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RESOLUTION NO. R2021 - 48

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING A CONDITIONAL USE [PETITION NUMBER 2020-0001-CU] TO ALLOW A TYPE 2A CONGREGATE LIVING FACILITY FOR CERTAIN PROPERTY KNOWN AS VALERIE'S PLACE, CONSISTING OF 0.23 ACRE, MORE OR LESS, LOCATED AT 12450 GUILFORD WAY; 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, the Wellington 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 has a Future Land Use Map designation of Residential E; 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 Land Development Regulations Article 6, Section 6.2.1. Table 6.2-1 Use Regulations Schedule states a Type 2 Congregate Living Facility (CLF) is a Conditional Use approved by Council; and

WHEREAS, the subject site is compatible with the surrounding multi-family use; and

WHEREAS, a Type 2A CLF is required to be located 500 feet from a single-family residential district. The subject site is approximately 280 feet from a single-family residential district and is separated by a road, existing multi-family dwellings, and a canal. The Conditional Use request includes the reduced separation, which can only be approved by Council; and

WHEREAS, the Conditional Use application was reviewed and certified for public hearings 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 September 8, 2021, recommended approval of the Conditional Use with a 4 to 3 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:

- 51 1. Environmental Considerations: There are no environmental issues or concerns
52 expected to occur as a result of this Conditional
53 Use approval.
54
- 55 2. Surrounding Use Considerations: The proposed use, surrounded by multi-family
56 and located approximately 280 feet from a
57 single-family residential district, has been found
58 to be compatible with the surrounding uses.
59
- 60 3. Utilities: The site is located within an area which has
61 existing potable water, sanitary sewer and trash
62 disposal. The water, sanitary, sewer, and
63 drainage systems meet the code requirements.
64 There are adequate public facilities available to
65 serve the subject site.
66
- 67 4. Concurrency Considerations: Wellington's Traffic Consultant has determined
68 the proposed modifications meet the Traffic
69 Performance Standards (TPS) of Wellington
70 with no objections to the proposed use
71 modification.
72
- 73 5. Comprehensive Plan Considerations: The proposed Conditional Use is consistent with
74 Wellington's 2020 Comprehensive Plan,
75 including but not limited to, preserving and
76 protecting the characteristics of the
77 communities in Wellington.
78
79

80 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
81 **FLORIDA, THAT:**
82

83 **SECTION 1:** The Valerie's Place Conditional Use request, submitted by Fraeye
84 Wellington Investments, LLC (owner/applicant) and Schmidt Nichols (agent), located at
85 12450 Guilford Way, as legally described in Exhibit A, is hereby approved to allow a Type 2A
86 Congregate Living Facility (CLF) with a maximum of 11 residents/beds and located less
87 than 500 feet (280 feet) from a single-family residential district, subject to the following
88 Conditions of Approval:
89

- 90 1. This approval is based on the site and landscape plans (Exhibit B) and the floor plan
91 (Exhibit C) for the Type 2A CLF. All site/building improvements and landscaping as
92 illustrated on the site plan, landscape plan, and floor plan shall be completed prior to
93 issuance of a Wellington Business Tax Receipt and the operation as a Type 2A CLF.
94
- 95 2. An inspection by the Planning and Zoning Division is required as part of the final
96 inspections to final all required building/engineering permit, for the CLF to ensure
97 compliance with all conditions of approval.
98
99

- 102 3. This Type 2A CLF shall meet the following minimum standards:

103

Space	Minimum Standards
Single Occupancy Room	90 square feet
Double Occupancy Room	130 square feet
Bathroom	1 full bathroom per 3 persons
Common Area (Interior)	50 square feet per resident

- 104
- 105 4. The entire lot and on-site building shall be utilized for a Type 2A CLF use only. The
- 106 use of this entire site/facility shall be limited to a maximum of 11 residents/beds.
- 107
- 108 5. The CLF owner/operator shall reduce on-site parking demand by prohibiting the
- 109 parking of personal vehicles used and/or owned by the CLF residents on-site,
- 110 encourage staff to car-pool, and stagger the arrival and departure time of visitors.
- 111
- 112 6. The CLF is approved with eight (8) on-site parking spaces. The combination of a
- 113 loading space with a standard parking space shall be permitted. If it is determined by
- 114 Wellington that the on-site parking demand exceeds the approved on-site parking
- 115 provided, the following shall be required:
- 116
- 117 a. The owner/operator shall modify the site and construct one (1) additional
- 118 parking space on-site within three (3) months of notification from Wellington.
- 119
- 120 b. If the one (1) additional parking space is not constructed on-site to meet all
- 121 code requirements, including landscaping, within the three (3) month period,
- 122 the CLF maximum occupancy shall be reduced to 10 residents/beds after
- 123 notification from Wellington.
- 124
- 125 7. The seven (7) standard parking spaces width is reduced to nine (9) feet for installation
- 126 of a continuous hedge along the ends of the parking area, and in the middle of the
- 127 eight (8) parking spaces as illustrated on the site and landscape plans (Exhibit B). The
- 128 parking area/lot shall be screened with a hedge material that is installed and
- 129 maintained at a height of 36 inches.
- 130
- 131 8. The proposed driveway and apron as illustrated on the site and landscape plans
- 132 (Exhibit B) shall be submitted for permitting with drainage plan and impervious surface
- 133 calculations for review by the Engineering Department.
- 134
- 135 9. The CLF residents shall be limited to senior housing for elderly persons 65 years of
- 136 age or older who are capable of otherwise living independently. Any change in use or
- 137 occupancy type shall be considered an amendment to this Conditional Use and shall
- 138 require a modification to the approval by Wellington's Council. Conversion from a Type
- 139 2A CLF to another use will require compliance with Wellington's Comprehensive Plan
- 140 and the Land Development Regulations (LDR).
- 141
- 142 10. A Wellington Business Tax Receipt (BTR) is required prior to operation of the Type
- 143 2A CLF. The CLF owner/operator shall obtain all appropriate federal, state, and local
- 144 permits/licenses for the Type 2A CLF and submit a copy with the required Wellington
- 145 BTR application within one (1) year of this approval, prior to operation as a Type 2A
- 146 CLF, and maintain the BTR while in operation.

- 147
148 11. The owner/applicant shall record a declaration of restriction, as required by the LDR,
149 which shall include the above conditions to run with the land. A copy of the recorded
150 declaration shall be provided to the Planning and Zoning Division within 30 days of
151 this approval (Resolution No. R2021-48).
152
- 153 12. The continuation of this conditional use is contingent upon the retention of all
154 appropriate federal, state, and local permits/licenses, compliance with the Land
155 Development Regulations, and compliance with these conditions of approval.
156

157 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
158 Resolution conflict with any section, paragraph, clause or phrase of any prior Wellington
159 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
160 this Resolution shall prevail to the extent of such conflict.
161

162 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
163 Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall
164 not affect the validity of this Resolution as a whole or any portion or part thereof, other than
165 the part so declared to be invalid.
166

167 **SECTION 4:** This Resolution shall become effective upon adoption.
168

169 (The remainder of this page left intentionally blank)

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