



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

ZONING COMMISSION, FEBRUARY 6, 2025

A. Application Summary

I. General

Application Name: Sunspire Health , ZV/ABN/CA-2024-01219
Control Name: Sunspire CLF (2014-00206)
Applicant: Gain Holdings Group, LLC
Diamond Behavioral Health Center PBG, LLC
Owner: Gain Holdings Group, LLC
Project Manager: Joyce Lawrence, Senior Site Planner

Title: a Type 2 Variance **Request:** to allow for vehicular backing into the right of way; eliminate a 15-foot right of way buffer; and a reduction in the side setbacks (north and south) on 1.28 acres **Title:** a Development Order Abandonment **Request:** to abandon a Class A Conditional Use approval to allow a Type 3 Congregate Living Facility by Resolution R-2016-0002 **Title:** a Class A Conditional Use **Request:** to allow a Skilled Nursing or Residential Treatment Facility on 1.28 acres

Summary: The application is for Sunspire Health. The site was approved by the Board of County Commissioners (BCC) in January 2016 to allow a Class A Conditional Use for a Type 3 Congregate Living Facility (CLF) with a maximum of 25 residents/beds. Approvals for the site included Variances to right of way widths, access and egress, landscape buffering, and setbacks, and amendments to modify the site layout, and to add land area, square footage, and residents. The site is currently built and in operation.

The request proposes to the abandon the CLF use approval and replace with a proposed Class A Conditional Use for a Skilled Nursing Facility or Residential Treatment Facility with 36 residents/beds. With the proposed change of use and in order to incorporate previous conditions of approval within the prior variances, this application includes requests for three Type 2 Variances to allow backward egress from a driveway onto a street; to eliminate the Right of Way (ROW) Buffer along Lyndall Lane; and a reduction in the side setback for the north and south buildings (Buildings 1 and 5) from 15 feet to 10 feet for Building 1 and from 15 feet to 13.5 feet for Building 5.

The Preliminary Site Plan (PSP) indicates the existing five buildings 12,202 square feet (sq. ft.) and the proposed 36 beds, three accessory structures totaling 754 sq. ft., and 22 parking spaces. Access to the site will be from Lyndall Lane.

II. Site Data

Acres: 1.28 acres
Location: West side of Lyndall Lane, approximately 485 feet south of Northlake Boulevard
Parcel Control: 00-43-42-19-30-001-0000
Future Land Use: High Residential (HR-8)
Zoning District: Multi-Family Residential (Medium Density) District (RM)
Tier: Urban/Suburban
Utility Service: Seacoast Utility Authority
Overlay/Study: Northlake Corridor Overlay
Neighborhood Plan: N/A
CCRT Area: Parkway Village – Evergreen Acres
Comm. District: District 1, Mayor Maria G. Marino

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibits C-1 and C-2.

STAFF RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contact from the public regarding this application.

IV. Hearing History

ZONING COMMISSION: *Scheduled for February 6, 2025*

BCC HEARING: *Scheduled February 27, 2025*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

I. Exhibits	Page
A.1 Future Land Use Map	3
A.2 Zoning Map	4
B. Standards Analysis & Findings	5 - 13
C. Conditions of Approval	14 -15
D. Project History	16
E. Applicant's Exhibits	
E.1 Preliminary Site Plan - December 12, 2024	E-1
E.2 Preliminary Regulating Plan - November 25, 2024	E-2
E.3 Previously Approved Site Plan - March 26, 2018	E-3
E.4 Disclosure of Ownership	E-4
E.5 Utility Letter	E-5
E.6 Justification Statement	E-6

Exhibit A-1 - Future Land Use Map



Exhibit A-2 - Zoning Map

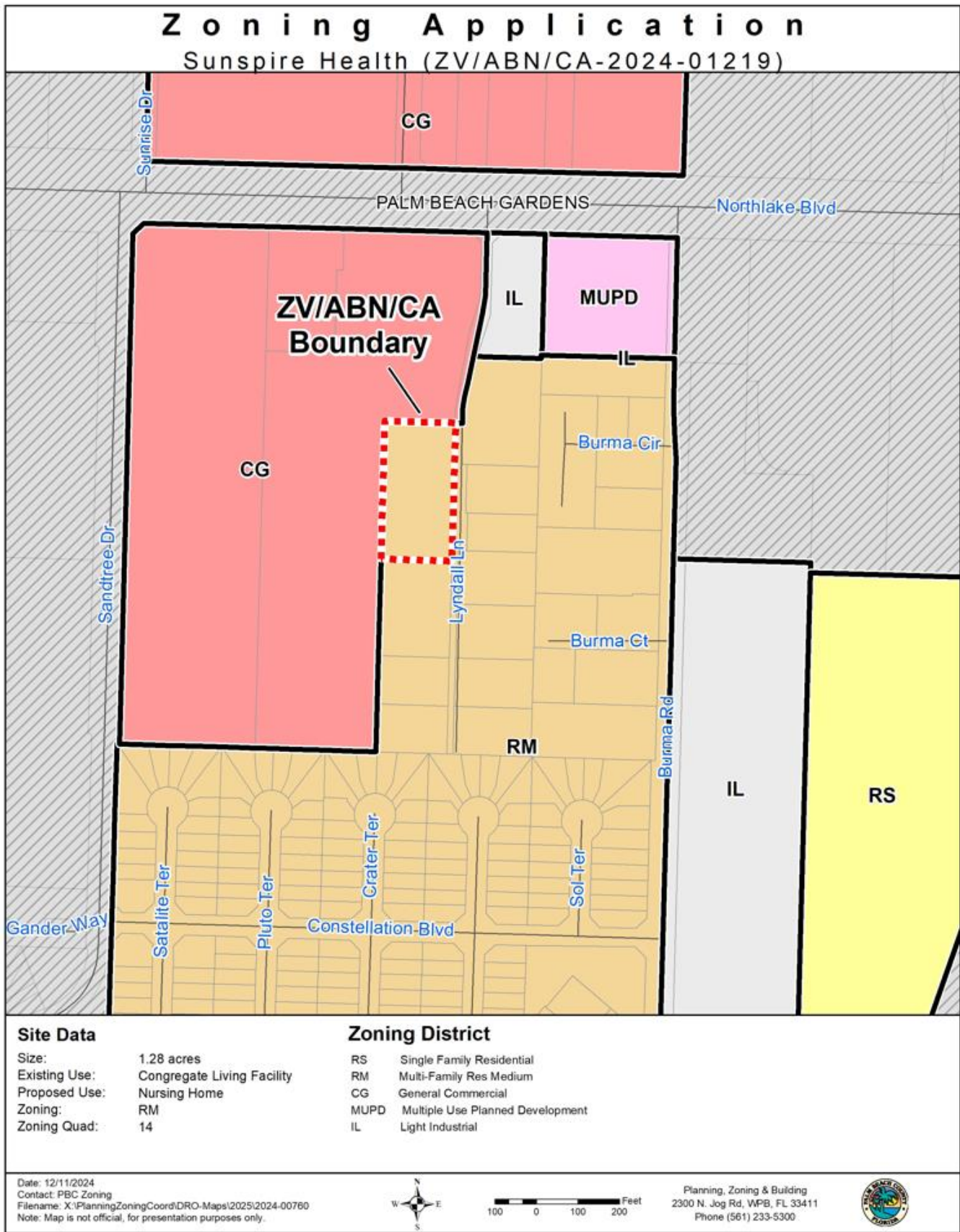


Exhibit B - Standards Analysis & Findings

Development Order Abandonment:

When considering an ABN application, the BCC and ZC shall consider the Standards indicated below.

a. Consistency with the Plan - *The proposed abandonment is consistent with the Plan.*

The proposed abandonment of the Type 3 Congregate Living Facility, will not create any inconsistencies with the Goals, Objectives and Policies of the Comprehensive Plan. No change is proposed to the Comprehensive Plan. The proposed Conditional Use application being applied with this request, will be compliant and consistent with the Comprehensive Plan.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of the Code, and is consistent with the stated purpose and intent of the Code. No site design change is proposed with this application. The abandonment of the Resolutions R-2016-0002, R-2018-0190, and ZR-2018-004, for the previously approved Type 3 Congregate Living Facility use does create any additional non-conformities to the proposed use. With the change of use, new Type 2 Variances are required based on previous variance conditions and the change in use.

c. Adequate Public Facilities – *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). The Application will be subject to new concurrency evaluation and approval for the proposed use change, as evaluated below under the Conditional Use Standards.

d. Changed Conditions or Circumstances - *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The Applicant's Justification states the following changed site conditions or circumstances that, "the proposed abandonments will allow the property to be reevaluated and approved under a Class A Conditional Use for a Skilled Nursing or Residential Treatment Facility which is a specified zoning use in the current ULDC. The change of use will allow for an increase in patient capacity to allow for an increase of care for Palm Beach County residents." The use to be abandoned was in compliance with the prior DO.

Exhibit B - Standards Analysis & Findings

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

- a. **Consistency with the Plan** - *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

o *Consistency with the Comprehensive Plan:* The proposed use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

o *Relevant Comprehensive Plan Policies:* Future Land Use Element Policy 2.2.1-j establishes consistent residential zoning districts with their corresponding Future Land Use designation in Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency. Per FLUE Table 2.2.1-j.1 the existing High residential 8 units per acre (HR-8) Future Land Use is consistent with the existing Multifamily Residential (RM) Zoning.

o *Intensity:* Per Table 2.2-e.1, the maximum Floor Area Ratio (FAR) of 0.45 is allowed for the HR-8 Future Land Use designation in the Urban Suburban Tier (56,637 sq. ft. or 1.30 acres x 0.45 maximum FAR = 25,486.65 square feet maximum). The request to change the zoning use does not change the previously approved 12,356 sq. ft., which equates to a FAR of approximately 0.22 (12,356 sq. ft. of intensity / 56,637 square footage of site or 1.30 acres = 0.218). Per the use provisions in the ULDC a maximum of 55 persons would be allowed under the Residential Treatment Facility use (1 bed per 1,000 sq. ft. of lot area); the applicant is proposing 36 residents/beds. The result is an increase from 25 residents previously approved under the Type 3 Congregate Living Facility (CLF) use.

o *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The property is located within the CCRT #8 Parkway Village-Evergreen Acres Area. The applicant has reached out to the Office of Community Revitalization. No meeting has been set with the Parkway Village-Evergreen Acres group. Applicant states if OCR deems it necessary to formally present the application, the agent will do so accordingly. No objections or concerns have been received to date.

- b. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed use is consistent with the stated purpose and intent of the County Unified Land Development Code (ULDC). The site has been developed as a Type 3 CLF, under prior Code. The Applicant is proposing a change of the use type, Skilled Nursing or Residential Treatment Facility, and to increase the number of residents from 25 to 36 (+11), with no change to the site design, and the existing structures.

The Palm Beach County, Florida Code of Ordinance / Chapter 14-44 states: that “every habitable room used for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof.”

The Applicant had provided an exhibit that indicates how the facility will comply for the proposed increase in the residents count. Staff is generating a Condition of Approval that at time of final Plan approval by the Development Review Officer, the Applicant shall graphically indicate the square footage of the bedrooms on the existing building footprint of the floor plan.

• Building 1	-	8 bedrooms (A-H)	=	20 Residents
• Building 4	-	4 bedrooms (A-D)	=	8 Residents
• Building 5	-	<u>4 bedrooms (A-D)</u>	=	<u>8 Residents</u>
Total		16 bedrooms		36 Residents

○ *Property Development Regulations:* The proposed development meets the minimum PDRs requirements, as outlined in the PDR chart indicated on the PSP (Exhibit E). Pursuant to Table 3.D.1.A., Property Development Regulations, the minimum Code requirements for the PDRs for the RM Zoning District for the lot width and frontage is 65 feet (provided 322 ft.), depth is 75 ft. (provided 174 ft.), and maximum building coverage is 40% (proposing 31%). The site exceeded Code requirements for the front and the rear setbacks. On February 1, 2018, the ZC granted approval for two Type 2 Variances (ZR-2018-004) that allowed a reduction (1.5 ft. and 5 ft.) of the side setbacks along the north, and the south of the property. The site was developed with the following setbacks: a-25 ft. front setbacks (30.5 ft. provided), and 15 ft. side setbacks (13.5 ft. and 10 ft. provided), and 15 ft. rear setbacks (46.8 ft. provided).

Pursuant to the Resolution, ZR-2018-004, the site was developed in accordance with the approved reduced side setbacks. The only change the Applicant is proposing is the change in use, no changes to the site design or building footprint are proposed. It is important to note that as part of the Variance approved under ZR-2018-004, Staff had added a Condition of Approval, All Petitions No. 2, stating that any change to the use shall require a reconsideration of the Variance(s) by the ZC. The Applicant is proposing the following use:

- *Specific Use Requirements for a Skilled Nursing or Residential Treatment Facility:*
 - **Licensing:** The site shall be licensed by the State of Florida. The Applicant states in the Justification Statement that licensure will be obtained by the State of Florida from the Department of Children and Families (DCF), and the Agency for Health Care Administration (AHCA).
 - **Lot size:** *The site shall comply with a minimum of 10,000 sq. ft., or the minimum 65 ft. requirement of the zoning district, whichever is greater.* A total of 55,937 sq. ft. of lot area is provided and have exceeded the greater square footage.
 - **Frontage** A minimum of 100 feet of frontage or the minimum requirement of the zoning district.
 - **Access:** If located in a residential FLU designation, access shall be provided from a Collector or Arterial Street. No change is proposed to the access and frontage, which is on Lyndall Road. On February 1, 2018, the existing access was approved by the BCC under Subdivision Variance, ZR-2018-003, and as previously approved will continue to satisfy the requirements of Art. 11.A.8.B.2., Legal Access.
 - **Patient Beds:** The maximum number of patient beds shall be one bed per 1,000 sq. ft. of lot area. Although the site is in compliance with Code requirements, the Applicant shall also comply with the, the Palm Beach County, Florida Code of Ordinance / Chapter 14-44, which states: that “*every habitable room used for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof.*” The exhibit as provided is in compliance with the Code.
- *Architecture:* No change is proposed to the existing buildings.
- *Parking:* The proposed uses require a total of 17 parking spaces, and the Applicant is providing 22 spaces. No site design change is proposed for the parking. Parking has been existing since the use was originally permitted as residential. With a modification of the use from residential to institutional, a variances is required as parking is not allowed to back out onto a road for non-residential uses.
- *Landscaping and Buffering:* Landscape and Buffering for the site is existing and no change is proposed to the site design. The PSP indicates a 7.5-foot wide incompatibility buffer to the north, a 5-foot wide compatibility buffer to the south, and a 7.5-foot incompatibility buffer along the west property line. The east property line, adjacent to Lyndall Road has no right of way buffer as the parking and driveways backs out to the road where the buffer would be. With the change in use, a Variance is proposed to eliminate the required buffer due to the existing site conditions.
- *Signs:* There is an existing sign that the Applicant is proposing to maintain on the site with no change. A Preliminary Master Sign Plan (Exhibit E.2) has been submitted with this application that meets the minimum size, setbacks, and location requirements of Article 8.G.2.C. The typical detail is indicated on the Preliminary Regulating Plan (Exhibit E.2). The site is limited to one existing Ground Mounted Freestanding monument style sign fronting on Lyndall Lane, with a maximum sign height - four (4) feet, measured from finished grade to highest point; a maximum sign face area per side - twenty (20) sq. ft.; and is located within ten (10) feet of the north property line. The sign will be conditioned accordingly.

