

RESOLUTION NO. R2020 - 61

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A
CONDITIONAL USE [PETITION NUMBER 2020-0002-CU] TO ALLOW A
TYPE 2(B) CONGREGATE LIVING FACILITY FOR CERTAIN PROPERTY
KNOWN AS HIBISCUS PALACE, CONSISTING OF 0.34 ACRE, MORE OR
LESS, LOCATED AT 13931 MORNING GLORY DRIVE; IN A PLANNED UNIT
DEVELOPMENT ZONING DISTRICT AND SUBJECT TO CONDITIONS OF
APPROVAL; AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING
A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulation is authorized and empowered to consider petitions related to zoning and development orders; and

WHEREAS, the notice and hearing requirements, as provided in Article 5 of the Land Development Regulation, 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 6.2.2.A.1.b. states a Type 2(B) Congregate Living Facility (CLF) is a Conditional Use and 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 400 feet from a single family residential district which is separated by a road and existing multi-family dwellings; and

WHEREAS, the Hibiscus Palace Conditional Use was reviewed and certified by the Development Review Manager; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on December 9, 2020, recommended _____ of the Conditional Use with a ____ to ____ vote; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency and Wellington staff, evidence and testimony presented by the Petitioner, and the comments from the public into consideration for the proposed Conditional Use; and

WHEREAS, the Council has made the following findings of fact:

1. Environmental Considerations: There are no environmental issues or concerns expected to occur as a result of this Conditional Use approval.

2. Surrounding Use Considerations: The proposed use within approximately 400 feet of a single family residential district has been found to be compatible with surrounding uses.
3. Utilities: The site is located within the Urban Service Area which has existing potable water, sanitary sewer and trash disposal. The water, sanitary, sewer, and drainage systems meet the code requirements. There are adequate public facilities available to serve the subject site.
4. Concurrency Considerations: Wellington Traffic Consultant has determined the proposed modifications meet the Traffic Performance Standards (TPS) of Wellington with no objections to the proposed use modification.
5. Comprehensive Plan Considerations: The proposed Conditional Use 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; Land Use, Transportation and Infrastructure Elements.

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

SECTION 1: The Hibiscus Palace Conditional Use petition submitted by Charles R. Walker and Patricia L. Walker, owners, and Guy Yiftach, applicant, is hereby approved to allow a Type 2(B) Congregate Living Facility with a maximum of 21 residents (beds), located less than 500 feet from a single-family residential district, on the below described real property; subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by Ordinance.

LEGAL DESCRIPTION:

Lot 16, Block 67, Sugar Pond Manor of Wellington, according to the plat thereof as recorded in Plat Book 30, Page 20, Public Records of Palm Beach County, Florida.

SECTION 2: The Hibiscus Palace Conditional Use for a Type 2(B) Congregate Living Facility (CLF) with a maximum of 21 residents (beds) is approved with the following Conditions of Approval:

1. This approval is based on the site plan (Exhibit "A") prepared by Debra L. Northsea, Landscape Architect (Revision Date 10.22.20) and the floor plan (Exhibit "B") prepared by Kelly D. Yates, Yates Associates Architecture Inc., (Dated 7.11.20 / Received 10.08.20). All improvements and landscaping as illustrated on the site plan and four (4) windows proposed along the front façade as illustrated on the floor plan shall be completed prior to operation of the CLF.

2. An inspection by Planning and Zoning Division is required to ensure compliance with all approvals prior to issuance of any required building/engineering permit final inspection for the CLF and/or prior to operation of the CLF.
3. The entire lot and building shall be utilized for a Type 2 (B) CLF use only. The use of this entire site/facility shall be limited to a maximum of 21 residents. The CLF 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 or 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.
4. 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 the conditional use requiring a separate review and approval. Conversion from a Type 2 (B) CLF will require compliance with Wellington's Comprehensive Plan and the Land Development Regulations (LDR).
5. The CLF 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 and departure time of visitors.
6. Wellington Local Business Tax Receipt is required prior to operation of the Type 2 (B) CLF. The CLF operator shall obtain all appropriate federal, state and local permits / licenses for the Type 2(B) CLF and submit a copy with the required Wellington Local Business Tax Receipt application within one year of this approval and maintain the Local Business Tax Receipt while in operation.
7. The continuation of this conditional use is contingent upon the 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.
8. The operator shall provide an inspection report on the CLF from the Florida Agency for Health Care Administration (AHCA) or the licensing agency, to the Planning and Zoning Division biennially or when an inspection is completed by the agency.
9. 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. R2020 -61).

SECTION 3: This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

WELLINGTON

BY: _____
Anne Gerwig, Mayor

ATTEST:

BY: _____
Chevelle D. Addie, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney