

# Staff Report Exhibit E: Applicant Justification Statement



**Justification Statement  
Guilford Way CLF  
Village of Wellington  
Conditional Use Application  
Original Submittal: July 30, 2020  
Resubmittal: May 19, 2021**

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## Overview

The applicant proposes to expand the existing Congregate Living Facility Type 1 use on the subject property located at 12450 Guilford Way (PCN: 73-41-44-02-03-002-0020) consisting of 0.23 acres. The subject property is currently developed and is currently operating as a permitted Congregate Living Facility (CLF) Type 1 with 6 total beds. As part of this application, the applicant proposes to expand this facility to a total of 11 beds, necessitating a Conditional Use Approval for a CLF Type 2A. The subject property currently has a Residential "E" Future Land Use (FLU) designation and is located within the Wellington Planned Unit Development zoning district. The property is surrounded on all sides by multifamily residential uses, all of which have a Residential "E" FLU designation and are within the Wellington PUD zoning district. Below is a chart of the surrounding land uses.

	FLU	ZONING	USE
SUBJECT PROPERTY	Residential "E"	Wellington PUD	Type 1 CLF
NORTH	Residential "E"	Wellington PUD	Multifamily Residential
SOUTH	Residential "E"	Wellington PUD	Multifamily Residential
EAST	Residential "E"	Wellington PUD	Multifamily Residential
WEST	Residential "E"	Wellington PUD	Multifamily Residential

## **Site History**

The subject property currently consists of a residential duplex structure constructed in 1984, prior to the incorporation of the Village of Wellington. Furthermore, the subject property currently has a Type 1 Congregate Living Facility operating on site as approved through a business tax receipt.

## **Conditional Use Request:**

The applicant requests a conditional use approval for a Type 2A Congregate Living Facility (CLF) consisting of 11 total beds. The applicant proposes to convert the two garages on site into accommodations for additional residents. The subject property currently operates with 6 beds, however, demand for affordable, neighborhood-based congregate living has increased significantly in recent years, resulting in the subject request. Currently, the areas proposed to be converted into bedrooms are underutilized. Furthermore, the layout of the proposed expansion complies with Florida AHCA standards.

It should be noted, the applicant proposes to temporarily keep existing residents in one half of the facility while the renovation construction occurs. Then, once one side is complete, existing residents will be temporarily moved to the completed side until the other half is completed. The current layout of the building allows for each side to be completely closed off and operated independently, which includes fire sprinklers, emergency egress, and life-safety systems.

Furthermore, the subject conditional use request complies with the following standards set forth in Part 2 of the General Development Application:

1. The proposed request is consistent with all elements of the Comprehensive Plan.

### **Response:**

- Goal 1 of the Land Use Element of the Comprehensive Plan states:  
*Ensure that the future land-use pattern "preserves and protects the distinctive characteristics of the individual communities" which makes up Wellington and maintains a low-density residential character, enhances community economic opportunities, discourages urban sprawl, promotes energy efficient land use patterns, maintains an aesthetically appealing and safely built environment, respects environmental constraints, and provides services for all citizens at the levels established herein.*

- The subject conditional use application is consistent with this goal of the comprehensive plan. The proposed expansion of the subject CLF to a Type 2A facility results in minimal changes to the character of the subject property and therefore has minimal impact on the character of the surrounding area. The subject property consists of a re-purposed duplex in a neighborhood consisting of similar duplex properties. The subject conditional use request will have no effect on the development pattern or character of the Village of Wellington.
  - Objective 1.2 of the Land Use Element States: *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.*
    - The subject Conditional Use request complies with this objective. The proposed expansion of the existing CLF facility will be in compliance with the standards set forth in the Land Development Regulations and will have minimal impact to the level of service of public facilities within the Village.
  - Policy 1.9.9 of the Housing Element states: *Wellington shall continue to allow congregate living facilities in residential areas providing such uses are consistent with the Land Development Regulations.*
    - The subject conditional use request involves the expansion of an existing congregate living facility within a residential area of the Village. The proposed expansion to a Type 2A facility complies with the Land Development Regulations as described in this Justification Statement.
2. The proposed request is in compliance with Article 6 of the LDR (Supplementary Regulations).

**Response:** Below are the Supplementary Regulations for Congregate Living Facilities as set forth in Sec. 6.2.2 and a description of how the subject proposal meets each item:

