

Valerie's Place**STAFF REPORT****Petition Number/Type:**

2020-0001-CU/Conditional Use

Resolution No.: R2021-48**Property Owner/Applicant:**

Fraeye Wellington Investments, LLC
10702 Versailles Boulevard
Wellington, FL 33449

Agent:

Jon Schmidt of Schmidt Nichols
1551 N Flagler Drive, Suite 102
West Palm Beach, FL 33401

Site Address:

12450 Guilford Way

PCN:

73-41-44-02-03-002-0020

Future Land Use Map Designation:

Residential E (5.01-8.0 du/ac)

Zoning Map Designation:

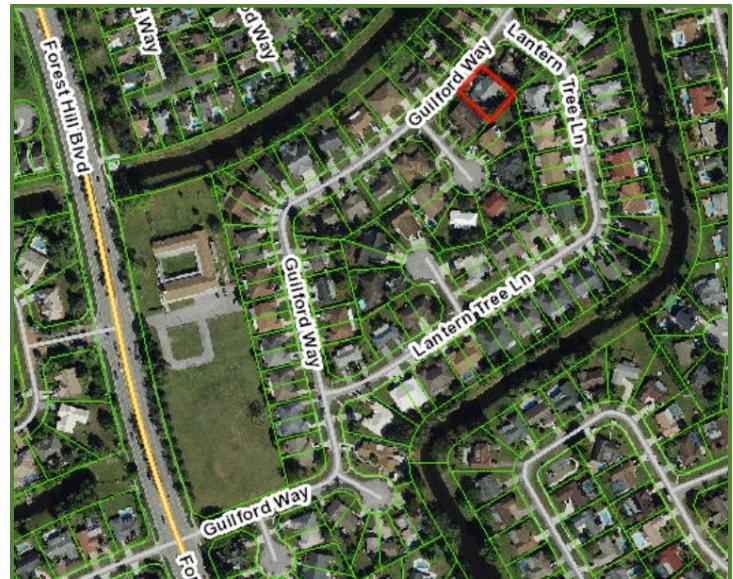
Agricultural Residential/Special
Exception/Planned Unit Development
(AR/SE/PUD)

Acreage:

0.23-Acre (+/-)

Request:

A Conditional Use to allow a Type 2A Congregate Living Facility (CLF) with a maximum of 11 residents within a Planned Unit Development Zoning District.

Location Map:

Adjacent Property	FLUM	Zoning
North	Residential E	AR/SE/PUD
South	Residential E	AR/SE/PUD
East	Residential E	AR/SE/PUD
West	Residential E	AR/SE/PUD

Boards, Committees, and Council:

	Notice Date	Meeting Date	Vote
PZAB	8/24/21	9/8/2021	4-3
Council	9/13/2021	10/26/2021	Pending

Public Notice and Comments:

Sent	Returned	Delivered	For	Opposed
106	10	69	TBD	6

Project Manager:

Damian Newell, Senior Planner
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**Site History and Current Request:**

The subject property has an existing multi-family building (duplex) that was constructed in 1984. Each unit has three (3) bedrooms, totaling six (6) existing bedrooms. The property is within the South Shore No. 4 Subdivision of the Wellington Planned Unit Development (PUD).

The request is to allow a Type 2A Congregate Living Facility (CLF) with 11 residents/beds on the subject property. If approved, the applicant is required to make exterior/interior modifications to meet code requirements and to accommodate the number of requested residents.

