

## Hibiscus Palace

## STAFF REPORT

**Petition Number/Type:**

2020-0002-CU / Conditional Use

**Resolution No. :**

R2020 - 61

**Property Owner:**

Charles R. and Patricia L. Walker  
6720 Katherine Road  
West Palm Beach, FL 33413

**Applicant:**

Guy Yiftach  
3131 NE 188<sup>th</sup> St. Apt. 1609  
Aventura, FL 33180

**Site Address:**

13931 Morning Glory Drive

**PCN:**

73-41-44-04-01-067-0160

**Future Land Use Map Designation:**

Residential "F" (8.01-12.0 du/ac)

**Zoning Map Designation:**

Agricultural Residential/Special  
Exception/Planned Unit Development  
(AR/SE/PUD)

**Acreage:**

0.34-Acre (+/-)

**Request:**

A Conditional Use to allow a Type 2(B) Congregate Living Facility (CLF) with a maximum of 21 residents within a Planned Unit Development Zoning District.

**Location Map:**



Adjacent Property	FLUM	Zoning
North	Residential "F"	AR/SE/PUD
South	Residential "F"	AR/SE/PUD
East	Residential "F" / Community Commercial	AR/SE/PUD
West	Residential "F"	AR/SE/PUD

**Boards, Committees, and Council:**

	Notice Date	Meeting Date	Vote
Other	----	----	----
EPC	----	----	----
PZAB	11/24/2020	12/09/2020	4-2
Council	12/28/2021	01/12/2021	Pending

**Public Notice and Comments:**

Sent	Returned	For	Opposed	No Reply
84	1	-	2	81

**Project Manager:**

Damian Newell, Senior Planner  
[dnewell@wellingtonfl.gov](mailto:dnewell@wellingtonfl.gov)  
(561) 753-2577

**Site History:**

The subject property has an existing multi-family building that was constructed in 2003, 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). A Variance (2002-023 VAR1) was approved (January 9, 2003) by the Planning, Zoning and Adjustment Board (PZAB) for the development of the multi-family building with a corner side setback of 12 feet (13 foot reduction) and maximum lot coverage of 39% (4% above the LDR standard). The multi-family units are currently being rented to individual parties. The applicant is under contract to purchase the subject property.

The request to allow a Type 2(B) Congregate Living Facility (CLF) with 21 residents on the subject property will require exterior/interior improvements and fire safety code improvements. The improvements include, but are not limited to, cutting openings through the party wall to connect the units, adding windows, interior spaces modification to ensure ADA compliance, NFPA 13 fire sprinkler and fire alarm system, generator, fence, and landscaping. A Change of Occupancy/Use Building Permit and Fire Permit(s) will be required for the improvements prior to this facility operating as a Type 2 (B) CLF.

**Staff Analysis:**

The applicant is requesting a Conditional Use (CU) approval to allow a Type 2(B) CLF with a maximum of 21 residents for the property located at 13931 Morning Glory Drive (Hibiscus Palace). The CU request was reviewed for consistency with both Wellington's Comprehensive Plan and Land Development Regulations (LDR). This Type 2(B) CLF is for elderly persons 65 years of age or older. LDR Section 6.2.2.A.1.b. requires a CU approval for Type 2 (B) CLF within a PUD Zoning designation and provides additional regulations for a Type 2(B) CLF, which include standards for utilizing reduced parking, 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 and minimum room square footage per LDR Section 6.2.2.A.1.e. These LDR requirements are in addition to the other minimum standards required by the Florida Building Code and AHCA.

As illustrated on the proposed floor plan (Exhibit B), the CLF will have 11 single-occupancy rooms and five (5) double-occupancy rooms, for a total of 16 bedrooms with 21 beds and the required one (1) additional single-occupancy care room. The additional care room is intended for residents that may require short term care, to provide the residents and their family with additional privacy. This additional room may only be used by a resident of the facility requiring additional care or when it is 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. This proposed Type 2(B) will be the only CLF in Wellington with 11 single-occupancy rooms, which will help provide additional care and privacy for the residents when needed without much transfer. This CLF will have communal bathrooms throughout the facility within close proximity to the resident's bedrooms.