- **Maximum Occupancy:** 7-14 persons
  - Proposed: 11 persons
- **Distance from other CLF:** 1000 Linear Feet (Type 1, 2B, and 3) and 1,200 linear feet (Type 2A)
  - The nearest CLF of any type is more than 1,200 linear feet distant.
- **Kitchen Facilities:** Prohibited
  - The subject facility does contain kitchen facilities, however, these facilities are the same kitchen facilities that existed prior to the facilities conversion into a Type 1 CLF. These kitchen facilities are not used for large scale food production or catering services as anticipated by the LDRs. Instead, these area common kitchens utilized by residents and their caretakers, similar to what would be found in a residential unit, which aligns with the values of this facility for providing care to residents in a comfortable, residential setting.
- **Permitted Locations:** RM district and multi-family areas of Residential Pods of a PUD. Prohibited within 500 Linear Feet of a Single Family district/Pod.
  - The subject property is located within a multifamily district of the Wellington PUD. However, the subject property is located approximately 395 linear feet from a single family Pod of the Wellington PUD located to the east. However, the applicant requests leniency on this requirement due to the site's location within an existing multifamily neighborhood with no road or pedestrian connections to the neighboring single family pod. Moreover, the proposed facility will implement strategies, such as restricting parking to employees and visitors only, as to cause minimal external impact to the surrounding neighborhood. The intent of the applicant is to provide CLF services in a residential setting which is fully integrated into the surrounding community, as opposed to creating an institutional environment, therefore creating a more comfortable environment for residents.
- **Distance from Emergency Services:** Five (5) road miles of a full service fire rescue station.

- The subject property is located 1.20 road miles from Palm Beach County Fire Station 25.
- **Access Requirements:** None.
- **Minimum Lot Size:** 7,500 s.f.
  - The subject property is 9,987 s.f. in size.
- **Signage:** One (1) on-premises sign no more than on (1) square foot in size
  - The applicant is not proposing any signage as part of this application.
- **Drop-Off Area Required**
  - 1 Drop-Off space proposed. This space is proposed to be co-located with a visitor space in the event that visitation demand is higher than normal.
- **Public Water/Wastewater Connection Required**
  - The subject property is connected to public water/wastewater facilities
- **Restrict Vehicles and Parking Reduction Methods Required:** The parking residents' personal vehicles shall be prohibited at the facility. Parking reduction methods shall include the use of shuttle vans, staggering of providers/guest visitations, and carpooling of employees or other effective means of limiting the number of vehicles parked at the residence.
  - The applicant proposes to prohibit the parking of residents' personal vehicles on the property. Furthermore, the applicant proposes to expand the width of the existing driveway to allow for a maximum of 8 vehicles to be parked on the property. This way, there will be enough space for all three peak shift employees to park their vehicles on the site, as well as any visitors and anyone requiring an ADA parking space. Furthermore, visitations will be scheduled by appointment only to avoid over-parking of the site.
- **Architecture:** Conform the residential structure's exterior to the architecture, massing, height, and style of surrounding residences.
  - The exterior architectural style will not be changed as part of this application. Therefore, the subject facility will have no visible architectural variations that distinguish it from surrounding residences.

- **Buffer/Fencing Required:** None, however, the property has an existing fence surrounding it on the rear and sides of the property.
- **Safety/Security:** No specific security related items are required, however, it should be noted the subject facility has multiple points of access, all of which are proposed to have locks intended to keep employees, residents, and their visitors safe. Furthermore, Florida State Statutes required Congregate Living Facilities to have a back-up generator to help control the interior temperature of the facility in the event of a power outage. A generator pad is proposed adjacent to the facility which will allow for the required back-up generator to be hooked up to the facility and provide power to the HVAC system in the event of a power outage.

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

**Response:** The proposed request is compatible with adjacent properties and other properties in the district. The subject expansion of the existing CLF use will result in no changes to the exterior of the existing structure and mitigation measures, described more specifically in standard number 8 below, are proposed to reduce the demand for parking and reduce the number of vehicles accessing the site at any given time. Furthermore, the applicant proposes the installation of shrubs and groundcover to bring the landscaping into compliance with the LDRs and to beautify the site. The subject conditional use request for a Type 2A CLF will result in minimal impacts to neighboring properties and the site will look and operate similar to a typical residential use in the same neighborhood.

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

**Response:** The proposed request will minimize adverse impacts to neighboring properties and adjacent lands. The subject request proposes to expand the existing CLF use from 6 beds to 11 beds. The main changes proposed to the structure are on the interior, resulting in minimal impacts as a result of changes to the structure itself. Furthermore, as explained further in standard #8 below, the facility is required to provide more parking than can reasonably be accommodated on the site. This is because the parking requirement for Type 2A CLF's does not take into account a senior-only facility such as this one, nor does

it anticipate any restrictions on the ability for residents to own their own vehicle. In this case, per Table 7.5-1 of the Land Development Regulations, 9 spaces are required, one of which shall be a drop-off space. In this case, there are significant physical and visual limitations on this site which only allow for 8 total spaces to be provided. The applicant proposes several strategies to reduce the parking demand on this property, including prohibiting residents from owning a personal vehicle, and staggering visitation times to avoid excess demand for parking from visitors. Therefore, the applicant proposes to expand the existing driveways on the property to accommodate 4 vehicles, similar to the majority of neighboring properties in the immediate vicinity. This significantly reduces external impacts caused by the proposed expansion by matching the visual appearance of most other properties in the immediate vicinity of the site when viewed from Guilford Way. Furthermore, the strategies described above and explained in detail in standard number 8 below, reduce the number of vehicles entering, exiting, and maneuvering on the property which results in a minimized external impact to neighboring properties.

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

**Response:** The proposed expansion of the existing CLF use is compatible with all occupancy regulations and will, therefore, not result in a significant impact to public facilities.

