



**AGENDA REPORT**  
**October 4, 2018**

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

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**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 table the public hearing to consider the request for an amendment to an existing Binding Development Plan to the November 1, 2018, Commission meeting.

**SUMMARY EXPLANATION and BACKGROUND:**

On September 17, 2018, the Planning and Zoning Board tabled the request to the October 8, 2018, Planning and Zoning meeting due to the applicant's failure to properly notice the property, and directed the applicant to meet with surrounding property owners within a 500-foot radius of the subject property.

**ATTACHMENTS:**

**Description**

No Attachments Available

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.

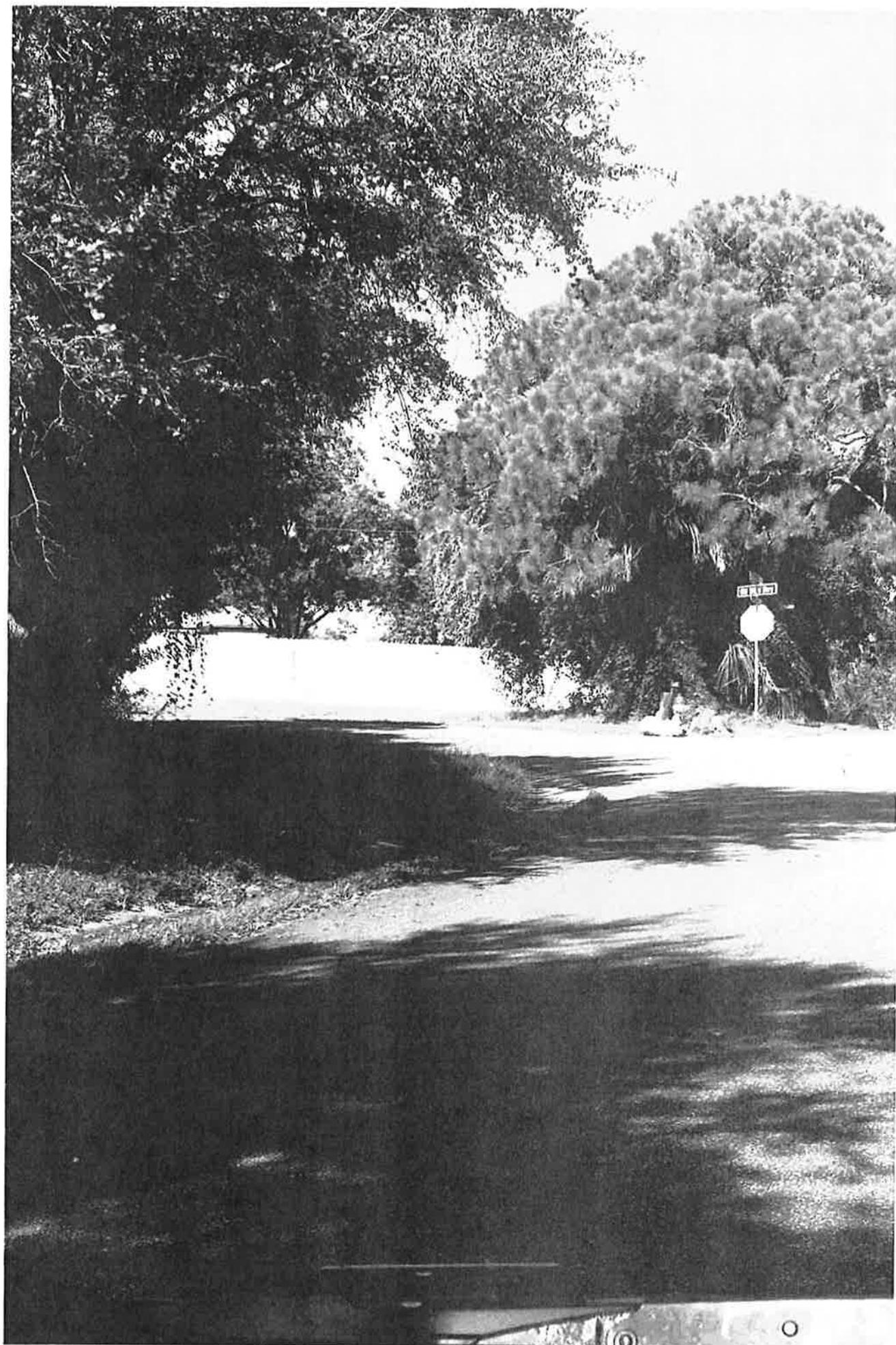
D. How will clients be escorted from the property when they no longer wish to receive treatment? Remember this is a residential neighborhood, if they don't want to be in the program will they simply be allowed to walk away through the neighborhood?

