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RESOLUTION NO. R2017 – 44

A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL, APPROVING A CONDITIONAL USE [PETITION NUMBER 17 – 92 (2017 – 52 CU 1)] TO ALLOW A TYPE 2(B) CONGREGATE LIVING FACILITY IN A PLANNED UNIT DEVELOPMENT ZONING DISTRICT SUBJECT TO CONDITIONS OF APPROVAL FOR CERTAIN PROPERTY KNOWN AS WELLINGTON ELDER CARE 2; CONSISTING OF 0.34 ACRE, MORE OR LESS, LOCATED AT 14115 LILY COURT; AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations, as adopted by Wellington, is authorized and empowered to consider petitions related to Zoning and land development orders; and

WHEREAS, the notice and hearing requirements as provided in Article V of the Land Development Regulations, as adopted by Wellington, have been satisfied; and

WHEREAS, the subject site is located within a multi-family residential district of a Planned Unit Development (PUD) Zoning District, known as the Wellington PUD; and

WHEREAS, the subject site has a Future Land Use Map designation of Residential “F” (8.01 -12 dwelling units per acre); and

WHEREAS, the Land Development Regulations Article 6, Section 6.4.4.30.c.iii.(a)2. states a Type 2(B) Congregate Living Facility (CLF) shall not be located within a radius of 500 feet of a single family residential District unless approved by Council; and

WHEREAS, the subject site is compatible with the surrounding multi-family use and located approximately 300 feet from a single family residential district which is separated by a road and existing multi-family dwellings; and

WHEREAS, Land Development Regulations Article 6, Section 6.8.1 Table 6.8-2 identify a Type 2 Congregate Living Facility within a Planned Unit Development Zoning District as a Conditional Use; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on September 13, 2017, has recommended _____ of this Conditional Use with a _____ vote; and

WHEREAS, the Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Wellington review agencies and staff; and

91 occupied by a resident of the facility but at no time shall this site/facility occupancy
92 exceed the maximum of 21 residents. (PLANNING)

93 3. The entire building(s) and lot shall be utilized for the Type 2(B) CLF use only. The
94 facility shall be limited to senior housing for elderly persons 65 years of age or
95 older who are capable of otherwise living independently. Any change in use or
96 occupancy type shall be considered an amendment to the use approval and
97 require review and approval. Conversion from a Type 2B CLF will require
98 compliance with Wellington's Comprehensive Plan and the Land Development
99 Regulations (LDR). (PLANNING)

100 4. The owner/operator shall reduce on-site parking demand by prohibiting the
101 parking of personal vehicles used and/or owned by the CLF resident's on-site,
102 encouraging staff to car-pool and stagger the arrival/departure time of visitors.

103 5. The owner/operator shall obtain all appropriate federal, state and local permits /
104 licenses for the Type 2(B) CLF prior to obtaining a Wellington Local Business Tax
105 Receipt and operating the CLF. A Wellington Local Business Tax Receipt for the
106 Type 2(B) CLF shall be obtained within one year of this Conditional Use approval
107 and renewed annually while the use is in operation. (PLANNING)

108 6. The continuation of this Conditional Use is contingent upon the owner/operator
109 retention of all appropriate federal, state and local permits / licenses and
110 compliance with the Land Development Regulations has it relates to the operation
111 of the Type 2(B) CLF. (PLANNING)

112 7. The owner/operator shall provide an inspection report on the CLF from the Florida
113 Agency for Health Care Administration (AHCA) to the Planning and Zoning
114 Division biennially or when an inspection is completed by the agency. The report
115 shall also be provided with the annual renewal of the Type 2(B) CLF Wellington
116 Local Business Tax. (PLANNING)

117 8. The owner shall record a declaration of restriction as required by the LDR which
118 shall include the above conditions to run with the land. The draft declaration of
119 restriction shall be provided to Wellington's Legal Division prior to recording. A
120 copy of the recorded declaration shall be provided to Wellington Planning and
121 Zoning Division within 30 days of this approval. (PLANNING)

122 9. A Minor Utility Permit will be required prior to any utility/fire line related work.
123 Details relative to the below will be addressed during the Minor Utility Permit
124 application process.

125 a) Backflow preventers will be required on each of the four (4) services prior to
126 occupancy.

127 b) Repair to the mini manhole in driveway will be required.

128 c) Coordination with Palm Beach County Fire Rescue relative to new fire line will
129 be required prior to applying for the Minor Utility Permit. (UTILITIES)

130 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
131 Resolution conflict with any section, paragraph, clause or phrase of any prior Resolution,
132 or municipal Code provision, then in that event the provisions of this Resolution shall
133 prevail to the extent of such conflict.

134
135 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
136 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
137 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
138 other than the part so declared to be invalid.

139
140 **SECTION 4:** This Resolution shall become effective immediately upon adoption.

141
142 **PASSED AND ADOPTED** this _____ day of _____, 2017.

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144
145 **WELLINGTON**

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147
148 BY: _____
149 Anne Gerwig, Mayor

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152 **ATTEST:**

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155 BY: _____
156 Chevelle D. Nubin, Clerk

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159 **APPROVED AS TO FORM AND**
160 **LEGAL SUFFICIENCY**

161
162
163 BY: _____
164 Laurie Cohen, Village Attorney