- c. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed institutional use is a Skilled Nursing and Residential Treatment Facility. To the north and to the west of the property abuts existing Commercial uses, and to the south and the east are Multifamily dwellings. The proposed institutional use as a Skilled Nursing and Residential Treatment Facility is generally consistent with the area. The use will residents living on site as they undergo their treatment for illness and is transitional use between residential and commercial uses. The proposed use will be generally consistent with the surrounding uses and the character of the land within the vicinity.

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

There are no proposed changes to the existing structures. The request includes the change of use and to increase the number of residents from 25 to 36 (+11), and therefore, should not create any adverse effects, including visual impact and intensity on the adjacent lands. The buildings are existing, and Type 2 Variances approval were granted for noncompliance for side setbacks. Pending a reconsideration and approval of the Type 2 Variances, the site will continue to comply with all setbacks requirement for the development.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT

o *Vegetation Protection:* The site is built out and the application request does not impact native vegetation.

o *Wellfield Protection Zone:* This property is located within Wellfield Protection Zone 4.

o *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

o *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

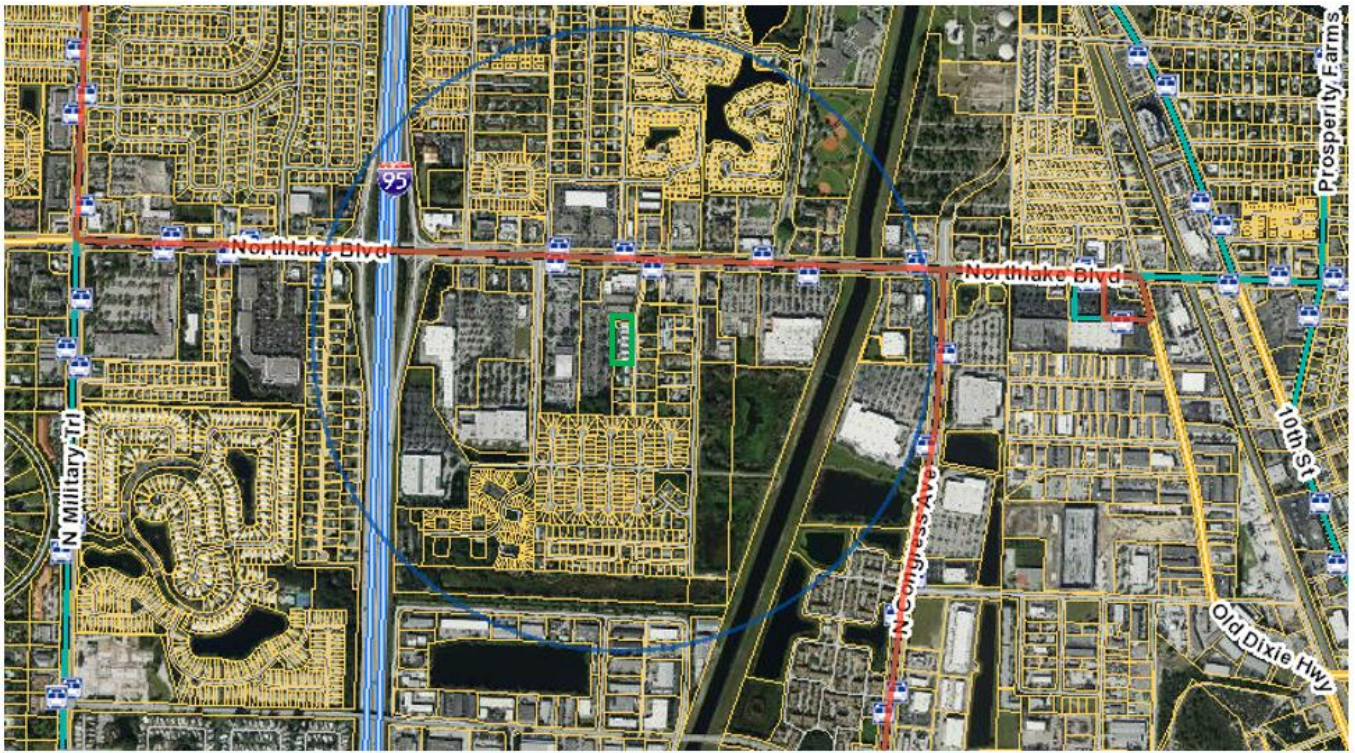
The site is currently developed, and has been in operation as a Congregate Living Facility. No change is proposed to the site design, and the existing buildings. The development was found to be consistent with the surrounding areas and will remain in a logical, orderly and timely development pattern.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

TRAFFIC DIVISION: The Department of Engineering and Public Works Traffic Division provided comments during the review of this application. The proposed redevelopment of an Assisted Living Facility into a Nursing Home (equivalent use for traffic review purposes) is expected to generate 34 additional net daily trips, 1 less net AM peak trips, and 2 less net PM peak hour trips. Overall, the proposed site is expected to generate 99 net daily trips, 4 net AM peak hour trips, and 4 net PM peak hour trips. The build out of the project is assumed to be by 2027.

Since there will be a reduction in the peak hour trips, the project meets PBC Traffic Performance Standards (TPS). No roadway/intersection improvements are necessary.

MASS TRANSIT: Palm Tran review staff have no comments on this application. There are seven bus stop locations within a ½ mile of the subject property along Northlake Boulevard. The closest route is 22.



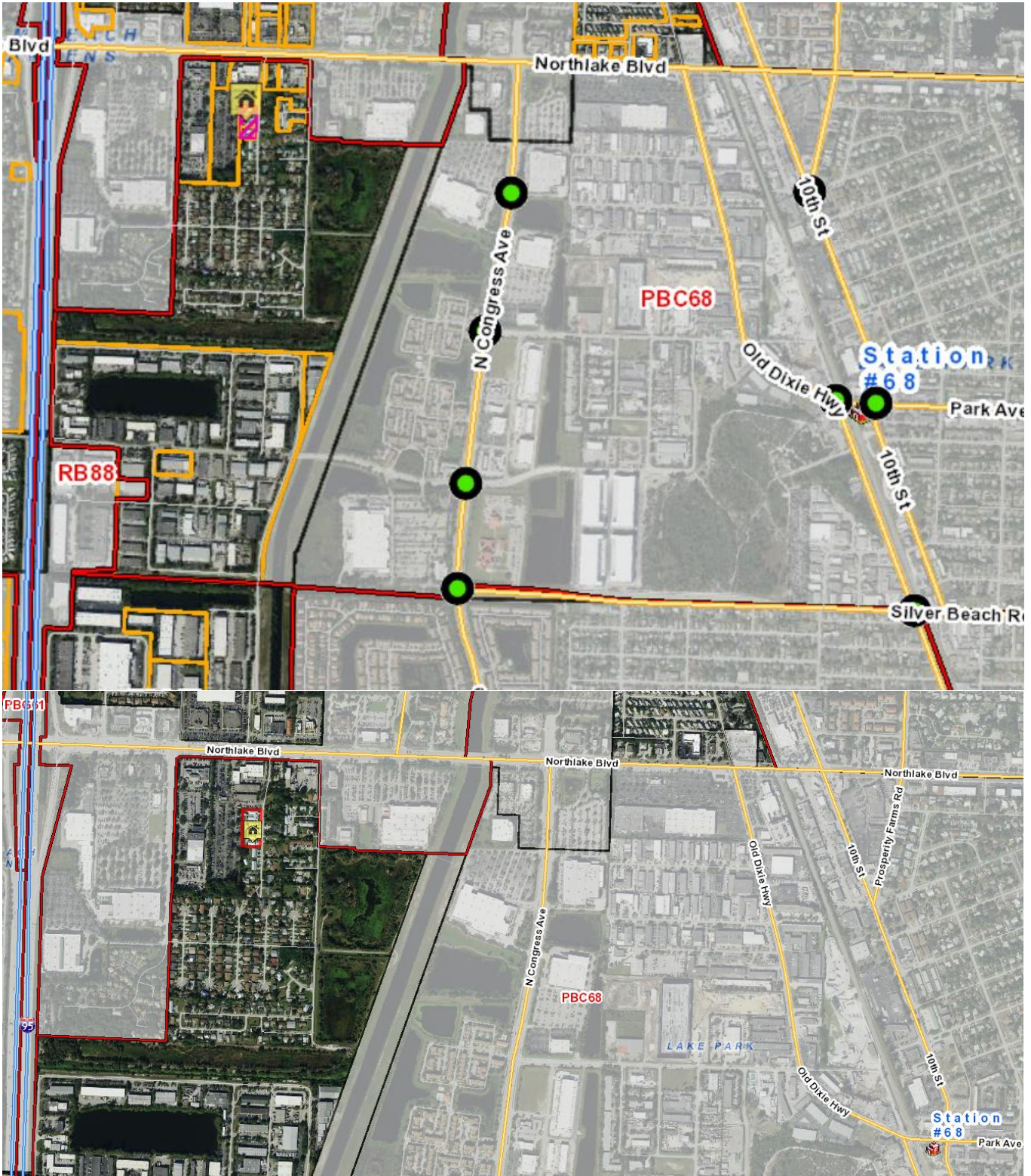
LAND DEVELOPMENT: The Department of Engineering and Public Works Land Development Division reviewed this application and has found that it complies with the regulations and code requirements of the ULDC under the authority of the Land Development.

DRAINAGE DISTRICT: The Justification Statement indicates that no Drainage Statement will be required with the proposed request since there is no site design change is proposed. Because there are no proposed site improvements, ie. building square footage, parking, etc., there are no proposed modifications to the drainage that effects legal positive outfall. If there are any proposed modifications, the Applicant shall ensure they obtain the appropriate permits from the District.

WATER AND WASTEWATER: The subject site is connected to water and wastewater within the boundaries of the Seacoast Utility Authority. The letter (Exhibit E.6) provided indicates that the property is currently serviced by a 1.5" meter for water and sewer.

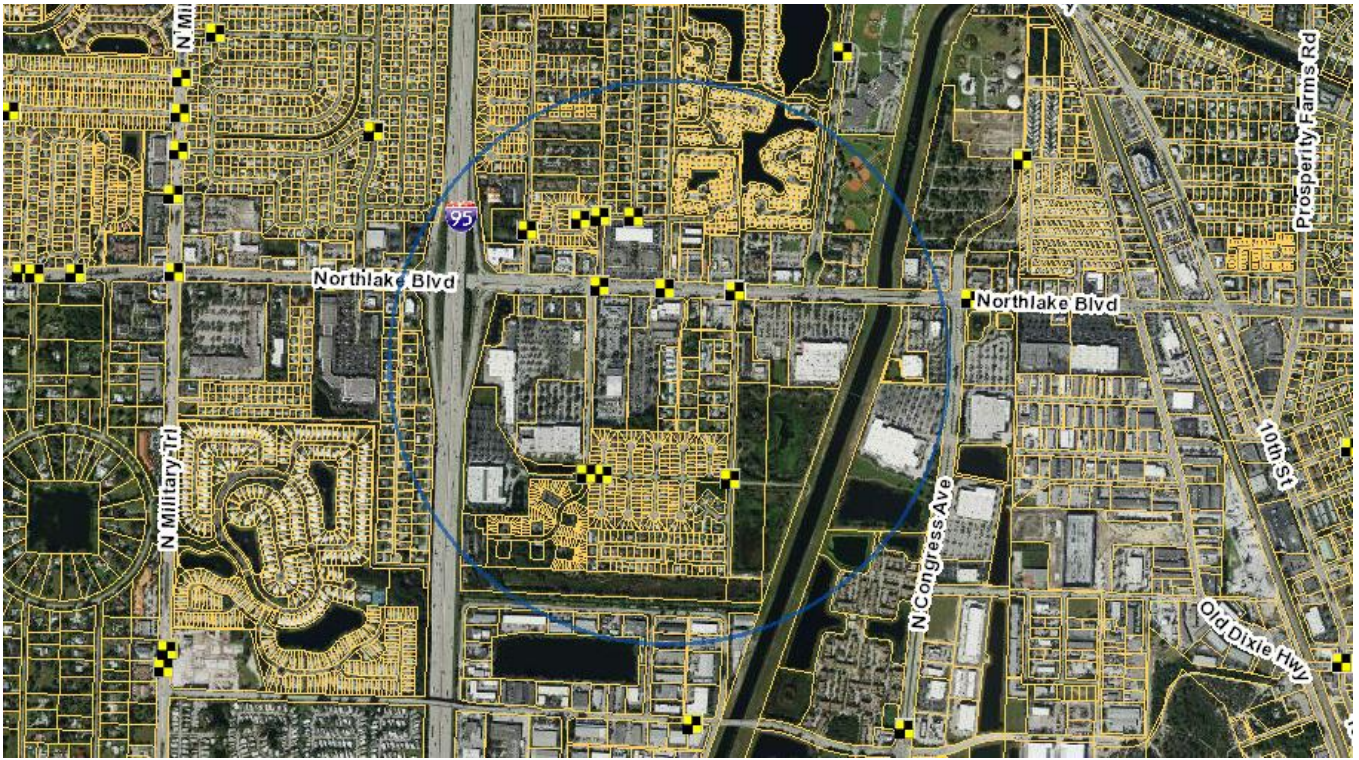
PALM BEACH COUNTY HEALTH DEPARTMENT: The Health Department staff have no comments on this application.

