



City of North Miami Beach, Florida
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING & ZONING BOARD MEETING
MONDAY, MAY 11, 2015

Attendees:

Members -

Chair Evan Piper

V. Chair Julian Kreisberg

Joseph Litowich

Michael Mosher

Saul Smukler

Hector Marrero (left at 7:16 p.m.)

Jeffrey Lynn

Carlos Rivero, City Planner

Richard Lorber, Assistant City Manager

Sarah Johnston, Assistant City Attorney

Giselle Deschamps, Assistant Planner

Lisa Edmondson/Prototype, Inc., Board Clerk

1. Pledge of Allegiance

Chair Piper called the meeting to order at 6:13 p.m. The Pledge of Allegiance was recited.

2. Roll Call of Board Members

Roll was called. It was noted that a quorum was present.

3. Approval of Minutes - Meeting of Monday, February 9, 2015

Motion made by Vice Chair Kreisberg, seconded by Mr. Marrero, to approve the minutes of the February 9, 2015, meeting. In a voice vote, the motion passed unanimously.

4. Public Hearing Procedures

Chair Piper administered the oath for any members of the public wishing to speak during the meeting. He instructed them to sign in as well.

5. Old Business

- Item 14-021(A): Comprehensive Plan Text and Future Land Use Map Amendment (creation of mixed use districts). Approved by City Council on 2nd Reading on Tuesday, March 17, 2015.

- Item 14-021(B): Zoning and Land Development Code Text and Map Amendment (creation of mixed use districts). Approved by City Council on 2nd Reading on Tuesday, March 17, 2015.

6. New Business

Item 15-001: Conditional Use and Site Plan Approval – 152 NW 168 Street, North Miami Beach, FL:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING CONDITIONAL USE AND SITE PLAN APPROVAL, IN ACCORDANCE WITH SECTION 24-52(C) OF THE NORTH MIAMI BEACH CODE OF ORDINANCES FOR THE CONSTRUCTION AND OPERATION OF A PROPOSED NON-RESIDENTIAL DRUG AND ALCOHOL REHABILITATION SERVICE IN AN EXISTING OFFICE BUILDING, ON PROPERTY LEGALLY DESCRIBED AS LOTS 9 THROUGH 20, BOTH INCLUDED, IN BLOCK 12 OF OLETA TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 117, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA ALSO KNOWN AS 152 NW 168 STREET, NORTH MIAMI BEACH, FL.

Mr. Rivero provided a summary of the staff report for International City Building into the record. He noted it was advertised in the paper, posted on the property, and a courtesy notice mailed out to all living within 500 feet of the property.

Applicant Roland Faith, 16401 Northeast 32 Avenue, Aventura, (owner of the property) stated that he has been investing in North Miami Beach since 2010, mainly investing in foreclosed properties. He provided a brief history of the property. Mr. Faith said they have tried to comply with all negative aspects associated with drug and rehabilitation facilities.

Assistant City Manager Lorber read the list of seven voluntary conditions per the staff report (pp. 5-7).

Mr. Mosher asked if the clients currently being treated are from the area, and Mr. Faith said they are most likely being treated in Hollywood. The existing Hollywood facility wants to relocate to North Miami Beach. Mr. Faith stated he is the liaison with the operator of the facility. Since it is not a residential facility, Mr. Lorber pointed out that clients would generally be coming from the surrounding area.

Chair Piper established there was a halfway-type house associated with the program, (in Dania Beach) and the clients are bussed back and forth.

Mr. Smukler confirmed that the applicant would not pay all the fees stated in the fee schedule (p. 6), since this is a conditional use application in a business zoning district.

Mr. Faith said the facility is named Holistic Recovery Center. He added it has two stories of actual usable space and one story of parking. They have leased the third floor for doctors and medical technicians, who are aware of the proposed plans for the building. Vice Chair Kreisberg wondered why they chose this facility, and Mr. Faith

responded it allowed for expansion of treatment services. He clarified that the medical professionals on the third floor do not provide services to the clients.

Mr. Faith said he was the tenant as well as the owner of the property. He said all the voluntary conditions mentioned in the staff report would be included in the lease.

In response to a question about the scholarships, Mr. Lorber stated they have a similar scholarship program through the Parks and Recreation Department. He added they would ask for an annual or quarterly report from the tenant and determine the needs of the community. He did not think they would be involved in choosing the recipient, however.

Mr. Faith clarified that while the clients are within their care, they reside in a different place and receive services at the “outpatient center.” However, the facility is not open to the public – a client has to be part of the residential program. There are group sessions, team building exercises, and other activities to prepare them for rejoining the community.

Mr. Faith explained that a client usually comes to the facility from about 10:00 a.m. to 3:00 p.m., for a two-week period.

