

ORDINANCE 12-56

COUNCIL ITEM 10B
DATE 9/24/12

AN ORDINANCE TO REZONE 0.5 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF DUXBURY AVENUE BETWEEN BAYSHORE BOULEVARD AND ADDIE STREET FROM RS-2 (SINGLE FAMILY) TO I (INSTITUTIONAL) FOR A PROJECT KNOWN AS AMBROSIA TREATMENT CENTER, P12-095; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RMP Enterprises, herein referred to as the applicant, seeks to rezone 0.5 acres of property located on the north side of Duxbury Avenue, between Bayshore Boulevard and Addie Street and within the City of Port St. Lucie, from the zoning designation of RS-2 (Single Family Residential) to I (Institutional); and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the September 4, 2012 to consider the rezoning application (P12-095), notice of said hearing to adjoining property owners for a radius of three-hundred (300) feet having been given and advertising of public hearing having been made; and

WHEREAS, the City Council held a public hearing on October 8, 2012 to consider the rezoning application (P12-095), advertising of the public hearing having been made; and

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1: That the property described as Port St. Lucie Section 28, Block 232, Lots 1 and 24 be rezoned from the Zoning Classification of RS-2 (Single Family Residential) to I (Institutional).

Section 2: That this Ordinance shall become effective ten (10) days after its final adoption.

ORDINANCE 12-56

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,

this ____ day of _____ 2012.

CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
JoAnn M. Faiella, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY: _____
Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: SEPTEMBER 24, 2012

ORDINANCE X RESOLUTION MOTION PUBLIC HEARING X

ITEM: P12-095, Ambrosia Treatment Center
 Rezoning Application

RECOMMENDED ACTION:

On September 4, 2012, the Planning and Zoning Board, with a vote of 5-2, recommended that City Council deny this rezoning application. Minutes of this meeting are included in the staff report.

EXHIBITS:

- A. Ordinance
 - B. Staff Report
 - C. Support Materials
-

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

The proposed use is to rezone two (2) residential lots from the RS-2 (Single Family Residential) Zoning District to the I (Institutional) Zoning District to operate group care homes.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 09/10/2012

E. P12-095 AMBROSIA TREATMENT CENTER – REZONE

Mr. Finizio said, “The applicant is Joseph Morrison, Director of Operations for Ambrosia Treatment Center. The owner is Gerald Haffey of RMP Enterprises. The property is located on the north side of Duxbury Avenue, between Bayshore Boulevard and Addie Street. The size of the property is 0.5 acre, or 21,780 square feet. The existing zoning is Single Family Residential. The existing use is single family residences. The requested zoning is Institutional. The future land use of this property is Low Density Residential. The proposed use is to rezone two residential lots from the Single Family Residential Zoning District to the Institutional Zoning District, to incorporate the already existing Site Plan for Ambrosia Treatment Center. The rezoning of this property is consistent with the direction and policies of the City’s Comprehensive Plan. Objective 1.1.4 states, ‘Future Growth, development, and redevelopment shall be directed to appropriate areas.’ Policy 1.1.4.4 (a) recommends that the City provide more Institutional zoned land, while Policy 1.1.4.13 identifies that the Institutional Zoning District is compatible with the Low Density Residential future land use.”

Mr. Finizio continued, “Ambrosia Treatment Center already has an approved Site Plan for the four houses surrounding Lots 20 through 23, which was approved by the City Council on November 28, 2011. It is the applicant’s intention to incorporate the two lots into the already approved Ambrosia Treatment Center Site Plan. The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the future land use map and policies of the City’s Comprehensive Plan, and recommends approval. There was one letter of opposition received on this project. It was distributed for the Board’s review.”

Vice Chair Martin said, “On Page 3, there is language indicating that the Police Department and Code Enforcement have had no complaints regarding these properties. Is that going to encompass the existing treatment center?” Mr. Finizio responded, “The Code Enforcement was for these two properties. I requested information from the Police Department, but I have never received anything back from them. There was nothing addressed to me complaint-wise.”

Joseph Morrison, Director of Operations, Ambrosia Treatment Center, said, “I distributed flyers in the neighborhood, but most people know that we are there. We have been operating there for several years. We held a meeting at the Community Center to give any neighbors who had any questions the information. Three people showed up, but it turned out to be a pretty good meeting. There was some misinterpretation about what we do, and who is there. I’m pretty sure I alleviated all of those issues. The main concern for the gentlemen who complained in our last rezoning was the color of the buildings. I assured him that if it was an issue, I was open to changing the color. It is a loud color, depending on your taste, so I offered to change it to make it continue to look residential.”

Ms. Parks said, “You presently have four houses in use, and you are hoping to add two more. How many clients at a maximum could you service at one time?” Mr. Morrison

responded, "We have five in each house. In fact, 781 will not be client housing at all. We currently have a converted garage that we use as an office at 1091 Bayshore. The house at 781 is a very small house in foreclosure and run down. It is converted to an actual office, and the only additional five additional clients will be at the other house." Ms. Parks inquired, "My specific question was how many clients are you presently serving, and how many clients could you serve as a maximum?" Mr. Morrison responded, "Twenty five now, and thirty adding the additional five." Secretary Ojito asked, "Could you let us know if you had any issues with the Police Department?" Mr. Morrison replied, "I have worked there for four years, and I have had two complaints. One was from the gentlemen that I purchased the house from that was foreclosed on. It turned out that his credibility was suspect, but I accommodated him at any rate. I gave him my phone number, as I do anyone any time there is a complaint. I have 22 employees that police the place, and there are cameras everywhere. It is a very controlled environment. That neighborhood in particular has its own issues, but they are independent of our facility. Our people police our place, and about 20 yards out in every direction. The bar across the street is the biggest issue in that neighborhood. It was the only land available. Otherwise, we wouldn't have put it right across the street from there."

Chair Blazak opened the Public Hearing.

BARAT BAREFOOT, resident, said, "I live on Duxbury. We are a working neighborhood, and that is why most of the neighbors are not here today. I'm the one that complained about the color. Our property values are dead. We can't sell our homes, as there is noise and cursing. My daughter walked by there, and they said things to her. She wanted to help me get a new home after that incident. I'm trapped there, because I'm almost on Social Security. I will be two houses away, and you can hear the vulgarity. They also said things to my neighbor's girlfriend and little girl, who is 5 years old. We don't call the cops. One came over my fence, went through my yard, and got into a car. One was at my neighbor's house the other night. Nobody wants this in their backyard. You wouldn't want it in yours. We should be able to stop this somewhere, because they just keep coming into the residential area. What do we get with our property taxes? There is nobody on earth that would buy it with this thing there. It is terrible what has happened to us financially. If you have to have these homes, they should be in a commercial area, and not where it is."

JAMES CHEETHAM, resident, stated, "I live next door to one of these houses that supposedly they want approved. Believe me if you sit in your backyard, it is horrendous. It is like a zoo out there with the language, the noise, and the trespassing. I had one come over last week, and he jumped a six-foot privacy fence. The neighbors down the street have had them looking in their windows at night. Nobody in the neighborhood feels safe, because we don't know what these people are going to do. If you go away for the weekend, who knows what will happen. There is a daycare center across the street from these houses. People in our neighborhood have little children, who don't think they are safe playing out in the neighborhood because of these houses. I don't think any of you would like to have six rehab houses next door to you."