FIRE-RESCUE: Fire Rescue review Staff have no comments on this application. The development is within the service boundary of Palm Beach County Fire Rescue Station 68.



PARKS AND RECREATION: The Parks and Recreation Department review Staff have no comment regarding this application as this is a non-residential site, and the Parks and Recreation Department ULDC requirements do not apply.

SCHOOL IMPACTS: The PBC School District Staff has no comments regarding this non-residential application as there is no density proposed. There are ten school bus stop locations within a ½ mile of the facility. The closest stops are along Northlake Boulevard.



h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant has indicated in the Justification Statement that the proposed request, “*will allow the property to be re-evaluated and approved for a Skilled Nursing or Residential Treatment Facility which is a specified zoning use in the current ULDC. The change of use will allow for an increase in capacity to allow for an increase of care for Palm Beach County residents.*”

Exhibit B - Standards Analysis & Findings

TYPE II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V1	Art. 3.D.1.A side setback	15 feet setback for the north and the south property lines	10 feet setback for the north property line, and 13.5 feet for the south property line	Reduction of 5 feet setback for the north property line, and 1.5 feet for the south property line
	Art. 6.A.1.D Off-street Parking	Maneuvering shall permit vehicles to leave parking lot in a forward motion	To allow 22 parking spaces to back into the right of way	To allow 22 parking spaces to back into the right of way
	Art. 7.F.7.A Width of R-O-W Buffer	15-foot right of way buffer	Eliminate requirement of 15-foot right of way buffer in areas of existing parking spaces.	Eliminate requirement of 15-foot right of way buffer in areas of existing parking spaces.

FINDINGS: TYPE II VARIANCE STANDARDS

Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance are indicated below with Applicant's Response from the Justification Statement and Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district.**

Applicant's Response: Variations 1 & 2 - The special condition in regard to these variance requests is the configuration of the structures and driveway/parking locations currently existing on the site. This is a special condition in regard to the buffer requirements for the use to require parking areas to allow for vehicles to exit the site in a forward manner. From the perspective of functionality of the site, it will continue to function as it has historically done. The balance of the variance to waive the landscape buffer is due in part to water and sewer services being extended to the parcel, which is a benefit to the area overall.

Variance 3 - The special conditions associated with this variance is a result of the existing improvements on the property. The proposed project is a reuse of existing multi-family units that were configured in such a manner that the south side setback could not be provided without either cutting and refacing or demolishing the structure in order to meet the setback requirement. The subject 1.28-acre site has existed in its current configuration since the individual structures were constructed in 1973, according the Palm Beach County Property Appraiser and building permit records. These are special conditions not applicable to other new developments.

Staff Analysis: YES – V 1-3:

There are special conditions and circumstances that are peculiar to these parcels of land, building or structure, that are not applicable to other parcels of land, structures or building in the same zoning district. The site is existing, was approved as a Type 3 Congregate Living Facility, and was developed in accordance with prior approvals. Type 2 Variances approval were granted for noncompliance for side setbacks, and no site design improvement will be associated with the proposed request. Based on the prior approval (Resolution, ZR-2018-004), the site was conditioned that any change to the use(s) shall require a reconsideration of Type 2 Variances by the Zoning Commission.

Additionally, the site is unique in that the proposed use has an insignificant impact on the surrounding roadway network, and is locate on a dead-end street, not warranting an 80-foot commercial roadway width. On February 1, 2018, the Zoning Commission (ZC) granted a Subdivision Variance approval (Resolution ZR-2018-003) for the subject site, to allow access onto a 36-foot right of way, Lyndall Lane, rather than an 80 right of way (-44). Also, in the Traffic summary indicated above, **Standard g - Adequate Public Facilities**, Staff states that there will be a reduction in the peak hour trips.

- b. Special circumstances and conditions do not result from the actions of the Applicant**

Applicant's Response: Variations 1-3 - The site has existed in its current configuration since the individual structures were constructed in 1973, according the Palm Beach County Property Appraiser. The special conditions associated with this variance requests are not a result of the actions of the applicant, but a result of the existing improvements and the configuration of the site. The property received approval for a Class A Special Use permit for a Type 3 CLF and related variances in 2018. There are no proposed changes to the existing conditions of the site with this application. The variances are being re-requested with this application and were previously found to comply.

Staff Analysis: YES – V 1-3. The special circumstances and conditions are not a result of the actions of the Applicant. The Applicant is proposing a change of use, and to increase the number of residents from 25 to 36 (+11). The site will remain in its current configuration, is functioning, and was developed in accordance with prior approval. No modification is proposed to the site design.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district

Applicant's Response: Variations 1-3 - The granting of the variances will not confer any special privilege denied by the plan or the code to other parcels of land in the same zoning district. Should any other use in the RM zoning district wish variances to code requirements, they would simply need to adequately address the seven criteria contained herein on a project specific basis in order to have the variance granted.

Staff Analysis: YES – V 1-3. Granting of the Variances will not confer upon the Applicant any special privilege denied by the Comprehensive Plan and the Code to other parcels of land, buildings or structures in the same zoning district. The Applicant obtained approval from the ZC for Type 2 Variances, and developed the site in accordance with prior approval.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

Applicant's Response: Variance 1 and 2 - The parking configuration for the subject site remains as permitted and constructed. The existing structures prohibit the reconfiguration of the parking. The intent of the code is still being met by the (re)granting of the variance as the parking will continue to function as it has historically done and is not a detriment to the safety of the surrounding properties. The parking spaces limit the ability of the applicant to provide for the right of way buffer along that area of the frontage, and the proposed utilities impact the ability to provide the buffer in the balance of the frontage. However, the right of way plant material, as previously proposed with the prior variances granted, has been relocated to the other areas of the property to provide for an aesthetically pleasing view from the right of way and for the use of the patients.

Variance 3 - The intent of the code is being met by the granting of the variance for the reduction of the required side setback variance along the south property line. It would be an unnecessary hardship to require the applicant to cut and reface or demolish buildings so as to allow for the provision of a code compliant setback

Staff Analysis: YES – V 1-3. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship. The Applicant would be required to reconfigure the existing approved site design to comply with Code requirements for the setbacks, parking, and landscape and buffering. The site was developed in accordance with prior approval and the proposed use will be implemented in the previously constructed buildings.

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure.

Applicant's Response: Variance 1 and 2 – The variance is the minimum variance possible to allow the project to allow for adequate parking to be provided for the proposed use and to allow for the continuation of installed public facilities in this area of the County. The location of the existing structures on the property makes it difficult to provide for parking within the property to avoid backing into the right of way without the demolition of structures with useful life. The installation of utilities, while a benefit to the area and community as a whole, creates regulatory issues in regard to landscape installation.

Variance 3 - Granting this variance is the minimum possible as the location of the existing structure prohibits the development from complying with the north and south setback without the removal or demolition of the existing structures which would not be reasonable.

Staff Analysis: YES – V 1-3. The granting of the variances are the minimum variances that will make possible the reasonable use of the parcel of land, building or structure. The site was developed according to the prior approval. No change is proposed to the design of the site, and the proposed use will implement the previously approved plan.

f. Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

Applicant's Response: Variations 1-2 - The granting of these variations will be consistent with the purposes, goals and objectives of the plan and the code. The site is located within the Urban Suburban Tier and the existing parking spaces and structures were permitted and constructed under the Plan and Code provisions in place at the time. Additionally, the provision of water and sewer services to this area is consistent with the goals of the Plan. The adaptive re-use of existing structures within the Tier is encouraged within the County Directions of Future Land Use Element of the Plan by encouraging revitalization and adaptive re-use of existing structures with remaining useful life. Additionally, Policy 1.2-b states that Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.

Variance 3: - The granting of the (north and south) setback variance is not inconsistent with the Plan or code. The structures were legally permitted in their current location and the Code requires that adequate buffering, which had been installed with the commencement of the prior 2018 approval, which will continue to serve as mitigation of any impact on the property to the north and south.

Staff Analysis: YES – V 1-3. The granting of the Variations are consistent with the purposes, goals and objectives of the Plan and the Code. The ULDC allows for approved DO(s) to be vested, pending there is no modification to the previous approval by the authority which granted the original approval. Thus the original approval shall remain in effect and in accordance with a prior Ordinance. The proposed use will implement the previously approved plan.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant's Response: Variance 1 & 2 – The granting of these variations will not be injurious to the area as the parking will continue to function as it has historically done in the past and the impact from a traffic standpoint is insignificant. Additionally, the plant material that would have been required for the ROW buffer has been relocated on site.

Variance 3 – The granting of this variance will not be injurious to the area as the granting of the setback variance for the northern and southern property line will maintain existing conditions, including a 5-foot compatibility buffer along the southern property line and a 7.5-foot incompatibility buffer along the northern property line.

Staff Analysis: YES – V 1-3. The granting or reconsideration of these Variations will not be injurious to the area or detrimental to the public welfare. The buildings are existing, with no change to the site design.

Exhibit C-1 - Conditions of Approval

Class A Conditional Use – Skilled Nursing or Residential Treatment Facility on 1.28 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 12, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

SIGNS

1. Ground Mounted Freestanding signs fronting on Lyndall Lane shall be limited as follows:

- maximum sign height - four (4) feet, measured from finished grade to highest point;
- maximum sign face area per side - twenty (20) square feet;
- maximum number of signs - one (1);
- location: within ten (10) feet of the north property line; and,
- style - monument style only. (BLDGPM: BUILDING DIVISION - Zoning)

USE LIMITATIONS

1. The Use shall be limited to a Skilled Nursing or Residential Treatment Facility, as defined and licensed pursuant to applicable State Statutes. Residency of the facility shall be limited to a maximum of 36 residents. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- Referral to Code Enforcement; and/or
- Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit C-2 Conditions of Approval

Type 2 Variance – Setbacks, Parking Maneuvering, and R-O-W Buffer on 1.28 acres

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan is dated December 12, 2024. Only minor modifications by Development Review Officer shall be permitted provided the changes are consistent with this Variance request. (ONGOING: ZONING - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
SV/ZV/-2014-02513	Title: a Subdivision Variance Request: to allow access onto a 36-foot ROW.	ZR-2015-0028	Approved With Conditions	09/03/2015
SV/ZV/-2014-02513	Title: a Type 2 Variance Request: to allow back-out egress into a street; to eliminate a ROW buffer; and, to allow a reduction in the side setback for existing buildings.	ZR-2015- 0029	Approved With Conditions	09/03/2015
CA-2015-01730	Title: Class A Conditional Use Request: to allow a Type 3 Congregate Living Facility	R-2016-0002	Adopted with Conditions	01/07/2016
SV/ZV/DOA/CA/2017-01998	Title: a Subdivision Variance Request: to allow a reduction of the minimum street size for a local commercial use	ZR-2018-0003	Approved With Conditions	02/01/2018
SV/ZV/DOA/CA/2017-01998	Title: a Type 2 Variance Request: to allow for vehicular backing into the right of way; eliminate a 15-foot ROW buffer; and a reduction in side setback	ZR-2018-0004	Approved With Conditions	02/01/2018
SV/ZV/DOA/CA/2017-01998	Title: a Development Order Amendment Request: to reconfigure the Site Plan; add land area; add residents and beds; and, add square footage.	R-2018-0190	Adopted with Conditions	02/22/2018

Exhibit E-1 - Preliminary Site Plan

Variance Chart

TYPE 2 VARIANCE	
ULDC CODE SECTION	APPROVAL DATE
V.1 - Art 6.1.1 D.1 (a) - Access within 15' ROW Buffer	Allow parking spaces to back into the right of way. Eliminate requirement of 15' ROW buffer.
V.2 - Table 7.7.7 A.5	15' ROW Buffer
V.3 - Table 3.0.1 A	15' side setback

SUBDIVISION VARIANCE	
ULDC CODE SECTION	APPROVAL DATE
S.V.1 - Table 11.1.2 A.2	4'

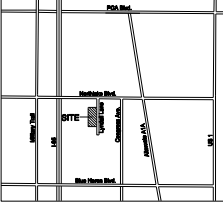
Waiver Chart

ULDC CODE SECTION	REQUIRED	PROPOSED	WAIVER	APPLICATION NO.	APPROVAL DATE
W.1 - Art 6.1.1 H.1.2	15' x 55' loading stall size	15' x 115'	36' 0" length	2024-07-31	2024-07-31
W.2 - Table 6.1.1 B (Note 12)	1 loading space per building lot	1 loading space	4 loading spaces		

PROPERTY DEVELOPMENT REGULATIONS	
MINIMUM SETBACKS	RETRIBUTION
REAR	REAR
FRONT	FRONT
DEPTH	DEPTH
WIDTH	WIDTH
HEIGHT	HEIGHT
REQUIRED	PROVIDED

(*) Regulations per ULDC Art. 4.B.4.C.15, Supplemental Use Regulations.

