

**I. PETITION DESCRIPTION**

Petition Number: 17 – 92 (2017 – 52 CU 1)

Project Name: Wellington Elder Care 2

Owner/Applicant: R & R LLC (DBA Wellington Elder Care 2)

Agent: Schmidt Nichols, Inc.

Project Manager: Damian Newell

Request: A Conditional Use to allow a Type 2(B) Congregate Living Facility (CLF) in a Planned Unit Development Zoning District

**II. SITE DATA**

Existing Use: Multi-family Residential

Proposed Use: Congregate Living Facility Type 2(B)

Parcel Size: .34 acres (14,810 sq. ft.) more or less

Existing Land Use: Residential “F” (8.01 -12 dwelling units per acre)

Existing Zoning District: Agricultural Residential/Special Exception/Planned Unit Development (AR/SE/PUD)

Parcel Control No.: 73-41-44-04-01-061-0050

Location: The subject site is located approximately ¼ mile northwest of the intersection of Greenview Shores Boulevard and Wellington Trace on Lily Court (14115 Lily Court). Exhibit “A” is a location map of the site. Exhibit “B” is the legal description.

**III. LAND USE AND ZONING**

**EXISTING LAND USE, FUTURE LAND USE & ZONING**

Dir.	Existing Use	Future Land Use	Zoning District
North	Multi-family Residential	Residential “F”	Agricultural Residential/Special Exception/Planned Unit Development (AR/SE/PUD)
South	Multi-family Residential	Residential “F”	AR/SE/PUD
East	Type 2(B) CLF (Wellington Elder Care 1)	Residential “F”	AR/SE/PUD)
West	Multi-family Residential	Residential “F”	AR/SE/PUD)

#### **IV. BACKGROUND**

The subject property has an existing multi-family building which was constructed in 2004 with four (4) units, each with three (3) bedrooms for a total of 12 bedrooms. The property is within the Sugar Pond Manor Subdivision of the Wellington Planned Unit Development (PUD). The applicant purchased the property in January of 2014 and is currently renting the units.

In 2012, Ordinance No. 2012-09 was adopted for a Zoning Text Amendment to the Land Development Regulations for Congregate Living Facility (CLF) to create a new CLF subcategory known as Type 2(B) which allowed additional residents when the facility is for senior housing whose residents are 65 years of age or older with a maximum occupancy of 21 residents. Recently, the applicant requested to remove the 1,000 feet separation and allow up to four (4)-Type 2(B) within a ½ mile radius was approved June 13, 2017 by Council (Ordinance No. 2017-07). The applicant is currently operating a Type 2(B) CLF Conditional Use at the property located at 14093 Lily Court, known as Wellington Elder Care 1 (Resolution No. R2012-60). The existing Type 2(B) CLF has been operating at full occupancy for about five (5) years with a continuous waiting list.

The agent, Schmidt Nichols, Inc., on behalf of the owner/applicant, R & R LLC (DBA Wellington Elder Care 2), is now requesting Conditional Use approval to allow a new Type 2(B) CLF with a maximum of 21 residents at the adjacent property located at 14115 Lily Court (Wellington Elder Care 2).

#### **V. STAFF ANALYSIS**

The Condition Use request was reviewed for consistency with both Wellington's Comprehensive Plan and Land Development Regulations (LDRs). This Type 2(B) CLF is for elderly persons 65 years of age or older who are capable of otherwise living independently. LDRs Table 6.8-2 require a Conditional Use approval for Type 2 CLF within a PUD Zoning designation. LDRs Section 6.4.4.30. provides additional regulations for a Type 2(B) CLF which include standards for utilizing reduced parking, minimum room square footage, minimum staffing and maximum distance to a fire-rescue station and hospital. A Type 2(B) CLF is also required to provide one (1) additional single occupancy room for residents requiring short term additional care. These LDRs requirements are in addition to the other minimum standards required by the Florida Building Code and AHCA.

Wellington Elder Care 2 Type 2(B) CLF is proposed on a 0.34 acres (14,810 sq. ft.) lot which complies with the minimum required lot area of 11,500 square feet and within an existing four (4) unit multi-family building totaling 5,336 square feet under air. As illustrated on proposed site/floor plan (Exhibit "C"), the two (2) single occupancy rooms at 168 square feet and 10 double occupancy rooms at 144 square feet meets the LDRs minimum size requirements of 90 square feet for single occupancy and 130 square feet for double occupancy rooms. The proposed floor plan also indicates the required one (1) additional single occupancy room for residents requiring short term additional care. This facility will have eight (8) bathrooms and a total of 12 bedrooms with 22 beds which includes the required additional care room. The additional care room may only be used by a resident of the facility requiring additional care or when it's required to transfer another resident of the facility from a double occupancy room to the single occupancy room to provide short term additional care but at no time shall the facility occupancy exceed the maximum of 21 residents.