TODD BAINER, resident, said, "I live on Duxbury Avenue, and I want to speak out against the proposed extension to the facility. I am a law enforcement officer on the Treasure Coast. I can tell you from personal experience that these things start out small and get bigger. They can lead to problems, and they usually do. I don't want to see it in my neighborhood. I am speaking on behalf of a majority of my neighbors, who couldn't be here today because they had to work, and don't want to see it there. The one part is there. Why does it need to be bigger? If they want to branch out, then they should move out of our neighborhood. It is a peace of mind issue for everyone who lives there. I'm sure every one of you would not want it in your neighborhood. We have children and elderly people on the street, and they are uncomfortable as it is. This will drive our property values down. If you are going to sell your house, you will have to tell them that there is a drug rehab there. Please keep in mind that we live there, and you don't. I understand that they want to run a business, but it is a residential neighborhood. We would like to preserve what is left of it. We hope that you feel the same way about it."

JOAN CHEETHAM, resident, said, "I live next door to the house that is supposed to have five people in it. I am very nervous about this. I don't have anything against people who have drug problems, but I don't think that they should be living next door to me or anyone else. You want to have a neighbor that you can talk to, and have something in common with. That is not going to happen. I hear there was a meeting the other day, but no notice was put in my mail box, probably because my husband has opposed it from the beginning. He went to all of the meetings. I have never gone to them because I work, but I made a point to come today. I can't believe that this is really happening in a Port St. Lucie community where normal people live. I have seen problems with drugs and alcohol from my daughter and son-in-law. I am very scared to be next door to them."

ROB TORO, resident, said, "I am here today because I oppose the rezoning on Duxbury. To my knowledge, these homes were purchased for the sole purpose of turning them into an institutional group home transition. These homes are for profit, which is a business. Bayshore Boulevard is a Conversion Area, but where does the Conversion Area end? As far as I can see, this is an attempt to leech into the neighborhood. It will set a precedent for other zoning areas to be changed. I speak for myself and most of the people in my neighborhood that couldn't be here today because of the time. They are out making a living for their families. We moved here 18 years ago to live in a residential neighborhood, and to raise our families. Thank you."

JO M. EDWARDS, resident, said, "I have a home on Dwight Avenue, which is only one street over from where you are trying to make an Institution Zone. I object to it wholeheartedly. I bought my lot thinking it was a nice residential area, and I have maintained it. It looks nice today, but if you put an institutional building there, it will no longer be nice. I know all the neighbors around me feel the same way. I want to know why they picked this area instead of a commercial area, or a vacant area where they could do whatever they want with it. I want them to tell me why they picked a residential area."

Mr. Morrison stated, "When we purchased these homes, it wasn't like we could just go anywhere. It was very limited. We bought these model homes across from the shopping

center because of that. We have to operate.” Ms. Edwards asked, “In that area? It is residential. Why don’t you pick a commercial area?” Mr. Morrison replied, “What we needed wasn’t available.” Ms. Edwards pointed out, “With all of the property that there is in Port St. Lucie.” Mr. Holbrook advised, “We have a staff report that we can provide the residents, which provides maps as well as staff’s analysis. Once the minutes are prepared, they are available. This public hearing is available on the website as well on video, if you wanted to follow up at a later date. Bayshore has had an interesting history. Back in the late 80’s, it was incorporated as part of the Conversion Area on the west side. It was originally residential, and the City adopted a plan that indicated if someone wanted to convert these areas, there is a minimum requirement. You have to put so many lots together for width and depth, and there is a use that they can have. The east side of Bayshore wasn’t a Conversion Area. It historically has always been model row, where we allowed model homes to be built. We had builders throughout the 90’s, and in the last decade that built model homes. Several of the homes that are part of Ambrosia were model homes, and were approved. The models started going away five years ago. When you have a use and people don’t want it anymore, other people start looking at what property is available. We have always had a need for more Institutional land in this City. This City was a pre-platted community where the land was platted residential without having sufficient land for Commercial, Institutional, and Warehouse uses. That is why you see a lot of the policies that the City Council has approved over the past three decades that allow for other uses to go in residential areas.”

Mr. Holbrook continued, “We have a number of policies in the City’s Comprehensive Plan that allow for Policy 1.1.1.4.13, which says, ‘The following conversion chart is established to illustrate compatible land use and zoning categories.’ This property has a future land use of low density residential, and compatible zoning districts for low density residential that are general use, residential estate, RS-1 through RS-5, RMH, as well as Institutional. The applicant is requesting something that is consistent with the City’s Comprehensive Plan. These policies go back decades. They were prepared to guide the City with its future growth, acknowledging that the City was created to not have other uses. They had to have a plan to address the population that was anticipated. Anyone that has been here for a while has noticed over the past decade as more people come, there has been a need for other uses. As we have more people move to the City, they need places to do things. This use is one of the uses that goes on within a City.” Chair Blazak inquired, “How far east does it go down Bayshore?” Mr. Holbrook responded, “The Conversion Area on the east side doesn’t exist on Bayshore.”

BRUCE HARRISON, resident, said, “I moved here in 1976, and built my home in 1983. It will be 30 years old on the 13th. I live on a different street that is going through something similar. Our neighbors on Twig love the people on Duxbury. There are other places to put this. There isn’t a person on our street or on Duxbury that doesn’t want someone to be better off. There are places in Port St. Lucie, like by I-95 where you could do something. Go somewhere else, but don’t put it where my grandkids are going to be. I don’t let them walk anymore. My wife walked, but not anymore. I have a handicapped daughter that can’t walk anymore, because we don’t allow her for fear of what is going

on. We don't think it belongs there, as there are other places where these rehabs should be. I am asking the City to take a look at it."

JAY LIEU, resident, said, "I came here two years ago. I enjoy the Florida life. I am a scientist with a PHD. My wife and I just adopted our first baby. I feel very nervous that a substance abuse rehab will be our neighbor. Who will protect my baby? I also need a peaceful place to protect my baby. Who will care about my property? We will not be able to get anything for it. It is very difficult to sell our property if we want to leave. There has already been damage by the drugs, and it seems useless. They will ask us for money, and damage our property. I think it is a very dangerous place. Thank you."

There being no further comments, Chair Blazak closed the Public Hearing.

Vice Chair Martin said, "I asked about the Police Department's involvement, because I understand that the neighbors have concerns. There has been minimal or no police involvement at your facility. Ms. Parks asked about your capacity, and I believe it was 25 clients. I know that you have been there for a number of years. One of my family members attended your treatment center, and I'm glad to say that they are now drug-free. It was a remarkable regimen, along with the control that you have over 25 struggling people. We are talking about teenage people, so there will be curse words heard. It will happen if they are on drugs or not. Do you know what the general population is in need of the services that you provide?" Mr. Morrison responded, "Nationally, there are 100 million people addicted to a substance, and only 30 million people in America admit it. If people are honest, it would be 100 million easy. Alcohol kills hundreds of people every day. There is a tremendous political lobby for alcohol. For example, Budweiser gives Congress a ton of money, and it is the hardest one that we deal with. The stigma attached to 'these people' is atrocious to me. The comment that it is useless is ludicrous. Quite the contrary, it is actually the only way known we found that helps people that are addicted to substances. It absolutely works. I am the Director of Operations of the company, and I have been in recovery for years. The owner of this company has been in recovery for over 25 years. It not only works, but it works well. I am very proud of our success rate, as opposed to our competitors. Twig has nothing to do with us. We created a model of small homes, because they work. We don't have any interest in being a massive place, even though it is for profit. The whole point of this business was to have something that works. If you check back over the four years that we have been there, we don't have any real police interaction. If there are people jumping over fences, I feel safe to say that they are not from our place. We have five people in a house, and we have staff members in every house 24 hours a day. I would open our facility to anyone who wanted to see how we do business."