Location Map



Urban design studio
 Urban Planning
 Landscape Architecture
 910 Clematis Street, Suite 202
 Palm Beach, Florida 33480
 561.336.1100 FAX 561.336.1111
 www.urbandesignstudio.com
 #3000178

Site Data

APPLICATION DATA
 SUBMITTER: HEALTH
 APPLICATION NUMBER: ZWABNCA2024-07-219
 CONTROL NUMBER: 2074-0006
 DATE: FEB 2024
 FUTURE LAND USE: HR-3
 ZONING DISTRICT: RM
 CCRT: #8 PARKWAY VALASE EVERGREEN ACRES
 OVERLAY CONTROL NUMBER(S): NONE
 EXISTING USE(S): CLF, TYPE 3
 PROPOSED USE(S): SKILLED NURSING OR RESIDENTIAL TREATMENT FACILITY

SITE DATA

SITE AREA	1.28 AC
GROSS FLOOR AREA (MAXIMUM)	56,877 SF
GROSS FLOOR AREA (MINIMUM)	25,496 SF
GROSS FLOOR AREA	0.45 FAR
BUILDING 1	13,306 SF
BUILDING 2	1,800 SF
BUILDING 3	1,800 SF
BUILDING 4	1,800 SF
BUILDING 5	1,800 SF
SHED	154 SF
BUILDING COVERAGE (MAXIMUM)	46.6%
BUILDING COVERAGE (PROPOSED)	31%
PAVILION(SHED)	774 SF
COVERED WALKWAY	4,486 SF
CAULIUMATIONS	APPLICABLE TO ALL 25.0' SUBMINORAL LOTS
PROPOSED	36 RESIDENTS (1 RESIDENT PER 1,077 AREA @ 0.807)

Sunspire Health
 Preliminary Site Plan
 Palm Beach County, Florida

LEGEND

- Foundation Planting
- Limit of Access Easement
- Utility Easement
- Handicap Accessible Walkway
- Main Entrance
- Overhead Electric
- Blank Building Line

General Notes:

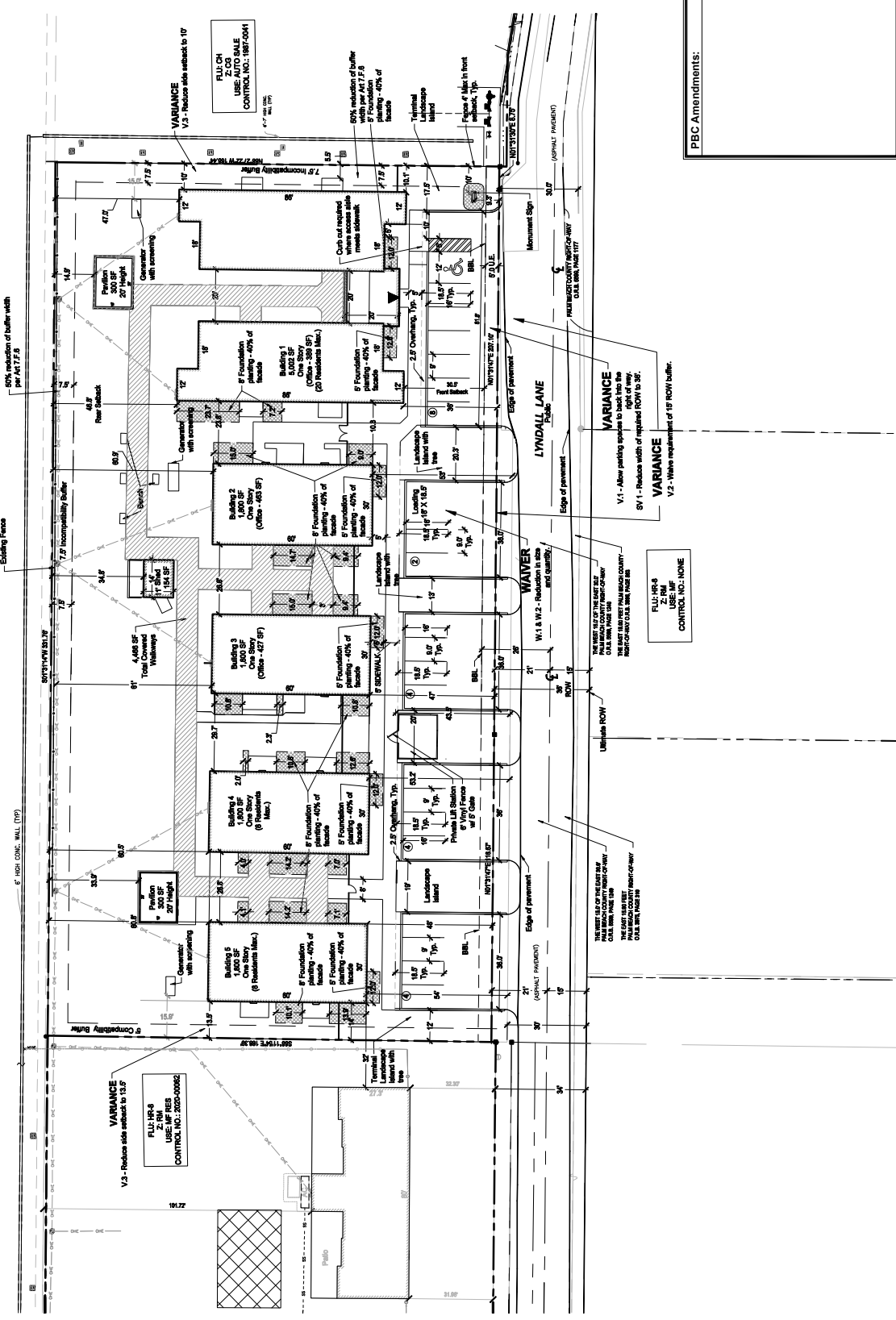
- All locked gates will have a Knox box for emergency access.
- All site improvements are existing.
- The subject site is located within Wellfield Zone 4.

DATE: 2024.07.31
Project No.: 14-066.004
Designed By: CFS
Drawn By: CFS
Checked By: AV

REVISION DATES:

2024.07.31	ISSUED FOR PERMIT
2024.11.29	ISSUED FOR PERMIT
2024.12.09	ISSUED FOR PERMIT

PSP-1
 of 1

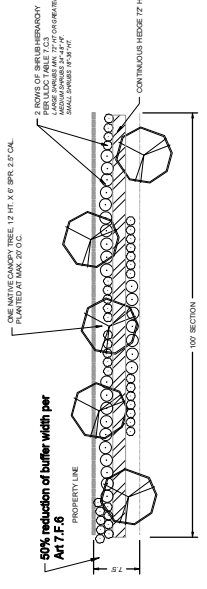


PBC Amendments:

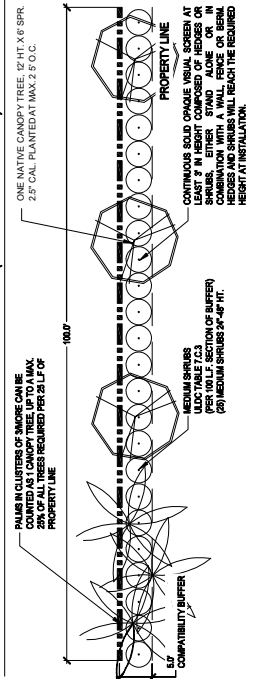
PBC Zoning Stamp:

Exhibit E-2 - Preliminary Regulating Plan

TYPE 2
7.5 INCOMPATIBILITY BUFFER DETAIL (NORTH & WEST PERIMETER) SCALE: 1"=20'

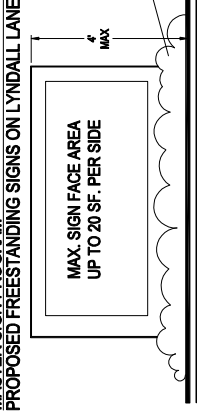


5' WIDE COMPATIBILITY LANDSCAPE BUFFER DETAIL (SOUTH PERIMETER)

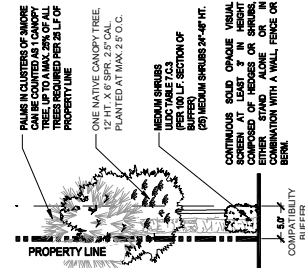
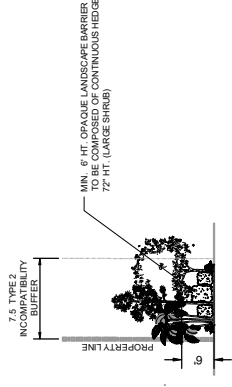


Proposed Landscape General Condition	
Landscape to be installed internal to the site	To be provided on site
Required in ROW buffer	To be provided on site
1 tree per 25' frontage	12 Trees
55 Large shrubs	55 Large shrubs
84 Medium shrubs	84 Medium shrubs
166 Small Shrubs	166 Small Shrubs

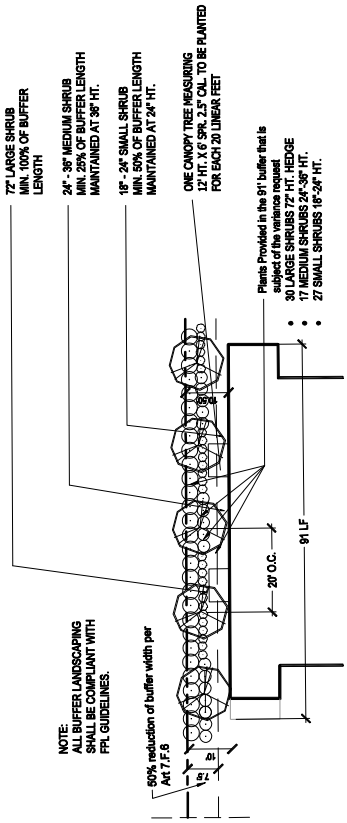
MASTER SIGN PROGRAM



TYPE 2 - 7.5' CROSS SECTION



TYPE 2 INCOMPATIBILITY BUFFER - NORTH BUFFER DETAIL



Plants Provided in the 91' buffer that is subject to the variance request

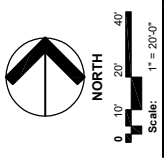
- 30 LARGE SHRUBS 72' HT. HEDGE
- 24 MEDIUM SHRUBS 24' HT.
- 18 SMALL SHRUBS 18' 24' HT.

Urban design studio

Urban Design
 Landscape Architecture
 610 Chavira Street, Suite C102
 West Palm Beach, FL 33401
 561.936.1100 FAX 561.936.1111
 R. AUSTIN@URBANDSIGN.COM

CONTRACT
 All plans, designs, arrangements, and other information contained herein are the property of Urban Design Studio, LLC. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form, or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the written permission of the designer.

Sunspire Health
 Palm Beach County, Florida
 Preliminary Regulating Plan



Date: 2/26/2024
 Drawn By: CFS
 Checked By: AV

REVISION DATES:

NO.	DATE	DESCRIPTION
001	02/26/2024	ISSUE FOR PERMIT

PRP-1
 of 1

SITE DATA:

NAME: SUNSPIRE HEALTH
 CONTROL NUMBER: 2014-00206
 APPLICATION NUMBER: ZV/ABNCA-2024-01219

PBC Amendments:

PBC Zoning Stamp:

BUILDING MOUNTED SIGNS

WALL SIGNS ALLOWED ON BUILDINGS AND CANOPY SIGNS ALLOWED ON CANOPY SIGNS. PROJECTING SIGNS, AWNING SIGNS, AND MARQUEE SIGNS. THERE IS NO LIMIT ON THE MAXIMUM NUMBER OF WALL SIGNS AND AWNING AND CANOPY SIGNS PROVIDED THAT THE TOTAL SIZE OF ALL SUCH SIGNS DOES NOT EXCEED THE TOTAL MAXIMUM SIGNAGE AREA PERMITTED FOR WALL SIGNS, PROJECTING SIGNS OVER A PERISTYLE PORCH, MARQUEE SIGNS, AWNING SIGNS, AND MARQUEE SIGNS ARE NOT INCLUDED IN THE MAXIMUM SIGN AREA CALCULATION FOR BUILDING MOUNTED SIGNS.

WALL SIGNS IN CONFORMANCE WITH THESE PROVISIONS, TO BE DETERMINED ON FINAL BUILDING ELEVATIONS SUBMITTED AT THE TIME OF PERMITTING FOR EACH INDIVIDUAL BUILDING.

Wall Sign Standards (U/S Tier - Per UDCC Table 8.6.1.A)	
Maximum Sign Area (Per Linear ft. of the wall to which the sign is attached) *includes awning and canopy signs	1.0 sq. ft. - any one facade 0.5 sq. ft. - any remaining facade
Min. wall sign per tenant space	0.25 sq. ft. - walls adjacent to residential zoning district or use
Min. horizontal and vertical separation between signs	24 sq. ft. 3 ft.
Max. projection from surface of building	2 ft.
Min. vertical separation between sign and roof line	6"
Min. horizontal separation between sign and wall edge	6"

Awning and Canopy Signs Standards:
 Awning and canopy signs shall be in accordance with the standards in Table 8.6.1.A, and shall be made of durable, long-lasting fabric and designed to fit the structure. Awning and canopy signs shall be subject to the standards in Table 8.6.1.B, Awning and Canopy Signs Standards. (Ord. 2008-040)

Note: Sign Area per Sign: 24 sq. ft. Max. Height per Sign: 20' above grade

Exhibit E-3 - Previously Approved Site Plan

Variance Chart

Code Section	Required	Proposed	Variance
1. A/C 6.1.10 (3) - Access	Access shall be provided to the right of way.	Access shall be provided to the right of way.	
2. Table 7.7.4.5	15' ROW Buffer	Eliminate 1' of ROW Buffer, 15' ROW Buffer	1' (North) (S. 2019-12-29)
3. Table 3.01.A	15' side setback	10' (North) 13.5' (South)	5' (North) 1.5' (South)
3.01.01.01	Required	Proposed	Variance
SV1 Table 11E2A-2	15' ROW Buffer for local commercial use	30'	15'

Waiver Chart

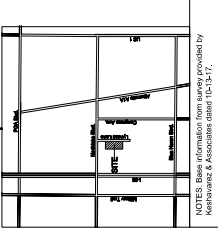
Request	Required	Proposed
Reduce Loading Space Size	15' X 55'	16' X 18.5'

- Notes:
- A maximum of 25 residents permitted.
 - A maximum of 13 residents permitted in buildings 5 and 6 in total.
 - A maximum of 12 residents permitted in building 1.
 - No Detention or Therapy Services may be provided in Bldgs 5 & 6.
 - Individual kitchen facilities in sleeping areas or individual quarters (bedrooms) are prohibited.

PROPERTY DEVELOPMENT REGULATIONS					
ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM LOT WIDTH	FAR	SETBACKS / SEPARATIONS	
REQUIRED	FT/A	FEET	%	FRONT SIDE STREET REAR	
RM	1.32 AC	332'	174'	0.21	21% 32' 10' NA 35'

* Minimum lot size determined by maximum density per FLUA (Table 3.01.A)

Location Map



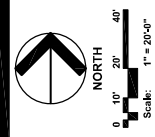
NOTES: Base information from survey provided by [Name].
Reference to associated plan: 15-21-17.