The Hibiscus Palace Type 2(B) CLF is proposed within an existing four (4) unit multi-family building, totaling 5,805 square feet under air, on a 0.34-acre lot. As illustrated on the site plan (Exhibit "A") and floor plan (Exhibit "B"), this CLF complies with the LDR standards as indicated below.

Standard	Required	Provided
Lot area	11,500 sq. ft.	14,810 sq. ft.
Single-occupancy room	90 sq. ft.	91-110 sq. ft.
Double-occupancy room	130 sq. ft.	131-155 sq. ft.
Interior common area	1,050 sq. ft.	1,244 sq. ft.
Additional care room	1	1
Bathroom	7	8

Some of the proposed interior modifications include demolition of interior walls between the existing units, demolition of existing kitchens, modifying the bathrooms and bedrooms to meet AHCA/ADA standards, and adding an automatic fire sprinkler system along with fire and emergency alarms for the safety and security of the residents. A hood system and fire suppression system will be required in the new updated kitchen for the on-site cooking/preparation of the resident's food or a third-party food service will be utilized if these systems are not installed.

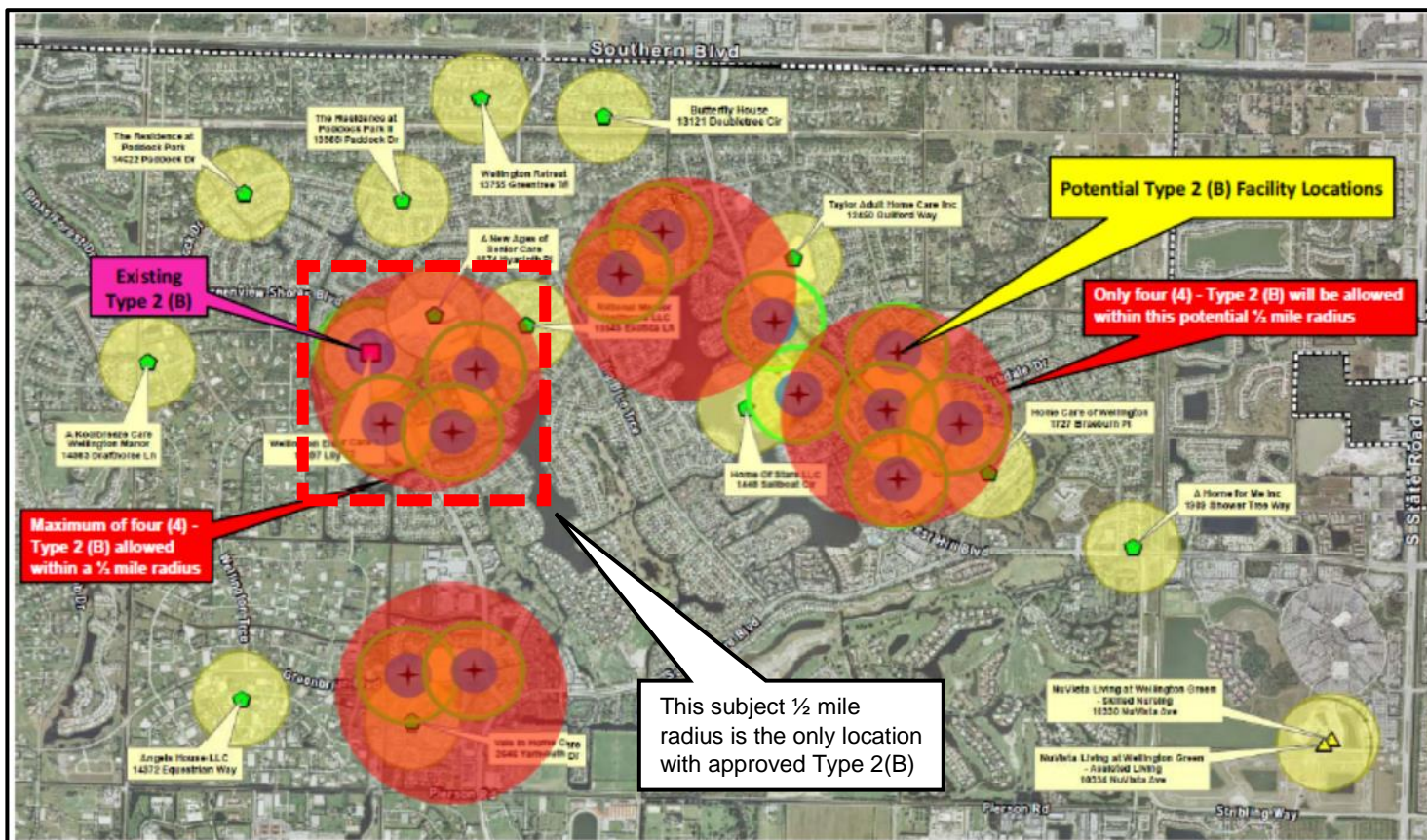
The exterior modification will include, but are not limited to, four (4) additional windows on the front façade of the existing multi-family building, outdoor recreation areas, shade structures/gazebo and trees, walkways, parking lot updates, etc. A generator and fuel source sufficient to ensure the continued operation of the facility in the event of the loss of electrical power will also be provided in accordance with state requirements (Emergency Rule 58AER17-1, as amended).