Mr. Morrison continued, "We are actually JCAHO certified, and are one of the very few that are. We follow all of the DCF regimens. We know someone who is a fairly high person in DCF. It was told to the Planning and Zoning Department that out of the 400 facilities in South Florida, ours seems to be the only one that they would be willing to send their family member to. I don't say that lightly. It is a lot of work. I take it personal, because it is my business, and it matters to me. We spend 40% of our resources tracking

and evolving this business to make sure that it works. That is our primary goal. Our success is a product of that. Any one of you is welcome to come by our facility to see what we do. Everybody says, not these people and not in my backyard, but then where? These are our kids in Florida. I have judges, actors, professional athletes, and they are not bad people. We have to try to help them. We don't want to upset the neighbors, but when we purchased these properties they were empty model homes. We bought them across the street from the strip mall on purpose. I have invested \$180,000, and a tremendous amount of my time in the last six months refurbishing this property. I review them every six months, and they are the nicest houses in that neighborhood. I'm confident in saying that, and property value has nothing to do with us. There are six or seven homes for sale up both of those streets. There are a bunch of homes that are for rent in that area going back four years, and they still are. It has nothing to do with our facility. We have offered fencing, and have pending construction regarding it. We are going to do it, because it is a requirement for Institutional Zoning. It involves beautiful landscape buffers, and tens of thousands of dollars that will only beautify that corner. The reality is that we are there, and we are going to stay there. We want to help the neighborhood in terms of how it looks, but in terms of the stigma of these people, I can't accept that. It is just not true. If anyone wants to watch the facility or do a study, I'm open to that. You will find that there is none of this stuff going on. We employ 53 people in Port St. Lucie, and 70% of them live right in that neighborhood. These are Port St. Lucie people working in a Port St. Lucie business, and taking care of a majority of Port St. Lucie kids. I am going to defend them."

Vice Chair Martin clarified, "You said 100 million people have an abuse problem, but only 30 million admit it." Mr. Morrison commented, "Absolutely." Vice Chair Martin said, "My understanding is that 23% of the population has an alcohol dependency problem." Mr. Morrison remarked, "That is low." Vice Chair Martin said, "That is probably the people that admit it, so we should probably triple it. The federal government offers people with disabilities a certain level of protection in local communities. Can you tell us as an operator of one of these facilities how it pertains to the site selection for you?" Mr. Morrison responded, "We are not set up to take someone who is handicapped, but we can employ someone who is. We have augmented our facility and we can function as such, but we don't take them because it is a medical issue." Vice Chair Martin stated, "I understand the Disabilities Act provides protection for substance abuse centers." Mr. Morrison explained, "We are protected by federal law. DCF oversees us, which is a state agency. We are in total compliance. We have annual audits from DCF and JCAHO, and are proud of that. My company focuses on it working. Anyone can open a business, and make money. It doesn't matter what you do. If you are determined, you are going to succeed. This particular business is not easy. We have made it small, because it matters to us that it works. It does, and we have alumni meetings every week with our graduates. We have BBQ's for them. We fly up to New Jersey and Philadelphia for the clients that fly in, and hold meetings in a church up there. We track and talk to our alumni. Everyone that comes through our facility is followed for years. We had our alumni meeting in Jensen Beach last week, and we had 210 people. That is impressive for a bunch of kids thinking that they were never going to have a change of life. These aren't different people than us. They are us, like it or not. Everyone has an Uncle Charlie is the old saying."

Vice Chair Martin asked, "How many people have you put through your center since you have been open in Port St. Lucie?" Mr. Morrison replied, "Sixteen hundred." Vice Chair Martin clarified, "And no registered complaints with the Police Department." Mr. Morrison pointed out, "I know most of the local cops mostly from the office dialing 911 by mistake. We helped a local police officer's son get clean. I know all of the guys that work on his shift, because we work together with the Port St. Lucie Hospital where my wife is a nurse, and through Baker Acts. If you ask them what we are about, they will be more than happy to tell you. I'm confident that it would be a positive statement." Vice Chair Martin said, "I ask these questions so that the public can understand the process of people out there needing help." Mr. Morrison stated, "I know that it is a difficult sell, but I'm still going to sell it." Ms. MacKenzie said, "This is going to go the City Council, whether we vote to recommend denial or approval. I would recommend having more substantial information, as far as police reports for the next step. I would think that the City Council would want to know factually if there were complaints made, and if there are police reports. My recommendation to the applicant is to have it in writing."

Ms. Parks said, "It is not just fitting a treatment center into a residential community, but it is now growing to be its own compound. It is very large, as it is six facilities. We want these treatment facilities to go into the community and be obscure, but here they are becoming blatantly evident. When the houses started out, they were pastel colors that you would see in any community. Right now, they are very stark colors, and there will be a six-pack of them. It is very noticeable. I hope that they do some landscaping. When I went by there, I found it to be very stark, not only the new facilities that they are putting in, but also the existing four houses. They could use some landscaping that would perhaps make them a more attractive facility. It is becoming a compound." Vice Chair Martin stated, "I'm offended by the words normal and these people. If 25% of all of American citizens have an alcohol abuse problem, and then you look at the prescription drug abuse problem, and you look at all of the illicit drugs out there, how can we not offer a helping hand? This center doesn't have anything to do with property values. That is a moot argument. I asked specific questions, so that we can have an intelligent conversation about what the facts are. The gentleman has put approximately 1,600 people through this center with almost a zero need for law enforcement, which speaks volumes. Unfortunately, there aren't a lot of places for this gentleman to open a center. He has been successful at his current location. I don't see how adding one more home to house five more kids is going to make a difference between having a safe environment, versus not having a safe environment. I'm going to vote in favor of it."

Mr. Battle said, "I think our job today is to decide whether or not these two additional homes are within the zoning rights as to what he wants to do. If the Planning and Zoning Department thinks that he can put them there, and we agree, then he can. Our job today, according to the Planning and Zoning rules, is to determine if this establishment is allowed. My personal opinion is yes it is." Chair Blazak stated, "I have a concern after asking Mr. Holbrook where the line is, as there is no line. The rules are yes we can do it, but where does it stop? I have a concern about that. They had three, and now its two more, and then it will be two more. If we don't have a rule to say where it stops, then

how do we appease the public? There is always a line for intent, but there is no line here.” Secretary Ojito said, “I agree. There needs to be a line of some kind between Institutional and Residential. He could just keep expanding into the residential neighborhood. At some point, it has to stop.” Ms. Parks stated, “I have seen repeatedly on this Board where we approve someone because we feel that it is case specific with that particular request. When someone else comes back to request a similar thing, it is in the paperwork that we gave it to another person. There has to be a line somewhere, because we will meet this same situation again with another group. There needs to be a line, Mr. Holbrook. Perhaps at a later time, we could have a conversation about drawing up legal paperwork concerning it.” Mr. Holbrook remarked, “Duly noted.” Ms. MacKenzie said, “I fully support what the applicant is doing for the City of Port St. Lucie. I think it is great that we have it for our children, and I applaud you for that. Unfortunately, I’m not going to vote to approve it today. Not because of the comments that I’ve heard today, but because it is not within the Conversion Area. I have an issue with expanding further and further away from the Conversion Area. I want to make it clear that I approve of what you do, and I hope to see you expand in other areas of our City.”