Site Data

Project Name: Sunspire Health Type 3 CLF
 Control # 2014-206
 Applicant DROEWALD
 Project # 09890389
 Last BCC Appr. Feb 22, 2018
 Land Use Urban/Suburban
 Proposed Zoning District RM
 Overly: None
 COZ: CORTRB Parkway Village Evergreen Acres
 Section 19, Township 42, Range 143, 344
 Prop. Controllr 00-83-42-16-29-001-3000
 E-6-14-2-16-29-001-3000
 Existing Use CLF Type 3
 Gross Site Area 4.30 Ac.
 Total Building Area 12,202 SF
 Type 3 CLF - 25 Residents
 Concurrently Approved
 Comments to support the variance
 Building Coverage 21%
 Comments: 1. 18' side setback to rear of 15' based on 13 residents.
 2. 15' side setback to rear of 13' based on 14 residents.
 3. 15' side setback to rear of 13' based on 14 residents.
 4. 15' side setback to rear of 13' based on 14 residents.
 5. 15' side setback to rear of 13' based on 14 residents.
 6. 15' side setback to rear of 13' based on 14 residents.
 7. 15' side setback to rear of 13' based on 14 residents.
 8. 15' side setback to rear of 13' based on 14 residents.
 9. 15' side setback to rear of 13' based on 14 residents.
 10. 15' side setback to rear of 13' based on 14 residents.
 11. 15' side setback to rear of 13' based on 14 residents.
 12. 15' side setback to rear of 13' based on 14 residents.
 13. 15' side setback to rear of 13' based on 14 residents.
 14. 15' side setback to rear of 13' based on 14 residents.
 15. 15' side setback to rear of 13' based on 14 residents.
 16. 15' side setback to rear of 13' based on 14 residents.
 17. 15' side setback to rear of 13' based on 14 residents.
 18. 15' side setback to rear of 13' based on 14 residents.
 19. 15' side setback to rear of 13' based on 14 residents.
 20. 15' side setback to rear of 13' based on 14 residents.
 21. 15' side setback to rear of 13' based on 14 residents.
 22. 15' side setback to rear of 13' based on 14 residents.
 23. 15' side setback to rear of 13' based on 14 residents.
 24. 15' side setback to rear of 13' based on 14 residents.
 25. 15' side setback to rear of 13' based on 14 residents.
 26. 15' side setback to rear of 13' based on 14 residents.
 27. 15' side setback to rear of 13' based on 14 residents.
 28. 15' side setback to rear of 13' based on 14 residents.
 29. 15' side setback to rear of 13' based on 14 residents.
 30. 15' side setback to rear of 13' based on 14 residents.
 31. 15' side setback to rear of 13' based on 14 residents.
 32. 15' side setback to rear of 13' based on 14 residents.
 33. 15' side setback to rear of 13' based on 14 residents.
 34. 15' side setback to rear of 13' based on 14 residents.
 35. 15' side setback to rear of 13' based on 14 residents.
 36. 15' side setback to rear of 13' based on 14 residents.
 37. 15' side setback to rear of 13' based on 14 residents.
 38. 15' side setback to rear of 13' based on 14 residents.
 39. 15' side setback to rear of 13' based on 14 residents.
 40. 15' side setback to rear of 13' based on 14 residents.
 41. 15' side setback to rear of 13' based on 14 residents.
 42. 15' side setback to rear of 13' based on 14 residents.
 43. 15' side setback to rear of 13' based on 14 residents.
 44. 15' side setback to rear of 13' based on 14 residents.
 45. 15' side setback to rear of 13' based on 14 residents.
 46. 15' side setback to rear of 13' based on 14 residents.
 47. 15' side setback to rear of 13' based on 14 residents.
 48. 15' side setback to rear of 13' based on 14 residents.
 49. 15' side setback to rear of 13' based on 14 residents.
 50. 15' side setback to rear of 13' based on 14 residents.
 51. 15' side setback to rear of 13' based on 14 residents.
 52. 15' side setback to rear of 13' based on 14 residents.
 53. 15' side setback to rear of 13' based on 14 residents.
 54. 15' side setback to rear of 13' based on 14 residents.
 55. 15' side setback to rear of 13' based on 14 residents.
 56. 15' side setback to rear of 13' based on 14 residents.
 57. 15' side setback to rear of 13' based on 14 residents.
 58. 15' side setback to rear of 13' based on 14 residents.
 59. 15' side setback to rear of 13' based on 14 residents.
 60. 15' side setback to rear of 13' based on 14 residents.
 61. 15' side setback to rear of 13' based on 14 residents.
 62. 15' side setback to rear of 13' based on 14 residents.
 63. 15' side setback to rear of 13' based on 14 residents.
 64. 15' side setback to rear of 13' based on 14 residents.
 65. 15' side setback to rear of 13' based on 14 residents.
 66. 15' side setback to rear of 13' based on 14 residents.
 67. 15' side setback to rear of 13' based on 14 residents.
 68. 15' side setback to rear of 13' based on 14 residents.
 69. 15' side setback to rear of 13' based on 14 residents.
 70. 15' side setback to rear of 13' based on 14 residents.
 71. 15' side setback to rear of 13' based on 14 residents.
 72. 15' side setback to rear of 13' based on 14 residents.
 73. 15' side setback to rear of 13' based on 14 residents.
 74. 15' side setback to rear of 13' based on 14 residents.
 75. 15' side setback to rear of 13' based on 14 residents.
 76. 15' side setback to rear of 13' based on 14 residents.
 77. 15' side setback to rear of 13' based on 14 residents.
 78. 15' side setback to rear of 13' based on 14 residents.
 79. 15' side setback to rear of 13' based on 14 residents.
 80. 15' side setback to rear of 13' based on 14 residents.
 81. 15' side setback to rear of 13' based on 14 residents.
 82. 15' side setback to rear of 13' based on 14 residents.
 83. 15' side setback to rear of 13' based on 14 residents.
 84. 15' side setback to rear of 13' based on 14 residents.
 85. 15' side setback to rear of 13' based on 14 residents.
 86. 15' side setback to rear of 13' based on 14 residents.
 87. 15' side setback to rear of 13' based on 14 residents.
 88. 15' side setback to rear of 13' based on 14 residents.
 89. 15' side setback to rear of 13' based on 14 residents.
 90. 15' side setback to rear of 13' based on 14 residents.
 91. 15' side setback to rear of 13' based on 14 residents.
 92. 15' side setback to rear of 13' based on 14 residents.
 93. 15' side setback to rear of 13' based on 14 residents.
 94. 15' side setback to rear of 13' based on 14 residents.
 95. 15' side setback to rear of 13' based on 14 residents.
 96. 15' side setback to rear of 13' based on 14 residents.
 97. 15' side setback to rear of 13' based on 14 residents.
 98. 15' side setback to rear of 13' based on 14 residents.
 99. 15' side setback to rear of 13' based on 14 residents.
 100. 15' side setback to rear of 13' based on 14 residents.

Sunspire Health, Type 3 CLF

Palm Beach County, Florida
 Final Site Plan



Date:	14-02-15-00
Project No.:	SCM/MB
Drawn by:	SCM/MB
Checked by:	SCM/MB
Scale:	1" = 20'-0"
Revision Dates:	02/15/15 02/16/15 02/17/15 02/18/15 02/19/15 02/20/15 02/21/15 02/22/15 02/23/15 02/24/15 02/25/15 02/26/15 02/27/15 02/28/15 02/29/15 03/01/15 03/02/15 03/03/15 03/04/15 03/05/15 03/06/15 03/07/15 03/08/15 03/09/15 03/10/15 03/11/15 03/12/15 03/13/15 03/14/15 03/15/15 03/16/15 03/17/15 03/18/15 03/19/15 03/20/15 03/21/15 03/22/15 03/23/15 03/24/15 03/25/15 03/26/15 03/27/15 03/28/15 03/29/15 03/30/15 03/31/15

Phase 1 - Buildings 1, 2, 3 & 4 - 8,202 SF
 14 Parking Spaces

Phase 2 - Building 1 Expansion - 400 SF
 Buildings 5 & 6 - 3,600 SF
 8 Parking Spaces

Note: All locked gates will have a knock box for emergency access.

PBC Zoning Stamp:
 PROJECT #: 05889-000
 CONTROL #: 2014-00206
 APPLICATION #:
 DROEW 2018-00404
 RESOLUTION #:
 ZR 2018-003, 004; R 2018-190
 EXHIBIT #: 13
 SUPERSEDES #: 12
 DATE APPROVED: 03-26-2018
 PROJECT MANAGER:
 D. Adelsperger

PBC Amendments:
 ZAR 2019-0790 05-08-2019 AM
 ZAR 2019-1008 06-18-2019 AJJ
 ZAR 2019-1520 10-08-2019 AJJ
 ZAR 2020-0967 07-02-2020 AUJ

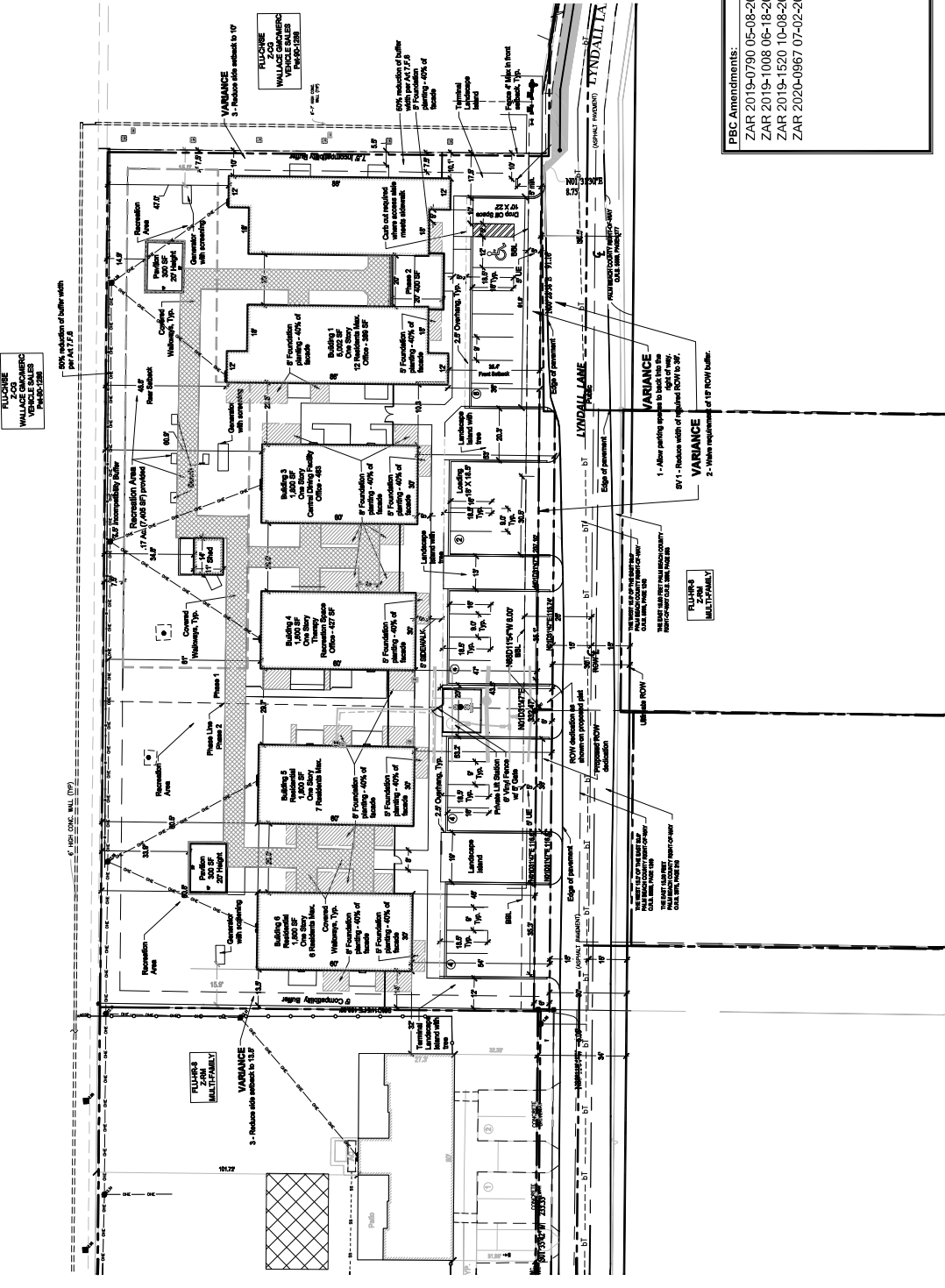


Exhibit E-4 - Disclosure

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Adam Multz, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] Manager [position—e.g., president, partner, trustee] of DIAMOND BEHAVIORAL HEALTH CENTER PBG, LLC [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 8841 LYNDALL LANE
PALM BEACH GARDENS, FL 33403

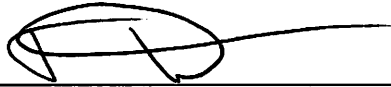
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.



Adam Multz, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of [] physical presence or
[] online notarization, this 13 day of August, 2024 by
Adam Multz (name of person acknowledging). He/she is personally
known to me or has produced Driver's License (type of identification) as
identification and did did not take an oath (circle correct response).

Kesi Ross
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 8/22/27

NOTARY'S SEAL OR STAMP

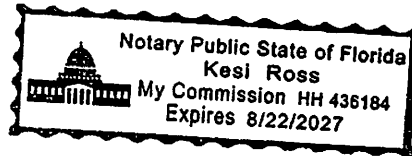


EXHIBIT "A"**PROPERTY**

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW ¼) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT A, SUNSPIRE HEALTH TYPE 3 CLF, RECORDED IN PLAT BOOK 125, PAGE 126, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THEN NORTH 88°27'22" WEST, ALONG THE NORTH LINE OF SAID TRACT A, THE SAID NORTH LINE ALSO BEING A SOUTH LINE OF PARCEL 1, NAPELTON KIA, RECORDED IN PLAT BOOK 124, PAGES 20 THROUGH 22, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, A DISTANCE 168.44 FEET TO THE NORTH WEST CORNER OF SAID TRACT A, THE SAID NORTHWEST CORNER ALSO BEING A SOUTHEASTERLY CORNER OF SAID PARCEL 1, THE SAID NORTHWEST AND SOUTHEASTERLY CORNER ALSO BEING A POINT ON THE EAST LINE OF THE WEST 125 FEET OF THE EAST ONE-HALF (E ½) OF THE WEST ONE-HALF (W ½) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 19; THENCE SOUTH 01°31'14" WEST, ALONG THE WEST LINE OF SAID TRACT A, THE SOUTHERLY PROJECTION OF THE SAID WEST LINE OF SAID TRACT A, AN EAST LINE OF SAID PARCEL 1 AND THE EAST LINE OF THE SAID WEST LINE OF THE SAID WEST 125 FEET OF THE EAST ONE-HALF (E ½) OF THE WEST ONE-HALF (W ½) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 19, A DISTANCE OF 331.76 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-THIRD (1/3) OF THE NORTH 350 FEET OF THE SOUTH 583 FEET OF THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 19; THENCE SOUTH 88°11'54" EAST, DEPARTING THE SAID EAST LINE AND ALONG THE SAID SOUTH LINE, A DISTANCE OF 174.39 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE FOR LYNDALL LANE AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED IN OFFICIAL RECORD BOOK 5599, PAGE 1249, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°31'47" EAST, ALONG THE SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 116.67 FEET TO A POINT AT THE SOUTHEAST CORNER OF TRACT "B", OF THE SAID PLAT OF SUNSPIRE HEALTH, TYPE 3 CLF, THE SAID POINT ALSO BEING ON THE NORTH LINE OF THE NORTH ONE-THIRD (1/3) OF THE NORTH 350 FEET OF THE SOUTH 583 FEET OF THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 19; THENCE NORTH 88°11'54" WEST, ALONG THE SOUTH LINE OF SAID TRACT B AND THE SAID NORTH LINE A DISTANCE OF 6.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B", THE SAID SOUTHWEST CORNER ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 01°31'47" EAST, DEPARTING THE SAID SOUTH LINE AND THE SAID NORTH LINE AND ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 207.10 FEET TO A POINT AT THE NORTHERN LIMITS OF SAID TRACT B; THENCE NORTH 01°31'30" EAST, CONTINUING ALONG THE SAID EAST LINE OF SAID TRACT A, A DISTANCE OF 8.75 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 56,637.217 SQUARE FEET AND/OR 1.300 ACRES, MORE OR LESS.