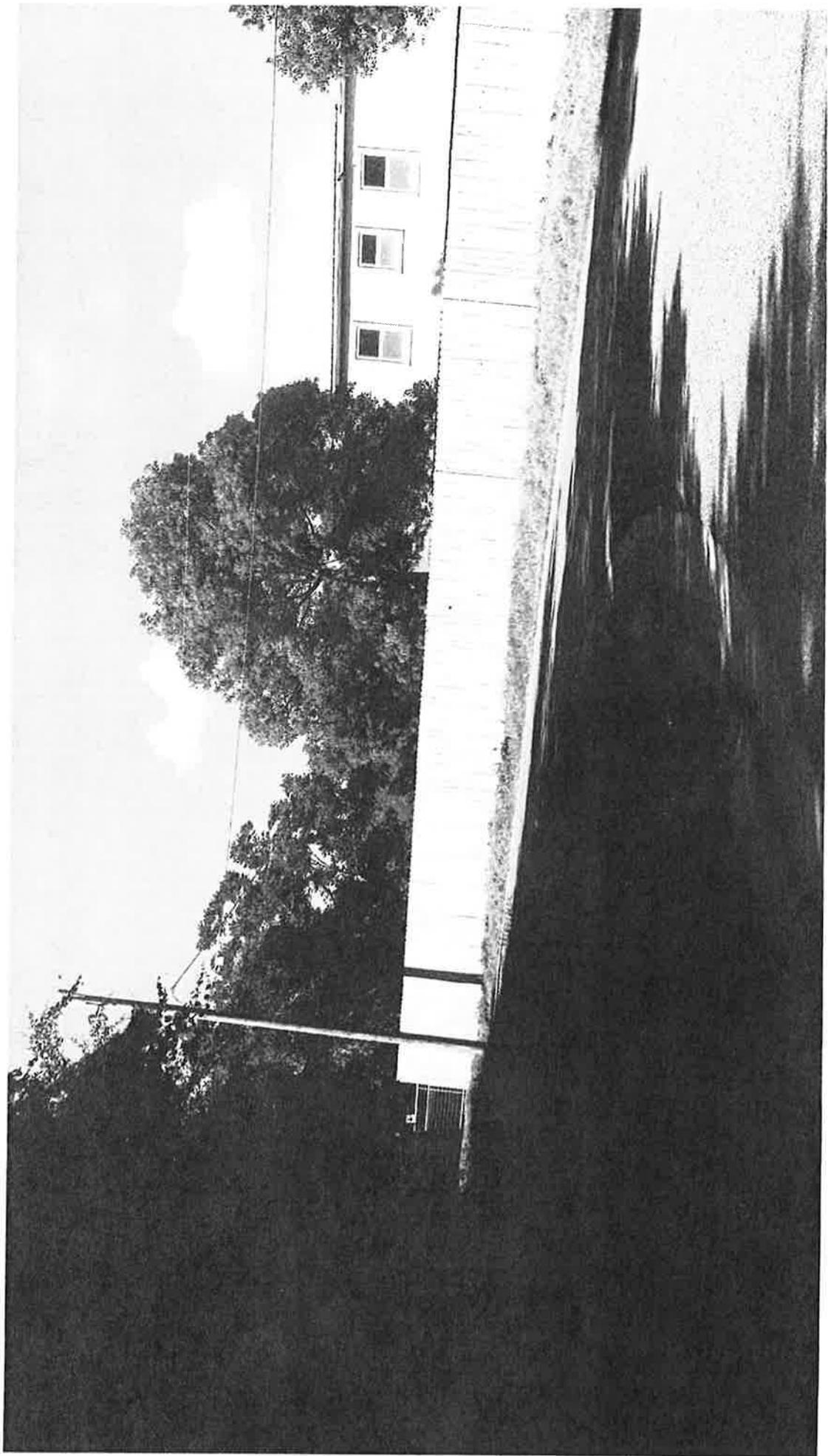
7. This organization owns several residential lots in the neighborhood. Do they have plans to expand the program into host homes? The county does not have regulations that will protect homeowners from this organization expanding into the neighborhood and providing "outpatient" care to up to a dozen homes 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