Chair Piper asked if the clients were free to enter and leave the building as they wish, and Mr. Faith replied they are the responsibility of the facility when they are in their care. The usual reason one would go outside would be to smoke a cigarette – there is a specified area for that. Mr. Faith continued that there is security in the lobby area near the elevators (on the ground floor); nobody goes in or out without a security guard. There is one staircase outside of the elevator area, but it is monitored with cameras. Food is brought in for lunch. It was established that the clients would not be walking around the area unsupervised.

The smoking area was shown on the diagram (legend #8) – it has two park benches and landscaping. The clients would normally come to the smoking area with a technician. There would not be any unattended clients in the smoking area.

Mr. Litowich remarked that he agrees in principle with the concept of a holistic center. Regarding the scholarships, he wondered if they would be targeted for North Miami Beach residents. Mr. Faith replied they plan to award them to established residents. Mr. Litowich asked who the principals were for the Holistic Resource Center; Mr. Faith responded there are two besides himself – Adam Adler and Daniel Shiff. They are involved in the other facility in Hollywood; it was unknown if they had come before the Board before.

Mr. Litowich asked if the one stairwell doorway could be alarmed, and Mr. Faith felt it could be done. Mr. Litowich also wondered if the smoking area could be moved closer

to the building. Mr. Faith said they were considering fire and safety when they selected its position; he said he could review that.

In response to a question about what the average length of treatment would be, Mr. Faith said it was two weeks, but the clients are free to choose the length of their treatment. He believed that two weeks, however, was optimum. Mr. Faith said that none of his clients are court-ordered, since they are voluntary. Advertising is through their website.

Mr. Smukler established that they built out the second and third floor; the tenants on the third floor are within the permitted use.

Mr. Lorber pointed out the police conditions on p. 4-7; the owner has to provide a photometric plan, and the lighting will be appropriate. It was brought up that the plans did specify LED lighting. Mr. Faith explained that although the recovery program is during daylight hours, other tenants may be using the building at other hours.

Chair Piper confirmed that the owner would be agreeable to putting a panic alarm on the second floor door to the stairwell. The alarm would not prevent anyone from leaving, but would sound an alarm if the door opened. Chair Piper said that would not be counted as one of the voluntary conditions.

Chair Piper asked who would monitor the security camera system, and Mr. Faith replied that security personnel would be on the premise 24 hours a day. The cameras would monitor the egress and ingress (stairwells, lobby, parking lot elevator area, second floor elevator area, etc.). The security guard will sit at a desk during the daytime, but be roving at night.

Regarding the police substation, Mr. Faith noted they offered to provide the space, and it has been discussed with a representative from the Police Department. The exact location is not yet established.

Chair Piper noted that if nobody is accountable for the scholarship program, he felt the program might "go away." Mr. Rivero commented he would discuss it with the Chief of Police, thinking it might be handled through that Department.

Assistant City Attorney Johnston thought they could expand the language to include the Police Department or different departments and how the scholarship program would be managed. She said they would explore other ways of tying in conditional use approval subject to review.

Chair Piper wanted the City Commission to be able to see there would be accountability. Ms. Johnston responded that she and the Planner will speak with different departments to see who would manage the scholarship program and add that language in. Chair Piper thought the onus was on the City, not the applicant.

At this time Chair Piper opened the meeting for public comment.

Muriel Kemp, 1479 Northeast 178 Street, North Miami Beach, confirmed that 48 people per day was the maximum number who would be treated. She wondered how many were in the same neighborhood; Mr. Faith replied 20 at this time. The clientele would include men and women over the age of 18.

Mr. Faith clarified there would be two shifts: morning and afternoon, but it would be comprised of the same clients. The Dania Beach facility has the capacity for 48 clients.

Ms. Kemp asked if the facility would be for both alcohol and drug programs, and Mr. Faith replied affirmatively. The average time is two weeks, but that is not set.

Ms. Kemp also confirmed that the clients are covered by insurance, and no one is paying privately. The daily rate of the program (for scholarship purposes) would be roughly \$500 per day. Ms. Kemp spoke on the advantages of a 12-step program.

Ms. Kemp recommended that somebody ensure that the area where the clients are housed has not experienced any problems due to them. She also wanted to know if the managers (operators) of the program were in recovery; Mr. Faith replied negatively. He said the therapists all have their own history, and they do not question that other than that they have a professional background. There will be no drugs on the premises.

Richard Riess, 23 Northwest 169 Street, stated he lives nearby. He recalled a drug clinic that used to be in the area, but was closed down by the Police Department. He said the area is residential and full of children, and he wants to protect them. Mr. Riess did not believe any of the promises made by the developers of such facilities. He also felt the hearing was not noticed properly.

At this time Chair Piper closed the meeting for public comment.

