and get together with, and most of them are willing to go out of the way to help people with any needs they have; and they never had any differences with David and Stephanie Miller. Ms. Switzer stated the neighborhood is peaceful and relaxing; her husband and she always said if they came into a lot of money and needed to move, he would flatten the property they live on next to the Ranch and rebuild where they live; and they have no desire to go anywhere else. She stated they believe Resurrection Ranch ministry is sorely needed in Brevard County; they not only minister to the residents with a Bible-based Christian lifestyle, but the entire staff, including the residents, giving back to the community. She stated volunteers from the Ranch can be found at the Daily Bread helping to feed and clothe the homeless, helping in a number of events by many of the churches, and sharing their clothing and food donations with other charitable drives sponsored throughout the County as well as with anyone in need who might ask for their assistance. She stated the Ranch is the first to pitch in and help any neighbor who asks for it; the Ranch has been there longer than any of the current residents who are now complaining; and sometimes it is hard to take a step in faith, yet every day the Ranch takes that step and reaches out to those whose lives they touch by Christian ministry. She stated most of the residents make it through the program and go out to live their lives, hopefully using the same guidelines provided by the Ranch; there are those who still cannot make it on their own after graduating; but there is no 100% success rate in any program. She stated the County does benefit from the program that returns those down and out, ex-convicts, and others who become productive contributing Christian members of Brevard County. She stated it is solely a matter of meeting the Code; requested the areas needed to be addressed be defined; and let the Ministry correct them and go on doing God's work.

Stephanie Miller, Director at Resurrection Ranch under the leadership of Pastor Arlene Kolter, advised their administrator is her wonderful husband David, and Bill Petrick completes the administrative portion of their staff. She stated she takes care of the women and children; she considers her position to be the most important thing that she has ever done; and the heart of their ministry is to take care of and assist people who have fallen on hard times in seeking life changes by focusing on their physical, emotional, and most of all spiritual needs. She stated most people come to them with the clothes on their backs; and it is incredibly rewarding to be able to bring such relief to a hurting individual and families who would otherwise have no place else to go. She stated they are a life recovery and family restoration ministry bringing life and hope to those who need them to help them to see themselves as worthy human beings; with loving structure and spiritual teachings, they teach them and lead them into a new life; and her desire to make a difference in society developed because her own life was at one time devastated. Ms. Miller stated she believed that she was a loser; she spent many years as a pitiful drug addict and alcoholic; she lived on the streets, wondered homeless, and landed in prison; and when she went to Resurrection Ranch when she got out in 1995, her life has been very different as a result of the love shown to her. She stated if it were not for this incredible ministry, she does not know where she would be today; they gave her not just three hots and a cot, but a warm bed, a structured

environment, spiritual direction, a safe sanctuary, and a loving family; and this year she celebrates ten years clean and sober and nine years in full time ministry. She stated they want others to find that tremendous hope; having been down and out, homeless, and without hope makes her realize that the County has an urgency for places like Resurrection Ranch; and even President Bush and Governor Bush recognize how imperative it is to minister to those in spiritual poverty as they proposed the faith-based initiative. Ms. Miller stated reality is that most people who land in homeless situations as a result of those lifestyles have ended up in jail or prison; it would be extremely difficult to find a homeless person who has not ever been arrested; and it is their desire to continue the wonderful work that is rebuilding so many lives and restoring families to function and live so they can go out and make a difference. She stated she and her husband David live in the neighborhood at 5850 Old Dixie Highway; the day they moved into their home was the most wonderful day of their lives; they have been living and serving in the ministry for several years without benefit of salary; and they asked God to bless them with a home when Bob Brown approached Resurrection Ranch about buying the house they live in. She stated they considered that offer to be a direct answer to their prayers and since moving in, things have been pleasant and peaceful. She stated they have extended hospitality to all their neighbors and have become friendly with most; they are grieved by the sudden contempt and division that has become so evident even to the point that their neighbors are asked to choose sides in the battle; and although a fear issue is a claim, there is a continence that suggests something entirely different. She stated many depend on Resurrection Ranch as their home; and they look forward to working with the Board and Zoning Board to bring those issues through to resolution and returning to the work they love so dearly. Ms. Miller advised the entry agreement is signed by the people who come there; they limit them to contact outside during their initial 90 days; they agree to participate in all the programs and activities; and they understand all incoming and outgoing mail is screened by staff for anything deceptive. She stated they understand that Resurrection Ranch staff members may thoroughly check personal possessions upon arrival and reserve the right to inspect personal property during the duration of their stay; they agree to have never been found guilty, plead no contest, or had adjudication withheld on sexually-oriented charges; and they consent to having criminal background checks. She stated they hold their residents to a very high standard on their entry agreement and they have guidelines they would love to share with the Board.

Gary Guido of Melbourne advised he wants to address the recent criticisms by certain neighbors of the Resurrection Ranch; he has lived in Brevard County for six years and has been an active member of the community volunteering with several different organizations; and his wife and he became involved in Resurrection Ranch through a neighbor, within the first few days after they moved in. He stated they have literally gone to Resurrection Ranch hundreds of times, taking residents back and forth to different meetings, to do things, bring clothing, washing machine, and visiting some in the morning, some in the afternoon, and at late meetings; and they have never seen people wandering all over the neighborhood as was stated at a recent meeting. Mr. Guido stated there is no truth to that statement; it does not happen there; and he would challenge anyone to ride through the neighborhood. He stated Resurrection Ranch is there to help brothers and sisters who need help; people take upon themselves to come out and help in the community; there are many people who are Resurrection Ranch residents who may have had a problem in the past, but everyone has had problems; and if the Board feels in the end that the CUP needs to be altered in some way, he would ask that the Board do something in that regard.

Chair Higgs reminded everyone that the issue is not the work of Resurrection Ranch, but the zoning issues; and requested they try to keep to that point. She stated she knows many are supporting of the Ranch, but requested they confine their comments to the real issues.

Jinger Knox of Melbourne advised she told everyone what her issues are with the zoning and so forth, so because her family has been attacked personally she is going to tell the Board why she has the feelings she does about the Ranch. She stated she hates to get into that because this is a zoning issue, and the Board knows there are legal grounds. She stated when people stop her three-year old in the hallway and say this is the weird family that wants to close the Ranch, she wants to explain to the Board why she is emotionally as well as legally involved; and she has been put in the position because of the lack of oversight by the County and State. She stated Resurrection Ranch has claimed it does not take money from the County, but are providing services for the County when in reality the County has given it thousands of dollars to run the facility, and the Ranch is burdening the County with public service needs and not lightening the load. She stated the Ranch has only a 34% success rate; that means 66% of the people are unsuccessful in finding a part-time job or getting a place to live; and that means when they take people through the DOC Contract, they are from other counties like Miami-Dade and are making those people come to Brevard County when 66% of them are not successful, so they are increasing the load on the already overcrowded jails and facilities. Ms. Knox stated they are not only helping people from Brevard County, but are also taking people from other counties with only a 34% success rate; the managers talked about their mini-job link program; the United Way provided a new computer system and paid them \$1,250 a month; and during the time they had it, nine people out of 59 residents took time to use the program during the month. She stated if she had a program and computer there, and was given \$1,250 a month to have it available, she would take more time than that; but if they are allowed to live in the facility five to ten years, like many of the people are, then why would they look for a job if they can live off the system for those years. She stated she saw a touching story in the paper about Lisa and her children; the family has lived at the facility for five years according to the article in Florida TODAY; many of the other residents have lived there for five to ten years; so it is not transitional housing, but just plain housing. She stated the program does not give the individuals the skills they need to succeed in society; if they look at the report from 1996, the year that David and Stephanie Miller took over the Ranch, and also the year when they stopped renewing their license through the proper State agencies, the Board would find a report from the fire marshal that says the facility is not an assisted living facility and is a multifamily transitional housing unit and should be considered as such. Ms. Knox stated in the Florida TODAY article, Ms. Carson stated she was concerned with the impact on children by being around a criminal element; and inquired if Lisa's children were taken out of the home, would that end the problem. She stated she has never used drugs and has never been a prostitute, yet the Board is willing to allow her children to be around that criminal element every day; it is letting criminals come into her house when she is not home and peer into her windows at night; and it is preventing her children from riding their bikes around the block because they are scared. She stated she wants the Board to tell her children what they did wrong to have to be prisoners in their own home; their parents have never committed a crime; and the only thing they did wrong was trust the Board had supervised the Resurrection Ranch, made sure that it was licensed per State laws, and had issued a zoning requirement for a children's home not for a transitional housing facility or drug rehabilitation center. She stated they took those things for granted that the Board had done all that since 1996 because they were licensed properly in 1996; but for some reason they no longer felt they had to have that licensing. Ms. Knox stated she

understands they want to help people and there is a need for that; but they do not understand the dangers involved for the children in the neighborhood and the children in their facilities; and if they did understand, they would take better precautions. She stated she has seen first hand and none of the Commissioners and a lot of other people have seen it firsthand, but they are residents and supporters of Resurrection Ranch and are not there every day; she would welcome them to sit there at her home, not this week because they have toned things down since she brought it to the Board; but before then, the people were coming around, were inside her house, and were doing all the things that they were doing before she made this plea to the Board. She stated furthermore the Resurrection Ranch has 7,400 square feet; the minimum requirement is 250 square feet for each resident; that means there is a maximum of 28 people allowed in that facility; but they have 68 people or 59 by their current record and licensed for 68. She stated she would like to see the Board tell the Ranch they have minimum requirements they have to meet for square footage, they need a State license so they can be overseen by the State, and they not have any association with Department of Corrections per zoning regulations. She stated those are things that are required for any institution.

Commissioner Pritchard inquired how long has Ms. Knox lived in the neighborhood; with Ms. Knox responding about four months, which was plenty of time to see that it was not a safe environment for her children and she needed to do something. She stated she went to the board of Resurrection Ranch before coming to the Board of County Commissioners and asked it to assure her and her family's safety; and it did nothing. Commissioner Pritchard inquired what made Ms. Knox move to the neighborhood; with Ms. Knox responding she bought a lot and was told that Resurrection Ranch was a nice place just like the people said today; she befriended the Ranch when she first moved in; and after hearing some of the things from the residents, she went to Stephanie Miller and said they were concerned with their safety; and Ms. Miller said when a new person comes in, they learn a little bit about them like they would in any neighborhood. She stated she told Ms. Miller if they are part of the neighborhood, they need to be afforded some protection; and Ms. Miller said she could not do that because she may use the information against her. She stated that is when she started doing research; and that is what brought her to this point. Commissioner Pritchard inquired what did Ms. Knox mean by residents of the neighborhood; with Ms. Knox responding the residents of Resurrection Ranch.

Reverend Len Gon Gola of Satellite Beach advised he has been ministering at the Ranch for seven years; he never found a ministry that gave him so much joy working with folks who need help; and he asked people to sign the petition and to pay serious attention to it before signing because the County Commissioners want to do a responsible job and it will show them that they care. He stated he is here today to show the Board that he cares and thinks they all know that folks who need help need a place that will show them love and concern, and offer a systematic way to help them change their lives. He stated he is known as Pastor Lenny at the Ranch; and he has never had such a loving joyful experience as working at the Resurrection Ranch. Reverend Gon Gola advised he has another ministry and is the founder of Sun Beam Prison Ministries; he covers prisons all over America through books, tapes, and writings; and he has a hands-on ministry of speaking to prisoners, which has been in operation for more than 28 years. He stated his real joy has been working with folks that he can see and touch every day.

Charles Boyd of Cocoa Beach, Chairman of the Resurrection Ranch Board, thanked all the people in the audience who have taken time off work and their busy schedules to come to the

meeting; and asked those in support of Resurrection Ranch to stand. He stated he knows it is a zoning issue; they said everything that needs to be said about the Ranch and the good work they do; but unfortunately through the years the Zoning Code has changed and none of the current zoning classifications fit what they are doing right now. He stated they have a long history of doing what they do and that has not changed much over the years; and requested the Board consider grandfathering in their activities and vesting their rights to do what they do by creating a new zoning category that fits what Resurrection Ranch does.

Cindy Marshall of Melbourne advised if it is a zoning problem, something needs to be done about it so that Resurrection Ranch can continue to help people who really need help.

William Powell of Satellite Beach advised he owns property at 2670 Pine Cone Drive and did not have a problem with the ranchers; they do not walk down the street in front of his house; and they do not go into the woods because he moved out of the neighborhood along with the Browns, Smiths, and others. He stated he believes all the good things people are saying and that everybody deserves a second chance to get back into society; he knows what he is talking about because he has been sober for three years and is proud of that; and there is no denying the good they do at Resurrection Ranch, but that is not the issue. He stated the issue is compliance and the bad things that go on; the Board heard it does not happen in the neighborhood, but it does happen and it is not the good people they are saving, but the ones they are not saving that go into the woods, drink, and have sex, but that is not his concern. Mr. Powell stated his concern is they are buying up the neighborhood; someone said property values increased 78% in Brevard County; but it has not increased in that neighborhood. He stated his home was a big investment and was his first home; when he bought it he was deceived and told it was a boys ranch and a church retreat by the seller, not by the Ranch; and he went into it blind. He stated the property values are going no where; and he left but could not take his house and property with him so he rents it now. He stated his mother asked if she could sell her house in Titusville and move closer to him, and he told her no and blamed it on the traffic on U.S. 1; she said she was a good driver; but he told her he did not want her in the neighborhood. He stated they moved into the house at the end of the street; he had one dealing with the band director because his music was loud and he asked him to turn it down; he smelled like a brewery and was high on something; and he said he was only at the Ranch because he had to be and as soon as Eric Clapton went on tour, he was going with him as his keyboard player. He stated that is what is going on at the Ranch; they are putting people into the neighborhood; they have 13 properties and two houses; and inquired how far are they going until they have all the homes and the Board will have the residents of Suntree coming and complaining like the neighbors are now. He stated it was fine when it was up the street, but they are moving through the neighborhood and want the whole neighborhood.

Jeff Lake of Grant advised he is speaking on behalf of the neighbors of Resurrection Ranch; he sent a packet of information to each Commissioner; and he believes it is highly relevant to Resurrection Ranch issues and consideration of proper zoning, site requirements, licensing, and other possible needed regulations of private contractors providing State and County-funded transitional living housing for clientele from the prisons, mental hospitals, and the homeless. He stated the clientele and faith-based services appear to be similar; however, the subcontractors and physical facilities of other places are not; the growing number of transitional living facilities are popping up all around the State and County; and his concern is how they are addressed as a whole. He encouraged the Board to consider the privately-owned facilities in the broader scope

and not set a precedent nor establish public policy from the singular consideration of Resurrection Ranch, which may be a more polished facility than others in the County that have issues and incidents that impact local neighborhoods. Mr. Lake stated at present there appears to be little or no consideration by the State or County for the safety, health, and welfare of neighboring residents that have a unique clientele that are associated with the State and County prisons by virtue of contract; and ex-prisoners, ex-mental patients, and the homeless are public concerns and are being channeled through private contractors while being supported by public funds without proper regulations that consider the impact to neighbors who pay for those programs via taxes. He stated he understands the overcrowded conditions of the prison system, but transferring liability from the public arena to select neighborhoods is inappropriate without proper regulations; and in light of that, he would like to relate some issues of a faith-based facility in his neighborhood that relate to this situation. He stated they serve the same type of clientele and is supported by Department of Corrections; they had issues of trespassing and home invasions; various clientele availed themselves to the use of his dock and lawn furniture, and his neighbor's dock; and they had to have them removed. He stated his neighbor reported to him recently that a resident who appeared out of drugs and medication entered his residence seeking a bedroom; he just walked in; the Sheriff was called to remove the individual and return him to the transitional facility; and that is a matter of police record. He stated he found an injection needle stashed under his fence that was apparently used by a resident living in the cottage by his home; according to another resident he confronted, he confessed the resident was a heroin addict; and he does not know what kind of diseases were on that needle that could have pricked him while cleaning the brush around the fence. He noted the police were called and the needle removed; and that is a matter of record. Mr. Lake stated another incident was a plastic liter bottle of vodka stashed by the property line near the same cottage next to his home; he almost ran over it with his tractor; and the weight of the tractor would have burst the bottle, igniting him into a ball of flames. He stated the Sheriff was called and the bottle was removed and is a matter of the police record. He stated on the Indian River side across U.S. 1, he saw from a distance residents passing what appeared to be a marijuana joint back and forth; at times he is awakened in the middle of the night by sounds, voices, or music accompanied by the smell of pot; and empty beer cans, booze bottles, and food wrappers were occasionally thrown over the fence onto his property. He stated the residents on a number of occasions were burning pepper tree cuttings without permits and choking neighbors and causing him to close his windows and sometimes having to vacate his property because he has low-grade emphysema. He stated he informed them of the need for a permit and that pepper tree smoke is caustic; and he contacted the local fire officials and confirmed that no permit was pulled. He stated domestic and farm animals were there, which exposed them to ecoli infection from animal fecal matter, which has caused diseases over the last two years and has ruined his health causing him not to be able to work. He stated his point is the facility is like Resurrection Ranch serving the same clientele, and things do happen.

Tom Greenawalt of Melbourne advised modern society requires government that often looks over the shoulders of and frequently rescues the institutions upon which it depends to champion the cause; unfortunately organizations with exemplary mission of salvaging people's lives are not exempt from a tax that is sometimes frivolous in conception and devoid of compassion. He stated one such organization is under attack by a group of parties that indignantly suppose that Resurrection Ranch has placed itself badly in relation to the neighborhood landscape, has provided human sanctuary for legions of youths and adults for over 15 years in refuge of restoration, and has extended its stewardship, goodwill, and resources to one and all including its

antagonists. He stated Resurrection Ranch and those of similar nature deserve to be shielded from those who may possess and demonstrate self-serving agendas and judgments; some people enthusiastically live lives of discontent, however misplaced and destructive; and there needs to be careful consideration and approval of a zone that will allow Resurrection Ranch and other vulnerable ministries to continue providing their services while providing proper protection and safeguards. He stated the issue deserves the Board's consideration because there must be an intelligent relationship between zoning ordinances and community services; the Resurrection Ranch ministries is an excellent neighbor and law-abiding community resource that is in the business of successfully enriching people's lives; and the personnel who administer the service and the people they diligently serve truly matter and desperately need the Board's help.

Chair Higgs advised the Board has gone through 18 of 32 cards; and if people feel their comments have been shared by someone else, the Board would appreciate it if they would just acknowledge that, so it can get to some discussion of this critical issue.

John Clifton of Melbourne advised he lives across the street from Resurrection Ranch; they do a wonderful job for everybody there; and the only complaint he has is the location. He stated he has owned the property for two years and should not be here complaining about something that was there before him, but for the first four months his house was broken into no less than ten times. He stated he came to the County for a fence permit, installed the fence, and had no more break-ins or troubles with them; and he put bulldogs in his yard, so he is safe, but is only one of the neighbors.

William Tulley of Melbourne advised he is here to provide the historical perspective regarding Resurrection Ranch; when he moved to Florida in 1956 with his wife Pat, U.S. 1 was a two-lane road and Pineda Causeway did not exist; the facility was a motel that had been abandoned and was in terrible disrepair; and in 1970 the property was acquired by Reverend Aubrey and his wife, who developed, under the auspices of the Florida Health and Rehabilitative Services Program, a facility to rehabilitate young men. He stated it took three years for the Aubreys to gain approval from the State to have convicted felons and juvenile delinquents placed in the facility rather than go to a State institution; and many came from the State institutions because the State could not handle them. He stated they could not even keep them physically restrained and they would break out of the State institutions. Mr. Tulley stated the program was a marvelous success; he got involved early and helped to restore the property; he was on the Board of Directors from 1971 through the mid-1980's; and in 1982, Reverend Aubrey died and his wife tried to continue the program but was unable to do that. He stated the facility was turned over to the Tabernacle Church; and the program continued somewhat differently, but it was a program to rehabilitate individuals of our society who needed serious help. He stated he does not know the statistics as far as the rehabilitation success at Resurrection Ranch, but he knows it was marvelous in the early years with the boys; and it seems to him that part of the issue is like someone building a house at the end of a runway then complaining about jets flying over his house. He stated the facility has served people who need help for over three decades; the Statue of Liberty stands in New York harbor to beckon people to come who need the liberty of this country; and Resurrection Ranch stands as a symbol in this County. He stated there is only one answer in the Board's deliberations on this matter, and that is to grandfather the Ranch in and its programs and activities; and requested the Board do the right thing.

Peter Cameron-Nott of Melbourne advised he came to Resurrection Ranch four years ago and was homeless for two years living in the woods and dining out of Conky Joe's dumpster; he literally had given up on life; but certain circumstances led him to Resurrection Ranch and within two weeks he gave his life to the Lord. He stated while he was at the Thanksgiving event in 2000, the Lord put it in his heart to start a food outreach ministry, which he has continued to do and is now serving 1,500 people a week. Mr. Cameron-Nott stated he started his own business, has his own home, and has a day job; and he is thankful to the Lord, Resurrection Ranch, and the people who counseled him and showed him the love of the Lord. He stated he visits the graduates on a daily basis to counsel and give them encouragement that there is life after the Ranch and to move on and do something positive. He stated he could have been on welfare or become a taxpayer; and it was his goal to be a taxpayer. He noted the more taxes he pays the more successful he is.

Reverend Richard Kinkead of Melbourne advised he is a retired police officer from NYPD, a minister, and President of East Gate Ministries; he has been a teacher and counselor at Resurrection Ranch for the last six years; and in that time he has seen many people like himself, who was an alcoholic, find Christ. He stated the Lord turned his life around and uses him to be a counselor and teacher to many of the people who are struggling with the same things; he has seen hundreds of lives turn around over the years; and those people became taxpayers. He stated Mr. Miller teaches the residents trades such as fibreglassing boats, carpentry, plumbing, and many other skills; it is not just faith-based, but has turned around many lives and given people reason to hope; and if that is taken away, it would not be doing them a good service. Reverend Kinkead urged the Board to seriously consider grandfathering in the Resurrection Ranch so they can continue their work; Mr. Cameron-Nott is an example of what can be done with Christ as the central figure in their lives; they are taught how to go to the Lord themselves and not to depend on anyone but God and his word; and they become strengthened and get their hopes from Christ who says who they are, not man.

Joshua Gee, Acting Associate Pastor of Agape Community Church and Program Director of Agape Road to Damascus Ministry, advised he supports Resurrection Ranch; he knows it is a zoning issue; but places like Resurrection Ranch are needed in the County. He stated he has been clean for three and a half years; spent some time at Resurrection Ranch a few years ago; and is familiar with the people in charge, what they do, who they represent, and what they represent. He stated in this society in general and this County in particular, the need for a place like Resurrection Ranch is paramount; the need for places like Agape, Light of the Lord Ministries, and His Place are paramount; and if the Board needs to change the zoning rules or whatever it needs to be done. He stated over the years it has been found that incarceration does nothing for the addict; it does nothing to change anything; faith-based initiatives and spiritual walks with our Creator and Savior Christ Jesus are changing the face of the addict today; and it is taking the addict, someone who has been a burden on society, and giving that addict a reason to live a right life and sending him or her back to society to live that correct life. Mr. Gee advised he has been clean for three and a half years and has dedicated his life to helping other addicts get clean and stay clean by the grace of God; and there is no other way to go for the addict and the alcoholic. He stated Resurrection Ranch also helps the homeless and to give them a chance to hope; hope turns into faith, faith turns into actions, and actions turn them to good members of society and children of God.

Dr. Samuel Winn of Melbourne advised he has lived in Brevard County since 1957 and as an optometrist since 1973; and for the last ten years, he has provided eye care and glasses to people at Resurrection Ranch as well as dozens of other ministries in Brevard County and as far south as Okeechobee and as far west as Orlando. He stated he visits the Ranch at least once a month and have not witnessed a number of things he heard about today; he personally sent people to the Ranch and provided finances for them; and he does not feel he is in a position to dictate to them their policies or way of doing business. Dr. Winn advised he is working on the details of something that will provide services and bring a quarter of a million dollars into some facility; he would like to see the Board change its zoning regulations to allow Resurrection Ranch to be that facility; and the facility will be the nationwide supplier of eyeglasses in America. Dr. Winn stated he plans to put a mock office where people will be trained to provide eyeglasses similar to what people have when they have their eyes checked; people will also be trained to make glasses, make appointments, and help select frames; and glasses that will be manufactured will also be sent to other restoration ministries. He commented, like the other man who spoke, he would like to pay a million dollars in taxes.

Shirley Leslie of Melbourne advised her concerns are the lack of supervision of control at Resurrection Ranch and the safety of their neighborhood and the children at the Ranch. She stated many of them react from fears from the Ranch; some of those fears can be supported by documentation; there are adult criminals sentenced to their neighborhood; and there were 186 9-1-1 calls, which do not include those from local residents. She stated there were trespassing violations, condoms and rags found in their yards, vagrancy, public alcohol consumption, trashing her mailbox, and constant overflow of strangers walking by her house. She stated not long ago she watched one of the residents walk along U.S. 1 with an open beer can, take a drink, and toss it before he entered the property; the same person was later seen by others doing things; he rode his bike on Wickham Road after the last Commission meeting; and anyone who lives in the neighborhood has heard about her because she is the one who calls the County about Code violations. Ms. Leslie stated she called Earlene Colter about one of the Ranch's children standing alone in the drain on U.S. 1 in early morning traffic years ago; and she is the one who confronted them about someone refusing to move so they could see oncoming traffic on U.S. 1, and about the vagrancy, their wooded property, and the man lying in her driveway when she came home one day. She stated she is the one the neighbors talk about when stories are told about them putting donated vehicles out in mass so they can upset her; she is the one who expressed anger at County staff for lying to her husband; and she is the one reminding the County that there are very young children living not with just adults, but with State-funded released criminals. She informed the Board that middle-aged children were involved in grant projects at the facility; she worked for 32 years and paid her taxes and did not live off the system; because of her work schedule, her daughter must walk home from her bus stop among more than a normal concentration of freed ex-criminals and other homeless groups of men; and as Mr. Hedman said, they are not pretty and they are not all good. Ms. Leslie stated the Ranch needs additional supervision; they need checks and balances; and inquired why are the neighbors the only ones who keep them in line, why has the County not known for the past 19 years whether or not the Ranch has proper licensing, and why has the Ranch not had its own internal checks for all those years to assure that what they do is in compliance. She stated they deserve some type of County intervention; it is not a safe shelter; the people do not live at just one location like other homeless or treatment facilities; and they do not live on the edge of an airport like the Girls Ranch in Melbourne or an industrial area like Circles of Care. She stated they live interwoven within their residential area; the Ranch owns

property all around the neighborhood and has past convicts living on Ranch properties next to their side and back yards; those people hide in bushes, drink in public, and move freely throughout the County while breaking laws and trespassing; and they are unabated. She stated the Ranch is trying to buy even more property in the neighborhood and expand their facilities to the west lots closer to Wickham Road to allow for more intense influence of homelessness and criminal elements. She requested, when the Board looks further into the living situation of the Ranch, that it consider a few things; stated there are people who have lived there for many years; and an effective program would turn people back out to become contributors to society and self-sufficient. She stated they also want to assure the Ranch has no religious discriminations contrary to its sign on U.S. 1; and they also want to investigate why a building cited by the County has been allowed to exist for so many years in violation of the Code.

Commissioner Colon stated she does not understand the issue about the middle-aged children; with Ms. Leslie responding there is a church that has a program that sends children into the community to learn how to do certain things, how to help the neighborhood, etc.; and those are sixth to eighth graders. Commissioner Colon inquired if they are going to Resurrection Ranch; with Ms. Leslie responding they have, but she does not know if they still are, but their synopsis projects that they would. Commissioner Colon stated she thought there was some impropriety that Ms. Leslie witnessed and that is why she asked about it. Ms. Leslie stated it is in writing.

Mark Leslie of Melbourne stated it is not about the neighbors attacking those who have gotten good from Resurrection Ranch; it is not about the good they are doing; and it took him a lot of soul-searching to get to this point. He stated it is not fun; he would rather sit through a Parks and Recreation Committee meeting with Tortoise Island residents than deal with this issue; but they have some issues they need to address; and requested more time. Chair Higgs advised Mr. Leslie that he needed to confine his presentation to five minutes. Mr. Leslie stated in Mel Scott's report, he talks about the RSSF definition; he maintains the RSSF definition is germane to this case and relevant to the zoning and attached to the zoning; and in the language they have assigned residents for a treatment or recovery facility, ACLF, group home, or whatever it is. He stated they are dealing with assigned residents; it is an umbrella definition that attaches to each of those subcategories; from that they looked at the definition of assigned resident; assigned resident is someone who has never been convicted of a felony; and that is the issue. Mr. Leslie stated they have had twelve years of this and the Board is only giving him five minutes; he has a problem with that; he agrees with Mr. Scott's opinion that Department of Corrections Contract is contrary to the ACLF definition; however, he would attest it is not the only violation. He stated the Ranch has association with other jail ministries; local judges sentence people to the Ranch as a condition of release; and urged the Board to make a determination regarding the relationship between local correctional systems and the Ranch in terms of its consistency with the RSSF and ACLS definitions. He stated the Ranch said it is a treatment and recovery facility for ex-convicts and others; that is not consistent with the RSSF and ACLF definitions; Mr. Scott's approach is assertion; he has a question for Commissioner Carlson; and inquired where did the resolution come from certifying their consistency. Chair Higgs advised Mr. Leslie the Board understands his question, but he should continue his presentation. Mr. Leslie stated his supposition about the resolution is that someone asked for it because it was required for the RFP for the contract with the Florida Department of Corrections, which states, "Contractor's facility shall meet all State, County, and city zoning, permitting, and licensing requirements necessary to operate the facility and provide documentation of compliance with all such requirements." He stated if he finds that

the resolution is the supporting document, it is his opinion it is a rezoning without due process, and the Board has a serious problem; the Board has let this grow and grow and nobody is paying attention; and they are asking the Board to pay attention now and hope that it will. He stated they want to resolve the issues; the facility is not zoned for what it is doing; it does not have the square footage for the number of people they have; and they have a land grab going on. Mr. Leslie stated the Board is not listening and the people need it to listen; they are a small group of people and need the Board's help; he sees all the votes in the audience; and he is afraid that the Board is not going to listen to the little guy. He stated it is something they are very serious about; they need some protection and need the Board to step up and understand they have a problem; it is not that they hate anybody or are out to get the Ranch; and they simply need the Board's support. He stated there are other questions that were asked, i.e. what is the actual square footage of the facility, were tax dollars used to purchase other property outside the CUP area, what is the determination regarding the properties outside the CUP area, and are the houses owned by Happy Landing Homes in the neighborhood authorized living quarters for residents of Resurrection Ranch ministry. He stated he would like to have any exparte communications the Commissioners may have had with the Resurrection Ranch; and presented letters to the Board, but not the Clerk.

Ginger Ferguson of Cocoa, Executive Director for the Coalition of the Hungry and Homeless WIN Program, advised they know the needs in the community for emergency shelter and transitional housing, and most of all affordable permanent housing for low-income residents; they know of the wonderful work the Resurrection Ranch has done; but they are here to talk about zoning issues. She inquired why is there nowhere in Brevard County or any municipality that has zoning that allows for emergency shelter; stated it is exclusionary zoning; and there is nowhere where someone can provide transitional housing and a rehabilitation program like the Resurrection Ranch faith-based program without applying for a CUP and go before public hearings and having the communities and neighbors that are concerned and fearful of "those people" objecting. She stated "those people" are everywhere; they are literally living in their backyards and woods; they are more of a threat when no one knows where they are and who they are, and when they are living in neighborhoods where there are people who do not understand that they are their neighbors. She stated they have a right to live and have a place to go, a place they can get the help they need; and inquired if the Board can guarantee her that someone in her own neighborhood is not going to be a threat to her or that her neighbor is not a convicted felon. She stated in the Guardian Paper that is published every month, there are convicted pedophiles; everyone knows where they are because it is in the paper; and inquired if anyone knows whether their neighbors are convicts. Ms. Ferguson stated their planning process is through the Board of County Commissioners, Continuing Care Coalition, and Community Mental Health and Community Solutions Committee; they realize the need for housing; hard-working people doing 90% of the labor can no longer afford a place to call home; the medium price last year was \$123,000; prices are escalating; and that is why they must have zoning in place for people who work hard and do not make a lot of money. She stated right now two people working at minimum wage cannot afford to rent anywhere; someone on disability income of \$540 a month is at risk of being homeless; and homelessness is so traumatic that it presents symptoms of other mental illnesses and diseases. She stated alcohol and drug use without places like the faith-based initiatives and the other agencies that are working to provide community solutions to the problem will be in serious problems because they would have to spend taxpayers dollars either up front or on the back end. She stated they put people in jail because they violate ordinances and do things criminally when they are desperate; desperate people commit desperate acts; so when they

provide assistance, they save taxpayers dollars. Ms. Ferguson stated they can help many more people with zoning, affordable housing, and supporting faith-based groups; there is fear everywhere in the community ever since 9/11; they do not know what is going to happen with them; but they know when they provide help and love and encouragement, people can recover through the grace of God.

Pamela DeFoe of Melbourne advised she bought a house in November at the end of Capeview Lane; she sees all the activities going on, the drug dealing, prostitution, etc.; the railroad got charged \$30,000 because one of those people drove their vehicle through the woods on the railroad tracks; and those things go on all the time. She stated she woke up one morning with one of their cars blocking her driveway; she called the Sheriff's Department; they came to her house five minutes after she called and those people were pushing it back; and now it is sitting at the Resurrection Ranch and is unsafe because they are not supervised at all. She stated they go into the woods; there is a doctor's house that is at the end of the road; they cut the fence to go in there to smoke drugs or whatever; and when they walk through the neighborhood, they see beer cans and everything else. She stated people are given tickets for driving without a license; those people are driving up and down the roads with no license, tags, or insurance; but if it was her, the law enforcement people would put her away. Ms. DeFoe stated there is a five-year old child in the neighborhood who dodges vehicles, and his parents do not even know where he is; and his parents are best friends with the people at Resurrection Ranch, so they are all going to stick up for them. She stated they need the Codes to benefit them because they are the ones who are paying the taxes; and they are the ones who take care of their neighborhood. She stated everyone deserves a second chance, but when they do it over and over again, it is ridiculous; the Commissioners should come to the neighborhood and sit there for a week at a time and see all the misfits that are coming in and out of the woods; it is unfair; and they would not want it in their neighborhoods. She stated if they were supervised or stayed on the five-acre facility, it would be all right, but they come and go in and out of their houses sneaking in their windows; she lives at the end of the road; and they have no business back there. Ms. DeFoe stated the little boy came to her driveway; and his mother did not even know where he was. She stated the Coast Guard went around to all the little islands; they have piled up canoes and boats with all kinds of things and are living on the islands; it is not a facility where people are watching anybody; and inquired if the Board is going to wait until they go to Suntree and break into someone's home there. She stated it is unfair to them; when she bought her home, the property was appraised so low that nobody wanted to buy the house and nobody told her about Resurrection Ranch; so when she pays her taxes, they are going to be high, but her appraisal will be so low that she will not be able to sell her house; and she cannot just give it to somebody. She stated she works at Sea Ray; at 4:00 a.m. she goes to work; those people would be out in the middle of the road or whatever watching television and stuff; they are not supervised; they are out being misfits, and she is out there trying to make a living; she lives by herself and pays her own taxes; and if she can do it, so can everybody else. She stated they are given 90 days to have a chance to rehabilitate themselves; they should have a week then go out and get a job because she owns her own fence company and cannot find anyone to work; nobody wants to work any more; they want to live off the system; and it is not right for America or taxpayers for anybody to live under the system and hide under the Lord's skirt tail.

Cheryl Howell of Cocoa with Continuum of Care, Director of Services for the WIN Program Coalition for the Hungry and Homeless, stated she heard a lot of good issues on both sides of the

issue this afternoon; she worked in the County for seven years with homeless people and people in need; and Brevard County has a lot of people in need. She stated she worked for 25 years; sometimes she worked two jobs to do things she needed to do; and it is important for her as a person and citizen to know that sometimes others are not able to do what she has done simply because they are who they are. She stated in medieval times, they took alcoholics and locked them away, but today they are a more intelligent society so they gather their knowledge and address problems in different manners and search for intelligent decisions for what is going on in society. She stated every point made today is a valid point; however, society has a responsibility to take care of society; and she loves being an American because with or without power or money, she is not reduced as a human being. Ms. Howell stated they rely on individuals like the Commissioners; they vote them in office because they can rely on their abilities and integrity to squarely look at a problem and make a decision for the good of all, not just a select few. She stated it is not an issue of whether or not it is a worthy cause because they all know it is; it is not an issue of whether or not it is something that is needed because they know it is; but it is an issue of fear and intolerance and irresponsibility. She stated when she purchased her home, she did not have to submit a biography to her neighbors to purchase it; she had a certain amount of responsibility and did her homework and made a choice of whether or not she wanted to live in a neighborhood and if it felt good and right for her; and she believes they all have that responsibility. She stated she cannot change what is and needs to respect and honor the process; and inquired what will happen to the people if they do not step forward; and where are they going to place them. She stated everyone has a responsibility for his or her brothers; there is a famous saying that is, "When much is given, much is required"; and as citizens of the United States of America, they are given so much, are required to do so much and to step up to the podium and meet the mark, which is expected of all; and when they look at what is for the greater good of the community, it is important that agencies take responsible steps to solve what is going on.

Richard Brace of Merritt Island advised he has been a resident of Brevard County for 31 years; is a retired Army Chief Warrant Officer; and in the last three years of service, he operated a drug rehabilitation program in Vietnam and at Fort Devens, Massachusetts. He stated their goal was to return troubled soldiers to active and productive duty; in some ways they were successful and in other ways they were not; and those they were not successful with were separated from the Army, put into the civilian community, and referred to the VA for assistance. He stated there are people who are put into correctional institutions and places like Brevard County Detention Center; but very little correction is going on and a lot of institute; and when they serve their time and pay their penalties, they are released back into the community. He stated they all agree there has to be places for those people to go to; Brevard County is no different than any other society across the country; and there has to be places for people to be rehabilitated and work back into the system to become productive citizens and taxpayers.

Mr. Brace stated if the Board is going to decide where in Brevard County it is going to put a situation like Resurrection Ranch, he would think not in Sunset Lakes, not in LaCita, and not in Suntree; and everyone agrees they have to have those places; but they do not want them in communities and neighborhoods. He stated there is a facility within the community; it is doing the job and has been doing the job; it will continue to do the job; and if the zoning is inappropriate or inadequate, the Board has the ability to correct that. He requested the Board give Resurrection Ranch what they need to keep up the good work.

R. Joshi of Melbourne advised he owns the Shell Station south of Pineda Causeway and has known David and Stephanie Miller for ten years; they are fine, honest, and respected people; and they are doing a good job for the community. He stated he tried to help the community by providing jobs within his premises and so far has not seen anyone doing anything different; they are strong hardworking people, and everybody is trying to get on their feet; and he has put three people on their feet at this point. He stated he is sure the Board will make the right decision.

Maura Emerson of Melbourne, advised she is a Suntime mom; her husband has a wonderful job as a business consultant and travels a lot; she is alone at home with the children a lot of the time; she does free-lance decorating consulting; and two and a half years ago she volunteered at Resurrection Ranch and informally wanted to see what was going on before making any commitments to the ministry. She stated she asked staff to see different pages on the screening process and asked extensive questions about the people who live there; and generally observed the operation. She stated during that time she brought her children with her to the Ranch; her daughter, who is four now, was very young then, and her son is six; and she did not observe any pollution with beer cans and other things. Ms. Emerson stated there are more children running around in the streets in Grand Haven than at Resurrection Ranch; the Ranch is a safe haven for her children to play; she considers herself a responsible mother; but other people keep an eye on her children while she is at the Ranch. She stated the language is clean; the atmosphere has been wholesome; it is a place that she feels very comfortable in; and to give the Board an idea of how often she is up there, she has almost been made an honorary resident because she is there almost every day. She stated there is a problem in the world today; she is not a drug addict and never has been an addict; but she believes drug addicts are brothers and sisters, mothers and fathers, and children; she does not think there is a family that has not been touched by all kinds of dysfunction; and in this world, people can be part of the problem or part of the solution. She stated she wants to teach her children how to be part of the solution and teach others to become part of the solution; and that is what she sees in the ministry of Resurrection Ranch. She stated in the two and a half years she has volunteered at the Ranch, she has found a balm for her soul there; and if most people entered those grounds with the same attitude that others come there with desperate needs, they would find that they will also be edified by the staff and the program of Resurrection Ranch.

Walter Schilling of Hope Episcopal Church in Melbourne, advised he is a Rector in Suntime; has been in the community for 15 years; and practically from the beginning has been involved with Resurrection Ranch at the community services of Easter and Thanksgiving. He stated Dave and Stephanie Miller have been members of his congregation, as have a number of the residents even if it is only for a few months while they are working through the program at the Ranch; their children attend Sunday school; and one of the youth of Resurrection Ranch is going on the Honduras Mission in June. He stated the Ranch people have come over to the church they built in 1997; and in 2000, if it was not for the Ranch, they would not have sod. Rector Schilling stated he has been at the Ranch during construction projects over the past years and painted one of the buildings; his daughter has gone with Stephanie Miller to one of the prisons with the Prison Fellowship to learn how Ms. Miller ministers in that; and his daughter is learning how to administer to people who are incarcerated and need a second chance in life. He stated during the 15 years, he has seen a number of construction projects go on at the Ranch as they renovated buildings, tore down buildings, and built new buildings to make it better; he has seen where they ran into zoning problems with a septic tank that was there and it was not adequate and they had to

put in a new septic tank; and he remembers the comments about zoning issues and getting permits and those are the things he knows they faithfully went forward to do. Rector Schilling stated he is also aware there has been a tremendous spirit of cooperation over the years with people in the County to make sure the things work because the zoning and permitting for the original place had some issues with the CUP that needed to be attended to; there has been that spirit of cooperation; and he encourages that spirit of cooperation continue even if it means readdressing the zoning, changing it, and doing what needs to be done. He stated he is on the Suntree/Viera Association of Churches and pledges his commitment to be involved with them, to review and look at issues of supervision, control, and oversight with Resurrection Ranch ministry; and he pledges his personal support and the support of Hope Episcopal Church and to talk to Suntree/Viera Association of Churches to make sure those kinds of supervision issues are also addressed and they are held accountable.

Commissioner Colon stated they want to stick with zoning issues; some of the things that were said is if the Board is to approve this type of facility in any neighborhood, there are certain things it would want them to follow whether they like what they are doing or not; today is about the kind of zoning and things they would respect; and she feels strong about community policing and community safety. She stated this issue is extremely important to her because she does not see folks sitting here as a vote; those are human beings with lives and serious concerns; the majority of them are not even from her District; so this is not about a vote. She stated the zoning part is important, but also the safety part; and she believes in accountability by human beings. She stated her mother was a single parent and had three jobs; she believes in the good Lord and being able to work hard; but she also believes people need to have a certain responsibility. She stated some of the questions that were asked are some of the questions that she wants to ask the attorney and the folks who run it. Commissioner Colon stated they talked about transitional housing and folks who have lived there for months and months; she wants an understanding that if that kind of facility is to go anywhere in the County, there are certain things they have to follow; and inquired how is transitional housing defined. She stated there were allegations about not having licenses; she has an issue with that; and if it is not corrected, then she expects one of the directors to answer it. She stated she wants answers on the fence variance, square-footage of the facility, and protection for the residents where those kinds of institutions are allowed to go into a neighborhood. She stated those folks deserve to be protected just like they would if they lived in Suntree, Viera, Palm Bay, or anywhere else. She stated their right to be protected should not be different than in a community with half a million-dollar homes; and the Board's job is to protect them also. Commissioner Colon stated today may be a blessing in disguise to make sure everything is done correctly; she supports what Resurrection Ranch is doing and believes in what they are doing; and she wishes there were more places in the community like it; but today they are talking about zoning. She stated if there were things in the past, she does not know who is telling the truth and who is lying; but she wants to make sure the rules are in place so those things are not happening; she does not want anyone wondering in the neighborhood or peeping in windows; and she wants the people in the community to feel comfortable. She stated she has some concerns if some of those things have happened; it is their job to be accountable; and she holds them completely responsible for that. She stated she is extremely protective of children and wants to know if there is a new category or new zoning the Board can consider to make it right; there are certain things the institution will have to abide by; she does not want sexual molesters in their backgrounds and taking just anybody in because of the almighty dollar; so if they all work together to protect the neighborhood and make sure there is accountability, they can come to a

conclusion where it will be a win/win for both parties. She stated she does not think the Board will solve the problem today; but asked staff to elaborate on some of the suggestions they made. Mr. Scott stated he can proceed with the issues identified in the report. Chair Higgs stated the Board already knows about those issues.

Mr. Scott stated the first issue the Board would have to resolve is the zoning approval that occurred in 1986; and once that decision is rendered, it can go from that point forward. He stated in 1986, the Resolution that was attached to the rezoning action gave them a residential social service facility (RSSF) and the adult congregate living facility (ACLF); and he articulated in the report how the Board historically received and granted rezoning classifications in the mid 1980's. He stated for years the Board was taking the RSSF term, which he characterized as an umbrella definition with group homes, ACLF's, and treatment and recovery facilities, which in and of themselves are separate and distinct CUP's, and in a clumsy fashion they would list the RSSF and select one of those items from the definition and specifically grant a rezoning request. He stated on April 20, 1987, the RSSF is listed and in parenthesis is the ACLF; and with that view of how the Board was granting them, one would come to the conclusion that in that particular action an ACLF was granted. Mr. Scott stated on April 25, 1988, the RSSF had a treatment and recovery facility in parenthesis; in his estimation, the drug treatment and recovery facility, which is a separate and distinct CUP, was granted; however, if one were to go back historically and were inclined to feel that interpretation, which he is offering to the Board today is not the case, it is equally interesting to note that the action itself granted a boys ranch, which is not specifically, per his reading of the Code literally, allowed in an ACLF. He stated the group home clearly talks about families and children being able to be in a group home; the ACLF with the use of the word adult then says adults; and drug treatment and recovery facility does not specify the age; so he would think that again would allow all types of scenarios to exist; however, if a boys ranch was noted and granted, the Board today would have the interpretative latitude to say that the Board at that time was looking at RSSF and granted a boys ranch, which is something it could find in a treatment recovery facility or group home. He stated it is something the Board can discuss and draw logical conclusions based on how it is willing to interpret what the Board did in 1986.

County Attorney Scott Knox advised, from the legal point of view, when the Board grants a CUP, it grants a use that becomes a permitted use under the Zoning Code; so when the Board granted the CUP for the RSSF(ACLF) in 1986, the Board granted approval of those two uses by operation of law. He stated it means the facility has an RSSF, which means the type of operation Resurrection Ranch is running falls within that definition of RSSF; but the Board may consider the possibility that it may have the ability to modify the CUP if it determines there is an adverse impact on general health, safety, or welfare of adjoining or nearby property owners and residents. He stated if the Board finds that is the case, it has the ability to modify it by imposing additional conditions; however, from a legal standpoint, what they have is an RSSF. Chair Higgs inquired if they do not have an ACLF; with Mr. Knox responding they have both. Chair Higgs inquired if they have to meet the Code for both; with Mr. Knox responding no because they can choose to use it for any one of the permitted facilities under the RSSF, one of which is the ACLF.

Commissioner Carlson stated based on what Mr. Knox commented on and what Mr. Scott gave the Board in staff's report, under the ACLF, as defined, it says, "Generally such facilities shall have more than 14 clients and must be licensed by the State as an adult congregate living facility. If the facility is not licensed by the State, such facility must be approved by the County." She

stated her question goes back to 2002 Happy Landings Resolution that said they abide by the Comprehensive Plan and laws, etc.; but yet the definition implies oversight that she does not know and does not think the Board is in the position to do. She noted there should be some sort of oversight, whether it is by the State or by the County; and inquired how does Mr. Knox read the definition of ACLF as it applies to the Resurrection Ranch. Mr. Knox stated he does not think it applies. Commissioner Carlson stated Mr. Knox said it did; with Mr. Knox responding no, he said they both apply because there are three different alternatives under RSSF, a treatment facility, ACLF, and group home; and they are all different uses. Commissioner Carlson inquired if the Board is obliged to provide oversight, who would have been liable if oversight was not there and the Board allowed it to go in, whether it is or is not an ACLF, and who is liable for any occurrence outside of the particular facility in the neighboring community; with Mr. Knox responding the oversight provision came out of the ACLF definition; that is not the RSSF definition; it is a separate definition; and if it was an ACLF, the Board has an oversight issue under that definition, but it is not what it is.

