

RESOLUTION NO. R-2018- 0190

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/DOA/CA-2017-01998
(CONTROL NO. 2014-00206)
a Development Order Amendment
APPLICATION OF KBHS REO LLC
BY Urban Design Kilday Studios, AGENT
(Sunspire Health Type 3 CLF)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application SV/ZV/DOA/CA-2017-01998 was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2018;

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

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, 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.A.1.K.3.b (Action by BCC) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application SV/ZV/DOA/CA-2017-01998, the Application of KBHS REO LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Site Plan; add land area; add residents and beds; and, add square footage, 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 22, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	-	Aye
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Absent
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 22, 2018.

Filed with the Clerk of the Board of County Commissioners on March 5th, 2108.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

(PARCEL 1)

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:

THE WEST HALF, LESS THE EAST 15 FEET FOR ROAD PURPOSES, OF THE NORTH ONE-THIRD (N 1/3) OF THE NORTH 350 FEET OF THE SOUTH 583 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), AND THE EAST HALF (E ½) OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), LESS THE WEST 125 FEET THEREOF, OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES OVER A THIRTY (30) FOOT STRIP OF LAND LYING FIFTEEN (15) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, SAID STRIP OF LAND BEING KNOWN AS LINDALL LANE:

BEGINNING AT A POINT IN THE NORTH LINE OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, 2214.44 FEET EAST OF THE NORTHWEST CORNER OF SECTION 19; RUN THENCE SOUTHERLY ANGLING 85°01'40" FROM WEST TO SOUTH A DISTANCE OF 235.43 FEET; THENCE CONTINUE SOUTHERLY, ANGLING 173°23' FROM NORTH THROUGH EAST TO SOUTH, A DISTANCE OF 191.97 FEET; THENCE CONTINUE SOUTHERLY ANGLING 171°14'40" FROM NORTH THROUGH EAST TO SOUTH, A DISTANCE OF 122.13 FEET; THENCE CONTINUE SOUTHERLY ANGLING 178°54'35" FROM NORTH THROUGH WEST TO SOUTH, A DISTANCE OF 699.22 FEET TO A POINT IN THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 19.

(PARCEL 2)

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST HALF (W ½), LESS THE EAST 15 FEET FOR ROAD PURPOSES, OF THE NORTH 117 OF THE FOLLOWING DESCRIBED TRACT:

THE SOUTH 700 FEET OF (1) THE WEST HALF (W ½) OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) AND (2) THE EAST HALF (E ½) OF THE EAST HALF (E ½) OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), LESS THE WEST 125 FEET OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

(PARCEL 3)

FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, PROCEED DUE WEST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 486.67 FEET; THENCE SOUTH 0°01'55" WEST (SOUTH 0°01'55" EAST (CALC)), A DISTANCE OF 275 FEET; THENCE SOUTH 16°32'40" WEST, A DISTANCE