TRACTS

TRACT A1, CONTAINING 55,937 SQUARE FEET AND/OR 1.28 ACRES

TRACT B1, CONTAINING 700 SQUARE FEET AND/OR 0.016 ACRES

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Diamond Behavioral Group LLC	2300 Weston Rd Ste 207 Weston FL 33326 98.125%

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Carmen Sanz, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] Manager *[position - e.g., president, partner, trustee]* of GAIN HOLDINGS GROUP LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 295 BERETTA COURT
WEST PALM BEACH, FL 33415
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]
CARMEN SANZ, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 15 day of August, 2024 by Carmen Sanz (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did take an oath (circle correct response).

Nicole H. Shemesh
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 9-30-2026

NOTARY'S SEAL OR STAMP



EXHIBIT "A"**PROPERTY**

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW ¼) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT A, SUNSPIRE HEALTH TYPE 3 CLF, RECORDED IN PLAT BOOK 125, PAGE 126, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THEN NORTH 88°27'22" WEST, ALONG THE NORTH LINE OF SAID TRACT A, THE SAID NORTH LINE ALSO BEING A SOUTH LINE OF PARCEL 1, NAPELTON KIA, RECORDED IN PLAT BOOK 124, PAGES 20 THROUGH 22, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, A DISTANCE 168.44 FEET TO THE NORTH WEST CORNER OF SAID TRACT A, THE SAID NORTHWEST CORNER ALSO BEING A SOUTHEASTERLY CORNER OF SAID PARCEL 1, THE SAID NORTHWEST AND SOUTHEASTERLY CORNER ALSO BEING A POINT ON THE EAST LINE OF THE WEST 125 FEET OF THE EAST ONE-HALF (E ½) OF THE WEST ONE-HALF (W ½) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 19; THENCE SOUTH 01°31'14" WEST, ALONG THE WEST LINE OF SAID TRACT A, THE SOUTHERLY PROJECTION OF THE SAID WEST LINE OF SAID TRACT A, AN EAST LINE OF SAID PARCEL 1 AND THE EAST LINE OF THE SAID WEST LINE OF THE SAID WEST 125 FEET OF THE EAST ONE-HALF (E ½) OF THE WEST ONE-HALF (W ½) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SAID SECTION 19, A DISTANCE OF 331.76 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-THIRD (1/3) OF THE NORTH 350 FEET OF THE SOUTH 583 FEET OF THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 19; THENCE SOUTH 88°11'54" EAST, DEPARTING THE SAID EAST LINE AND ALONG THE SAID SOUTH LINE, A DISTANCE OF 174.39 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE FOR LYNDALL LANE AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED IN OFFICIAL RECORD BOOK 5599, PAGE 1249, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°31'47" EAST, ALONG THE SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 116.67 FEET TO A POINT AT THE SOUTHEAST CORNER OF TRACT "B", OF THE SAID PLAT OF SUNSPIRE HEALTH, TYPE 3 CLF, THE SAID POINT ALSO BEING ON THE NORTH LINE OF THE NORTH ONE-THIRD (1/3) OF THE NORTH 350 FEET OF THE SOUTH 583 FEET OF THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 19; THENCE NORTH 88°11'54" WEST, ALONG THE SOUTH LINE OF SAID TRACT B AND THE SAID NORTH LINE A DISTANCE OF 6.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B", THE SAID SOUTHWEST CORNER ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE NORTH 01°31'47" EAST, DEPARTING THE SAID SOUTH LINE AND THE SAID NORTH LINE AND ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 207.10 FEET TO A POINT AT THE NORTHERN LIMITS OF SAID TRACT B; THENCE NORTH 01°31'30" EAST, CONTINUING ALONG THE SAID EAST LINE OF SAID TRACT A, A DISTANCE OF 8.75 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 56,637.217 SQUARE FEET AND/OR 1.300 ACRES, MORE OR LESS.

TRACTS

TRACT A1, CONTAINING 55,937 SQUARE FEET AND/OR 1.28 ACRES

TRACT B1, CONTAINING 700 SQUARE FEET AND/OR 0.016 ACRES

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	100%
Gain Holdings Group LLC	8927 Hypoluxo Road Suite A-4, #320 Lake Worth, FL 33467	

Exhibit E-5 - Utility Letter



Seacoast Utility Authority

Mailing Address:
4200 Hood Road
Palm Beach Gardens,
FL 33410-9602

August 7, 2024

Kayla McKenzie
Urban Design Studio
610 Clematis St. CU#2
WPB, FL 33401

Re: 8841 Lyndall Lane, PBG, FL 3340 - Capacity Availability

Dear Ms. McKenzie:

This letter is in response to your request for capacity availability. The referenced project lies within the water and sewer service area of Seacoast Utility Authority and capacity is available. This property is currently serviced by a 1.5" meter for water and sewer, account # 00006402.

Sincerely,

SEACOAST UTILITY AUTHORITY

Jennifer Millette

Jennifer Millette
Engineering Services Specialist

Exhibit E-6 – Justification Statement

SUNSPIRE HEALTH JUSTIFICATION STATEMENT



Urban Design
Land Planning
Landscape Architecture

Request(s): Development Order Abandonment,
Class A Conditional Use, Subdivision Variance &
Type 2 Variances

Control No: 2014-00206

Application No: ZV/ABN/CA-2024-01219

Submittal: August 21, 2024

Sufficiency Submittal: September 18, 2024

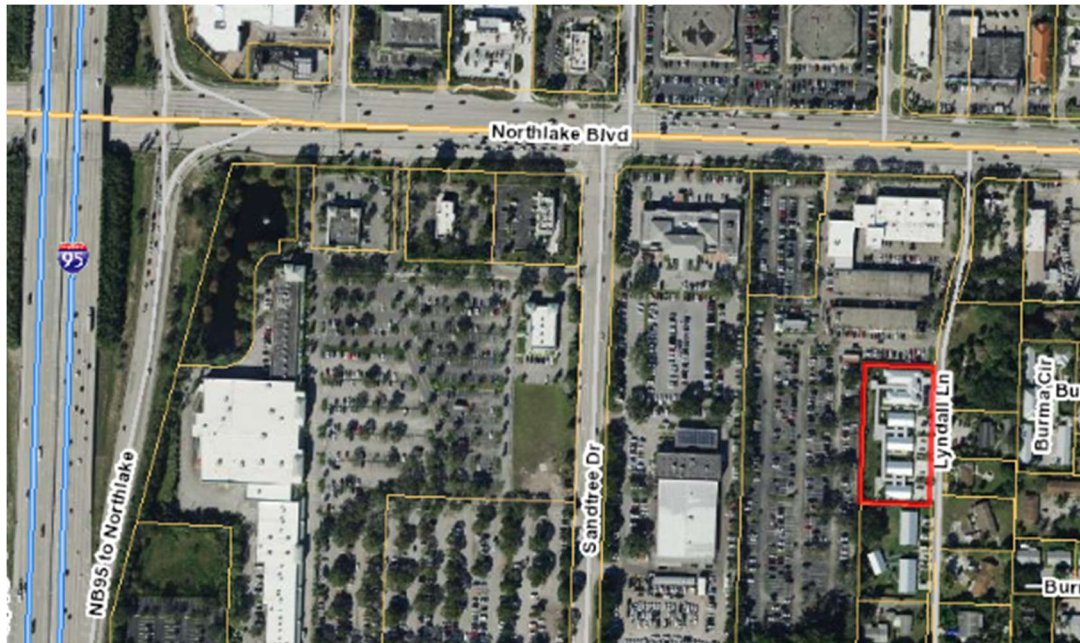
Resubmittal: October 28, 2024

Resubmittal: November 25, 2024

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of DIAMOND BEHAVIORAL HEALTH FACILITY PBG, LLC. (“Applicant” and tenant), Urban Design Studio (“UDS”) has prepared and hereby respectfully submits this application for Development Order Abandonment and a Class A Conditional Use application for the 1.28-acre site known as Sunspire Health Type 3 CLF (“Subject Property”).

The Subject Property is a platted property, located on the west side of Lyndall Lane, approximately 500 feet south of Northlake Boulevard in unincorporated Palm Beach County and identified in the Palm Beach County Property Appraisers records under property control number 00-43-42-19-30-001-0000.



The Subject Property has a future land use designation of High Residential, 8 units per acre (“HR-8”) and located within the Multi-Family Residential District (“RM”) zoning district. The as-

built features on this parcel were approved and constructed as a Type 3 Congregate Living Facility (Control Number 2014-00206), first under Resolution R-2016-0002 which approved a Class A Conditional Use for a Type 3 Congregate Living Facility and Resolution R-2018-0190 which amended the Class A Conditional Use. The Type 3 CLF is approved for 25 residents.

In addition to the resolutions mentioned above, there was a Subdivision Variance relative to the access approved under Resolution ZR-2018-003 and Zoning Variances for side setbacks, right-of-way (“ROW”) buffer elimination and back out parking under Resolution ZR-2018-004 which were relied on for the development of the existing facility and site conditions to remain unchanged with this application for a re-classification of use type. However, per ALL PETITIONS Condition 2 within both Resolutions, “these variances were approved for a Type 3 CLF use, any change to the use shall require reconsideration of the Variance by the Zoning Commission.”

The Applicant is proposing to abandon the prior Type 3 CLF use and propose a Class A Conditional Use as a Skilled Nursing or Residential Treatment Facility (“RTF”) with a maximum capacity of 36 beds. In 2018, when the project was originally approved, a “detox facility” was classified in the ULDC as a Type 3 CLF. In 2021, there were changes to the ULDC, Supplement 30, which updated code to include Skilled Nursing or Residential Treatment Facility use. The Skilled Nursing or Residential Treatment Facility use which is now more applicable under current ULDC regulations will allow the Applicant to continue its operation as a “detox facility” as previously indicated under the Type 3 CLF use and be licensed for an increase of patients within the existing facility, under the new use as a Skilled Nursing or Residential Treatment Facility use. **This application is simply a change of the zoning use based on the current ULDC with no proposed modifications to the existing site improvements and request approval of the prior approved variances.**

In order to achieve this proposal, the Applicant is requesting approval of the following from the PBC Zoning Commission (“ZC”) and Board of County Commissioners (“BCC”):

- Development Order Abandonments (“ABN”) of Resolution R-2016-0002 which originally approved a Class A Conditional Use for a Type 3 Congregate Living Facility and Resolution R-2018-0190 which amended the Class A Conditional Use; Resolution ZR-2018-003 which approved a Subdivision Variance for a reduction of the minimum street size for a local commercial use; and Resolution ZR-2018-004 which approved Type II Variances for side setbacks (north & south), ROW buffer elimination and back out parking.
- A Class A Conditional Use (“CA”) for a Skilled Nursing or Residential Treatment Facility per Article 4.B.4.C.15, including an updated Site Plan to reflect the proposed RTF use and related tabular data changes such as number of residents, parking calculations, etc. For this application, the specific use is considered a Residential Treatment Facility.
- A Concurrent Type II Variance to (re)approve side setbacks (north & south), ROW buffer elimination and back out parking.
- A Concurrent Subdivision Variance to (re)approve a reduction of the minimum street size for a local commercial use.

Following public hearing approval, the Site Plan will subsequently be approved by the Development Review Officer (“DRO”) along with a Type 1 Waiver for number of loading spaces (Table 6.B.1.B, Minimum parking and loading requirements, Note 12).

LEGAL LOT OF RECORD

The Subject Property is confirmed to be a legal lot of record under Plat Book 129 Pg 111. The subject property is platted as a 1.30-acre site, including Tract A1 with 1.28-acres and (ROW dedication) Tract B1 with 0.016-acres. With the dedication of Tract B1, the subject property contains 1.28-acres. It has been confirmed by the Palm Beach County Surveying and Land Development Divisions that considering this application does not propose any modifications to the existing site conditions, a survey is not required and can be processed based on the recorded Plat.

HISTORY

The northern 0.863 acres of the Subject Property was initially approved by the Board of County Commissioners (“BCC”) for a Class A Conditional Use as a Type 3 Congregate Living Facility, under Resolution R-2016-0002 on January 7, 2016.

On February 22, 2018, the BCC approved a Development Order Amendment to add land area to the original approval and increase the number of residents under Resolution R-2018-0190. On the same date, Resolutions ZR-2018-003 and 004, which were variances approved by the Zoning Commission, became effective.

There have been number of Site Plan amendments processed through the ZAR process since 2018, with the current Final Site Plan of record approved as Exhibit #13, with the latest ZAR approval on July 7, 2020.

SURROUNDING USES

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W’s) to the north, south, east, and west of the overall property.

Adjacent Property	FLU	Zoning	Existing Use	Approved Use	Control No.	Resolution No.
North	CH	CG	Auto Dealership	Auto Dealership	87-0041	R-2016-1838
South	HR-8	RM	MF Residential	MF Residential	NA	NA
East	HR-8	RM	MF Residential	MF Residential	NA	NA
West	CH	CG	Auto Dealership	Auto Dealership	87-0041	R-2016-1838

The Subject Property is located in an area with mixed uses consisting of an auto dealership to the north and west, residential uses across Lyndall Lane to the east and to the south. The Subject Property has historically been operating as a treatment facility without compatibility issues; the proposed modifications will continue to be compatible with surrounding uses.