Chair Higgs stated the Code says an RSSF is, "A governmental, nongovernmental, nonprofit, or for-profit facility providing an alternative to institutional placement in which a caretaker provides 24 hours a day care to assigned residents at a location separate and apart from the assigned resident's own parents, relatives or guardians. . ."; it does not seem to fit what is going on; and it is not an alternative to institutional placement from what has been represented to the Board. Mr. Scott stated if the Board applies RSSF to the property, then it would also go to the definition of treatment and recovery facility; and if in fact the RSSF were applied to the property, that means they could choose to fall under the definition of drug treatment and recovery facility, which is also cross-referenced in the RSSF. Mr. Scott stated in that definition, the Board would find the programs and services being offered at Resurrection Ranch falling into compliance with the definition that references an in-residence place where a wide variety of personal care and intensive supervision in casework with emphasis on treatment counseling services are provided. He stated if the Board can get to that definition being applied to the facility today, then the scope of the programs and services Resurrection Ranch is offering are in compliance with the Zoning Code.

Commissioner Carlson stated right now they have a CUP for an RSSF/ACLF; with Mr. Scott responding what he attempted to do was frame the issue so that the Board could make a better determination of what it believes the Board granted the property in 1986; and Mr. Knox advised the Board from a legal construction of that approval, it could view the property as having been given an RSSF rezoning in 1986, which would then include a drug treatment and recovery facility definition. Commissioner Carlson inquired if it would not include an ACLF; with Mr. Scott responding that is correct, they could pick and choose, and it would be a very broad approval through that interpretation.

Commissioner Pritchard stated it seems as if what Mr. Scott says is in 1986, it was a CUP for a school, residential service facility, ACLF; so it seems that the intent of the Board in 1986 was to approve both conditions. He stated Mr. Scott raised the question whether the Board made that approval in 1986; it appears as if it had; so it takes it back to where they are today. He stated Commissioner Colon brought up the issue of the neighbors; and inquired if they are being subjected to something that is going on and it is not part of Resurrection Ranch, then what is it part of and where is it coming from. He stated the neighborhood has serious problems with

people living in the woods, banging on doors, etc.; the folks at the Ranch are doing good work, but there is still a problem; and inquired where is the problem coming from and what can the Board do to address it. He stated that is an issue that needs to be addressed; his assumption is, since it was approved in 1986, that is what it is and apparently they have been operating under the constraints imposed in 1986.

Mr. Knox stated he thinks it qualifies under RSSF; and Mr. Scott is right about the treatment and recovery facility; and by virtue of that definition, the Ranch qualifies. He stated the issue that Commissioner Carlson raised about supervision, because it requires either State license or County Division of Health and Social Services approval, the State has taken that away, so the County does not have that authority. He stated if the Board is concerned about how the operation is impacting the neighborhood, it has the ability to do something about that by modifying the conditions of the original CUP if it finds that it is a problem. Commissioner Pritchard stated that is if the Board finds out the problem is originating from Resurrection Ranch; but it could be others who are coming into the neighborhood, and maybe one or two from the Ranch.

Commissioner Carlson stated one of the speakers brought up the success and failure rate; and she does not know how accurate the numbers are, but would like the Ranch or whoever to take the question on regarding the success rate versus the failure rate. She stated obviously the success rate is wonderful, but she wants to know what procedure the Ranch uses to deal with those who do not choose to carry on through the program. She inquired what do they have them do, and do they give them a ticket out.

Mr. Miller stated because of the nature of their program, and because they are a group home facility and not a motel/hotel, the local Sheriff's Department gives them the ability to discharge any individual upon request; and it does not take a three-day notice or 30-day commencement of a court proceeding. He stated if he calls the police and tells them his residents are no longer in compliance, they will immediately escort them off the facility; and it takes about five minutes. Commissioner Carlson inquired where do they go; with Mr. Miller responding the Ranch provides them a ride to any institution in the County they choose to go to or back to the neighborhood they were in; and it has happened in the past. He stated Mrs. Knox indicated that some of the residents are doing things in the neighborhood; the one and only complaint that she came to him with was that her husband said one of the gentlemen was disrespectful to them; and it was not a serious crime. He stated they said the gentleman, in a loud and boisterous manner, was disrespectful to Mr. Knox; he asked that resident not to go back towards their house again; he did go back two days later; ten minutes after he heard about it, the gentleman was released from the facility; and that was just for being loud and boisterous to a neighbor. Mr. Miller stated the Ranch owns approximately five acres of wooded area that is currently not being used; the subdivision in mind happens to be in the actual cloverleaf of Pineda Causeway; anybody coming down U.S. 1, who is homeless and wants to get onto Wickham Road, finds a shortcut down Otter Creek Lane to Old Dixie Highway through the neighborhood, and cuts through the Resurrection Ranch tracts and continues on down; and if they are drinking, the beer cans may be thrown on the ground. He stated they recognize the problem; they tried to address that with their neighbors saying if they find somebody back there having sex or doing something wrong, to feel free to call the police; and they interpreted that as being able to stop anybody who comes down the street and disrespectfully tell them they are not allowed to be in the area. He stated that convoluted the problem because now they have legal residents at the Ranch with people who do not belong in

the neighborhood being treated the same; and that has been part of the fear and mistrust in the neighborhood. He stated as administration at Resurrection Ranch, he cannot constitutionally tell someone he or she is not allowed to walk in front of the Resurrection Ranch property.

Commissioner Carlson stated she understands his communication with Ms. Knox, but there are other members of the community who spoke today that had different issues. Mr. Miller stated besides Mr. Leslie, the other neighbors have been living there for no more than four months; Mr. Leslie has been there long enough and had unique situations from some people through the years, just as he has; and while the Ranch has been at the property, there has been a family living around the corner from it that has two mentally-challenged people living there. Chair Higgs stated they need to stick to the zoning issues if they can. Mr. Miller stated regarding lack of control, as administration, they are trying to do what they can; and if there are any recommendations that can improve it, they would be more than happy to try them. He stated going along with what Scott Knox was saying, it is their understanding that in 1986 when they were given the RSSF and ACLF, the County deemed they should be under County approval; the Code says it can be either State or County; and Mrs. Knox can no longer find any State regulation at the facility because it was turned over to the County. Mr. Miller stated they have facility inspections twice a year to make sure the living conditions are suitable to the Health Department for the clientele living in the area; the Health Department waived the square-footage rule; it required them to have safe living conditions for the people on the facility; and they have met the toilet requirements, living conditions, but not the square footage rule, which was waived. Chair Higgs stated the Health Department is a State Department. Mr. Miller stated it is the Department that regulates the Ranch; they come in twice a year to inspect; they are monitored by the Health Department through food services where they make sure the place is clean and the kitchen is up to Code; so that is why Ms. Knox did not see any regulations because it was turned over to those agencies at that time. He stated to the best of his knowledge, that is what was required at the time.

Commissioner Scarborough stated the Board is dealing with technical issues Mr. Scott brought up; the neighborhood has issues that the community brought up; and if the Board deals with the technical issues and addresses the CUP, it will be incumbent upon Mr. Miller to be cognizant that the Board would probably want to put some parameters in to give it some assurances.

Chair Higgs stated the Board needs to get to a motion or course of action.

Commissioner Carlson stated the course of action is to redefine the CUP so that it fits within whatever they have or to go forward with institutional zoning; and inquired what is the best course of events based on what was heard. **Scott Knox advised based upon what has been discussed today and what Mr. Scott discussed and he discussed, the Resurrection Ranch seems to be properly zoned for what it is doing;** the only issue he sees is that the Board may want to address whether or not there are any conditions it may want to impose to modify the CUP; that would address some concerns it heard about activities in the neighborhood, which would require initiation of either a modification, or if the Resurrection Ranch wants to proactively come in and apply for modifications to address those issues and propose conditions, they can do that too.

Commissioner Colon requested the Board allow her and Commissioner Pritchard to work with the neighbors and Resurrection Ranch to try and modify the CUP with some kind of restrictions

that it would impose on any new institution going into a neighborhood and basically start from scratch. Chair Higgs advised it is in Commissioner Carlson's District.

Commissioner Carlson stated the best way to go about it is to bring the community and Resurrection Ranch together with staff and iron out additional requirements in terms of what they do, procedures, etc. for those who do not want to commit to the program and for those who do want to commit; and the motion should be to direct staff to work with the community and Resurrection Ranch and bring back additional conditions the Board can consider.

Chair Higgs inquired if it would be administrative rezoning; with Scott Knox responding it would be the equivalent unless Resurrection Ranch wants to make that proposal and say they would initiate the application for modification; but he does not hear them doing that. Chair Higgs stated if the Board does it, it will be initiating it and bringing it forward to be amended. Commissioner Carlson stated they need to work together; and she or her staff would be glad to do that with the community, Resurrection Ranch, and staff, to talk through some of the issues to see what other kinds of conditions they might be able to lay out that would be amenable to all parties so they can come up with a win/win scenario.

Motion by Commissioner Carlson, seconded by Commissioner Scarborough, to direct staff to work with Resurrection Ranch and the community, and bring back additional conditions that would be amenable to all parties for the Board's consideration; and to initiate administrative rezoning to modify the conditional use permit, with required notices, etc. Motion carried and ordered unanimously.

Commissioner Colon inquired if there are other institutions the Board should be overseeing other than Resurrection Ranch. She stated since this issue was brought to the Board's attention, she is interested in finding out if there are others that are under the same scenario; and requested staff look into it to find out who else may fall into that category.

Chair Higgs inquired if staff has a timeframe for the action; with Assistant County Manager Peggy Busacca responding 90 days and perhaps longer. Chair Higgs advised it would have to go through the normal process before the LPA, P&Z Board and then to the Board of County Commissioners.

Ms. Busacca advised there is another issue regarding the Ranch; there is a scheduled hearing on June 17; and inquired if the Board wants to abate that action until the issues are resolved, or should staff continue to move forward. Commissioner Pritchard inquired what is the purpose of the hearing; with Assistant County Attorney Teri Jones responding there is no purpose to the hearing because it was a violation of the ACLF, and there is no longer a violation. Commissioner Carlson inquired since it is not considered an ACLF, is the Department of Corrections Contract current. Chair Higgs stated the Board did not say it was not an ACLF. Commissioner Carlson stated that is what Mr. Knox said a couple of times. Mr. Knox stated what he understood Mr. Scott to say was fitting words of the treatment/recovery facility rather than an ACLF; and it is something other than an ACLF, but it falls within the RSSF.

Commissioner Scarborough suggested the Board abate the hearing even though it may not have an issue, but it may want to come back.

Motion by Commissioner Scarborough, seconded by Commissioner Colon, to abate the June 17, 2004 hearing regarding Resurrection Ranch for 150 days.

Commissioner Carlson stated she does not have a problem with the motion; but inquired, with questions on the DOC Contract, ACLF, and everything else, would it be prudent to request Resurrection Ranch not take on any additional clients from DOC until the Board comes to some conclusion, or is it comfortable with allowing that Contract to go on. She stated it would not be to take away anyone who is at the Ranch, but not allow additional folks to come onto the Ranch based on the Contract; and inquired if that is something the Board ought to be concerned about in terms of liability.

Mr. Knox stated he can get an impression of what the Ranch may think about imposing those conditions. Jason Hedman stated from a legal perspective, it is their position in 1986 they were granted approval from the Board to do what they are currently doing; it was confirmed in 2002; they are still doing the same thing; and their position is if the neighbors have a concern, someone is out there throwing beer cans, they have a wonderful police department and pay a lot of money to put road deputies out there to arrest people. He stated they have guidelines to control their residents; and he does not think the Board has any legal ability to tell his client who can and cannot go there. He stated the Board is addressing land use issues; they want to be good neighbors and find a solution; that is why they are here and happy to try and facilitate some kind of accommodation; but he does not think, from a legal perspective, but maybe the County Attorney can enlighten him, that there is any ability legally, short of some kind of injunction, to restrict their freedom of association of who comes to the property. Mr. Knox stated the Board can do that; Mr. Hedman needs to look at the definition of assigned residency; there are certain categories of persons who are qualified as assigned residents under the RSSF; there are certain ones who do not; so to that extent, if the Ranch has anybody there who is not qualified, that is where they need to be concerned. Mr. Scott stated, he would add, as a courtesy to Resurrection Ranch, as they go through the process, even if they are not embracing the fact, there is a drug treatment and recovery facility applied to the property by virtue of the RSSF being blessed by the Board; however, there is still a square-footage requirement of 250 feet, so staff will also be looking at the facility; and that is part of the direction the Board has given staff as they go through the process in the next 120 days. Mr. Hedman stated there may be a need for some clarification; Resurrection Ranch is a life recovery facility and not a drug/alcohol treatment facility; it is not licensed or is seeking licenses for that; they basically do family restoration; it is a ministry trying to reconcile what the Board heard today; and he respects the difficulties, but the fact that they have been there since 1986 makes it difficult for them to have such changes. He stated he heard a lot of people say there has to be supervision; but the last time he went to the District Court in Orlando, it said there is no licensing requirement and they do not have to have a permit, but have to get permission from the government to help their fellowman. He stated he hates to be the one to bear that news to the Board that supervision has to come from on high because it is not what the law says; but they want to cooperate and assist as much as they can. Mr. Knox stated he agrees with that and there is no supervision requirements in the Ordinance either.

Chair Higgs called for a vote on the motion to abate. Motion carried and ordered unanimously.

Commissioner Colon stated she wants to be perfectly clear now that Resurrection Ranch is under the County's guidelines; the Board can deny the CUP right now if it wants to; so they need to realize that. She stated the Board has the power to do that; she does not think it realized that before because it was thinking it was the State, and the Ranch was thinking the Health Department was the County, but it is the State. She stated now the Board knows the Ranch has to abide by its rules; and she wants to make sure that is perfectly clear to everybody.

To Whom It May Concern:

I am writing because I cannot attend the Planning and Zoning Board public hearing due to my work and school schedule. However, I would like to express my concern about the requested zoning changes for 5925 Old Dixie Highway.

I believe that putting a drug rehabilitation program into a quiet, safe residential neighborhood is an erroneous decision. I am a young woman who works in the restaurant industry and am also a full time student. My schedule is filled with late nights, and early mornings; if there were to be a drug rehabilitation center down the street, it would only add on more stress to my already stressful life. I do not want to have to worry about whether or not my laptop, textbooks, or medical equipment (which are all necessary items for my courses) will be stolen. I do not want to have to worry for my safety when I get home late from work, or rise before the sun for classes. I do not want to have to worry for my safety when walking the dog or while I am sleeping.

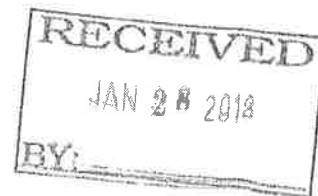
I am also concerned for the safety of my family, whom I currently live with. My uncle is of senior age, which makes him an easy target for anyone at the facility who decided they were no longer interested in rehabilitation, and wanted to find something to steal and pawn. My cousin, who is also a young woman that works late nights, just purchased her first home in this neighborhood. We will both be living at the new residency before the end of the year. Two young women living in a large home, on a poorly lit street, also makes us a viable target. We should not have to feel uneasy, threatened, or uncomfortable in our own home.

Another concern I have is for the property value of the homes in this neighborhood. If there were to be a drug rehabilitation facility put into the neighborhood, values of all the homes would plummet.

I do not support the zoning change for 5925 Old Dixie Highway. Please consider that if this were your neighborhood, you would not want to live near such an institution either.

Sincerely,

Liza Manouselis
2750 Otter Creek Ln
Melbourne, FL 32940



September 17, 2018

Objection
Happy Landings
18PZ00088

Brevard County Board,

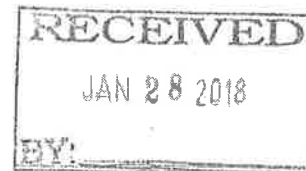
I am writing because I cannot attend the Planning and Zoning Board public hearing due to my work schedule, but I would like to express my concern for some recently requested changes.

My concern is the requested zoning changes of 5925 Old Dixie Highway to become a different kind of "Institutional Use". Which I am hearing is to become a drug rehabilitation program. I am in the process of purchasing my first home at 5990 Old Dixie, which is almost directly across the street from the "Happy Landings" property. I am very concerned about my safety. I am a 26 year old female who will be getting home very late nights from my job as a bartender. I do not like the idea of an institution being directly across the street, it is a residential neighborhood, I do not support the zoning being changed to allow this. (Let me be clear, I do not mind the women's shelter, we have never had a bad experience with the women and children seeking shelter from domestic violence, but drug rehabilitation is not something you put in a neighborhood of families.)

I understand that before it was a women's shelter, it was a halfway house, and there was nothing but trouble around this neighborhood, so we have heard, even the home I am buying, while it was vacant at the time, was broken into. I hope you will all take into consideration my concerns for this and decide against it.

Thank you for your time,

Angeliki Manouselis
2750 Otter Creek Ln
Melbourne, FL 32940



From: [Ritchie, George C](#)
To: [Jinger Knox](#)
Cc: [Grivas-Pereno, Bessie](#); [Sterk, Erin](#); [Jones, Jennifer](#)
Subject: RE: I'd 18pz00088
Date: Monday, September 10, 2018 9:59:40 AM
Attachments: [18PZ00088 Substance Abuse Services Office.pdf](#)
[18PZ00088.pdf](#)
[18PZ00088 DRAFT.doc](#)

Good morning Jinger, you will need to go through other government channels to obtain all the information you are requesting. I have provided you with three documents which are part of the review process. Staff comments have not been finalized but have been attached as a draft. The final version may be amended.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Friday, September 7, 2018 11:43 AM
To: Ritchie, George C
Subject: I'd 18pz00088

Good afternoon

I'm inquiring about the request to amend the bdp for happy landings homes Inc at 5925 old Dixie hwy please provide me with a copy if the request and all pertinent information regarding what the corporation is asking to change as well as any communications that have transpired between your office and the corporation or any of their representatives

Time is of the essence
Thank you
Jinger Knox
3212881689

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From: [Ritchie, George C](#)
To: [Jinger Knox](#)
Cc: [Serk, Erin](#); [Jones, Jennifer](#); [Ragain, Rebecca](#)
Subject: RE: Alf license
Date: Friday, September 28, 2018 8:10:53 AM

I will forward your concern to my supervisors so your comments/concerns are placed in the file, 18PZ00088 (Happy Landings Homes INC).

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Thursday, September 27, 2018 5:08 PM
To: Ritchie, George C
Subject: RE: Alf license

My concern is that the information you are providing with the bdp request includes state licensing information that may or may not pertain to their actual use. If they are not going to be obtaining the license then many of the items they are leaving off the bdp, that were specifically put in there to cover the lack of state oversight. If they are not getting a state license I would request that it specifically be note on the bdp request and noted on the information about alfs which were included with their request.

My concern is that you are considering their request based on a use they are not actually applying for.

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From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Thursday, September 27, 2018 5:03:48 PM
To: Jinger Knox
Subject: RE: Alf license

I am not aware of a verification requirement prior to obtaining Zoning approval. If the Board approves the new use, then staff will request the information in order to review a Business Tax Receipt.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Thursday, September 27, 2018 4:47 PM
To: Ritchie, George C
Subject: RE: Alf license

Can you please tell me if our county does have such an approval? And if this facility has indicated to you how they plan to be licensed or approved?

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From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Thursday, September 27, 2018 4:34:53 PM
To: Jinger Knox
Subject: RE: Alf license

Here are the Zoning requirements for a treatment and recovery facility.

Treatment and recovery facility means a secure or nonsecure facility which provides residential rehabilitation services, including room and board, personal care and intensive supervision in casework with emphasis on treatment and counseling services. Such facility may include an outpatient component, and shall include but not be limited to psychiatric residential treatment programs, drug and alcoholic rehabilitation programs, group treatment centers, and group treatment centers for status offenders. Such facility shall be licensed by the state department of health and rehabilitative services as a treatment and recovery facility. If such facility is not licensed by the state department of health and rehabilitative services, it must be approved by the county division of health and social services.

Sec. 62-1826. Assisted living facilities and treatment and recovery facilities.

Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities shall comply with the following requirements, where applicable:

- (1) *Dispersal of facilities. The minimum distance between facilities, measured from the property line,*

shall be 1,000 feet.

- (2) *Neighborhood compatibility. In the institutional zoning classification, the external appearance of the assisted living facility's or treatment and recovery facility's structures and building sites shall maintain the general character of the area. Exterior building materials, bulk, landscaping, fences and walls and general design shall be compatible with those of surrounding dwellings.*
- (3) *Facility standards.*
 - a. *Prior to the granting of any permit for assisted living facilities or treatment and recovery facilities, the state department of health and rehabilitative services shall verify compliance with the following standards:*
 1. *There shall be not less than 250 square feet of floor space per assigned resident.*
 2. *There shall be one bathroom per two bedrooms. The bedroom square footage shall be not less than 75 square feet per assigned resident.*
 3. *Centralized cooking and dining facilities shall equal 30 square feet per assigned resident.*
 - b. *If the request for a permit for assisted living facilities or treatment and recovery facilities is for a structure to be built, floor plans of the structure shall be submitted and approved prior to issuance of the permit.*
- (4) *Reserved.*
- (5) *Off-street parking. There shall be two parking spaces, plus two additional parking spaces for every five occupants for which the facility is permitted.*
- (6) *Compliance with state regulations. Violations of applicable statutes and regulations of the state shall be deemed violations of this division.*

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Thursday, September 27, 2018 1:42 PM
To: Ritchie, George C
Subject: RE: Alf license

5925 old dixie.. bdp revision request

It doesn't appear their other sites are state licensed how do we know they plan to do that here and is it required

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From: Ritchie, George C <George.Ritchie@brevardfl.gov>

Sent: Thursday, September 27, 2018 1:40:34 PM

To: Jinger Knox

Subject: RE: Alf license

Please identify the site you are interested in. State license for whom and where?

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]

Sent: Thursday, September 27, 2018 1:35 PM

To: Ritchie, George C

Subject: Alf license

George can you please confirm that they do have to have a state license to do what they're requesting to do there or if you just assumed they had to have a state license thanks jinger

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From: Ritchie, George C
To: Jinger Knox
Cc: Jones, Jennifer; Sterk, Erin
Subject: RE: 5925 old dixie
Date: Monday, October 1, 2018 1:39:53 PM

Below is the portion of county code regarding posting of the property. Your request regarding "information that has been added to the file" is being forwarded to other staff members to assist you.

Sec. 62-1151. Amendments to official zoning map—Amendments initiated by property owner.

(a) *Application; fee. Any owner of real property may file an application for an amendment to the official zoning map to designate the particular real property a different zoning classification or conditional use from the use designated on the official zoning map under the provisions of this section. The application may be accompanied by a fee established from time to time by the board of county commissioners, and shall contain the following information and documents:*

- (1) *The name of the owner of the particular real property.*
- (2) *If the applicant is other than all the owners of the particular property, written consent signed by all owners of the particular real property.*
- (3) *The legal description of the particular real property, accompanied by a certified survey or that portion of the map maintained by the county property appraiser reflecting the boundaries of the particular real property.*
- (4) *The current zoning classification and special use classification, with any specified conditions or conditional use designation, as recorded on the official zoning maps.*
- (5) *The requested zoning classification or conditional use classification that constitutes an amendment to the official zoning maps.*
- (6) *A recorded warranty deed.*
- (7) *All commercial and industrial rezoning requests shall include a certified wetlands delineation and habitat description to be provided by the applicant or their designee. If the county natural resources management office, utilizing the best available data including, but not limited to, the National Wetland Inventory Maps, aerial photographs and the Brevard County Soil Survey, determines that no wetlands exist on-site, a waiver of such delineation requirements may be granted from that office. If a wetland delineation is required, it shall be performed by an environmental professional while utilizing the Florida Land Use, Cover and Forms Classification System (FLUCCS) to describe the wetland habitat on site.*

Environmental professional An individual with at least two years of experience in describing on-site environmental conditions and habitat types. Said individual shall also provide proof of completion of a USCOE wetlands delineation or equivalent course. A thorough knowledge of the following publications and issue areas including, but not limited to, the Florida Wetland Delineation Manual, Brevard County Soil Survey, plant identification, surface water classification, floodplain delineation, and listed species identification is required.

(b) *Notice of hearing before planning and zoning board. Upon receipt of the executed application, the zoning official shall forthwith schedule a hearing on the application before the planning and zoning board. Notice of the time and place of the public hearing shall be given to the applicant at least 15 days prior to the date of the public hearing. Notice of the time and place of the public hearing on the application shall be published once, at least 15 days prior to the public hearing, in a newspaper of general circulation within the county. The notice shall contain the name of the applicant, the legal*

description of the affected property, the existing zoning classification, special classification or conditional use designation, the requested amendment to the official zoning maps, and the time and place of the public hearing on the consideration of the application by the board of county commissioners. In addition, a notice containing such information shall be posted in the county courthouse in Titusville, Florida, by county officials, and a notice containing such information, excluding the legal description but including total acreage, shall be posted by the applicant on the affected property at least 15 days prior to the public hearing. If the property abuts a public road right-of-way, the notice shall be posted within ten feet of the right-of-way and in such a manner as to be visible from that road right-of-way. An affidavit signed by the owner or applicant evidencing posting of the affected real property must be received by the zoning office prior to the time that such matter is heard by the planning and zoning board. If the property does not abut a road right-of-way or a traveled access, thereby causing the property to be normally inaccessible, posting of the property may be waived by the zoning official upon receipt of an affidavit from the property owner attesting to the property's inaccessibility. Failure to provide either of such affidavits prior to the hearing shall result in tabling the application for one meeting, at cost to the applicant, or denial of the request. It shall be unlawful for any person to remove the notice containing such information from the affected property or from the county courthouse in Titusville, Florida. Any person found guilty of violating this section shall be deemed guilty of an offense, and shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment.

- (c) Conduct of hearing before planning and zoning board; recommendation of approval or denial. At the designated public hearing, the planning and zoning board shall hear the applicant on the proposed amendment to the official zoning maps, and shall hear members of the general public. The planning and zoning board shall have the power to establish such rules of procedure for the orderly conduct of the public hearing as the circumstances of the consideration of each application warrant. During the public hearing, the applicant may be present in person and by counsel, and the applicant has the right to present evidence in support of his position and to cross examine adverse witnesses whose testimony is offered at the hearing. The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:
- (1) The character of the land use of the property surrounding the property being considered.
 - (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
 - (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
 - (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
 - (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.

- (d) Public hearing before board of county commissioners. At the public hearing before the planning and zoning board, the time and place of the public hearing of each application by the board of county commissioners shall be announced. The board of county commissioners, at the public hearing, shall deny or grant each application for amendment to the official zoning maps based upon a consideration of the recommendation of the planning and zoning board and those factors specified in subsection (c) of this section. The board of county commissioners shall have the right at the public hearing to deny or approve each application for amendment to the official zoning maps, regardless

of whether the planning and zoning board has made a specific recommendation on such application. An additional board of county commission public hearing will be required for each industrial use seeking to locate within a Performance Overlay District (POD) unless the applicant seeking a POD for a shopping center has an industrial use/client already identified, then the approval of the POD and the use could occur concurrently at the same public hearing.

- (e) *Limitations on tabling and subsequent applications. No application for an amendment to the official zoning maps for a particular parcel of property, or part thereof, shall be tabled more than once by the planning and zoning board as a result of the action or request of the applicant. Further attempts by the applicant to table such application shall be deemed a withdrawal of the application, subject to the provisions and limitations of this subsection. No application for an amendment to the official zoning maps for a particular parcel of property, or part thereof, shall be received by the zoning director until the expiration of six calendar months from the date of denial of an application for an amendment to the official zoning maps for such property or part thereof, provided, however, that the board of county commissioners may specifically waive the waiting period based upon a consideration of the following factors:*
 - (1) *The new application constitutes a proposed zoning classification or conditional use of different character from that proposed in the denied application.*
 - (2) *Failure to waive the six-month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence or newly discovered matters or considerations.*
- (f) *Stay of enforcement proceedings. Any person accused of the violation of the provisions of this chapter where a zoning change or the granting of a conditional use permit would nullify the violation may apply to the planning and zoning board requesting such zoning change or conditional use permit. Such application shall stay all enforcement proceedings until such application is heard by the planning and zoning board and the board of county commissioners and a decision is rendered, unless the board of county commissioners specifically authorizes legal action to enforce this chapter. This stay of proceedings shall in no event be construed to allow completion of construction or continuation of any activity which has been cited for a violation of this Code. All such cited activities shall be specifically prohibited from continuing until further action by the board of county commissioners is taken which authorizes such activities, or until administrative or judicial proceedings authorize the continuance of such activities. If the cited prohibited activity is not ceased by the violator during the pendency of these proceedings, any stay of enforcement proceedings shall be lifted.*
- (g) *At any time during the rezoning review process, including at the public hearing, the applicant may agree to a condition which restricts the use of the property under consideration to a specific use or range of uses permitted within the applicable zoning classification being applied for. In the event the board of county commissioners approves the imposition of such a condition, the rezoning resolution and the official county zoning map shall set forth the approved zoning classification and a notation indicating the specific uses for which approval has been granted.*
- (h) *If indicated in the advertised notice for public hearing and, if based upon substantial and competent evidence, it is determined that the requested zoning classification should not be approved, the planning and zoning board may recommend and the board of county commissioners may approve a classification which is more intense than the existing classification, but less intense than the classification which was requested. The board may impose such a classification without the agreement of the applicant; however, if the applicant is not the owner, and the applicant was not given the authority to accept a lesser zoning, then the item is to be tabled to the following meeting for the owner to determine whether they are willing to withdraw the request with no additional expense to the owner.*

(Code 1979, § 14-20.61; Ord. No. 96-48, § 1, 10-24-96; Ord. No. 97-49, § 4, 12-9-97; Ord. No. 98-12, § 4, 2-26-98; Ord. No. 2000-50, § 1, 10-31-00; Ord. No. 2001-65, § 1, 10-16-01; Ord. No. 06-39, § 1, 7-11-06)

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Monday, October 1, 2018 12:30 PM
To: Ritchie, George C
Subject: RE: 5925 old dixie

Please confirm if you have updated the happy landings bdp file with the current licensing information. This facility will not be and is not applying for a alf. Please send me a copy of the current information that has been added to the file.

Also could you please provide me with the wording of the law regarding the posting if hearing dates.

Thanks
Jinger

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From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Friday, September 28, 2018 9:40:17 AM
To: Jinger Knox
Subject: RE: 5925 old dixie

Besides being tasked by the Planning and Zoning Board (P&Z) to hold a meeting with area residents, they just need to show up to the required P&Z and Commission public meetings. Items discussed are open to whatever the Board or the public wants to address.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]

Sent: Friday, September 28, 2018 9:33 AM

To: Ritchie, George C

Subject: RE: 5925 old dixie

Can you please be specific about what they do not have at the present time for this zoning? And what would be required to allow it

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From: Ritchie, George C <George.Ritchie@brevardfl.gov>

Sent: Friday, September 28, 2018 9:31:03 AM

To: Jinger Knox

Subject: RE: 5925 old dixie

They do not have the zoning at this time to complete the form. If the new BDP is approved, then staff will review identified conditions/limitations.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]

Sent: Friday, September 28, 2018 9:21 AM

To: Ritchie, George C

Subject: 5925 old dixie

With the zoning they have now and with their proximity to other alfs could this form be

completed about the property at 5925 old dixie?

Thank you for your clarrification

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From: [Sterk, Erin](#)
To: jingerk@msn.com
Cc: [Ritchie, George C](#); [Jones, Jennifer](#); [Ragain, Rebecca](#)
Subject: 18PZ00088 Happy Landings BDP Revision
Date: Monday, October 1, 2018 4:51:16 PM
Attachments: [RE 5925 old dixie.msg](#)
[RE Alf license.msg](#)
[10-08-18 PZ Pkg.pdf](#)

Good afternoon Ms. Knox,

Our office has received several inquiries from you in the last few days and weeks regarding the responsibility of the applicant in making their request. My understanding is that you have concerns that some of the state licensing requirements are not being carried forward in the proposed Binding Development Plan changes.

I've attached a copy of the proposal and staff comments for the item that begin on page 54 of the attached 10/8/18 Planning & Zoning Board package. Staff's obligation is to ensure that their proposed changes are evaluated adequately by the Board, but any conditions in a BDP are voluntary by the applicant and our code does not dictate the level of detail or the purpose behind those conditions – as the very premise is that these conditions are above and beyond our code requirements.

While I fully understand that there may be conditions included within the existing BDP that are reflective of state statutes, our staff is not responsible for evaluating the appropriateness of them – the Board is. We have evaluated the proposal against today's Comprehensive Plan and Zoning Code provisions, which are included within the staff comments.

I don't believe any commitment to be licensed by the state as has been included in the conditions of the proposal. It sounds like you have an idea about what could or should be retained within the BDP that would make this a more palatable request. If you would like for staff to include any additional information for the Board's consideration, please let us know and we will forward it to each Board that has yet to hear this item. You're welcome to send that directly to me and I will ensure it gets included in the package.

Please let us know if there is anything additional we can do to help,

Erin Sterk

Planning & Zoning Manager

Brevard County

(321) 633-2070 ext. 52640

From: [Jinger Knox](#)
To: [Sterk, Erin](#)
Cc: [Ritchie, George C](#); [Jones, Jennifer](#); [Ragain, Rebecca](#)
Subject: Re: 18PZ00088 Happy Landings BDP Revision
Date: Friday, October 5, 2018 5:17:49 PM

It is my understanding that the date of the p and z meeting was required to be posted 15 days in advance of the meeting. The posted notice was dated for a meeting that had already occurred when it was posted and did not include the October 8th meeting is there wording in the rule that would excuse this lack of proper notice? Please confirm prior to Mondays meeting as I am officially asking for proper notice to be posted before any p and z meeting be commenced on the requested bdp.

Also could you please email me a copy of the entire package that the board will be reviewing if they do move forward with the unnoticed meeting.

Thank you
Jinger Knox

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From: Jinger Knox <jingerk@msn.com>
Sent: Tuesday, October 2, 2018 10:46:13 AM
To: Sterk, Erin
Cc: Ritchie, George C; Jones, Jennifer; Ragain, Rebecca
Subject: Re: 18PZ00088 Happy Landings BDP Revision

Thank you for your response. I am specifically interested in the Alf licensing information that is attached with the application, verifying that it is pertinent to their application and removing / replacing it if it is not appropriate. Also could you please confirm where the anticipated square footage on the zoning application came from? It appears they are more than doubling their square footage but at the p and z meeting they claimed they will not be adding any new buildings to the property. My question is, where did the Sq footage come from? Did staff add it because that is what would be required to house the amount of people that the company is requesting approval for?

On another matter I have repeatedly asked several offices to confirm if there are any other in (h) properties that do not use a major road for ingress/egress in the county. Noone seems to be able to figure out how to search this. If you can be of assistance on this matter it would be much appreciated

Thank you
Jinger Knox

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Tuesday, October 2, 2018 8:06:27 AM

To: Jinger Knox
Cc: Ritchie, George C; Jones, Jennifer; Ragain, Rebecca
Subject: Re: 18PZ00088 Happy Landings BDP Revision

Jinger,

I will take a very careful look at that to see if there is any confusion and will make appropriate corrections, if necessary.

Is there a particular section of the staff comments that concerns you or anywhere you feel additional clarity could be added?

Thank you for your feedback,
Erin

On Oct 1, 2018, at 6:40 PM, Jinger Knox <jingerk@msn.com> wrote:

Erin,

My concern is that your staff did in fact include state licensing information for an Alf in the bdp review plan. It is the incorrect information and is misleading to the board and the community. If it is going to be included as reference for what the clinic is intending to do (ie. Get a state license in lieu of county Sq footage requirements or inspection demands) then it is imperative that the attached information is accurate. I'm not arguing that it is your duty, I'm stating that if you are doing it that it must be accurate.

Jinger I Knox
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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Monday, October 1, 2018 4:50:50 PM
To: jingerk@msn.com
Cc: Ritchie, George C; Jones, Jennifer; Ragain, Rebecca
Subject: 18PZ00088 Happy Landings BDP Revision

Good afternoon Ms. Knox,

Our office has received several inquiries from you in the last few days and weeks regarding the responsibility of the applicant in making their request. My understanding is that you have concerns that some of the state licensing requirements are not being carried forward in the proposed Binding Development Plan changes.

I've attached a copy of the proposal and staff comments for the item that begin on page 54 of the attached 10/8/18 Planning & Zoning Board package. Staff's obligation is to ensure that their proposed changes are evaluated adequately by the Board, but any

conditions in a BDP are voluntary by the applicant and our code does not dictate the level of detail or the purpose behind those conditions – as the very premise is that these conditions are above and beyond our code requirements.

While I fully understand that there may be conditions included within the existing BDP that are reflective of state statutes, our staff is not responsible for evaluating the appropriateness of them – the Board is. We have evaluated the proposal against today's Comprehensive Plan and Zoning Code provisions, which are included within the staff comments.

I don't believe any commitment to be licensed by the state as has been included in the conditions of the proposal. It sounds like you have an idea about what could or should be retained within the BDP that would make this a more palatable request. If you would like for staff to include any additional information for the Board's consideration, please let us know and we will forward it to each Board that has yet to hear this item. You're welcome to send that directly to me and I will ensure it gets included in the package.

Please let us know if there is anything additional we can do to help,

Erin Sterk

Planning & Zoning Manager

Brevard County

(321) 633-2070 ext. 52640

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

From: Jinger Knox
To: Sterk, Erin
Cc: Ritchie, George C; Ragain, Rebecca; Jones, Jennifer
Subject: Re: 18PZ00088 Happy Landings BDP Revision
Date: Tuesday, October 9, 2018 4:09:46 PM

Could you please confirm how staff concluded that there is no environmental impacts or concerns with the change of BDP? I am concerned that the current facility does not have the proper septic system in place to allow for the amount of residents that are being requested. If the BDP is going to include a specific amount I would think that the file would have to go through an environmental review to determine any impacts. Also st. Johns management is involved with this facility, when do they address the new use?

I would also like to know why the driveway is not being addressed and why a traffic study has not been ordered. The existing driveway obviously does not meet criteria for 47 residents 21 employees and 20 parking spaces which are required by code. At what time will these issues be reviewed?

Please also confirm that the code allows for both an ALF and a detox facility within 1000'. The way I read the code it states "Assisted living facilities and treatment and recovery facility" "Dispersal of facilities. The minimum distance between facilities, measured from the property line, shall be 1,000 feet.". The way this code is worded there can not be two such facilities within 1000' of one another, not one of each.

Finally, how do we request our property devaluation be considered in this request? Many of the items they are looking to remove, ie. forcible felons and neighborhood meetings, will arguably devalue our property. Must we prove this to the board or does the BDP revision not consider the property devaluation?

Thank you for your continued assistance in this matter. I know you have many other projects to concern yourselves with, hopefully this will be concluded quickly.

Jinger Knox
321.288.1689

From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Monday, October 8, 2018 12:32 PM
To: Jinger Knox

Cc: Ritchie, George C; Ragain, Rebecca; Jones, Jennifer

Subject: Re: 18PZ00088 Happy Landings BDP Revision

I believe George reissued the sign the same day as the last meeting, immediately upon realizing the public notice concerns.

On Oct 8, 2018, at 12:17 PM, Jinger Knox <jingerk@msn.com> wrote:

When was it issued? And doesn't it need to be posted for 15 days?

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Monday, October 8, 2018 12:16:05 PM
To: Jinger Knox; Ritchie, George C
Cc: Ragain, Rebecca; Jones, Jennifer
Subject: RE: 18PZ00088 Happy Landings BDP Revision

Jinger,

We issued a new sign with the changed dates. We will hopefully have photos to demonstrate that the applicant posted it appropriately.

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Monday, October 8, 2018 12:14 PM
To: Ritchie, George C; Sterk, Erin
Cc: Ragain, Rebecca; Jones, Jennifer
Subject: RE: 18PZ00088 Happy Landings BDP Revision

I am not questioning the posting of the notice. I'm questioning the dates on the notice. It was posted after September 17th, which is the p and z meeting date. How can a notice that was posted after the meeting date count for a posting notice of a meeting? A person would assume they already missed the meeting and not get an opportunity to be heard at today's meeting.

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Monday, October 8, 2018 9:47:27 AM
To: Jinger Knox; Ritchie, George C
Cc: Ragain, Rebecca; Jones, Jennifer
Subject: RE: 18PZ00088 Happy Landings BDP Revision

Jinger,

I am in meetings this morning, but believe George can answer your questions about

where the numbers were derived from.

Additionally, our Code Enforcement staff will be performing a site visit to confirm that the rezoning item has been properly noticed and we will have that information at this afternoon's meeting.

Thanks,
Erin

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Monday, October 8, 2018 8:10 AM
To: Sterk, Erin; Jones, Jennifer
Cc: Ritchie, George C; Ragain, Rebecca
Subject: RE: 18PZ00088 Happy Landings BDP Revision

Erik,

Can you please answer my previous questions before today's board meeting at 3 pm? I can sit down with you and go over them prior to the meeting if you would like.

Specifically, where the 44,000 square foot came from. The applicant stated that they would not be adding any new buildings, this is obviously a misleading Sq footage and we need to know where it comes from because the county has square footage requirements and the current facility would not meet them for 47 residents. Do you have a site plan for this property that we have not been given?

Also if the date of this meeting was required to be posted prior to this meeting. It was not.

And finally can there be an Alf and a detox within 1000' of one another?

Thank you for your prompt attention
Jinger Knox

From: Sterk, Erin
To: Jinger Knox
Cc: Ritchie, George C; Ragain, Rebecca; Jones, Jennifer; Lock, Brian
Subject: RE: 18PZ00088 Happy Landings BDP Revision
Date: Monday, October 22, 2018 2:20:39 PM

Jinger,

Compliance with a BDP (i.e. Zoning) is something that our Code Enforcement Department would regulate. The applicant would need to demonstrate compliance with the Department of Health's criteria, which is not typically something we regulate, but in this instance, we can, as the commitment is memorialized within the BDP.

You can call Code Enforcement directly at (321) 633-2086 or place a complaint electronically here:

<https://www.brevardfl.gov//Problem?subject=Code%20Enforcement%20for%20Unincorporated%20Areas&subject=Code%20Enforcement%20for%20Unincorporated%20Areas>

I've also copied their manager, Mr. Brian Lock, so that he has a heads up on your concerns.

Also, if you would like to include this information as public comment for the Board's consideration, please feel free to re-send for inclusion with the package. It would be helpful if you could provide contact info and a date/time that you received confirmation from the Department of Health that they have not met current requirements. Documentation of such would additionally be helpful, for the record.

Regards,
Erin

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Monday, October 22, 2018 10:18 AM
To: Sterk, Erin
Cc: Ritchie, George C; Ragain, Rebecca; Jones, Jennifer
Subject: Re: 18PZ00088 Happy Landings BDP Revision

It has come to my attention, after calling Environmental Health, that 5925 Old Dixie Hwy has NOT gotten any of the required inspections over the past 9 years that their BDP requires. They are not state licensed and this was a requirement for their zoning which they are obviously in non-compliance with. Please take immediate action on this, or tell me which office I should forward this concern to.

Thank you,

Jinger Knox

321.288.1689

From: [Ritchie, George C](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Sign at 5925 old Dixie
Date: Friday, October 26, 2018 3:12:07 PM

FYI

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Friday, October 26, 2018 3:10 PM
To: Ritchie, George C
Subject: Sign at 5925 old Dixie

Just letting you know the notice has been down for a week I see that it has made its way all the way acrossed the street in the ditch now. It's obvious that they don't think they have to adhere to the law, even the simplest of laws.

Please add this to the public information for the meeting on the 4th.

Thank you
Jinger Knox

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From: [Michael Ronsisvalle](#)
To: [Jones, Jennifer](#); lila@gabrielleplace.org
Subject: Fwd: Evidence sign is up
Date: Saturday, October 27, 2018 11:17:48 AM

Hi Jennifer,

Here is the Email with a timestamp that demonstrates when the sign went up on this last cycle. I thought we might have an issue with the sign disappearing again so I emailed it to my office manager just for record! I'm glad I did.

Thanks,

Mike Ronsisvalle

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From: Dr. Mike Ronsisvalle <drmikeronsisvalle@gmail.com>
Sent: Saturday, October 27, 2018 11:09 AM
To: Michael Ronsisvalle
Subject: Fwd: Evidence sign is up

----- Forwarded message -----

From: **Dr. Mike Ronsisvalle** <drmikeronsisvalle@gmail.com>
Date: Tue, Oct 9, 2018 at 11:31 AM
Subject: Evidence sign is up
To: <ccromartie@journypure.com>



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From: [Ritchie, George C](#)
To: [Jones, Jennifer](#); [Sterk, Erin](#)
Subject: FW: Notice at 5925 old dixie
Date: Monday, October 29, 2018 8:29:57 AM

Jennifer another email for file:

18PZ00088	Happy Landings Homes INC
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This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Saturday, October 27, 2018 1:22 PM
To: Ritchie, George C
Subject: Notice at 5925 old dixie

I see that the sign is reposted after being missing for 2 weeks it is now the 27th of Oct and the meeting is on Nov 4th. Not sure that meets the requirements of posting please check and let me know. It's obscene that we have to monitor this facility for compliance already.

Jinger

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Jones, Jennifer

From: Ritchie, George C
Sent: Monday, October 29, 2018 12:50 PM
To: Jones, Jennifer
Subject: FW: FW: Evidence sign is up

Another email for the file.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Monday, October 29, 2018 10:24 AM
To: Ritchie, George C
Cc: Sterk, Erin; mronsisvalle@journeypure.com
Subject: Re: FW: Evidence sign is up

The sign didn't disappear nor did anyone touch it it was on the ground after the wind ripped it off because it wasn't secured properly and stayed there untouched for over a week before I alerted you to it being on the ground. The fact that this corporation doesn't do their duty and then falsely blames the neighbors and this shows very bad ethics and does not give us hope in the future for a business that will be in a non conforming neighborhood zoning doing work that will require professional behavior.

The neighbors are not your enforcement officers, nor do we stoop to illegal activity.

Shame on you all for suggesting such a thing.

Jinger Knox

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From: Ritchie, George C
Sent: Monday, October 29, 8:42 AM
Subject: FW: Evidence sign is up
To: Jinger Knox
Cc: Sterk, Erin

I received this back from Jennifer after I forwarded your email to her for file keeping.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657
Fax # (321)633-2152

From: Jones, Jennifer
Sent: Monday, October 29, 2018 8:34 AM
To: Ritchie, George C; Sterk, Erin
Subject: FW: Evidence sign is up

From: Michael Ronsisvalle [: Saturday, October 27, 2018 11:14 AM
To: Jones, Jennifer; lila@gabrielleplace.org
Subject: Fwd: Evidence sign is up

Hi Jennifer,

Here is the Email with a timestamp that demonstrates when the sign went up on this last cycle. I thought we might have an issue with the sign disappearing again so I emailed it to my office manager just for record! I'm glad I did.

