

RESOLUTION NO. R-2023-0232

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2022-00895  
(CONTROL NO. 2014-00217)  
a Class A Conditional Use  
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 a Class A Conditional Use;

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 a Class A Conditional Use to allow a Medical or Dental Office 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 Woodward 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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
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

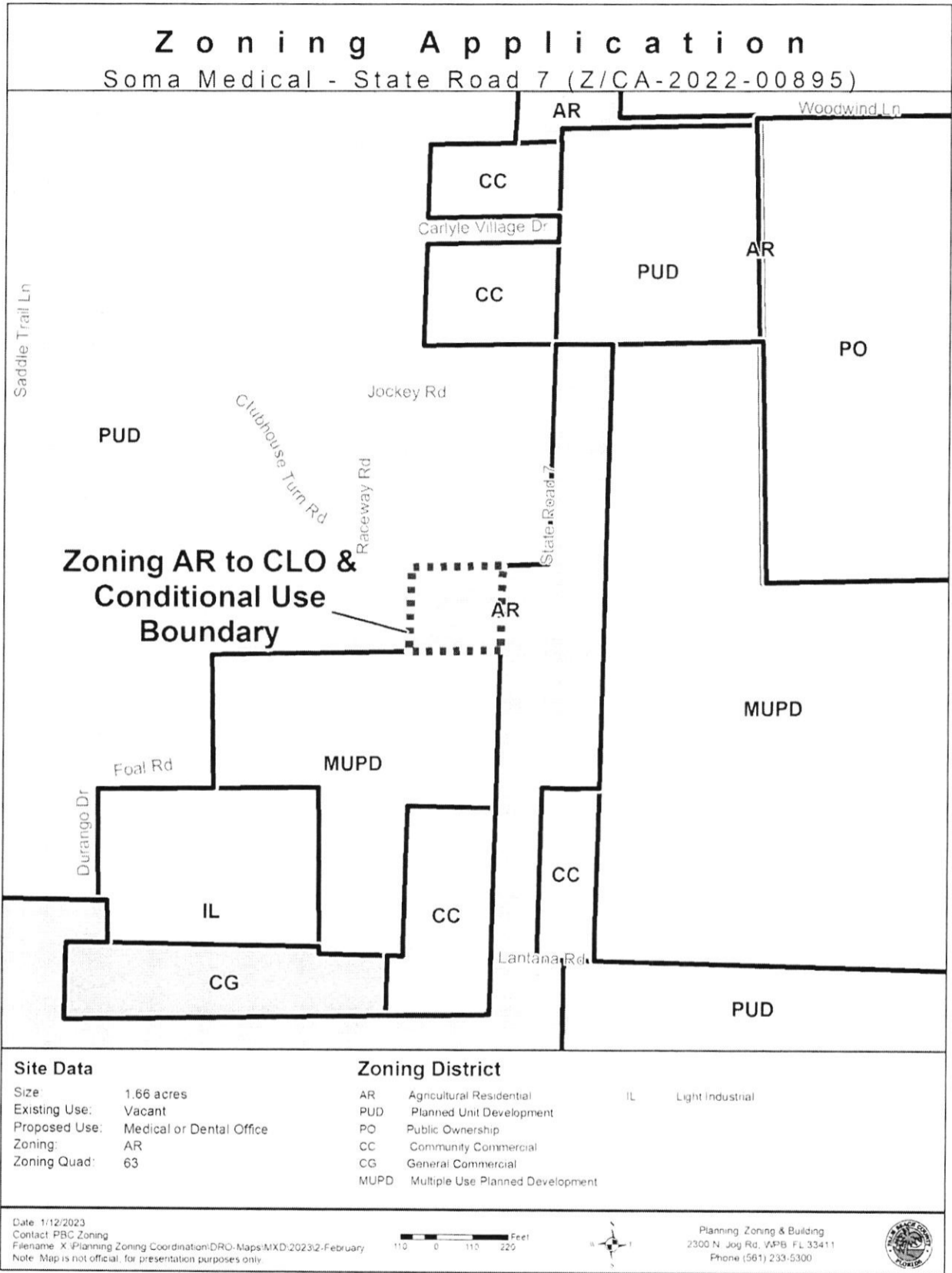
A PARCEL OF LAND LYING AND BEING IN LOTS 25 AND 26, BLOCK 35, AS SHOWN ON A CERTAIN PLAT FILED AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, ENTITLED PALM BEACH FARMS COMPANY PLAT NO. 3, AND RECORDED IN PLAT BOOK 2, PAGE 45, SHEET 4, MORE PARTICULARLY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

#### **Class A Conditional Use – Medical or Dental Office**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated December 19, 2022. 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 (DRO) as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING – Zoning)

##### **ENGINEERING**

1. 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, 2026, 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 Article 2.E of the ULDC. (DATE: MONITORING – Engineering)

2. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from off-site parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate off-site drainage.

a. Drainage study shall be provided to the Land Development Division prior to Final Approval of the Site Plan by the DRO. (DRO: ENGINEERING – Engineering)

b. Any required drainage easements shall be recorded prior to issuance of the first Building Permit. (BLDGPM: ENGINEERING – Engineering)

##### **LANDSCAPING – INTERIOR**

1. A four-foot continuous opaque hedge shall be installed on the east side of the retention area adjacent to the parking spaces, in order to provide additional screening from the residential properties to the west. (BLDGPM/ONGOING: ZONING – Zoning)

##### **PLANNING**

1. Per SCA-2023-010, Condition 1: Development of the site under the Commercial Low-Office Future Land Use designation is required to provide vehicular cross access to the property to the south. (ONGOING: PLANNING – Planning)

2. Prior to Final Approval by the DRO, in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross-access easement agreement for the location depicted on the Site Plan. (DRO: PLANNING – Planning)

3. Prior to Final Approval by the DRO, the Property Owner shall revise the Site Plan to add the Official Records Book and Page number for the recorded cross-access easement. (DRO: PLANNING – Planning)

4. Prior to the release of the Certificate of Occupancy (CO), the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: PLANNING – Planning)

##### **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 Variance 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 ULDC at the time of the finding of noncompliance, 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 ULDC Article 2.E, 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.