OF 101.25 FEET; THENCE SOUTH 7°48'40" WEST, A DISTANCE OF 142.75 FEET; THENCE SOUTH 00°56'40" EAST, A DISTANCE OF 22.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'40" EAST, A DISTANCE OF 100.02 FEET; THENCE NORTH 89°51'10" WEST, A DISTANCE OF 171.54 FEET; THENCE NORTH 00°00'40" EAST, A DISTANCE OF 100 FEET; THENCE SOUTH 89°51'10" EAST, A DISTANCE OF 169.85 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THEREFROM ALL OF THE LAND LYING WITHIN THE ABOVE DESCRIBED PROPERTY AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 5599, PAGE 1210, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW ¼) OF SECTION 19, RUN THENCE WEST ON THE NORTH LINE OF SAID SECTION 19 (CENTER LINE OF LAKE PARK ROAD), A DISTANCE OF 486.67 FEET; THENCE RUN SOUTH 0°01'55" EAST, A DISTANCE OF 75 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID LAKE PARK ROAD, THE POINT OF BEGINNING OF THIS EASEMENT; THENCE CONTINUE SOUTH 0°01'55" EAST, A DISTANCE OF 200 FEET; THENCE RUN SOUTH 16°32'40" WEST, A DISTANCE OF 101.25 FEET; THENCE RUN SOUTH 7°48'40" WEST, A DISTANCE OF 142.75 FEET; THENCE RUN SOUTH 0°56'40" EAST, A DISTANCE OF 122.51 FEET; THENCE RUN SOUTH 89°51'10" EAST, A DISTANCE OF 30 FEET; THENCE RUN NORTH 0°56'40" WEST, A DISTANCE OF 120.79 FEET; THENCE RUN NORTH 7°48'40" EAST, A DISTANCE OF 138.16 FEET; THENCE RUN NORTH 15°39'10" EAST, A DISTANCE OF 109.05 FEET; THENCE RUN NORTH 0°01'55" WEST, A DISTANCE OF 198.40 FEET TO A POINT IN SAID SOUTHERLY RIGHT OF WAY LINE OF LAKE PARK WEST ROAD; THENCE RUN WEST ON SAID RIGHT OF WAY LINE, A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°27'22" WEST, ALONG THE NORTH LINE OF THE SAID NORTHWEST QUARTER OF SECTION 19, THE SAID NORTH LINE ALSO BEING THE CENTERLINE OF LAKE PARK WEST ROAD (NOW KNOWN AS NORTHLAKE BOULEVARD) (THE BEARING OF NORTH 88°27'22" WEST ALONG THE SAID NORTH LINE AND THE SAID CENTERLINE IS BASED ON THE 1972 PALM BEACH COUNTY FREE ADJUSTMENT AND ALL OTHER BEARINGS CONTAINED HEREIN IS RELATED THERETO), A DISTANCE OF 486.67 FEET; THENCE SOUTH 01°30'43" WEST, DEPARTING THE SAID NORTH LINE, A DISTANCE OF 275.00 FEET; THENCE SOUTH 18°05'18" WEST, A DISTANCE OF 101.25 FEET; THENCE SOUTH 09°21'18" WEST, A DISTANCE OF 142.75 FEET; THENCE SOUTH 00°35'58" WEST, A DISTANCE OF 22.75 FEET TO A POINT ON A LINE PARALLEL WITH THE SAID NORTH LINE OF THE SAID NORTHWEST QUARTER (NW ¼) OF SAID SECTION 19, THE SAID POINT ALSO BEING ON THE EASTERLY PROJECTION OF A SOUTHERLY LINE AS DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 6404, PAGE 952 AND THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 11454, PAGE 220, AND AS NOW SHOWN ON NAPLETON KIA, RECORDED IN PLAT BOOK 124, PAGES 20 THROUGH 22, ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°27'22" WEST, ALONG THE SAID PARALLEL LINE AND THE SAID EASTERLY PROJECTION OF THE SAID SOUTHERLY LINE A DISTANCE OF 1.57 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE CONTINUE NORTH 88°27'22" WEST, ALONG THE SAID PARALLEL LINE AND THE SAID SOUTHERLY LINE AS NOW SHOWN ON THE SAID PLAT, A DISTANCE OF 168.44 FEET TO A POINT OF INTERSECTION WITH 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 AS DESCRIBED IN THAT SAID CERTAIN QUIT CLAIM DEED, THAT CERTAIN WARRANTY DEED AND AS NOW SHOWN ON THE SAID NAPLETON KIA PLAT; THENCE SOUTH 01°31'14" WEST, ALONG THE SAID EAST LINE, 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 1/4) OF THE NORTHEAST QUARTER (NE 1/4) 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 AND ALONG THE WEST RIGHT-OF-WAY LINE AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED IN OFFICIAL RECORD BOOK 5599, PAGE 1240, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA A DISTANCE OF 232.41 FEET TO A POINT ON THE SOUTH LINE OF A PALM BEACH COUNTY RIGHT-OF-WAY AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 5599, PAGE 1210, PUBLIC RECORDS, PALM BEACH COUNTY,; THENCE NORTH 88°27'22" WEST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 4.33 FEET TO A POINT ON THE WEST LINE OF THE SAID RIGHT-OF-WAY IN SAID OFFICIAL RECORD BOOK 5599, PAGE 1210; THENCE NORTH 01°34'23" EAST, ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 0.24 FEET; THENCE NORTH 00°28'58" EAST, CONTINUING ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 91.16 FEET, MORE OR LESS, TO A POINT ON A SOUTHERLY PROJECTION OF A LINE PARALLEL WITH, AND 0.06 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST RIGHT-OF-WAY LINE FOR LYNDALL LANE AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 5599, PAGE 1104, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°31'47" EAST, ALONG THE SAID SOUTHERLY PROJECTION OF THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 8.75 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 57,407.938 SQUARE FEET AND / OR 1.318 ACRES, MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°27'22" WEST, ALONG THE NORTH LINE OF THE SAID NORTHWEST QUARTER OF SECTION 19, THE SAID NORTH LINE ALSO BEING THE CENTERLINE OF LAKE PARK WEST ROAD (NOW KNOWN AS NORTHLAKE BOULEVARD) (THE BEARING OF NORTH 88°27'22" WEST ALONG THE SAID NORTH LINE AND THE SAID CENTERLINE IS BASED ON THE 1972 PALM BEACH COUNTY FREE ADJUSTMENT AND ALL OTHER BEARINGS CONTAINED HEREIN IS RELATED THERETO), A DISTANCE OF 486.67 FEET; THENCE SOUTH 01°30'43" WEST, DEPARTING THE SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD AND THE POINT OF BEGINNING FOR THE HEREINAFTER DESCRIBED EASEMENT FOR INGRESS AND EGRESS;

