

RESOLUTION NO. R-2023- 0230

RESOLUTION APPROVING ZONING APPLICATION EAC-2022-01587  
(CONTROL NO. 2019-00070)  
a Development Order Amendment (Expedited Application Consideration (EAC))  
APPLICATION OF BWS Foundation Holdings LLC  
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT  
(Busch Wildlife Sanctuary Foundation)

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 EAC-2022-01587, submitted on behalf of BWS Foundation Holdings LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Development Order Amendment (Expedited Application Consideration) to modify the Site Plan and Conditions of Approval 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 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.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 EAC-2022-01587, the Application of BWS Foundation Holdings LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Development Order Amendment to modify the Site Plan and Conditions of Approval on 19.46 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

THAT PART OF THE NORTH 1369 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 41 SOUTH, RANGE 41 EAST, LYING SOUTH OF THAT CERTAIN 50 FOOT CANAL RIGHT OF WAY PROXIMATE TO THE NORTH LINE OF SAID SECTION 2 AS SHOWN ON THE REPLAT OF JUPITER FARMS AND GROVES RECORDED IN PLAT BOOK 24, PAGE 7, PUBLIC RECORDES OF PALM BEACH COUNTY, FLORIDA.

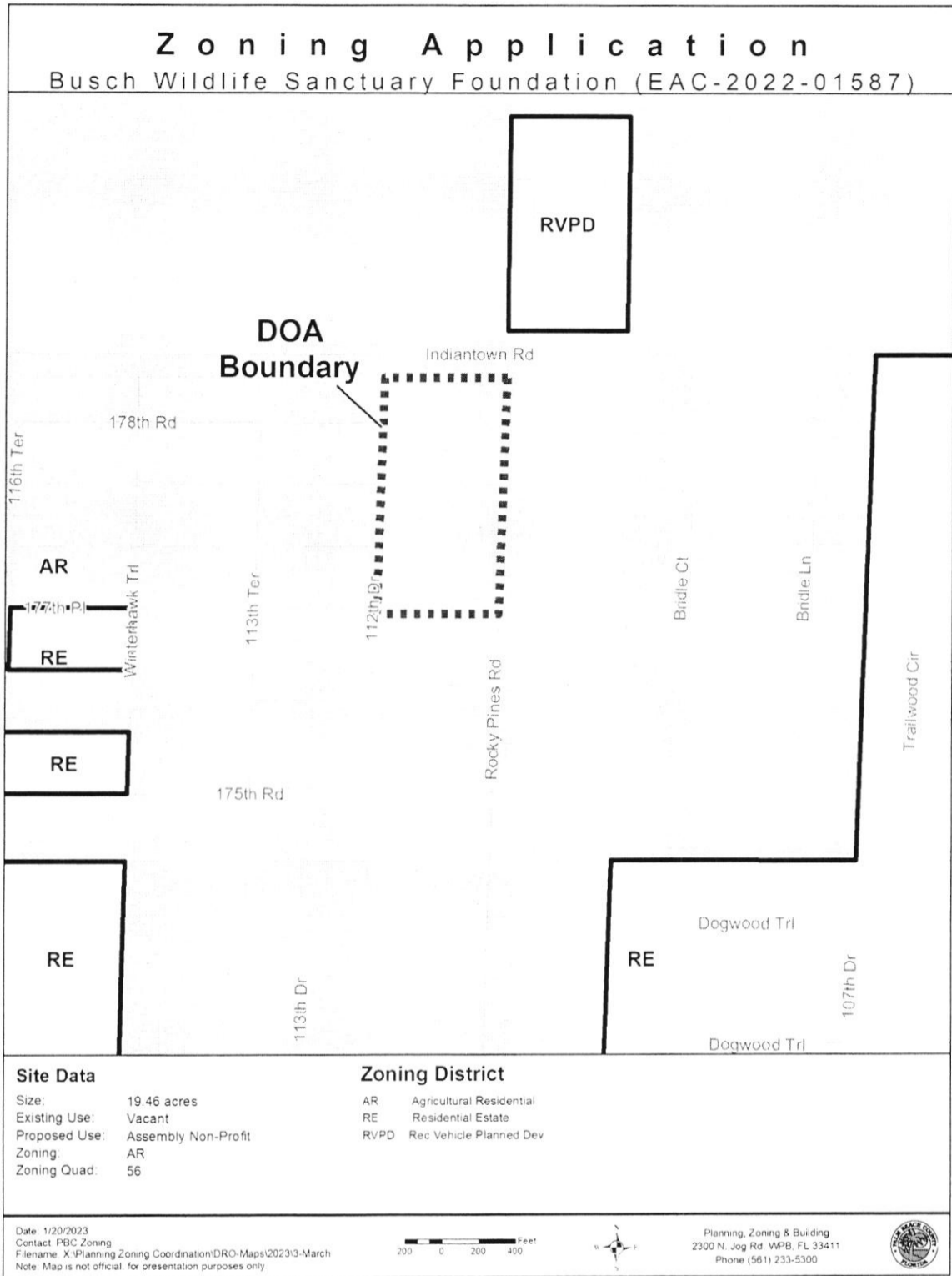
SUBJECT TO AN EASEMENT FOR ROAD PURPOSES OVER AND ACROSS THE EAST 30 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AND FOR UTILITY PURPOSES OVER, UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