Mr. Garrett said, “I second that thought, and I’m really torn. I won’t be supporting this request today, because of the size. They are a huge percentage of residences in that area. I support treatment and what you are doing, as it is a valuable service that needs to be performed. I am looking at it from a planning standpoint as well. There is a lot of gray area that hasn’t been discussed regarding your request. I would like to see you work with the neighborhood to understand what the issues are. I’d like to get in depth on how your facility functions. If people from the facility are vocalizing certain things to the neighbors walking down the street, why is that? The clients that congregate on the front porch and the garage areas in front of the home may need an opportunity to do that in the rear yard to have some control from that standpoint. I think aesthetically, repainting the homes to look more visually autonomous and individual could be a good thing. Regardless of how this motion goes forward today, it ultimately goes to the City Council. Operationally, you could explore in a lot more detail solving some of the issues that the neighborhood has. It is too large of a facility. A home or two makes a lot of sense, and is probably more appropriately scaled for a neighborhood setting. By combining these two lots and making it more of a compound, it might provide more of an opportunity to internalize a lot of the exterior functioning of your facility to provide more insulated opportunities for your clients, without their activity affecting the neighborhood.”

Ms. MacKenzie **moved** to deny P12-095, Ambrosia Treatment Center, Rezone. Ms. Parks **seconded** the motion, which **passed** by roll call vote with Chair Blazak, Ms. MacKenzie, Mr. Garrett, Ms. Parks, and Secretary Ojito voting in favor, and Vice Chair Martin and Mr. Battle voting against.



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: PLANNING AND ZONING BOARD - MEETING OF SEPTEMBER 4, 2012
FROM: JOHN FINIZIO, PLANNER *JF*
RE: REZONING APPLICATION
PROJECT NO. P12-095
AMBROSIA TREATMENT CENTER
DATE: AUGUST 21, 2012

APPLICANT: Joseph Morrison, Director of Operations for Ambrosia Treatment Center. The authorization letter is attached to the staff report.

OWNER: RMP Enterprises – Gerald Haffey, owner.

LOCATION: 773 and 781 SW Duxbury Avenue, which is located on the north side of Duxbury Avenue between Bayshore Boulevard and Addie Street.

LEGAL DESCRIPTION: Port St. Lucie Section 28, Block 232, Lots 1 and 24.

SIZE: 0.5 acres, or 21,780 square feet.

EXISTING ZONING: RS-2 (Single Family Residential).

EXISTING USE: Currently single family residences.

SURROUNDING USES: North and West = I (Institutional) zoning, with residential homes used as group homes. South and East = RS-2 (Single Family Residential) zoning with existing residential homes.

REQUESTED ZONING: I (Institutional).

FUTURE LAND USE: RL (Low Density Residential)

PROPOSED USE: The proposed use is to rezone two (2) residential lots from the RS-2 (Single Family Residential) Zoning District to the I (Institutional) Zoning District to operate group care homes.

IMPACTS AND FINDINGS:

Land Use Consistency: The rezoning of this property to I (Institutional) is consistent with the direction and policies of the City's Comprehensive Plan. In regard to institutional land use throughout the City, a comparative land use analysis study completed in 1995 indicated that the City's current supply of institutional land use is low in comparison to other cities throughout the state and nation. Therefore, it was recommended to maintain an adequate supply of institutional sites for future growth.

Furthermore, Objective 1.1.4 which states: "Future Growth, development and redevelopment shall be directed to appropriate areas as depicted on the Future Land Use Map. The land use map shall be consistent with: sound planning principles; minimal natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities." The lots adjacent to these two lots on the north and east sides are already zoned Institutional. As a result, it can be argued that incorporating these additional lots into the Ambrosia site plan makes good planning sense because it will ensure that all residential property would be located east of the Institutional zoning. Policy 1.1.4.4 (a) recommends that the City provide more Institutional zoned land throughout the City, while Policy 1.1.4.13 identifies that the I (Institutional) Zoning District is compatible with RL (Low Density Residential) future land use.

However, there is also some concern when rezoning residential property to anything other than residential. The west side of Bayshore Blvd. was included into the City's Conversion Zone, and at this time is almost entirely zoned commercial. However, the east side of Bayshore Blvd. was never included in the City's Conversion Manual and for the most part remains residential, but it was designated as a model home area. That being said, it is important to note that on April 11, 2012, City Council approved the rezoning for RMP Enterprises/Gerald Haffey (P10-164). RMP Enterprises rezoned the four lots adjacent to these two (2) lots for group care homes. Two of these lots are located on Bayshore Boulevard between Duxbury Avenue and Duval, legally described as Port St. Lucie Section 28, Block 232, Lots 22 and 23. The remaining two lots are located on the south side of Duval, just east of Bayshore Boulevard, legally described as Port St. Lucie Section 28, Block 232, Lots 20 and 21.

Also, on November 8, 2010, City Council approved the rezoning of the Fine Mind Academy (P10-097). Fine Mind Academy rezoned three residential lots located on the southeast corner of Bayshore Blvd. and Thornhill Dr. to Institutional for a day care center. There are a number of similarities between these two projects; however one main difference is Thornhill Dr. The Fine Mind Academy is located on the southeast corner of Bayshore Blvd. and Thornhill Dr. Thornhill Dr. is not a local street and is a much busier corridor than Duxbury Ave. The City's Engineering Department has indicated that regarding vehicle trips, group care homes would fall under the

classification of assisted living facilities in the ITE Trip Generation manual (254); as such vehicle trips would have traffic impacts similar to residential uses.

Currently, each of the subject lots has residential homes on them. This property was purchased by the applicant for the sole purpose of using them as group care homes. A call to Code Enforcement and the Police Department turned up that there have not been any code or police complaints for these properties since they were purchased by the current owner. Transportation for the residents is provided for them which minimized the amount of vehicles trips to this property, thereby providing little impact to the surrounding neighbors.

Compliance With Conversion Area Requirements: The two (2) residential lots considered for rezoning are not part of any of the City's Conversion areas, however to ensure that these lots are developed together and meet all code requirements, a unity of title is required.

The application to unify these parcels was submitted to the Legal Department on August 20, 2012. All properties will need to be combined under a Unity of Title before moving forward to City Council.

Sewer/Water Service: Port St. Lucie Utility Systems is currently providing utilities.

Environmental: The total site is approximately one half (1/2) acre and both lots have already been cleared and developed. There isn't any upland habitat on any of these lots; therefore there is no upland habitat to preserve. There are no unique environmental features associated with this land; however, other environmental issues may need to be addressed during the future site plan review. If there is any exotic vegetation on the property, it will need to be removed.

