



**CITY OF RIVIERA BEACH STAFF REPORT  
CASE NUMBERS SP-13-04 AND SE-13-01, MORE CARE CLF  
PLANNING AND ZONING BOARD – AUGUST 23, 2018**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE PLAN AND SPECIAL EXCEPTION APPLICATION (SP-13-04 / SE-13-01) FOR A 10 BED CONGREGATE LIVING FACILITY, ON A 0.18 ACRE PARCEL OF LAND, LOCATED AT 1291 WEST 32<sup>ND</sup> STREET, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-29-09-006-0230, HAVING A RESIDENTIAL FUTURE LAND USE DESIGNATION AND A MULTIFAMILY DWELLING (RM-15) ZONING DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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- A. Applicant/Agent:** Ms. Keisha Douglas-Moore / Gentile Glas Holloway O'Mahoney & Associates, Inc.
- B. Request:** The applicant is requesting Site Plan and Special Exception approval (SP-13-04 / SE-13-01) for a 10 Bed Congregate Living Facility. This will increase the current capacity from 6 residents to 10.
- C. Location:** The subject property is located at 1291 West 32<sup>nd</sup> Street within the City's municipal boundary, as depicted on Exhibit A (Location Map).
- D. Property Description and Uses:** The subject property description and uses are as follows:

<u>Parcel Control Numbers:</u>	56-43-42-29-09-006-0230
<u>Parcel Size:</u>	7,769.72 Square Feet (0.18-Acre)
<u>Existing Use:</u>	Existing single family house; currently utilized as a Six-Bed Congregate Living Facility.
<u>Zoning:</u>	RM-15 (Multi-Family Dwelling District)
<u>Future Land Use:</u>	Medium Density Multiple Family Residential: Up to 15 units per acre

**E. Adjacent Property Description and Uses:**

<u>North:</u>	Multi-family Dwelling (RM-15) Zoning District: Single family home.
<u>South:</u>	RM-15 Zoning District: Multi-family Residential.
<u>East:</u>	RM-15 Zoning District: Single family home.
<u>West:</u>	Residential Single Family (RS-8) Zoning District: Single family home.

## **F. Background:**

The Applicant submitted their original application in 2013. After becoming inactive, the project was reinitiated 2015, but again became inactive. In early 2018, the project was reinitiated and the applicant, agent, and City staff have diligently worked on this project to prepare it for presentation to the Planning and Zoning Board and City Council.

The Applicant is requesting Site Plan and Special Exception approval for a 10 Bed CLF located at 1291 W 32<sup>nd</sup> Street, identified by parcel control number 56-43-42-29-09-006-0230. According to the Applicant's Narrative, the property currently consist of a six (6) beds Congregate Living Facility (CLF), and proposing to increase the number of beds by four (4) for a total of 10 Beds with no exterior modification to the existing building structure. Also, a Reasonable Accommodation has been requested and granted in regards to off-street parking.

The site plan application for the subject property has been scheduled to be heard by the Planning and Zoning Board on Thursday, August 23, 2018 at 06:30 P.M.

## **G. Staff Analysis:**

**Proposed Use:** 10 Bed Congregate Living Facility (CLF)

**Zoning Regulations:** The Applicant is requesting to increase the CLF bed count, by adding four (4) additional beds for a total of 10 beds, which are now subject to Local Zoning Requirements. The RM-15 Zoning District highlights the requirements for uses, and developments / redevelopment within the district. Pursuant to the RM-15 Zoning District Sec.31-197 - Use Regulations. An Adult Congregate Living Facility (ACLF) is permitted by Special Exception; thus, the ACLF is required to undergo a Public Hearing approval process. The Applicant is not proposing any exterior or interior modifications to the approved site plan regarding the existing building structure. The applicant is adding a wooden deck and ramp at the rear of the property to provide pedestrian access connecting to the existing sidewalk along the west side of the property.

**Comprehensive Plan:** The City's Comprehensive Plan is silent on required number of beds versus individuals per unit, or Floor Area Ratio (FAR). Although the existing building structure was designed as single family, the site plan and special exception request for a CLF do not impose any adverse impact to the surrounding properties. The CLF expansion to a total of 10 beds does not involve any exterior modification to the building structure; thus, maintaining the Residential characteristic of the neighborhood.

**Levels of Service:** Customarily services such as water, sewer, roads and garbage collection are currently available to the site.

**Landscaping:** New landscaping will be installed according to City landscape code requirements.

**Parking/Traffic:** The parking section (Sec.31-577 – Off-street parking ratios) of the Zoning Code does not specifically address required parking spaces for CLF uses. The Code section states that for uses not indicated, parking shall be provided as required by a similar use, as interpreted by the Planning Director. Since this facility will be occupied by a protected class of residents who do not drive, the Applicant requested a relief of any interpretation of additional required parking through Reasonable Accommodation. As per the Applicant's Narrative, while this proposal is to increase the amount of beds from six (6) to 10, the users of this facility are not able to operate motor vehicles, nor will there be an

increase in the number of employees; please see the Applicant's Narrative regarding Reasonable Accommodation. Ingress and egress access will remain on W. 32<sup>nd</sup> Street.

#### **H. Special Exception Analysis**

**a. *Ingress to and egress from the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.***

- Ingress to and egress from the site is available from W. 32<sup>nd</sup> Street.

**b. *Off-street parking and loading areas, where required, including consideration of relevant factors in subsection (2)a. of this section, and the economic, noise, glare or odor effects of the location of such areas on adjacent and nearby properties and properties generally in the district.***

- Adequate off-street parking has been proposed, per the City's Code and approved Reasonable Accommodation request.