COMMUNITY PLANNING/NEIGHBORHOOD PLANNING AREA

The Subject Property is located within the Countywide Community Revitalization Area (CCRT) #8 Parkway Village – Evergreen Acres Neighborhood Enhancement Area. As instructed by

Planning Staff, the Agent has outreached to The Office of Community Revitalization Representative, Audley Ried, and provided the application details. If it is requested by the Office of Community Revitalization that a meeting is necessary to formally present the application, the Agent will do so accordingly. To date, a request has not been made.

SITE DESIGN

The Subject Property is improved with five (5) existing buildings which currently serve as a residential treatment facility under the Type 3 CLF approval.

Per ULDC Article 4.B.4.C.15.g, the capacity of the proposed RTF use is calculated at a rate of 1 bed per 1,000 square feet of land area. Accordingly, the 1.28 acres, or 55,937 square feet of land area could support up to 55 RTF beds.

Per Housing Code, Section 14-44(c) – Occupancy Limitations, every habitable room used for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof. Provided with this application is a *Floor Plan Exhibit* which includes proposed occupancy details. The proposed plan provides for sleeping quarters within Buildings 1, 4 and 5. Based on the sleeping area square footage provided, the site can have a maximum occupancy of 53 beds.

This application proposes 36 RTF beds and therefore is below ULDC density limitations and in compliance with the Housing Code.

ACCESS

The Subject Property is accessed from Lyndall Lane which intersects with Northlake Boulevard. A Subdivision Variance was granted previously under ZR-2018-003 to allow access to a collector roadway with less than 80 feet in width. *From discussions with the Land Development and Zoning Director's, the existing access, as approved, is appropriate for the proposed RTF use.*

PARKING & LOADING

Per ULDC Table 6.B.1.B – *Minimum Parking and Loading Requirements*, a Residential Treatment Facility is required to have 1 space for every 3 beds, plus 1 space for every 250 square feet of office area. Accordingly, the existing 22 parking spaces will support the proposed 36 RTF beds and 1,279 square feet of office area as calculated below.

USE	SF/BEDS	RATE (1 SP/X)	SPACES
Office	1279	250	5
RTF	36	3	12
TOTAL SPACES			17

Per Table 6.B.1.B Note 12 Loading Standards of the ULDC, an RTF with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waver. The

site consists of five free standing buildings, which requires 5 loading spaces. Per Table 6.E.4.A, the required loading space dimension is 12-feet wide by 18.5-feet long.

There is one (1) existing loading space provided, at 18-feet wide by 18.5-feet long, located centrally within the site. This loading space has been sufficiently serving the “detox facility” operation and can continue to do so in its existing condition.

A Waiver was granted previously for a reduction in loading space size from 15-feet by 55-feet to 18-feet by 18.5-feet (Application DROE/W-2018-00404). As ULDC loading dimension requirements have changed since the 2018 approval, this waiver can be administratively abandoned if Staff feels necessary. The Applicant is requesting a Type 1 Waiver for a reduction in required loading spaces from 5 to 1.

PERIMETER LANDSCAPE & SETBACKS

The current development provides the following setbacks and perimeter landscape buffers, in compliance with the Property Development Regulations of Article 3, Supplemental Regulations for RTF of Article 4 and Landscape Buffer Regulations of Article 7 or as approved variance.

	SETBACK	BUFFER
NORTH	10'	10' *
WEST	46.8'	7.5' **
SOUTH	13.5' *	5'
EAST	30.5'	0' *
*	Approved by Variance (ZR-2018-004)	
**	50% reduction per Art. 7.F.6	

SIGNAGE

There is no proposed change to the prior approved monument sign, which is to be located in the northeast corner of the site. The monument sign details are provided on the Preliminary Regulating Plan (“PRP-1”) in accordance with prior Conditions of Approval SIGNS.1. Also provided on PRP-1, are the typical wall sign details per ULDC Table 8.G.1.A.

All signage to be implemented at time of permitting and compliant with ULDC Article 8.

DEVELOPMENT ORDER ABANDONMENT

As indicated in the Zoning Confirmation Letter dated February 28, 2024, “at the time of the approval in 2018 the Applicant described the CLF as a facility that “... *will provide detox services and residential housing with accessory services for the CLF residents.*” Subsequently, it was determined that the better approach to continue the existing use with additional capacity is to abandon the prior Type 3 CLF Class A Conditional Use and request a new Class A Conditional Use for the Skilled Nursing Facility or Residential Treatment Facility use under the current ULDC.

The Applicant is requesting a Development Order Abandonment of R-2016-0002 which approved a Class A Conditional Use for a Type 3 Congregate Living Facility and Resolution R-2018-0190, which later expanded the use. Subsequently, the previously approved Subdivision Variance (ZR-2018-003) and Type II Variances for setbacks, back out parking and the elimination of ROW (ZR-2018-004), also need to be abandoned and re-approved by the Zoning Commission based on the change in use type. Pursuant to ULDC Article 2.B.7.F.6, when considering an ABN application, the BCC and ZC shall consider the standards indicated below.

a. Consistency with the Plan - The proposed abandonment is consistent with the Plan.

Response: The Subject Property has a future land use designation of HR-8 and zoned RM. The Subject Property is currently approved for a 25 resident Type 3 Congregate Living Facility with 1,279 square feet of administrative office, operating as a residential treatment facility. The abandonment of these approvals will allow the facility to continue to operate as a residential treatment facility but with higher capacity based on the current ULDC rate of 1 bed per 1,000 square feet of property area. The use remains the same and consistent with the Plan at the density under the ULDC for the Skilled Nursing or Residential Treatment Facility use.

b. Consistency with the Code - The proposed abandonment is not in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.

Response: As referenced in standard a above, the proposed abandonment allows for a change of use to be consistent with the Code. The Applicant proposes no changes to the existing site improvements which were previously approved under the prior ULDC, variance or waiver and permitted prior to construction.

The proposed abandonments will eliminate all conditions of approval contained within Resolution R-2018-0190, ZR-2018-003, and ZR-2018-004, however the condition on signs within R-2018-0190 as inserted below should be reinstated for consistency with the existing development.

SIGNS

1. Ground Mounted Freestanding signs fronting on Lyndall Lane shall be limited as follows:

- a. maximum sign height - four (4) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - twenty (20) square feet;
- c. maximum number of signs - one (1);
- d. location: within ten (10) feet of the north property line; and,
- d. style - monument style only. (BLDGPMT: BUILDING DIVISION - Zoning)

c. Adequate Public Facilities - The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency

affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the Subject Property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).

Response: The proposed abandonments relative to Adequate Public Facilities will be reevaluated with the tandem application for Class A Conditional Use for the Residential Treatment Facility use, however there is no impact based on the abandonments.

d. Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

Response: The proposed abandonments will allow the property to be re-evaluated and approved under a Class A Conditional Use for a Residential Treatment Facility which is a specified zoning use in the current ULDC. The change of use will allow for an increase in patient capacity to allow for an increase of care for Palm Beach County residents.

CONDITIONAL USE STANDARDS:

This application requests a Class A Conditional Use approval for a Residential Treatment Facility use on the Subject Property. The standards for the DOA and Class A Conditional Use, per Article 2.B.7.B.2 are addressed below:

a. Consistency with the Plan - The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

Response: The Subject Property has an HR-8 future land use designation, is zoned RM and is located within the Urban/Suburban Tier. The property is not located within any planning overlays, but located within the Countywide Community Revitalization Area (CCRT) #8 Parkway Village – Evergreen Acres Neighborhood Enhancement Area.

According to Art. 4.B.4.C.15.g, the maximum capacity of a Skilled Nursing or Residential Treatment Facility is calculated at a rate of 1 bed per 1,000 square feet of lot area. The Subject Property consists of 1.28 acres or approximately 55,937 square feet which would allow up to 55 beds. The proposed capacity is 36 beds which is consistent with the ULDC rate and Plan.

b. Consistency with the Code - The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

Response: The Type 3 CLF (detoxification) use has existed on the Subject Property for approximately 6 years and was developed in accordance with the prior approvals. There is no intent to modify any of the existing site improvements, however this Class A Conditional use will allow for the capacity to increase from 25 residents to 36 beds.

A Skilled Nursing or Residential Treatment Facility is an allowed use under the RM zoning district, subject to Class A Conditional Use approval and compliance with the Code. Also, the existing development is in compliance with the specific supplemental regulations for the Skilled Nursing or Residential Treatment Facility use found in Art. 4.B.4.C.15 as indicated below:

15. Skilled Nursing or Residential Treatment Facility

a) Definition

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require Hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. In addition to nursing care, patients may require medical or psychiatric treatment for a disability, disease, or other condition, in an institutional or medical setting.

Response: the proposed use is consistent with the definition.

b) Licensing

Shall be required to be licensed by the State of Florida.

Response: Upon zoning use approval, the Applicant will obtain licensure by the State of Florida; more specifically the Department of Children and Families (DCF) for addiction treatment (pursuant to Ch. 397, Florida Statutes) and the Agency for Health Care Administration (AHCA) for mental health treatment (pursuant to Ch. 394, Florida Statutes).

c) Typical Uses

Typical uses may include, but are not limited to:

- 1) Addition receiving facility;
- 2) Detoxification Treatment Facility;
- 3) Residential Treatment Facility;
- 4) Nursing Home;
- 5) Convalescent Facility; or,
- 6) Hospice larger than a Single-Family Dwelling unit.

Response: the proposed operation will conform with the typical uses and will be licensed accordingly.

d) Lot Size

A minimum of 10,000 square feet or the minimum requirement of the zoning district, whichever is greater.

Response: the 1.28-acre site exceeds the minimum lot size of 10,000 square feet.

e) Frontage

A minimum of 100 feet of frontage or the minimum requirement of the zoning district.

Response: The subject site meets and exceeds the minimum 100-foot frontage requirements.

f) Access

If located in a residential FLU designation, access shall be provided from a Collector or Arterial Street.

Response: the access from Lyndall Lane remains the same as currently approved under the Subdivision Variance ZR-2018-003 and complies as discussed with the Zoning and Land Development Directors. Based on the requested change of use, the Subdivision Variance is being re-requested with this application.

g) Maximum Number of Patient Beds

One bed per 1,000 square feet of lot area.

Response: the proposed capacity is 36 beds which is below the maximum of one bed per 1,000 square feet of lot area or 55 beds.

Per Housing Code, Section 14-44(c) – Occupancy Limitations, every habitable room used for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof. Based on the sleeping area square footage provided, the site can have a maximum occupancy of 53 beds and the proposed capacity is 36 beds.

c. Compatibility with Surrounding Uses - The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

Response: The Subject Property is located in an area characterized by residential to the east and south and commercial uses to the north and west. The fact that the existing Type 3 CLF (treatment facility) has been operating on the Subject Property for the past 6 years without compatibility issues further illustrates that the proposed change in use

to a Skilled Nursing or Residential Treatment Facility (treatment facility) use is compatible with surrounding uses

d. Design Minimizes Adverse Impact - The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

Response: There are no proposed changes to the existing site development design and therefore will not create any adverse impact.

e. Design Minimizes Environmental Impact - The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Response: There are no proposed changes to the existing site development design and therefore will not create any adverse environmental impact.

f. Development Patterns - The proposed use or amendment will result in a logical, orderly, and timely development pattern.

Response: The Subject Property is located in an area characterized by residential to the east and south and commercial uses to the north and west. The fact that the existing Type 3 CLF (treatment facility) has been operating on the Subject Property for the past 6 years without compatibility issues further illustrates that the proposed change in use to a Skilled Nursing or Residential Treatment Facility (treatment facility) use is compatible with surrounding uses.

g. Adequate Public Facilities - The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).

Response: All required infrastructure is available to serve the Subject Property, including water and sewer, drainage, solid waste collection and other utilities. A traffic report prepared by PTC Engineering is included in the application materials to address traffic and no drainage statement was required since there are no physical changes to the existing site improvements. A letter from Seacoast Utilities is provided confirming the site is serviced with water and sewer.

h. Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification.

Response: The proposed Class A Conditional Use will allow the property to be re-evaluated and approved for a Skilled Nursing or Residential Treatment Facility which is a specified zoning use in the current ULDC. The change of use will allow for an increase in capacity to allow for an increase of care for Palm Beach County residents.

TYPE II VARIANCE & STANDARDS

On February 1, 2018, the Zoning Commission granted approval of variances V.1, V.2, and V.3 (as identified in the below chart) via Resolution ZR-2018-004. ***The subject site was built-out in accordance with the variance approvals and they are the existing conditions today.***

	Code Section	Required	Proposed	Variance
V.1	Art. 6.A.1.D.15.a. – Access	Maneuvering Shall Permit Vehicles to Leave Parking Lot in a Forward Motion.	Allow parking spaces to back into the right of way.	Allow parking spaces to back into the right of way.
V.2	Table 7.F.7.A-5	15' ROW Buffer	Eliminate requirement of 15' ROW.	Eliminate requirement of 15' ROW buffer.
V.3	Table 3.D.1.A.	15' side setback	10' (North) 13.5' (South)	5' (North) 1.5' (South)

There are no proposed changes to the site with this application. The Applicant is proposing a re-classification of use from a Type 3 CLF to a Skilled Nursing or Residential Treatment Facility. In accordance with ALL PETITIONS, Condition 2, any change to the use, shall require reconsideration of the Variance by the Zoning Commission. As such, we respectfully request re-approval of the variances concurrently with the Abandonment of the Type 3 CLF use and Class A Conditional Use application to allow a Skilled Nursing or Residential Treatment Facility.

Variance 1

Variance 1 is a request for relief from the ingress and egress requirement from maneuvering that requires parking spaces that accommodate more than two units to leave parking lots in a forward motion. The site is built-out with five buildings and 22 surface parking spaces to serve the use. The buildings and parking were legally permitted and constructed with all parking areas functioning as driveways, backing out into the right of way of Lyndall Lane. This configuration is also in accordance with the prior variance approval granted through ZR-2018-004. There is no proposed change to the site plan with this application. With the re-classification of the use from a Type 3 CLF to a Skilled Nursing or Residential Treatment Facility, maintaining the current configuration of the existing parking/driveways will not be detrimental to the area. The residents of the RTF typically do not have cars and will be transported to any required doctor's appointments or off-site activities via the transportation provided by the facility.