Currently, there is no fence or wall on this property, therefore once it is rezoned an architectural wall in the landscape buffer strip will be required where this institutional use abuts any residential property, as defined in §153.04 (G) (b). In this instance, it will be along the eastern property line.

During the last rezoning application (P10-164 RMP Enterprises/Gerald Haffey Rezoning Application) the architectural wall requirement was amended to a fence to preserve the neighborhood character, as requested by some of the surrounding neighbors who attended the meeting. To keep consistency with the current site plan, a fence might be a better fit, but either way, additional landscape will also be required to help buffer this site from the surrounding residentially zoned properties.

School Concurrency: Not applicable for Institutional uses.

Other: As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

Ambrosia Treatment Center already has an approved site plan for four houses surrounding these two lots, Port St. Lucie Section 28, Block 232, Lots 20 through 23 (P11-055)), which was approved by City Council on November 28, 2011. It is the applicant's intention to incorporate these two lots into the already approved Ambrosia Treatment site plan.

Related Projects:

P11-055 – Ambrosia Treatment Center Site Plan Application. This application converted an old model home center, and adjacent residential buildings into group homes associated with a treatment facility. This application was approved by City Council on November 28, 2011.

P10-164 – RMP Enterprises/Gerald Haffey Rezoning Application. This application rezoned four (4) residential lots from the RS-2 (Single Family Residential) Zoning District to the I (Institutional) Zoning District to operate a group home.

P03-425 – Gem Builders, Inc. Site Plan Amendment Application – Amended the site plan to provide additional parking – This application was approved administratively on December 10, 2003.

P02-341 – Gem Builders, Inc. Model Home Application, Lots 22 & 23 – This application was approved administratively on December 23, 2003.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

PLANNING AND ZONING BOARD ACTION:

The Planning and Zoning Board reviewed the request at their meeting on September 4, 2012, and recommended, with a vote of 5-2, that the City Council deny the request as presented.