Analysis:

The applicant is requesting a Conditional Use (CU) approval to allow a Type 2A CLF, with a maximum of 11 residents/beds, located at 12450 Guilford Way, known as Valerie's Place. This CLF is proposed within the existing two (2) unit building, totaling 2,972 square feet under air per the proposed modifications. A Type 2A CLF is required to be a minimum lot size of 7,500 sq. ft. and this site is 0.23 acres (10,018 sq. ft.). The building and acreage are illustrated on the site plan (Exhibit A). The CU request was reviewed for consistency with both Wellington's Comprehensive Plan and Land Development Regulations (LDR). This proposed Type 2A CLF will be for elderly persons 65 years of age or older. LDR Section 6.2.1, Table 6.2-1 Use Regulations Schedule, requires a CU approval for Type 2A CLF within a PUD zoning designation, and LDR Section 6.2.2.A.1. Congregate Living Facilities provides additional regulations for a Type 2A CLF, which include standards for utilizing reduced parking and maximum distance to a fire-rescue station. These LDR requirements are in addition to the minimum standards required by the Florida Building Code and Florida Agency for Health Care Administration (AHCA).

As illustrated on the proposed floor plan (Exhibit B), the CLF will have five (5) single-occupancy rooms and three (3) double-occupancy rooms, for a total of eight (8) bedrooms with 11 beds. The CLF will have a total of five (5) bathrooms. Three (3) private bathrooms located within three (3) of the single-occupancy rooms and two (2) communal bathrooms, one (1) located within a double-occupancy room and one (1) in the hallway that is in close proximity to the resident's bedrooms.

Some of the proposed interior modifications include demolition of interior walls between the existing units, converting the two (2) single car garages into two (2) bedrooms, adding windows to the new bedrooms, demolition of one (1) of the existing kitchen, and modifying the bathrooms and bedrooms to meet AHCA/ADA standards. Other improvement includes adding/modifying an automatic NFPA 13 fire sprinkler and fire alarms system for the safety of the residents. The proposed CLF occupancy type may require the installation of a hood system and fire suppression system in the kitchen for the on-site cooking/preparation of the resident's food or a third-party food service will be utilized if these systems are not installed. A Change of Occupancy/Use Building Permit and Fire Permit(s) will be required for the proposed improvements prior to this facility operating as a Type 2A CLF. Image 1 below is the floor plan with the proposed layout for the Type 2A CLF.



Image 1 (Proposed Floor Plan Layout)

The exterior modification will include, but are not limited to, additional parking spaces, windows in the locations of the removed garage doors on the front façade of the existing multi-family building, a generator pad, privacy type fence, and additional landscaping that includes trees/palms and shrubs/plants as illustrated on the site and landscape plans (Exhibit A). A generator and fuel source sufficient to ensure the continued operation of the facility in the event of the loss of electrical power is also required to be on-site in accordance with state requirements (Emergency Rule 58AER17-1, as amended). Image 2 below is the current street view of the existing duplex multi-family residential building, which will be modified to remove the garage doors as shown to add the new bedroom windows, and the parking area in the front yard will be expanded to provide additional parking spaces (8 total).

**Image 2 (Current Street View)**

This CLF will not meet the LDR standards for parking spaces and drop-off space as indicated below.

Standard	Required	Provided
Visitor/guest parking (1 per 2 beds)	6	5*
Peak shift employee (1 per employee)	3	3
Drop-off space	1	0*

**One of the standard parking space will be a combined visitor and drop-off space.*

As indicated on the site plan (Exhibit A) and parking demand study (Exhibit C), the applicant is requesting reduced parking for the proposed Type 2A CLF. The LDR allows for a parking reduction if a parking demand analysis warrants the reduction and Council approves the reduction as part of the Conditional Use request. The request is to have a total of eight (8) parking spaces for visitors/guests and employees, which includes a handicap space, and a combined standard parking space and drop-off space. The facility will reduce on-site parking needs by requiring staggered arrival and departure times for visitors, prohibiting the residents from having personal vehicles (as required by LDR) in their lease agreement, limiting the number of visitors at any one time. A medical provider will have appointments to visit the residents at the facility and/or a vehicle service may be utilized to transport residents to and from scheduled appointments as needed. Historically, the Type 1 and 2 CLF currently approved in Wellington have shown a low demand on the required parking, as the facility would typically not have all visitors showing up at the same time. It should be noted during the holidays, like with other uses, the demand for parking will be much higher. The CLF use is unique in that visitors/guest arrival and departure times can be staggered, which will help to ensure parking is available at peak demand periods. When a parking reduction is requested, the applicant must provide a reservation for the number spaces that are below the parking standard on the site plan to illustrate how they will meet the standard in the future should Wellington determine that additional parking is needed because the reduced parking is not meeting the need of the use. The applicant has provided two (2) alternative locations on the side of the building on the site plan for future parking. Also, if the alternative parking space location is