The facility will reduce on-site parking needs by requiring staggered arrival and departure time for visitors, prohibiting the residents from having personal vehicles (as required by LDR) in their lease agreement, limiting the number of visitors at any one time, and staff will car-pool as needed. A vehicle will also be available to transport residents to and from scheduled appointments as needed. This CLF complies with the LDR standards for parking spaces and drop-off space as indicated below.

Standard	Required	Provided
Visitor/guest parking (1 per 7 resident)	3	3
Peak shift employee (1 per employee)	4	4
Drop-off space	1	1



As illustrated on the map below, which was included with the 2017 CLF zoning text amendment, the separation requirements between Type 2(B) CLFs was removed and a maximum of four (4) are allowed to be clustered within a ½-mile radius. The proposed location (Hibiscus Palace) and three (3) other approved Type 2(B) CLF locations, including Wellington Elder Care 1 and 2 (Res. No's. R2012-60 and R2017-44) at 14093 and 14115 Lily Court, along with New Age Care (owned by this applicant/ Res. No. R2020-11) at 1074 Hyacinth Place, will reach the maximum of four (4) Type 2(B) within a ½-mile radius. Additional Type 2(B) CLFs will not be allowed within this subject ½-mile radius. As the map illustrates there are other locations that may be allowed a Type 2(B) within a ½-mile radius.



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The LDR requires Type 2(B) CLFs to be located within 1 ½ road miles of a full service professional fire-rescue station and three (3) road miles of a full service medical hospital 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. Palms West Hospital is three (3) road miles from this site on Southern Boulevard. The proposed location complies with the LDRs maximum distance requirements.

Types 2 and 3 CLF require a 500 feet minimum separation from single-family residential districts, unless approved by Council. This facility is located approximately 400 feet northwest from the closest single-family residential district and is separated by a four (4) lane road (Greenview Shores Blvd.) and other existing multi-family dwelling units. It is not directly adjacent to a single-family lot/district. The proposed use is compatible with the surrounding multi-family use and the reduced separation will not alter the character, or adversely impact, the existing single-family residential properties.

LDR Section 5.3.7. indicates that Conditional Uses are those uses that are generally compatible with their Future Land Use Map and Zoning designations, but may require additional conditions to ensure mitigation of impacts to adjacent properties. The standards that are applicable to Conditional Uses, and approval by the Village Council, are as follows:

**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. The CLF is within an existing urban service area with a full service professional fire-rescue station and a full service medical hospital.

*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 with a maximum of 21 senior residents is within an existing multi-family building and residential neighborhood, which is consistent with the requirements set forth in

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the Comprehensive Plan. If this location is approved, this will be the fourth Type 2(B) facility in Wellington, along with Wellington Elder Care 1 and 2 located on Lily Court, and the recently approved New Age of Senior Care on Hyacinth Place, which is also owned by the applicant (Guy Yiftach/A.K.A. Desert Income ALF Wellington, LLC.). The market indicates there is demand for senior housing based on information from community input and 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 and were determined to meet the requirements for on-site parking with a total of eight (8) parking spaces (including a handicap space) as indicated on the site plan. The existing parking lot will need to be modified by removing of palms in the parking area, adding handicap space, restriping, etc.

*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 within an existing multi-family district in the Wellington PUD and utilizes the existing public water/sewer system. This request is consistent with the goals, objectives, and policies of the Comprehensive Plan's Infrastructure Element.