The LDRs requires a minimum of four (4) staff on duty 7:00 A.M. to 7:00 P.M. and two (2) staff on duty 7:00 P.M. to 7:00 A.M. The applicant proposed to have a minimum of four (4) staff throughout the day and two (2) staff in the night. The CLF will have staff present 24 hours a day seven days a week.

The applicant intends to reduce on-site parking needs by requiring staff to car-pool, stagger the arrival and departure time for visitors, prohibit the residents from having personal vehicles in the lease agreement and limits the number of visitors at any one time. A facility vehicle will also be available to transport residents to and from scheduled appointments. The site meets the LDRs required parking spaces with one (1) space required per seven (7) residents for visitors/guest parking, one (1) space for each peak shift employee (4 required) and one (1) designated drop-off space for a total of eight (8) parking spaces (including handicap space) as indicated on the site plan (Exhibit "C"). This CLF facility also will need to comply with all ADA standards required by the Florida Building Code and AHCA prior to operation.

The recent amendments to the LDRs for Type 2(B) CLF's now allows a maximum of four (4) Type 2(B)'s within a ½ mile radius. This allows up to four (4) Type 2(B)'s next to each other with no separation requirement and ensures no more than four (4) are allowed in a given area. As illustrated on the amended Type 2(B) Buffer Map (Exhibit "D") the subject site and adjacent Type 2(B) will be the only Type 2(B)'s within a ½ mile radius with a potential for two (2) additional Type 2(B)'s within this ½ mile radius. The LDRs requires a 500 foot radius separation from single family residential districts unless otherwise approved by Council. This site is approximately 300 feet from a single family residential district. Council will need to make a determination that the proposed Type 2(B) facility can be located within 500 foot radius of a single family residential district as part of this request. The location of this facility should not alter the nature and character of the single family residential district with the separation of approximately 300 feet from a single family residential district to the north and west. This site is separated by existing multi-family buildings and a road (Periwinkle Place) from the single family residential district, as indicated on the location map (Exhibit "A"), and should not have an adverse impact on the existing single family residential properties.

The LDRs requires Type 2 (B)'s be located within 1 ½ road miles of a full service professional fire-rescue station and 3 road miles of a full service medical hospital in order to reduce the time required for emergency response. Fire Station #20 is located approximately 1.1 road miles from this site on Greenview Shores Boulevard and Paddock Drive and Palms West Hospital is 3 road miles from this site on Southern Boulevard which complies with the LDRs maximum distance requirements.

The exterior of the existing multi-family building will not change and is compatible with existing buildings in the neighborhood. There will be visitor registration, security alarms with chimes on all door/window openings, closed-circuit cameras in common areas, automatic fire sprinkler system along with fire and emergency alarms for the safety and security of the residents.

Wellington's Traffic Consultant has determined this project meets the Traffic Performance Standards of Wellington per the letter dated July 21, 2017 (Exhibit "E"). The water and sewer systems are existing and have adequate capacity to serve the proposed use per Wellington's Utilities Department. Utilities are currently provided to this project according to Palm Beach County Health Department regulations.

Section 5.4.1. of the LDRs defines Conditional Use as those uses that are generally compatible with the other uses permitted in a district but require individual review of their location, design, configuration and intensity and density of use, structures and may require the imposition of conditions in order to ensure the appropriateness and compatibility of the use. Section 5.4.4.E. provides standards that are applicable to all Conditional Uses to be approved by the Village Council. These Conditional Use standards are detailed as follow:

### **1. Consistent with Comprehensive Plan:**

The proposed Type 2(B) CLF 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 Land Use, Transportation and Infrastructure Elements. The proposed Type 2(B) 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 is within the Urban Service Boundary, making it consistent with this objective.

***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 proposed Type 2(B) CLF is a small facility with a maximum of 21 residents within an existing multi-family residential neighborhood, which is consistent with the requirements set forth in the Comprehensive Plan. 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). Wellington Elder Care is currently the only Type 2(B) CLF in Wellington. The market indicates there is demand for senior housing from community input and the applicant's current waiting list of potential residents. These type facilities in the multi-family areas will provide a home-like environment for Wellington's aging population.