Thanks,

Mike Ronsisvalle

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From: Dr. Mike Ronsisvalle <drmikeronsisvalle@gmail.com>
Sent: Saturday, October 27, 2018 11:09 AM
To: Michael Ronsisvalle
Subject: Fwd: Evidence sign is up 🤔

----- Forwarded message -----

From: Dr. Mike Ronsisvalle <drmikeronsisvalle@gmail.com>
Date: Tue, Oct 9, 2018 at 11:31 AM
Subject: Evidence sign is up 🤔
To: <ccromartie@journypure.com>



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From: Sterk, Erin
To: Jinger Knox
Cc: Babin, Rebecca; Ritchie, George C; Jones, Jennifer
Subject: IN(H) properties' access
Date: Monday, October 29, 2018 4:57:10 PM

Good afternoon Jinger,

In a previous email, you'd requested that staff "confirm if there are any other in (h) properties that do not use a major road for ingress/egress in the county." Our staff, in coordination with the GIS team over in IT, performed an analysis and found the following:

1. There are four locations within the entire County which have the Institutional Use High Intensity (IN(H)) Zoning classification.
2. The locations and details about each location are as follows:

Tax Account #	Zoning	Future Land Use	Acreage	Notes on Access
2606020	IN(H)	CC	5.33	Subject Property, Access from local road connecting to US Highway 1 (Urban Principal Arterial)
2415278	IN(H)	NC & Res 15	1.45	Access from local road connecting to Clearlake Road (Urban Minor Arterial)
2726898	IN(H)	CC	.71	Access directly to US Highway A1A (Urban Principal Arterial)
2601308	IN(H)	CC	49.65	Access directly to Murrell Road (Urban Minor Arterial)

Jennifer, please add this to the Board package.

Jinger, please let me know if you have any additional questions I can answer.

Erin Sterk
Planning & Zoning Manager
Brevard County
(321) 633-2070 ext. 52640

From: Sterk, Erin
To: Jinger, Knox
Cc: Ragain, Rebecca; Ritchie, George C; Jones, Jennifer
Subject: RE: IN(H) properties' access
Date: Tuesday, October 30, 2018 5:01:28 PM

Jinger,

I did a little bit more digging into the two IN(H) parcels in the list below that I noted have access from a local road rather than an arterial – the subject property and Tax Account # 2415278.

For Tax Account # 2415278, this is a parcel that is a piece of the greater Eastern Florida State College and while I'd noted that it gained access to a local road (Rosentine St.), I was mistaken. The parcels actually front the internal access road for EFSC, which gain direct access from Clearlake Road.

So, that leaves only the subject property gaining access from a local road, which was developed before the conditions requiring the property to have direct access to an arterial roadway were ever codified. This came about from the following circumstances.

1. Z-7430 approved site from BU-1 & RR-1 to AU with CUP for a school and Residential Social Services Facility (RSSF) (ACLF) approved April 1986. The property was developed under the AU Zoning Conditional Use Permit and the code at that time did not necessitate direct access to an arterial roadway. This is when Institutional uses were permitted within other zoning classifications.
2. Once the Institutional zoning classifications (IN(L) and IN(H)) were created, Z-11172 changes zoning from AU with CUPs to IN(L) with BDP approved 12/15/2005.
3. Z-11531 changes zoning from IN(L) to IN(H) and approved with replaced BDP on 12/16/2009. Also changed FLUM from NC to CC.

Please let me know if you need any additional information about this,
Erin

From: Sterk, Erin
Sent: Monday, October 29, 2018 4:57 PM
To: Jinger, Knox
Cc: Ragain, Rebecca; Ritchie, George C; Jones, Jennifer
Subject: IN(H) properties' access

Good afternoon Jinger,

In a previous email, you'd requested that staff "confirm if there are any other in (h) properties that do not use a major road for ingress/egress in the county." Our staff, in coordination with the GIS team over in IT, performed an analysis and found the following:

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Jennifer, please add this to the Board package.

Jinger, please let me know if you have any additional questions I can answer,

Erin Sterk
Planning & Zoning Manager
Brevard County
(321) 633-2070 ext. 52640

From: Jinger Knox
To: Jones, Jennifer
Subject: RE: IN(H) properties' access
Date: Wednesday, November 7, 2018 9:10:42 AM

Thank you for your response. I would like to request information about any meetings which have taken place between the board and the applicant that was not publicly notified, since the applicant made mention that he had spoken to them about a month ago and he did not speak in last month meeting.

Also I would like to request a meeting with the head of the planning and zoning department to discuss staffs comments during the meeting, including why they allowed a bdp to be addressed without proper vetting by staff (with a new bdp being submitted at the meeting and no research being done into the wording or what the changes could mean for the community). Staff did not mention the fact that the notice had been removed from posting for over a week, which they clearly knew and should have been addressed.

Also staff made recommendations for traffic pattern changes without a traffic study, when clearly they have not researched the issue as staff didn't acknowledge that the driveway item was on the bdp. The fact that staff didn't clearly research the proposed bdp was evident in their lack of understanding at the meeting and it is clear that a traffic study was necessary and that this is a higher use for a non conforming business (as it can only be used to house 13 people in its current state and staff is changing the bdp to state that they can house 47 people) staff didn't even consider if this was a higher use, or show why it wasn't. It is clear to anyone who looks at the facts that staff was merely pushing this through as a pet project because Scott Knox is involved. The winking from the Charmin of the zoning board to staff employees wasn't even necessary for us all to get that message loud and clear.

I ask that I have an opportunity to sit down with the head of your division to address all of these issues in detail as soon as possible so that I may take further steps as necessary.

Jinger Knox
3212881689

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From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Tuesday, November 6, 2018 3:57:00 PM
To: Sterk, Erin; Jinger Knox
Subject: RE: IN(H) properties' access

Jinger,

Henry Minneboo is the Chairman of the Planning and Zoning Board. He was appointed by the District 1 Commissioner, Rita Pritchett.

Jennifer

From: Sterk, Erin
Sent: Tuesday, November 6, 2018 3:50 PM
To: Jinger Knox
Cc: Jones, Jennifer
Subject: FW: IN(H) properties' access

Good afternoon Jinger,

Jennifer should be able to provide that information -- she is copied on this email.

Thanks,
Erin

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Tuesday, November 6, 2018 12:15 PM
To: Sterk, Erin
Subject: RE: IN(H) properties' access

Please tell me the name of the head of the planning and zoning board as well as which commissioner appointed him

Thank you

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From: Jinger Knox <jingerk@msn.com>
Sent: Wednesday, October 31, 2018 10:07:29 AM
To: Sterk, Erin
Subject: RE: IN(H) properties' access

Sounds good... but assure you I've copied them on everything. I just send it to them separately... but by all means if you feel you have been misrepresented I want you to be assured you are not. My goal is to assure everyone is in the loop so that they might catch anything I miss, they are very intelligent and I'm sure they have different insight to this than I do.

Jinger

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>

Sent: Wednesday, October 31, 2018 10:00:02 AM
To: Jinger Knox
Cc: chemfreeyard@gmail.com; blumauer@cfl.rr.com
Subject: RE: IN(H) properties' access

Jinger,

I did not find either of the two folks copied on the email I sent yesterday, which was omitted from the email chain you looped them into.

I will follow this email by forwarding them the missing information.

Thanks,
Erin

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Wednesday, October 31, 2018 9:47 AM
To: Sterk, Erin
Cc: chemfreeyard@gmail.com; blumauer@cfl.rr.com
Subject: Re: IN(H) properties' access

I have included them on every email that we have had thus far. I am not trying to accuse you of anything. I'm trying to understand the chain of events that lead to this property being zoned the way it is. I don't consider you my adversary in this, in fact I'm hoping that we can work together to protect our community.

Jinger Knox

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From: Sterk, Erin
Sent: Wednesday, October 31, 9:26 AM
Subject: Re: IN(H) properties' access
To: Jinger Knox
Cc: chemfreeyard@gmail.com; blumauer@cfl.rr.com

Jinger,

Almost everything in the last email you sent is a misrepresentation of what I said. I will need time to digest the accusations and prepare a comprehensive response, as you are referring to decades old zoning actions and not the request before the Board today.

What I tried to convey is that this institutional use was permitted and began under the AU zoning classification, prior to the IN(H) zoning classification's existence. That, in short, is why the use does not meet a criteria that exists today that was not in place in the zoning code when the use began.

Oddly enough, that portion of my response has been omitted from the email chain below. I would ask that you additionally forward that omitted information to the constituents not copied on this email chain.

Thanks,
Erin

On Oct 31, 2018, at 9:19 AM, Jinger Knox <jingerk@msn.com> wrote:

The way I read your previous email it seemed like you were saying that the zoning in (h) was put in place before the requirement for an arterial road access was required for in (h) zoning. Just so I understand, this was the only property in the county that was made in (h) in a non conforming way without access to the correct type of road and through a neighborhood? And now the county attorney that fought for that non complying zoning is representing the owners of the property in order to allow them to open a facility that would dramatically reduce property values and safety. Is that correct?

Let me ask you this question, what can be done if we believe that this zoning should never have been approved and that it was done illegally through the use of spot zoning? Can we file a court petition asking that a judge look into the political motivation of this zoning and it's legality?

We have been told throughout this process that there were "several" in (h) properties in the county, even being told there were "to many to count " and now we find out that there really are only 4 properties and that it does appear that this code was made in the past specifically for this property to protect it as it was a pet of the commission at the time. It is clearly not appropriate for a residential neighborhood to have an in (h) zoning without the proper County services to support the ingress and egress from the property and we have been misled as a community into thinking that all church based organizations were needing this in (h) zoning which facilitated that this zoning reclassification be developed county wide to fix a problem that plagued several areas, not just our own small community. Now that we know this to be false what action can we take as citizens to get this rectified and demand appropriate zoning for our community?

I appreciate your insight into this matter
Jinger Knox
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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Wednesday, October 31, 2018 9:04:05 AM
To: Jinger Knox
Subject: Re: IN(H) properties' access

Jinger,

To the best of my knowledge, the IN(H) zoning classification always included this condition, but IN(H) did not always exist. Institutional uses previously fell under other zoning classifications, like in this instance. The use was in place before the zoning classification existed.

Erin

On Oct 31, 2018, at 8:36 AM, Jinger Knox <jingerk@msn.com> wrote:

Good morning. Could you please tell me when the code changed to require in (h) to come directly off of an arterial road as mentioned in your previous email.

Thank u
Jinger

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Monday, October 29, 2018 4:57:07 PM
To: Jinger Knox
Cc: Ragain, Rebecca; Ritchie, George C; Jones, Jennifer
Subject: IN(H) properties' access

Good afternoon Jinger,

In a previous email, you'd requested that staff "confirm if there are any other in (h) properties that do not use a major road for ingress/egress in the county." Our staff, in coordination with the GIS team over in IT, performed an analysis and found the following:

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Zoning

Future Land Use

Acreage

Notes on Access

2606020

IN(H)

CC

5.33

Subject Property, Access from local road connecting to US Highway 1 (Urban Principal Arterial)

2415278

IN(H)

NC & Res 15

1.45

Access from local road connecting to Clearlake Road (Urban Minor Arterial)

2726898

IN(H)

CC

.71

Access directly to US Highway A1A (Urban Principal Arterial)

2601308

IN(H)

CC

49.65

Access directly to Murrell Road (Urban Minor Arterial)

Jennifer, please add this to the Board package.

Jinger, please let me know if you have any additional questions I can answer,

Erin Sterk
Planning & Zoning Manager
Brevard County

(321) 633-2070 ext. 52640

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

From: [Jones, Jennifer](#)
To: ["Mark Leslie"](#)
Subject: RE: Resend with just yesterday's email to Erin
Date: Monday, November 19, 2018 8:19:00 AM
Attachments: [20181119091519.pdf](#)
[image002.png](#)

Mark, it looks like the December 15th 2009 item on the agenda was to approve the BDP as a consent item. I've attached that page of the minutes. If you'd like the minutes in their entirety, I can email them to you. They are 68 pages. I'm still looking for the resolution.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Monday, November 19, 2018 7:57 AM
To: Jones, Jennifer
Subject: Re: Resend with just yesterday's email to Erin

Jennifer,

I would also like to get the minutes of the December 16, 2009 BCC meeting and a copy of resolution Z-11531. Can you tell me where I might get those records?

Thanks,
Mark

On Monday, November 19, 2018, 7:47:32 AM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark, sorry I couldn't get back with you on Friday. I'm using your email, along with the three attachments as public comment. I was able to open the link to the Fifth District Court of Appeal and use a more readable version. It's attached, let me know if this is okay.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Friday, November 16, 2018 9:58 AM
To: Jones, Jennifer
Subject: Resend with just yesterday's email to Erin

Jennifer,

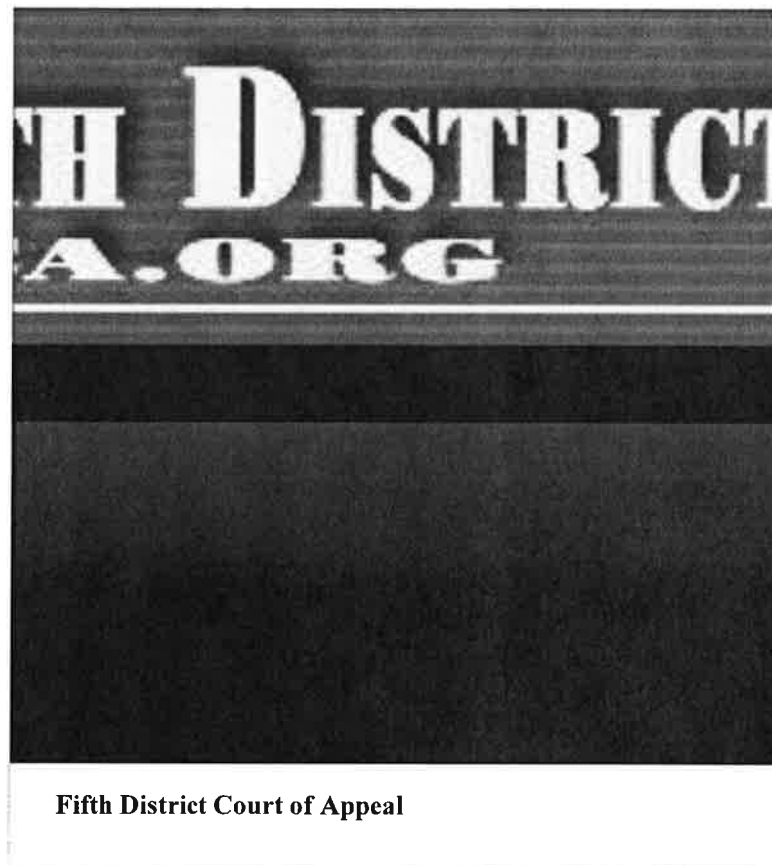
Because the email to Erin yesterday included some other emails in a chain, I'm re sending just the three items and

language I sent to her yesterday. There are two images 1454 and 1455 and language from a court case both as a link and a html doc.. Let me know how that works.

Thanks,

Mark

Fifth District Court of Appeal



Erin,

It seems the change to a for-profit, treatment and recovery facility, licensed by the State, represents an expansion or increase of use and is prohibited under 62-1182(a)(1). Case law argued and defended through appeal by Mr. Knox--now Council for the Applicant--while working for the County seems to substantiate this. (text and link attached for

your review) Also, the Happy Landings Property was administratively rezoned to IN(L), then subsequently the intensity increased to IN(H) in 2009 to "make it work" for the applicant to have a dormitory classification under current ALF designations. Had the IN(L) been left as originally administratively rezoned, treatment and recovery would not be allowed under the terms set forth in 62-1573.

Please review the attached staff report. I believe the zoning official at the time was Rick Enos. His position was that ACLF and Treatment and recovery facilities are separate and distinct uses. In my mind, a dormitory for homeless women with children, or a school for homeless boys is certainly not as intense as a State Licensed Treatment and Recovery Facility. It seems the County would be arbitrarily applying zoning code for a non-conforming use should the proposed rezoning be approved.

Feel free to call to discuss.

321-427-8817

**GROUPS FOR THE INDIAN RIVER LAGOON BASIN
MANAGEMENT ACTION**

PLANS

(BMAP)

Motion by Commissioner Fisher, seconded by Commissioner Anderson, to nominate Assistant County Manager Mel Scott as the County's representative and Assistant County Manager Stockton Whitten as the County's alternate representative to participate on the Florida Department of Environmental Protection, Basin Working Groups, for the Indian River Lagoon Basin Management Action Plans (BMAPs). Motion carried and ordered unanimously.

**BINDING DEVELOPMENT PLAN, RE: HAPPY LANDINGS
HOMES, INC.**

Motion by Commissioner Fisher, seconded by Commissioner Anderson, to execute a Binding Development Plan Agreement with Happy Landings Homes, Inc. for property located on the east side of Old Dixie Highway, approximately 134 feet south of Otter Creek Lane. Motion carried and ordered unanimously.

**REVIEW, RE: POLICIES BCC-40, WAIVER OF APPLICATION
FEES FOR THE
BOARD OF ADJUSTMENT UNDER CERTAIN
CIRCUMSTANCES, AND BCC-41,
WAIVER OF DEVELOPMENT REVIEW AND PERMIT FEES
UNDER CERTAIN**

CIRCUMSTANCES

Motion by Commissioner Fisher, seconded by Commissioner Anderson, to renew Policies BCC-40, Waiver of Application Fees for the Board of Adjustment Under Certain Circumstances, and BCC-41, Waiver of Development Review and Permit Fees Under Certain Circumstances. Motion carried and ordered unanimously.

**SUNSET REVIEW (BCC-31), RE: BREVARD COUNTY
BOARD OF COUNTY
COMMISSIONERS POLICY (BCC-45), INITIATION AND
DEVELOPMENT OF NEW
OR AMENDED
ORDINANCES**

Motion by Commissioner Fisher, seconded by Commissioner Anderson, to approve Policy BCC-45, Initiation and Development of New or Amended Ordinances, changing the originator of the Policy from Permitting and

From: [Jones, Jennifer](#)
To: ["Mark Leslie"](#)
Subject: RE: Resend with just yesterday's email to Erin
Date: Monday, November 19, 2018 8:24:00 AM
Attachments: [Z-11531 Resolution.pdf](#)
[image002.png](#)

And here is the resolution.

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Monday, November 19, 2018 7:57 AM
To: Jones, Jennifer
Subject: Re: Resend with just yesterday's email to Erin

Jennifer,

I would also like to get the minutes of the December 16, 2009 BCC meeting and a copy of resolution Z-11531. Can you tell me where I might get those records?

Thanks,
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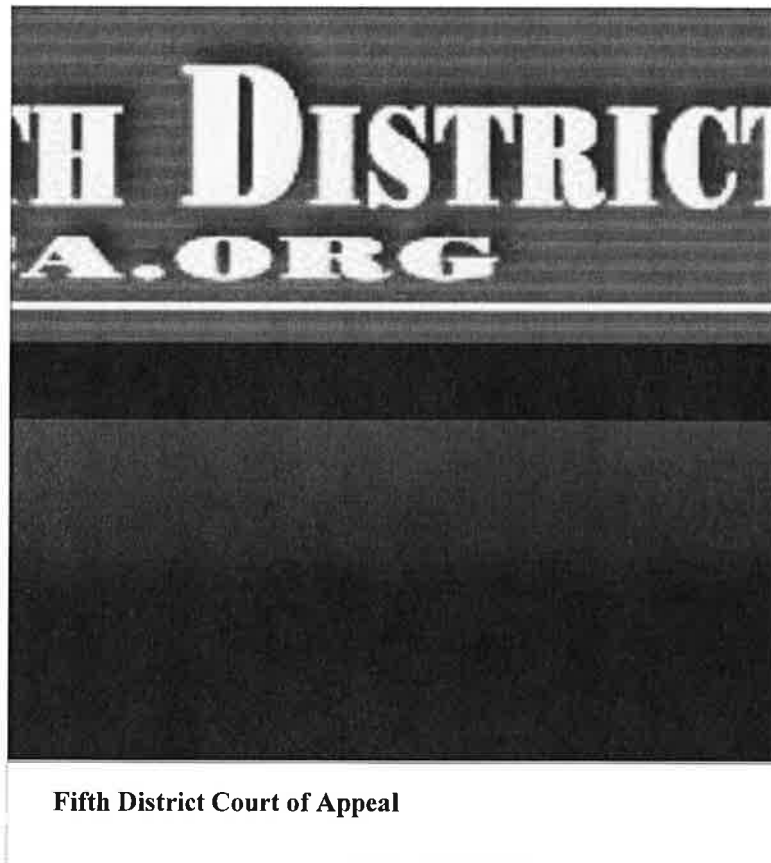
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Fifth District Court of Appeal



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It seems the change to a for-profit, treatment and recovery facility, licensed by the State, represents an expansion or increase of use and is prohibited under 62-1182(a)(1). Case law argued and defended through appeal by Mr. Knox--now Council for the Applicant--while working for the County seems to substantiate this. (text and link attached for your review) Also, the Happy Landings Property was administratively rezoned to IN(L), then subsequently the intensity increased to IN(H) in 2009 to "make it work" for the applicant to have a dormitory classification under current ALF designations. Had the IN(L) been left as originally administratively rezoned, treatment and recovery would not be allowed under the terms set forth in 62-1573.

Please review the attached staff report. I believe the zoning official at the time was Rick Enos. His position was that ACLF and Treatment and recovery facilities are separate and distinct uses. In my mind, a dormitory for homeless women with children, or a school for homeless boys is certainly not as intense as a State Licensed Treatment and Recovery Facility. It seems the County would be arbitrarily applying zoning code for a non-conforming use should the proposed rezoning be approved.

Feel free to call to discuss.

321-427-8817

On motion by Commissioner Infantini, seconded by Commissioner Bolin, the following resolution was adopted by a unanimous vote:

WHEREAS, HAPPY LANDINGS HOMES, INC. has applied for a Small Scale Plan Amendment to change the Future Land Use Designation from Neighborhood Commercial to Community Commercial and a change of classification from IN(L) (Institutional Use-Low Intensity), with an existing Binding Development Plan, to IN(H) (Institutional Use-High Intensity), with removal of the existing Binding Development Plan, and with a new Binding Development Plan, on property described as Lot 14.01, Subdivision DS, Indian River Villa, as recorded in Deed Book 318, Page 182, Public Records of Brevard County, Florida. Section 19, Township 26, Range 37. (5.33 acres) Located on the east side of Old Dixie Hwy., approx. 134 ft. south of Otter Creek Lane; and

WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be approved (*see below), with an addition to the Binding Development Plan to limit the residents to women and children, and with recommendation that the institution work with the neighbors to place someone on the board; and

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Approved, eliminating placing a member on the board, and adding semi-annual meetings for the community; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested Small Scale Plan Amendment to change the Future Land Use Designation from Neighborhood Commercial to Community Commercial and a change of classification from IN(L) (Institutional Use-Low Intensity), with an existing Binding Development Plan, to IN(H) (Institutional Use-High Intensity), with removal of the existing Binding Development Plan, and with a new Binding Development Plan, be APPROVED, with a Binding Development Plan recorded in ORB 6082, Pages 71 through 77, dated December 16, 2009, and that the zoning classification relating to the above described property be changed to IN(H) (Institutional Use-High Intensity), and the Planning & Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 16, 2009.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Mary M. Bolin

ATTEST:

Scott Ellis

SCOTT ELLIS, CLERK

by Mary Bolin, Chairman

As approved by the Board on October 1, 2009.

(SEAL)

(P&Z Hearing – September 14, 2009)

* LPA Action: Approved Small Scale Plan Amendment

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

From: [Jones, Jennifer](#)
To: "Mark Leslie"
Subject: RE: Resend with just yesterday's email to Erin
Date: Monday, November 19, 2018 10:34:00 AM
Attachments: [2009 Agenda Report.pdf](#)
[image002.png](#)

This one took a little longer to track down.

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Monday, November 19, 2018 8:27 AM
To: Jones, Jennifer
Subject: Re: Resend with just yesterday's email to Erin

Consent goes through as one vote on multiple items unless a particular item is pulled, right? If that's the case, and the item wasn't pulled for discussion, then just the write-up from the agenda would be sufficient for my needs. Can you obtain a copy of that agenda item from consent pages?

On Monday, November 19, 2018, 8:19:45 AM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark, it looks like the December 15th 2009 item on the agenda was to approve the BDP as a consent item. I've attached that page of the minutes. If you'd like the minutes in their entirety, I can email them to you. They are 68 pages.

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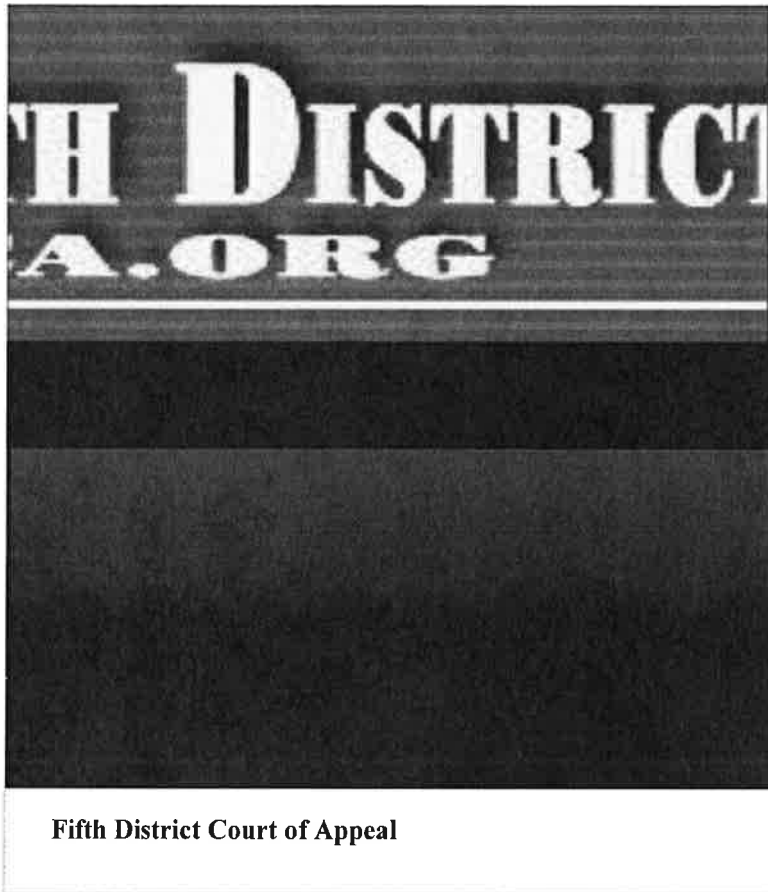
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Feel free to call to discuss.

321-427-8817

Meeting Date
December 15, 2009



AGENDA	
Section	CONSENT
Item No.	III.A.3

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Binding Development Plan
Re: Happy Landings Homes, Inc. – District 4

DEPT/OFFICE: Planning & Development Department

Requested Action:

It is requested that the Board approve, and the Chairman sign, the subject Binding Development Plan.

Summary Explanation & Background:

On October 1, 2009, the Board of County Commissioners approved a Small Scale Plan Amendment from Neighborhood Commercial to Community Commercial, and a change of zoning classification from IN(L), with an existing Binding Development Plan to IN(H) with a new Binding Development Plan, on property described in Section 19, Township 26, Range 37 (on the east side of Old Dixie Hwy., approx. 134 ft. south of Otter Creek Lane), subject to a Binding Development Plan (BDP), as follows:

- Developer/owner shall prohibit any dormitory resident or staff member convicted of a felony, or who has entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, from residing or being employed on the property. Developer/owner shall make FDLE criminal background records of all dormitory residents and staff members available to the County for inspection within 30 days of recordation of the Binding Development Plan, and thereafter, upon request by the County.
- Developer/owner shall prohibit the dormitory from being regulated by, operated by, or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.
- Developer/owner shall limit the dorm to 47 residents, until such time that consistency with the facility standards permits additional residents. In any event, the dormitory shall be limited to 68 people, including residents and staff. Maximum number of residents shall be enforced by the County one year after recordation of the Binding Development Plan.
- Developer/owner shall maintain the board-on-board stockade, six-foot, fence adjacent to Old Dixie Hwy. within 30 days of recordation of the Binding Development Plan.
- Developer/owner shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter Creek Lane on the north, the railroad tracks on the west, U.S. 1 on the east, and the Pineda Causeway on the south) to provide open communications between the developer/owner and the neighbors to discuss items of mutual concern.
- County Permitting & Enforcement Dept. and P&Z Office shall perform semi-annual inspections to determine if the property complies with County Code. Inspections shall be performed yearly, if no violations are found after two years.
- Environmental Health Services shall perform yearly inspections to determine if the property conforms to regulations pertaining to the following: function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for harboring of pests. The Developer/owner shall pay an inspection fee established by Environmental Health Services

Name: Rick Enos

Phone: 633-2070

Exhibits Attached: Binding Development Plan and check for recording

Contract /Agreement (If attached): Reviewed by County

Yes ☒ No ☐

Attorney

County Manager's Office

Howard Tipton, County Manager

Mel Scott, AICP, Asst. County Manager

Department

Robin M. Sobrino, AICP, Planning & Development Director

PR ☐

From: Sterk, Erin
To: Scott Knox
Cc: Jones, Jennifer
Subject: RE: Happy Landings BDP
Date: Monday, November 19, 2018 5:38:40 PM

Scott,

I have the following recommendations:

1. The second and third whereas clauses should be converted into conditions, in order for them to be perceived as binding:
 - WHEREAS, Developer has requested the the Property currently has INH zoning classification(s) and the Developer desires to develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code;
 - **WHEREAS**, the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code, Section 62-1157; and
2. Condition 3.a. should be amended as follows:
 - Developer shall install a 6 ft Privacy Fence along Old Dixie Highway ~~foot buffer~~ on the west portion of the Property.
3. The language of Condition 3.c. should be evaluated to determine whether it meets the intent of the P&Z's recommendation – to limit the use to the existing square footage and footprint that are currently there. Please quantify the square footage and number of buildings so that staff will be able to enforce these limitations in the future.
 - Developer shall utilize the existing building slab footprints, along with the existing slab square footage;
4. Conditions 3.d-3.f. refer to the Dormitory and should be amended accordingly:
 - (ex:) The Developer shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

And lastly, in review of whether or not the change of use proposed within the BDP from dormitory for women and children to treatment and recovery facility, the applicant is proposing to move from a permitted use within the IN(H) Zoning classification to a permitted with conditions use. The conditions associated are intended to demonstrate that those additional permitted with conditions uses do not have any additional impact.

While the County must prohibit any expansion of nonconforming use, we are asking that the applicant provide a response as to how/when they intend to meet the Facility Standards, as described below. Without demonstration of meeting those facility standards, we will need to evaluate if the change from the permitted to permitted use with conditions (while not meeting the conditions) could be perceived as an expansion of a nonconforming use. *Please specifically respond to how the applicant will address the criteria in (3) below.*

Sec. 62-1826. - Assisted living facilities and treatment and recovery facilities.

Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities shall comply with the following requirements, where applicable:

(1) *Dispersal of facilities.* The minimum distance between facilities, measured from the property line, shall be 1,000 feet.

(2) *Neighborhood compatibility.* In the institutional zoning classification, the external appearance of the assisted living facility's or treatment and recovery facility's structures and building sites shall maintain the general character of the area. Exterior building materials, bulk, landscaping, fences and walls and general design shall be compatible with those of surrounding dwellings.

(3) *Facility standards.*

a. Prior to the granting of any permit for assisted living facilities or treatment and recovery facilities, the state department of health and rehabilitative services shall verify compliance with the following standards:

1. There shall be not less than 250 square feet of floor space per assigned resident.

2. There shall be one bathroom per two bedrooms. The bedroom square footage shall be not less than 75 square feet per assigned resident.

3. Centralized cooking and dining facilities shall equal 30 square feet per assigned resident.

b. If the request for a permit for assisted living facilities or treatment and recovery facilities is for a structure to be built, floor plans of the structure shall be submitted and approved prior to issuance of the permit.

(4) *Reserved.*

(5) *Off-street parking.* There shall be two parking spaces, plus two additional parking spaces for every five occupants for which the facility is permitted.

(6) *Compliance with state regulations.* Violations of applicable statutes and regulations of the state shall be deemed violations of this division.

Thank you for your coordination and if you would like to discuss, I have limited availability on my calendar tomorrow.

Happy almost-Thanksgiving,
Erin

-----Original Message-----

From: Scott Knox [mailto:sknox@uslegalteam.com]

Sent: Monday, November 19, 2018 12:23 PM

To: Sterk, Erin

Cc: Jones, Jennifer

Subject: RE: Happy Landings BDP

Erin:

I caught a few mistakes in the last version of the BDP I sent to you. Attached is a revised version and marked up version showing the changes. I apologize for the mistakes.

If you have other questions or changes, please feel free to call me on my cell phone any time this afternoon, 321-261-9713, though you will not be able to reach me at the office.

Scott L. Knox, Esq.
Wideman Malek PL
1990 W. New Haven Ave., Second Floor

Melbourne, FL 32904
Tel. 321.255.2332
Fax 321.255.2351
sknox@uslegalteam.com

Scott Knox
Attorney at Law
1990 W New Haven Ave Ste. 201
Melbourne, Florida 32904
(321) 255-2332 - (321) 255-2351 fax

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If you are not an intended recipient, you are hereby notified that you received this email in error. Any review, dissemination, distribution or copying of this email and any attachment is strictly prohibited. If you are not the intended recipient of this email, please contact Widerman Malek at the above-referenced number, and delete the message and any attachment from your system. Thank you.-----Original Message-----

From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Monday, November 19, 2018 7:50 AM
To: Scott Knox <sknox@uslegalteam.com>
Subject: BDP

Scott,

I would like to discuss some of the BDP conditions for Happy Landings. Please let me know if you have availability today before 2:30.

Thanks,
Erin

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From: [Sterk, Erin](#)
To: [Scott Knox](#)
Cc: [Jones, Jennifer](#)
Subject: Re: Happy Landings BDP
Date: Monday, November 19, 2018 5:52:12 PM

Scott,

I forgot one thing from the list - Condition 10 cannot be included as-is and should be removed. The date of effectiveness is the date of the BDP resolution and applies to the property, regardless of ownership status.

* This Binding Development Plan shall not take effect until the recording date of the deed conveying the Property from Happy Landings Homes, Inc. the current owner of the Property, to Journeypure Orlando LLC.

Erin

On Nov 19, 2018, at 5:38 PM, Sterk, Erin <Erin.Sterk@brevardfl.gov> wrote:

Scott,

I have the following recommendations:

<!--[if !supportLists]-->1. <!--[endif]-->The second and third whereas clauses should be converted into conditions, in order for them to be perceived as binding:

<!--[if !supportLists]-->• <!--[endif]-->WHEREAS, Developer has requested the the Property currently has INH zoning classification(s) and the Developer desires to develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code;

<!--[if !supportLists]-->• <!--[endif]-->**WHEREAS**, the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code, Section 62-1157; and

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<!--[if !supportLists]-->3. <!--[endif]-->The language of Condition 3.c. should be evaluated to determine whether it meets the intent of the P&Z's recommendation – to limit the use to the existing square footage and footprint that are currently there. Please quantify the square footage and number of buildings so that staff will be able to enforce these limitations in the future.

<!--[if !supportLists]-->• <!--[endif]-->Developer shall utilize the existing building slab footprints, along with the existing slab square footage;

<!--[if !supportLists]-->4. <!--[endif]-->Conditions 3.d-3.f. refer to the Dormitory and should be amended accordingly:

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3. Centralized cooking and dining facilities shall equal 30 square feet per assigned resident.

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Erin

-----Original Message-----

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Sent: Monday, November 19, 2018 12:23 PM
To: Sterk, Erin
Cc: Jones, Jennifer
Subject: RE: Happy Landings BDP

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If you have other questions or changes, please feel free to call me on my cell phone any time this afternoon, 321-261-9713, though you will not be able to reach me at the office.

Scott L. Knox, Esq.
Widerman Malek PL
1990 W. New Haven Ave., Second Floor
Melbourne, FL 32904
Tel. 321.255.2332
Fax 321.255.2351
sknox@uslegalteam.com

Scott Knox
Attorney at Law
1990 W New Haven Ave Ste. 201
Melbourne, Florida 32904
(321) 255-2332 - (321) 255-2351 fax

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Any review, dissemination, distribution or copying of this email and any attachment is strictly prohibited. If you are not the intended recipient of this email, please contact Widerman Malek at the above-referenced number, and delete the message and any attachment from your system. Thank you.-----Original Message-----

From: Sterk, Erin <Erin.Sterk@brevardfl.gov>

Sent: Monday, November 19, 2018 7:50 AM

To: Scott Knox <sknox@uslegalteam.com>

Subject: BDP

Scott,

I would like to discuss some of the BDP conditions for Happy Landings. Please let me know if you have availability today before 2:30.

Thanks,

Erin

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From: Jones, Jennifer
To: "Mark Leslie"
Subject: RE: Revised BDP 11-19-18
Date: Tuesday, November 20, 2018 7:42:00 AM
Attachments: 6. 18PZ00088_4 FYI Revised BDP Condition 11-05-18.pdf

Here you go.

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Tuesday, November 20, 2018 7:32 AM
To: Jones, Jennifer
Subject: Re: Revised BDP 11-19-18

Good Morning Jeniffer,

Thanks for sending. Would you please send me the BDP submitted by Happy Landings at the P&Z hearing on November 5th?

Thanks and have a great day!

On Nov 19, 2018, at 4:38 PM, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark, attached is a revised BDP our office received today for Happy Landings.

Jennifer

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

<6. 18PZ00088_8 Revised BDP 11-19-18.pdf>

FYI Revised BDP Condition
18PZ00088
Happy Landings Homes
(Submitted by applicant 11/05/18)

RETURN: Clerk to the Board #27

Prepared by: Lila Buescher
Address: 5925 Old Dixie Highway
Melbourne, FL 32940

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 15 day of Dec, 2009 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Happy Landings Homes, Inc. a Florida corporation (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described as Section 19, Township 26, Range 37, Subdivision #DS, Lot 14.01; and

WHEREAS, Developer/Owner has requested the INH zoning classification and desires to maintain the property as a Dormitory for women with children pursuant to the Brevard County Code, Sec. 62-1573; and

WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the Improvements. It is the Intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any Improvements.

2. The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a ^{forcible} felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from being employed on the property. For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication

RETURN: Clerk to the Board #27

was withheld or whether Imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request by the County.

3. The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

4. The Developer/Owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.

5. The Developer/Owner shall maintain the board on board, stockade six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.

6. The Developer/Owner shall establish semiannual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, US Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer/Owner and the neighbors to discuss items of mutual concern.

7. The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints.

8. Environmental Health Services shall perform yearly inspections for the purpose of determining if the property conforms to regulations pertaining to the following: function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for the harborage of pests. The Developer/Owner shall pay an Inspection fee established by Environmental Health Services.

9. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the

11.11.3

RETURN: Clerk to the Board #27

property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

10. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1, 2005. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

12. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year

first written above.

ATTEST:


Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940


Mary Bolin, Chairman
As approved by the Board on 12/15/09

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 15 day of December, 2009, by Mary Bolin, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires


Notary Public

SEAL

Commission



Tamara J. Van Fossan
(Name typed, printed or stamped)

RETURN: Clerk to the Board #27

WITNESSES

Brandi Lebowitz
Brandi Lebowitz
(Witness Name typed or printed)

Stacey Straub
Stacey Straub
(Witness Name typed or printed)

DEVELOPER/OWNER

Happy Landings Homes, Inc

5925 Old Dixie Highway, Melbourne, FL 32940
(Address)

Lila Buescher
Lila Buescher
(Name typed, printed, or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 6th day of Nov., 2009, by Lila Buescher, President of Happy Landings Homes, Melbourne, Florida, who is personally known to me or who has produced as Identification.

My commission expires 3/3/2013

Stacey T. Straub
Notary Public

SEAL

Commission No.:

Stacey T. Straub
(Name typed, printed or stamped)



From: [Mark Leslie](#)
To: [PublicRecordsRequest](#); [Ritchie, George C](#)
Cc: [Grivas-Pereno, Bessie](#); [Tromley Jr, Thomas P](#); [Damm-Martling, Angela R](#); [Cook, Cynthia](#); [Jones, Jennifer](#); [Serk, Erin](#)
Subject: Re: Inspection Reports Enumerated in Attached BDP - Happy Landings Homes - PRR 9785
Date: Wednesday, November 21, 2018 12:24:14 PM
Attachments: [2. 18PZ00088_1 FYI Existing BDP.pdf](#)
[image001.png](#)

Mr. Ritchie,

Please allow me to clarify this public records request, the attached Binding Development Plan that was signed and notarized by Mary Bolin, Chair of the Brevard County Board of County Commissioners on 12/15/2009 has language that states:

"The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints."

Is there any evidence, anywhere in the Planning and Zoning Office, or the Permitting and Enforcement Department, or any other archived records, that ANY semi-annual or annual compliance inspections were ever conducted at the Happy Landings Homes Dormitory as described in the attached Binding Development Plan?

Respectfully
Mark Leslie

On Wednesday, November 21, 2018, 9:41:10 AM EST, Ritchie, George C
<George.Ritchie@brevardfl.gov> wrote:

There are no semi-annual or annual reports identified in Zoning file # **Z-11531** to which the BDP recorded in BK 6082 PG 71 through 77 pertains.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office

Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321)633-2070 ext 52657

Fax # (321)633-2152

From: PublicRecordsRequest
Sent: Wednesday, November 21, 2018 8:27 AM
To: boatbrevard@yahoo.com
Cc: Grivas-Pereno, Bessie; Tromley Jr, Thomas P; Damm-Martling, Angela R; Cook, Cynthia; Ritchie, George C; Jones, Jennifer
Subject: Re: Inspection Reports Enumerated in Attached BDP - Happy Landings Homes - PRR 9785

Good morning,

Brevard County is in receipt of your below public records request and your request has been forwarded to the appropriate departments and/or personnel to research.

Please be advised that there may be costs associated with the County's response to your request. Per Brevard County AO-47, extensive staff time is defined as any time after the first one-half hour that it takes to research, gather or process the public records request, as well as the time spent with the requestor to review the records. We will provide you with a cost estimate prior to fulfilling your request and this estimate should include the cost of the time required for redacting any exempted information as well as the time spent reviewing emails generated through the IT department. Brevard County requires a deposit of 50% of the estimated duplication and staff time fees up front before starting the work to gather or research or duplicate records. Additionally the County will collect the remaining balance prior to release of the records, or reimburse any amount necessary should the amount collected be more than the actual cost of resources used. A copy of AO-47 is attached for your review.

Should you have any questions, please feel free to contact me.

Nadia Foll

Staff Support Specialist – Legal

Public Records Request Coordinator

County Attorney's Office

2725 Judge Fran Jamieson Way, Bldg C

Viera, Florida 32940

Telephone: (321) 633-2090



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Pursuant to BCC-32 policy approved and dated August 26, 2010.

From: Mark Leslie [mailto:boatbrevard@yahoo.com]

Sent: Wednesday, November 21, 2018 7:57 AM

To: PublicRecordsRequest

Subject: Public Records Request for Inspection Reports Enumerated in Attached BDP

To Whom it May Concern

Item number 7 of the attached Binding Development Plan (BDP) requires that certain inspections and compliance verification's be carried out by the County Permitting and Enforcement and the Planning and Zoning Office on a semi-annual and annual basis. I hereby request copies of those inspection reports and documentation that the inspections/site visits were actually done as described in the attached BDP.

Item number 8 of the attached BDP requires the Department of Environmental Health Services inspect the facility to ensure compliance with certain conditions. I hereby request copies of those inspection reports and documentation that the inspections/site visits were actually done as described in the attached BDP.

Very respectfully,

Mark Leslie

321-427-8817

CFN 2009233435, OR BK 6082 Page 71, Recorded 12/16/2009 at 03:37 PM, Scott Ellis, Clerk of Courts, Brevard County

RETURN: Clerk to the Board #2?

Prepared by: Lila Buescher
Address: 5925 Old Dixie Highway
Melbourne, FL 32940

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WHEREAS, as part of its plan for development of the property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. § 776.08 from being employed on the property. For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication



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was withheld or whether imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request by the County.

3. The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

4. The Developer/Owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.

5. The Developer/Owner shall maintain the board on board, stockade six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.

6. The Developer/Owner shall establish semiannual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, US Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer/Owner and the neighbors to discuss items of mutual concern.

7. The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints.

8. Environmental Health Services shall perform yearly inspections for the purpose of determining if the property conforms to regulations pertaining to the following: function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for the harborage of pests. The Developer/Owner shall pay an inspection fee established by Environmental Health Services.

9. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the

111.43

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property. This agreement provides no vested rights against changes to the comprehensive plan or land development regulations as they may apply to this property.

10. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in Brevard County, Florida.

11. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on September 1, 2005. In the event the subject property is annexed into a municipality and rezoned, this Agreement shall be null and void.

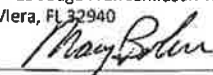
12. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:


Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamleson Way
Viera, FL 32940


Mary Bolin, Chairman
As approved by the Board on 12/15/09

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 15 day of December, 2009, by Mary Bolin, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires


Notary Public

SEAL
Commission



Tamara J. Van Fossan
(Name typed, printed or stamped)

(12)

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WITNESSES

Brandi Lebowitz
Brandi Lebowitz
(Witness Name typed or printed)

Stacey Straub
Stacey Straub
(Witness Name typed or printed)

DEVELOPER/OWNER

Happy Landings Homes, Inc

5925 Old Dixie Highway, Melbourne, FL 32940
(Address)

Lila Buescher
Lila Buescher
(Name typed, printed, or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 6TH day of Nov, 2009, by Lila Buescher, President of Happy Landings Homes, Melbourne, Florida, who is personally known to me or who has produced as identification.

My commission expires 3/3/2013

Stacey T. Straub
Notary Public

SEAL
Commission No.:

Stacey T. Straub
(Name typed, printed or stamped)



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Exhibit A

Begin at a point on the Westerly right-of-way line of U.S. Highway #1, said point being 187.5 feet East of and 876.07 feet North of the Southeast corner of the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East; thence go North 23 degrees 37 minutes 30 seconds West along said Westerly right-of-way line a distance of 294.57 feet to the point of beginning of the property described in this instrument; thence go North 23 degrees 37 minutes 30 seconds West along said right-of-way line a distance of 120.19 feet; thence West a distance of 110 feet; thence South 0 degrees 3 minutes 48 seconds East a distance of 152.27 feet; thence North 75 degrees 5 minutes 30 seconds East a distance of 163.83 feet to the Point of Beginning.

LESS AND EXCEPT that property deeded to the State of Florida for the use and benefit of the State Road Department.

Commence at the Southeast corner of the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East and run the East line of said NE 1/4 of the SW 1/4 Northerly a distance of 826.17 feet to a point which is the point of beginning of the land to be included in this description; thence for a first course of the property to be included in this description run East 242.96 feet more or less to a point on the West line of the right-of-way of U.S. Highway #1 (State Road #5); thence for a second course of the property to be included in this description run North 23 degrees 37 minutes 30 seconds West along the West line of the right-of-way of U.S. Highway #1 (State Road #5) a distance of 349.13 feet to a point; thence for a third course of the property to be included in this description run South 75 degrees 05 minutes 30 seconds West 163.85 feet to a point; thence for a fourth course of the property to be included in this description return to a point of beginning and go West a distance of 416.04 feet to a point in the center of the old County Road; thence for a fifth course of the property to be included in this description go Northwesterly and down the center of the Old County Road a distance of 367.74 feet to a point 15 feet West of the Northwest corner of lands conveyed to Starl N. Warfield and Amy L. Warfield, his wife, by deed dated October 15, 1962, recorded under Clerk's #323750 in Official Records Book 538, page 220 of the Public Records of Brevard County, Florida; thence for a sixth course of the property to be included in this description run East 15 feet to the Northwest corner of said land described in Official Records Book 538, Page 220; thence for a seventh course of the property to be included in this description run East 230.18 feet to a point; thence for an eighth course of the property to be included in this description run South 64 degrees 20 minutes 58 seconds East a distance of 109.85 feet to a point; thence for a ninth course of the property to be included in this description run Southeasterly to the Westerly terminus of the third course of the property to be included in this description, thereby completing the boundary of the lands to be included in this description.