SITE LOCATION



FLORIDA'S TURNPIKE

PRIMA VISTA BLVD

**SUBJECT
PROPERTY**

CROSSTOWN PKWY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

REZONING

LOTS 1 AND 24 BLOCK 232
PORT ST LUCIE SECTION 28

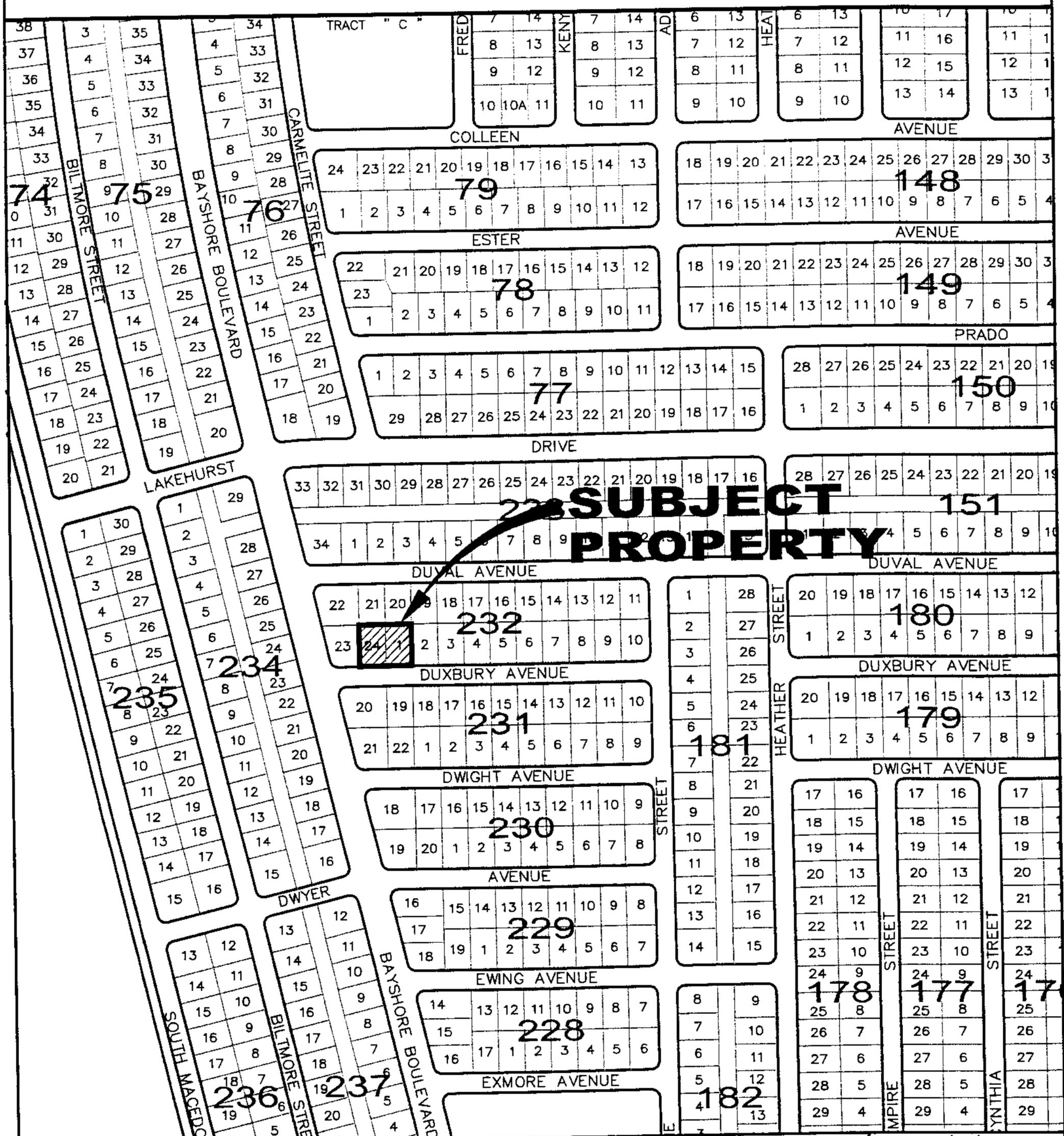
DATE: 8/3/2012

APPLICATION NUMBER:
P12-095

CADD FILE NAME:
P12-095L

SCALE: 1" = .5 MI

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ 2012.DWG

REZONING

LOTS 1 AND 24 BLOCK 232
PORT ST LUCIE SECTION 28

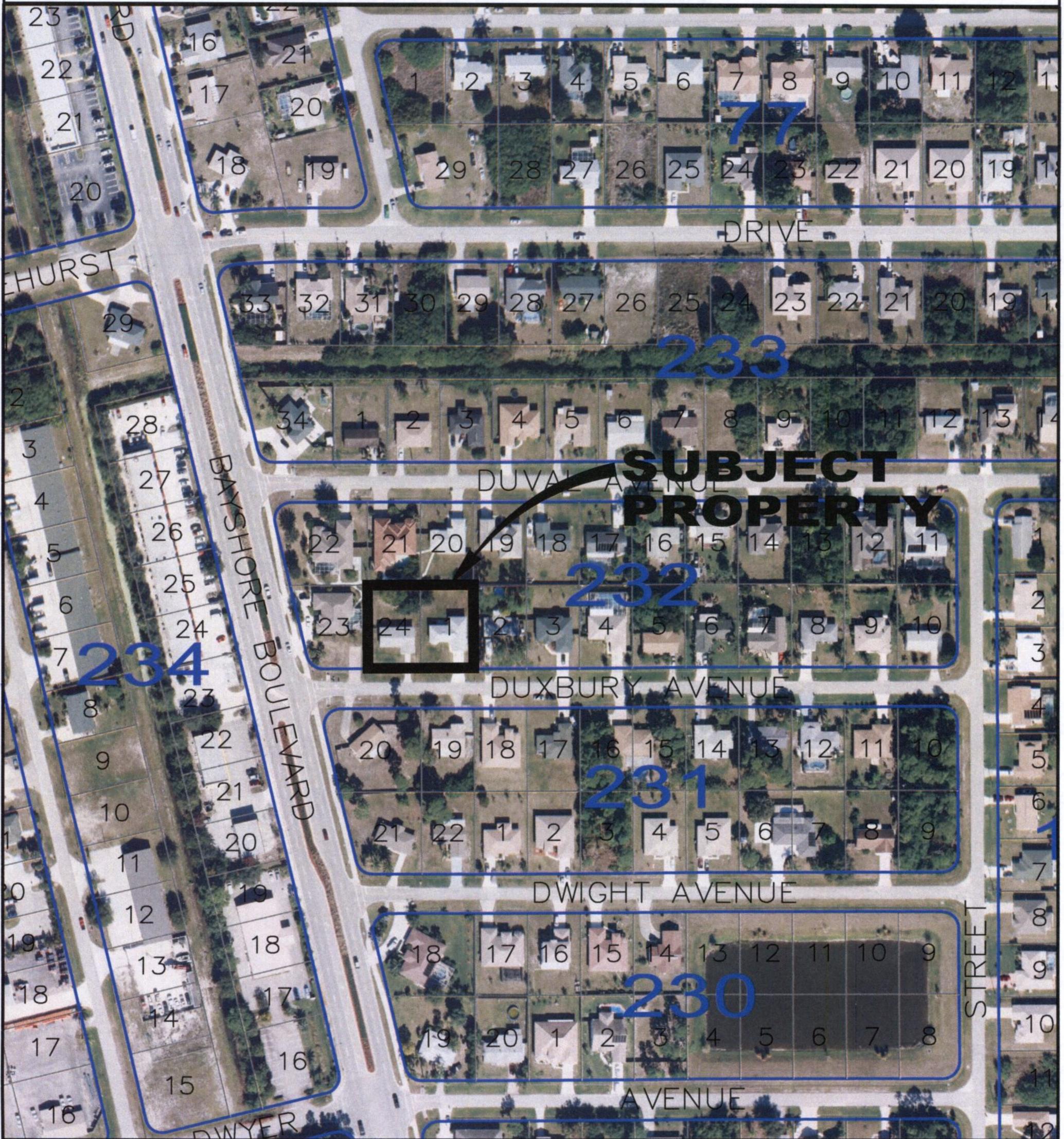
DATE: 8/3/2012

APPLICATION NUMBER:
P12-095

CADD FILE NAME:
P12-095M

SCALE: 1" = 400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

REZONING

LOTS 1 AND 24 BLOCK 232
PORT ST LUCIE SECTION 28
AERIAL DEC 2010

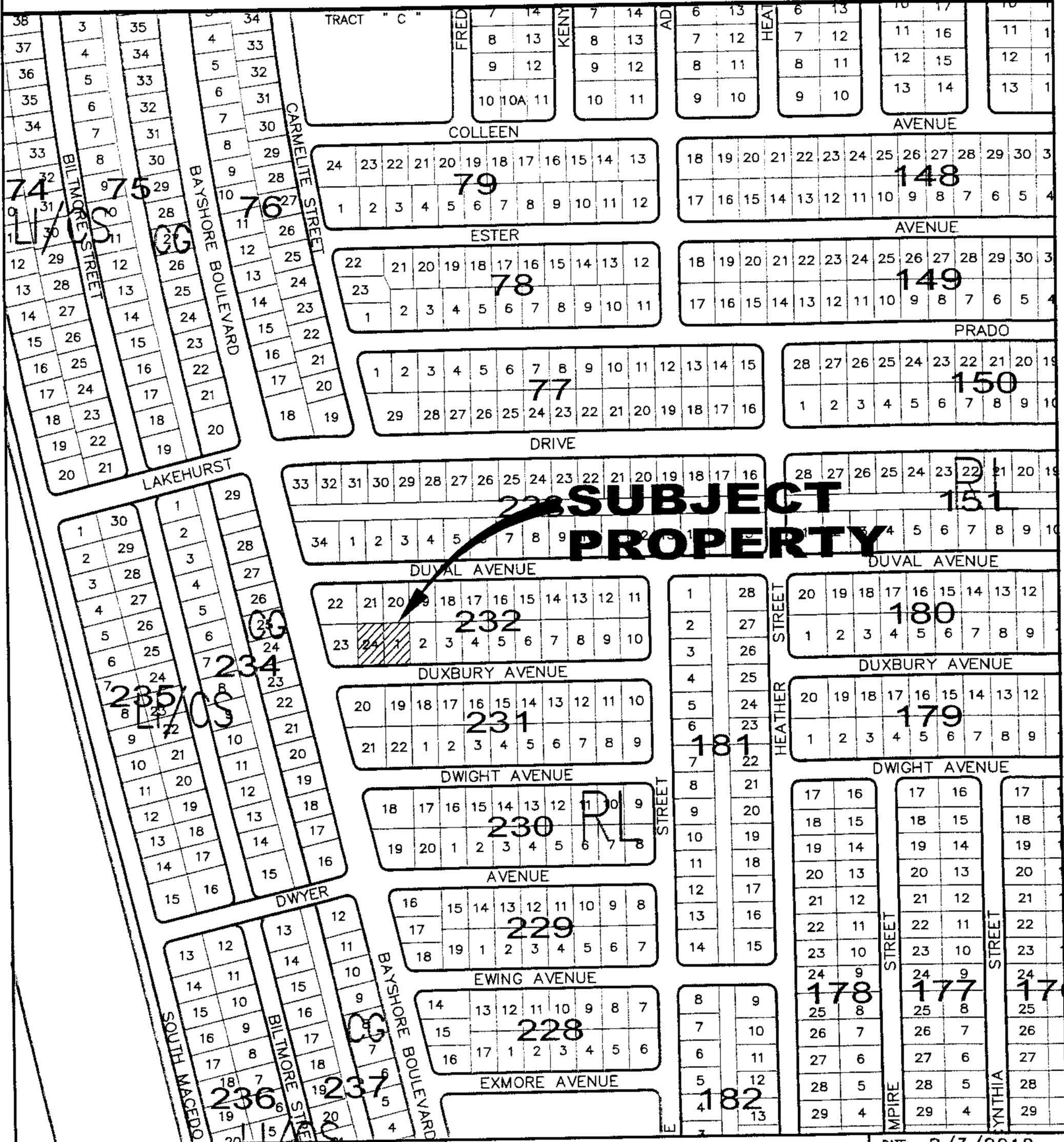
DATE: 8/3/2012

APPLICATION NUMBER:
P12-095

CADD FILE NAME:
P12-095A

SCALE: 1"=200'