Variance 2

Variance 2 is a request to eliminate the requirement for a 15-foot ROW buffer in areas of existing parking, as well as in the terminal islands between the spaces. The ULDC requires that a ROW buffer shall be provided along all street ROW's except for alleys. As the site improvements on the subject site are existing, it is not possible to place the required

landscaping within the existing driveways. Additionally, because of the existing utilities located within the remaining areas, it was determined with the prior approval that it would not be feasible to locate the required planting within that area. As previously mentioned, there are no proposed changes to the Site Plan with this application and the existing landscape remains installed in accordance with the variance granted via R-2018-004. The Applicant has installed the required ROW buffer plantings interior to the site in addition to foundation planting, as required near the buildings, and in the areas between, to provide for a more aesthetically pleasing landscape when viewed from the right of way and for the benefit of the patients.

Variance 3

Variance 3 is a reduction of the required side setbacks along the northern and southern side property lines. Per Table 3.D.1.A., the ULDC requires a 15-foot side setback for properties located in the RM zoning district.

The southern structure is located approximately 13.5-feet away from the southern side property line and the northern structure is located approximately 10-feet away from the northern side property line. These structures were constructed in 1973 according to the Palm Beach County Property Appraiser and building permit records. The requested variance is to allow the existing structures to remain in its current configuration and in accordance with the prior variance approval granted through Resolution ZR-2018-004).

Standards

The standards for Type II Variances are addressed below (with the responses for V.1 & V.2 addressed together as they are somewhat related. The existence of the parking spaces prohibits the ROW in most of the area which is the subject of the variance request).

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

RESPONSE: *Variance 1 & 2 - The special condition in regard to these variance requests is the configuration of the structures and driveway/parking locations currently existing on the site. This is a special condition in regard to the buffer requirements for the use to require parking areas to allow for vehicles to exit the site in a forward manner. From the perspective of functionality of the site, it will continue to function as it has historically done. The balance of the variance to waive the landscape buffer is due in part to water and sewer services being extended to the parcel, which is a benefit to the area overall.*

Variations 3 - The special conditions associated with this variance is a result of the existing improvements on the property. The proposed project is a reuse of existing multi-family units that were configured in such a manner that the south side setback could not be provided without either cutting and refacing or demolishing the structure in order to meet the setback requirement. The subject 1.28-acre site has existed in its current configuration since the individual structures were constructed in 1973,

according to the Palm Beach County Property Appraiser and building permit records. These are special conditions not applicable to other new developments.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

RESPONSE: *Variances 1-3 - The site has existed in its current configuration since the individual structures were constructed in 1973, according to the Palm Beach County Property Appraiser. The special conditions associated with this variance requests are not a result of the actions of the applicant, but a result of the existing improvements and the configuration of the site. The property received approval for a Class A Special Use permit for a Type 3 CLF and related variances in 2018. There are no proposed changes to the existing conditions of the site with this application. The variances are being re-requested with this application and were previously found to comply.*

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

RESPONSE: *Variances 1-3 - The granting of the variances will not confer any special privilege denied by the plan or the code to other parcels of land in the same zoning district. Should any other use in the RM zoning district wish variances to code requirements, they would simply need to adequately address the seven criteria contained herein on a project specific basis in order to have the variance granted.*

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

RESPONSE: *Variance 1 and 2 - The parking configuration for the subject site remains as permitted and constructed. The existing structures prohibit the reconfiguration of the parking. The intent of the code is still being met by the (re)granting of the variance as the parking will continue to function as it has historically done and is not a detriment to the safety of the surrounding properties. The parking spaces limit the ability of the applicant to provide for the right of way buffer along that area of the frontage, and the proposed utilities impact the ability to provide the buffer in the balance of the frontage. However, the right of way plant material, as previously proposed with the prior variances granted, has been relocated to the other areas of the property to provide for an aesthetically pleasing view from the right of way and for the use of the patients.*

Variance 3 - The intent of the code is being met by the granting of the variance for the reduction of the required side setback variance along the south property line. It would be an unnecessary hardship to require the applicant to cut and reface or demolish buildings so as to allow for the provision of a code compliant setback.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE.

RESPONSE: *Variance 1 and 2 – The variance is the minimum variance possible to allow the project to allow for adequate parking to be provided for the proposed use and to allow for the continuation of installed public facilities in this area of the County. The location of the existing structures on the property makes it difficult to provide for parking within the property to avoid backing into the right of way without the demolition of structures with useful life. The installation of utilities, while a benefit to the area and community as a whole, creates regulatory issues in regard to landscape installation.*

Variance 3 - Granting this variance is the minimum possible as the location of the existing structure prohibits the development from complying with the north and south setback without the removal or demolition of the existing structures which would not be reasonable.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE.

RESPONSE: *Variations 1-2 - The granting of these variations will be consistent with the purposes, goals and objectives of the plan and the code. The site is located within the Urban Suburban Tier and the existing parking spaces and structures were permitted and constructed under the Plan and Code provisions in place at the time. Additionally, the provision of water and sewer services to this area is consistent with the goals of the Plan. The adaptive re-use of existing structures within the Tier is encouraged within the County Directions of Future Land Use Element of the Plan by encouraging revitalization and adaptive re-use of existing structures with remaining useful life. Additionally, Policy 1.2-b states that Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.*

Variance 3: - The granting of the (north and south) setback variance is not inconsistent with the Plan or code. The structures were legally permitted in their current location and the Code requires that adequate buffering, which had been installed with the commencement of the prior 2018 approval, which will continue to serve as mitigation of any impact on the property to the north and south.

7. THE GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE.

RESPONSE: *Variance 1 & 2 – The granting of these variations will not be injurious to the area as the parking will continue to function as it has historically done in the past and the impact from a traffic standpoint is insignificant. Additionally, the plant material that would have been required for the ROW buffer has been relocated on site.*

Variance 3 – The granting of this variance will not be injurious to the area as the granting of the setback variance for the northern and southern property line will maintain existing conditions, including a 5-foot compatibility buffer along the southern property line and a 7.5-foot incompatibility buffer along the northern property line.

SUBDIVISION VARIANCE & STANDARDS

	Code Section	Required	Proposed	Variance
SV.1	Table 11.E.2.A-2	80-foot Minimum width of Street for a local commercial use.	36-feet	44-feet

On February 1, 2018, the Zoning Commission granted approval of a subdivision variance to allow a (44-foot) reduction from the 80-foot minimum street size for a local commercial use via Resolution ZR-2018-004. This subdivision variance was concurrently approved with a Class A (Special Exception) to allow a Type 3 CLF use. The Applicant is proposing to abandon the prior Type 3 CLF use and propose a “Residential Treatment Facility” with a maximum capacity of 36 patients. In 2018, when the project was originally approved, a “detox facility” was classified in the ULDC as a Type 3 CLF. In 2021, there were changes to the ULDC, Supplement 30, which updated code to include the Skilled Nursing or Residential Treatment Facility use. The Skilled Nursing or Residential Treatment Facility use is more applicable under current ULDC regulations and will allow the Applicant to continue its operation as a “detox facility” as previously indicated under the Type 3 CLF use and be licensed for an increase of patients within the existing facilities. This application is simply a change of the zoning use based on the current ULDC with no proposed modifications to the existing site improvements.

Per ALL PETITIONS Condition 2 within ZR-2018-003, “this variance was approved for a Type 3 CLF use, any change to the use shall require reconsideration of the Variance by the Zoning Commission.” As such, we respectfully request approval of a variance from ULDC Article 11, Table 11.E.2.A.2, Minimum Legal Access Requirement which requires that each lot shall abut a street of suitable classification is being requested. The variance request is to allow access onto an existing 36-foot ROW, Lyndall Lane, rather than an 80-foot ROW, for a local commercial use (as previously approved).

The standards for subdivision variances are addressed below:

1. UNIQUENESS.

RESPONSE: *This project is unique in that the use is treated as a residential use in other areas of the ULDC and for other County purposes, including the calculation of impact fees, but is treated as a non-residential use as it is proposed to be a for-profit business from a Land Development standpoint. Additionally, it is unique in that the proposed RTF use has an insignificant impact on the surrounding roadway network from a traffic standpoint and is located on a dead-end street, not warranting an 80-foot commercial roadway width, and the use is permitted from a zoning standpoint onto a local street.*

2. NOT SELF CREATED:

RESPONSE: *Lyndall Lane is a local street, and consists of a 36-foot ROW (based on the dedication of 6-feet of ROW, as indicated on the prior Plats as “Tract B” and “Tract B1”). The variance request is not self-created as the applicant purchased the property for residential purposes and the proposed use is considered residential from a zoning perspective. It could be argued that even the continued use as a group of multi-family buildings under a common ownership being rented as apartments would be considered a for profit use of the property. As such, the requirement of this code section is not self-created, but a result of the configuration of legally permitted structures and parking facilities.*

3. NO SPECIAL PRIVILEGE:

RESPONSE: *The granting of the variance will not confer any special privilege denied by the plan or the code to other parcels of land in the same zoning district. Should any other use in the RM zoning district wish variances to code requirements, they would simply need to adequately address the seven criteria contained herein on a project specific basis in order to have the variance granted.*

4. UNDUE HARDSHIP:

RESPONSE: *Literal interpretation of the code creates an undue hardship on the owner. The only alternative to provide an 80-foot ROW section in this area on Lyndall Lane would be to either acquire ROW from property owners on the east side of the street or dedicate the entire area from the subject property, which would create an inconsistent roadway section and the impact to the property’s site design as it would eliminate the existing parking and impact the structure(s) as well. The requirement is a hardship as there appears to be no rational nexus for acquiring or dedicating that amount of right of way for a use that has is a decrease in traffic on the existing roadway network. It would also be a hardship in that the acquisition or dedication would not serve to create an integrated roadway network in the area as Lyndall Lane is a dead-end street.*

5. MINIMUM VARIANCE:

RESPONSE: *Granting this variance is the minimum variance that will make possible reasonable use of the parcel of land for subdivision purposes, and to allow the proposed use. In accordance with the prior subdivision variance approval, the Applicant dedicated the 6-foot section (Tract B and Tract B1) on Lyndall Lane along the property frontage, as conditioned by Land Development Division.*

6. CODE’S INTENT:

RESPONSE: *The intent of the code is met with the granting of the variance. The intent of the code is to provide for adequate access for non-residential uses. The proposed use is still considered residential from a zoning perspective and the intent of providing access to a street*

of adequate width is met. There is an insignificant impact on traffic with the proposed use change from a Type 3 CLF to a Residential Treatment Facility. The existing ROW width has historically supported the traffic associated with the residential uses in the area and will be adequate for the proposed residential use.

7. PUBLIC WELFARE:

RESPONSE: *Granting of this variance will not be injurious to the public welfare or detrimental to the surrounding area. The character of the lots in the neighborhood south of Northlake Blvd. is residential in nature and will continue to be so. Based on the 2018 approval, the existing ROW width was improved with the dedication of the 6-feet from the property along the applicable portion of the site’s frontage. The traffic impact of the proposed use on the existing roadway is insignificant.*

STATUS OF CONDITIONS OF APPROVAL

The proposed Development Order Abandonment application provided requests to abandon Resolution R-2016-0002, Resolution R-2018-0190, Resolution ZR-2018-003, and Resolution ZR-2018-004 and eliminate all conditions of approval. A new development order will be adopted with approval of the Class A Conditional Use for a Residential Treatment Facility, along with approval of a concurrent Subdivision Variance and Type II Variances for side setbacks, ROW buffer elimination and back out parking in accordance with the current ULDC.

For consistency with the prior approval, it is suggested to reinstate the condition below for Signs.

SIGNS

1. Ground Mounted Freestanding signs fronting on Lyndall Lane shall be limited as follows:
 - a. maximum sign height - four (4) feet, measured from finished grade to highest point;
 - b. maximum sign face area per side - twenty (20) square feet;
 - c. maximum number of signs - one (1);
 - d. location: within ten (10) feet of the north property line; and,
 - d. style - monument style only. (BLDGPMT: BUILDING DIVISION - Zoning)

TYPE 1 WAIVER

ULDC	Required	Proposed	Waiver
Table 6.B.1.B (Note 12)	1 loading space per building for a Residential Treatment Facility with > 20 beds = 5 loading spaces	1 loading space	4 loading spaces

Per Table 6.B.1.B Note 12 Loading Standards of the ULDC, a Skilled Nursing or Residential Treatment Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver. The site consists of five free standing buildings, which requires 5 loading spaces. There is one existing loading space provided, at 18-feet wide by

18.5-foot long, located centrally within the site. This loading space has been sufficiently serving the “detox facility” operation since 2018.

Pursuant to Article 2.C.5.G.3., When considering a DO application for a Type 1 Waiver, the DRO shall consider the following Standards in addition to any other Standards applicable to the specific Waiver as contained in this Code.

1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay.

RESPONSE: Allowing a reduction in number of required loading spaces does not create additional conflicts with other requirements of the ULDC. The site is currently operating as a “detox facility” which when approved in 2018, classified as a Type 3 CLF. It is the intent of the Applicant/Operator to continue operating as a “detox facility”, however modifying the use to a Skilled Nursing or Residential Treatment Facility use, which is more in line with the services provided. The existing loading space provided on site meets dimensional criteria and is located centrally within the site, adjacent to the building, in accordance with ULDC.

2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development.

RESPONSE: Allowing a reduction in the number of loading spaces will not cause a detrimental effect on the overall design and development standards of the project. On the contrary, the subject site is a 1.28-acre parcel, with structures existing on site since 1973 and an established parking configuration, as shown on the Site Plan. There are 22 parking spaces and 1 loading space existing on site. If the Applicant was required to provide 5 loading spaces at 12-wide, per Code, that would result in a 60-foot-wide loading area, and the loss of 7 parking spaces, which would cause a detrimental effect on the design and site layout.

3. The alternate design option recommended as part of the Waiver approval, if granted, will not adversely impact users of the project or adjacent properties.

RESPONSE: There is one (1) loading space existing on the site and serving the current operation. There are no proposed changes to the Site Plan with this application. Approval of a reduction of loading spaces from 5 spaces to 1 space will not adversely impact uses of the project or adjacent properties.

CONCLUSION

On behalf of the Applicant, Urban Design Studio requests consideration for approval of a Development Order Abandonment of a Type 3 CLF use and Class A Conditional Use approval of a Skilled Nursing or Residential Treatment Facility, along with Variance (re)approval.

Should you have any questions regarding this application, please contact Bradley Miller or Ailish Villalobos from Urban Design Studio at bmiller@udsflorida.com or avillalobos@udsflorida.com.