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

**Response:** The subject conditional use request will result in minimal impact to the environment. No changes to the overall exterior or footprint of the existing structure. Furthermore, the applicant proposes mitigation strategies to reduce parking demand, ultimately resulting in less concrete covering the front yard area, which allows for a greater percentage of pervious land area on the site.

7. The proposed request will result in logical, timely and orderly development patterns.

**Response:** The subject conditional use request will result in logical, timely, and orderly development. The subject request includes the expansion of the existing CLF use to a Type 2A facility. This will not result in any exterior changes to the

existing structure and will therefore not involve any additional development to the site beyond what is currently constructed.

8. The proposed request complies with all Code standards for use, layout, function, and general development characteristics.

**Response:** The subject property is located within the Wellington PUD within a residential POD. Per Table 6.2-1 Use Regulations Table, Congregate Living Facility Type 2 uses require a conditional use approval within a residential pod of a PUD. Therefore, the applicant requests the subject conditional use approval for the proposed Type 2A CLF.

Furthermore, as shown in the "Conditional Use Request" section above, the proposed expansion complies with the supplementary standards set forth in Sec. 6.2.2.A.1 Congregate Living Facilities.

Per Table 6.3-1 Property Development Regulations, the existing structure is compliant with the regulations set forth for the RS Zoning District. The Property Development Regulations Chart is included below demonstrating the compatibility of the existing structure that is too remain.

PROPERTY DEVELOPMENT REQUIREMENTS								
	ZONING DISTRICT	MINIMUM LOT DIMENSIONS			MAX BLDG COVERAGE	SETBACKS/SEPARATIONS		
		SIZE	WIDTH	DEPTH		FRONT	SIDE INTERIOR	REAR
CODE	RS	6,000 s.f.	65'	75'	40%	25'	7.5'	15'
PROP	RS	9,897 s.f.	87'	110'	35%	26'	8'	33'

The subject expansion is also in compliance with Article 7 of the Land Development Regulations. More particularly, the site complies with the intent of the Off-Street Parking and Loading Standards which is to "ensure efficient and safe off-street parking, loading, queuing, and circulation for all development and redevelopment." The subject expansion of the existing CLF to a Type 2A facility results in no changes to the exterior or footprint of the existing structure. Furthermore, the facility is located within a neighborhood consisting of similar duplex structures. As explained in detail below, the site is required to provide more parking spaces and a drop-off space than can reasonably be accommodated on the site, especially when taking adverse impacts to the surrounding neighborhood into consideration.

Table 7.5-1 Minimum Off-Street Parking Standards sets forth regulations for Type 2A CLFs which requires 1 space per unit or 2 beds, whichever is greater and one space per peak shift employee or one space per 200 NSF of office, whichever is greater. Furthermore, Type 2A facilities are required to provide one drop-off space within 50 feet of the primary building. When applied to the proposed expansion, the site would be required to have a total of 9 parking spaces (1 space/2 beds @ 11 beds = 6 spaces and 1 space per peak shift employee @ 3 peak shift employees = 3 spaces). However, the applicant is limited on space and impact they can incur on the surrounding area. Based on the width of the subject property, the existing structure not being moved or demolished, and the requirement for 1 ADA compatible parking space, only 8 spaces can be provided on the site.

Therefore, the applicant proposes to expand the existing driveway to allow for a total of 8 parking spaces, which is still within the physical bounds of the subject property. Moreover, the applicant proposes to prohibit residents from owning a personal vehicle, eliminating 6 required spaces of the total 9. Therefore, 3 spaces are proposed to be available to employees and 5 additional spaces are proposed to be available to visitors, whose visitations will be scheduled to avoid overlapping demand for parking. Finally the site is required to have a drop-off space located within 50 feet of the facility. Due to the nature of the site and its surrounding area, this is infeasible to provide without causing significant adverse impacts to neighboring properties. Therefore, the applicant proposes the co-location of the drop-off space with a visitor parking space. During most times of the year visitation appointments will be limited to three at one time, leaving the drop-off space, and ADA space open to anyone who may choose to use them. During peak visitation times of the year, when demand for visitations is higher than normal, the drop-off space will double as a visitor parking space.

The subject expansion also complies with Section 7.7.1.B Tree Protection and Chapter 8 Landscape Standards. The site currently has several canopy trees and palm trees currently existing. The applicant proposes to preserve these trees as part of this application. The applicant also proposes to install additional shrubbery and ground covering to comply with the standards set forth in Chapter 8 and to improve the aesthetic of the site.

9. The proposed request is not out of scale with the needs of the neighborhood or Wellington.

**Response:** The subject request is to scale with the needs of the neighborhood and the Village of Wellington. The proposed expansion to a Type 2A CLF is

intended to meet excess demand for congregate living, more specifically for facilities that are more intimate and are more akin to a typical residential use.

On behalf of the Applicant, Fraeye Wellington Investments, LLC, Schmidt Nichols respectfully requests your consideration of support of the subject Conditional Use Request to expand the existing CLF Type 1 facility to a CLF Type 2A facility.