not constructed and/or will not meet the code requirements at the time of permitting, a recommended condition is for a reduction in the number from 11 to 10 residents/beds. This will only be needed if parking becomes an issue in the future.

The LDR provides minimum and maximum separations for CLF as listed below:

Standard	Required	Provided
Minimum Separation from other CLF	1,000 feet	3,000 feet+
Minimum Separation from other Type 2A	1,200 feet	3,000 feet+
Minimum Separation from Single-family Residential District	500 feet	280 feet
Maximum Separation from full service fire station	5 road miles	1.20 road miles

The proposed Type 2A CLF is located 1.2 road miles of a full service professional fire-rescue station at 1060 Wellington Trace (PBC Fire Rescue Station 25), which will reduce the time required for emergency response.

Types 2 and 3 CLF both require a minimum separation of 500 feet from single-family residential districts, unless approved by Council. Other Type 2 CLF have been approved by Council with a reduce separation of 300, 350, and 400 feet from single-family residential districts. This facility is located approximately 280 feet south of the closest single-family residential district and is separated by a road (Guilford Way), other existing multi-family dwelling units and a canal, with no direct access to the single-family lot/district as illustrated on Image 3 below. The proposed use is compatible with the surrounding multi-family use and the reduced separation of 280 will not alter the character, or adversely impact, the single-family residential properties with close proximity to this location.



Image 3 (Single-Family Residential District)

Section 5.3.7 of the LDR, indicates that Conditional Uses are those uses that are generally compatible with their Future Land Use Map and Zoning designations, but may require additional conditions to mitigate impacts to adjacent properties. The standards that are applicable to Conditional Uses, and approval by the Wellington Council, are as follows:

Consistency with the Comprehensive Plan: The proposed Type 2A CLF is consistent with Wellington's 2020 Comprehensive Plan including, but not limited to, preserving and protecting the characteristics of the communities in Wellington; neighborhood compatibility policies; and Land Use, Transportation and Infrastructure Elements. The proposed CLF is consistent with the following:

Land Use Element Objective 1.2 - Direct future growth into areas served by urban services that have adequate capacity, as defined by Wellington's adopted Level of Service standards, which shall be incorporated into Wellington's Land Development Regulations and ensure that this growth is of a quality equal to or better than the existing community, discourages urban sprawl, protects environmental and archeological resources, ensures the availability of suitable land for required utility services and the density and intensity are consistent with the other Goals, Objectives and Policies contained in this plan.

This objective requires Wellington to direct future growth into areas served by urban services that have adequate capacity. This proposed CLF location is within an existing multi-family district and public utilities are provided, making it consistent with this objective. The CLF is 1.20 road miles

from a full service professional fire-rescue station.

Housing Element Objective 1.6 - Wellington shall accommodate to the extent required by law small group homes and foster care facilities in residential areas and areas with residential character. This objective shall be made measurable by its implementing policies.

The market indicates there is demand for senior housing based on information from community input and current waiting list of potential residents for this CLF and other Wellington CLF locations. These types of facilities, within existing multi-family buildings and residential neighborhoods will provide a home-like environment for Wellington's aging population.

Infrastructure Element Policy 1.7.1 - Wellington shall direct future growth to areas within Wellington's established Urban Service Area to maximize the use of existing and future infrastructure.

