

RESOLUTION NO. R-2023- 0231

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2022-00895
(CONTROL NO. 2014-00217)
an Official Zoning Map Amendment
APPLICATION OF Soma Investors LLC
BY 2GHO, Inc., AGENT
(Soma Medical – State Road 7)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application Z/CA-2022-00895, submitted on behalf of Soma Investors LLC by 2GHO, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District; and a Class A Conditional Use to allow a Medical or Dental Office, was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2023;

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 (Application Processes and 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 Processes) for an Official Zoning Map 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.B.6.C (Board Action) 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 Z/CA-2022-00895, the Application of Soma Investors LLC, by 2GHO, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District on 1.66 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 23, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Absent
Commissioner Maria G. Marino	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Absent

The Mayor thereupon declared that the Resolution was duly passed and adopted on February 23, 2023.

Filed with the Clerk of the Board of County Commissioners on February 27th, 2023.

This resolution shall not become effective unless or until the effective date of the Small Scale Land Use Amendment No. SCA-2023-010.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A PARCEL OF LAND LYING AND BEING IN LOTS TWENTY-FIVE (25), AND TWENTY-SIX (26), IN BLOCK THIRTY-FIVE (35), AS SHOWN ON A CERTAIN PLAT FILED AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, ENTITLED PALM BEACH FARMS COMPANY NUMBER 3, RECORDED IN PLAT BOOK 2, AT PAGE 45, SHEET 4, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING START AT THE INTERSECTION OF THE NORTHERLY LINE OF THE SPECIAL TOWNSHIP KNOWN AS THE HIATUS, AND THE RANGE LINE DIVIDING RANGES 41 AND 42, MARKED BY A BRASS PLUG IN THE PAVED SECTION OF THE STATE HIGHWAY; RUN NORTHERLY ALONG SAID RANGE LINE (N 1 DEGREE, 50 MINUTES EAST), A DISTANCE OF 1171 FEET TO A POINT; THENCE (S 89 DEGREES, 25 MINUTES WEST), A DISTANCE OF 67.35 FEET, MORE OR LESS TO THE WESTERLY BOUNDARY OF THE RIGHT-OF-WAY OF THE AFOREMENTIONED STATE HIGHWAY, MARKED BY A STAKE, BEING THE POINT OF BEGINNING; CONTINUE SOUTH 89 DEGREES, 25 MINUTES WEST, A DISTANCE OF 440 FEET TO A STAKE; THENCE SOUTH 1 DEGREE, 50 MINUTES WEST, A DISTANCE OF 220 FEET TO A STAKE; THENCE NORTH 89 DEGREES, 25 MINUTES EAST, A DISTANCE OF 440 FEET TO A STAKE; THENCE NORTH 1 DEGREE, 50 MINUTES EAST, ALONG THE RIGHT-OF-WAY OF THE AFOREMENTIONED HIGHWAY, A DISTANCE OF 220 FEET TO THE POINT OF BEGINNING.

PARCEL 2

A PARCEL OF LAND LYING AND BEING IN LOTS 25 AND 26, BLOCK 35, AS SHOWN ON A CERTAIN PLAT FILED AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, ENTITLED PALM BEACH FARMS COMPANY PLAT NO. 3, AND RECORDED IN PLAT BOOK 2, PAGE 45, SHEET 4, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY LINE OF THE SPECIAL TOWNSHIP KNOWN AS HIATUS, AND THE RANGE LINE DIVIDING RANGES 41 AND 42, MARKED BY A BRASS PLUG IN THE PAVED SECTION OF THE STATE HIGHWAY, RUN NORTHERLY ALONG SAID RANGE LINE (NORTH 1 DEGREE 50' EAST) A DISTANCE OF 1171 FEET TO A POINT; THENCE (SOUTH 89 DEGREES 25' WEST), A DISTANCE OF 67.35 FEET MORE OR LESS, TO THE WESTERLY BOUNDARY OF THE RIGHT-OF-WAY OF THE AFOREMENTIONED STATE HIGHWAY, MARKED BY A STAKE, BEING THE POINT OF BEGINNING; CONTINUE SOUTH 89 DEGREES 25' WEST, A DISTANCE OF 440 FEET TO A STAKE; THENCE NORTH 1 DEGREE 50' EAST, A DISTANCE OF 23 FEET MORE OR LESS, TO THE SOUTHERN BOUNDARY OF THE EXISTING COUNTY ROAD RIGHT-OF-WAY; THENCE RUN EAST ALONG THE SOUTHERN BOUNDARY OF SAID COUNTY ROAD RIGHT-OF-WAY APPROXIMATELY 440 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF THE STATE HIGHWAY AND THE SOUTHERLY BOUNDARY OF THE COUNTY ROAD RIGHT-OF-WAY; THENCE SOUTH 1 DEGREE 50' WEST, ALONG THE RIGHT-OF-WAY OF THE AFOREMENTIONED HIGHWAY, A DISTANCE OF 23 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH THE SOUTH FIFTEEN-FEET (15') OF THE VACATED AND ABANDONED THIRTY-FOOT (30') RIGHT-OF-WAY LYING NORTH OF, AND CONTIGUOUS TO PARCEL 2 HEREINABOVE, AS DESCRIBED IN RESOLUTION NO R-78-759, RECORDED JULY 24, 1978, IN OFFICIAL RECORDS BOOK 2898, PAGE 203, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL SITE AREA: 72,166 S.F. OR 1.66 ACRES

