

**THE VILLAGE OF
WELLINGTON**
STAFF REPORT
PLANNING & ZONING DIVISION

I. PETITION DESCRIPTION

Petition: Congregate Living Facility Type 2(B) Zoning Text Amendment

Petition Number: 17 – 37 (2017 – 25 ZTA)

Applicant: R&R, LLC (DBA Wellington Eldercare I)

Agent: Jon E. Schmidt and Associates, Inc.

Project Manager: Damian Newell

Request: Zoning Text Amendment (ZTA) amending Chapter 4, Sec. 6.4.3.30.c. to amend the separation requirements for Type 2(B) CLF of Wellington's Land Development Regulations.

II. BACKGROUND

The applicant previously requested a Zoning Text Amendment to create a new Congregate Living Facility (CLF) Type 2(B) category, which was approved by Council in 2012 (Ordinance No. 2012-09). Type 2(B) is specifically for senior housing whose residents are 65 years of age or older with a maximum occupancy of 21 residents. Currently the Land Development Regulations (LDR) Section 6.4.4.30 (Congregate Living Facility) requires a 1,000 feet separation from each CLF. The applicant is now requesting an amendment to remove the 1,000 feet separation to allow up to four (4)-Type 2(B) within a ½ mile radius.

Staff notes the applicant is currently operating a Type 2(B) CLF located at 14093 Lily Court, known as Wellington Elder Care, approved by Council in 2012 (Resolution No. R2012-60) and owns the adjacent property located at 14115 Lily Court. The applicant indicates the approved facility (Wellington Elder Care) has been operating at full occupancy for years with a waiting list. If the proposed text amendment to remove the 1,000 feet separation is approved by Council the applicant intends to submit a future Conditional Use request to allow a new Type 2(B) CLF for the adjacent property located at 14115 Lily Court.

III. ANALYSIS

This Zoning Text Amendment (ZTA) is to modify the Wellington Land Development Regulations (LDR) Article 6 "Zoning Districts", Chapter 4 "Use Regulations and Definitions", Section 6.4.4. "Supplemental use standards" sub section 30 "Congregate Living Facility." The request is specifically to amend LDR Sec. 6.4.3.30.c.i. and Sec. 6.4.3.30.c.iii.(a)2. The following sections will provide supporting information and explain the proposed changes. *{Note regarding formatting: underline = added; strikethrough = deleted}*

LDR Sec. 6.4.3.30.c.i. *“A congregate living facility, Type 1, 2(A), 3 and 4, shall not be located within a radius of one thousand (1,000) feet of another congregate living facility; and”*

The current LDR requires separation from all types of CLF's and as indicated above this amendment will remove Type 2(B) from the 1,000 feet separation requirement. All proposed Type 1, 2(A), 3 and 4 CLFs will still need to meet the separation from each other and also from any existing Type 2(B), as indicated below.

LDR Sec. 6.4.3.30.c.iii.(a)2. *“Type 2 (B) shall be:*

- a. ~~pProhibited in single-family residential districts;~~ A Type 2 (B) shall*
- b. ~~Prohibited not be located~~ within a radius of five hundred (500) feet of a single-family residential district unless approved by Council;*
- c. Prohibited within one thousand (1,000) feet of a Type 1, 2 (A), 3, or 4 congregate living facility; and*
- d. There shall be no more than four (4) Type 2 (B) congregate living facilities within a ½ mile radius.”*

With removal of the 1,000 feet separation requirement between Type 2(B)'s this section is amended to allow a maximum of four (4) Type 2(B)'s within a ½ mile radius. This will allow up to four (4) Type 2(B)'s next to each other with no separation requirement and will ensure no more than four (4) are allowed in a given area. Typically separation requirements are required from the same use to limit the number of uses in an area, minimize impact on infrastructure and preserve the characteristics of a neighborhood. CLF's require a separation to ensure neighborhood compatibility by limiting the number allowed in an area as they typically include assisted living, boarding home, rehabilitative home, halfway house, sober home, care of persons not capable of independent living etc. As Type 2(B)'s are limited to senior housing (65 years of age or older) allowing them next to each other with up to four (4) allowed in an area will ensure the multifamily neighborhood character is preserved.

