

Exhibit "D"

Staff Report 2020-0002-CU

Justification Statement

Project Name: Hibiscus Palace

Conditional Use Request – Type 2(B) CLF

Wellington Planning, Zoning & Building Department

First Submitted: August-20-2020 | Resubmitted Oct-8-2020

Request

Charles R. Walker and Patricia L. Walker (owners of the property at 13931 Morning Glory Drive, Control Number [PCN] 73-41-44-04-01-067-0160, hereinafter: "Subject Property") and Guy Yiftach of Hibiscus Palace, (referred to as "Owners" and "Applicant", respectfully) hereby request Conditional Use approval to allow a Type 2 (B) Congregate Living Facility ("CLF") on the Subject Property.

The Subject Property is a site located on the north side of Morning Glory Drive, corner of Greenview Shores Boulevard. The Subject Property currently supports a Future Land Use (FLU) designation of Residential F (RES F), and is zoned Wellington Planned Unit Development (PUD).

Project History

The subject property has no other zoning approvals except the building permits that approved the existing 4-Unit multi-family building.

The applicant owns and operates a CLF at 1074 Hyacinth Place, which was granted Type 2(B) CLF Conditional Use approval by the Village Council on June-9-2020 (Resolution No. R2020-11). The applicant also owns and operates a 6 bed CLF in Wellington, at 12842 Buckland St.

The Congregate Living Facility ("CLF")

There is a demand for this particular type of senior housing in the Village of Wellington, as demonstrated by the high occupancy rates at the 4 other CLF's operated by the Applicant in Palm Beach County, 2 of which are located in Wellington.

The Type 2(B) congregate living facilities provide for senior housing in a home-like environment, versus an institution. Type 2(B) CLFs are statutory defined in §429, Florida Statutes, as "Assisted Living Facilities"; and are more stringently regulated by the Village than by standards of the Florida Agency for Health Care Administration ("AHCA"). The Code restricts Type 2(B) CLFs to house only senior persons within residences that exceed minimum facility standards of the State. This includes minimum staffing levels and regulations. Allowing this Conditional Use approval for a Type 2(B) CLF will provide for additional housing for seniors within the Village of Wellington.

The redevelopment of this multi-family building within a multi-family residential district will promote the goals of Wellington's Safe Neighborhood and Neighborhood Renaissance efforts; foster a family environment by enabling senior residents to continue living within close proximity to family and friends; and enhance the value of the community by providing housing for Wellington's aging population.

Compliance with LDR Section 6.2.2.A.1

Maximum Occupancy: **The proposed Type 2 (B) CLF is for a maximum of 21 residents and 1 designated single occupancy room available residents requiring short-term additional care.** The interior of the existing fourplex building will be renovated, so that the 4 separate living quarters will be united to one facility.

The residents will be limited to elderly persons sixty (65) years of age or older who are not capable of living independently. The sleeping areas will comprise of 17 bedrooms, dining and common areas.

The safety and security of the residents will be ensured by (1) at least one staff attendant present 24 hours a day, seven days a week; (2) a 6' board on board, private (opaque) fence surrounding the entire property, preventing any unauthorized entry. Entry and exit from facility will be via 3 gates which can only be opened by entering the code on the keypad lock.

Minimum square footage Standards: As stated on the attached Floorplan, the CLF will comply with requirements of min. 90 sqft for single occupancy room, 130 sqft for a double occupancy room, 8 bathrooms (exceeds requirement of 1 bathroom per 3 persons) and a total interior common area of 1,186 (exceeds min of 50 sqft per resident), 1 full central kitchen, storage and a staff office.

There will be no other kitchen facilities for the residents, aside from the central kitchen which is operated and accessed by staff only.

Distance from other CLF: The Land Development Code allows up to four (4) Type 2(B) CLFs within a ½ mile radius. There are 3 other Type 2(B) CLF's within this radius: 14093 Lily Court, 14115 Lily Court and 1074 Hyacinth Place. The proposed CLF will be the fourth CLF permitted within this radius.