EXHIBIT B

VICINITY SKETCH

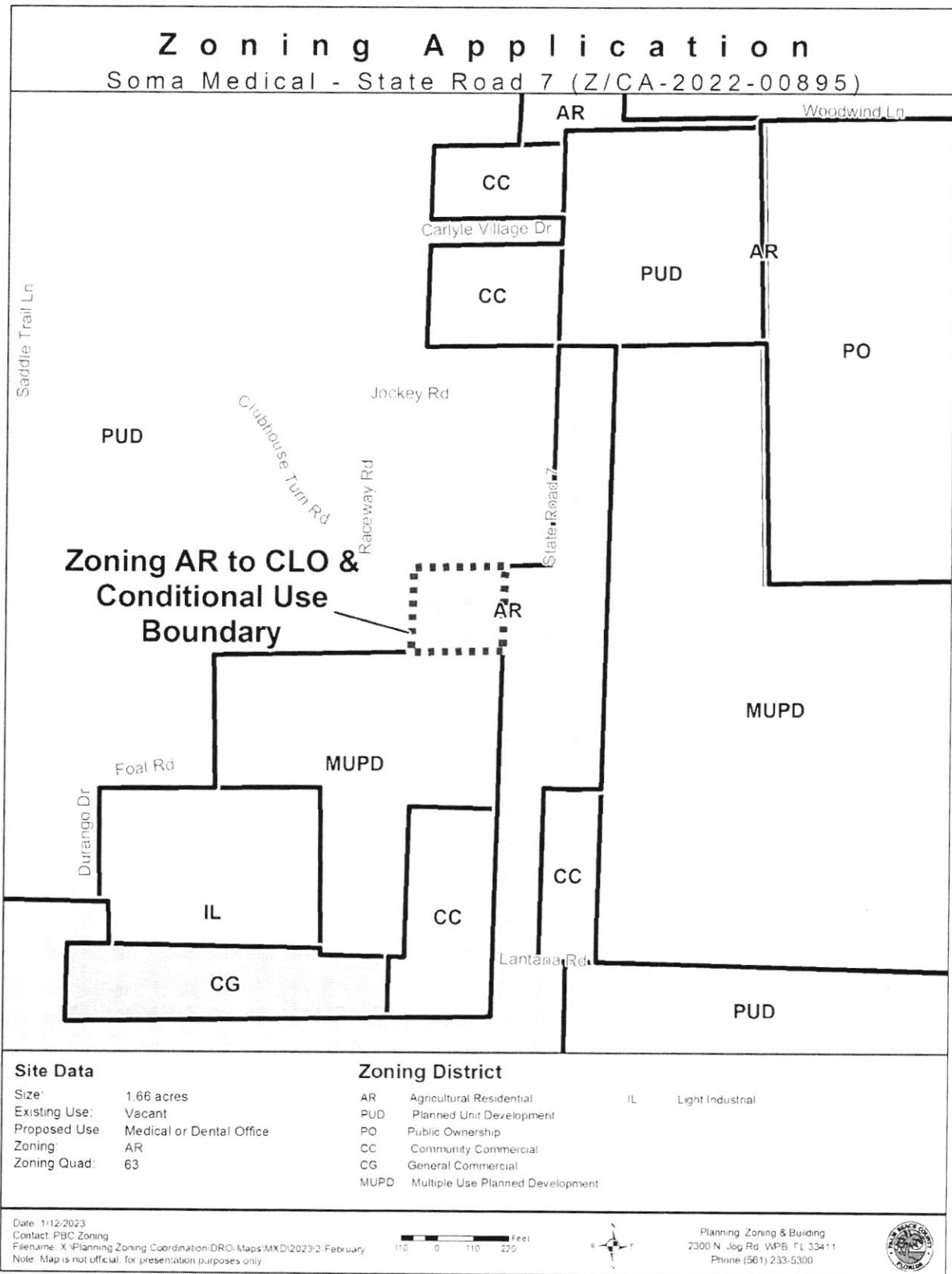


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

DISCLOSURE

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