FUTURE LAND USE



SUBJECT PROPERTY

REZONING

LOTS 1 AND 24 BLOCK 232
PORT ST LUCIE SECTION 28

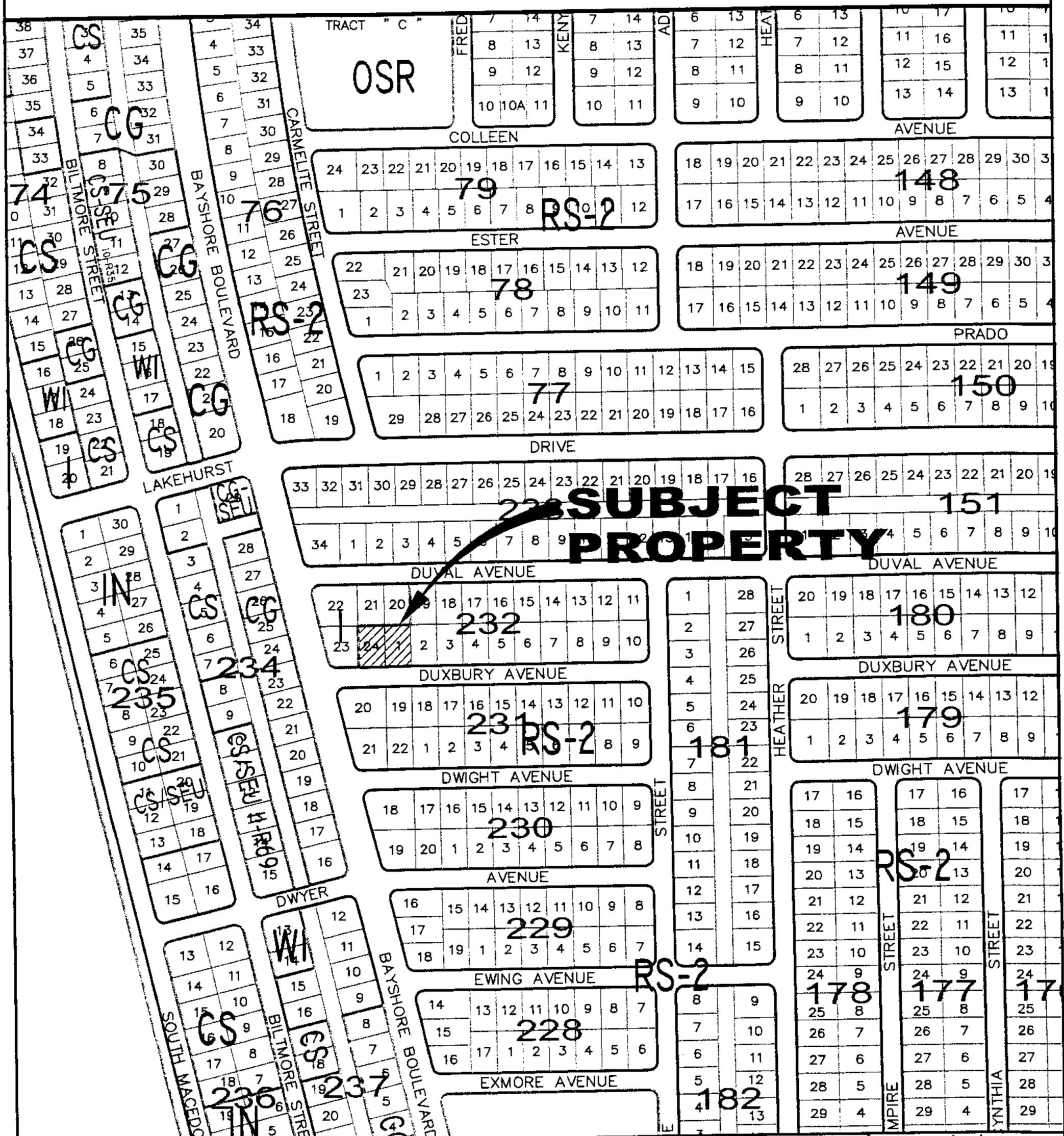
DATE: 8/3/2012
APPLICATION NUMBER:
P12-095
CADD FILE NAME:
P12-095M
SCALE: 1"=400'



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT
PZ 2012.DWG

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ 2012.DWG

REZONING
LOTS 1 AND 24 BLOCK 232
PORT ST LUCIE SECTION 28

DATE: 8/3/2012
APPLICATION NUMBER:
P12-095
CADD FILE NAME:
P12-095M
SCALE: 1"=400'

ZONING APPLICATION

FOR OFFICE USE ONLY

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX:(772) 871-5124

Planning Dept. P12-095
Fee (Nonrefundable) \$ 2,115.00
Receipt # 11880

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board Meeting. All items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in **BLACK** ink.

PRIMARY CONTACT EMAIL ADDRESS: jmorrison@ambrosiatreatmentcenter.com

PROPERTY OWNER:

Name: RMP ENTERPRISES LLC
Address: 546 NW UNIVERSITY BLVD. SUITE # 103 PSL, FLORIDA 34986
Telephone No.: 772-323-2099 FAX No.: 772-323-2106

AGENT OF OWNER (if any)

Name: JOSEPH ~~HA~~ MORRISON
Address: 546 NW UNIVERSITY BLVD, SUITE 103, PSL, FL
Telephone No.: (772) 323-2099 FAX No.: (772) 323-2106

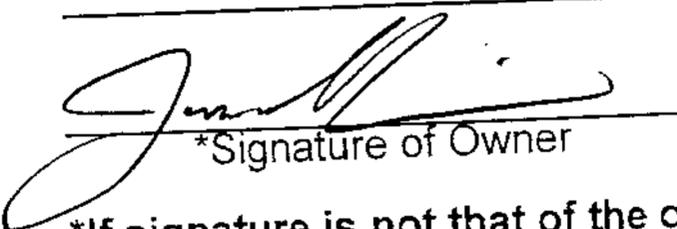
RECEIVED

JUL 31 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

PROPERTY INFORMATION

Legal Description: SEC-28 BLK 232 LOTS 1 AND 24
(Include Plat Book and Page)
Parcel I.D. Number: 342063504010000 #1 342063504240007 #2
Current Zoning: RS2
Proposed Zoning: I
Future Land Use Designation: RL Acreage of Property: .5 ACRES
Reason for Rezoning Request: INCORPORATION OF THESE TWO LOTS INTO OUR EXISTANT SITE PLAN.


*Signature of Owner

JOSEPH N. MORRISON
Hand Print Name

7/31/12
Date

*If signature is not that of the owner, a letter of authorization from the owner is needed.

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

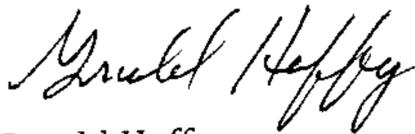
 **AMBROSIA**
Treatment Center

To whom it may concern,

Joseph Morrison is the Director of Operations for Ambrosia Treatment Center. He is authorized by me to sign any and all documents pertaining to Ambrosia Treatment Center. If you need any other information please contact me at (772-323-2099)

Thank you for your attention to this matter.