EXCEPT that portion of the above described property taken under authority of eminent domain in that certain condemnation case filed in the Circuit Court of the Eighteenth Judicial Circuit of Florida in and for Brevard County, styled State of Florida Department of Transportation and Brevard County vs. Beulan Armstrong, et al., Civil Action No. 47922.

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A portion of Lot 14, Indian River Villa (unrecorded Plat) located in Government Lot 3, and the NE 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, being more particularly described as follows: From the SE corner of the NE 1/4 of the SW 1/4 of said Section 19, run North 00 degrees 20 minutes 40 seconds East, along the East line of said NE 1/4 of the SW 1/4, of Section 19, a distance of 676.16 feet to the Point of Beginning of the herein described parcel; thence West a distance of 265.53 feet to the Easterly Right-of-Way line of Service Road (Old Dixie Highway) as shown on Florida State Road Department Right-of-Way Map for State Road 404 (Pineda Causeway) Sec. 70004-2503; thence North 17 degrees 22 minutes West, along said Easterly Right-of-Way line 157.18 feet; thence East 475.60 feet to the Limited Access Right-of-Way line of aforesaid S.R. 404; thence South 07 degrees 12 minutes 20 seconds West 59.37 feet; thence South 41 degrees 47 minutes 39 seconds West 122.20 feet; thence West 74.27 feet to the Point of Beginning.

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JOINDER IN BINDING DEVELOPMENT PLAN

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage dated 2 October 2007, given by HAPPY LANDINGS HOMES INC., as mortgagor, in favor of the undersigned, PRIME BANK as mortgagee, recorded in Official Records Book 5817, page 6769, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Plan for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Plan.

WITNESSES:

MORTGAGEE NAME/ADDRESS

PRIME BANK

5770 N WICKHAM ROAD, MELBOURNE, FL 32940

(Address)

[Signature]
Authorized Agent Signature

[Signature]

Rebecca Ellis
(Witness name typed or printed)

[Signature]
Sabrina Ammon
(Witness name typed or printed)

Dana Killarne
(Name/title typed, printed or stamped)
President/ CEO

STATE OF FLORIDA §

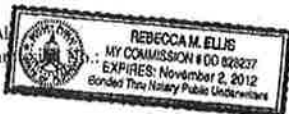
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 5 day of November 2009, by DANA KILLARNE, who is personally known to me or who has produced Florida Drivers License as identification.

My commission expires

[Signature]
Notary Public

SEAL
Comm



Rebecca Ellis
(Name typed, printed or stamped)

From: [Sterk, Erin](#)
To: [Jinger Knox](#)
Cc: [Engel, Mark](#); [Lock, Brian](#); [Ragain, Rebecca](#); [Calkins, Tad](#); [Jones, Jennifer](#)
Subject: Re: New bdp happy landings
Date: Monday, November 26, 2018 8:58:59 AM

Jinger,

I will prepare a response to your inquiries.

Please contact the County Attorney's office to make a formal public records request. In the mean time, I will gather my personal correspondence with Mr. Knox.

Thank you for conveying your concerns. We will certainly look into them and, of course, the effect of the proposed changes by the applicant. Any analyses our office produces will be provided to you upon completion.

Ms. Jones, who provides the public with public hearing items, returns to the office from holiday tomorrow and will be certain to forward all newly received items to you and all others upon her return. I understand you are already on her contact list.

Thanks,
Erin

On Nov 26, 2018, at 8:46 AM, Jinger Knox <jingerk@msn.com> wrote:

Erin,

Why even have a p and z meeting if the applicant can change the entire bdp that was approved? There has to be some protections against this, and it is obvious that the applicant knew this loophole and was purposefully lying to the p and z board about their plans. You don't come up with architectural drawings in 1 week for a property, Mr. Knox knew all along about the 2 week rule and he is obviously working the system. Maybe what you are doing is legal, maybe it isn't, but I can tell you it's not ethical regardless.

Please answer for me if this business can expand because you are considering it a lot of record? Please tell me why you are not considering going from 13 residents and 2 employees, to 47 residents and 21 employees as not a major change that will have impact on traffic. Please tell me why there has been no contact with the county road department about allowing a hospital to use an axillary road for supply vehicles, that has a no heavy trucks sign because it is not designed for that use. Please explain why you suggested that old Dixie be momoralized as the ingress/egress without any traffic studies or engineering to back up your suggestion. Please explain to me how allowing follow up outpatient care to hundreds of patients will not impact those roads or that neighborhood to a catastrophic level.

Please send me all email correspondence between Mr. Knox and the county zoning office as a public record request

It is clear that the county has once again decided to write this neighborhood off and subject it to spot zoning, something that never would have been done in another neighborhood. You might not be choosing to do this personally, but your offices lack of proper investigation into our rights as property owners to have safe roads to traverse has proven that we are not being represented, which is a shame.

Also in the future I would like copies of any revisions to the applicants information, I can not count on my neighbors to forward what they get from you, nor should I be required to.

Thank you
Jinger knox

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>

Sent: Monday, November 26, 2018 8:24:56 AM

To: jjingerk@msn.com

Cc: Engel, Mark; Lock, Brian; Ragain, Rebecca; Calkins, Tad; Jones, Jennifer

Subject: Re: New bdp happy landings

Good morning Jinger,

I received your inquiry from Mr. Lock, Code Enforcement Manager. As the proposed BDP changes are a zoning action going through public hearing, I am the correct point of contact, as Planning & Zoning Manager.

I understand your concerns that the re-revised BDP was substantially changed since the Planning & Zoning Board heard the item. Our code does not include an automatic provision for a proposal, if changed, to circle back through an advisory board. Rather, our code puts the onus on the applicant to submit any revised materials in a timely fashion prior to the BCC meeting. 62-184(d)(1) states:
The applicant must submit any new evidence, not presented to the Planning and Zoning Board, at least two weeks prior to the Board of County Commissioners meeting. Failure to do so may result in a continuation of the public hearing.

The revisions were submitted two weeks and one day before the scheduled BCC meeting. As such, we will proceed to the advertised meeting. Staff will clarify the timeline and code allowances at that time, along with a summary of what the P&Z board heard. The Commission can make a determination at that time whether the revised proposal should be sent back to the advisory board for a new recommendation.

Members of the public can also request that the item be reheard by the P&Z Board during the public comment period. I understand with the holiday it is a challenge to review the changes (or have legal counsel review) before the December 6th BCC.

We will include this correspondence in the board's package for their consideration. I have also copied your neighbor, Mr. Mark Engle, on this response, as we similarly discussed these code allowances via telephone late Wednesday.

Regards,
Erin

On Nov 26, 2018, at 6:59 AM, Lock, Brian <brian.lock@brevardfl.gov> wrote:

Erin
Please see email below from Jinger Knox.

Thanks,
Brian

Begin forwarded message:

From: Jinger Knox <jingerk@msn.com>
Date: November 22, 2018 at 7:30:36 PM EST
To: "brian.lock@brevardfl.gov"
<brian.lock@brevardfl.gov>
Subject: New bdp happy landings

Good morning, I hope you had a good turkey day. It looks like I need that meeting with you after all. I just received a copy of the new bdp for happy landings, it appears that it is not what was approved by the p and z board. If zoning is intending to go forward with this bdp at the commission meeting, presenting the bdp as if it was what was approved, then we are going to have a major issue. This is the third bdp we have been given since the p and z meeting and it is completely contrary to what was approved (ie. Adding an additional building)

Please let me know how zoning plans to proceed and if it is not requiring Mr. Knox to go back to the p and z board I request a meeting time ASAP so I can understand which legal arguments zoning is relying on in order for the matter to proceed.

Thank you
Jinger Knox

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From: [Sterk, Erin](#)
To: [Scott Knox](#)
Cc: [Ragain, Rebecca](#); [Jones, Jennifer](#); [Calkins, Tad](#)
Subject: RE: Happy Landings BDP revision
Date: Monday, November 26, 2018 4:43:38 PM

Scott,

I reviewed the attached "draft floor plan" which depicts a building 4,291 sq. ft. in size with 1,053 sq. ft. of porches, totaling 5,344 sq. ft. of new development. When added to the described 9,885 sq. ft. of existing development on the site, as confirmed by the PAO, this totals 15,229 sq. ft.

Could you clarify where the 16,700 sq. ft. limit newly proposed within the BDP's condition 3(d) is derived from? Is the rendering merely conceptual in nature and the intent is to allow flexibility to meet the facility standards? Or was there a scrivener's error with the addition?

Thank you for clarifying,
Erin

From: Scott Knox [mailto:sknox@uslegalteam.com]
Sent: Wednesday, November 21, 2018 2:59 PM
To: Sterk, Erin; Ragain, Rebecca; Jones, Jennifer
Subject: Happy Landings BDP revision

Erin/Rebecca/Jennifer:

Attached is a revised BDP (CLEAN AND MARKUP VERSIONS) incorporating the responses to Erin's comments. Also attached is a rendering of a proposed building to be constructed onsite to satisfy the standards set forth in section 62-1182(3) of the Code.

The most important provision in the BDP from my client's business perspective, is the 47 resident limit. Applying the aforementioned standards, the existing 9,885 sq. ft. of building footprint onsite would allow only 40 residents. To get the 47 residents my client needs for economic viability and to meet all the section 62-1182(3) square footage standards, my client proposes to build the additional building shown in Exhibits B and C, with a square footage limit of 16,700 sq. ft. on the entire 5.33 acre site. That square footage limit would include the current 9,885 sq. ft. of building footprint shown on the property data cards appearing on the Property Appraiser's website.

Scott Knox, Esq.
1990 W. New Haven Ave, Second Floor
Melbourne, FL 32904
Tel: 321.255.2332
Fax: 321.255.2351



Scott Knox, Attorney at Law
1990 W New Haven Ave Ste. 201
Melbourne, Florida 32904
(321) 255-2332
(321) 255-2351 fax



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From: [Jinger Knox](#)
To: [Jones, Jennifer](#)
Subject: Re: Happy Landings BDP revision
Date: Tuesday, November 27, 2018 8:38:26 PM
Attachments: [bdp revision issues.pdf](#)

Please forward these concerns to Erin in order to get clarification and add them to the file for the commission meeting.

Thank you

Jinger Knox
321.288.1689

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Tuesday, November 27, 2018 11:07 AM
To: Jinger Knox (jingerk@msn.com)
Subject: FW: Happy Landings BDP revision

Jinger, today is my first day back from vacation, so I apologize if you've already received this email from another staff member.

Jennifer

From: Scott Knox [mailto:sknox@uslegalteam.com]
Sent: Wednesday, November 21, 2018 2:59 PM
To: Sterk, Erin; Ragain, Rebecca; Jones, Jennifer
Subject: Happy Landings BDP revision

Erin/Rebecca/Jennifer:

Attached is a revised BDP (CLEAN AND MARKUP VERSIONS) incorporating the responses to Erin's comments. Also attached is a rendering of a proposed building to be constructed onsite to satisfy the standards set forth in section 62-1182(3) of the Code.

The most important provision in the BDP from my client's business perspective, is the 47 resident limit. Applying the aforementioned standards, the existing 9,885 sq. ft. of building footprint onsite would allow only 40 residents. To get the 47 residents my client needs for economic viability and to meet all the section 62-1182(3) square footage standards, my client proposes to build the additional

building shown in Exhibits B and C, with a square footage limit of 16,700 sq. ft. on the entire 5.33 acre site. That square footage limit would include the current 9,885 sq. ft. of building footprint shown on the property data cards appearing on the Property Appraiser's website.

Scott Knox, Esq.
1990 W. New Haven Ave, Second Floor
Melbourne, FL 32904
Tel: 321.255.2332
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Melbourne, Florida 32904
(321) 255-2332
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1. This is an expanded use for the following reasons.
 - A. Increasing the number of employees from 2 to 21.
 - B. Increasing the amount of residents from 13 to 47.
 - C. Performing patient care services, prior to this no patient care services were administered by staff.
 - D. 24 hour staff requirement and business hours.
 - E. Outpatient care permitted and expected.
 - F. State license required for new use, along with for profit enterprise.
 - G. Axillary services provided to residents such as mental health counseling, personal hygiene assistance, medication administration.
 - H. Addition of food service vehicles along with medical supplies. (Woman's dorm didn't offer food services in an institutional setting)
 - I. Visitation days which will increase traffic exponentially without proper parking accommodations. (47 residents will presumably have 47 visitors during the same weekend period, plus staff parking and the residents own vehicles)
 - J. According to Brevard Traffic operations there is a 30' turning radius on the curves in pinewood park subdivision (see attached memo from 2012). A semi trailer has a 45' turning radius, therefore signage has been put up prohibiting tractor trailers from entering the neighborhood. This facility has admitted that they will be getting food and other supplies in the same manner as other like kind businesses. This means that there will be semi trailers attempting to use the roads which are 20' wide with a turning radius of 30'. The roads do not meet minimum requirements to allow for this type of business, as evidenced by the signage that is installed on the north side of otter creek. You can not allow a business to expand knowing that the roads are insufficient to support such a business. The owner of the property and Brevard County have been aware of this situation since 2012 and signage has been visible to the general public since that time.

2. Sec. 62-1826. Assisted living facilities and treatment and recovery facilities. Assisted living facilities and treatment and recovery facilities. (1) Dispersal of facilities. The minimum distance between facilities, measured from the property line, shall be 1,000 feet.

Alf and detox centers are not allowed within 1000' of one another. There is already an Alf registered with zoning within 1000' please clarify why zoning officials are reading the zoning to mean one of each facility, as the code clearly states "and" not "or". Also please confirm that this has been the practice up till now (that the county has allowed two such facilities to reside nearer than 1000' from one another)

3. Does this facility have a waiver or variance to continue to have a in(h) zoning if they do not choose to continue with their previously approved non conforming use with bdp? According to Brevard Zoning code Sec. 62-1573. Institutional Use, IN(L) and IN(H). : The purpose of the institutional use zoning classification is to provide for private, nonprofit or religious uses which

are intended to service the needs of the public for facilities of an educational, religious, health or cultural nature. Furthermore, the zoning was done in a spot zoning fashion and does not meet the general criteria for High and Low intensity as per code. Low intensity uses are those that are of such limited scale and impact that they are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations. High intensity uses are more suited to community commercial or industrial areas. Intrusion into residential areas shall be limited.

This facility will no longer be a not for profit organization that is performing a service for the good of the community, this is a for profit facility, not providing health services for the public! IN(H) zoning, which was never appropriate, is no longer acceptable in any manner as the zoning is not applicable for the intended use. Furthermore, the property has not been used as an Alf or a detox center for the past 9 years, therefore they did not maintain their grandfathered status for use as either a drug detox or an ALF. An Alf provides services for their clients, happy landings homes did not provide at least one personal life service and was therefore not being operated as an alf. They were being operated as a woman's dorm, which facilitated the IN(H) zoning. Clearly this property needs to be rezoned to a proper zoning classification which meets their desired usage to bring it into conformity with county code.

4. Outpatient services must not be allowed. The potential owner provides services in other parts of the county that include not only drug detox, but services to sex offenders and those who have sexual addictions. Allowing outpatient services to sex addicts without protections to neighboring residential properties on an outpatient basis (meaning there is no cap on the number of patients, no supervision when they are coming and going out of the neighborhood, etc) This is an unacceptable burden on the neighborhood. The traffic alone could be unsurmountable. No Outpatient care of any kind should be allowed from this facility, it is a clear expansion of use and must be specifically disallowed in the BDP.

5. Property value deminishments are clear. Common sense allows an educated person to demise that allowing a drug detox center in a residential neighborhood would have a negative impact of greater than 15% on existing property values. A woman and children's center does not come with the stigma of a residential detox center which could be housing 47 actively addicted residents with a 60% recidivism rate. Along with 21 resident employees which could have recently been discharged from DOC, or even there on a work release program.

6. This applicant has recently opened an inpatient care facility within the city of Melbourne. Within the last 5 months there has already been an aggravated assault and a call for assistance from the Melbourne police department it is clear that there will be violence at the property if it is used for the same services as their other location (see attached information from Melbourne Police Department)

Regarding specific sections of the proposed BDP ---- 5th revised edition.

(3i) Current submitted bdp allows for the business to ignore health and safety protections for their residents for one year. This is unacceptable. The county is the only government organization that polices organizations such as these for square footage requirements. If the county is lax on their responsibility in this matter there is not another licensing organization that picks up the slack. The county does not have the right to waive standard safety requirements for any length of time and should not consider such a request. This is like saying a daycare could open without proper bathroom facilities for their children or a restaurant could open without proper sanitation equipment. This was not addressed at the p and z meeting and is another example of why this bdp request must be denied.

(3d) Developer does not have the authority to determine that there is adequate "cleared land" for parking. The code is clear. **Sec. 62-1826.** Assisted living facilities and treatment and recovery facilities. (5) Off-street parking. "There shall be two parking spaces, plus two additional parking spaces for every five occupants for which the facility is permitted." Requirements for said parking is also spelled out in code: **Sec. 62-3206. - Parking and loading requirements.** (5) Except for single-family residences and duplexes, all off-street parking, loading areas and maneuvering space and associated driveway aisles, shall be paved (i.e., asphalt, concrete, or paver blocks).

Parking must be done to county specs including the type of construction, stripping, etc. Applicant can not side step their responsibilities to adhere to the same requirements as every other facility with similar use and zoning. This is another example as to why this must be denied. A bdp is to offer us protections, not strip the small protections we are already affording by zoning away.

According to **Sec. 62-1901** "Any applicant who seeks a conditional use permit shall submit with the application a site plan" " For an existing structure not to be altered more than 50 percent of the original floor area or seating capacity, or for a CUP specifically listed in Exhibit "A" below where practical, **a scaled dimensional sketch plan may be presented as an alternative which delineates parking, landscaping, external structural changes, and ingress/egress**" The applicant has not even done this very standard, required step to applying for a conditional use permit.

The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odor, glare and noise, particulates, smoke, fumes and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. None of this has been provided by applicant so how can the commission know how it is going to affect the neighborhood.

(3e) Developer is claiming to limit occupancy to 47 residents and 21 employees. Written this way the employees are presumably living on site. This site can not maintain 68 residents, and it

would also be an obvious expansion. No employees should be residing at the facility, nor should it be a part of the bdp.

(3h) The applicants attorney stated in an email to zoning staff that "Applying the aforementioned standards, the existing 9,885 sq. ft. of building footprint onsite would allow only 40 residents. To get the 47 residents my client needs for economic viability and to meet all the section 62-1182(3) square footage standards, my client proposes to build the additional building shown in Exhibits B and C, with a square footage limit of 16,700 sq."

This is clearly an expansion of use, one which they were obviously aware needed to happen in order to be economically viable. Expansion of use without the proper studies being conducted can not be allowed. Furthermore, expansion of use on a non conforming property must not be allowed. While the business might need 47 people to be viable, that is irrelevant. Next year they might think they need 100. Where does it stop? This bdp request must be denied, the location clearly does not support their desired business plan.

(3g) Bdp states that they will not have a contract with doc for patients, but does not specify they will not have a contract with DOC for residents. They have clearly stated that their employees can be considered residents, not patients, and in the past this organization has extensively used **convicts for employees**. Their Bdp should state, **no affiliation or contact with any jail, doc..** etc. Not limiting it to only patients. Without this provision 21 individuals could reside at the property under an agreement with the doc, without any square footage requirements or oversight keeping them on property, this is unacceptable.

(3j) Applicants are not in compliance with any of the other items in their bdp. They have failed to get required inspections, they have not had semi annual meetings as required, they have not kept their fence up to standards. This paragraph should be scratched as it is blatantly false and commissioners should not sign an agreement that this facility is in compliance when it clearly is not.

4) residents need to have meetings with the property owner and proprietor of the business. Developer is not a proper term nor would the neighbors be protected by meeting with someone who has no authority over the operations of the facility.

(7) This must be stricken. This property is very close to palm shores and other properties have been annexed. Do not leave us open for them to annex into palm shores and lose all of our protections. This is why you should not rezone this property. Stop this now, it is clear what their plans are. This property should be rezoned to in(l), since they have not used their in (h) zoning for the last 9 years and do not have the right to keep a non conforming zoning.

(9) Are commissioners willing to agree that only these items are in non compliance? Have they had inspections of the property? Have they done proper studies to feel comfortable signing a legally binding document that attests to the fact that there are not additional conditions that

would impact "approved uses"? This is an added paragraph after the p and z meeting and should be stricken.

This entire document is contrary to what was presented to p and z and should be denied with prejudice. If the county does not choose to do so they should consider removing the existing conditional use permit, which is not being used, and rezoning to a proper zoning to make this property conforming. At a minimum this issue must be returned to the p and z board and the applicant must be required to prove that they are being open and honest with the community, zoning staff and this commission. Provide the appropriate site plans and answer all of the above discrepancies that have been completely ignored and lacking in their application.

From: [Sterk, Erin](#)
To: [Jones, Jennifer](#)
Subject: FW: Happy Landings BDP revision
Date: Wednesday, November 28, 2018 4:55:05 PM

Please add to the board package.

From: Scott Knox [mailto:sknox@uslegalteam.com]
Sent: Monday, November 26, 2018 4:46 PM
To: Sterk, Erin
Cc: mrnsisvalle@journeypure.com
Subject: RE: Happy Landings BDP revision

Erin:

It was designed to give some flexibility.

Scott L. Knox, Esq.
Widerman Malek PL
1990 W. New Haven Ave., Second Floor
Melbourne, FL 32904
Tel. 321.255.2332
Fax 321.255.2351
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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Monday, November 26, 2018 4:44 PM
To: Scott Knox <sknox@uslegalteam.com>
Cc: Ragain, Rebecca <Rebecca.Ragain@brevardfl.gov>; Jones, Jennifer <jennifer.jones@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: RE: Happy Landings BDP revision

Scott,

I reviewed the attached "draft floor plan" which depicts a building 4,291 sq. ft. in size with 1,053 sq. ft. of porches, totaling 5,344 sq. ft. of new development. When added to the described 9,885 sq. ft. of existing development on the site, as confirmed by the PAO, this totals 15,229 sq. ft.

Could you clarify where the 16,700 sq. ft. limit newly proposed within the BDP's condition 3(d) is derived from? Is the rendering merely conceptual in nature and the intent is to allow flexibility to meet the facility standards? Or was there a scrivener's error with the addition?

Thank you for clarifying,
Erin

From: Scott Knox [<mailto:sknox@uslegalteam.com>]
Sent: Wednesday, November 21, 2018 2:59 PM
To: Sterk, Erin; Ragain, Rebecca; Jones, Jennifer
Subject: Happy Landings BDP revision

Erin/Rebecca/Jennifer:

Attached is a revised BDP (CLEAN AND MARKUP VERSIONS) incorporating the responses to Erin's comments. Also attached is a rendering of a proposed building to be constructed onsite to satisfy the standards set forth in section 62-1182(3) of the Code.

The most important provision in the BDP from my client's business perspective, is the 47 resident limit. Applying the aforementioned standards, the existing 9,885 sq. ft. of building footprint onsite would allow only 40 residents. To get the 47 residents my client needs for economic viability and to meet all the section 62-1182(3) square footage standards, my client proposes to build the additional building shown in Exhibits B and C, with a square footage limit of 16,700 sq. ft. on the entire 5.33 acre site. That square footage limit would include the current 9,885 sq. ft. of building footprint shown on the property data cards appearing on the Property Appraiser's website.

Scott Knox, Esq.
1990 W. New Haven Ave, Second Floor
Melbourne, FL 32904
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From: [Jones, Jennifer](#)
To: ["Jinger Knox"](#)
Subject: RE: Disclosure
Date: Thursday, November 29, 2018 9:28:00 AM
Attachments: [6_18PZ00088 Disclosures.pdf](#)

I received another disclosure yesterday afternoon. Both disclosures received so far are attached.

Jennifer

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Thursday, November 29, 2018 9:23 AM
To: Jones, Jennifer
Subject: RE: Disclosure

It does thank you. Could you please make sure I get a copy of all disclosures made by commissioners that have spoken with applicant or their representatives as they are submitted to staff? Thanks

Get [Outlook for Android](#)

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Sent: Thursday, November 29, 2018 9:06:37 AM
To: Jinger Knox
Subject: RE: Disclosure

Jinger, below is the zoning statement that is played before each Commission Zoning meeting. At the end, the rules for speaking are explained.

The Board of County Commissioners acts as Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place, before the Board takes action on the request. Likewise, if a Commission has made a site visit, inspection, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. *Each applicant is allowed a total of 15 minutes to present their request unless the*

time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

Hope this helps,

Jennifer

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Thursday, November 29, 2018 8:37 AM
To: Jones, Jennifer
Subject: RE: Disclosure

Jennifer,

Could you please give me the rules for the commission meeting regarding speaking time, opportunity for rebuttal, etc. We are considering gifting our time to one another so that we may have the opportunity to rebut any information we feel is not being presented truthfully by the applicant and would like to understand our rights before the meeting. We have been told that if we get an attorney they would have the right to return to the podium and make this type of rebuttal and we are unsure why we are not allowed this opportunity as citizens.

If this isn't something you know could you please point me to the proper person to ask?

Thank you for all of your work on this.

We understand how much extra work we have asked you to do and appreciate all of your assistance

Jinger

From: [Jones, Jennifer](#)
To: ["Mark Leslie"](#)
Subject: RE: Agenda Package
Date: Wednesday, January 23, 2019 8:23:00 AM
Attachments: [2004 Staff Report.pdf](#)

Mark,

See attached.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Tuesday, January 22, 2019 3:54 PM
To: Jones, Jennifer
Subject: Re: Agenda Package

No worries Jennifer,

Below is language from the staff report addendum. The highlighted language references a memo to ACM. Could I get a copy of that memo?

2005 NC FLU, rezoned to IN(L) for an ALF

On September 1, 2005, an administrative Zoning Resolution was adopted, Z-11172. This Board initiated action changed the zoning from AUwith CUPs (noted above) to Low intensity Institutional Use, IN(L) with removal of the mentioned CUPs and was additionally limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402 to be used as an Assisted Living Facility (ALF); this use provided support services for people recovering from addictions.

Zoning official opinion that the prior AU zoning action allowed for an ACLF CUP and did not grant an RSSF CUP. Memo to ACM and staff report define the differences between an RSSF and ACLF.

Thanks,
Mark

On Tuesday, January 22, 2019, 12:23:58 PM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark,

Due to ADA accessibility requirements, our P&Z agenda packages are not online at this time. The agenda itself is online, but not the entire package.

We hope to be able to put the packages back online in the not too distant future.

I emailed the package for Happy Landings to you, Jinger, and Lin last week. If you need me to send it again, I'd be glad to do that. It is quite large, so I had to send three separate emails.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Tuesday, January 22, 2019 11:51 AM
To: Jones, Jennifer
Subject: Agenda Package

Hello Jennifer,

Can you tell me when the agenda book--I mean package! lol--will be available online?

Thanks,

Mark

STAFF REPORT

TOPIC: RESURRECTION RANCH

BACKGROUND: The Board of County Commissioners, in regular session on April 2004, directed staff to report on issues that involve the activities of the Resurrection Ranch and how they relate to the property's zoning classification.

ISSUES:

1) Property's Zoning Classification - On April 7, 1986, the Board of County Commissioners granted the subject property a conditional use permit (CUP) for a school and a "residential social service facility (RSSF) (ACLF)".

A point of discussion surrounding the 1986 Board approval is whether or not the rezoning granted an RSSF CUP or just an ACLF (adult congregate living facility) CUP to the subject property. The current Board may wish to consider the intent of the 1986 approval and its relation to the current activities of the Ranch. In determining the 1986's Board intent the definitions of these two CUPs are listed below.

An RSSF is defined as follows:

a governmental, nongovernmental, nonprofit or for-profit facility providing an alternative to institutional placement, in which a caretaker provides 24-hour-a-day care to assigned residents at a location separate and apart from the assigned resident's own parents, relatives or guardians, and assists such assigned residents to the extent necessary for them to participate in normal activities and to meet the demands of daily living. Residential social service facilities shall include foster homes, family shelter homes, *group homes, adult congregate living facilities, and treatment and recovery facilities*, as defined in this section. (*italics added*)

An ACLF is defined as follows:

a structure in which the owner or operators are subject to licensing and approval by the state, whether operated on a profit or nonprofit basis. Such facilities may provide lodging, food and one or more personal services for unrelated adults and shall not be regulated or operated by or associated with any jail, prison or correctional facility or system. Generally, such facilities shall have more than 14 clients and must be licensed by the state as an adult congregate living facility. If a facility is not licensed by the state, such facility must be approved by the county.

The RSSF is an "umbrella" term that includes group homes, ACLFs and Treatment and Recovery Facilities. Each of these three terms are separate and distinct uses recognized by the Code. It is the Zoning Official's position that the Board's 1986 rezoning did not grant the subject property an RSSF CUP but only an ACLF CUP. This position is supported by a chronological review of every CUP for either RSSFs, ACLFs or Treatment and Recovery Facilities (see page 5). In the 1980s, the Board would consider CUP requests for a specific use contained within the definition of

the "umbrella" term RSSF. This practice is observed by reviewing the Board approved CUPs within this time frame. The Board abandoned this practice in the 1990s.

2) Permitted Uses within an ACLF CUP

- a) Children as Residents in an ACLF - A literal reading of the Zoning Code lends support to the position that children are not permitted as residents in an ACLF. "Children and families" are listed as possible residents in group homes, but not in the ACLF definition which lists "adults". However, Resurrection Ranch (Florida Christians Ministries, Inc. - applicant) represented throughout the public hearing process that it was their intention to establish "the finest boys ranch in the State" (see page 6). Therefore, in 2004, the Board may determine that it is equitably estopped from requiring only adults at this facility.
- b) Receiving Released Inmates from the Florida Department of Corrections - The definition of ACLF states that such facilities "shall not be regulated or operated by or associated with any jail, prison or correctional facility or system." The Ranch is party to a contract with the Department of Corrections (DOC) that enables the Ranch to receive released inmates. Through this contractual arrangement, DOC pays the rent for released inmates that choose this facility as their transitional housing. The Zoning Official's opinion is that this contractual arrangement is contrary to the ACLF definition. However, Mr. Jason Hedman, counsel for the Ranch, stated during the Board's April 20th meeting that this contractual relationship is not covered by the definition which prohibits any "association" between the Ranch and DOC. His position is that "association" as legally defined in Black's Law Dictionary, does not encompass the contractual relationship between the Ranch and DOC.

The Board may wish to consider Mr. Hedman's argument in determining whether or not a contractual arrangement is consistent with the Code's intent (see page 1 - ACLF definition and pages 8-9; Mr. Hedman's letter). If Mr. Hedman's interpretation is supported by the Board, the current DOC contract with the Ranch may remain intact. If the Board determines that an association equates to a contractual arrangement, the DOC has stated to the Zoning Official that it will terminate its contract with the Ranch.


- c) Permitted "Personal Services" Provided by Ranch Consistent with ACLF CUP - The Ranch provides a wide-range of personal services as well as drug counseling, casework supervision and rehabilitative services. The

difference between an ACLF and a Treatment and Recovery Facility is in the menu of services that are permitted. The definition of "treatment and recovery facility", in part, is as follows: a secure or nonsecure facility which provides residential rehabilitation services, including room and board, personal care and intensive supervision in casework with emphasis on treatment and counseling services. Such facility may include an outpatient component, and shall include but not be limited to psychiatric residential treatment programs, drug and alcoholic rehabilitation programs, group treatment centers, and group treatment centers for status offenders.

The Zoning Official has determined that permitted "personal services", since not defined in the Zoning Code, are defined by Florida Statutes. Chapter 400.402(17), F.S. states that: "Personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services which the department may define by rule. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services.

Due to this definition, it appears that drug treatment, mental health counseling and casework services which are provided to the residents of the Ranch, are not consistent with the definition of ACLF which only allows for the provision of food, lodging and personal services. The Board may consider determining whether the full range of services provided at the Ranch are consistent with its CUP for an ACLF.

- 3) Vested Rights Claim by Resurrection Ranch - The Board of County Commissioners was prompted by the Community Improvement Act of 1980, Chapter 80-250, Laws of Florida, to pass a resolution certifying that the Ranch's programs were consistent with the County's Comprehensive Plan and Consolidated Plan. The Board passed such a resolution on February 5, 2002. The Ranch may contemplate applying for a vested rights determination to have the Board consider whether the resolution is an act of government that might form the basis for vested rights appeal.
- 4) Remedial Actions if Current Activities are Deemed Not Consistent with Zoning Code - If the Board determines that any activities or services being provided by the Ranch are not consistent with the ACLF CUP, the following actions may be pursued by the Ranch:
 - *Comprehensive Plan Amendment and Rezoning*: If the Ranch's activities are deemed to be consistent with the Treatment and Recovery Facility CUP, the Ranch is able to apply for an amendment to the Future Land Use Map (from Residential to Neighborhood Commercial) and a rezoning from AU to BU-1-A (Neighborhood Commercial).
 - *Rezoning to proposed Institutional Use classification*: The Ranch has inquired as to the potential rezoning of their property to the proposed (draft) Institutional Use zoning classification. If adopted in the form currently



being advertised, the Ranch could apply for the High Intensity Institutional Use classification with an accompanying amendment to Community Commercial. This application would be necessary if the Board determines that the subject uses are consistent with the Treatment and Recovery Facility CUP. If the Board determines that the Ranch is consistent with its current ACLF CUP, then the property would be administratively rezoned to Low Intensity Institutional Use.

5) Ranch Activities Consistent with Zoning Code – If the Board determines that programs and services provided by the Ranch are consistent with the current Zoning Code, no further action is required. However, staff may present to the Board, for future consideration, Code amendments to codify the Board's interpretations as necessary.

Attachments:

Pages 1-4; Staff Report
Page 5; CUP Chronology
Page 6; P&ZO Board Meeting Minutes
Page 7; Resolution for Rezoning
Pages 8-9; Mr. Hedman's Letter
Page 10; Definition from Black's Law Dictionary
Pages 11-12; Board Resolution to Ranch
Page 13; Contract between Ranch and DOC

C:/brcdocuments/051804resurrection ranch report.doc

Sorted chronologically

6573	adult congregate living facility	12/8/83
6626	adult congregate living facility	2/9/84
6714	adult congregate living facility	5/10/84
7162	residential social service facility (RSSF) (ACLF)	6/25/85
7283	adult congregate living facility	10/21/85
7310	residential social service facility (RSSF) (ACLF)	11/18/85
7430	residential social service facility (RSSF) (ACLF)	4/21/86
7755	residential social service facility (ACLF)	4/20/87
8071	residential social service facility (treatment & recovery facility)	4/25/88
8715	treatment and recovery facility	1/28/91
9127	treatment and recovery facility	4/26/93
9349	adult congregate living facility	7/25/94
9424	adult congregate living facility	11/29/94
9597	treatment and recovery facility	8/28/95
10468	adult congregate living facility	11/2/00
10549	treatment and recovery facility	5/3/01
10675	adult congregate living facility	3/7/02

area. He presented the Board with letters of objection from these property owners. Mr. Brush said there is already a traffic problem here and feels this proposed office building and restaurant will only compound the problem. Peter Woods, representing Robert Woods, presented the Board with a letter opposing the request. Mr. Woods said his father owns approximately 19 acres that is zoned PUD that he had hoped to develop as multi-family. Mr. Ridenour said that the plan presented to the Board was a much better plan than was previously submitted. Mr. Bell asked Mr. Hansel if he would be willing to add a statement to the BCP that post development run-off would be equal to or less than pre-development run-off and he replied he would. The Board recommended approval of the request as previously stated as it is compatible with the area.

10. FLORIDA CHRISTIANS MINISTRIES, INC. - Motion by Jerry Freeman, seconded by Al Glover to APPROVE a change of classification from BU-1 & RR-1 to AU with a Conditional Use Permit for a School and a Conditional Use Permit for a Residential Social Service Facility (RSSF) (ACLF). Richard Ronsisvalle, 190 Church Road, Merritt Island, representing this request, stated the property is located on the northwest corner of the intersection of Pineda Causeway and U. S. #1 and consists of approximately 5½ acres. He said Happy Landings, Inc. has an established boys ranch where they take care of homeless boys. Mr. Ronsisvalle said they also have established a school. He said they have started to refurbish the property and propose to construct a church as well as a retirement center as they feel one compliments the other. Mr. Ronsisvalle said they intend to make this the finest boys ranch in the State. He also pointed out that the property would have to be brought up to HRS standards. No objections were voiced. The Board recommended approval of the request.

DISTRICT 3

11. DONALD R. CASTINE - Motion by Sam Hersperger, seconded by William Powers to APPROVE a change of classification from RU-1-13 to RU-2-10 subject to a Binding Concept Plan showing two (2) duplexes only; post development run-off is to be equal to pre-development run-off and setbacks from Class II Waters are to be met. Carol Senne, 1 Sum Dum Road, Grant, representing this request, stated they have submitted a concept plan showing that they propose to construct two small duplexes on the property which is located east of U.S. #1 on the river approximately 1/3 mile north of Berry Road. Ms. Senne said the Health Department has approved the use of septic tanks. No objections were voiced. Mr. Ridenour said he feels the binding concept plan should also indicate that post development run-off will be equal to pre-development run-off. Ms. Senne said she would add this to the binding concept plan. She also pointed out that there is an existing pool within the 50 ft. Class II Water setback area. The Board recommended approval of the request as previously stated.

12. RICHARD H. STOTTLER, JR., AS TRUSTEE - Withdrawn by applicant.

13. MICHAEL LEWIS & ELLEN RYAN ABBOTT - Motion by William Powers, seconded by Al Glover to APPROVE a Conditional Use Permit for a Temporary Trailer for Security Purposes in a BU-1 zone classification. Carol Senne, 1 Sum Dum Road, Grant, representing this request, stated the front property has a conditional use permit for the outside sale of mobile homes and the back property has a use on review for a warehouse. 18

On motion of Commissioner Schmitt, seconded by
Commissioner York, the following resolution was
unanimously adopted:

WHEREAS, FLORIDA CHRISTIANS MINISTRIES, INC.

has/have applied for a change of classification from BU-1 & RR-1 to AU with a
Conditional Use Permit for a School and a Conditional Use Permit for a Residential
Social Service Facility (RSSF) (ACLF)

on property described as SEE ATTACHED LEGAL DESCRIPTION

Section 19 Township 26 S, Range 37 E, and,

WHEREAS, a public hearing of the Brevard County Planning and
Zoning Board was advertised and held, as required by law, and
after hearing all interested parties and considering the adjacent
areas, the Planning and Zoning Board recommended that the appli-
cation be approved and,

WHEREAS, the Board, after considering said application and
the Planning and Zoning Board's recommendation and hearing all
interested parties and after due and proper consideration having
been given to the matter, find that the application should be

**approved, now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard
County, Florida, that the requested change of classification from BU-1 & RR-1 to AU
& CUP for a School & CUP for a Residential Social Service Facility (RSSF) (ACLF)
be **approved and, that the zoning classification relating
to the above described property be changed to AU with a CUP for a School & a CUP
for a Residential Social Service Facility (RSSF) (ACLF)
and the Planning and Zoning Director is hereby directed to make
this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become
effective as of April 21, 1986.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

ATTEST:

by THAD ALTMAN
Chairman

R. C. WINSTEAD, JR., Clerk

by D.C.

(SEAL)

(Hearing - April 7, 1986)

**BCC - Approved predicated on submittal of a floor plan approved by H.R.S. for any new
ACLF construction at time of site development plan submission.

HEDMAN & WOOTEN, P. A.

Attorneys at Law

Email: jhedmanatty@bellsouth.net

335 S. Plumosa Street, Suite E
Merritt Island, Florida 32952

Telephone: (321) 452-3720
Fax: (321) 452-9096

April 30, 2004

George Wolfe, Code Enforcement Officer
Brevard County Code Enforcement
2725 Judge Fran Jamieson Way, Bldg. A
Viera, FL 32940

Re: Happy Landings Homes, Inc.
Action File No. 04-1303
Notice of Violation Dated April 19, 2004

Dear Mr. Wolfe:

This firm represents as counsel Resurrection Ranch, successor to the property owner in the above-referenced matter. We appeared before the Brevard County Commission on April 20, 2004. I understand there are essentially three issues contained in the Violation.

First, the boats, trailers, RV's and other items were not properly stored. I am advised by my client that he has met with representatives of the Code Enforcement Department and the storing of these items has been altered such that it is now in compliance with Brevard County Code.

Second, there is a residence housing several adults. I understand that my client has provided sufficient information to show that the residents prepare their own meals and it is not a "boarding house".

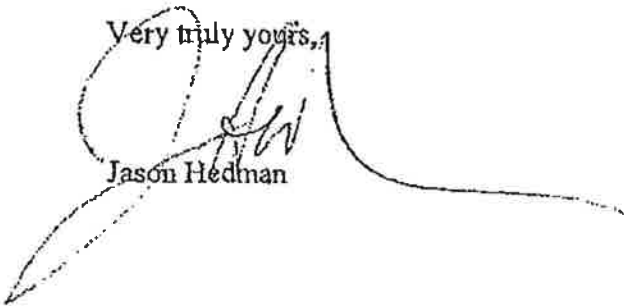
Third, the remaining alleged violation relates to certain contractual relationships between my client and the State of Florida. I had provided documents to the County Commission confirming that Zoning Code Provision 62-1103(3) defining an Adult Congregate Living Facility does not prohibit a contractual relationship with the Department of Corrections or any other State of Florida agency. The specific wording of the Code Section states "shall not be regulated or operated by or associated with a jail, prison or correctional facility or system". The legal definition of "associated" is "to join together for example as partners". Nothing in the Brevard County Code restricts my client's rights to freedom of contract. Their financial affairs cannot cause a Code Enforcement violation. My clients are in the process of obtaining documentation from the Department of Corrections to confirm my client's status as merely an independent contractor.

George Wolfe, Code Enforcement Officer
Brevard County Code Enforcement
April 30, 2004
Page 2

At the April 20, 2004, Commission Meeting, the Zoning Department was directed to make a report on this issue. If the proper interpretation of the Code, as outlined above, is rejected, it may be necessary for additional zoning applications or other quasi judicial procedures to take place in order for this issue to be resolved. I am writing to request that this matter be abated until such time as the zoning issues can be analyzed in depth. In the alternative, we would request a hearing before the Special Magistrate for a resolution.

If there are other corrective actions which my client must take, please let me know immediately. I appreciate your assistance in resolving this matter and I wish to resolve as many issues as possible on an amicable basis. Please contact me if you have any questions concerning the foregoing.

Very truly yours,


Jason Hedman

JH:sl

cc: Client

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Assise of the forest. A statute touching orders to be observed in the king's forests.

Assise of utrum. A writ of assise which lay for a parson to recover lands which his predecessor had improperly allowed the church to be deprived of. 3 Bl.Comm. 257.

An assise for the trial of the question of whether land is a lay fee, or held in frankalmoigne.

Assise rents. The certain established rents of the freeholders and ancient copyholders of a manor; so called because they are *assised*, or made precise and certain.

Grand assize. A peculiar species of trial by jury, introduced in the time of Henry II, giving the tenant or defendant in a writ of right the alternative of a trial by battle, or by his peers. Abolished by 3 & 4 Wm. IV, c. 42, § 13. 3 Bl.Comm. 341. See *Battel*.

Assiser /asáyzar/. An assessor; juror; an officer who has the care and oversight of weights and measures.

Assisors /asáyzarz/. In Scotch law, jurors; the persons who formed that kind of court which in Scotland was called an "assise," for the purpose of inquiring into and judging divers civil causes, such as perambulations, cognitions, molestations, purprestures, and other matters; like jurors in England.

Assist. To help; aid; succor; lend countenance or encouragement to; participate in as an auxiliary. To contribute effort in the complete accomplishment of an ultimate purpose intended to be effected by those engaged.

Assistance, or (assistants) court of. See *Court of assistants*.

Assistance of counsel. Sixth Amendment to Federal Constitution, guaranteeing accused in criminal prosecution "assistance of counsel" for his defense, means effective assistance, as distinguished from bad faith, sham, mere pretense or want of opportunity for conferences and preparation. Fed.R.Crim.P. 44; *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799; *Geders v. U. S.*, 425 U.S. 80, 96 S.Ct. 1330, 47 L.Ed.2d 592. See *Assigned counsel*; *Counsel, right to*.

Assistance, writ of. See *Writ of assistance*.

Assistant. A deputy, aide, or subordinate; as an assistant assessor. One who stands by and aids or helps another. Ordinarily refers to employee whose duties are to help his superior, to whom he must look for authority to act. *State ex rel. Dunn v. Ayers*, 112 Mont. 120, 113 P.2d 785, 788.

Assisus /asáyzas/. Rented or farmed out for a specified assise; that is, a payment of a certain assessed rent in money or provisions.

Assize /asáyz/. See *Assise*.

Assizes de Jerusalem /asáyzas da jorúwzalam/. A code of feudal jurisprudence prepared by an assembly of barons and lords A.D. 1099, after the conquest of Jerusalem. It was compiled principally from the laws and customs of France.

Associate. Signifies confederacy or union for a particular purpose, good or ill. To join together, as e.g. partners. See *Association*.

Having subordinate status; e.g. associate professor.

An officer in each of the English courts of common law, appointed by the chief judge of the court, and holding his office during good behavior, whose duties were to superintend the entry of causes, to attend the sittings of *nisi prius*, and there receive and enter verdicts, and to draw up the postea and any orders of *nisi prius*. The associates were later officers of the Supreme Court of Judicature, and are styled "Masters of the Supreme Court". Duties of associates are now carried out by clerks in the Crown Office and Associates Department of the Central Office of the Supreme Court.

Associate justices. Judges of courts, other than the presiding or chief justice.

Associates in office. Those who are united in action; who have a common purpose; who share the responsibility or authority and among whom is reasonable equality. Those who are authorized by law to perform the duties jointly or as a body.

Association. The act of a number of persons in uniting together for some special purpose or business. It is a term of vague meaning used to indicate a collection or organization of persons who have joined together for a certain or common object. Also, the persons so joining; the state of being associated.

An unincorporated society; a body of persons united and acting together without a charter, but upon the methods and forms used by incorporated bodies for the prosecution of some common enterprise. *Clark v. Grand Lodge of Brotherhood of Railroad Trainmen*, 328 Mo. 1084, 43 S.W.2d 404, 408. It is not a legal entity separate from the persons who compose it. See also *Affiliation*.

An organization treated as a corporation for Federal tax purposes even though it may not qualify as such under applicable state law. What is designated as a trust or a partnership, for example, may be classified as an association if it clearly possesses corporate attributes. Corporate attributes include: centralized management, continuity of existence, free transferability of interests, and limited liability. I.R.C. § 7701(a)(3).

A "business trust" is an "association" when it has a continuing entity throughout trust period, centralized management, continuity of trust uninterrupted by death among beneficial owners, means for transfer of beneficial interests, and limitation of personal liabilities of participants to property embarked in undertaking. *Fletcher v. Clark, D.C.Wyo.*, 57 F.Supp. 479, 480.

See also *Articles of association*; *Confederacy*; *Joint stock association*; *Non-profit association*; *Professional association*; *Unincorporated association*.

Partnership association. See *Partnership*.

Professional corporation. See *Corporation (Professional corporation)*.

Unincorporated association. A confederation of individuals organized for a specific purpose which may

ADD-ON

Meeting Date
January 5, 2002



AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA	
Section	Awards and Resolutions
Item No.	II.D

SUBJECT: Resolution Certifying Happy Landings Home Inc. d/b/a Resurrection Ranch

DEPT. / OFFICE: County Commission District 4

Requested Action:

It is requested that the Board of County Commissioners approve the attached resolution which certifies that the Happy Landings Home, Inc. d/b/a Resurrection Ranch is an operation consistent with the Comprehensive Plan and with local county plans and regulations such as those found in the homeless component of the Housing Consolidated Plan.