The CLF is within an existing multi-family district in the Wellington PUD and utilizes the existing public water/sewer system. This request is consistent with the goals, objectives, and policies of the Comprehensive Plan's Infrastructure Element.

Complies with Supplementary Use Standards: The site plan and floor plans were reviewed for compliance with all relevant and appropriate portions of the LDR. The proposed CLF is consistent with all applicable development standards except the minimum parking space and separation from single-family residential districts, which the applicant is requesting a reduction.

Compatibility: The applicant intends to modify the front façade of the existing multi-family building by removing the garage doors and adding windows for the new bedrooms to meet fire safety requirements. This modification will improve the aesthetics of the building façade that is visible from the roadway. A new perimeter fence and additional landscaping is proposed and illustrated on the site and landscape plan (Exhibit A). Additional parking spaces will be added to the front yard, which will require removal of green space in the front. The new parking area/lot is required to be screened with a new hedge installed and maintained at a height of 36 inches.

The proposed Type 2A CLF with a maximum of 11 residents is consistent with the surrounding Residential E Land Use designations, and will not adversely impact adjacent multi-family residential properties. Council will determine if the proposed Type 2A facility may be located 280 feet from the single-family residential district, as opposed to 500 feet, based on the potential impacts, surrounding uses, separations and buffers.

Design minimizes adverse impact: As indicated above, exterior modifications are proposed for the existing building, however they will help ensure consistency with the neighboring multi-family units. A six (6) foot high opaque fence is required along the perimeter of outdoor activity areas to ensure screening and privacy for the residents and adjacent multi-family units. As illustrated on the site plan a wood fence will be installed. The proposed outdoor areas will include additional canopy trees that will provide needed shade for the residents.

Adequate public facilities: The site has existing potable water, sanitary sewer and trash disposal. Wellington's Engineering Services Department has reviewed the request for complies with

requirements for public facilities. The water and sewer systems are existing and have adequate capacity to serve the proposed use per Wellington's Utilities Department. Wellington's Traffic Consultant has determined this project meets the County Traffic Performance Standards and Wellington's adopted Level of Service per the letter dated August 19, 2020 (Exhibit D. Utilities are provided to this project according to Palm Beach County (PBC) Health Department regulations. PBC Fire Department will be able to serve the site with a station located less than 1.2 road miles away on Wellington Trace.

Design minimizes environmental impact: There are no adverse impacts to the natural environment expected to occur as a result of this request since the building is existing and minimal exterior/interior changes are proposed.

Development patterns: The site is developed with existing on-site utilities and stormwater management. The site will require building, engineering, and/or utility permits for the proposed CLF use.

Other relevant standards of Code: The proposed CLF complies with all regulations for Type 2A CLF and the Conditional Use criteria of the LDR, except the minimum parking space and separation from single-family residential districts as requested. The proposed conditions of approval will minimize any potential impacts to the surrounding residential uses.

Consistency with neighborhood plans: There is no neighborhood plan for this area. The proposed request will promote redevelopment and investment in the older residential areas. Additionally, converting this multi-family building to provide local senior housing for 11 senior residents will further the goals of the Safe Neighborhoods program.

The Conditional Use request for a Type 2A CLF is consistent with Wellington's Comprehensive Plan and Wellington's LDR. The redevelopment of this multi-family building as a CLF for 11 senior residents within a multi-family residential district will foster a family environment by enabling senior residents to continue living within close proximity to family and friends, as well as enhance the value of the community by providing housing for Wellington's aging population.

The provided recommended Conditions of Approval will help mitigate any potential impacts. The applicant's Justification Statement (Exhibit E) provides details on how this facility meets the requirements and explains the proposed general operations of the facility. The complete Conditional Use application (Petition No. 2020-0001-CU) is available for review at the Planning and Zoning Division office.

