

RESOLUTION NO. R-2023-0227

RESOLUTION APPROVING ZONING APPLICATION Z-2022-01497
(CONTROL NO. 1973-00102)
an Official Zoning Map Amendment
APPLICATION OF Andrew Kobosko (Guardian Manufacturing LLC)
BY WGINC, AGENT
(Guardian Manufacturing)

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-2022-01497, submitted on behalf of Andrew Kobosko (Guardian Manufacturing LLC), by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Light Industrial (IL) Zoning District; and 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-2022-01497, the Application of Andrew Kobosko (Guardian Manufacturing LLC), by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ) on 1.10 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 Marino moved for the approval of the Resolution.

The motion was seconded by Commissioner Barnett 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 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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PORTION OF TRACTS 66 AND 75, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF TRACT 75 AND THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 80, THENCE NORTHERLY ALONG THE WEST LINE OF TRACT 75 AND TRACT 66 A DISTANCE OF 400 FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 80 DISTANCE OF 160 FEET; THENCE SOUTHERLY PARALLEL WITH THE WEST LINE OF SAID TRACT 66 AND 75 A DISTANCE OF 400 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 80, THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THAT PARCEL NO. 115 DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 13753, PAGE 77, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

A PORTION OF TRACTS 66 AND 75, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 66, BLOCK 5, THENCE SOUTH 00 DEGREES, 57 MINUTES AND 13 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT 66 A DISTANCE OF 370.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES, 06 MINUTES AND 24 SECONDS EAST LEAVING SAID WEST LINE 160.20 FEET; THENCE SOUTH 00 DEGREES, 57 MINUTES AND 13 SECONDS EAST 297.27 FEET TO THE NORTH RIGHT-OF-WAY OF SOUTHERN BOULEVARD; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 9839.55 FEET, AND AN INTERIOR ANGLE OF 00 DEGREE, 38 MINUTES AND 12 SECONDS, FOR AN ARC DISTANCE OF 109.34 FEET; THENCE SOUTH 89 DEGREES, 12 MINUTES AND 42 SECONDS WEST ALONG SAID RIGHT-OF-WAY 30.80 FEET; THENCE NORTH 35 DEGREES, 46 MINUTES AND 25 SECONDS WEST ALONG SAID RIGHT-OF-WAY 34.79 FEET TO THE WEST LINE OF SAID TRACT 66, BLOCK 5; THENCE NORTH 00 DEGREES, 57 MINUTES AND 13 SECONDS WEST LEAVING SAID RIGHT-OF-WAY AND ALONG SAID WEST LINE 276.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 47,955 SQUARE FEET OR 1.10 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

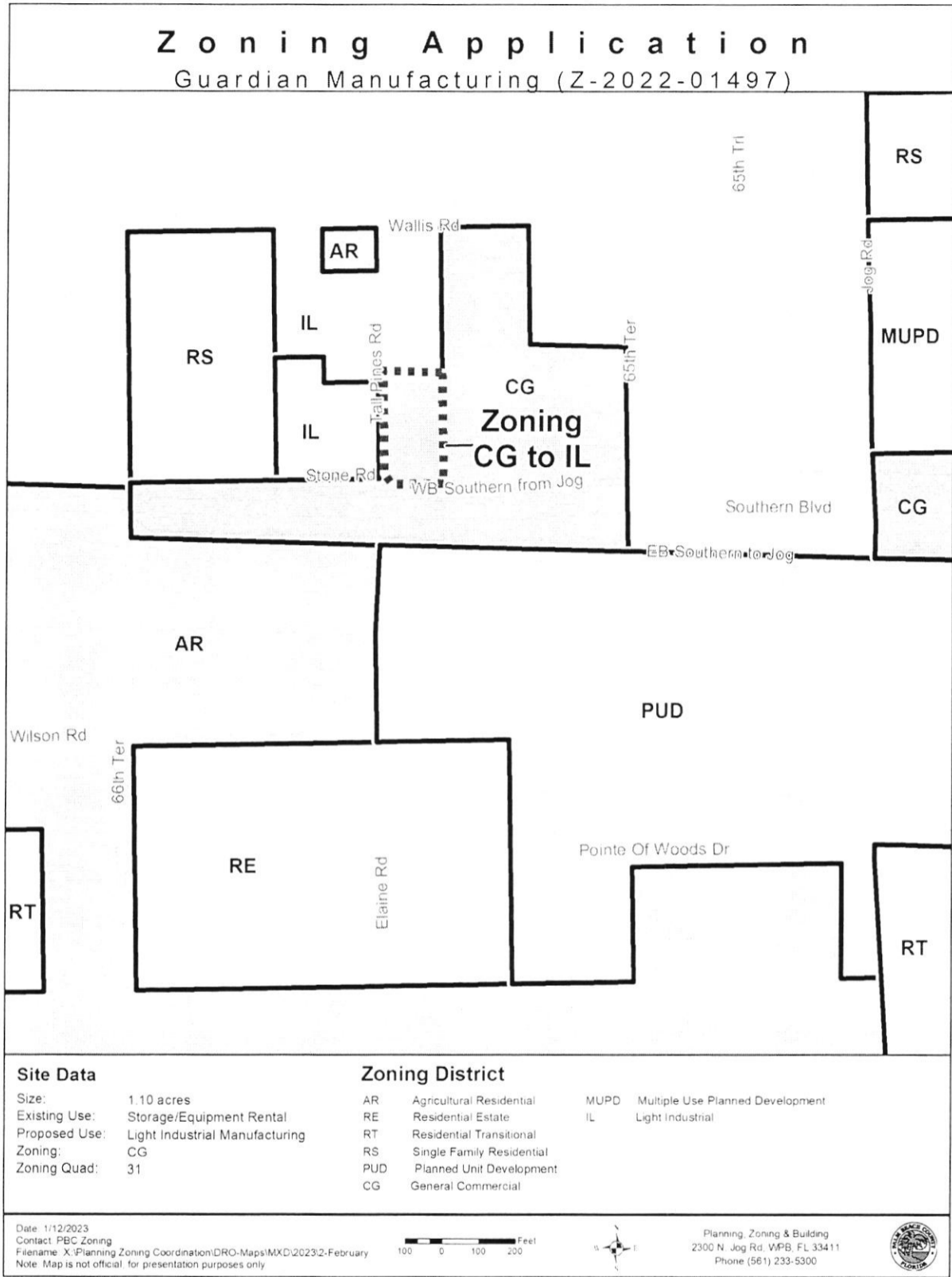


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment

ENGINEERING

1. Prior to the issuance of the first building permit for additional square footage, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

2. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Southern Boulevard, 220 feet, measured from the existing south right-of-way line right of way line of Southern Boulevard along their south frontage on an alignment approved by the FDOT or County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit for additional square footage. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 Property Owner, the Property Owner agrees to hold the County and FDOT 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Tall Pines Road 40 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit for additional square footage or within ninety (90) days of a request by the County Engineer, whichever shall occur first. 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 Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner 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 Property Owner, the Property Owner 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section 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. (BLDGPMT: MONITORING - Engineering)

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.