Summary Explanation & Background:

POC: Duwayne Lundgren, email duwayne.lundgren@countygovt.brevard.fl.us, tp# 633-2044

Exhibits Attached:

Contract / Agreement (If attached): Reviewed by County Attorney ☒ Yes ☐ No ☐

County Manager's Office
 Tom N. Jenkins, County Manager

Department
 Sue Carlson
 County Commissioner District 4

From: [Mark Leslie](#)
To: [Sterk, Erin](#)
Cc: [Jones, Jennifer](#)
Subject: Re: Agenda Package
Date: Wednesday, January 23, 2019 9:19:05 AM
Attachments: [BCC Determination of RSSF Applying.pdf](#)

Erin,

Please add the attached email to the file to clarify that the BCC did apply the RSSF classification based on County Attorney Scott Knox's input, despite the P & Z Managers position in the staff report attached to your staff report.

Thanks,
Mark

On Wednesday, January 23, 2019, 8:24:05 AM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark,

See attached.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Tuesday, January 22, 2019 3:54 PM
To: Jones, Jennifer
Subject: Re: Agenda Package

No worries Jennifer,

Below is language from the staff report addendum. The highlighted language references a memo to ACM. Could I get a copy of that memo?

2005 NC FLU, rezoned to IN(L) for an ALF

On September 1, 2005, an administrative Zoning Resolution was adopted, Z-11172. This Board initiated action changed the zoning from AUwith CUPs (noted above) to Low intensity Institutional Use, IN(L) with removal of the mentioned CUPs and was additionally limited by a Binding Development Plan (BDP)

recorded in ORB 5579, Pages 6399-6402 to be used as an Assisted Living Facility (ALF); this use provided support services for people recovering from addictions.

Zoning official opinion that the prior AU zoning action allowed for an ACLF CUP and did not grant an RSSF CUP. Memo to ACM and staff report define the differences between an RSSF and ACLF.

Thanks,

Mark

On Tuesday, January 22, 2019, 12:23:58 PM EST, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Mark,

Due to ADA accessibility requirements, our P&Z agenda packages are not online at this time. The agenda itself is online, but not the entire package.

We hope to be able to put the packages back online in the not too distant future.

I emailed the package for Happy Landings to you, Jinger, and Lin last week. If you need me to send it again, I'd be glad to do that. It is quite large, so I had to send three separate emails.

Jennifer

From: Mark Leslie [mailto:boatbrevard@yahoo.com]
Sent: Tuesday, January 22, 2019 11:51 AM
To: Jones, Jennifer
Subject: Agenda Package

Hello Jennifer,

Can you tell me when the agenda book--I mean package! lol--will be available online?

Thanks,

Mark

From: mel.scott@brevardcounty.us [mailto:mel.scott@brevardcounty.us]
Sent: Wednesday, June 09, 2004 12:00 PM
To: mark.leslie@Titusville.com
Cc: scott.knox@brevardcounty.us; peggy.busacca@brevardcounty.us
Subject: RE: Clarification of RSSF ACLF designation

I have reviewed the tape and offer the following conclusions:

1) The BCC in a 5:0 vote decided to proceed with an administrative (Brevard County generated) modification to the CUP, in a manner that replicates an administrative rezoning. Therefore, the surrounding neighborhood will be notified. The proposed modifications should return to the BCC in 150 days and all Code Enforcement proceedings will be abated.

Regarding what the BCC intended by the "modification to the CUP", it is clear to me that the BCC was agreeing to Scott Knox's opinion that the 1986 resolution had the effect of granting the property an RSSF CUP. Mr. Knox spent quite a bit of time explaining his legal basis for this conclusion. The BCC did not contest this conclusion even though it also did not, in an abundantly obvious fashion, vote specifically to state that the RSSF applied. After Commissioner Higgs called for motions from the BCC, Mr. Knox again stated that the Ranch "appears to be properly zoned". I had already stated that the RSSF "umbrella", which included the Treatment and Recovery Facility CUP, would need to be seen by the BCC as applying to the Ranch for its programs and services to be consistent with the Code. The BCC was silent after Mr. Knox made this statement. Therefore, in my opinion, the BCC gave this view its tacit approval.

Further, I stated towards the end of the BCC's discussion of the motion, that "as a courtesy to the Ranch,...and by virtue of the RSSF being blessed by the Board...". Again, as I recapped to the BCC the set of assumptions that they were embracing by their motion to modify the existing CUP, the BCC did not challenge my recap.

Again, per your direction, I have reviewed the tape and still believe that the BCC is viewing the Ranch as having an RSSF approval in 1986, which the community and the Ranch must discuss. These discussions should then form the basis for possible modifications which will be administratively advertised for BCC consideration in a future public hearing.

I look forward to our continued discussions towards this end. It is my sincere hope that these discussions and negotiations result in modifications to the CUP that are acceptable to both the neighborhood and the Ranch.

Mel Scott, AICP, Director
Planning & Zoning Office

From: [Sterk, Erin](#)
To: [Jinger Knox](#)
Cc: [Calkins, Tad](#); [Ragain, Rebecca](#); [Jones, Jennifer](#)
Subject: RE: Happy landings bdp
Date: Wednesday, January 23, 2019 3:38:25 PM
Attachments: [Untitled.png](#)

Jinger,

Please find my feedback below in red.

Regards,
Erin

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Wednesday, January 23, 2019 1:04 PM
To: Sterk, Erin
Subject: Re: Happy landings bdp

I don't have answers to those questions just wanted to remind you

Thanks jinger

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From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Friday, January 18, 2019 8:44:43 AM
To: Jinger Knox
Subject: Re: Happy landings bdp

Jinger,

I have been out all week with a very sick son. I'm sorry you do not feel they are being responsive to your input.

These are great questions. I will have answers to you by Monday.

Thanks,
Erin

On Jan 18, 2019, at 8:29 AM, Jinger Knox <jingerk@msn.com> wrote:

Good morning

After meeting with the applicant it has become apparent that they are not in any way concerned about the neighborhoods input on the bdp and are 100% sure that their attorney can manipulate anything into their bdp that they need in order to usurp the existing code. Therefore I am going to need the following answers from your office as soon as possible so that I may follow up with the

county manager prior to the p and z meeting.

1. Please explain in detail why this is not an expansion of use, considering the addition of a building as well as out patient care. A proposal to expand the footprint of up to 7,000 additional sq. ft. would be considered an expansion of use.

2. Please explain your decision regarding the code of no more than one Alf /detox facility within 1000'. There are no Assisted Living Facilities or Treatment and Recovery Facilities within 1000' or even within ¼ mile of this property. As noted on the attachment and derived from the www.floridahealthfinder.gov website, there are no ALF's or TRF's within even a mile of this proposed location.

3. Clarify if bdp's are customarily used to make zoning/ building codes less restrictive. I.e. canceling the parking lot requirement and Sq footage requirements by way of bdp. A Binding Development Plan is a tool for an applicant to agree to conditions above and beyond code criteria. Conditions within a BDP should not be utilized as a mechanism to waive existing code provisions.

4. Please explain your wording in staff report which advises the board to "memorialize" non conforming items on the property. What is the meaning of this term and how would it affect the non conforming use? The language in the Addendum to the staff comments reads, "*The Board should consider whether it is appropriate to memorialize a commitment to construct a building that does not meet the IN(H) Zoning classifications criteria.*" The language certainly does not advise the board to do so.

5. Has there been any county inspections done under the current bdp now that we have brought this to the counties attention? The property has not requested that the Planning & Development Department perform any inspections to date. I am not received any evidence that the property owner has requested an inspection from the Department of Health either.

6. Can we meet with p and z board members prior to the meeting? This communication is not prohibited. Can the applicant and have they? I am not sure, that would be clarified by the Board members during the meeting. Do p and z members have to disclose this information? Of course. Even if it was just a lunch or outing with mr. Knox? If they spoke about this item, they would need to disclose it. If they merely met for lunch and did not speak about the item, that would not trip the threshold for disclosure.

I appreciate your prompt response to these questions.

Jinger Knox

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<u>Name</u>	<u>Type</u>	<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Phone Number</u>	<u>Distance in miles</u>	<u>Licensed Beds</u>
<u>BREVARD THERAPY AND PHYSICAL MEDICINE</u> 🚗	Home Medical Equipment Provider	903 JORDAN BLASS DR #102	MELBOURNE	FL	32940	(321) 751-5351	0.93	0
<u>CENTER FOR ADVANCED UROLOGY & ROBOTICS</u> 🚗	Health Care Clinic Exemption	6032 FARCENDA PL STE 102	MELBOURNE	FL	32940	(321) 215-4799	0.54	0
<u>CORAL REEF GASTROENTEROLOGY</u> 🚗	Health Care Clinic Exemption	6300 N WICKHAM RD STE 101	MELBOURNE	FL	32940	(772) 589-0580	0.78	0
<u>FIRST CHOICE MEDICAL GROUP OF BREVARD LLC</u> 🚗	Health Care Clinic	6300 N WICKHAM RD	MELBOURNE	FL	32940-2028	(321) 725-2225	0.74	0
<u>MINUTECLINIC</u> 🚗	Health Care Clinic Exemption	5590 N WICKHAM RD	MELBOURNE	FL	32940	(954) 462-8185	0.72	0
<u>OSLER MEDICAL</u> 🚗	Health Care Clinic Exemption	6450 NORTH WICKHAM ROAD	MELBOURNE	FL	32940	(321) 255-5757	0.94	0
<u>SUNTREE INTERNAL MEDICINE</u> 🚗	Health Care Clinic Exemption	903 JORDAN BLASS DRIVE SUITE 102	MELBOURNE	FL	32940		0.88	0
<u>UNIVERSITY CENTER IMAGING-SUNTREE</u> 🚗	Health Care Clinic	6300 N WICKHAM ROAD STE 100	MELBOURNE	FL	32940	(321) 775-7100	0.67	0

From: [Jinger Knox](#)
To: [Jones, Jennifer](#)
Subject: Re: Happy landings
Date: Wednesday, January 30, 2019 2:02:05 PM

That would be great please also note the happy landings file that the notice was removed, assumably by the applicant before the commission meeting. We will be asking that the item not be heard for this reason if it's not tabled.

Thanks
Jinger

On Wed, Jan 30, 2019, 2:00 PM Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

The sign has to be posted 15-25 days before the P&Z meeting, and it needs to remain posted through the BCC meeting.

The application for 18PZ00162 stated the request is to expand the County uses on the property, i.e., sign manufacturing shop and offices. The staff comments are not final yet for that item, but I can email them to you when they are ready, if you want.

From: Jinger Knox [mailto:jingerk123@gmail.com]
Sent: Wednesday, January 30, 2019 1:53 PM
To: Jones, Jennifer
Subject: Re: Happy landings

What is the posting requirements? How many days in advance?

Also could you please tell me the counties plans for 18pz00162

On Wed, Jan 30, 2019, 1:48 PM Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Jinger

The applicant picked up a new sign.

They will be on the agenda for February 7th. If they request tabling, I will let you know.

Jennifer

From: Jinger Knox [mailto:jingerk123@gmail.com]
Sent: Wednesday, January 30, 2019 12:20 PM
To: Jones, Jennifer
Subject: Happy landings

I just wanted to clarify that if happy landings was still planning on attending the board meeting their sign would still have to be posted? I'm assuming since it's down that they will not be on the agenda for the next commission meeting?

Thank you for clarifying

Jinger

Prepared by: Scott L. Knox, Esq.
Address: 1990 W. New Haven Ave
Melbourne, FL 32904

BINDING DEVELOPMENT PLAN

THIS AGREEMENT is entered into this day of ____, 201__ between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") Happy Landings Homes, Inc. ("Owner) and Journeypure, Orlando LLC a Florida Limited Liability Company, as contract vendee for the purchase of the property (hereinafter referred to as "Developer").

RECITALS

WHEREAS, Developer has a contract interest in the property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The Recitals set forth above are incorporated by reference herein.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
3. Developer shall comply with the following conditions on the use and improvement of the Property:
 - a. the Property currently has INH zoning classification(s) and the Developer will develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code;
 - b. Developer shall install a 6 ft Privacy Fence along Old Dixie Highway on the west portion of the Property.
 - c. Developer shall limit ingress and egress to the existing access on Old Dixie Highway, unless access were to become available from U.S. 1.

d. Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 sq.ft. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq.ft. on the 5.33 acre site, such square footage to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential development in the surrounding neighborhood.

e. Developer shall limit occupancy of buildings onsite to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.

f. The Developer shall prohibit any resident who has been convicted of a forcible felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer shall prohibit any staff member who has been convicted of a felony or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. section 776.08 from being employed on the property. For purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter upon request of the County.

g. The Developer operating the treatment center will not contract with DOC or any Jail or Prison for patients. and pursuant to the Brevard County Code. Moreover, the Developer shall prohibit the use of any building from being operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.

h. If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.

i. The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.

j. With the exception of the compliance required by subparagraphs d and h above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in section 62-1826 throughout its utilization of the Property.

4. The Developer shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter lane on the north, the railroad tracks on the west, Us Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer and the neighbors to discuss items of mutual concern.

5. Developer shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6. Developer, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1. 7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Kristine Isnardi, Chair
(As approved by the Board on _____)

WITNESSES 1:

DEVELOPERS

For Journeypure Orlando, LLC

(Witness Name typed or printed) (Address)

Lila Buescher, Pres. For Happy Landings Homes, Inc.

WITNESS 2:

(Witness Name typed or printed) (Name typed, printed or stamped)

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,
by _____ and _____ who are personally known to me or who
produced a Florida Driver's License as identification.

Notary Public (Name typed, printed or stamped)

My commission expires

SEAL _____
Commission No.:

JOURNEY PURE - FEMALE RESIDENCE HALL

PANAMA CITY, FLORIDA

ARCHITECT

BOUNDS, INC.

3804 TIGER POINT BLVD

GULF BREEZE, FL 32563

850.469.9552

DRAWING INDEX

T1 DWG INDEX, BLDG INFO, SITE PLAN

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C2 PROJECT AERIAL
C3 DEMOLITION AND EROSION CONTROL
C4 SITE PLAN
C5 UTILITY DETAILS
C6 UTILITY DETAILS
C7 CONSTRUCTION DETAILS

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A2 ROOF PLAN
A3 ELEVATIONS
A4 ELEVATIONS
A5 INTERIOR ELEVATIONS
A6 INTERIOR ELEVATIONS
A7 WALL SECTIONS
A8 SCHEDULES

S-01 STRUCTURAL COVER SHEET
S-02 STRUCTURAL NOTES AND DESIGN DATA
S-03 FOUNDATION PLAN
S-04 FOUNDATION SECTIONS
S-05 WALL DESIGNS
S-06 STRUCTURAL SECTIONS
S-07 ROOF WIND ZONES
S-08 TRUSS PLAN

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P-01 WASTE PLAN
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P-03 ISOMETRICS

E-01 ELECTRICAL NOTES, LEGEND AND DETAILS
E-02 POWER AND MISC SYSTEMS PLAN
E-03 LIGHTING PLAN

GRAPHIC LEGEND (APPLY TO ALL SHEETS)

EXISTING CONSTRUCTION TO REMAIN

EXISTING CONSTRUCTION TO BE REMOVED

NEW CONSTRUCTION, SET DETAILS

PART, TYPE "A" UNLESS NOTED OTHERWISE

NEW DOOR & FRAME-SEE DOOR SCHEDULE

NEW WINDOW-SEE WINDOW SCHEDULE

SHEET NOTES - SEE NOTES ON THIS SHEET ONLY

BUILDING INFORMATION

OCCUPANCY 8-4 RESIDENCE (12 PERSONS) IBC 308.3.2
CONSTRUCTION TYPE VB (7,500 S.F. ALLOWED)
SPRINKLER SYSTEM YES, FULLY SPRINKLERED
HEATED/COOLED AREA (GROSS FLOOR) 4,291 S.F.
PORCHES 1,093 S.F.
LABORATORY ROOM (EXCEEDS 100 S.F.) SPARKLER PROVIDED

ARCHITECTURAL NOTES (APPLY TO ALL SHEETS)

1. **WINDUPE INSULATION**
- EXTERIOR FRAME WALLS: NEW EXTERIOR WALLS INSULATED FROM EXTERIOR FACE OF STUD OR FRAMING MEMBER. EXISTING EXTERIOR WALLS SHALL BE REMOVED AND RECONSTRUCTED.
- INTERIOR FRAME WALLS: EXISTING INTERIOR WALLS SHALL BE REMOVED AND RECONSTRUCTED. EXISTING INTERIOR WALLS SHALL BE REMOVED AND RECONSTRUCTED.
- EXTERIOR OF ALL EXISTING WALLS: NEW OF SOLID CONCRETE 12" THICK & FINISH WITH RASCO SYSTEM WITH STONE FINISH.
- WINDOWS & DOORS: FINISHES TO DEVELOPER. SEE 2008 & 2009 SCHEDULES FOR FINISHES.
2. ALL INTERIOR DOORS SHALL BE 4" OAK FROM FINEST GRADE AND SHALL BE SET IN FRAME.
3. EXTERIOR CONTROLS SHALL BE LOCATED IN THE LOCATION OF REQUIRED BLOSSOMING IN WALLS TO RECEIVE GRASS, CEMENT, SHELTER, ETC.
4. **FINISHES** WHEREVER INDICATED BY "A" OR "B" SHALL BE FINISHES & FINISHES.
5. **WINDUPE** "WINDUPE" SHALL BE FINISHES ALONG FINISH FACE OF WALLS, UNLESS NOTED OTHERWISE.
6. EXISTING BUILDING ITEMS SHALL BE FOR INFORMATION PURPOSES ONLY. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF EXISTING ITEMS WITH ACTUAL CONDITIONS PRIOR TO CONSTRUCTION.
7. CONTRACTOR TO VERIFY PROJECT'S FINISHES IF EXISTING CONDITIONS VARY FROM THOSE NOTED ON THE DRAWINGS.
8. DETAILS LABELED "TYPICAL" SHALL BE IN THE DRAWINGS APPLY TO ALL SITUATIONS THAT ARE THE SAME OR SIMILAR TO THOSE SPECIFICALLY DETAIL. SUCH DETAILS SHALL BE PROVIDED ON THE SHEET AND NOTED IN THE LOCATION. DETAILS REGARDING APPLICABILITY OF TYPICAL DETAILS SHALL BE PROVIDED IN THE ARCHITECT'S NOTES.

PRODUCT APPROVAL CODES

COMPONENT	MANUFACTURER	DESCRIPTION	APPROVAL CODE
GLASS DOOR	WATKINS	MODEL 8000 W/ FABRIC SHIELD BY WATKINS	FL 3201.1
EXTERIOR DOOR	ALDERSON	FRENCH OUTWARD W/ IMPACT GLASS	FL 14205.3
TRUSS PRODUCTS	DAVE	TRUSS PRODUCT	FL 10101.1
WINDOWS	ALUMINUM WINDOW WORKS	VINYL CASSETTE W/ IMPACT GLASS	FL 13999.3
UP-5000	JAMES HARDIE	WATERPROOF LAM 5000	FL 13102.2

Draft Floor Plan

18PZ00088

Happy Landings Homes

(Submitted 11-21-18)



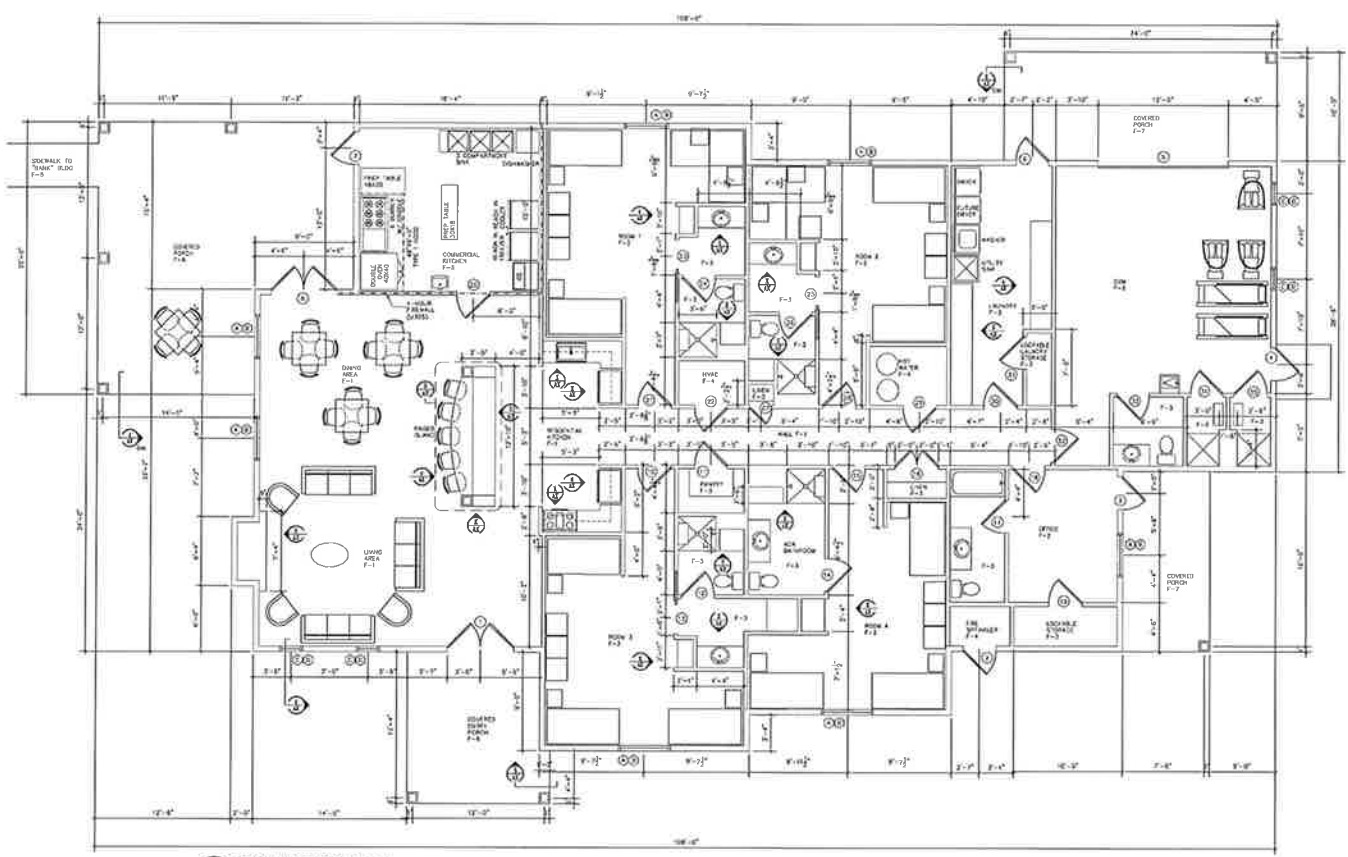


PROJECT NO.	1000000000
DATE	01.15.18
DESIGNER	ANDREW J. SMITH
APP	ANDREW J. SMITH

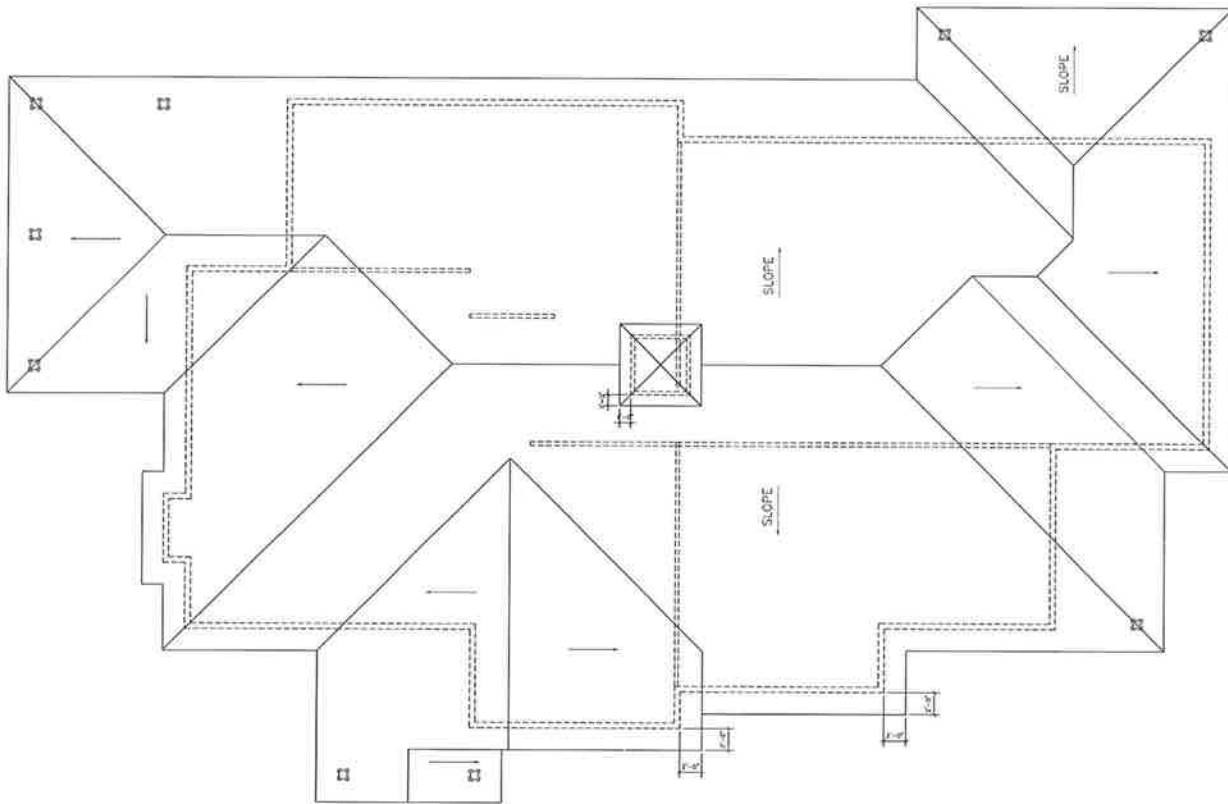
FEMALE RESIDENCE HALL
 JOURNEY PLACE
 TAMPA, FL

SHEET NO.	1000000000
FLOOR PLAN	1000000000

SHEET NO.	A1
DATE	01.15.18



1 GROUND FLOORPLAN
 SCALE: 1/4" = 1'-0"




ROOF PLAN
 (A2) Scale: 1/8" = 1'-0"



JOHN R. GABEL	DATE
12/1/18	12/1/18
DESIGN	CHECK
ASB	ASB

FEMALE RESIDENCE HALL
 PALMBAH CITY, FL

SHEET NO.
ROOF PLAN

SHEET NO.
A2



PROJECT NO. 2018-001
DATE: 08/2018
DESIGNER: BOUNDS
DRAWN: BOUNDS
CHECKED: BOUNDS
APPROVED: BOUNDS
FEMALE RESIDENCE HALL
- COURTESY PARK
- PANAMA CITY, FL

SHEET NO.
A3
8/20/18 11:00 AM



1 NORTH ELEVATION
A3 SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
A3 SCALE: 1/4" = 1'-0"



DATE	11/18/2023
DESIGN	645
SCALE	645

FEMALE RESIDENCE HALL
JACKSON COUNTY
TOMBALL, TX

SHEET NO.	1
DATE	11/18/2023
DESIGN	645
SCALE	645

A4

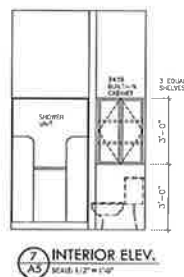
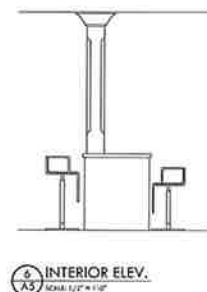
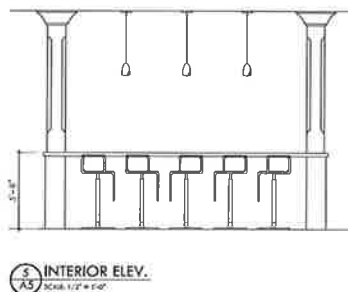
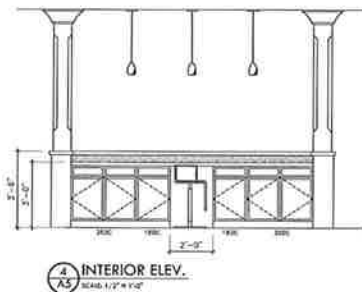
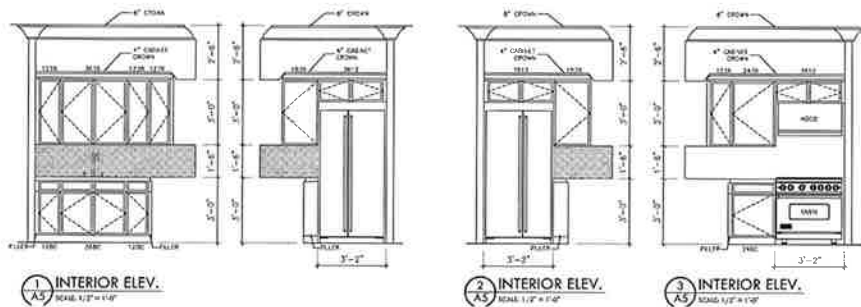
SCALE: 1/8" = 1'-0"

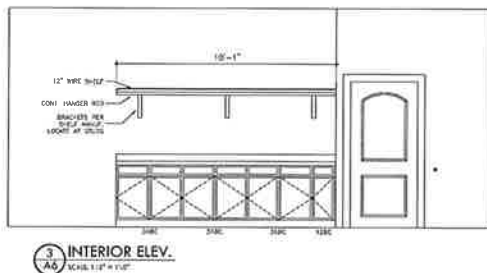
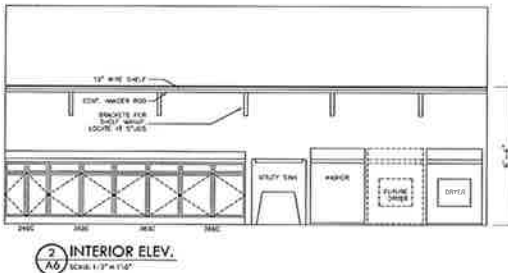
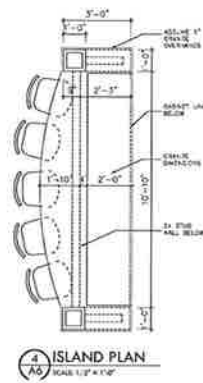
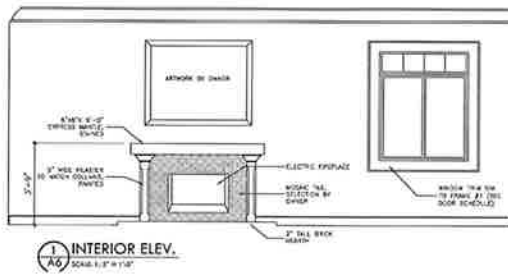


1 SOUTH ELEVATION
A4 SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
A4 SCALE: 1/8" = 1'-0"





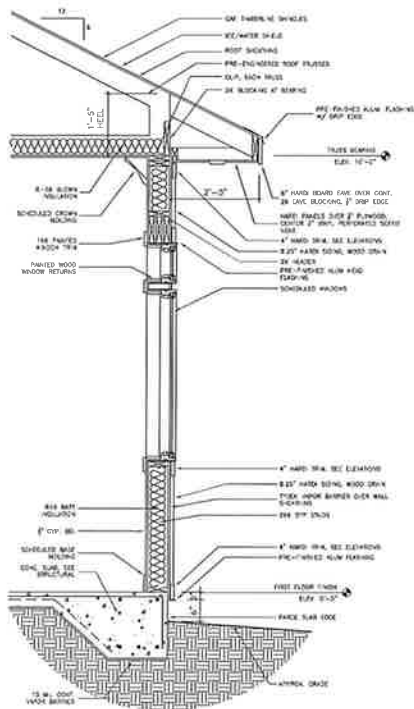


JOB NUMBER:	
DATE:	
DESIGN:	DRAWN:
ASS	ASS

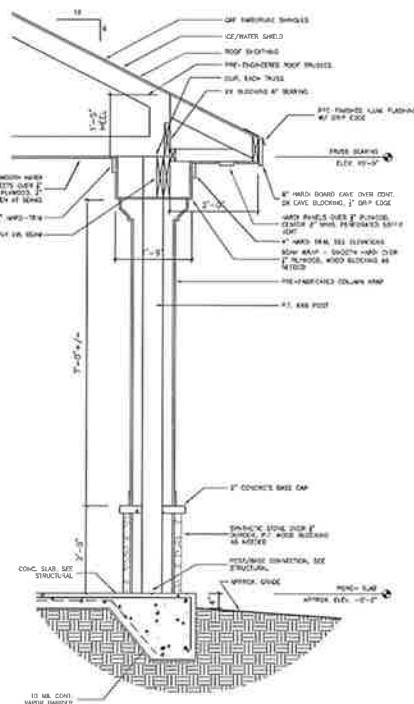
FEMALE RESIDENCE HALL
JOURNEY PURE
PANAMA CITY, FL

CTIONS

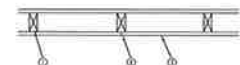
A7



 TYPICAL WALL SECTION
SCALE: 1/2" = 1'-0"

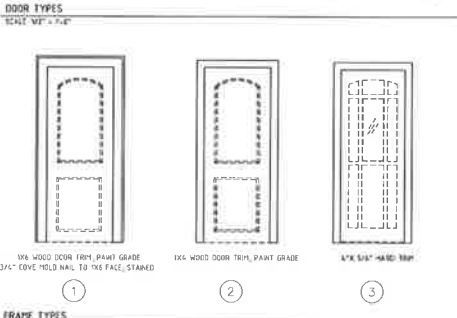
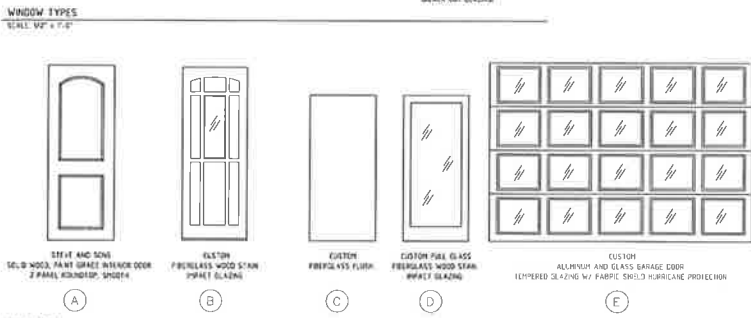
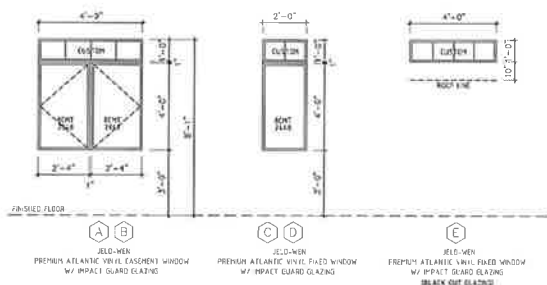


2
A7 TYPICAL PORCH WALL SECTION
SCALE: 1/2" = 1'-0"



1. WOULD YOU - NEW 2ND SPACE 10' BY 10' APPROX FOR THE STOVE
2. LAMPS AND REFRIG. (NEW 2ND) - REFRIG. CANT. COOKS W/IN 10'
3. OTHER REFRIG. NOT QUALIFIED 5'X 10' IN 10' APPROX. APPROX. AND
WANTS TO STAY AND REPAIR PLUMB. IF HE CANT GO BACK TO THE
10'X10' AND W/IN 10'X10' AREA.

3 FIREWALL DESIGN
A7 SCALE: 1/2" = 1'-0"



FINISH	WALLS	CEILING	FLOORING	DOORS	BASE	REMARKS
F-1	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	
F-2	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	
F-3	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	
F-4	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	
F-5	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	
F-6	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	
F-7	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	
F-8	1/2" GYP BS LEMON PEEL TEXTURE	1/2" GYP BS LEMON PEEL TEXTURE	APPROXIMATE VINYL PLANK, WOOD GRAIN	PROBLEMS AND PROBLEMS 1/2" GYP BS	PROBLEMS AND PROBLEMS 1/2" GYP BS	

NUMBER	DOOR SIZE	DOOR	FRAME	HARDWARE	REMARKS
1	3'-0" x 6'-0"	A	1	1	
2	3'-0" x 6'-0"	A	1	1	
3	3'-0" x 6'-0"	A	1	1	
4	3'-0" x 6'-0"	A	1	1	
5	3'-0" x 6'-0"	A	1	1	
6	3'-0" x 6'-0"	A	1	1	
7	3'-0" x 6'-0"	A	1	1	
8	3'-0" x 6'-0"	A	1	1	
9	3'-0" x 6'-0"	A	1	1	
10	3'-0" x 6'-0"	A	1	1	
11	3'-0" x 6'-0"	A	1	1	
12	3'-0" x 6'-0"	A	1	1	
13	3'-0" x 6'-0"	A	1	1	
14	3'-0" x 6'-0"	A	1	1	
15	3'-0" x 6'-0"	A	1	1	
16	3'-0" x 6'-0"	A	1	1	
17	3'-0" x 6'-0"	A	1	1	
18	3'-0" x 6'-0"	A	1	1	
19	3'-0" x 6'-0"	A	1	1	
20	3'-0" x 6'-0"	A	1	1	
21	3'-0" x 6'-0"	A	1	1	
22	3'-0" x 6'-0"	A	1	1	
23	3'-0" x 6'-0"	A	1	1	
24	3'-0" x 6'-0"	A	1	1	
25	3'-0" x 6'-0"	A	1	1	
26	3'-0" x 6'-0"	A	1	1	
27	3'-0" x 6'-0"	A	1	1	
28	3'-0" x 6'-0"	A	1	1	
29	3'-0" x 6'-0"	A	1	1	
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97	3'-0" x 6'-0"	A	1	1	
98	3'-0" x 6'-0"	A	1	1	
99	3'-0" x 6'-0"	A	1	1	
100	3'-0" x 6'-0"	A	1	1	

HARDWARE NOTES
1. ALL HARDWARE TO BE LEVER STYLE, ADA COMPLIANT
2. HARDWARE TO BE POLISHED CHROME, 1/2" DIA. WITH GUNITE

HARDWARE A
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE B
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE C
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE D
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE E
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE F
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE G
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE H
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE I
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE J
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE K
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

HARDWARE L
3 BUTTS END
ENTRY LOCKSET
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HARDWARE M
3 BUTTS END
ENTRY LOCKSET
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HARDWARE N
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ENTRY LOCKSET
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HARDWARE O
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HARDWARE P
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HARDWARE Q
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HARDWARE R
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HARDWARE S
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HARDWARE T
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HARDWARE X
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HARDWARE Y
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ENTRY LOCKSET
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HARDWARE Z
3 BUTTS END
ENTRY LOCKSET
WALL SUPPLY

B
bounds

1000 S. GARDEN ST.
SUITE 100
DALLAS, TX 75210
972.443.8888
www.boundsof.com

FEMALE RESIDENCE HALL
Pasadena City Hall

DOOR NUMBER
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JOURNEY PURE



NEW FEMALE RESIDENCE HALL
PANAMA CITY BEACH PARKWAY
PANAMA CITY BEACH, FL

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S-05	WALLS
S-06	WALL SECTIONS
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S-08	PRE-FAB TRUSS LAYOUT

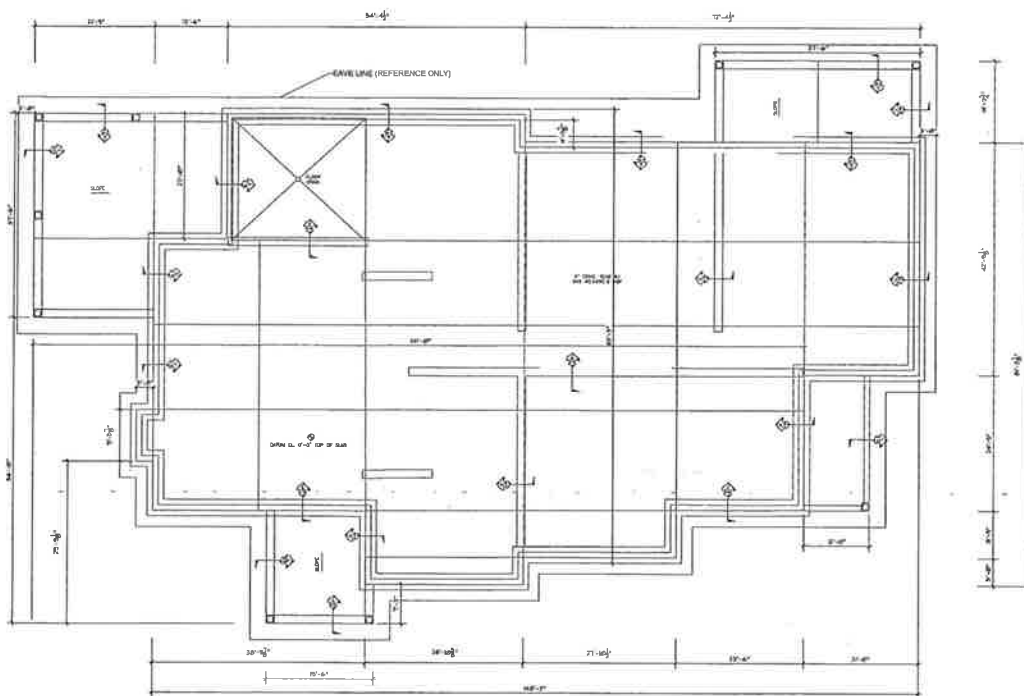


ISSUE FOR
PERMIT
0-25-1b

PROXIMUS
ENGINEERING
1371 N.W. 2nd Ave., Suite 100
Panama City, FL 32401
904.399.1111

COVER SHEET
JOURNEY PURE
THOMAS E. HEARN, P.E.
PANAMA CITY BEACH, FL 32401
01-24-12

S-01
PROJECT NO. 10-104



PLAN VIEW OF FOUNDATION
SCALE: N.T.S.

ISSUE FOR PERMIT

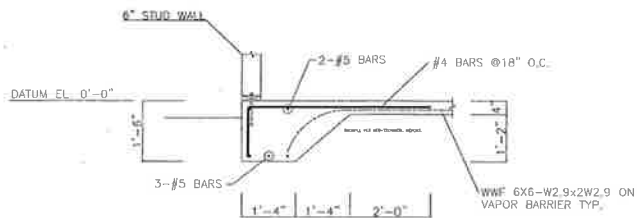
PROXIMUS ENGINEERING
2024 Proximus Place, Suite 100, Panama City, FL 32401
 904.934.1111 | www.proximuseng.com

FOUNDATION
JOURNEYPURE
FEMALE RESIDENCE HALL
 PANAMA CITY BEACH, FL

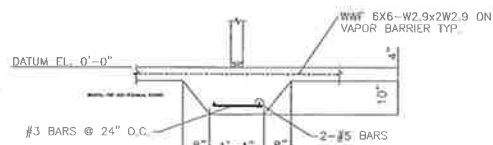
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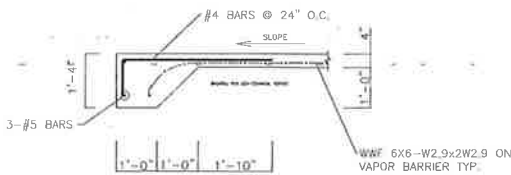
S-03
PROJECT NO. 24-003



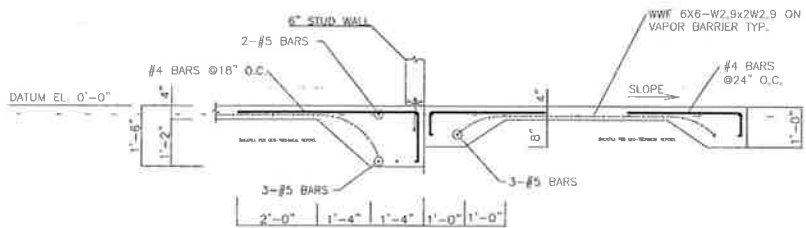
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SECTION B
SCALE: N.T.S.



SECTION C
SCALE: N.T.S.



SECTION D
SCALE: N.T.S.