Summary:

Based on the findings contained within this staff report, and consistency with the Comprehensive Plan and Wellington's Land Development Regulations, the Planning and Zoning Division recommends approval of the development order for a Conditional Use (2020-0001-CU) to allow a Type 2A Congregate Living Facility, with a maximum of 11 residents, for the project known as Valerie's Place located at 12450 Guilford Way, subject to the conditions of approval listed below:

1. This approval is based on the site/landscape plans (Resolution Exhibit B) and the floor plan



(Resolution Exhibit C) for the Type 2A CLF. All site/building improvements and landscaping as illustrated on the site plan, landscape plan, and floor plan shall be completed prior to issuance of a Wellington Business Tax Receipt and the operation as a Type 2A CLF.

2. An inspection by the Planning and Zoning Division is required as part of the final inspections to final all required building/engineering permit, for the CLF to ensure compliance with all conditions of approval.
3. This Type 2A CLF shall meet the following minimum standards:

Space	Minimum Standards
Single Occupancy Room	90 square feet
Double Occupancy Room	130 square feet
Bathroom	1 full bathroom per 3 persons
Common Area (Interior)	50 square feet per resident

4. The entire lot and on-site building shall be utilized for a Type 2A CLF use only. The use of this entire site/facility shall be limited to a maximum of 11 residents/beds.
5. The CLF owner/operator shall reduce on-site parking demand by prohibiting the parking of personal vehicles used and/or owned by the CLF residents on-site, encourage staff to carpool, and stagger the arrival and departure time of visitors.
6. The CLF is approved with eight (8) on-site parking spaces. The combination of a loading space with a standard parking space shall be permitted. If it is determined by Wellington that the on-site parking demand exceeds the approved on-site parking provided, the following shall be required:
 - a. The owner/operator shall modify the site and construct one (1) additional parking space on-site within three (3) months of notification from Wellington.
 - b. If the one (1) additional parking space is not constructed on-site to meet all code requirements, including landscaping, within the three (3) month period, the CLF maximum occupancy shall be reduced to 10 residents/beds after notification from Wellington.
7. The seven (7) standard parking spaces width is reduced to nine (9) feet for installation of a continuous hedge along the ends of the parking area, and in the middle of the eight (8) parking spaces as illustrated on the site and landscape plans (Exhibit B). The parking area/lot shall be screened with a hedge material that is installed and maintained at a height of 36 inches.

8. The proposed driveway and apron as illustrated on the site and landscape plans (Exhibit B) shall be submitted for permitting with drainage plan and impervious surface calculations for review by the Engineering Department.
9. The CLF residents shall be limited to senior housing for elderly persons 65 years of age or older who are capable of otherwise living independently. Any change in use or occupancy type shall be considered an amendment to this Conditional Use and shall require a modification to the approval by Wellington's Council. Conversion from a Type 2A CLF to another use will require compliance with Wellington's Comprehensive Plan and the Land Development Regulations (LDR).
10. A Wellington Business Tax Receipt is required prior to operation of the Type 2A CLF. The CLF owner/operator shall obtain all appropriate federal, state, and local permits/licenses for the Type 2A CLF and submit a copy with the required Wellington Business Tax Receipt application within one (1) year of this approval, prior to operation as a Type 2A CLF, and maintain the Business Tax Receipt while in operation.
11. The owner/applicant shall record a declaration of restriction, as required by the LDR, which shall include the above conditions to run with the land. A copy of the recorded declaration shall be provided to the Planning and Zoning Division within 30 days of this approval (Resolution No. R2021-48).
12. The continuation of this conditional use is contingent upon the retention of all appropriate federal, state, and local permits/licenses, compliance with the Land Development Regulations, and compliance with these conditions of approval.

List of Exhibits:

Exhibit A	Site and Landscape Plans
Exhibit B	Proposed Floor Plan
Exhibit C	Parking Demand Study
Exhibit D	Wellington Traffic Consultant's Letter
Exhibit E	Applicant Justification Statement