

RESOLUTION NO. R-2022- 1059

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2021-00466  
(CONTROL NO. 2009-02399)  
an Official Zoning Map Amendment  
APPLICATION OF Americo Development Group LLC  
BY Cotleur & Hearing, Inc., AGENT  
(Americo Center)

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-2021-00466, submitted on behalf of Americo Development Group LLC, by Cotleur & Hearing, Inc, Agent, for an Official Zoning Map Amendment Residential Estate (RE) Zoning District to the Commercial Low Office (CLO) Zoning District and a Class A Conditional to allow a Medical or Dental Office, was presented to the Board of County Commissioners at a public hearing conducted on September 22, 2022;

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 and Article 3.B.3 Conditional Overlay Zone for a Conditional Overlay Zone;

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-2021-00466, the Application of Americo Development Group LLC, by Cotleur & Hearing, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential Estate (RE) Zoning District to the Commercial Low Office (CLO) Zoning District with a Conditional Overlay Zone, 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 September 22, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	-	Aye
Commissioner Gregg K. Weiss, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 22, 2022.

Filed with the Clerk of the Board of County Commissioners on September 22nd, 2022.

This resolution shall not become effective unless or until the effective date of the Small Scale Amendment No. SCA 2021-00018.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE WEST 200 FEET OF THE EAST 390 FEET OF LOT 70, SQUARE LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 141, LESS AND EXCEPT THE NORTHERLY 7.45 FEET OF PREMISES CONVEYED TO PALM BEACH COUNTY FOR ROAD PURPOSES IN DEED BOOK 973, PAGE 694, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
ALSO DESCRIBED AS:

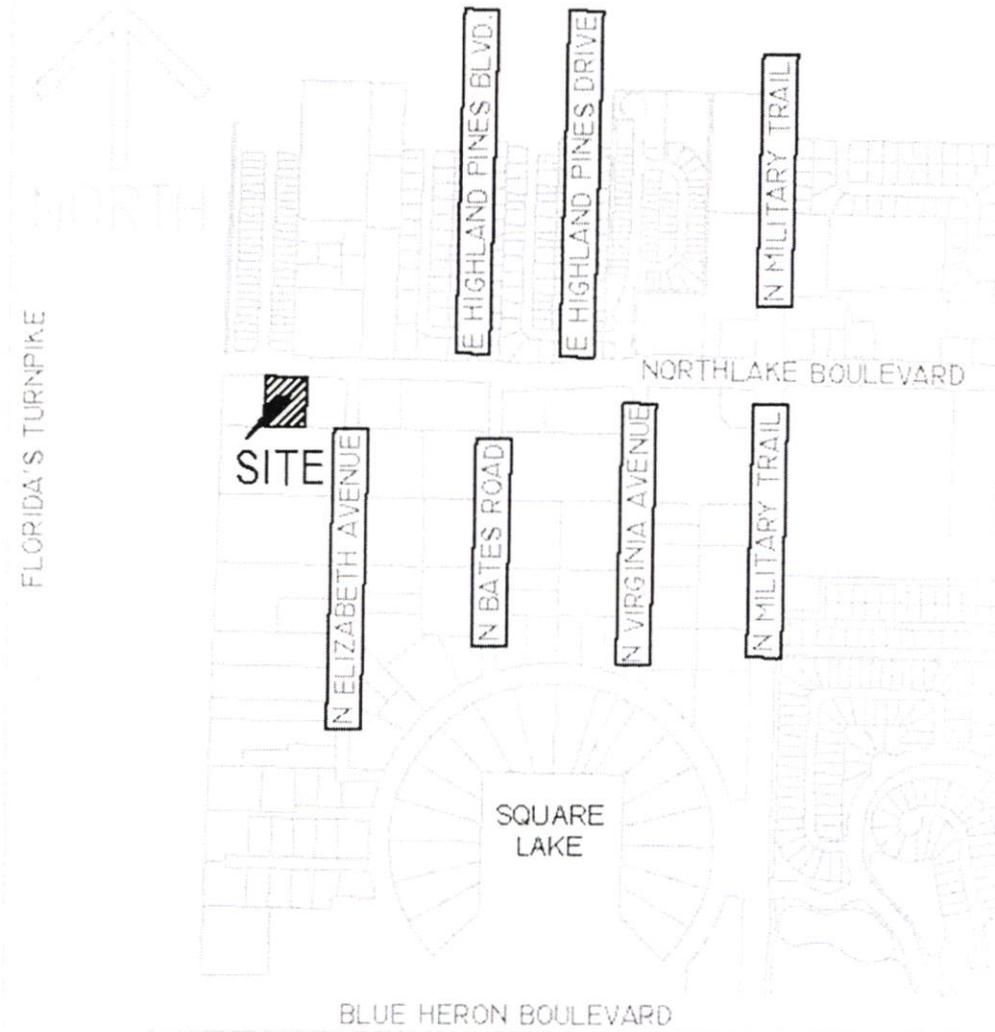
A PORTION OF LOT 70, SQUARE LAKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 141 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 70; THENCE ALONG THE EAST LINE OF SAID LOT 70, SOUTH 01°09'30" WEST A DISTANCE OF 7.45 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NORTHLAKE BOULEVARD AS DESCRIBED IN DEED BOOK 973, PAGE 694 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 88°33'47" WEST A DISTANCE OF 190.00 FEET TO A LINE 190.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID EAST LINE OF LOT 70 AND THE POINT OF BEGINNING; THENCE ALONG SAID PARALLEL LINE, SOUTH 01°09'30" WEST A DISTANCE OF 233.60 FEET TO THE SOUTH LINE OF SAID LOT 70; THENCE ALONG SAID SOUTH LINE, NORTH 88°50'30" WEST A DISTANCE OF 200.00 FEET TO A LINE 390.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID EAST LINE OF LOT 70; THENCE ALONG THE LAST DESCRIBED PARALLEL LINE, NORTH 01°09'30" EAST A DISTANCE OF 234.57 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF NORTHLAKE BOULEVARD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 88°33'48" EAST A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 46,817 SQUARE FEET (1.0748 ACRES), MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment

##### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, submit a recorded cross access easement agreement, for the location depicted on the site plans (DRO: PLANNING - Planning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)
3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall pave all vehicular and pedestrian access points to the property line with a break in any landscape buffer, specifically the vehicular and pedestrian connection to the west, as shown on the Final Site Plan as approved by the Development Review Officer (DRO). (CO: MONITORING - 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 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.