ISSUE FOR PERMIT
8-27-14

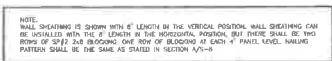
PROXIMUS ENGINEERING
1000 Highway 100, Suite 100
Franklin, TN 37067
Phone: 615.261.1000
Fax: 615.261.1001
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FOUNDATION SECTIONS

JOURNEY PURE
1000 Highway 100, Suite 100
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Phone: 615.261.1000
Fax: 615.261.1001
www.journey-pure.com

NO.	DATE	DESCRIPTION
1	8-27-14	ISSUE FOR PERMIT

PROJECT NO. 14-038









NAILING PATTERNS
SECTION 3-5
SCALE 1/2" = 1'-0"



SIMPSON-TSP TIES

HOLD-DOWNS & TIES
SECTION

[illegible]

HOLDOWNS & TIES	BASE & CAPS
 HD7B	 ABU66Z
 HTT4	 LPC6Z
 TSP	 BC46



ISSUE FOR PERMIT
B-25-14



PROXIMUS
ENGINEERING
(334) 475-0041 P.O. Box 134040
2721 Royal Clark Circle, Dothan, AL 36001

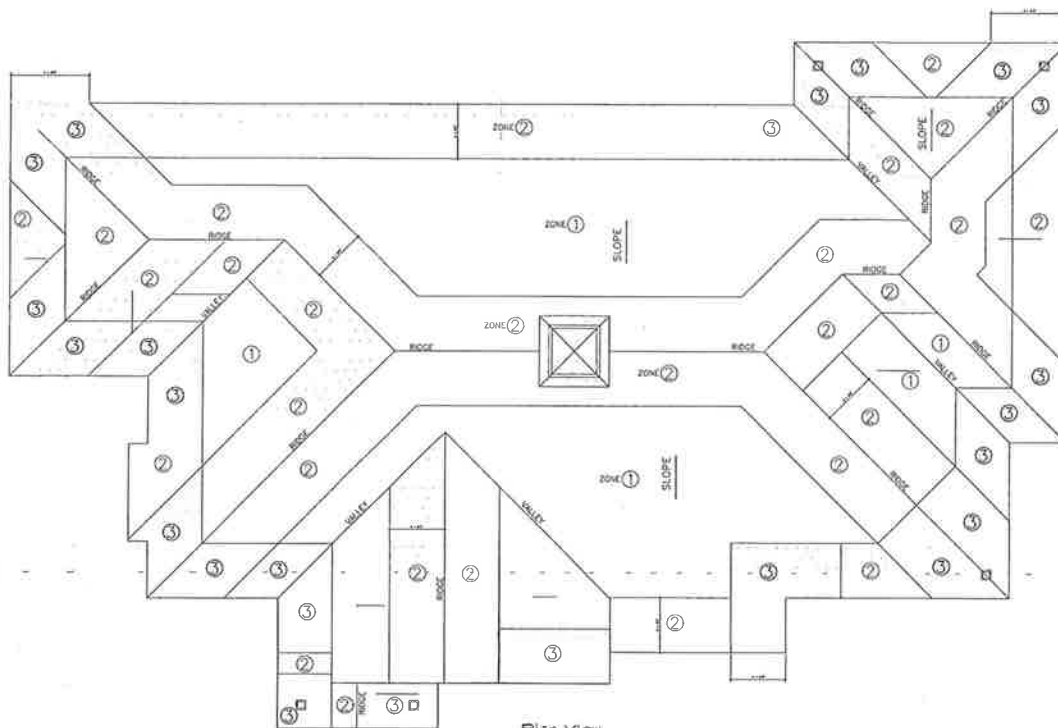
WALL SECTION, DETAIL, AND NOTES

JOURNEY PURE

PANAMA CITY BEACH, FL

S-06

S-06



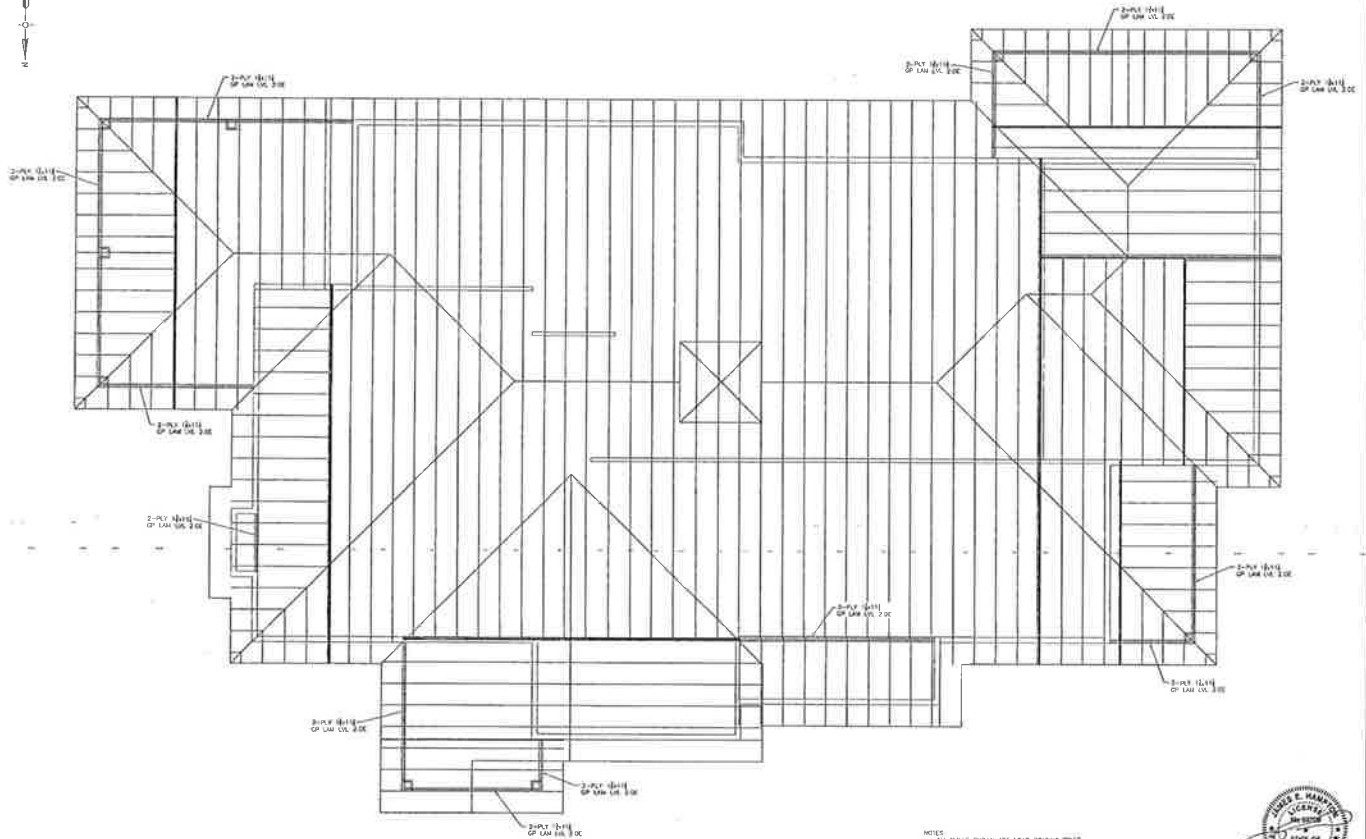
Plan View

ROOF C/C DECKING		PRESSURE	SUCTION (P6F)
ZONE ①	17.31		-35.33
ZONE ②	17.31		-85.61
ZONE ③	17.31		-96.62

ROOF C/C TRUSSES		PRESSURE	SUCTION (P6F)
ZONE ①	17.31		-35.33
ZONE ②	17.31		-85.61
ZONE ③	17.31		-96.62

ROOF C/C FASTENER		PRESSURE	SUCTION (P6F)
ZONE ①	24.52		-38.94
ZONE ②	24.52		-85.61
ZONE ③	24.52		-139.89





PLAN VIEW OF TRUSS LAYOUT
SCALE: 1/8" = 1'-0"

- NOTES:
- ALL WALLS SHOWN ARE LOAD BEARING WALLS
 - ALL INTERIOR WALLS ARE 7.5" THICK
 - ALL EXTERIOR WALLS ARE 10" THICK



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10454
201 East 10th Street, Suite 101
Buffalo, NY 14203

PLAN VIEW OF TRUSS LAYOUT

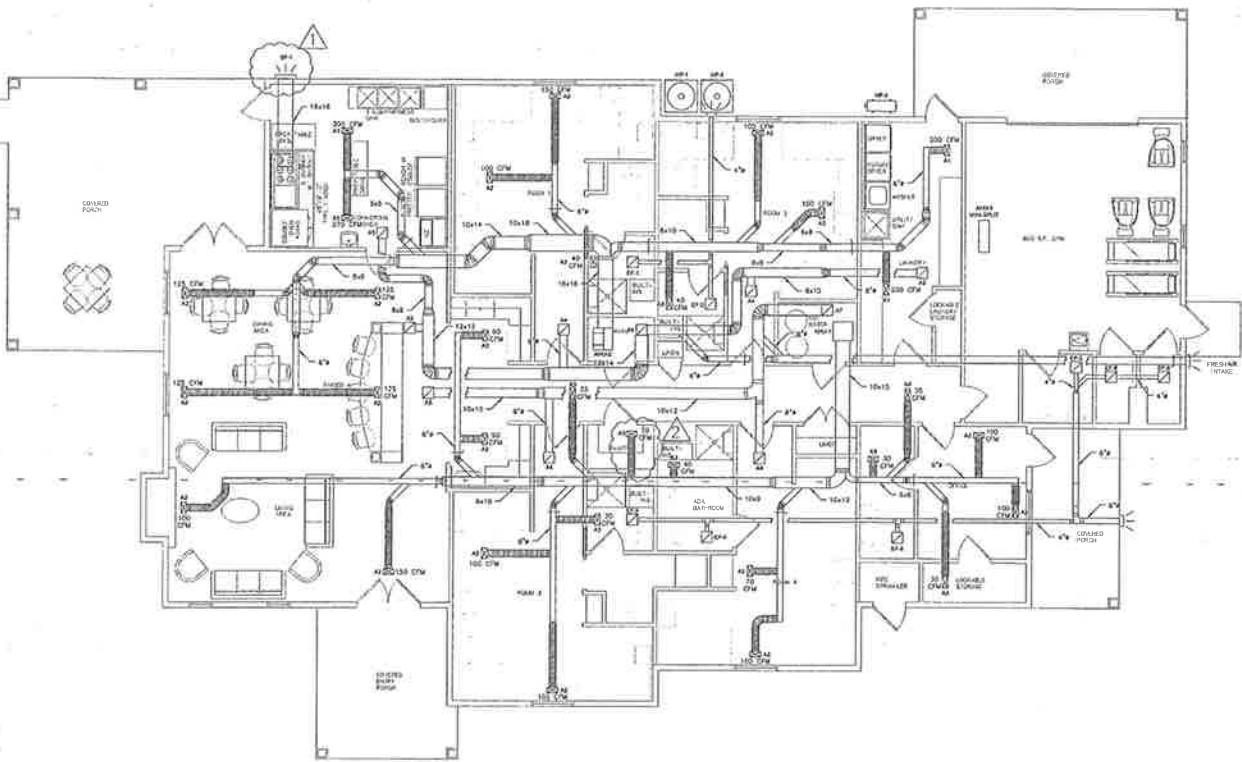
JOURNEY PURE
FAMILY INTERSTATE HALL
10454
201 East 10th Street, Suite 101
Buffalo, NY 14203

NO.	REVISION	DATE
1	ISSUED	05-08-2016

5-08
PROJECT NO. 16-008



SEE ELEV. TO
50' 0" 1/2"



PLAN VIEW
SCALE 1/4" = 1'-0"



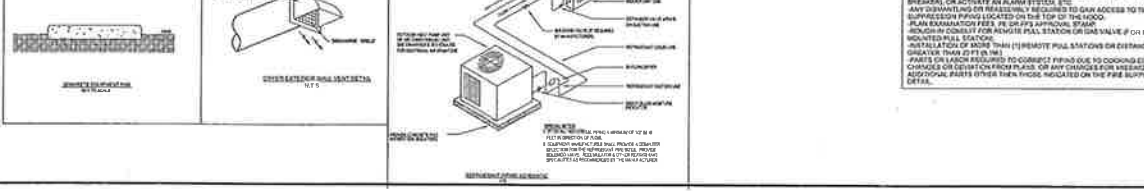
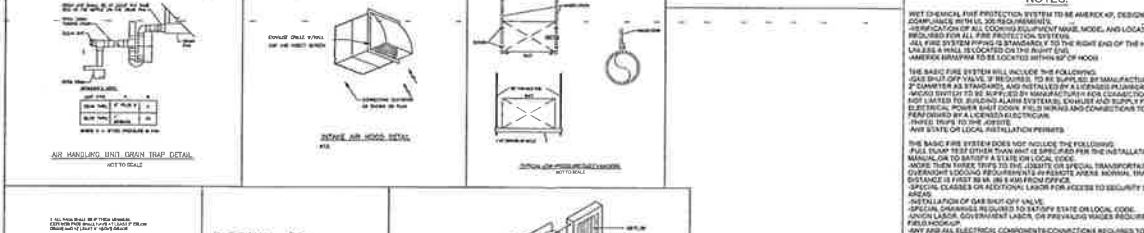
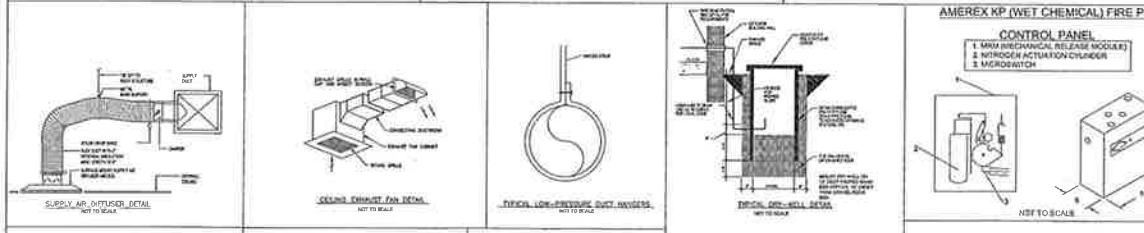
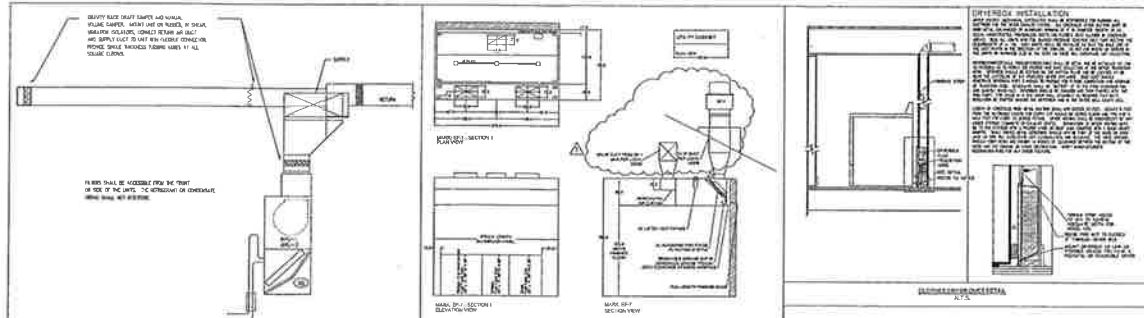
HVAC PLAN - SUPPLY & RETURN AIR
JOURNEYPURE HALL
FEMALE RESIDENCE HALL
PANAMA CITY BEACH, FL

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NO.	DATE	DESCRIPTION
1	08/14/2024	ISSUED FOR PERMIT
2	08/14/2024	REVISED: 1. ADDITION OF 1' TO ROOM 101
3	08/14/2024	REVISED: 2. ADDITION OF 1' TO ROOM 101
4	08/14/2024	REVISED: 3. ADDITION OF 1' TO ROOM 101
5	08/14/2024	REVISED: 4. ADDITION OF 1' TO ROOM 101
6	08/14/2024	REVISED: 5. ADDITION OF 1' TO ROOM 101
7	08/14/2024	REVISED: 6. ADDITION OF 1' TO ROOM 101
8	08/14/2024	REVISED: 7. ADDITION OF 1' TO ROOM 101
9	08/14/2024	REVISED: 8. ADDITION OF 1' TO ROOM 101
10	08/14/2024	REVISED: 9. ADDITION OF 1' TO ROOM 101

M-01

PROJECT NO. 24-001



OVERVIEW INSTALLATION
The fire protection system shall be installed in accordance with the manufacturer's instructions. The system shall be installed in the ceiling and shall be accessible for the front or top of the unit.

CONTROL PANEL
1. MAXIMUM RELEASE MODULE
2. NITROGEN ACTUATION CHARGER
3. MICROPROCESSOR

NOTES:
1. THE BASIC FIRE PROTECTION SYSTEM SHALL BE AMEREX KP, DESIGNED IN COMPLIANCE WITH UL 300 REQUIREMENTS.
2. THE SYSTEM SHALL BE DESIGNED TO PROTECT THE ENTIRE FLOOR AREA.
3. THE SYSTEM SHALL BE DESIGNED TO PROTECT THE ENTIRE FLOOR AREA.

CONNECTION TO BUILDINGS ALARM
The fire protection system shall be connected to the building alarm system in accordance with the manufacturer's instructions.

CONNECTION TO COOKING EQUIPMENT SHUTDOWN
The fire protection system shall be connected to the cooking equipment shutdown system in accordance with the manufacturer's instructions.

CONNECTION TO FAN SHUT DOWN
The fire protection system shall be connected to the fan shutdown system in accordance with the manufacturer's instructions.

NOTES:
1. THE SYSTEM SHALL BE DESIGNED TO PROTECT THE ENTIRE FLOOR AREA.
2. THE SYSTEM SHALL BE DESIGNED TO PROTECT THE ENTIRE FLOOR AREA.
3. THE SYSTEM SHALL BE DESIGNED TO PROTECT THE ENTIRE FLOOR AREA.

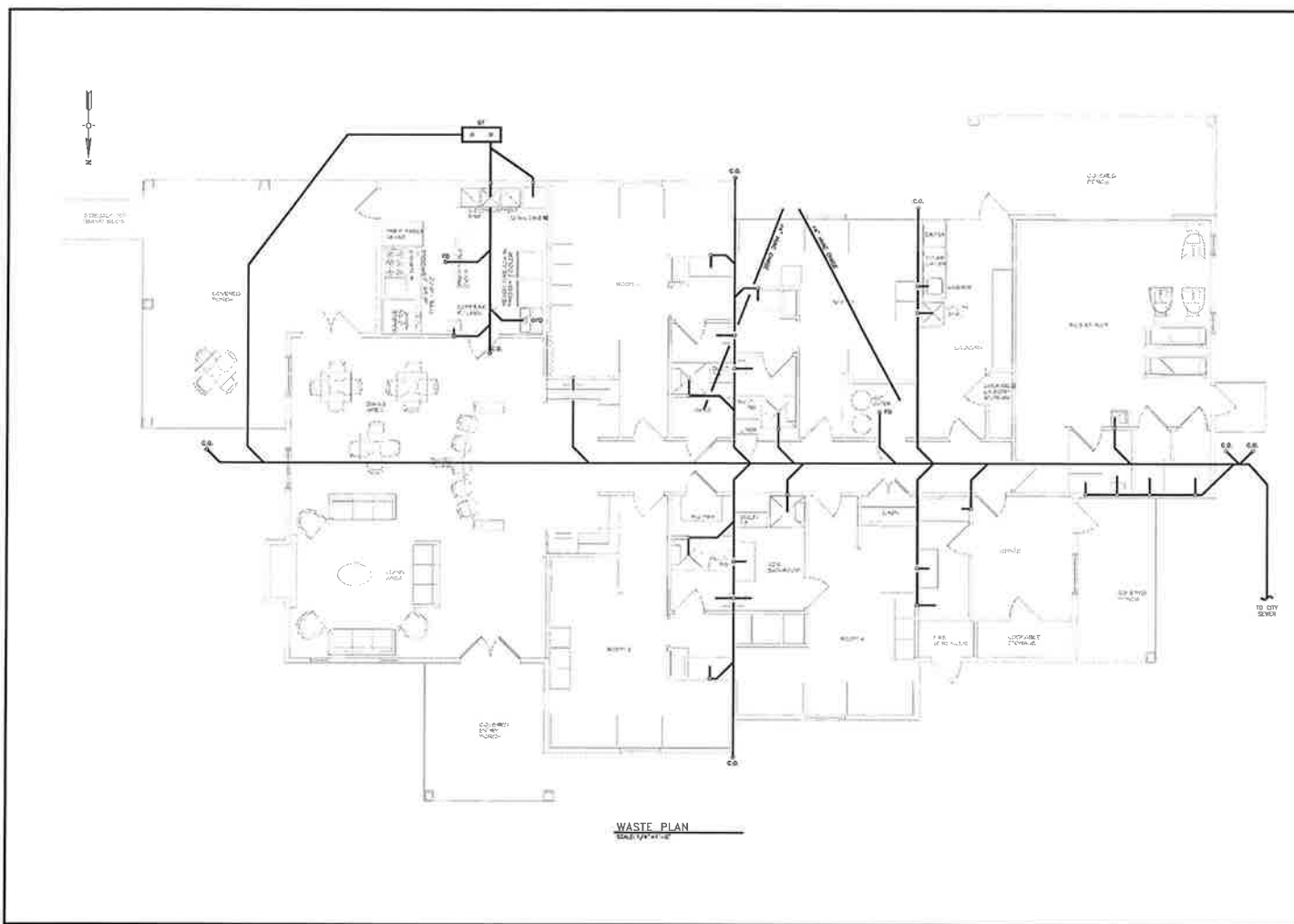


WASTE PLAN
JOURNEYPURE FEMALE RESIDENCE HALL
 PANAMA CITY BEACH, FL

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10	08/15/2024	CEM	ISSUED FOR PERMIT

P-01
 PROJECT NO. 18-024



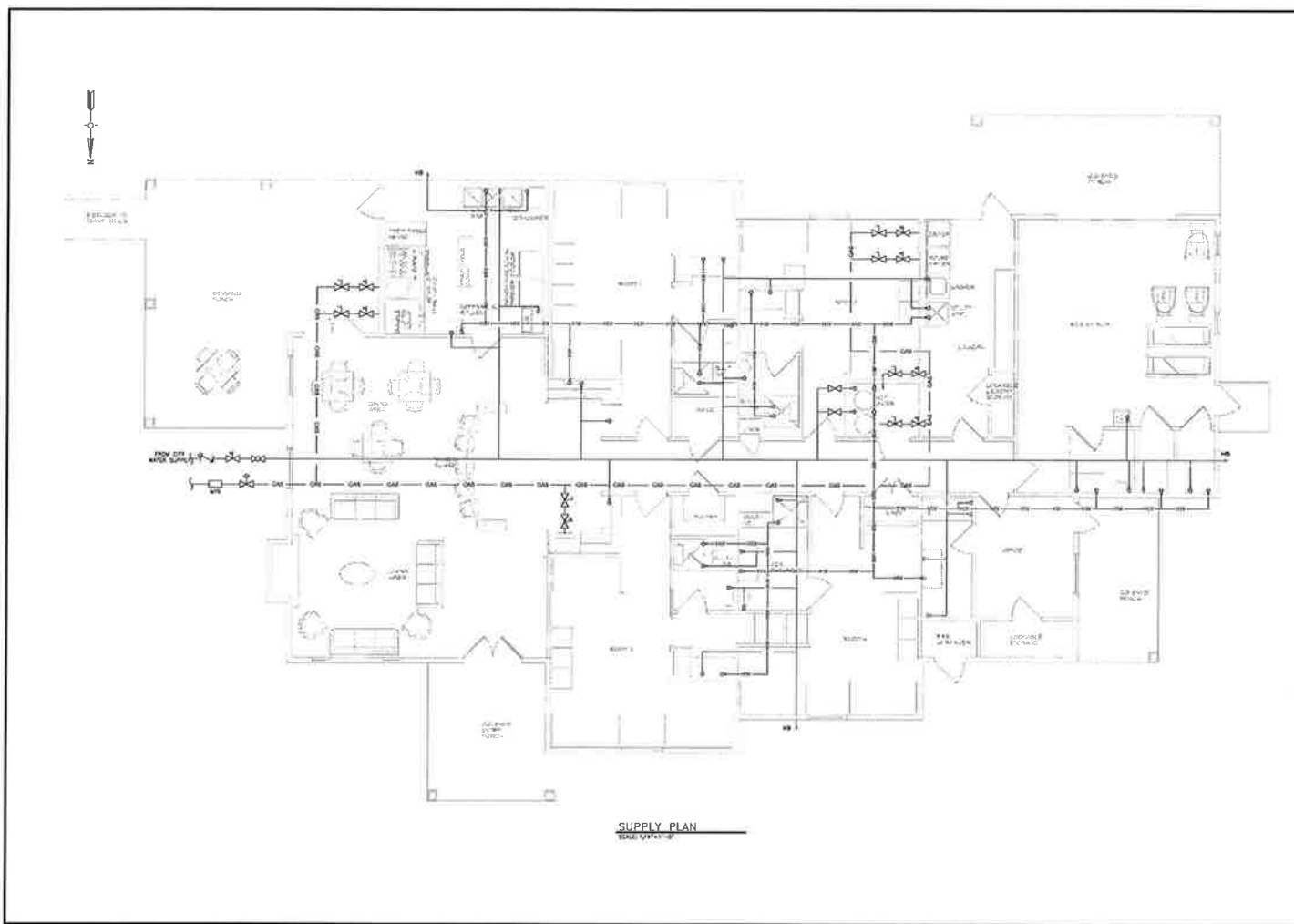


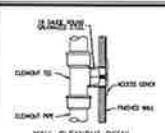
SUPPLY PLAN
JOURNEYPURE FEMALE RESIDENCE HALL
 PANAMA CITY BEACH, FL

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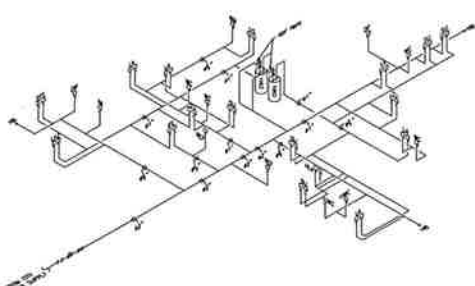
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10	10/1/18	ISSUED FOR PERMIT	JD	JD

P-02
 PROJECT NO. 18-028





www.elsevier.com/locate/jmb

SUPPLY ISOMETRIC

- [illegible]

LEGEND AND ABBREVIATIONS

	TYPE OF WIRE LINE
	WENT
	POSSIBLE MATCH
	HOT WATER
	EXISTING
	GAS LINE
	CHECK VALVE
	PRESSURE-REDUCING VALVE
	GAS SHUT-OFF VALVE
	GATE VALVE
	BRILL VALVE
	SHOCK ABSORBER
	VENT HURF ROOF
	HOT WATER VALVE
	CLEAN OUT

BIBLIOGRAPHY		DATE	TYPE	STATUS	REMARKS
1	WATER RESOURCES, NATIONAL BUREAU OF SURVEYING	1950	100	100	
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SHEET NO. 12 OF 12		CIRCUIT BREAKER PANEL SCHEDULE				DATE: 08/08/2018	
BY: [Signature]		PROJECT: [Project Name]				DRAWN: [Signature]	
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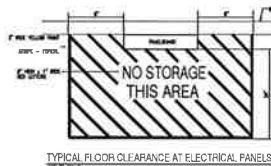
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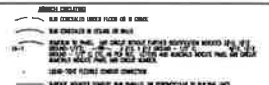
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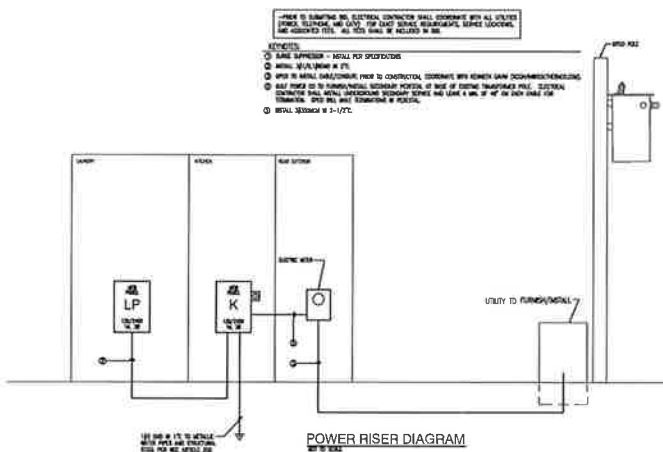


ELECTRICAL LEGEND

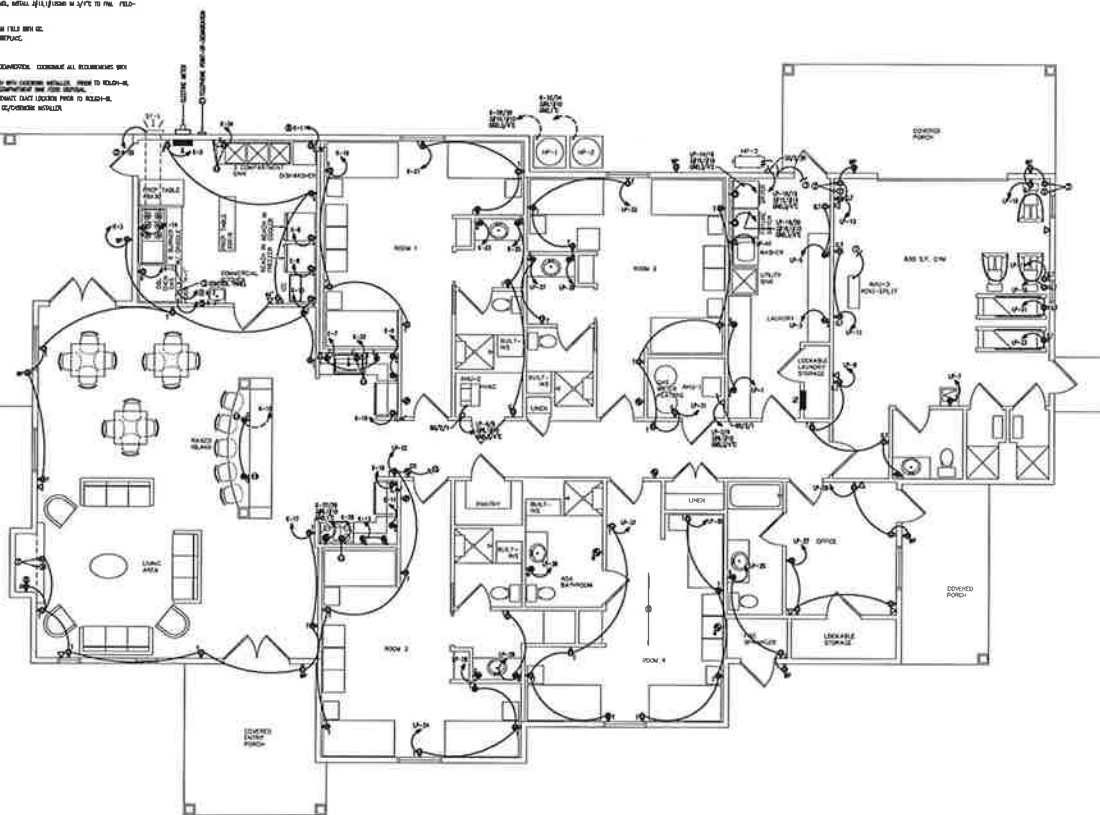
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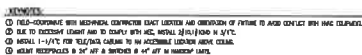


-
- Architectural floor plan of a building, likely a school or office. The plan shows four main rooms (Room 1, Room 2, Room 3, Room 4) and various support spaces. Room 1 is a large open area with a circular table and chairs. Room 2 is a smaller room with a desk and chair. Room 3 is a room with a desk and chair. Room 4 is a room with a desk and chair. The plan also includes a central hallway, restrooms, storage areas, and a kitchen area. Dimensions are provided for many of the rooms and spaces. The plan is oriented with North at the top.



SCALE: $1/4'' = 1' - 0''$

[illegible]



 **LIGHTING PLAN**
SCALE: 1/4"=1'-0"

LIGHTING FIXTURE SCHEDULE			
NO.	MANUFACTURER AND MODEL NO.	QTY	REMARKS
001	RECESSED IN G.D.	2	RECESSED IN G.D.
002	K.L. MUMFORD/10000000-001	2	10000000 IN G.D.
003	K.L. MUMFORD/10000000-002	2	10000000 IN G.D.
004	K.L. MUMFORD/10000000-003	2	10000000 IN G.D.
005	K.L. MUMFORD/10000000-004	2	10000000 IN G.D.
006	K.L. MUMFORD/10000000-005	2	10000000 IN G.D.
007	K.L. MUMFORD/10000000-006	2	10000000 IN G.D.
008	K.L. MUMFORD/10000000-007	2	10000000 IN G.D.
009	K.L. MUMFORD/10000000-008	2	10000000 IN G.D.
010	K.L. MUMFORD/10000000-009	2	10000000 IN G.D.
011	K.L. MUMFORD/10000000-010	2	10000000 IN G.D.
012	K.L. MUMFORD/10000000-011	2	10000000 IN G.D.
013	K.L. MUMFORD/10000000-012	2	10000000 IN G.D.
014	K.L. MUMFORD/10000000-013	2	10000000 IN G.D.
015	K.L. MUMFORD/10000000-014	2	10000000 IN G.D.
016	K.L. MUMFORD/10000000-015	2	10000000 IN G.D.
017	K.L. MUMFORD/10000000-016	2	10000000 IN G.D.
018	K.L. MUMFORD/10000000-017	2	10000000 IN G.D.
019	K.L. MUMFORD/10000000-018	2	10000000 IN G.D.
020	K.L. MUMFORD/10000000-019	2	10000000 IN G.D.
021	K.L. MUMFORD/10000000-020	2	10000000 IN G.D.
022	K.L. MUMFORD/10000000-021	2	10000000 IN G.D.
023	K.L. MUMFORD/10000000-022	2	10000000 IN G.D.
024	K.L. MUMFORD/10000000-023	2	10000000 IN G.D.
025	K.L. MUMFORD/10000000-024	2	10000000 IN G.D.
026	K.L. MUMFORD/10000000-025	2	10000000 IN G.D.
027	K.L. MUMFORD/10000000-026	2	10000000 IN G.D.
028	K.L. MUMFORD/10000000-027	2	10000000 IN G.D.
029	K.L. MUMFORD/10000000-028	2	10000000 IN G.D.
030	K.L. MUMFORD/10000000-029	2	10000000 IN G.D.
031	K.L. MUMFORD/10000000-030	2	10000000 IN G.D.
032	K.L. MUMFORD/10000000-031	2	10000000 IN G.D.
033	K.L. MUMFORD/10000000-032	2	10000000 IN G.D.
034	K.L. MUMFORD/10000000-033	2	10000000 IN G.D.
035	K.L. MUMFORD/10000000-034	2	10000000 IN G.D.
036	K.L. MUMFORD/10000000-035	2	10000000 IN G.D.
037	K.L. MUMFORD/10000000-036	2	10000000 IN G.D.
038	K.L. MUMFORD/10000000-037	2	10000000 IN G.D.
039	K.L. MUMFORD/10000000-038	2	10000000 IN G.D.
040	K.L. MUMFORD/10000000-039	2	10000000 IN G.D.
041	K.L. MUMFORD/10000000-040	2	10000000 IN G.D.
042	K.L. MUMFORD/10000000-041	2	10000000 IN G.D.
043	K.L. MUMFORD/10000000-042	2	10000000 IN G.D.
044	K.L. MUMFORD/10000000-043	2	10000000 IN G.D.
045	K.L. MUMFORD/10000000-044	2	10000000 IN G.D.
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063	K.L. MUMFORD/10000000-062	2	10000000 IN G.D.
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069	K.L. MUMFORD/10000000-068	2	10000000 IN G.D.
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072	K.L. MUMFORD/10000000-071	2	10000000 IN G.D.
073	K.L. MUMFORD/10000000-072	2	10000000 IN G.D.
074	K.L. MUMFORD/10000000-073	2	10000000 IN G.D.
075	K.L. MUMFORD/10000000-074	2	10000000 IN G.D.
076	K.L. MUMFORD/10000000-075	2	10000000 IN G.D.
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083	K.L. MUMFORD/10000000-082	2	10000000 IN G.D.
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212	K.L. MUMFORD/10000000-211	2	10000000 IN G.D.
213	K.L. MUMFORD/10000000-212	2	1000000

*PUSH TO OPENING, HOLD FINGER WITH ARM/TOE/ELBOW

ISSN 0013-788X/90/0005-0000\$05.00/0

LIGHTING PLAN

JOURNEY PURE

NEW FEMALE RESIDENCE HALL
22219 PANAMA CITY BEACH PARKWAY
PANAMA CITY BEACH, FL

[illegible]

NOT FOR
CONSTRUCTION



SHEET TITLE
 ELEVATION
 SHEET NO.
A6

Truck Traffic Prohibitions
on Local Roads
18PZ00088
Happy Landings

From: [Serk, Erin](#)
To: [Jones, Jennifer](#)
Subject: FW: Truck Traffic to Happy Landings
Date: Thursday, November 29, 2018 3:31:28 PM
Attachments: [RE Question about otter creek and old Dixie .msg](#)
[2012 Otter Creek Ln No Trucks.pdf](#)

Jen, please add this email and the attached correspondence to the Board's package. It would be helpful if it could be combined as a "Truck Traffic Prohibitions on local roads" attachment.

You got the second attachment the other day, which may already be in the FYI, but we could group it to make it easier to decipher.

From: Stanford, Ashley
Sent: Thursday, November 29, 2018 11:09 AM
To: Serk, Erin
Cc: Swanson, Devin A; Gumm, Corrina
Subject: RE: Truck Traffic to Happy Landings

Erin,

Unfortunately there is no formal list. Staff reviewed the turning path of the four types listed, but this is not an all-encompassing list. The sign does not apply to local deliveries i.e. fed ex and UPS trucks.

Also, I have attached my email to Jinger Knox where she asked for clarification a few items including the "No Trucks" sign in case that was no included with the original memo.

Thank you,

Ashley Stanford, P.E.

Engineer II
Brevard County Public Works
Traffic Operations Program
Ph: (321) 633-2077

From: Swanson, Devin A
Sent: Thursday, November 29, 2018 10:06 AM
To: Stanford, Ashley
Subject: FW: Truck Traffic to Happy Landings

Did you see this???

Best Regards,

Devin

Devin A. Swanson, Engineer II
Brevard County Public Works Department
Traffic Operations Program
2725 Judge Fran Jamieson Way, Bldg. A, Rm. 211

Viera, FL 32940
Office (321) 633-2077
Fax (321) 6375471

From: Sterk, Erin
Sent: Wednesday, November 28, 2018 6:46 PM
To: Swanson, Devin A; Gumm, Corrina
Subject: Fwd: Truck Traffic to Happy Landings

Hello Traffic Ops,

Is there a formal list somewhere of the types of vehicles prohibited when a "no trucks" sign has been posted? Are the four types described below and in the attachment an accurate list of all types prohibited?

Thanks,
Erin

From: [Stanford, Ashley](#)
To: jingerk@msn.com
Cc: [Holman, Lauren](#)
Subject: RE: Question about otter creek and old Dixie
Date: Tuesday, November 27, 2018 5:52:00 PM
Attachments: [2012 Otter Creek Ln No Trucks.pdf](#)

Jinger,

Please see my responses below in red. Please let me know if you have any additional questions or need clarification on the answers below.

Thank you,

Ashley Stanford, P.E.

Engineer II
Brevard County Public Works
Traffic Operations Program
Ph: (321) 633-2077

From: Jinger Knox [mailto:jingerk@msn.com]
Sent: Tuesday, November 27, 2018 10:32 AM
To: Stanford, Ashley
Subject: Question about otter creek and old Dixie

Good morning,

I am wondering if you can please clarify a couple of things for me.

1. There is signage on otter creek and old Dixie that states no big trucks. Is this because of a culvert or some other impediment that makes big trucks a hazard on those roads?

Staff received the request to restrict trucks on Otter Creek Lane in 2012. Through a review of the existing conditions, it was determined that larger vehicles were unable to navigate the curves at Hilltop Lane and Commerce Street and Cape View Lane and Commerce Street. Based on this information, it was recommended two "No Trucks" signs be installed. Please see the attached memo with the recommendation.

2. please clarify the width of the road, along with the width of the corner at otter creek and old Dixie

Staff does not have survey of the roadway, however an approximate measurement can be obtained from an aerial. Otter Creek Ln and Old Dixie Hwy are approximately 20'-22' in width.

3. Please tell me the safe traffic count on such a road, ie. With the width of the road and the location and width of the blind corner at that curve.

The roadway is classified as a local road. The purpose of local roads are to provide primary access to residential areas, businesses, and other local areas. Local roads are anticipated to have lower volumes and will be posted at lower speeds than roadways

classified as collectors and arterials. The traffic volumes on local roads are really a function of the density of the adjacent land use.

The geometric design of the roadway (width of the road and curve radius) will dictate the safe operating speed. The safety of an existing roadway can be measured by the crash history, not traffic volumes. I reviewed the five year crash history and there were no reported incidents on Otter Creek Ln or Old Dixie Hwy. If a crash history were to develop at this location, a safety study would need to be performed to determine if there were improvements that could be implemented. The safety improvements would be specific to the type of crashes that occurred.

4. Please clarify what the minimum width of roads are at the present time in Brevard County and if there is a minimum width difference around a corner such as this please also include that information.

Brevard County Code Section 62-2956(2) states "Generally, the minimum pavement width for local streets shall be 22 feet." However, per section C.7.b.1 of the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, local roads can have a minimum lane width of 10' or 9' if the right of way is severely limited. The lane width should remain consistent through the curve.

I will be meeting with the commissioner tomorrow so time is of the essence, thank you so much for your time and consideration
Jinger Knox

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BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

**INTER-OFFICE
MEMORANDUM**

DEPARTMENT OF PUBLIC WORKS
TRAFFIC OPERATIONS Program
2725 Judge Fran Jamieson Way, Suite A211
Viera, Florida 32940

[321]-633-2077
[321]-637-5471 Fax

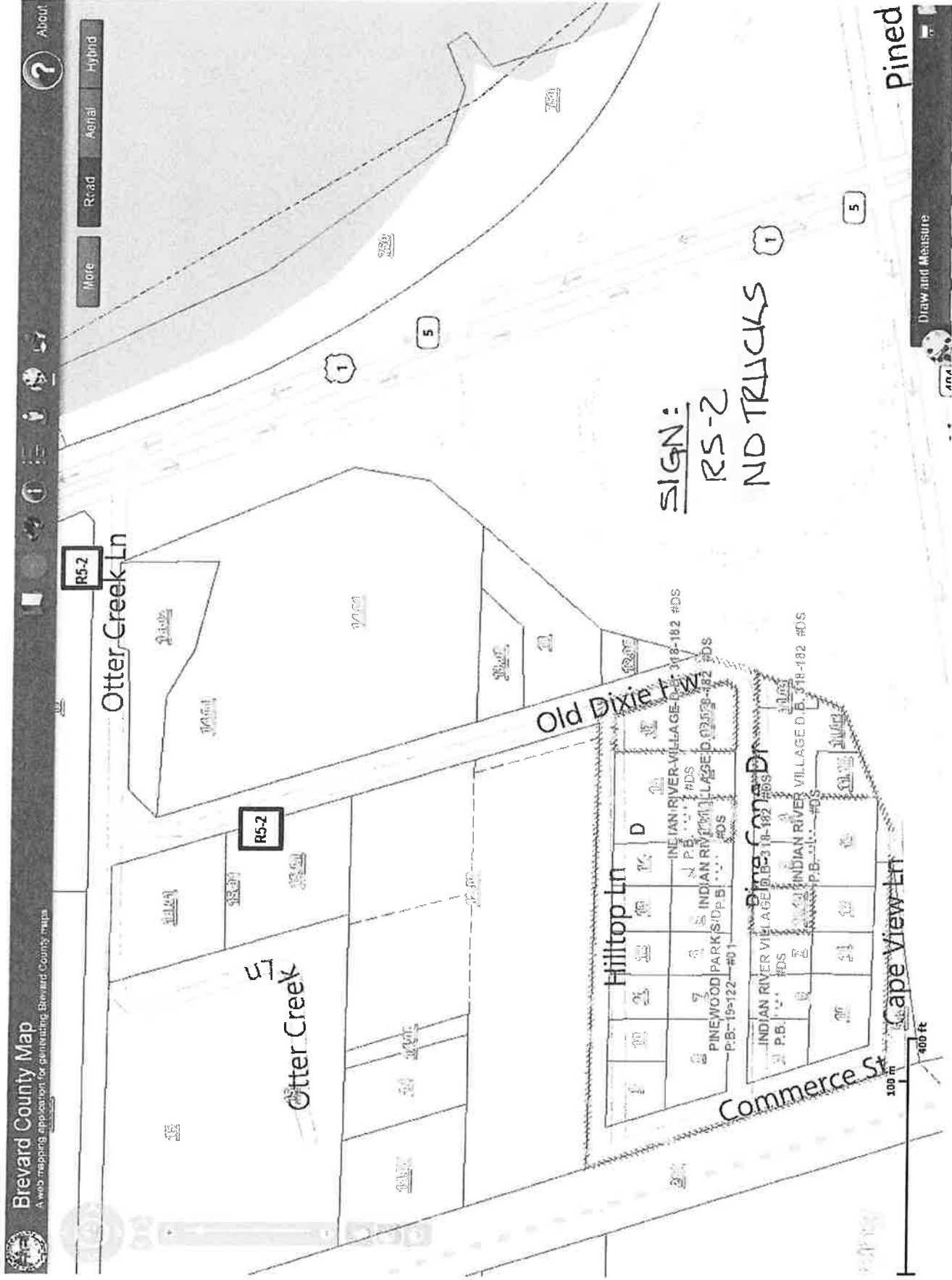
To: Gil Ramirez, Traffic Operations Manager
SA.
From: Deborah Adkison, Engineer II
Re: Chad Knox – Otter Creek Lane (Rd# 45370)/Old Dixie Hwy
Pinewood Park Subdivision
Date: November 28, 2012

In reviewing Pine Wood Park Subdivision by way of Otter Creek Lane for adequate road turn radius and pavement widths concerning semi-trucks towing boat trailers, semi-tractor trailers and other vehicles that would not meet the minimum turning radius requirements, the following information is provided.

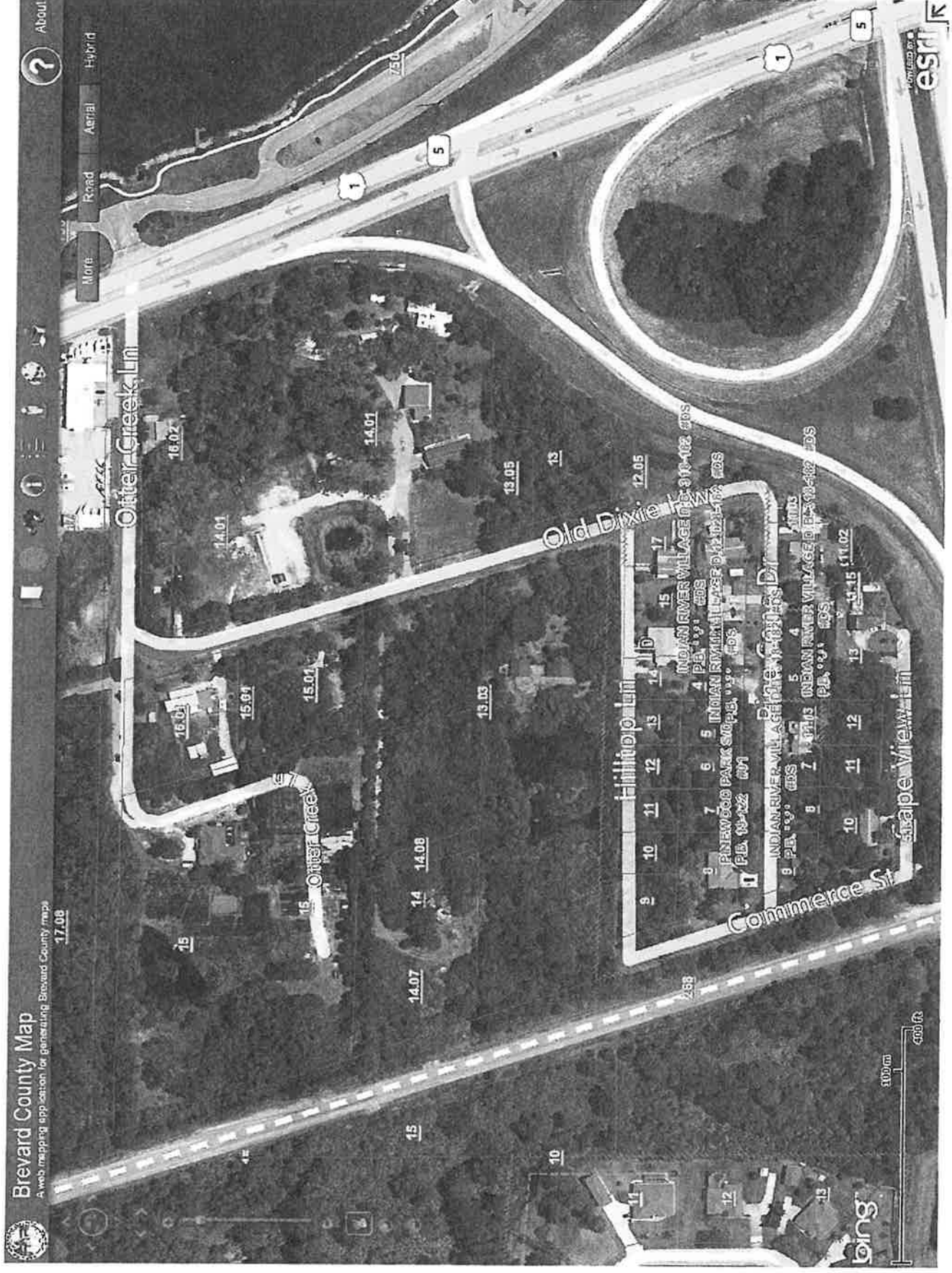
- Hilltop Lane, Pine Cone Drive, Cape View Lane, Commerce Street, Old Dixie Highway and Otter Creek Lane, was resurfaced in September 2010. (Pavement is in good condition and shows no sign of semi-truck-trailer markings). At the intersection of Hilltop Lane & Commerce Street there is a 35 foot radius and Cape View Lane & Commerce Street a 30 foot radius. However, the pavement width of the remainder roads, vary from 20 feet to 20.6 feet.
- The following, design vehicles, taken from 'Geometric Design of Highways and Streets 2004' was used to determine the minimum turning path.
 - Interstate semitrailer (WB-19 [WB-62]) - 45 ft radius (minimum)
 - Motor Home and Boat Trailer (MH/B) - 50 ft radius (minimum)
 - Conventional School Bus (S-Bus-11 [S-BUS-36]) - 38.9 ft radius (minimum)

Conclusion:

The turning radius, for the above mention roads do not meet the minimum design standards for semi-tractor-trailers, semi-trucks towing boat trailers, motor home/boat trailers and conventional school buses. Therefore, it is recommended to install traffic sign R5-2 (NO TRUCKS) at two locations. First location, install on the north side of Otter Creek Lane, approximately 100 feet west of US#1; and the second sign to be 80 feet south of the driveway at 5990 Old Dixie Hwy on the west side of the roadway. (See attached map).



CHAD KNOX - OTTER CREEK



From: Jones, Jennifer
To: "Scott Knox"; Sterk, Erin; Calkins, Tad; Bentley, Eden; Brewer, Jad; Ragain, Rebecca
Cc: "mronsisvalle@journeypure.com"
Subject: RE: Happy Landings Continuance
Date: Friday, November 30, 2018 2:05:00 PM

Thank you, Scott

As today is less than one week from the December 6th meeting, your request to table is not considered an 'automatic tabling'. You will need to attend the December 6th meeting and make the request in person to the Board.