**Complies with supplementary use standards:** The site plan and floor plans were reviewed for compliance with all relevant and appropriate portions of the LDR. The proposed Type 2(B) CLF meets the criteria as required in Section 6.2.2.A.1 of the LDR. The CLF is consistent with all applicable development standards such as minimum setbacks (including previously approved Variance reducing the corner side setback), maximum building heights, minimum parking, minimum room square footage, maximum distance to a fire-rescue station and hospital, minimum separation, and landscape standards.

**Compatibility:** The applicant intends to modify the front façade of the existing multi-family building by adding four (4) windows to meet fire safety requirements. This modification will improve the aesthetics of the building by breaking up the blank wall that is visible from surrounding roadways. A new perimeter fence and additional landscaping is proposed as illustrated on the site plan (Exhibit "A"). The parking lot is required to be screened with a new hedge, installed and maintained at a



height of 36 inches.

The proposed Type 2(B) CLF with a maximum of 21 residents is consistent with the surrounding Residential "F" Land Use designations, which permits 8.0 to 12.0 dwelling units per acre and will not adversely impact adjacent multi-family residential properties. Council will determine if the proposed Type 2(B) facility may be located 400 feet from the single-family residential district, as opposed to 500 feet, based on the potential impacts, surrounding uses, separations and buffers.

**Design minimizes adverse impact:** As indicated above, minimal exterior modifications are proposed for the existing building, however they will help ensure consistency with the neighboring multi-family units. A six (6) foot high opaque fence is required along the perimeter of outdoor activity areas to ensure screening and privacy for the residents and adjacent multi-family units. As illustrated on the site plan, an opaque board on board fence and walkway will be provided from the resident's activity area and facility operation. The proposed outdoor activity areas will include additional canopy trees and shade structures that will provide needed shade for the residents.

**Adequate public facilities:** The site is located within the Urban Service Area and 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. The water and sewer systems are existing and have adequate capacity to serve the proposed use per Wellington's Utilities Department. Wellington's Traffic Consultant has determined this project meets the County Traffic Performance Standards and Wellington's adopted Level of Service per the letter dated September 2, 2020 (Exhibit "C"). Utilities are provided to this project according to Palm Beach County (PBC) Health Department regulations. PBC Fire Department will be able to serve the site with a station located less than 1 ½ miles away on Greenview Shores Blvd.

**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 and minimal exterior/interior changes are proposed.

**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.

**Other relevant standards of Code:** The proposed CLF complies with all regulations for Type 2(B) CLF and the Conditional Use criteria of the LDR. The proposed conditions of approval will minimize potential impacts to the surrounding residential uses.

**Consistency with neighborhood plans:** There is no neighborhood plan for this area. However, one of the eight (8) Economic Development Initiatives adopted is to promote redevelopment and investment in the older residential areas. Converting this multi-family building to provide local senior housing for 21 senior residents will further the goals of the Safe Neighborhood program efforts.

Staff has concluded the Conditional Use request for a Type 2(B) CLF is consistent with Wellington's Comprehensive Plan and Wellington's LDR. The redevelopment of this multi-family building as a CLF for 21 senior residents within a multi-family residential district will foster a family environment by enabling senior residents to continue living within close proximity to family and friends and

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enhance the value of the community by providing housing for Wellington's aging population. Staff is recommending conditions of approval that will help minimize any potential impacts. The applicant's justification statement (Exhibit D) provides details on how this facility meets the requirements and the proposed general operations of the facility. The complete Conditional Use application (Petition No. 2020-0002-CU) is available for review at the Planning and Zoning Division office.

### **Summary:**

Based on the findings contained within this staff report and consistency with the Comprehensive Plan and Wellington's Land Development Regulations, the Planning and Zoning Division recommends approval of the development order for a Conditional Use (2020-0002-CU) to allow a Type 2(B) Congregate Living Facility, with a maximum of 21 residents, for the project known as Hibiscus Palace, located at 13931 Morning Glory Drive and subject to the conditions of approval listed below:

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 finals 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. 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.



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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 (1) 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).

**List of Exhibits:**

Exhibit "A"	Site Plan
Exhibit "B"	Proposed Floor Plan
Exhibit "C"	Wellington Traffic Consultant's Letter
Exhibit "D"	Applicant Justification Statement