BEGIN AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP 41 SOUTH, RANGE 41 EAST, WITH A LINE 30 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SECTION 2; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, TO THE SOUTH LINE OF THE NORTH 1367 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE WESTERLY, ALONG SAID SOUTH LINE OF THE NORTH 1367 FEET, TO THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF SECTION 2; THENCE NORTHERLY, ALONG SAID WEST LINE, TO THE SOUTH LINE OF THE NORTH 1307 FEET OF SAID SOUTHEAST QUARTER; THENCE EASTERLY, ALONG SAID SOUTH LINE OF THE NORTH 1307 FEET, TO A LINE 30 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 2; THENCE NORTHERLY, ALONG SAID PARALLEL LINE, TO THE SAID NORTH LINE OF SECTION 2; THENCE EASTERLY, ALONG SAID NORTH LINE OF SECTION 2, A DISTANCE OF 60 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING IN ALL 19.462 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment (Expedited Application Consideration)**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2021-543, Control No.2019-00070, which currently states:

The approved Preliminary Site Plan is dated February 1, 2021. 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 is dated December 28, 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2021-00543 (Control 2019-00070), 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. 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, 2023. 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-2021-543, Control No.2019-00070)

2. The Property Owner shall reconstruct Rocky Pines Road from Indiantown Road to the northern driveway connection plus appropriate tapers to be consistent with Palm Beach County standards for a non-plan collector roadway as approved by South Indian River Water Control District and the County Engineer. The southern two driveway connections shall be used for emergency use only, unless Rocky Pines Road is reconstructed to non-plan collector standards to whichever driveway they wish to use for non-emergency purposes. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction to the first driveway shall be completed prior to the issuance of the first Certificate of Occupancy. This condition will stay open until Rocky Pines Road has been reconstructed to the southern most driveway connection. (BLDG/PMT/CO/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2021-543, Control No.2019-00070)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite 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 offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]  
b. Any required drainage easements shall be recorded prior to issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2021-543, Control No.2019-00070)

4. Prior to the issuance of the first building permit, the Property Owner shall record a public drainage easement over the 112th Drive North roadway swale that encroaches into the property. The easement shall be approved by the County Attorney and Land Development prior to recordation . The easement shall be recorded by the Property Owner (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2021-543, Control No.2019-00070)

5. Previous ENGINEERING Condition 5 of Resolution R-2021-543, Control No.2019-00070, which currently states:

The Property Owner shall construct a minimum 8 foot wide pathway along the west side of Rocky Pines Road from Indiantown Road to the south property line. The design shall be approved by the South Indian River Water Control District and the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy.

**Is hereby amended to read:**

The Property Owner shall construct a minimum 8 foot wide asphalt pathway along the west side of Rocky Pines Road from Indiantown Road to the south property line. The design shall be approved by the South Indian River Water Control District and the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The portion of pathway from Indiantown Road to the northern driveway connection shall be completed prior to the issuance of the first certificate of occupancy. The construction of the remainder of the pathway shall be phased with the reconstruction of Rocky Pines Road as required in Engineering Condition 2. The portion of pathway south of the southernmost driveway connection shall be built when Rocky Pines Road is improved to the southernmost driveway connection. This condition will stay open until the entire 8 foot asphalt pathway is constructed. (BLDGPM/CO/ONGOING: MONITORING - Engineering)

**SIGNS**

1. Prior to final approval by the Development Review Officer (DRO), the Applicant shall submit a Master Sign Plan for review and approval. [Note: COMPLETED] (DRO: 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: ZONING - Zoning)

#### **DISCLOSURE**

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