THENCE CONTINUE SOUTH 01°30'43" WEST, A DISTANCE OF 200.00 FEET; THENCE SOUTH 18°05'18" WEST, A DISTANCE OF 101.25 FEET; THENCE SOUTH 09°21'18" WEST, A DISTANCE OF 142.75 FEET; THENCE SOUTH 00°35'58" WEST, A DISTANCE OF 122.51 FEET; THENCE SOUTH 88°18'32" EAST, A DISTANCE OF 30.00 FEET;

THENCE NORTH 00°35'58" EAST, A DISTANCE OF 120.79 FEET; THENCE NORTH 09°21'18" EAST, A DISTANCE OF 138.16 FEET; THENCE NORTH 17°11'48" EAST, A DISTANCE OF 109.05 FEET; THENCE NORTH 01°30'43" EAST, A DISTANCE OF 198.40 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF SAID LAKE PARK WEST ROAD; THENCE NORTH 88°27'22" WEST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

AND TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES OVER A THIRTY (30) FOOT STRIP OF LAND LYING FIFTEEN (15) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, SAID STRIP OF LAND BEING KNOWN AS LINDALL LANE:

BEGINNING AT A POINT IN THE NORTH LINE OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, 2214.44 FEET EAST OF THE NORTHWEST CORNER OF SECTION 19; RUN THENCE SOUTHERLY ANGLING 85°01'40" FROM WEST TO SOUTH A DISTANCE OF 235.43 FEET; THENCE CONTINUE SOUTHERLY, ANGLING 173°23' FROM NORTH THROUGH EAST TO SOUTH, A DISTANCE OF 191.97 FEET; THENCE CONTINUE SOUTHERLY ANGLING 171°14'40" FROM NORTH THROUGH EAST TO SOUTH, A DISTANCE OF 122.13 FEET; THENCE CONTINUE SOUTHERLY ANGLING 178°54'35" FROM NORTH THROUGH WEST TO SOUTH, A DISTANCE OF 699.22 FEET TO A POINT IN THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 19.

EXHIBIT B
VICINITY SKETCH

Location Map



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-2, Control No.2014-00206, which currently states:

The approved Preliminary Site Plan is dated October 15, 2015 and Regulating Plans is dated August 19, 2015. 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 or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan and Regulating Plan are dated December 14, 2017. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2016-0002 (Control 2014-00206), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. TPS PHASING

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2020. 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) (Previous ENGINEERING Condition 1 of Resolution R-2016-2, Control No.2014-00206)

2. Previous ENGINEERING Condition 2 of Resolution R-2016-2, Control No.2014-00206, which currently states:

Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall first occur first, the Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for 36 feet measured from the east right of way line of Lyndall Lane along the property frontage. All right of way deed(s) and associated documents shall be provided and approved. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey.

The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now

owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up.

The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents.

Is hereby amended to read:

Within ninety (90) days of a request by the County Engineer, the Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for 36 feet measured from the east right of way line of Lyndall Lane along the property frontage. All right of way deed(s) and associated documents shall be provided and approved. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey.

The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up.

The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: MONITORING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2016-2, Control No.2014-00206, which currently states:

Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code.

Is hereby amended to read:

Prior to January 31, 2019, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to the issuance of a Building Permit, the Property Owner shall submit a Landscape Plan to the Landscape section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM: BUILDING DIVISION - Building Division) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2016-2, Control No.2014-00206)

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2016-2, Control No.2014-00206, which currently states:

Prior to final Development Review Officer approval, the Applicant shall revise the FRP to illustrate the quantities of trees and shrubs to be relocated internally to site per ZR-2015-0029. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer required as the Variances are part of this request.]

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. (BLDGPM: BUILDING DIVISION - Zoning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be revised to depict the ultimate right-of-way (ROW) for Lyndall Lane to be thirty-six (36) feet after the proposed dedication. (DRO: ZONING - Zoning)

2. Individual kitchen facilities in sleeping areas or in individual quarters (bedrooms) are prohibited. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. The use of Building 1 as shown on the Preliminary Site Plan dated December 14, 2017, shall be limited to a maximum of twelve (12) residents. (ONGOING: ZONING - Zoning)

2. The use of Buildings 5 and 6 as shown on the Preliminary Site Plan dated December 14, 2017, shall be limited to a maximum of thirteen (13) residents. (ONGOING: ZONING - Zoning)

3. Buildings 5 and 6 as shown on the Preliminary Site Plan dated December 14, 2017 shall not be used for Therapy or Detoxification uses. (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:

- 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 of Approval; 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: MONITORING - Zoning)

DISCLOSURE

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