The nearest CLF is 1669 feet away from the Subject Property, which complies with the required distance from other Type 1, 3 and 2A CLF's.

Permitted Locations: Subject Property located in a multi-family residential district and is zoned Wellington Planned Unit Development (PUD), as required.

The only Single-Family Dwelling within the 500 feet radius from The Subject Property is located 406 feet away. It is **separated from this single-family district by a 4-lane road with a divider** separating the opposing lanes of traffic (Greenview Shores Blvd).

The CLF will not alter the nature and character of the single-family residential district. The exterior of the existing building will not change and will be compatible with existing buildings in the neighborhood. The only exterior changes will be: the restriping of the parking lot area, relocation of the two sabal palms in the parking lot area, the addition of a small (1 square foot) wall sign and addition of shade structure and gazebo in the back yard. In addition, the Subject Property will undergo exterior upgrade with a new fence, exterior paint and additional landscaping (hedge at front entrance and parking lot, relocation of sabal palms to eliminate trip hazard and 3 proposed new trees in back yard), all of which will improve the aesthetics of the neighborhood.

The operation of the CLF creates no nuisance of any kind.

Distance from Emergency Services: The closest **fire station** is located approximately 1.28 road miles from the Subject Property, on Greenview Shores Boulevard and Paddock Drive.

The closest **hospital** is located approximately 2.48 road miles from the Subject Property, on Southern Boulevard and Palms W Parkway.

Access: The Subject Property is located within a ¼ road mile of a collector or an arterial roadway.

Minimum Lot Size: The lot size is roughly 14,680 Sqft., which exceeds the lot size requirement.

Signage: The Subject Property will have one on-premises sign, no more than 1 square foot in size.

Drop off Area: The parking lot will be revised to have accessible sidewalks, a handicapped space and a drop off zone, which is marked on the Site Plan.

The Subject Property is connected to the public water/wastewater connection.

Restrict Vehicles and Parking Reduction Methods

The project complies with the LDC required one parking space per seven (7) residents with one space for each peak shift employee. The parking lot will have Eight (8) parking spaces (including one handicap space), brought up to the current code of 9.5' per parking space (vs current size of 9' per parking space).

The Applicant will restrict the residents from having any personal vehicles and limit the number of visitors at any one time. A third-party transportation service will be used to transport residents to and from scheduled appointments, and **there will not be any van occupying any parking spaces.**

The Applicant will encourage carpooling amongst staff members, as practiced in Applicant's CLF located at 1074 Hyacinth. Under same management, the staff members of both this proposed CLF and the one at 1074 Hyacinth Place (located 0.6 miles from The Subject Property), will be encouraged to carpool and to be dropped off at the facility before each shift, and picked up at the end of a shift.

Architecture: CLF is being retrofitted into an existing multi-family residential building and will remain compatible with the surrounding neighborhood.

Buffer/Fencing: The Subject Property will be surrounded by a six-foot, vinyl privacy fence, as stated in the Site Plan.

Traffic, Water and Sewer

This proposed Conditional Use for a Type 2 (B) CLF meets the Traffic Performance Standards of Palm Beach County and Wellington per the Traffic Analysis by Kimley-Horn and Associates Inc., dated Aug-11-2020 (attached). The water and sewer systems are existing and have adequate capacity to serve the proposed use per Wellington's Utility Department. Utilities are provided to this project according to Palm Beach County Health Department regulations. See attached analysis by Kimley-Horn dated Aug-12-2020.

Generator and Fire and Rescue

The CLF will have an emergency generator fueled by an underground propane gas tank, installed per building department requirements. In case of a power outage, the standby generator will automatically power the building. The unit is designed for large homes and small commercial buildings. Its capacity (45KW) is sufficient to power the entire building's air conditioning system, hence maintaining the normal temperature inside the CLF, per AHCA's requirements.

