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**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 approval of this Conditional Use with a 5-0 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

46  
47       **WHEREAS**, the Council has made the following findings of fact:

- 48   1. Environmental Considerations:       There are no environmental issues or concerns  
49   expected to occur as a result of this  
50   Conditional Use approval.  
51  
52   2. Surrounding Use Considerations:     The proposed use within approximately 300  
53   feet of a single family residential district has  
54   been found to be compatible with surrounding  
55   uses.  
56  
57   3. Utilities:                               The site is located within the Urban Service  
58   Area which has existing potable water, sanitary  
59   sewer and trash disposal. The water, sanitary,  
60   sewer, and drainage systems meet the code  
61   requirements. There are adequate public  
62   facilities available to serve the subject site.  
63  
64   4. Concurrency Considerations:       Wellington Traffic Consultant has determined  
65   the proposed modifications meet the Traffic  
66   Performance Standards (TPS) of Wellington  
67   with no objections to the proposed use  
68   modification.  
69  
70   5. Comprehensive Plan Considerations: The proposed Conditional Use is consistent  
71   with Wellington's Comprehensive Plan  
72   including but not limited to preserving and  
73   protecting the characteristics of the  
74   communities in Wellington; neighborhood  
75   compatibility policies; Land Use, Transportation  
76   and Infrastructure Elements.  
77

78       **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**  
79       **FLORIDA, THAT:**

80  
81       **SECTION 1:** The Wellington Elder Care 2 (A.K.A. R & R LLC), Type 2(B)  
82       Congregate Living Facility (CLF) Conditional Use, for the real property as described in  
83       Exhibit "A" is hereby approved subject to the following conditions:  
84

- 85       1. The CLF shall be limited to a maximum of 21 residents. The site/facility shall be  
86               in substantial compliance with the site/floor plan as indicated in Exhibit "B." Site  
87               plan changes and conditions imposed by Council shall be submitted to the DRC  
88               for final processing. (PLANNING)
- 89       2. The owner/operator shall provide one (1) designated single occupancy room for  
90               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)

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

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

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

(Remainder of page intentionally left blank)

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**WELLINGTON**

BY: \_\_\_\_\_  
Anne Gerwig, Mayor

**ATTEST:**

BY: \_\_\_\_\_  
Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie Cohen, Village Attorney