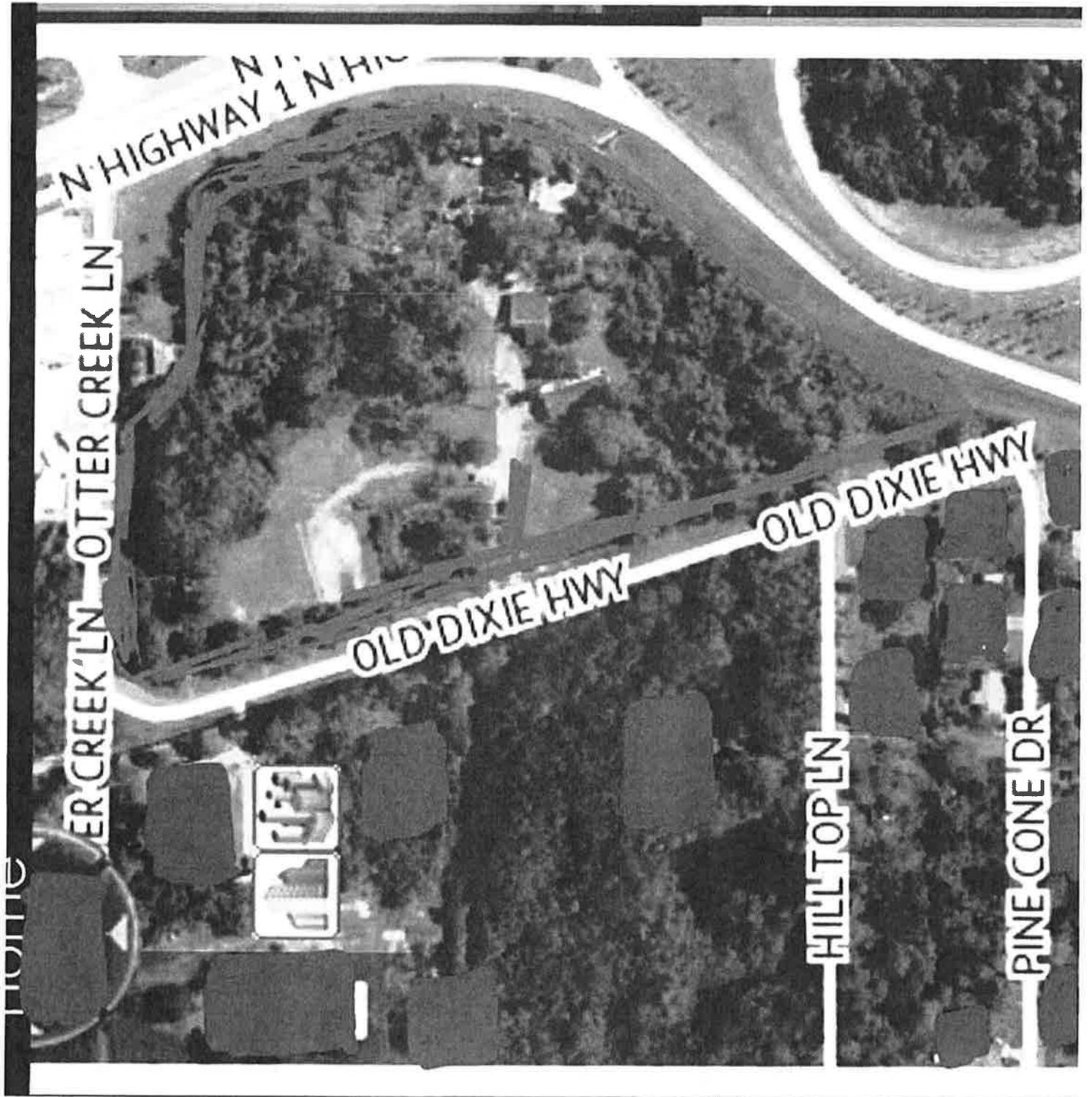
diminish the value of neighborhood property values and is an obvious next step if this BDP is approved.

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







N HIGHWAY 1 N HWY

OTTER CREEK LN

OLD DIXIE HWY

HILLTOP LN

PINE CONE DR

? Property Use:

7500 - Assisted-Care Living Facility

? Total Acres:

5.33

? Site Code:

0300 - U S 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**