Sincerely,

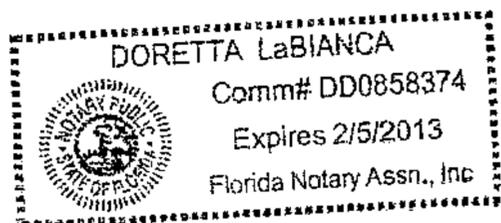


Gerald Haffey
Owner/Chief Executive Officer
Ambrosia Treatment Centers

STATE OF [State]

COUNTY OF [County]

In Florida, on the 27 day of August, 2012, before me, a Notary Public in and for the above state and county, personally appeared Joe Morrison, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.




NOTARY PUBLIC
My Commission Expires: 2/5/13

(SEAL)

Prepared by Betsy Moulton , an employee of
First International Title, Inc.
107 North 2nd Street
Fort Pierce, FL 34950
Return to
First International Title, Inc.
107 North 2nd Street
Fort Pierce, FL 34950

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3721821 07/05/2012 at 01:30 PM
OR BOOK 3407 PAGE 1179 - 1180 Doc Type: DEED
RECORDING: \$18.50
D DOC STAMP COLLECTION: \$1050.00

File No.: 19352-41

WARRANTY DEED

This indenture made on July 2, 2012, by Jorge E. Ron a/k/a Jorge Ron and Julia A. Ron, a/k/a Julia Ron husband and wife, whose address is: 787 Union Blvd., Totawa NJ 07512 hereinafter called the "grantor", to Ambrosia Real Estate, LLC, whose address is: 546 NW University Dr., Port St. Lucie FL 34986 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St Lucie County, **Florida**, to-wit:

Lot 1, Block 232, PORT ST. LUCIE SECTION TWENTY EIGHT, according to the Plat thereof, recorded in Plat Book 14, Page(s) 7, 7A to 7C of the Public Records of St Lucie County, Florida.

Parcel Identification Number: 3420-635-0401-000/0

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2011.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

[Signature]
Jorge E. Ron

[Signature]
Julia A. Ron

Signed, sealed and delivered in our presence:

[Signature]
Witness Signature

[Signature]
Witness Signature

Print Name: Michelle Wheeler

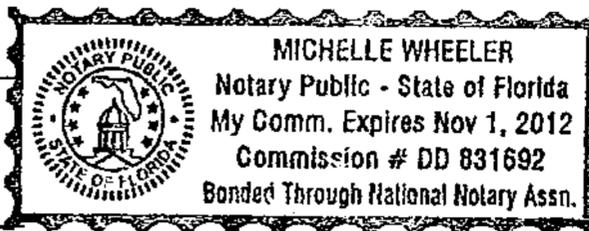
Print Name: Judy Bigun

State of FLORIDA

County of St Lucie

The Foregoing Instrument Was Acknowledged before me on the 2nd day of July 2012, by Jorge E. Ron, a/k/a Jorge Ron and Julia A. Ron a/k/a Julia Ron, husband and wife, who is/are personally known to me or who has/have produced the following as identification: NT DL'S

[Signature]
Notary Public



(Printed Name)

My Commission expires: _____

Prepared by Betsy Moulton, an employee of
First International Title, Inc.
107 North 2nd Street
Fort Pierce, FL 34950

Return to
First International Title, Inc.
107 North 2nd Street
Fort Pierce, FL 34950

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3727697 07/24/2012 at 09:24 AM
OR BOOK 3413 PAGE 1604 - 1605 Doc Type: DEED
RECORDING: \$18.50
D DOC STAMP COLLECTION: \$377.30

File No.: 22873-41

WARRANTY DEED

✓
This indenture made on July 17 2012, by So Young Pak, a single adult whose address is: 2150 Dexter Ave. N, Seattle WA 98109 hereinafter called the "grantor", to RMP Enterprises, LLC, a Florida limited liability company, whose address is: 546 NW University Blvd, Ste. 103, Port Saint Lucie FL 34986 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St Lucie County, **Florida**, to-wit:

Lot 24, Block 232, PORT ST. LUCIE SECTION TWENTY EIGHT, according to the Plat thereof, recorded in Plat Book 14, Page(s) 7, 7A through 7C of the Public Records of St Lucie County, Florida.

Parcel Identification Number: 3420-635-0424-000/7

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2011.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

[Signature]
So Young Pak

Signed, sealed and delivered in our presence:

[Signature]
Witness Signature

Print Name: Veronica Swales

[Signature]
Witness Signature

Print Name: Elizabeth R Moulton

State of Florida

County of Alachua

The Foregoing Instrument Was Acknowledged before me on the 17th day of July 2012 by So Young Pak, a single adult, who is/are personally known to me or who has/have produced the following as identification: _____

[Signature]
Notary Public

(Printed Name)



My Commission expires: _____

ITEM 7E
AMBROSIA TREATMENT CTR.
P12-095

Dr. Philip John Young
11734 Riverview Drive
Berlin, Maryland 21811
27 August 2012

John Finizio
Planning and Zoning Department
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, Florida 34984-5099

Dear Sir:

Recently, I received a REZONING REQUEST identified as RMP ENTERPRISES, P12-095. The properties involved are described as Port. St Lucie Section 28, Block 232, Lots 1 and 24. You informed me at the time of my telephone call that, if approved, the zoning will change those properties from RS-2 (Single Family Residential) to I (Institutional). RMP Enterprises has initiated a Rezoning Request to establish the Ambrosia Treatment Center, P12-095. They desire to expand the size of Ambrosia for a Group Home for Substance Abusers of various ages. This increases the chances of problems for the community.

The property I own is described as Port St. Lucie Section 28, Block 231, Lot 17. I again have the following objections to the above request for rezoning.

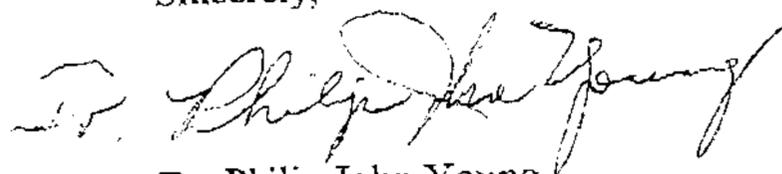
1. Although there is president for "I" zoning on the east side of Bayshore Boulevard, (several schools along that road), RMP's plans do not seem to be in the community's best interest. A Group Home for substance abuses in a community with so many children and schools is inviting trouble. If it were a request for a Group Home for the Elderly, then it would offer far less potential for problems.
2. The housing market is already depressed in this area. A Group Home for substance abusers will have an additional negative impact on the value of my property.
3. Because of the nature of this Group Home, community resources could be further stressed-police and ambulance services in particular. This could require additional expenses for the county and the tax payers. Some examples of expenses could include:
 - a. There are problems associated with this type of group home and some of these include increases in theft, breaking and entering, drug use and sales.
 - b. The number of commercial properties on the west side of Bayshore Boulevard already has a negative impact on property values, because of the traffic. A Group Home, no matter what the size, will add to the traffic

via transportation of those living there to and from work, the staff working there, and those visiting the facility. Additional traffic lights may be required along Bayshore Boulevard.

4. If this re-zoning is approved, then it will open the way for further development of this type.

Thank you for providing me with an opportunity to express my views. I do hope this Rezoning Request was forwarded to the entire community and not to just those living within 300 feet of the proposed Group Home. This is really an issue that the entire community needs to know about and have an opportunity to discuss.

Sincerely,



Dr. Philip John Young
Licensed Psychologist
410-641-6011