If you have any questions, please let me know.

Jennifer

From: Scott Knox [mailto:sknox@uslegalteam.com]
Sent: Friday, November 30, 2018 1:23 PM
To: Sterk, Erin
Cc: 'mronsisvalle@journeypure.com'; Jones, Jennifer
Subject: Happy Landings Continuance

Erin:

In view of the migration of this application from a BDP revision of the existing Happy Landings Homes BDP to a BDP for a Treatment and Recovery Facility that is permitted with conditions under the IN(H) zoning applicable to the property, my client would request the BCC to refer the BDP back to the Planning and Zoning Board for review of the revised BDP at the P&Z Board's January meeting. As part of this request, we would also respectfully ask the Board to continue this item, currently scheduled for hearing on December 6, 2018, until the Board's zoning meeting in February. That schedule will give us an opportunity to work with the surrounding property owners to take their latest concerns into account.

Thank you.

Scott Knox, Esq.
1990 W. New Haven Ave, Second Floor
Melbourne, FL 32904
Tel: 321.255.2332
Fax: 321.255.2351



Scott Knox, Attorney at Law

1990 W New Haven Ave Ste. 201
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(321) 255-2332
(321) 255-2351 fax



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BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner
2000 South Washington Avenue, Ste. 2
Titusville, FL 32780
(321) 607-6901
D1.commissioner@brevardfl.gov

Planning and Development
Zoning Meeting December 6, 2018
Happy Landings Homes, Inc. (18PZ00088)

Commissioner Pritchett met with Attorney Scott Knox, who represents Happy Landings Homes, Inc., Dr. Mike Ronsisvalle & Lila Buescher on November 5, 2018. The proposal is to use the property at 5925 Old Dixie Hwy in Melbourne for a detox and rehabilitation facility for individuals with addictions. The facility will have a Medical Director and full medical staff onsite. There will be 24 hour supervision and the patients will not be able to leave the property. They can house up to 47 patients, both men and women. Patients will be insured and not court ordered to program. The length of stay for a patient will be 28 days. Applicants have met with the neighbors and are happy to leave the current BDP in place with one change. They would like to add the work forcible felony to the BDP language.



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

D1.commissioner@brevardfl.gov

/csm

From: Sterk, Erin
To: Tobia, John
Cc: Jones, Jennifer
Subject: RE: Meeting Disclosure
Date: Wednesday, November 28, 2018 2:58:46 PM

Thank you Commissioner – we will add the disclosure to the Board's package.

From: Tobia, John
Sent: Wednesday, November 28, 2018 10:54 AM
To: Sterk, Erin
Subject: Meeting Disclosure

To: Erin Sterk, Planning & Zoning Manager
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Sterk:

In regards to the upcoming agenda item re: Happy Landings Homes (18PZ00088), Inc. for the Planning & Zoning meeting on December 6, 2018, please be advised in advance that a meeting that took place on November 28th, at 10:00 AM at Commissioner Tobia's office, located at:

2539 Palm Bay Rd. NE
Ste. 4
Palm Bay, FL 32908

The parties present were Commissioner Tobia and Jinger Knox.
This meeting lasted approximately thirty minutes, during which the above individual voiced her concerns on the amendment proposal to the BDP.

Sincerely,



John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS

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From: [Commissioner, D1](#)
To: [Jones, Jennifer](#)
Cc: [Mascellino, Carol](#); [Pritchett, Rita](#); [Craddock, Amy](#)
Subject: FW: Happy landings bdp
Date: Thursday, November 29, 2018 10:46:00 AM
Attachments: [Untitled document.pdf](#)
[image001.png](#)

Good morning.

On behalf of Commissioner Pritchett, below is an email received from Jinger Knox with attachement for Item 18PZ00088 for the December Zoning agenda.

Regards,

Marcia Newell

Legislative Aide to Commissioner Rita Pritchett
Marcia.newell@brevardfl.gov



District 1 Commission Office

2000 S. Washington Avenue, Suite 2
Titusville, Florida 32780
321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Jinger Knox [<mailto:jingerk@msn.com>]
Sent: Tuesday, November 27, 2018 2:41 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Happy landings bdp

Good afternoon,

I am meeting with some of you in the next week, however I wanted to send my thoughts ahead of our meeting to give us the opportunity to speak in greater detail about each point.

We are now on our 5th revision of the bdp since the p and z board approved the application. As you can see from my attached comments, the bdp you are being presented has no resemblance to the bdp planning and zoning approved.

I appreciate you looking into this. We are a loving neighborhood that wants to help people, we have shown that time and again when we have worked with others by allowing a homeless shelter in our residential neighborhood, but we deserve some protections. Being open minded and big hearted should not leave us open for this type of blatant abuse by Chinese funded companies that only care about their bottom dollar and not about the community and how their business fits in. I look forward to our meetings so we can discuss this in greater detail.

Respectfully yours
Jinger Knox

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1. This is an expanded use for the following reasons.
 - A. Increasing the number of employees from 2 to 21.
 - B. Increasing the amount of residents from 13 to 47.
 - C. Performing patient care services, prior to this no patient care services were administered by staff.
 - D. 24 hour staff requirement
 - E. Outpatient care permitted and expected.
 - F. State license required for new use, along with for profit enterprise.
 - G. Axillary services provided to residents such as mental health counseling, personal hygiene assistance, medication administration.
 - H. Addition of food service vehicles along with medical supplies. (Woman's dorm didn't offer food services in an institutional setting)
 - I. Visitation days which will increase traffic exponentially without proper parking accommodations. (47 residents will presumably have 47 visitors during the same weekend period, plus staff parking and the residents own vehicles)
2. Alf and detox centers are not allowed within 1000' of one another. There is already an Alf registered with zoning within 1000' please clarify how you are reading the zoning to mean one of each facilities within 1000' and confirm that this has been the practice up till now (that the county has allowed two such facilities to reside nearer than 1000' from one another)
3. Does this facility have a waiver or variance to continue to have a in(h) zoning if they do not choose to continue with their previously approved non conforming use with bdp? They have not been used as an Alf or a detox center for the past 9 years, therefore they do not maintain their grandfathered status. An Alf provides services for their clients, happy landings homes did not provide at least one personal life service and was therefore not being operated as an alf. They were being operated as a woman's dorm. Clearly a detox center is a higher use than a woman's dorm. Which is not allowable for a non conforming property as it is a substantially different use that what it was prior to becoming non conforming.
4. Outpatient services must not be allowed. The potential owner provides services in other parts of the county that include not only drug detox, but services to sex offenders and those who have sexual addictions. Allowing outpatient services to sex addicts without protections to neighboring residential properties on an outpatient basis (meaning there is no cap on the number, no supervision when they are coming and going out of the neighborhood, etc) is an unacceptable burden on the neighborhood. The traffic alone could be unsurmountable. No Outpatient care of any kind should be allowed from this facility, it is a clear expansion of use.
5. Property value deminisms are clear. Common sense allows an educated person to demise that allowing a drug detox center in a residential neighborhood would have a huge impact on property values. A woman and children's center does not come with the stigma of a residential detox center which could be housing 47 actively addicted residents with a 60% recidivism rate.

6. This applicant has recently opened an inpatient care facility within the city of Melbourne. Within the last 5 months there has already been an aggravated assault and a call for assistance from the Melbourne police department. It is clear that there will be violence at the property if it is used for the same services as their other location.

7. (3i) Current submitted bdp allows for business to ignore health and safety protections for their residents for one year. This is unacceptable. The county does not have the right to waive standard safety requirements for any length of time and should not consider such a request. This is like saying a daycare could open without proper bathroom facilities for their children or a restaurant could open without proper sanitation equipment. This was not addressed at the p and z meeting and is another example of why this bdp request must be denied.

8. (3d) Developer does not have the authority to determine that there is adequate "cleared land" for parking. The code is clear. One spot for every two residents, parking must be done to county specs including the type of construction, stripping, etc. Applicant can not side step their responsibilities to adhere to the same requirements as every other facility with similar use and zoning. This is another example as to why this must be denied. A bdp is to offer us protections, not strip the small protections we are already affording by zoning away.

9. (3e) Developer is claiming to limit occupancy to 47 residents and 21 employees. Written this way the employees are presumably living on site. This site can not maintain 68 residents, and it would also be an obvious expansion. No employees should be residing at the facility, nor should it be a part of the bdp.

10. (3h) According to the applicant's attorney "Applying the aforementioned standards, the existing 9,885 sq. ft. of building footprint onsite would allow only 40 residents. To get the 47 residents my client needs for economic viability and to meet all the section 62-1182(3) square footage standards, my client proposes to build the additional building shown in Exhibits B and C, with a square footage limit of 16,700 sq."

This is clearly an expansion of use, one which they were obviously aware needed to happen in order to be economically viable. Expansion of use without the proper studies being conducted can not be allowed. Furthermore, expansion of use on a non conforming property must not be allowed. While the business might need 47 people to be viable, that is irrelevant. Next year they might think they need 100. Where does it stop? This bdp request must be denied.

11. (3g) Bdp states that they will not have a contract with doc for patients, but not for residents. They have clearly stated that their employees can be considered residents, not patients, and in the past this organization has extensively used convicts for employees. Their Bdp should state, no affiliation or contact with any jail, doc., etc. Not limiting it to only patients. Without this provision 21 individuals could reside at the property under an agreement with the doc, which is unacceptable.

12. (3j) Applicants are not in compliance with any of the other items in their bdp. They have failed to get required inspections, they have not had semi annual meetings as required, they have not kept their fence up to standards. This paragraph should be scratched as it is blatantly false and commissioners should not sign an agreement that this facility is in compliance when it clearly is not.

13. (4) residents need to have meetings with the property owner and proprietor of the business. Developer is not a proper term nor would the neighbors be protected by meeting with someone who has no authority over the operations of the facility

14. (7) This must be stricken. This property is very close to palm shores and other properties have been annexed. Do not leave us open for them to annex into palm shores and loose all of our protections. This is why you should not rezone this property. Stop this now, it is clear what their plans are. This property should be rezoned to in (I), since they have not used their in (h) zoning for the last 9 years and do not have the right to keep a non conforming zoning.

15. (9) commissioners are willing to agree that only these items are in non compliance? Have they had inspections of the property? Have they done pepper studies to sign that they attest to the fact that there are not additional conditions that would impact "approved uses"? This is an added paragraph after the p and z meeting and should be stricken.

This entire document is contrary to what was presented to p and z and should be denied with prejudice. If the county does not choose to do so they should consider rezoning to in (I) which is the proper zoning to make this business conforming. At a minimum this issue must be returned to the p and z board and the applicant must be required to prove that they are being open and honest with the community, zoning staff and this commission.

No outpatient care, build to the same standard as everyone else, protect our property values, and do not agree to sign a document that is blatantly false as if it is fact.



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

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Planning and Development

Zoning Meeting December 6, 2018

Happy Landings Homes, Inc. (18PZ00088)

Commissioner Pritchett met with Mark & Shirley Leslie and Lin & Robert Blumauer regarding Happy Landings Homes, Inc., on November 26, 2018. Mr. & Mrs. Leslie have lived near the property for many years. Mr. & Mrs. Blumauer own property and had intended to build a home. The Leslie's and the Blumauer's are concerned about the expanded use at this location, which will cause decreased property values, environmental concerns, increased traffic and affect the safety and welfare of the neighborhood. They are okay with the current use of the property as INH (dormitory) for women and children, but do not agree with a treatment and recovery facility.

If this property is approved for amended BDP, Mr. Leslie would like to see an entrance into the property from US1, a wall 8 feet or higher around the property with a gate.



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

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/csm



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Titusville, FL 32780
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Planning and Development
Zoning Meeting December 6, 2018
Happy Landings Homes, Inc. (18PZ00088)

Commissioner Pritchett met with Attorney Scott Knox, who represents Happy Landings Homes, Inc., on December 3, 2018. Revised BDP submitted November 21, 2018 includes a plan for a new facility and to expand footprint from 9,000 square feet to 16,000 square feet. Attorney Knox stated that he would talk to his client about a wall and gate around the facility. They are planning to move the entrance to the facility more to the north, but would talk to FDOT about possibility of an entrance off of US1.

/csm

From: Sterk, Erin
To: Jones, Jennifer
Subject: FW: Micco Hotel
Date: Wednesday, December 5, 2018 12:22:24 PM

Jen, please add to Board's package.

From: Prasad, Billy
Sent: Wednesday, December 5, 2018 12:15 PM
To: Sterk, Erin
Subject: FW: Micco Hotel

Ms. Sterk,

Please include the following communication in the files of H6, H10, and H11.

Thank you,

Billy M. Prasad
Chief of Staff to Commissioner Tobia, District 3
Billy.Prasad@BrevardFL.gov
(321) 633-2075
2539 Palm Bay Rd.
Suite 4
Palm Bay, FL 32905

From: Scott Knox [<mailto:sknox@uslegalteam.com>]
Sent: Wednesday, December 5, 2018 12:08 PM
To: Prasad, Billy
Subject: RE: Micco Hotel

Billy:

No, I am going to request a tabling of the Happy Landings item. Is there a reason I should be thinking about tabling the hotel item?

Scott L. Knox, Esq.
Wideman Malek PL
1990 W. New Haven Ave., Second Floor
Melbourne, FL 32904
Tel. 321.255.2332
Fax 321.255.2351
sknox@uslegalteam.com



Scott Knox, Attorney at Law
1990 W New Haven Ave Ste. 201
Melbourne, Florida 32904
(321) 255-2332
(321) 255-2351 fax



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From: Prasad, Billy <Billy.Prasad@brevardfl.gov>
Sent: Wednesday, December 5, 2018 12:06 PM
To: Scott Knox <sknox@uslegalteam.com>
Subject: Micco Hotel

Mr. Knox,

Do you have any intention of requesting to table the Micco Hotel rezoning/FLU amendment request at tomorrow's meeting?

Best regards,

Billy M. Prasad
Chief of Staff to Commissioner Tobia, District 3
Billy.Prasad@BrevardFL.gov
(321) 633-2075
2539 Palm Bay Rd.
Suite 4

Palm Bay, FL 32905

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Bryan A. Lober, Commissioner, District 2
2575 N. Courtenay Pkwy, Suite 200
Merritt Island, FL 32953

Telephone: (321) 454-6601
Fax: (321) 454-6602
www.brevardcounty.us
D2.commissioner@brevardfl.gov

Planning and Development
Zoning Meeting December 6, 2018

Happy Landing Homes, Inc. (18PZ00088)

- On December 3, 2018, District 2 staff met with the applicant's attorney, Scott Knox, along with Mike Ronsisvalle, who provided background on behalf of the applicant. The applicant desires to run a treatment center. Discussion included the following: the property's history; background on treatment facilities in general; purpose and description of this specific business and use of the subject property; the benefits of the business; and changes to accommodate concerns of the local community.
- On December 5, 2018, District 2 staff met Shirley Leslie, Mark Leslie, Lin Blumauer and Rob Blumauer. The persons above live in or plan to live in the neighborhood where the subject property is located. They expressed their concerns about the following: the intended use of the property; security issues, diminished property values; enforcement of provisions in the current binding development plan; enforcement of provisions in the proposed binding development plan; and related issues.

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ADDENDUM TO STAFF COMMENTS
SUMMARY OF 18PZ00088 BDP CONDITIONS

Condition Type	Current BDP December 15, 2009	Proposed BDP Changes (P&Z) Submitted with Application June 28, 2018	Proposed BDP Changes (BCC) November 21, 2018	Staff Analysis of Proposed Conditions
"Owner" and "Developer"	Happy landings Homes, Inc. a Florida corporation (hereinafter referred to as "Developer/Owner").	Journeypure Orlando LLC a Florida corporation (hereinafter referred to as "Developer/Owner").	Happy Landings Homes, Inc. ("Owner") and Journeypure, Orlando LLC a Florida Limited Liability Company, as contract vendee for the purchase of the property (hereinafter referred to as "Developer").	
Use	WHEREAS, Developer/Owner has requested the INH zoning classification and desires to maintain the property as a Dormitory for women with children pursuant to the Brevard County Code, Sec.62-1573;	WHEREAS, Developer/Owner has requested the INH zoning classification(s) and desires to develop the Property as Residential Detox. Treatment and Recovery Center licensed by Florida DCF under rule 65D30.	The Property currently has INH zoning classification(s) and the Developer will develop the Property as a Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code.	The Board may wish to consider whether allowing the change of use from Dormitory to Treatment and Recovery Facility within the IN(H) Zoning classification
Jail, Prison, or Correctional Facility Association	The Developer/Owner shall prohibit the Dormitory from being regulated by, operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.	(WHEREAS cont.) The treatment center will not contract with DOC or any Jail or Prison for patients. And pursuant to the Brevard County Code, Section 62-1157;	The Developer operating the treatment center will not contract with DOC or any Jail or Prison for patients and pursuant to the Brevard County Code. Moreover, the Developer shall prohibit the use of any building from being operated by or associated with any jail, prison or correctional facility or system, including but not limited to contractual agreements.	The Board may wish to consider whether the proposed change is appropriate

<p>Felonies (Residents or Staff)</p>	<p>The Developer/Owner shall prohibit any Dormitory resident who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. S 776.08 from residing on the property. The Developer/Owner shall prohibit any staff member who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. S 776.08 from being employed on the property. For the purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer/Owner shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter, upon request by the County.</p>	<p>Proposed to be stricken</p>	<p>The Developer shall prohibit any resident who has been convicted of a <u>forcible</u> felony or has been found not guilty by reason of insanity of a forcible felony, as defined in section 776.08, Florida Statutes, a copy of which is attached hereto as Exhibit B, from residing on the property. The Developer shall prohibit any staff member who has been convicted of a felony or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity of a forcible felony, as defined by F.S. section 776.08 from being employed on the property. For purposes of this agreement, conviction means a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended. The Developer shall make available for inspection Florida Department of Law Enforcement (FDLE) criminal background records of all Dormitory residents and staff members on the property to the County within 30 days of the recordation of the Binding Development Plan and thereafter upon request of the County.</p>	<p>The Board may wish to consider whether the proposed change is appropriate</p>
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# of Residents or Staff	The Developer/owner shall limit the Dormitory to 47 residents until such time consistency with the facility standards permits additional residents. In any event, the Dormitory shall be limited to 68 people, which includes residents and staff. The maximum number of residents pursuant to these facility standards shall be enforced by the County one year after the recordation of the Binding Development Plan.	The Developer/Owner shall limit dormitories to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.	Developer shall limit occupancy of buildings onsite to 47 residents and up to 21 staff and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.	The Board may wish to consider whether the proposed change is appropriate
Facility Requirements	N/A	N/A	If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.	The Board may wish to consider whether the condition, as proposed, would conflict with existing code provisions.
Parking	N/A	N/A	The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.	The applicant has not provided any evidence to demonstrate this assertion. The Board may wish to consider whether the condition, as proposed, would conflict with existing code provisions.

<p>New Development Proposed</p>	<p>N/A</p>	<p>N/A</p>	<p>Developer shall comply with the 250 minimum square foot per assigned resident standard set forth in section 62-1862(3) of the Brevard County Code. The existing square footage in the building footprints, as currently shown in the Property Appraiser's records, is 9,885 sq. ft. Under Section 62-1862(3), the minimum square footage required for the 47 residents to be service at the facility would be 11,750 sq. ft. Section 62-1862(3) also requires the Developer to provide a minimum bedroom square footage of 75 sq. ft. per assigned resident, as well as a centralized cooking and dining facility built with a minimum of 30 square feet per assigned resident. Developer agrees to meet the foregoing minimum Code requirements for 47 residents within a maximum square footage limit of 16,700 sq.ft. on the 5.33 acre site, to include a new building built in substantial conformity with the attached rendering and building plans attached as Exhibits B and C. Developer further agrees that the external appearance of any new building or remodeled building constructed onsite shall maintain the general character of the area. Developer also agrees that external building materials, bulk landscaping, fences and walls shall be compatible with the residential</p>	<p>The applicant has not provided evidence that they have received approval for the installation of an access to a roadway classified as an arterial or higher as required within the IN(H) Zoning classification and defined with Section 62-1573(8)(b)(2). FDOT is the reviewing agency that would permit such an access.</p> <p>The Board should consider whether it is appropriate to memorialize a commitment to construct a building that does not meet the IN(H) Zoning classifications' criteria.</p> <p>Code reference should be 62-1826 (3).</p>
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			development in the surrounding neighborhood.	
Facility Requirements	N/A	N/A	If not already in compliance on the day the treatment and recovery facility is approved for operation by agencies with jurisdiction, the Developer shall comply with the bathroom, bedroom and centralized cooking/dining facility requirements in section 62-1826 (3) of the Brevard County Code within one (1) year after receiving such approval.	The Board may wish to consider whether the condition, as proposed, would conflict with existing code provisions.
Parking	N/A	N/A	The Developer represents that there is adequate existing parking currently used and available upon cleared land located within the 5.33 acre property to meet the requirements of section 62-1826(5) of the Brevard County Code.	The applicant has not provided any evidence to demonstrate this assertion. The Board may wish to consider whether the condition, as proposed, would conflict with existing code provisions.
Code Compliance	N/A	N/A	With the exception of the compliance required by subparagraphs d and h above, the Developer is currently in compliance with, and shall maintain compliance with, all other standards set forth in section 62-1826 throughout its utilization of the Property.	The applicant has not provided any evidence to demonstrate this assertion.

Buffering	The Developer/Owner shall maintain the board on board, stockade, six foot high fence adjacent to Old Dixie Hwy. within 30 days of the recordation of the Binding Development Plan.	Developer/Owner shall provide a 6 ft Privacy Fence along Old Dixie Highway foot buffer on the west portion of the Property.	Developer shall install a 6 ft Privacy Fence along Old Dixie Highway on the west portion of the Property.	The Board may wish to consider whether the "developer" is the appropriate responsible party, rather than the "owner."
Access	N/A	The Developer/Owner shall limit ingress and egress to Old Dixie Highway.	Developer shall limit ingress and egress to the existing access on Old Dixie Highway, unless access were to become available from U.S. 1.	The Board may wish to consider whether the "developer" is the appropriate responsible party, rather than the "owner."
Neighborhood Meetings	The Developer/Owner shall establish semiannual meetings with the neighbors (defined as those residents bounded by Otter Lane on the north, the railroad tracks on the west, US Highway 1 on the east, and Pineda Causeway on the south), These meetings will provide open communications between the Developer/owner and the neighbors to discuss items of mutual concern.	Proposed to be stricken	The Developer shall establish semi-annual meetings with the neighbors (defined as those residents bounded by Otter lane on the north, the railroad tracks on the west, Us Highway 1 on the east, and Pineda Causeway on the south). These meetings will provide open communications between the Developer and the neighbors to discuss items of mutual concern.	The Board may wish to consider whether the "developer" is the appropriate responsible party, rather than the "owner."
Inspections	The County Permitting and Enforcement Department and the Planning and Zoning Office shall perform semiannual inspections for the purposes of determining if the property complies with all applicable County code regulations. Inspections shall be performed yearly if no violations are found	Proposed to be stricken	Proposed to be stricken	The Board may wish to consider the appropriateness of striking this condition.

	after two years. This shall not be construed as to prevent the County Permitting and Enforcement Department from investigating County code generated complaints.			
Inspections	Environmental Health Services shall perform yearly inspections for the purpose of determining if the property conforms to regulations pertaining to the following; function of the septic tank and drainfield; function of the water supply; sanitary conditions for personal hygiene; and conducive conditions for the harborage of pests. The Developer/owner shall pay an inspection fee established by Environmental Health Services.	Proposed to be stricken	Proposed to be stricken	The Board may wish to consider the appropriateness of striking this condition.

SUMMARY OF ZONING ACTION HISTORY

1986 NO Comp Plan, AU Zoning with CUP

Zoning background extends back to zoning approval under **Z-7430**, dated April 21, 1986. The property was rezoned from General Retail Commercial (BU-1) and Rural Residential (RR-1) to Agricultural Residential (AU) with two (2) conditional use permits for a school and a residential social service facility (RSSF) (ACLF). The use at this time was as an established Boys Ranch and went by the name of Resurrection Ranch. A Board Resolution found in the zoning file dates back to February 5, 2002 and recognizes that Happy Landings Home, Inc. DBA Resurrection Ranch was formed in 1967 to provide food, shelter and other services to low-income, indigent and homeless individuals in Brevard County. The Resolution also states that they provided housing for 60-80 men, women and children.

Approval predicated on submittal of a floor plan approved by Florida Department of Health and Rehabilitative Services for any new ACLF construction at the time of site development plan submission, as recommended by staff.

2005 NC FLU, rezoned to IN(L) for an ALF

On September 1, 2005, an administrative Zoning Resolution was adopted, **Z-11172**. This Board initiated action changed the zoning from AU with CUPs (noted above) to Low intensity Institutional Use, IN(L) with removal of the mentioned CUPs and was additionally limited by a Binding Development Plan (BDP) recorded in ORB 5579, Pages 6399-6402 to be used as an Assisted Living Facility (ALF); this use provided support services for people recovering from addictions.

Zoning official opinion that the prior AU zoning action allowed for an ACLF CUP and did not grant an RSSF CUP. Memo to ACM and staff report define the differences between an RSSF and ACLF.

2009

On December 16, 2009, the Board approved Zoning Resolution, **Z-11531** which changed the Future Land Use of the property from Neighborhood Commercial (NC) to Community Commercial (CC) and changed the zoning from IN(L) to High intensity Institutional, IN(H) with replacement of the BDP on file with one recorded in ORB 6082 Pages 71-77. This approval established the Space Coast Center for Women with Children and limited the residents to women and children only. Staff comments indicated that the center was a non-profit organization which provided safe housing, support services, and spiritual guidance to women striving to become self-sufficient in a dormitory style setting. Dormitory use under the Institutional Use zoning classification is a high intensity use which required the change in land use and zoning in order to be allowed on the site.

Kitchen does not meet ALF requirements – changed the use to a dormitory to get out of meeting those requirements. Comment made at P&Z that they only had enough space to cook for 14 people.

Subdivision IL - Permitted Usac

Facility/Provider Locator By Proximity

BCPAG - Property Search

Not secure | www.floridhealthfinder.gov/facilitylocator/facilityproximitySearch.aspx

FloridaHealthFinder.gov

a service of the Agency for Health Care Administration

Compare

Price

Health Resources

Locate

Researcher Data

Q

Facility/Provider Locator By Proximity

The proximity locator helps you find a facility/provider closest to the street address that you enter within the distance you choose. To start, enter the street address (the number and street), city, state, and zip. Next choose a facility/provider type, a radius distance and click Search. For a description of facility types click [GLOSSARY](#).

Proximity Search

Address: 5925 Old Dixie Hwy FL

City: Melbourne

State: Florida

Zip Code: 32940

Facility/Provider Type: -- Select -- Required

Community Residential Home: ☐ Please be advised that local zoning authorities may have additional restrictions or requirements not under the jurisdiction of the Agency for Health Care Administration. Contact your local zoning authorities for any specific requirements. See also 419.001 F.S.

Distance Within: 1,200 Feet

Search

Reset

AHCA Resources

Contact AHCA

Doing Business with AHCA

For Florida Consumers

Consumer Guides

Compare Health Facilities

Florida Agency for Health Care Administration

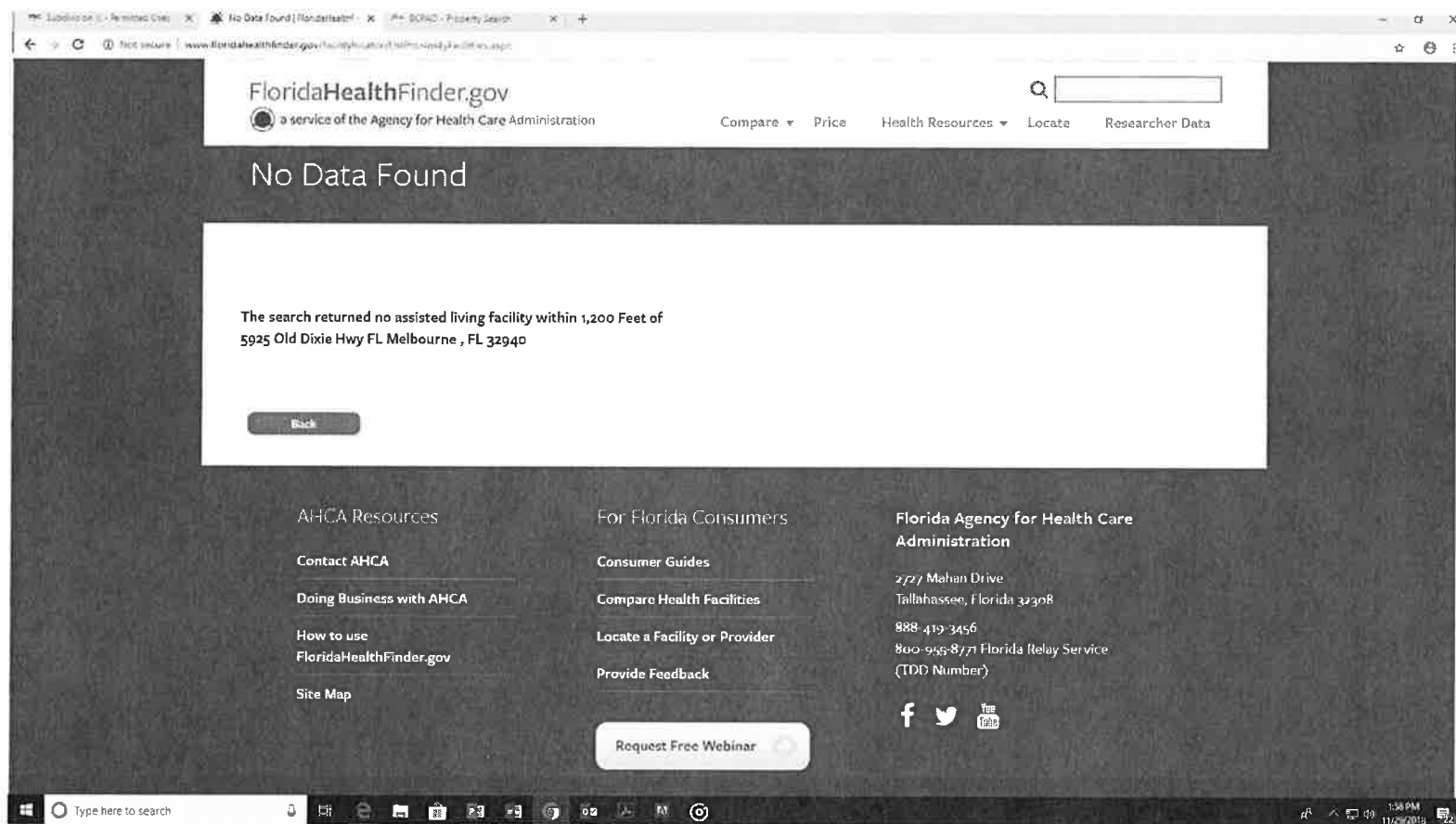
2727 Mahan Drive

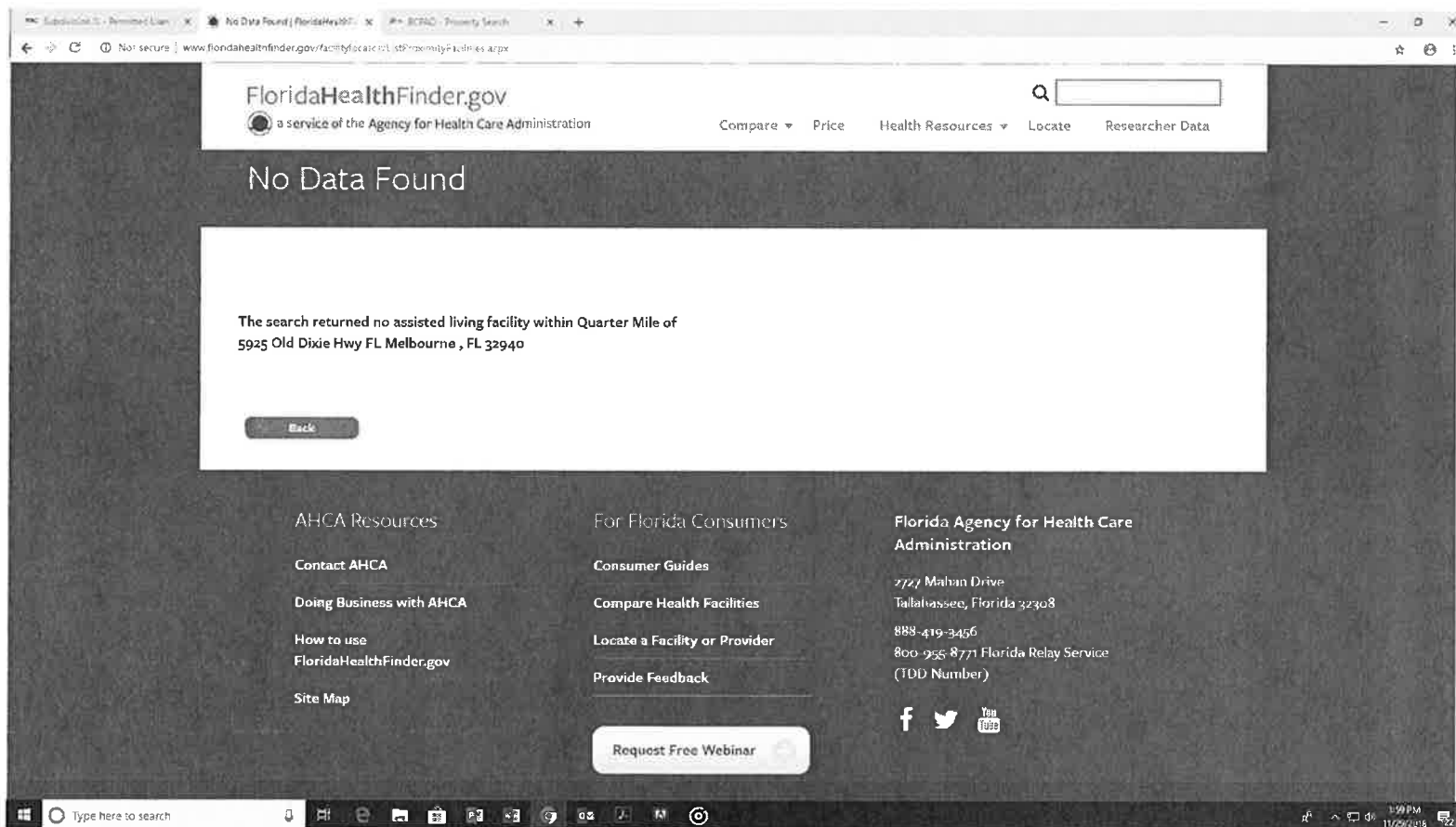
Tallahassee, Florida 32308

Type here to search

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11/29/2015







BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

TO: Planning & Zoning Board Members
THRU: Tad Calkins, Director, Planning and Development Department
FROM: Erin Sterk, Planning & Zoning Manager
DATE: January 13, 2019
RE: 18PZ00088 – Revisions to Binding Development Plan (BDP)

Requested Action:

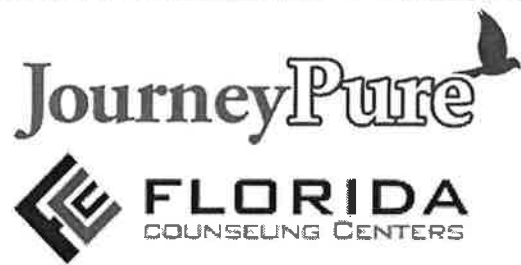
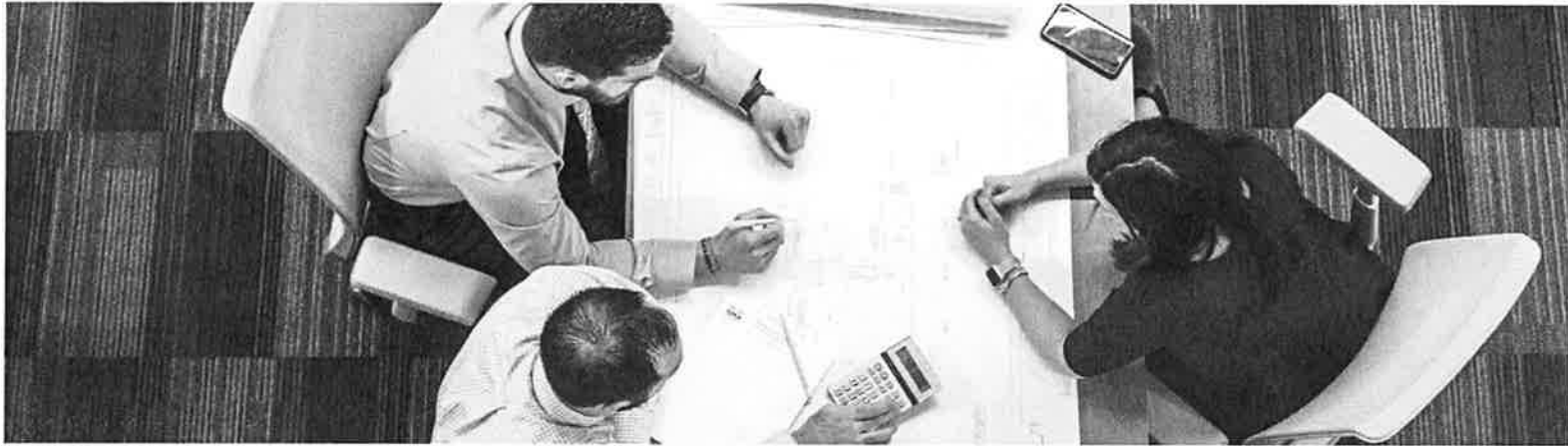
It is requested that the Planning & Zoning Board conduct a public hearing to consider the request for an amendment to an existing Binding Development Plan.

Background:

The Planning and Zoning Board last heard the applicant's request to amend their existing Binding Development Plan (BDP) on November 5, 2018, where they requested to revise the BDP to remove the limitation of use for "Dormitory for women and children" (Dormitory is a permitted use within IN(H) zoning) and limit the use of the property to a "Residential Detox, Treatment and Recovery Center licensed by Florida DCF under rule 65D-30, Florida Administrative Code" (Treatment and Recovery Facility is a permitted with conditions use within IN(H) zoning).

However, at the December 6, 2018 Board of County Commission meeting, the applicant asked to go back to the Planning and Zoning Board, due to further updates to the proposed BDP. The applicants' most recent BDP revisions were submitted on January 10, 2019, and at the time of deadline submittal for the agenda distribution, staff had not had time to adequately analyze the current BDP proposal. Staff's analysis of the revised BDP will be provided at the January 28, 2019 Planning & Zoning meeting.

An "**Addendum to Staff Comments**" has been included in the Board's package for consideration, which outlines BDP conditions, proposed for the Board of County Commissioners' consideration. The applicant's proposal has changed substantially since it was last presented to the Planning & Zoning Board. The current BDP includes only one minor change from what was presented to the Board of County Commissioners on December 6, 2018.



**Provides Addiction
Treatment Services**



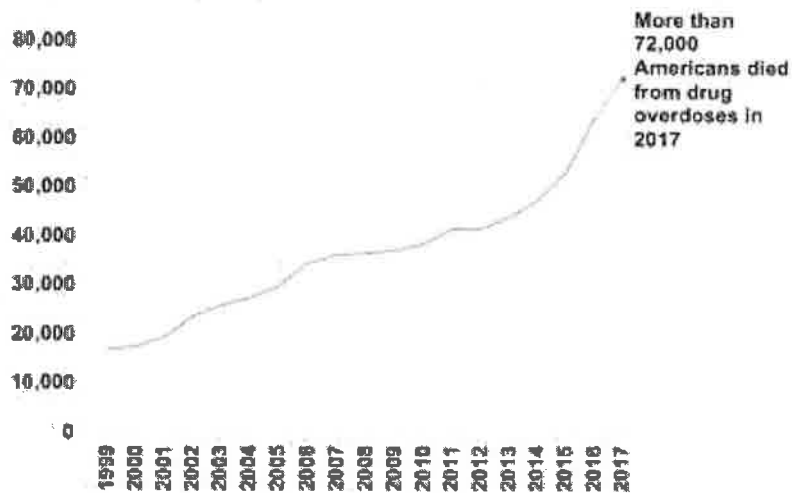
The Needs

Brevard County needs a
facility where
Professionals can
provide effective
treatment for substance
abuse simply because
we are faced with a
CRISIS



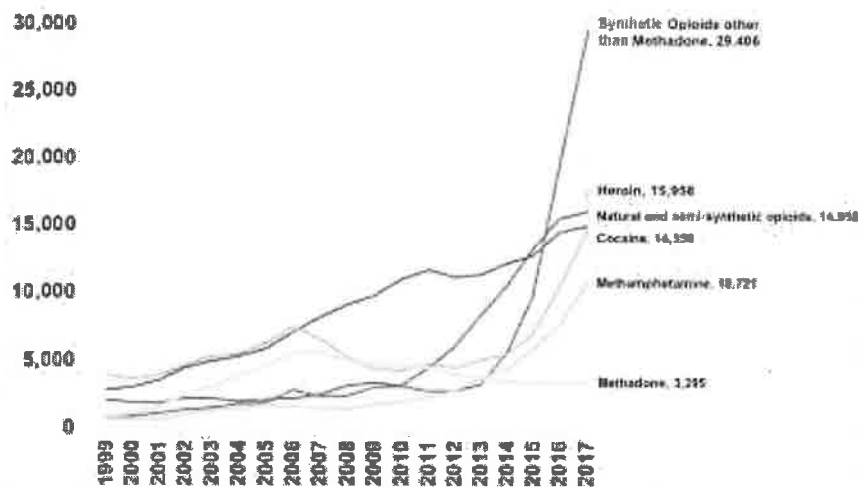
The Problem is Immense

Total U.S. Drug Deaths



The Problem is Immense

Drugs Involved in U.S. Overdose Deaths, 1999 to 2017



The Problem is Local

The top 5 counties in Florida with the most drug or alcohol overdoses from 2014 – 2016

1. Palm Beach (1142)
2. Brevard (1032)
3. Duval (717)
4. Miami-Dade (643)
5. Pinellas (638)

6. People who live in Brevard County were 44 % more likely to die due to drug overdose than an average American

We Provide Solutions



Nationally:

60-80% of persons receiving addiction treatment relapse within a year.

**1.3
Million
Patients**

**780K
or
60%**

 **Patients who enter
treatment every 6 months**

 **Patients who relapse**

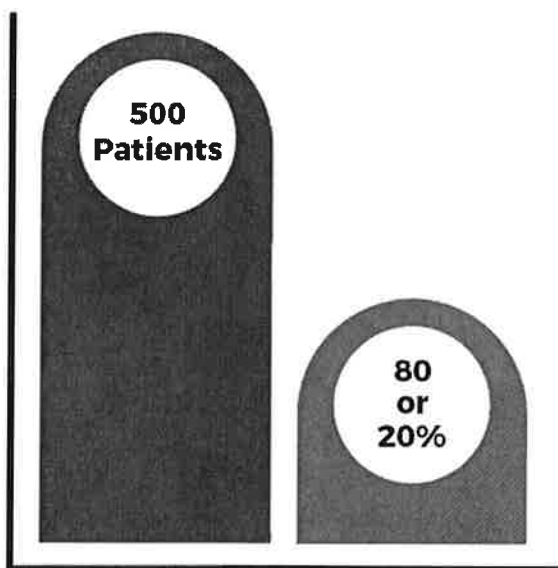


We Provide Solutions



Based on our patients self reporting:

70% of our patients are healthy with no indication of substance abuse 6 months after treatment at JourneyPure facilities.



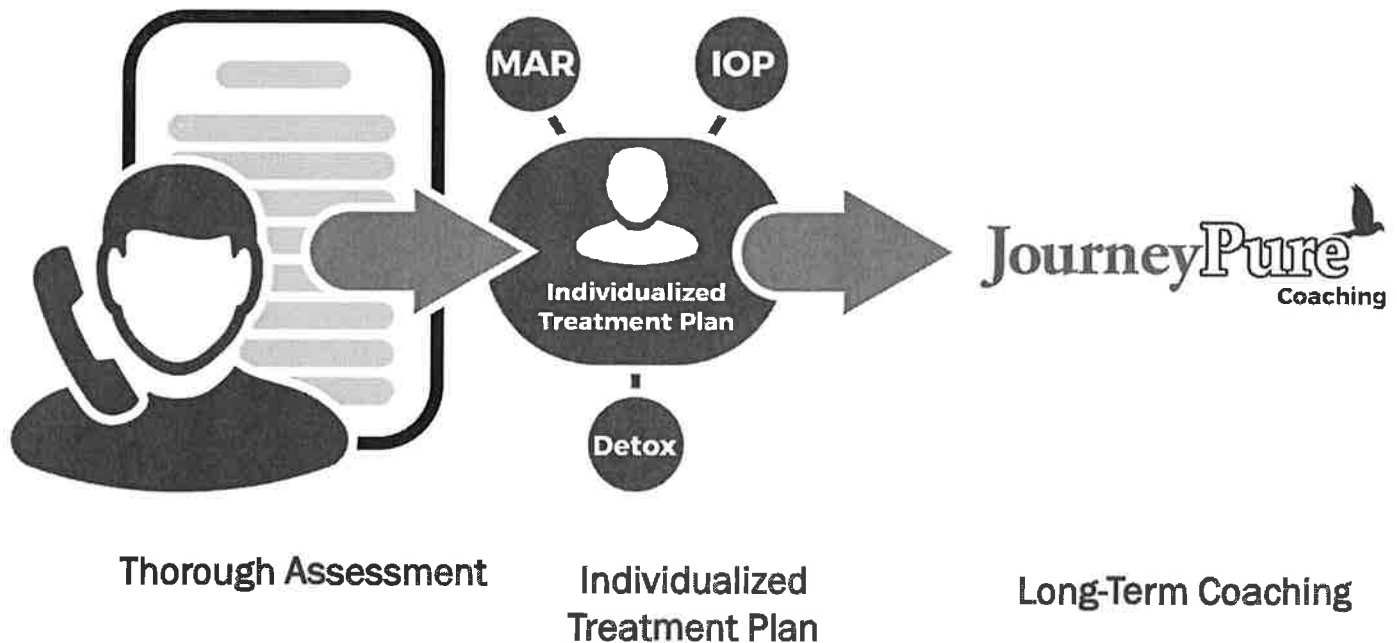
 JourneyPure patients who participate in coaching

 Patients who relapse



How We Provide Solutions

We address mental illness and substance abuse with evidence-based programming.



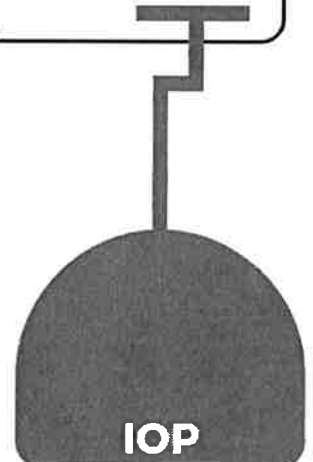
How We Provide Solutions

Assessment and Evaluation

We treat causes and not symptoms. We believe getting a diagnosis is key to positive outcomes, so we assess psychiatric, physical health and other contributing factors.