When the Type 2(B) ordinance was proposed in 2012 staff provided a buffer separation map (Exhibit A) to indicate potential location for Type 2(B)'s within the multifamily residential areas and meeting the 1,000 feet separation. This map indicated a potential 14 Type 2(B)'s within the multifamily areas. Staff has further analyzed the map and determined by eliminating the 1,000 feet separation for Type 2(B)'s and requiring the ½ mile radius will still meet the intent of the separation requirement by allowing only four (4) Type 2(B)'s within an area. Exhibit “B” is an illustration of the original buffer map provided in 2012 with the proposed ½ mile radius indicated as red circles around the one (1) approved Type 2(B) and the other potential locations within the multifamily areas. As illustrated the ½ mile radius allows four (4) - Type 2(B)'s in a given area and will not exceed the number of CLF that would have been allowed with the 1,000 feet separation.

The LDR currently has standards for Type 2(B)'s that limits them to senior housing (65 years of age or older), minimum room square footage and minimum staffing regulations that are above the Florida Agency for Health Care Administration (AHCA) requirements. Also the occupancy type of a Type 2(B) requires additional standards for fire sprinkler system and closer proximity to fire hydrant. A Type 2(B) requires Conditional Use

approval from Council subject to compatibility with the surrounding residential neighborhood and consistency with Wellington's Comprehensive Plan and LDR. The proposed ZTA is consistent with Wellington's Comprehensive Plan including but not limited to preserving and protecting the characteristics of the communities in Wellington; neighborhood compatibility policies; and the Land Use, Transportation and Infrastructure Elements. This amendment is also consistent with the following Objective and Policy of the Housing Element in the Comprehensive Plan:

Objective 1.8 *"Wellington shall consider adoption of a senior housing policy that encourages a variety of housing options for existing and future senior residents of Wellington."*

Policy 1.8.1 *"Wellington shall consider policies that provide for the following: 1) an "aging in place" program to encourage residents to remain in their residences for an extended period of time; 2) senior housing options such as group homes, congregate living facilities, and assisted living facilities; and 3) use of recently adopted Comprehensive Plan policies and development regulations providing additional residential densities for senior residential facilities."*

The applicant is requesting this amendment to allow Type 2(B)'s within a closer proximity to each other to ensure additional senior housing is available. The applicant believes there is a market demand based on current waiting list of potential residents for these type facilities in the multifamily areas to provide a home-like environment as indicated in the justification statement (Exhibit C) provided for this ZTA. The Type 2(B) concept was unique to Wellington when it was originally proposed by this applicant back in 2012 and these proposed amendments are intended to provide opportunity for redevelopment in the multifamily residential districts to help promote the goals of Wellington's Safe Neighborhood efforts; foster a family environment by enabling senior residents to continue living within close proximity to family and friends; and enhance the value of the community by providing affordable housing for Wellington's aging population. This ZTA Ordinance (2017-07) is provided for your consideration.

IV. PUBLIC NOTIFICATION/COMMENTS

As required by the Land Development Regulations and Florida Statutes, public notification was placed in the Palm Beach Post advising the public that a public hearing on the proposed ordinance would take place on date(s) set forth below.

Planning, Zoning and Adjustment Board Meeting

Newspaper: April 25, 2017

Meeting Date: May 10, 2017

Council Meeting

Newspaper: April 25, 2017

Meeting Dates: May 23, 2017 (1st reading) and June 13, 2017 (2nd reading)

Staff has not received inquiries regarding the newspaper advertisement for this petition as of May 16, 2017 when the staff report was published.

V. DEVELOPMENT REVIEW COMMITTEE (DRC) / STAFF RECOMMENDATION

The Congregate Living Facility Type 2(B) Zoning Text Amendment (Petition No. 17 – 37 /2017 – 25 ZTA) was certified for the public hearing process at the March 15, 2017 DRC meeting.

Staff recommends approval of Ordinance No. 2017-07 based on the findings contained within this staff report and consistency with Wellington's Comprehensive Plan.

IV. PLANNING, ZONING AND ADJUSTMENT BOARD

At the May 10, 2017 Planning, Zoning and Adjustment Board (PZAB) meeting, the Board heard comments from the general public in support of the applicant's request. PZAB recommended approval (6 – 0) of Ordinance No. 2017 – 07, a Zoning Text Amendment modifying Wellington's LDR Sec. 6.4.4.30 to remove the 1,000 feet separation requirement between Type 2(B)'s and allow a maximum of four (4) Type 2(B)'s within a ½ mile radius as presented by staff.

V. COUNCIL

The Village Council first reading is scheduled for May 23, 2017 and second reading for June 13, 2017.

List of Exhibits

Exhibit "A"	Buffer Separation Map
Exhibit "B"	Radius Map
Exhibit "C"	Justification Statement