Applicant has consulted with PBC Fire and Rescue Department for comments in regards to fire and safety requirements. To fully comply with the requirements, applicant shall retain Life Safety Systems Inc. (or any other licensed company) to install the required fire safety systems such as fire sprinklers, fire alarms, fire distinguishers etc.

The proposed Type 2 (B) CLF will provide PBC with the required emergency plans, such as Emergency Power Plan, Emergency Fire Plan and Emergency Accommodation floor plan.

The CLF will go through an initial review and sign off on the AHCA application from the Planning and Zoning Division. The Type 2 (B) CLF is licensed only when it has obtained all appropriate state and local permits / licenses.

This Type 2 (B) CLF facility will comply with all ADA standards required by the Florida Building Code and ACHA.

The Applicant shall provide a written Justification Statement to explain how the request conforms to the following:

- A. That the proposed request is consistent with all elements of the Comprehensive Plan.

Response: One of the eight Economic Development Initiatives adopted is to promote redevelopment and investment in the older residential areas. Converting the former fourplex to provide a local congregate living facility will further the goals of the Safe Neighborhood programs and promote Neighborhood Renaissance efforts. 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.

Objective 1.2 of the Land Use Element requires Wellington to direct future growth into areas served by urban services that have adequate capacity. The proposed location of the Type 2(B) CLF is within an existing multifamily district and is consistent with this objective. Through innovative design, an older & outdated use will be redesigned and brought up to modern standards and codes. This fits the definition of a "livable Neighborhood" where new investment in a neighborhood undergoing transition with more affordable senior citizen housing.

As a way of achieving objective 1.4 of the Housing Element, Wellington encourages private property owners to maintain and improve their properties as to protect property values and ensure safe and sanitary housing. Applicant plans to renovate and maintain the Subject Property at highest standards, as being done in Applicant's other CLF's.

Objective 1.6 of the Housing Element requires Wellington to accommodate to the extent required by law, small group homes and foster care facilities in residential areas and areas with residential character. The proposed Type 2 (B) CLF is a small facility with 21 residents within an existing multifamily residential neighborhood, which is consistent with the requirements set out in the Comprehensive Plan.

Policy 1.1.8 of the Transportation Element requires Wellington to control on-site circulation and parking. The proposed on-site flow and parking meet or exceed the LDC requirements.

Policy 1.7.1 of the Infrastructure Element requires Wellington to direct growth to areas within established Urban Service Area to maximize the use of existing and future infrastructure. The proposed location of the Type 2(B) CLF is within an existing multifamily district in the Wellington Planned Unit Development and is consistent with the goals, objectives and policies of the Comprehensive Plan.

B. That the proposed request is in compliance with Section 6.6 of the LDC (Supplementary Regulations).

Response: The proposed Type 2 (B) CLF is in compliance with all the Supplemental Regulations in Section 6.6 as this CLF is being retrofitted into an existing multi-family residential building and will remain compatible with the surrounding neighborhood.

C. That the proposed request will ensure general compatibility with adjacent properties and other property in the district (use and character).

Response: The proposed Type 2 (B) is being located into an existing multi-family residential building and will remain compatible with the adjacent properties and other properties in the district. The use of the building will continue to be residential, as residents will live in the facility, and will receive assistance in their daily life activities.

D. That the design of the proposed request will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

Response: This Type 2 (B) CLF is proposed within a 4-unit existing multifamily building with minimal exterior changes and will be consistent with the neighboring units. The parking area will be restriped, a small 1 sqft sign at the front will be added and a shade structure and gazebo in the fenced back yard. Therefore, it will remain compatible with the adjacent properties and other properties in the district.

The facility will support sufficient parking for visitors, staff and handicapped. Peak hour traffic is minimal and the use does not trigger road improvements.

E. That satisfactory provisions have been made for public facilities.

Response: The facility will comply with all ADA standards required by the Florida Building Code and ACHA.

The building has adequate drainage and is connected to public water and sewer which will remain unchanged.