**c. *Refuse and service areas, including consideration of relevant factors in subsections (2)a and b of this section.***

- Roll-off containers have been and will continue to be utilized.

**d. *Utilities, including such consideration as hook-in locations and availability and compatibility of utilities for the proposed use or structure.***

- Utilities are currently available to the site and will be properly connected as required by the appropriate utility providers.

**e. *Screening, buffering and landscaping, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structures between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.***

- Landscaping exists and has been proposed on site which must be maintained in perpetuity according to the City's Land Development Regulations.

**f. *Signs, or outside displays, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of same on properties in the district.***

- There is no signage proposed. Glare from site lighting is not a concern for this development.

**g. *Required yards and open spaces. The board shall make such recommendations as it deems necessary, guided by the factors that may be described in this zoning district, based on the nature of the request and its effect.***

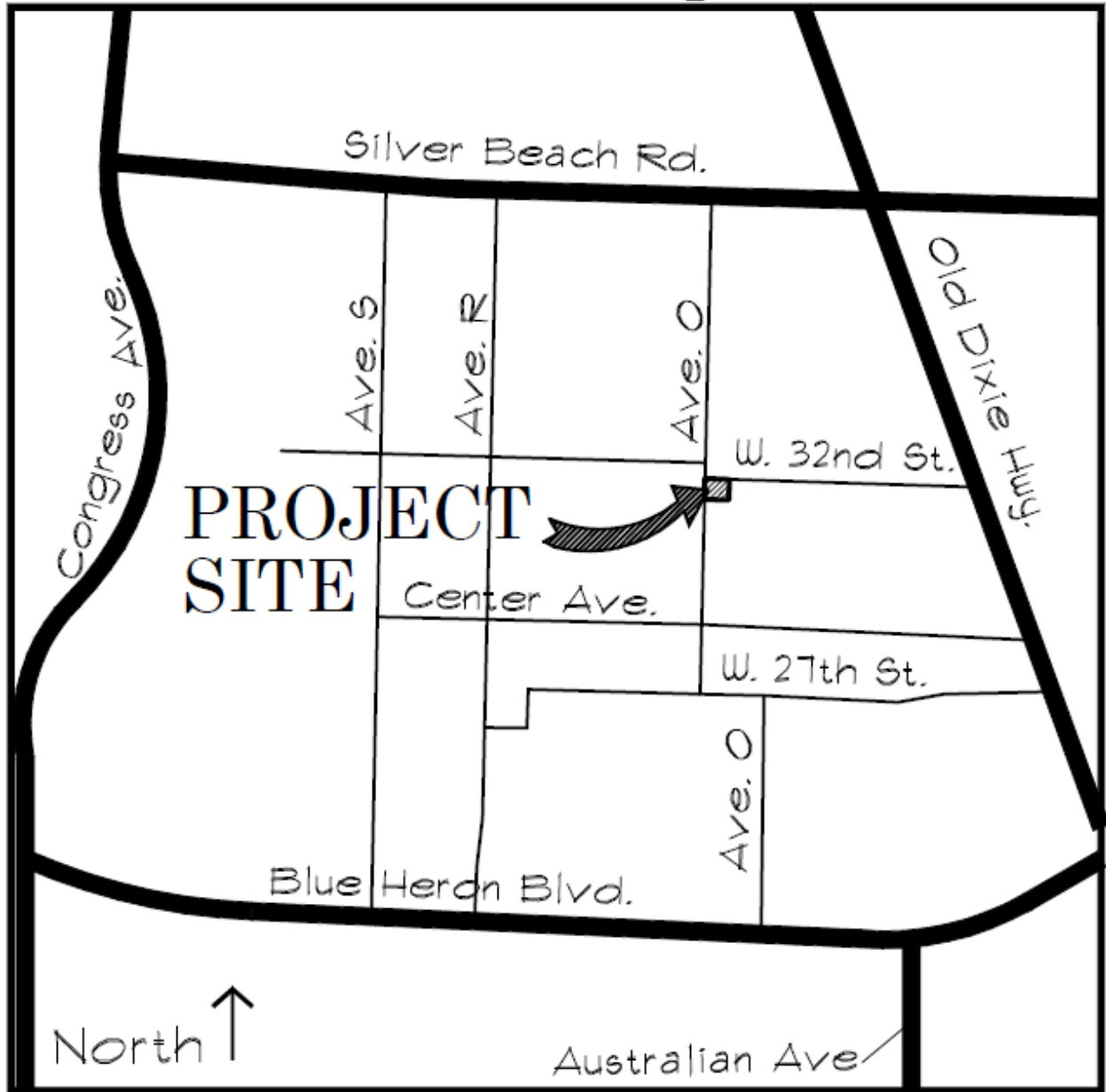
- Adequate yard/open space has been proposed in accordance with the City's Land Development Regulations.

**I. Recommendation:** Staff recommends approval of the application for a 10 bed Congregate Living Facility, on a 0.18 acre parcel of land, located at 1291 W 32<sup>nd</sup> Street, identified by parcel control number 56-43-42-29-09-006-0230, with the following conditions of approval:

1. City Council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.
2. This development must receive final Certificate of Occupancy or Certificate of Completion from the City for all approved site plan elements of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan and special exception approval and re-initiate the site plan approval process.
3. Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
4. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.

# Location Map

N.T.S.



**Exhibit B. Legal Description**

LOT 23-25, BLOCK 6, DUNBAR TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 19, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY OF RECORD.