***Transportation Element Policy 1.1.8*** - Wellington shall require that on-site circulation and parking be designed to ensure adequate circulation isles, turning radii and parking spaces. Parking regulations shall establish the minimum number of parking spaces which shall be required to serve uses; minimums shall be based on intensity measures such as building square feet. Parking regulations shall establish appropriate minimum sizes for circulation isles, parking stalls and parking stall angles. General standards may provide guidance for discretionary review of parking lot layout in order to ensure that the layout will be safe, convenient and attractive. On-site traffic flow and on-site parking standards may be designed to encourage the use of bicycles by requiring bike racks under certain conditions. Pedestrian access ways may be required through large parking lots to connect building areas to public sidewalks.

This policy requires Wellington to control on-site circulation and parking. The on-site flow and parking were reviewed by DRC and were determined to meet the LDRs requirements for on-site parking with a total of eight (8) parking spaces (including handicap space) as indicated on the site plan.

***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 proposed within an existing multi-family district in the Wellington Planned Unit Development and will utilize the existing public water/sewer system. This request is consistent with the Comprehensive Plan Infrastructure Element goals, objectives and policies.

## **2. Complies with supplementary use standards:**

The site/floor plan was reviewed and approved for compliance with all relevant and appropriate portions of the LDRs. The proposed Type 2(B) meets the criteria as required by LDRs Section 6.4.4.30. The proposed site is consistent with all applicable development standards such as minimum setbacks, maximum building heights, minimum parking, minimum room square footage, minimum staffing and maximum distance to a fire-rescue station and Hospital, minimum separation and landscape standards.

## **3. Compatibility:**

The proposed request is compatible with surrounding land uses and will not adversely impact adjacent residential properties. The site is already designated on the Future Land Use Map as Residential "F," which permits 8.0 to 12.0 dwelling units per acre. The proposed Type 2(B) CLF with a maximum of 21 residents is consistent with the surrounding Residential "F" Land Use designations. The CLF will operate within the existing multi-family building with minimal interior/exterior changes and will continue to be consistent with the neighboring units. Council shall determine if the proposed Type 2(B) facility can be located within 300 feet of a single family residential district. This project should not adversely impact the existing surrounding single family or multi-family residential properties.

## **4. Design minimizes adverse impact:**

The Type 2(B) will be within an existing multi-family with minimal interior/exterior changes to the building and will continue to be consistent with the neighboring units. A six (6) foot opaque fence is required along the north and west property lines to ensure screening and privacy of the residents and adjacent multi-family units. The applicant intends to provide a walkway connection to the existing adjacent Type 2(B) on the east property line for resident's activity and facility operation.

## **5. Adequate public facilities:**

The site is located within the Urban Service Area which has existing potable water, sanitary sewer and trash disposal. The Village's Engineering Services Department has reviewed the request for complies with requirements for public facilities. Wellington's Traffic Consultant reviewed the submitted traffic impact analysis for compliance with traffic performance standards. This project is in compliance with the County Traffic Performance Standards and Wellington adopted Level of Service. PBC Fire Department will be able to serve the site with a station located less than 1 ½ miles away on Greenview Shores Blvd.

**6. 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.

**7. Development patterns:**

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

**8. Other relevant standards of Code:**

The proposed Type 2(B) CLF complies with all standards imposed for Type 2(B) CLF's and Conditional Use by the LDRs. The proposed conditions of approval will minimize potential impacts to the surrounding residential uses.

**9. Consistency with neighborhood plans:**

There is no neighborhood plan for this area. However, one of the eight Economic Development Initiatives adopted is to promote redevelopment and investment in the older residential areas. Converting the former multi-family unit to provide a local congregate living facility will further the goals of the Safe Neighborhood programs and promote Neighborhood Renaissance efforts.

Staff has concluded this Type 2(B) Conditional Use request is consistent with Wellington's Comprehensive Plan and Wellington's LDRs. Staff is recommending conditions of approval that will help minimize potential impacts. Staff notes the complete Conditional Use [Petition No. 17 – 92 (2017 – 52 CU 1)] application is available for review at the Planning and Zoning Division office.

**VI. PUBLIC NOTIFICATION / COMMENTS**

As required by the Land Development Regulations and Florida Statutes, public notifications were placed in the Palm Beach Post, mailings were sent to surrounding property owners within 500 feet and the property was posted. All notices advised the public that a hearing on the proposed ordinance/resolution would take place on as noted below:

**Planning, Zoning and Adjustment Board Meeting**

Mailings/Newspaper/Posted Signs: August 29, 2017

Meeting Date: September 13, 2017

**Council Meeting**

Mailings/Newspaper/Posted Signs: August 29, 2017

Meeting Date: October 10, 2017

Staff has not receive any inquiries regarding the mailing, newspaper advertisement or posted signs from the general public as of August 30, 2017 when the staff report was published.

