

RESOLUTION NO. ZR-2025-004

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/CA-2024-01219
(CONTROL NO. 2014-00206)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Gain Holdings Group, LLC, Diamond Behavioral Health Center PBG, LLC -
Bradley Miller
BY Urban Design Studio, AGENT
(SUNSPIRE HEALTH)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/ABN/CA-2024-01219 was presented to the Zoning Commission at a public hearing conducted on February 6, 2025;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/ABN/CA-2024-01219 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that:

1. The forgoing recitals are true and correct and are incorporated herein.
2. Zoning Application ZV/ABN/CA-2024-01219, the Application of Gain Holdings Group, LLC, Diamond Behavioral Health Center PBG, LLC - Bradley Miller, by Urban Design Studio, Agent, for a Type 2 Variance 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, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 6, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and the Type 2 Variance Chart as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Vinikoor moved for the approval of the Resolution.

The motion was seconded by Commissioner Caliendo and, upon being put to a vote, the vote was as follows:

Cheri Pavlik, Chair	- Aye
Christopher Kammerer	- Aye
Claudia Mendoza	- Aye
Sam Caliendo	- Aye
Lori Vinikoor	- Aye
William Reicherter	- Absent
Vacant	-
Susan Kennedy	- Aye
James Williams	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 6, 2025.

Filed with the Palm Beach County Zoning Division on 2/11/2025.

This resolution shall only become effective upon the adoption of resolutions approving Zoning Application ZV/ABN/CA-2024-01219 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

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 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 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

VICINITY SKETCH

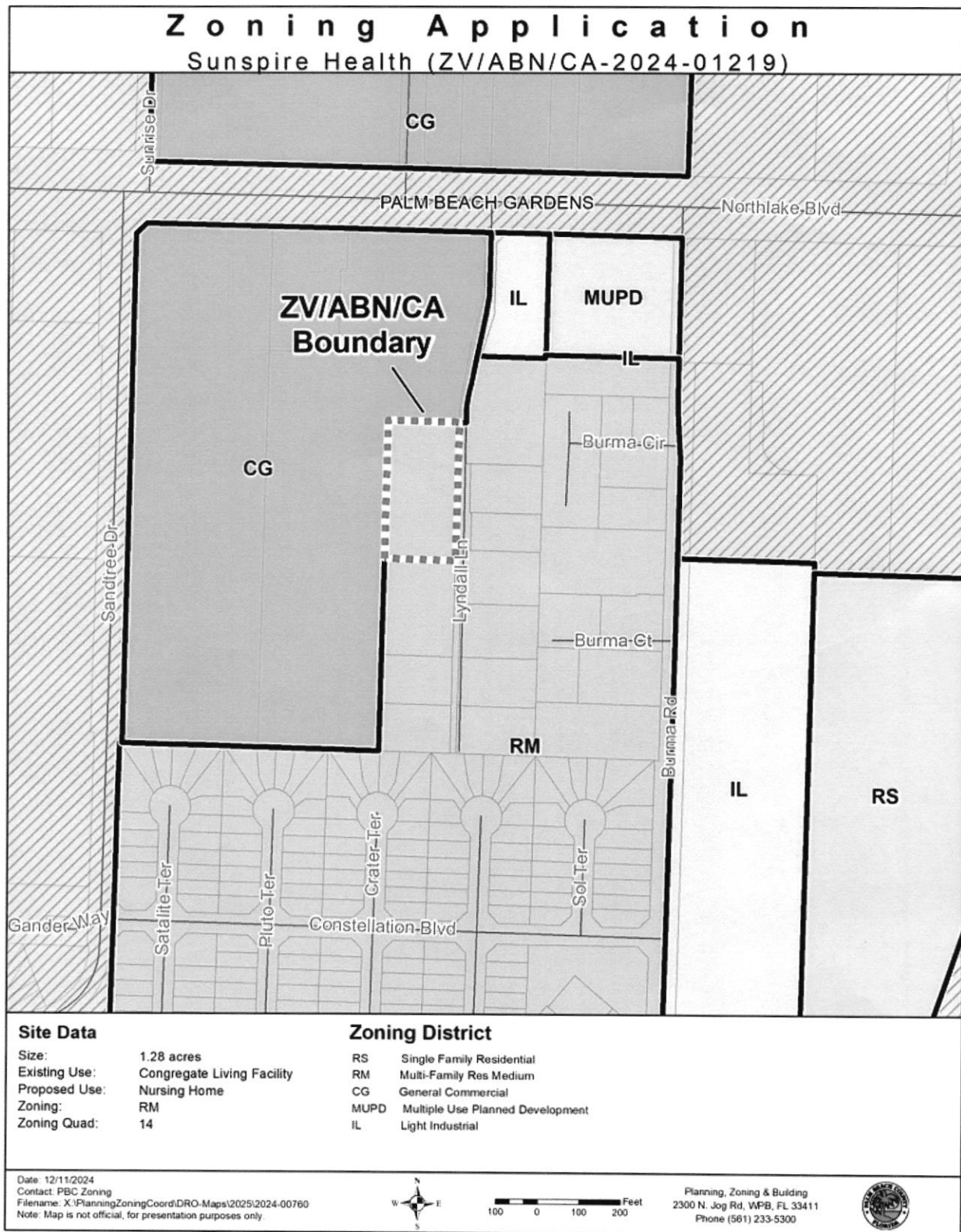


EXHIBIT C

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. The approved Preliminary Site 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 Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. 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)
2. The Development Order for this concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/ABN/CA-2024-01219. (Ongoing: MONITORING – 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 Zoning Commission 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
REQUEST

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
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.

SITUS ADDRESS:	8841 Lyndall Ln West Palm Beach 33403 8887 Lyndall Ln West Palm Beach 33403 8845 Lyndall Ln West Palm Beach 33403 8869 Lyndall Ln West Palm Beach 33403 8865 Lyndall Ln West Palm Beach 33403	
OWNER NAME & ADDRESS:	Gain Holdings Group, LLC 327 Lantana Rd Lake Worth, FL 33462-1773	
PCN:	00-43-42-19-30-001-0000	
ZONING DISTRICT:	RM	
BCC DISTRICT:	District 1, Mayor Maria G. Marino	
LAND USE:	CH HR-8	S/T/R: 19-42-43
CONTROL #:	2014-00206	
LOT AREA:	1.28 acres +/-	
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	