F. That the design of the proposed request will minimize environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and natural functioning of the environment.

Response: There are no adverse impacts to the natural environment expected to occur as a result of this application.

G. That the proposed request will result in logical, timely and orderly development patterns.

Response: The site is located within the Urban Service Area which has existing potable water, sanitary sewer and trash disposal. This project will have an insignificant impact on the surrounding roadway network (see attached traffic report by Kimley - Horn). This project is in compliance with the County Traffic Performance Standards and Wellington adopted Level of Service.

Re-development of existing properties is the predominate development activity in this area. The site will be brought up to current building code standards with respect to interior layout modifications. A new floor plan has been provided for review. The facility will be well kept and attractive while the site’s physical elements and characteristics compliment the surrounding neighborhood.

H. That the proposed request complies with all Code standards for use, layout, function and general development characteristics.

Response: The proposed Type 2 (B) CLF complies with all Code standards for use, layout, function and general development standards. Again, this Type 2(B) CLF is being located within an existing multifamily building that met all these standards when constructed. The proposed **Type 2 (B) CLF complies with all the standards in Article 6, Chapter 4, Sec. 6.4.3.30 – Congregate Living Facility, as detailed below:**

Staffing

Staffing will be in compliance with the minimum AHCA standards. At maximum occupancy, there will be four members of staff in the morning time, 3 in the afternoon and 2 during the night. Each shift has a person capable of cooking. Shifts vary in duration as required for operational purposes and a typical weekly schedule is shown below:

Shift	Staff Member
6:30AM – 7PM	Staff Member #1
6:30AM – 7PM	Staff Member #2
6:30AM – 2PM	Staff Member #3
6:30AM – 5PM	Staff Member #4
7PM - 6:30AM	Staff Member #5
7PM - 6:30AM	Staff Member #6

Staff parking is provided. Carpooling and being dropped off at the facility, is encouraged.

[Interior Floor Plan](#)

The bathroom size calculations are shown on the Bathroom calculation chart on the floor plan. The modified bathrooms and bedrooms meet AHCA standards: The bathrooms are ADA compliant including entry width, grab bars, sink height and other standards. At least one bathroom will fully wheelchair accessible.

Single & double occupancy rooms exceed the required square footage and are labeled and shown on the "Room Resident Calculation" chart on the floor plans provided. Each room meets the Minimum Standards established in Sec. 6.2.2.A.1 in the LDR. There are 5 double occupancy (10 residents), 11 single occupancy rooms for a total of 21 beds (residents), plus an additional short-term care room

There is one designated single occupancy room available for a resident requiring short term additional care. This room is in addition to the 21 residential beds requested.

There will be two outdoor recreation areas with a shaded structure and a gazebo which provides shade and outdoor seating. New walkways will be installed in both side yards allowing for walking activity and exercise. Because the residents are elderly, the outdoor recreation area is used primary for sitting in the shade, walking, playing cards or games and enjoying the fresh air.

The site is developed with existing on-site utilities and storm water management. The site will require building, engineering and/or utilities permits for the proposed conversion from current multifamily residential use to a Type 2 (B) CLF use.

A Change of Use building permit will be applied for once approval is granted. The process will include payment of Water, Sewer and Fire capacity payments prior to execution and completion of the permit. Additionally, existing water and sewer lines are sufficient according to the Engineer's worksheet submitted to the Engineering Department.

- I. [That the proposed request is not out of scale with the needs of the neighborhood or Wellington.](#)

Response: There is a demand for this particular type of senior housing in the Village of Wellington as demonstrated by the high occupancy rates at the 4 other CLF's operated by the Applicant in Palm Beach County, of which 2 are located in Wellington.

The Type 2 (B) congregate living facilities provides for senior housing in a home-like environment, versus an institution. This Conditional Use will satisfy senior housing needs within the Village of Wellington.

On behalf of the Applicant and property owner, please accept this application for a Conditional Use approval for a Type 2 (B) CLF.