Individualized

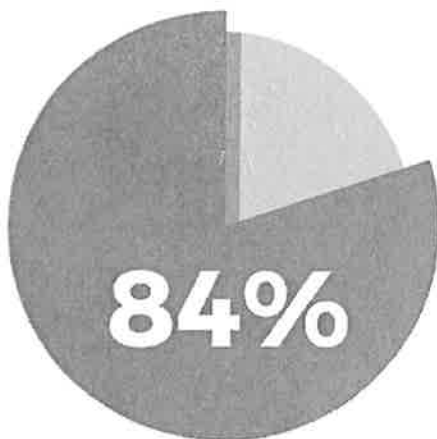
We tailor services for each patient, providing the level of care they need



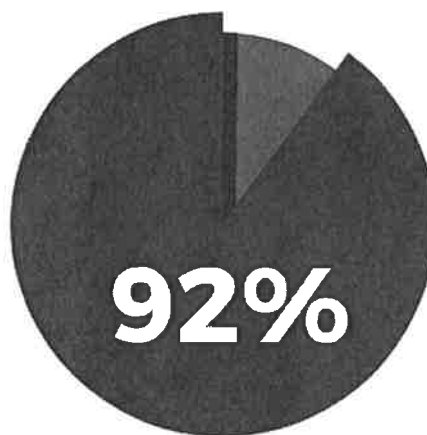
Our Outcomes



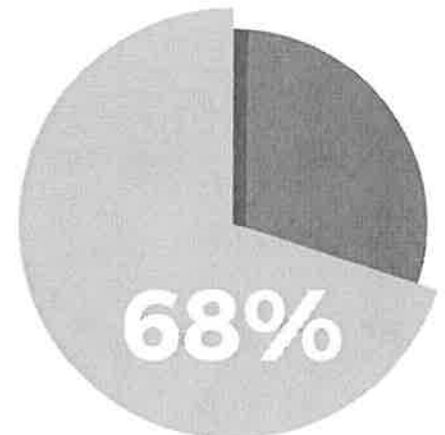
We can demonstrate the outcomes we achieve. Below are measures of recent results for over 500 JourneyPure patients who, on average, finished clinical programming six months earlier.



84% of patients report having not used substances



92% of patients report seeking no treatment for physical or mental health issues from a hospital or emergency room in the last 30 days



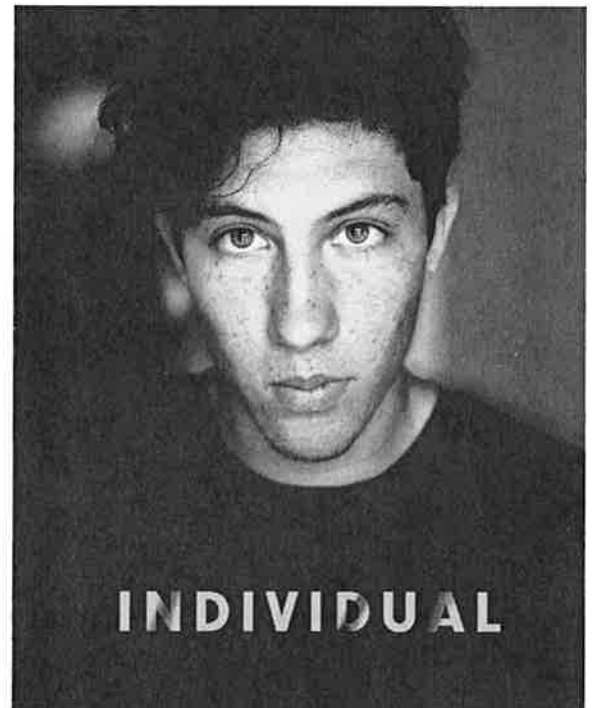
68% of patients report being paid for work over the last 30 days.

Who we are



WE ARE NOT:

- A Recovery House
- A Sober Living Community
- A Community Mental Health Center that admits Baker Acts and Court Mandated Treatment



Who we are



WE ARE:

- A group of professionals providing Medical Detox, Residential, Partial Hospitalization, and Intensive Outpatient services for patients who are self-motivated to become and stay healthy.
- We are passionate about helping our patients be successful in treatment. Success means that the person is employable and not using the health care system or public resources as a result of addiction-related behaviors.
- A company with a proven track record of creating professional and beautiful facilities that are a asset to the communities we serve

Who we are



JourneyPure
At The River



Who we are



JourneyPure
At The River



Who we are



JourneyPure
At The River



Who we are



JourneyPure
At The River



Who we are



JourneyPure
At The River



Who we are



JourneyPure
At The River



Who we are



JourneyPure
Emerald Coast



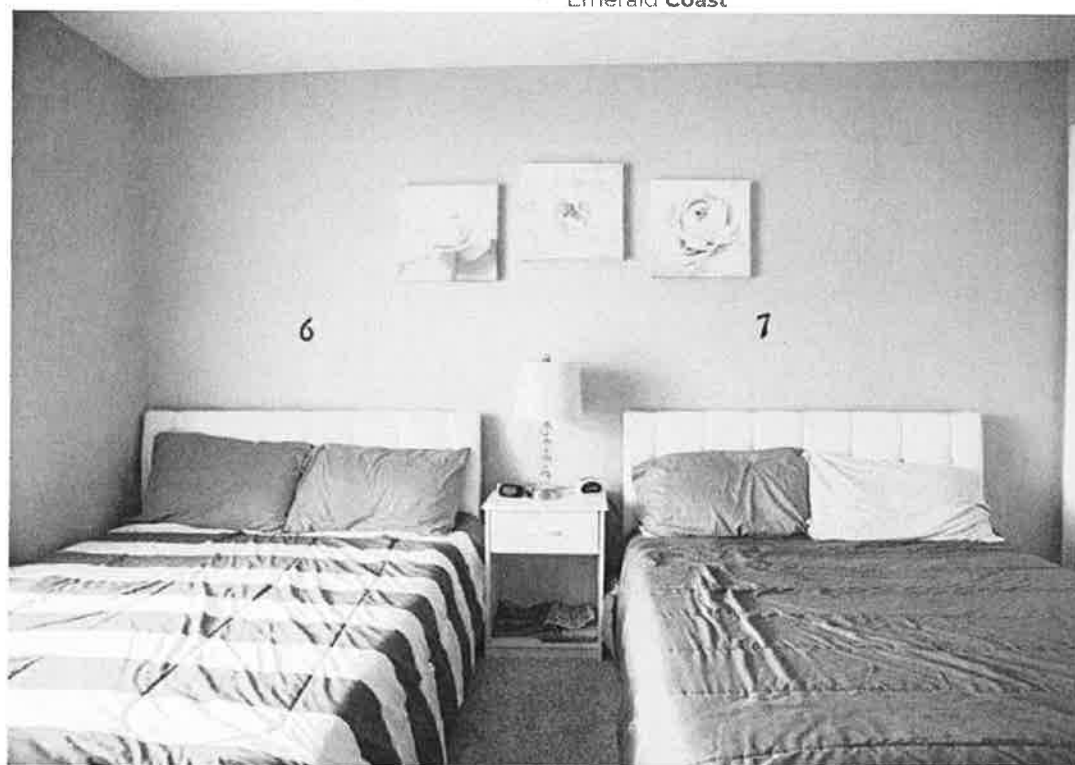
Who we are



Who we are



JourneyPure
Emerald Coast



Who we are



Who we are



 12 Keys
REHAB



Who we are



88-12 Keys REHAB



Who we are



12 Keys
REHAB

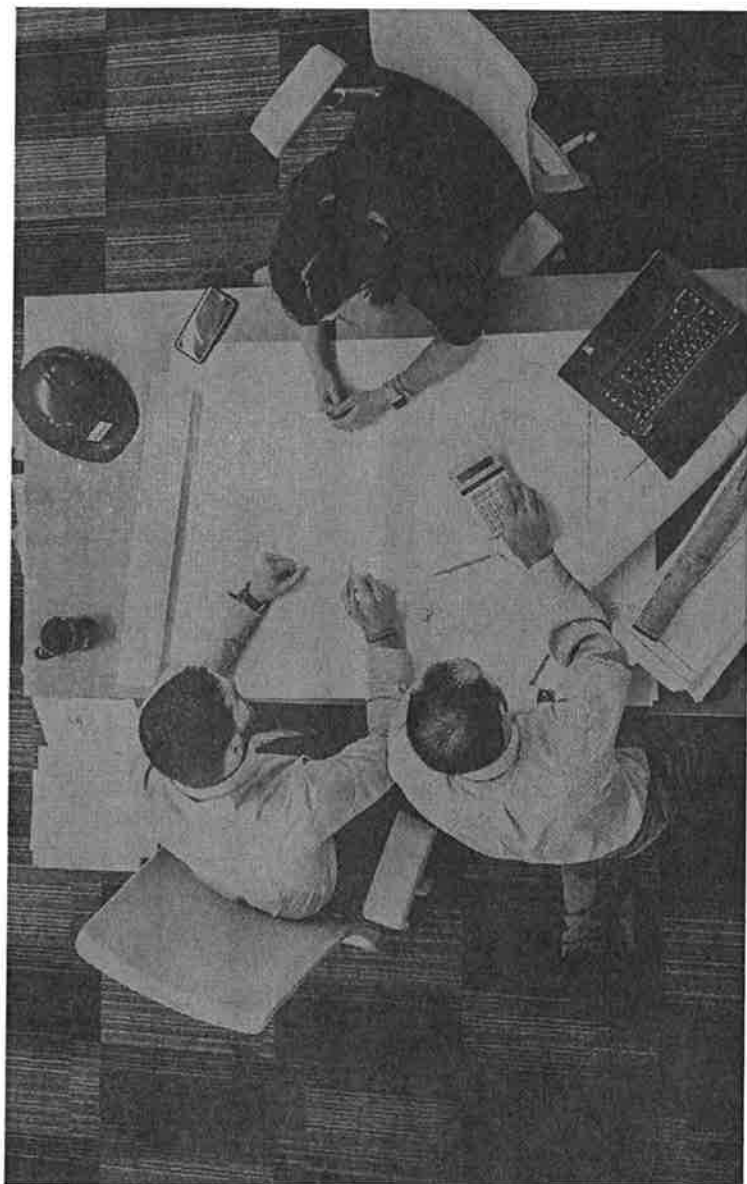


Who we are



12 Keys
REHAB






Contact Us

For questions, please contact:

Dr. Mike Ronsisvalle

 (321) 259-1662

 mronsisvalle@journeypure.com



JourneyPure 

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES

The Local Planning Agency/Planning and Zoning Board met in regular session on Monday, January 28, 2019, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Ron Bartcher; Ben Glover; Scott Langston; Mark Wadsworth; Bruce Moia; and Peter Filiberto.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Mary Taylor, Customer Service Specialist; and Jennifer Jones, Special Projects Coordinator II.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Excerpt of complete agenda.

Happy Landings Homes, Inc. (Kevin Lee):

Requests an amendment to an existing BDP (Binding Development Plan), in an IN(H) (Institutional Use – High-Intensity) zoning classification. The property is 5.33 acres, located on the southwest corner of U.S. Highway 1 and Otter Creek Lane, on the east side of Old Dixie Highway. (5925 Old Dixie Highway) (18PZ00088) (District 4)

Documents submitted during the meeting can be found in file 18PZ00088 located in the Planning and Development Department.

Scott Knox – Scott Knox, Wideman and Malek Law Firm, 1900 West New Haven Avenue, Melbourne. Since there are some new faces here, we thought we'd start with a PowerPoint presentation, and Dr. Ronsisvalle is here to do that and explain the difference between this facility and the facility that was there originally, so I will defer to him for now.

Mike Ronsisvalle – Good afternoon, I appreciate you indulging us with this PowerPoint, I know some of you have seen it before, but we just wanted to make sure we were clear about what we were doing on the property. My name is Mike Ronsisvalle, 1299 Bedford Drive, Suite A, Melbourne. I'll talk to you a little bit about the need for addiction treatment in our County. Brevard County needs a facility where professionals can provide effective treatment for substance abuse simply because we are faced with a legitimate crisis. I can give you some graphs that show you how significant this crisis really is; in 2017, 72,000 Americans died from drug overdoses; in 2013, it was 40,000, so it almost doubled in three or four years. I broke it down in regards to which drugs are actually causing the most significant problems, although we've had an uptick in all drugs, the biggest issue is with the synthetic opioids. It takes one Google search, or one look at ABC News to see how significant the problem is. It is an immense problem, but it's also a local problem. In Florida, the top five counties with the most drug or alcohol overdoses from 2014 to 2016 are Palm Beach, Number 1; and Number 2 is Brevard. Out of all the counties in Florida, we're Number 2 in regard to drug and alcohol overdoses. We've got a significant issue facing us. People who live in Brevard are 44% more likely to die due to drug overdoses than an average American. We've got to do something as a community to try to address this. We want to provide that solution for Brevard County. Nationally, 1.3 million people seek treatment for addiction every year; six months after treatment, 60 to 80% of them have relapsed, and that's not good. Our solutions are different, and I'm proud to be part of Journeypure because what we're doing is significantly more effective. We've got data that supports six months after treatment we've flipped the table; 70% of our patients are clean and sober six months after treatment. How are we getting that kind of significant shift in the effectiveness of our treatment? Number 1, we start with an assessment; Number 2, we go to an individualized treatment plan; and Number 3, we have a long-

term coaching process that uses technology to help our patients stay clean and sober over time. We have access to the patients that go through our program for almost a year, back and forth with coaches that are communicating with them and helping them deal with triggers and issues in their lives that make them want to relapse. If we dig down into how we do this, I'd start with the assessment and evaluation, because we treat causes, not symptoms. We start with getting a diagnosis, which is key, and that diagnosis is not given by someone who spent three years on drugs and now they want to help people; the diagnosis is given by a medical professional, such as a medical doctor, a psychologist, a licensed clinical social worker, and those are all medical professionals that are giving medical treatment to our patients. Secondly, as we identify people that are ready for treatment, we plug them into the level of care that's appropriate for what they've got going on in their life. Already, in Brevard County, we've been doing intensive outpatient programming and a partial hospitalization program, and we've been doing that for over a decade here, treating addictions, and what we want to add on this five acres is the residential and detox component. I'll tell you more about how that's different than some other things that have been in the County over the years, and some of the things that have actually been on that property over the years. This is pretty exciting for me, because we were trying to track our outcomes and demonstrate the validity of our treatment, and six months after treatment 84% of our patients report not using substances; 92% report that they are not seeking treatment for physical or mental health issues from a hospital or emergency room; and 68% are employable, which is a big deal when you think about someone that is struggling with that level of an addiction, that they can go back to work and contribute to our community. Who are we? I think that's a lot of the questions the neighbors have for us, and maybe you guys have for us. I want to start by telling you who we are not. We're not a recovery house or a sober living community. That property in particular has a long history with people that have been there, they've wanted to get help for addictions, but it was a come-as-you-go, it wasn't run by medical professionals, it wasn't licensed by the State, and none of the issues that we're going to have in place were present as Resurrection Ranch, which is what it was called years ago. That's not what we're doing, it doesn't look like that in any way, it doesn't resemble that, and people aren't going to be walking around the neighborhood. This is a closed facility where people, once they come, they stay for 30 days; they're not driving on and off the property every day, they are there getting healthy, and these are people who want to be there. Most importantly, we're not a community health center that admits Baker Acts or court mandated treatment. That's just not who we are; that's not in our DNA; there are other places in Central Florida these patients can go if they are court ordered or a hardened criminal with a long record, but that's not our facility, and that's not what we want to do. We want to help soccer moms, we want to help engineers at Harris, and we want to help attorneys and doctors. We want to help people who are employed that have insurance, and who are ready beat this and continue to contribute to our community. We are a group of professionals that provide detox residential, partial hospitalization, for patients who are self-motivated to become and stay healthy. How do we know these folks aren't going to leave this property? Because they are there because they want to be; they have checked themselves in; and they are self-motivated to be there. We're passionate about helping our patients be successful in treatment. To us, success means that the person is employable and they're not using the healthcare system, or our resources in Brevard County, as a result of addiction-related behaviors. We are a company with a proven track record of creating professional, beautiful facilities that are an asset to the communities we serve. We're building buildings that fit in the communities that we're building them in; they fit the culture and the landscape. (Dr. Ronsisvalle referred to pictures of other Journeypure facilities around the country. The pictures are part of the PowerPoint presentation that can be found in file 18PZ00088, located in the Planning and Development Department.) Florida is different in that it has different kinds of licenses for substance abuse treatment. A lot of places you go, all of the people in rehab stay on property and get

treatment on the same piece of property. Florida has the kind of model where you can have treatment with community housing, so your treatment is done in an office building, and then you stay offsite. What we're proposing here on this five acres is not the kind of model where you stay one place and then you're transported to get services at another location. We're proposing a true detox residential program where people can come, stay on property for 30 days, and then leave.

Scott Knox – I'm going to speak a little bit about the binding development plan that we've adjusted since the last time we met, and go through them one by one with a short summary. We basically have kept the 6-foot privacy fence along Old Dixie highway, which is part of the original deal; we are limiting access to Old Dixie Highway at the existing access, or if the new building is built, which is where they plan to actually do the treatment, it would be done on a more northerly part of the property to get further away from the residential area. We looked into access from U.S. Highway 1 and the prospect of that are zero and none because the Florida Department of Transportation has control of that and they don't want that there, as far as I know. The developer has also agreed to comply with all the conditions that basically apply to a permitted use with conditions, which this is, in the Institutional Use High-Intensity zoning. This is a treatment facility, a recovery facility, and is a permitted use with conditions; there are certain things attached to that that my client has agreed to provide. The only thing that's different, because we need to have a centralized kitchen and a specific number of bathrooms, and square footage for the centralized kitchen, we need more square footage than we have right now. We have 9,885 square feet, and what we've proposed is up to 16,700 square feet, which would include the new building, primarily. We will meet all of the parking requirements; we have limited the residents to the same number that were there before, 47, with 21 employees maximum; and we've agreed that to the extent we don't have compliance already, we will comply with the permitted use with conditions section within a year after getting approval.

Henry Minneboo – The site has a certain amount of square footage, and hasn't that been a point of controversy, that it only has 10,000 square feet of structure now, and there's been concerns about staying within that 10,000 square feet? Whatever the square footage is, they want you to stay within that square footage, is that correct?

Scott Knox – They?

Henry Minneboo – The residents, the people who have not been in favor of this.

Scott Knox – Originally, we had proposed to stay within that square footage. Since we're treating as a permitted use with conditions, one of the conditions we have to meet requires a bigger, centralized, facility.

Henry Minneboo – How much of an increase is that in square footage?

Scott Knox – Well, it's up to 16,700 square feet, but it is at 9,885 square feet now.

Henry Minneboo – Roughly 7,000 square feet. You've reduced the number of employees from what you originally had planned, is that correct?

Scott Knox – It's the same. We have 47 residents and up to 21 employees.

Henry Minneboo – And none of those people that pay are going to be able to come and go?

Scott Knox – No, they are there for the 30 day period.

Henry Minneboo – How many trips do you think this place will generate a day? If you have 47 employees, and in theory everybody drives one car, so you have 47 coming and 47 going.

Scott Knox – It's 47 residents and up to 21 employees, so they could have different shifts and different work days, so I don't think it is 21 every day.

Linda Blumauer – My name is Linda Blumauer, and our place is in Indian Harbor Beach. I'm here again today to ask for your help in our quest to protect the property values and the general safety and welfare of our neighborhood. While Mike's presentation about their proposed plans is great, it has nothing to do with Planning and Zoning and why we're here today, unless you guys are potential investors, which I don't believe any of you are, correct? We understand the need for these types of facilities and are sympathetic to those in need, but a residential neighborhood is not the place for them. Evidence shows that these types of facilities tend to have bad track records. They say they will be different, but without security, without regulation, and without legal means to keep the patients onsite, the neighborhood will suffer the consequences once again, as the ingress and egress would be in the neighborhood and not an arterial road. From the beginning, Journeypure has not been transparent in their real plans. How can we trust anything that they have said? This property is in an Institutional Use, High-Intensity zoning classification that is nonconforming. The applicant is seeking an amendment to the existing BDP (Binding Development Plan) for the purpose of expanding the service to include men, which is less restrictive, and to include a residential detox and treatment facility, so this change of use is an expansion, and by Code is not allowed, as it is not conforming. They also want to expand the footprint to add 7,000 square feet, which would be considered an expansion of use and not allowed by code. The change of the use to allow addicts and possible felons without onsite security is less restrictive. The land use compatibility outlines the roles of the Comprehensive Plan in a designation of low-end high institutional use, and Happy Landings meets none of them. The increase of traffic from the residents and the staff will change the impact of the neighborhood. Since the 2009 inception of the Institutional Use, Low-Intensity zoning there has been little impact on the surrounding neighborhood, as the property appears to have been abandoned and is currently in a state of disrepair. There have never been 21 employees, and there's never been 47 residents. There have been a handful of people that have come through there in the last nine years. The purpose of the Institutional Use zoning classification is to provide for private non-profit or religious uses, which are intended to serve the needs of the public for facilities of an educational, religious, health, or cultural nature. The classification is divided into two types: low intensity and high intensity. High intensity uses are more suited to a commercial or industrial area, not a residential neighborhood. The proposed use will cause a substantial diminution in value of the neighborhood residential properties. A BDP seems to not be worth the paper it's written on, as the current one has not been enforced; no meetings, no inspections, no compliance. What is there to protect the neighborhood if there's no enforcement? A BDP is a tool for the applicant to agree to the conditions above and beyond code criteria. Conditions within a BDP should not be utilized as a mechanism to waive existing code provisions. This is a non-conforming property, it has not been a good steward to the neighborhood or the County, they have not paid their taxes, they have a history of fines and liens, so how can a memorialization even be a consideration? In times of controversy, I like to put myself in the other position; think of your parents, your son, your daughter, your family, living in this neighborhood; would you feel that they would be safe and their property values not affected? I think most educated people would not. Regardless of past use and history, approving this will have an

injurious effect on the neighborhood. The County should protect the neighborhood, follow Code, and deny this request.

Henry Minneboo – These people that are proposing this, are they the same owners from the past?

Linda Blumauer – That's unclear. In the beginning, Journeypure came in and it was supposed to be the Journeypure/Ronsisvalle-run show. Things have changed several times since then and now all of a sudden on the last few BDP's that came through, Lila and Happy Landings are back. So, you can ask them, but I don't know whether you want to trust what they're going to tell you because from what we've seen and experienced so far, I do not have a lot of trust or faith in anything that I've been told. We have met with each and every County Commissioner. Curt Smith seemed to think that U.S. Highway 1 and a wall would be something that could bring this place into compliance, or one of the many things to bring it into compliance, yet there's no talk of it here, and why we're even back here is a mystery. There's other concerns like concurrency, the abandonment, and so many different codes that haven't even been talked about; discontinuation of land use without having a proper principal structure; the procedure for mitigating a nonconformancy; concurrency management; the interpretation for conflicting provisions. All of those codes were meant to protect us and I feel like they have been completely overlooked.

Henry Minneboo – Do you see a difference in the people that were here before than what is proposed today? It was my understanding that in the past it was mandated by the court system to attend this facility.

Linda Blumauer – No, it was a women and children facility.

Henry Minneboo – Didn't the courts make them go there before?

Linda Blumauer – I don't know if the court made them go there or not, but it was my understanding it was a non-profit, and Journeypure is a for-profit company, a Chinese-held foreign for-profit company.

Henry Minneboo – That means if you're going, you're paying.

Linda Blumauer – Yes. It is a complete different use.

Jinger Knox – Jinger Knox, Pine Cone Drive, Otter Creek. I own some things around there. If you can consider a BDP (Binding Development Plan) that says, "I don't have to make a parking lot because I'm Scott Knox, even though it's Code", that says, "I can open without providing my client the minimum square footage that's allowed for their health and safety, because I'm Scott Knox", then why would I come up here and even bother talking to you guys? This stuff is the minimum for the entire county, this is for their residents, to protect their residents, their residents' safety, and you're going to put in a BDP that they don't have to protect their own residents? You do understand that the State doesn't actually mandate what their square footage does, you guys do. It's all on you, and because you're buddies with Scott Knox, you're going to say that it's okay, but guess what? If somebody goes in there and they don't have those health and safety things, who's going to be responsible? The County, because you guys said it was okay for them not to worry about the residents' health and safety. Plus, what kind of business would want to open for a year without worrying about the residents' safety? What about worrying about if they have someplace to go eat? Thirty square feet, and they want to open for a year without giving them that? What kind of people are going to go to that facility? You want to say they will be doctors and lawyers, and I don't know if you guys have been

done there, but I don't know any doctors and lawyers that would go down there the way it is now. Why not wait until there is a facility that is safe and healthy for them? Why push it to open a year early? Because they don't care, and it's all about the dollar. If you put all that aside, it's a nonconforming property; they could come off of U.S. Highway 1, but they told us it wasn't cost effective, and I don't care because the Code says they have to come off of U.S. Highway 1 or they can't build a new facility that is 68% larger than the one they had there, whether Scott is your friend or not. Do you understand that? We have Code, we have laws. You guys can pass whatever you want, and we'll go to the County Commission, you'll put them in that position in front of the media and everyone else, because you've passed this atrocity, and after that we'll go to the County Courthouse, because this is a joke. This BDP that gives them less restrictions than the County Code, that's not what a BDP is made for and you guys all know that.

Shirley Leslie – My name is Shirley Leslie, 2665 Hilltop Lane, Melbourne. I'm here to address the BDP (Binding Development Plan), which states that he or she has a contract interest in the property, but he does not represent and warrant that he is the present owner of the property. The developer must show marketable title of the property, or certification that shows marketable title of the property. Also, Section 62-1157 says, "Where a BDP is submitted, approval of the zoning action shall be contingent upon the presentation of a final and complete BDP". Paragraph D of the BDP references Section 62-1862 of the County Code in three different instances, but there is no Section 62-1862. The incorrect reference of Code makes the BDP incomplete and does not provide the County with a legally referenceable document. The recitals of the BDP call the facility a treatment center. To be complete, the BDP should read, 'residential detox, treatment, and recovery', contrary to what Dr. Mike said they were not. And Otter Lane should read, 'Otter Creek Lane'. Paragraph 7 should be completed with a date. For these reasons alone, this board should not accept the proposed BDP. The current owner is not in compliance with Item 6 of the current BDP that requires semi-annual meetings with the neighbors. Item 7 of the current BDP requires County inspections that were never conducted. This represents to the community that the current BDP was not adhered to, and there is no control or oversight of facilities like this, and will not afford citizens of the County their rights and protection of health, safety, and welfare as required by local zoning code. The facility noted in the BDP offers services more intensive than those required for room board, personal service, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnostic treatment, or care for illness, injury, deformity, infirmity, et cetera. Florida Statute 395 states that the services qualify a facility to be a hospital, which would move this facility to a higher intensity use. The conceptual graphic representation of the proposed development attached to this BDP is of a facility not approved by, or located in, Brevard County. The proposed BDP offers a 6-foot fence, but since the property and some activities are visible from the crown of Old Dixie Highway, an 8 to 10-foot fence would be more appropriate. Also, the existing fence is not maintained to County Code, and the developer could possibly assume that fence to be adequate. In Paragraph 2(h) of the BDP the developer wants to comply with the facility requirements within one year after receiving approval. Rule 65D.30 of the Florida Administrative Code says a license must be provided. The Fair Housing Act requires that dwellings are readily accessible to, and usable, by handicapped persons. The Florida Administrative Code 65D.30, Compliance with Local Codes, says licensed facilities by the provider shall comply with health and zoning codes enforced at the local level and all providers shall update and have proof of compliance with local fire, safety, and health inspections annually. In Paragraph 3(f) the developer offers to only make background checks available within 30 days of recordation of the BDP, and thereafter upon request of the County. Who, in this County, is going to make this request? What tools does the County have in place to continually make this request, or assure that the owners provide these background checks remembering that both staff and residents

continually change? Paragraph 3(g) says the developer operating the treatment center will not contract with the Department of Corrections. What about the owners or other employees of the center? Can they contract with the Department of Corrections? That verbiage should change. In Paragraph 3(i), the developer does not represent in the BDP that ADA (Americans with Disabilities Act) parking requirements per ADA standards are met. Paragraph 7 says the agreement should not automatically inure to just anyone until rezoned. As currently proposed, this BDP could transfer to a totally different type of establishment and they can practice as such until new successor or assigns. Paragraph 9, Conditions Precedent, means all conditions shall be met. Item 3(h) seems to circumvent the requirement to meet square footage requirements. History has proven that certain elements of the existing BDP were not adhered to. There's no guarantee the developer/owner will ever meet the square footage standards enumerated in Section 62-1826(3). The same facility standards for square footage have applied to this property since it was rezoned in 1986, and they have never been met.

Mark Leslie – Hello, Mark Leslie, 2665 Hilltop Lane, Melbourne. I don't disagree with Mike that this is needed; I don't think anybody does, but he also referenced this being the next step down from a hospital. I'm not sure how many of you guys want a hospital in your neighborhood, especially one that's treating opioid addictions; and it's not about people, it's about the zoning. He's talking about 1.3 million people saved, but none of that matters because we're here to talk about the zoning, and I'm going to go to that now, but I just wanted to make sure you understand that we're not against this because of what they're trying to do, we're against it because it's coming into our neighborhood. Item 3 in the BDP (Binding Development Plan) says, "the development shall comply with the following conditions on the use and improvement of the property". One of the conditions of IN(H) (Institutional Use, Low-intensity) is that they meet a collector road, or arterial collector road, not a neighborhood road, so they can't meet that requirement. The way they're stating it, it would only be on Old Dixie Highway, and that means they will never have to, even if they are able to. They're basically binding themselves out of Code by doing that. Prior to the determination that the Institutional Use is exempted from the locational standards, we were looking at a nonconforming use, but we found lately that they are exempt from that nonconforming status because they were a pre-existing use. Exemption for a pre-existing use where the property was developed as an institutional use as described in the Section, prior to August 15, 2004, "The above location standards and intensity limitations shall not apply". Those are the intensity locations for IN(H). "The parcel shall be administratively rezoned to the Institutional zoning classification with the intensity designation that more closely represents the previously approved use. The use shall have the same rights and privileges as a pre-existing use as established under Section 62-1839.7." In 2005, they were rezoned administratively to IN(L) and Neighborhood Commercial as an ALF (Assisted Living Facility). Prior to that, they were an RSSF (Residential Social Services Facility), under the Agricultural Residential zoning designation, a RSSF, Treatment and Recovery Facility, and an ACLF (Adult Congregate Living Facility). Some of the stuff you were talking about earlier, what happened in 2004, is we brought it before the board because they were in association with jails and court; they actually had contracts with the State Department of Corrections to bring people into the neighborhood and rehabilitate them in the facility. It was against them when it was in the ACLF designation, so we called them on it and it came out that they were going to go before the Special Magistrate, and we ended up having a hearing before the Board and things got dicey at that point, but basically, the requirement for meeting a connection to an arterial road did not come up until 2009 when this was rezoned as Community Commercial and IN(H) for the women with children center. It was not out of compliance from this IN(H) designation until the 2009 rezoning. Item 3(d) of the BDP says, "The developer shall comply with the 250 square-foot rule, whatever the restroom and dining facility standards are." That same rule has applied to this property since 1986, and they said in the last BDP that they would comply within a year and they didn't. So,

you have to understand the distrust has been built over 20 years, it's not just because we're here telling you we don't want this thing in our neighborhood, it's a long history. By virtue of being a pre-existing Institutional Use, we have established that the locational standards, and therefore the nonconforming use designation does not apply as they were a pre-existing Institutional Use prior to the Comprehensive Plan Amendment in 2004. The request to amend the BDP to develop the property as a residential detox treatment and recovery center, licensed by the Department of Children and Families under Rule 65D.30, Florida Administrative Code, should be denied because it would mean the treatment and recovery facility is being re-established; it was that prior to 1986, and now they're asking to re-establish the treatment and recovery. Section 62-1839.7(b) says, "A pre-existing use may not be re-established if at any time it is changed to the use as consistent with the Comprehensive Plan, or if the pre-existing use is abandoned for a period of three years or more". So, it was treatment and recovery, it was administratively rezoned in 2005, then rezoned again in 2009, and now they want to go back and rezone it as a treatment and recovery facility. Prior to 2005 rezoning to Neighborhood Commercial, Institutional Use, and an Assisted Living Facility, it was zoned as Agricultural Residential with a Conditional Use Permit for an RSSF (Residential Social Services Facility) and ACLF (Adult Congregate Living Facility). If the property was use was treatment and recovery up until 2005, how can the use of treatment and recovery be re-established? It's been 14 years or so since the treatment and recovery use applied. This application of treatment and recovery was substantiated by the County Attorney during May 18, 2004, Board of County Commissioners meeting. Mr. Knox advised the Board from a legal construction that approval could view the property as having been given a Residential Social Services Facility zoning in 1986, which would then include drug treatment and recovery facility.

Henry Minneboo – How much more time do you need?

Mark Leslie – I've got a couple more pages.

Henry Minneboo – We try to do three or four minutes and you've done five.

Mark Leslie – That's interesting, because the gentleman at the other hearing had a whole lot more minutes. This is the same thing that happens every time, Mr. Minneboo, and it's not right. Other people have lots of time.

Henry Minneboo – Go ahead.

Mark Leslie – I'm telling you a lot of specific stuff, and if you don't care to hear it I'll sit down.

Henry Minneboo – We're here, but there's other people who want to talk, too.

Mark Leslie – If they want to expand the facility now, expand the floor area, they would be allowed to, but they would only be able to do it by 25% through administrative review and approval, as long as the expansion meets all the County and Land Development Regulations. This administrative approval shall not permit expansions which exceed the maximum permitted by the zoning classification or Comprehensive Plan. In order to expand a pre-existing use beyond the 25% administrative approval, a conditional use pursuant to 62-1949.7, a substantial pre-existing use shall be required. As an RSSF, treatment and recovery, and ACLF, was a pre-existing use, then the 25% additional square footage would be the current 9,885 square feet, times 25%, equals 2,471 square feet, not the 6,815 square feet they are proposing; that's 68%. If they were to choose to go ahead and pursue administrative relief through the board, it would require that they go through a process, and the

Planning Administrator would have to illustrate the location and all proposed expansion and conformance to all applicable site improvement requirements for the proposed re-building or replacement construction, and the degree at which that construction meets or brings the site into more conformance with all applicable site improvements. A copy of a written confirmation issued by the zoning official designating the property as a pre-existing use would also have to accompany that application. If it was a pre-existing use, and that's not allowed to be done again, how could they confirm it's a pre-existing use, it's already been done and they closed the door on that chapter? I want to finish by briefly talking about the State standards. We've heard there is a requirement for square footage at the County level; the State basically requires compliance with all local codes to be adhered to. The State doesn't spell out specific square footage, they leave it to the County to decide what that square footage should be. Lastly, regarding fair housing, there's a lot of discussion about the Fair Housing Act, and it's discriminatory for the County Code to discriminate against those with disabilities or addictions. We don't believe that's the case, because the same Code applies to assisted living facilities and to treatment and recovery facilities. The people under an assisted living facility designation are not part of that same description of those protected folks. I'd like to mention the ADA (Americans with Disabilities) guidelines, and as we heard, no one has inspected this property. It was anticipated in the binding development plan that it would happen, and it didn't happen. We don't know how many square feet we actually have down there; we don't know if it's ADA compliant, and a quick drive through there this morning showed no ADA parking spaces, so if they decide to go that route, they need to clean up their own act on the property first.

Costas Manouselis – My name is Costas Manouselis, I live across the street from the proposed project, and my daughter lives next to me, and my concern is safety for me and my family. I understand high-class people go there, but if they're dealing drugs, who's going to keep them from jumping the fence to come to my house or my daughter's house? I'm also concerned about the traffic from U.S. Highway 1, and there are a lot of accidents there. Traffic and safety for my family are my concerns, and I hope the board denies it.

Scott Knox – I would like to say that Mr. Leslie was very articulate in the way he described the pre-existing use. That's exactly what it was, and for that reason the use that was there before existed as a treatment and recovery facility, with the exact same conditions that exist today. That road was there, the buildings were there, and the only thing we're asking for is an expansion. Very interestingly, as Mr. Leslie announced to you, two things happen when you're a pre-existing use: Number 1, in this particular zoning classification you don't have to comply with location standards, so collector road/arterial road is completely irrelevant at this point, because he's right, it is a pre-existing use, and it was at that time so it didn't have to comply with the collector/arterial road requirement. What was there was there and it was okay. Now, he's asking today to change that and make them do something different by connecting to an arterial road, or a collector, which I think this probably still qualifies as a collector because it does collect traffic from abutting residential neighborhoods onto Old Dixie Highway, which turns into Otter Creek Lane, and there is a commercial establishment at the end of Otter Creek Lane, so it fits all the criteria for a collector road under the County Code. I don't think that's even an issue, assuming it was relevant to begin with, which it's not because this same use back in the timeframe that Mr. Leslie was talking about, had the same conditions that exist today, and the reason that's important is because there is a Fair Housing Act, there is an Americans with Disabilities Act, and there is a Rehabilitation Act at the Federal level that says you can't discriminate against a particular use where people have disabilities. What happened back when Mr. Leslie was talking about, is the same condition that exists today, and the only reason you would turn it down at this point is because it is a treatment facility, and that doesn't fly under the Federal law, so you have

to be careful with that. The other thing is, expansion that's permitted for a pre-existing use is 25% as Mr. Leslie described, or they can file a site plan with the County, which 99% of what was discussed today would be covered by a site plan; the parking requirements, all of those things have to comply with the standards of the ordinance. The way expansion works with pre-existing uses was you had the right to go 25% administratively through staff, or it could go beyond that if you went before the County Commission with a site plan and get the site plan approved. That is where we would go if we needed that much space. We put the 16,700 square-foot in there as a cap; there may be fewer residents there, or there may be fewer employees there. By the way, the proprietor-to-be indicated that the number of trips he expected to be generated because of the number of employees that would be there at any given time was 12 trips. The other thing the ordinance says about trading this exemption for pre-existing uses, is that the use has the same rights and privileges as are set forth in the ordinance; it doesn't say they have to comply with all the conditions of the ordinance. In fact, if you look at the pre-existing use ordinance, it has a list of things you have to do to qualify for it to begin with. This ordinance, Section 62-1573, which deals with high-intensity uses, institutional, says that if you existed as an institutional use before August 15, 2004, you are a pre-existing use, you don't have to go through the qualification provisions, but it does say you get the same rights and privileges that a pre-existing use would have. The only thing you get under the provision that deals with pre-existing use and waive a right over privileges, a right to expand, and that right to expand is detailed, as Mr. Leslie said, 25% administratively, or more if the Board approves a site plan. As I said, that site plan would cover all of the square footage requirements, they would have to meet the parking requirements, it would have to meet the square footage for the facility for the central eating facility, and all that would have to be shown on that site plan in order to be approved. It may not be as big as they ask for because they be a smaller facility than what they think they're going to be.

Henry Minneboo – Mr. Knox, is there a plan of this facility, the way it would look, is there any pictures of this?

Scott Knox – I think in your packet we had some pictures.

Henry Minneboo – Yes, you did, but is that the same concept that would be there?

Scott Knox – That's the concept they're proposing to use, yes.

Henry Minneboo – That exact one? Okay. It looked to be three or more stories.

Scott Knox – No, it's a single-story building.

Henry Minneboo – Any more questions for Mr. Knox? Okay, I bring it back to the board. Erin, specifically we're dealing with the amendment of the BDP (Binding Development Plan)?

Erin Sterk – Yes, the request that's before you is the amendment of the BDP and amendment of the use within the BDP, some of the responsible parties within the BDP, and the specific conditions. I can answer questions about some of the accusations that the public made regarding the ability of the applicant to propose some of the changes that they are proposing, if that's something you'd like me to run through, or can allude to our general concerns regarding some of the language.

Henry Minneboo – Yes, please.

Erin Sterk – The BDP, like some members of the public said, is not a tool to usurp anyone from meeting County Code requirements, and some of these provisions seem to be designed to do that. There are specific ones that say they'll come into compliance with the facility standards a year after opening. Administratively, we do not have a tool to allow for that to occur, we cannot sign a Business Tax Receipt for a facility to be out of compliance with Code over a certain period of time. The BDP is not a tool to allow us to do that. Specifically, 3(h), complying with the facility standards within a year, the County does not agree that provision can be adopted as proposed. Item 3(i), the developer representing that there is adequate parking on the site, we don't have any demonstration that that has been inspected and approved, and we also don't have any mechanism to exempt someone from meeting parking requirements when they expand a facility through a BDP condition. If you were to construct a new building, you have to construct parking; we can't exempt you from stormwater, we can't exempt you from parking, so for 3(i), we just don't find a way to approve it as-is.

Henry Minneboo – It really creates a whole new concept, it starts it back at square one.

Erin Sterk - There is a lot of specific minutia, but the main point that is before you today is just the change of the use and whether or not that is consistent and compatible with the surrounding development. Beyond that, the specifics of it, and exactly how many square feet, you have to get past Step 1 and answer that question, and then get into the rest. Additionally, the BDP (Binding Development Plan) is a tool to obligate the property owner; it runs with the property, it doesn't run with whoever the developer is and when a new developer shows up it doesn't become applicable anymore, so we would ask that every condition obligate the property owner to comply so that the County has an enforcement mechanism. There is a lot of other information in the BDP, but generally what is before you is the proposed use between going from a dormitory in IN(H) (Institutional Use, High-Intensity) zoning to a treatment and recovery facility. The dormitory is a permitted use, and the treatment and recovery facility is permitted with conditions, and that's when those specific conditions for compliance with the facility standards kick in. The dormitory doesn't have those standards and that's why they sought the dormitory use in 2009 and memorialized it in a BDP, because they weren't able to provide the facility standards necessary for the residents of the adult congregate living facility. Here, I guess the way to do that would be to expand the building to allow them to come into compliance with providing those facility standards. The question is if they need to do that in order to come into compliance with Code, is that consistent and compatible with the surrounding development? That's what we ask you to decide.

Scott Langston – How many years has it been a treatment facility there?

Erin Sterk – It has not been a treatment and recovery facility since at least – it didn't even have the rights to be one, I don't know what they were actually operating as, but they have not had the rights to be a treatment and recovery facility since 2005, when it was administratively rezoned and a BDP for an ACLF (Adult Congregate Living Facility) was placed on the property. It had before that, an AU (Agricultural Residential) zoning with a Conditional Use Permit for an RSSF (Residential Social Services Facility) and an ACLF. When it was rezoned administratively, what happened was institutional uses used to happen in other zoning classifications, we didn't have an institutional zoning classification, and when we created it, we tried to create a mechanism to bring those out of the institutional uses in other zoning classifications and bring them into the right intensity of institutional use. That's what happened from 2004 to 2005 when it went to IN(L) with the ACLF, and then they rezoned once more on their own merit after that, to the dormitory use, and now it's another request that is not administrative.

Scott Langston – The same owners the entire time?

Erin Sterk – Since the 2005 Board action they have not had the rights to have a treatment and recovery facility at that location.

Scott Langston – Has it been the same owner of record throughout the whole time, or have they changed owners?

Erin Sterk – I think it's been the same owner. I think it's been operated under different names over time.

Henry Minneboo – Our only objective today is to determine if we're going to amend the BDP.

Erin Sterk – It's whether or not you intend to approve the conditions as proposed, or the use in general.

Henry Minneboo – I think the first thing you have to do is eliminate the BDP (Binding Development Plan) from the past.

Bruce Moia – Or we just approve this one over that one.

Erin Sterk – The County has some significant concerns over the language of those conditions, such as the responsibility of the parties who would be obligated to come into compliance as proposed today and the intention to usurp the Code at a later date.

Ben Glover – I thought we already finished this one, and I honestly think the applicant is coming back and we're starting all over. I don't know how I feel about it; I felt better about it the last time. If the County has concerns, I don't know how we pursue something like that.

Ron Bartcher – The BDP has been brought up a couple of times. Typically, BDPs add to the zoning restrictions. I've only been here six years, so I can't remember everything, but I don't ever recall a BDP doing what this one is trying to do and circumvent the zoning restrictions. I think that's something we ought not to be doing. Also, in looking at some of the staff comments there are changes to using the word 'developer' and 'owner'. Usually, it's 'owner/developer', and they are now separating 'owner' versus 'developer'. To my mind, that is something the owner and developer should do amongst themselves as to who pays for which purpose of it, but from our point of view, we don't care which one they does it, we just want it done. I'd prefer 'owner/developer', but that's something else. In looking at 3(i) and 3(j), there's been no evidence given to staff to support those assertions, and I don't understand that, it's not that big a deal. I also have a question for staff. When we have a BDP that makes something, for example, Item 4 says there will be meetings. Who enforces that? What department does these regular inspections, or does one of the residents have to come and complain to one of the departments? How does that work?

Erin Sterk – In a perfect world, these conditions would be structured in a way that include some timely mechanism that the applicant would need to demonstrate that they come into compliance with. We don't have a regular mechanism to go out and just inspect properties. They would have to request an inspection from County staff and provide evidence on whatever timeframe should, in theory, be memorialized.

Ron Bartcher – So, what we're doing is we are creating rules that we don't enforce, and we leave it up to the residents to try to do that. That's not right. If we're going to create a rule that says they've got to do something on a regular basis, then it should be up to the County to say you're doing it or not doing it. If we don't have a way of doing that, then I don't see a use for putting it in there.

Erin Sterk – They have a way of requesting that we come out and check whether or not they are in compliance, they just haven't requested it.

Ron Bartcher – Yes, the fox that's in the hen house can come and check to see if there are any foxes in the hen house.

Henry Minneboo – With situations in the past, I think Code Enforcement has been the agency to undertake some of these tasks, not specifically this location.

Erin Sterk – The conditions in a BDP essentially become part of the zoning action, so just like any other part of the zoning code they are enforceable by the Code Enforcement.

Henry Minneboo – Not to be critical of Code Enforcement, but it's almost like the health department attacking these restaurants. They just periodically say they're going to go after Chinese restaurants today and Mexican restaurants tomorrow.

Ron Bartcher – The Health Department has a regular schedule, more or less, whereas Code Enforcement, I'm not aware of any schedule they have for inspections.

Henry Minneboo – No, they don't have a schedule.

Scott Langston – I think there was also a mention of maybe their corporation being defunct or something, but it isn't an active corporation and all the members are listed on Sunbiz as inactive.

Scott Knox – Paragraph 5 says, "The developer shall comply with all regulations and ordinances of Brevard County". We don't have any objection changing it to 'owner/developer', however you want to phrase it. The reason we have it the way it is because we have an owner and a company that has it under contract, and will become the owner, but is not the owner yet, so we put 'owner' and 'developer' separately, but we can put them together if you want. Clearly, if there's something that's not in compliance with the County ordinances, and staff feels that's the case, we can fix that, because our intent is to comply with the County ordinances, and it's in the agreement. As far as being enforceable, it is enforceable by Code Enforcement and the provision in Section 8 says that. If it makes the folks happier and more comfortable, we would certainly be glad to agree to a requirement that they come out and inspect to ensure compliance from time to time.

Mark Wadsworth – She said earlier, with a BDP (Binding Development Plan), if a new owner comes in, that BDP is not applicable.

Erin Sterk – I meant that if they were to put a responsible party in the BDP that wasn't the property owner, and that developer party changed, then it wouldn't be tied to the land. It's not that the BDP is no longer enforceable, it's just that the accountable party in the BDP would no longer be a constituent.

Jad Brewer – I think staff's concern is it's simpler to say 'owner/developer'. If something happens to this developer, or the deal falls through, or some other organization comes in, it's still tied to the land.

Mark Wadsworth – Is that what we're trying to do here, get approval for property so that you can sell it to a potential buyer?

Jad Brewer – I believe they are buying it from the potential seller.

Scott Knox – The potential buyer is here and is one of the parties to the agreement. If they buy it they will become the successor in interest and are bound by everything in there.

Bruce Moia – We've done BDPs before where the developer was just under contract to buy the property, but they did a BDP and it was just stated as 'owner', whomever the current owner is, and then when they sell the property the owner becomes the owner. I've never seen it broken out like this before. Of all the projects that have come through here that were under contract, it's always been the owner and the owner is bound to it until he sells it, and then the other owner is bound to it. I've never seen it like this before, it's a little unusual, and maybe that's why it's confusing.

Peter Filiberto – Mr. Chairman, I think we've heard a lot on the subject. The County is concerned about it, the residents are concerned. I'm going to motion to deny the request in its current language.

Ron Bartcher – I'll second.

Henry Minneboo called for a vote on the motion and it passed 5:2, with Langston and Wadsworth voting nay.