



Legislation Details (With Text)

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File created: 10/22/2020 **In control:** Regular City Commission Meeting
On agenda: 11/4/2020 **Final action:** 11/4/2020
Title: PUBLIC HEARING FOR AN APPEAL OF A REASONABLE ACCOMMODATION DECISION RELATED TO A REQUEST FOR A COMMUNITY RESIDENTIAL TREATMENT FACILITY FOR VETERANS SUFFERING FROM POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE ABUSE DISORDER, TO BE LOCATED AT 603 MELALEUCA DRIVE, MARGATE, FL 33063.

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, _____ THE APPEAL AND _____ THE DECISION OF THE CITY MANAGER DENYING A REASONABLE ACCOMMODATION REQUEST, BY APPLICANT MARGATE CARE FOR HEROES, FOR A COMMUNITY RESIDENTIAL TREATMENT FACILITY FOR VETERANS SUFFERING FROM POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE ABUSE DISORDER, TO BE LOCATED AT 603 MELALEUCA DRIVE, MARGATE, FL 33063, PROVIDING FOR EFFECTIVE DATE.

Sponsors:

Indexes:

Code sections:

Attachments: 1. RESOLUTION, 2. 10/21/20 BACKGROUND: MCH NOTICE OF APPEAL - MARGATE RA REQUEST, 3. 10/21/20 BACKGROUND: STAFF MEMO TO CITY COMMISSION, 4. 10/21/20 BACKGROUND: DENIAL LETTER, 5. 10/21/20 MINUTES: 2020-0721 DRAFT, 6. 7/21/20 BACKGROUND: MCH REASONABLE ACCOMMODATION APPLICATION, 7. 7/21/20 BACKGROUND: EMAIL FROM APPLICANT-BUSINESS PLANS- 070120, 8. 7/21/20 BACKGROUND: MEMO_603 MELALEUCA DR_REASONABLE ACCOMMODATION, 9. 7/21/20 BACKGROUND: REZONING APPLICATION, 10. 7/21/20 BACKGROUND: 2020 LBTR_HALFWAY HOUSE, 11. 7/21/20 BACKGROUND: 2020 LBTR_RTF, 12. 7/21/20 BACKGROUND: 2019 LBTR_RTF, 13. 7/21/20 BACKGROUND: COMPARABLE TRAFFIC STUDY, 14. 7/21/20 BACKGROUND: PUBLIC HEARING NOTICE, 15. 7/21/20 BACKGROUND: EVIDENCE IN AID OF RA PRESENTATION_Received 7/21_2020, 16. 7/21/20 BACKGROUND: Declaration of Dr. Mantero_Received 7/21/20

Date	Ver.	Action By	Action	Result
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FROM: Cale Curtis, City Manager

TO: Mayor and City Commission

DATE: November 4, 2020

PUBLIC HEARING FOR AN APPEAL OF A REASONABLE ACCOMMODATION DECISION RELATED TO A REQUEST FOR A COMMUNITY RESIDENTIAL TREATMENT FACILITY FOR VETERANS SUFFERING FROM POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE ABUSE DISORDER, TO BE LOCATED AT 603 MELALEUCA DRIVE, MARGATE, FL 33063.

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, _____ THE APPEAL AND _____ THE DECISION OF THE CITY MANAGER DENYING A REASONABLE ACCOMMODATION REQUEST, BY

APPLICANT MARGATE CARE FOR HEROES, FOR A COMMUNITY RESIDENTIAL TREATMENT FACILITY FOR VETERANS SUFFERING FROM POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE ABUSE DISORDER, TO BE LOCATED AT 603 MELALEUCA DRIVE, MARGATE, FL 33063, PROVIDING FOR EFFECTIVE DATE.

BACKGROUND: City Code Section 3.30(4) - Reasonable Accommodation, provides that, “The city manager, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation, after notice and public hearing to receive comments, input and information from the public (provided, however, the city manager or designee, shall not be required to render their decision at said public hearing)...”

On June 8, 2020, Attorney Kyle Teal emailed City staff, a Reasonable Accommodation application on behalf of his client Margate Care for Heroes c/o Miryam Jimenez. This request is seeking accommodation for a community residential treatment facility for veterans suffering from post-traumatic stress disorder and substance abuse disorder, to be located at 603 Melaleuca Drive, Margate, FL 33063.

The final page of this request includes the following text:

“Dear Ms. Jimenez,

Please allow this correspondence to serve as confirmation that your intended uses of the property located at 603 Melaleuca Dr, Margate, FL, (the “Property”) as a DCF Licensed Residential Level 1 treatment facility and as an AHCA licensed Residential Treatment Facility are permitted uses at that location.”

On July 21, 2020, the City Manager held a public hearing to obtain public comment related to the reasonable accommodation request. The City Manager and City Attorney allowed the applicant to enter an additional 185 pages of evidence into the record on July 20, 2020 provided that the applicant agreed to extend the date for a decision by at least 20 days. Both parties agreed. On August 6, 2020, the City Manager issued a letter denying the request. On August 28, 2020, counsel for the applicant submitted an appeal of the City Manager’s decision. Section 3.30(6) of the Margate Zoning Code requires that the City Commission hear the appeal no later than 60 days after it was submitted.

This item was heard at the October 21, 2020 City Commission meeting. At this meeting, this item was tabled to the November 4, 2020 City Commission meeting.