Mr. Faith emphasized the facility is not a “drug center” – it is a rehab center; he reiterated there will not be any drugs at the facility.

Mr. Mosher asked about the credentials of the therapists. Mr. Faith said everybody is licensed/certified professionally.

Mr. Litowich asked if Mr. Faith was aware of any other cities that Mr. Adler and Mr. Shiff may have applied to for such facilities. Mr. Faith said this was the only one.

Mr. Rivero stated the Planning and Zoning Department recommends approval of the conditional use subject to the (voluntary) conditions listed on the staff report and the additional condition suggested by this Board regarding the alarm on the second floor door to stairs.

Chair Piper requested that voluntary condition #17 be clarified to show there would be a security guard onsite 24/7 and also that the security cameras will be monitored by the guard at the onsite security station. He also wanted more detail on the Police substation.

Mr. Rivero stated he would update the Board with all revisions.

Chair Piper suggested that the City Commission have access to a police incident history report from the Holistic Recovery Center in Hollywood (7709 Davie Road Extension). Mr. Rivero said he would make that another suggestion from the Board.

Chair Piper added that all the conditions have been accepted by the applicant.

Motion made by Vice Chair Kreisberg, seconded by Mr. Lynn, to approve Item 15-001, Conditional Use Approval, with all of the conditions stated on the Staff Report, the Voluntary Conditions, and the additional conditions the Board has discussed and staff has agreed to and the applicant has agreed to. In a roll call vote, the **motion** passed 7-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Hector Marrero	Yes
Jeffrey Lynn	Yes

Mr. Marrero left the meeting at 7:16 p.m.

Item 15-006- Zoning and Land Development Code Amendment – North Miami Beach, FL:

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XXIV, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING ARTICLE VIII, SECTION 24-147.2 ENTITLED "TEMPORARY SIGNS ALLOWED" BY ELIMINATING THE REQUIREMENT FOR AN APPLICANT TO POST BONDS FOR TEMPORARY SPECIAL EVENT AND BANNER SIGNS AND CLARIFYING THE FREQUENCY AND NUMBER OF SIGNS ALLOWED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Mr. Rivero stated that the banner issue was pointed out by the Assistant City Planners as a potential problem. He then introduced the amendment and reviewed the staff report. He elaborated that the City currently requires a \$200 bond to put up a sign, and there is too much paperwork involved for the City. They felt the bond is a burden on businesses, and also noted a lack of clarity in the Ordinance regarding the number and frequency of banners.

Mr. Lynn wondered what would happen if the business did not remove its banner in the prescribed time limit, and Mr. Rivero replied that Code Enforcement would remove it if it was not taken down.

Mr. Litowich was curious how it would affect flyers stapled to light poles; Mr. Rivero said such signs are illegal. The banners have to be attached to the façade of the building, and a sketch of the location has to be provided ahead of time.

Ms. Deschamps clarified that there is an “after-the-fact” fee for the banner – \$100 along with the \$50 permit fee. The time for a special event banner is 60 days, and 90 days for a banner that just has the location of the business. She added that most people comply with the time limit. Ms. Deschamps continued that a special event banner is usually for a grand opening.

Ms. Deschamps stated a very low percentage of the bonds are forfeited. The customers are given a 24-hour notice that their time is going to be up. If the banner is not taken down, the customer would receive a violation, which would be ordered through Code Compliance. Mr. Lorber said the amendment would streamline the process for staff so they could work on more important matters, and it is also business-friendly.

Ms. Deschamps estimated that roughly 30 or 40 banner permits were issued last year.

At this time Chair Piper opened the meeting for public comment.

Muriel Kemp, 1479 Northeast 178 Street, said that some schools allow businesses to put up banners on their fences. They pay the schools for that, but Greynolds Park School was recently told they could not do that. She expressed dismay over the loss of income for the schools. Mr. Lorber did not believe the City had the ability to prevent the school from doing that, and it was suggested that Ms. Kemp try to remediate the situation.

At this time Chair Piper closed the meeting for public comment.

Motion made by Vice Chair Kreisberg, seconded by Mr. Litowich, to approve Item 15-006, the ordinance on signs. In a roll call vote, the **motion** passed 6-0.

Chair Evan Piper	Yes
Joseph Litowich	Yes
Julian Kreisberg	Yes
Saul Smukler	Yes
Michael Mosher	Yes
Hector Marrero	Absent
Jeffrey Lynn	Yes

Mr. Rivero announced the next meeting would be June 8, 2015, noting he did not expect any projects.

7. Public/Citizen Comments - none

Chair Piper opened the public hearing. Hearing no comments, Chair Piper closed the public hearing.

8. Adjournment

Upon motion duly made and seconded, Chair Piper adjourned the meeting at 7:32 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]