**VII. DEVELOPMENT REVIEW COMMITTEE (DRC)**

The Wellington Elder Care 2 Conditional Use Petition Number 17 – 92 (2017 – 52 CU 1) was certified for the public hearing process at the July 26, 2017 DRC meeting.

## **VIII. PLANNING, ZONING AND ADJUSTMENT BOARD**

The Planning, Zoning and Adjustment Board (PZAB) meeting is scheduled for 7:00 p.m. on September 13, 2017.

## **IX. COUNCIL**

The Village Council meeting is scheduled for October 10, 2017.

## **X. STAFF RECOMMENDATION**

Based on the findings contained within this staff report and consistency with both Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Resolution R2017 – 44, a Conditional Use [17 – 92 (2017 – 52 CU 1)] to allow a Type 2(B) Congregate Living Facility with a maximum of 21 residents located 300 feet from a single-family residential district for the parcel known as Wellington Elder Care 2, located at 14115 Lily Court, as legal described in Exhibit "B," subject to the conditions of approval as follows:

1. The CLF shall be limited to a maximum of 21 residents. The site/facility shall be in substantial compliance with the site/floor plan as indicated in Exhibit "B." Site plan changes and conditions imposed by Council shall be submitted to the DRC for final processing. (PLANNING)
2. The owner/operator shall provide one (1) designated single occupancy room for residents requiring short term additional care. The additional single occupancy room may only be used by a resident of the facility requiring additional care or when it's required to transfer another resident of the facility from a double occupancy room to the single occupancy room to provide short term additional care. The short term care room may be used by staff for storage when not occupied by a resident of the facility but at no time shall this site/facility occupancy exceed the maximum of 21 residents. (PLANNING)
3. The entire building(s) and lot shall be utilized for the Type 2(B) CLF use only. The facility 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 the use approval and require review and approval. Conversion from a Type 2B CLF will require compliance with Wellington's Comprehensive Plan and the Land Development Regulations (LDR). (PLANNING)
4. The owner/operator shall reduce on-site parking demand by prohibiting the parking of personal vehicles used and/or owned by the CLF resident's on-site, encouraging staff to car-pool and stagger the arrival/departure time of visitors.
5. The owner/operator shall obtain all appropriate federal, state and local permits / licenses for the Type 2(B) CLF prior to obtaining a Wellington Local Business Tax Receipt and operating the CLF. A Wellington Local Business Tax Receipt for the Type 2(B) CLF shall be obtained within one year of this Conditional Use approval and renewed annually while the use is in operation. (PLANNING)
6. The continuation of this Conditional Use is contingent upon the owner/operator retention of all appropriate federal, state and local permits / licenses and compliance with the Land Development Regulations as it relates to the operation of the Type 2(B) CLF. (PLANNING)

7. The owner/operator shall provide an inspection report on the CLF from the Florida Agency for Health Care Administration (AHCA) to the Planning and Zoning Division biennially or when an inspection is completed by the agency. The report shall also be provided with the annual renewal of the Type 2(B) CLF Wellington Local Business Tax. (PLANNING)
8. The owner shall record a declaration of restriction as required by the LDR which shall include the above conditions to run with the land. The draft declaration of restriction shall be provided to Wellington's Legal Division prior to recording. A copy of the recorded declaration shall be provided to Wellington Planning and Zoning Division within 30 days of this approval. (PLANNING)
9. A Minor Utility Permit will be required prior to any utility/fire line related work. Details relative to the below will be addressed during the Minor Utility Permit application process.
  - a) Backflow preventers will be required on each of the four (4) services prior to occupancy.
  - b) Repair to the mini manhole in driveway will be required.
  - c) Coordination with Palm Beach County Fire Rescue relative to new fire line will be required prior to applying for the Minor Utility Permit. (UTILITIES)

## List of Exhibits

Exhibit "A"	Location Map
Exhibit "B"	Legal Description
Exhibit "C"	Proposed Wellington Elder Care 2 Site/Floor Plan
Exhibit "D"	Amended Type 2(B) Buffer Map
Exhibit "E"	Wellington Traffic Consultant's Letter (Dated July 21, 2017)