

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** ZV/CA-2020-01844  
**Application Name:** The Busch Wildlife Sanctuary Foundation  
**Control No./Name:** 2019-00070 (Busch Wildlife Sanctuary)  
**Applicant:** BGTG Properties LLC  
The Busch Wildlife Sanctuary Foundation, Inc.  
**Owners:** BGTG Properties, LLC  
**Agent:** Pat Lentini; George Gentile; Dan Siemsen  
**Telephone No.:** (561) 575-9557  
**Project Manager:** Ryan Vandenburg, Senior Site Planner

**TITLE:** a Type 2 Variance **REQUEST:** to eliminate a Right-of-Way Buffer. **TITLE:** a Class A Conditional Use **REQUEST:** to allow Institutional Nonprofit Assembly.

**APPLICATION SUMMARY:** Proposed is a Type 2 Variance and a Class A Conditional Use for the Busch Wildlife Sanctuary Foundation development. The 19.46-acre site has no prior Zoning approvals, and is currently vacant.

The Applicant is proposing a Class A Conditional use to allow for the development of an Institutional Nonprofit Assembly use (the Busch Wildlife Sanctuary). The Wildlife Sanctuary has a two-fold mission; wildlife rehabilitation and education. In addition, the Applicant is requesting a Type 2 Variance to eliminate approximately 312 ft. of the southernmost portion of the Right of Way Buffer along 112<sup>th</sup> Drive North (west property line).

The Preliminary Site Plan (PSP) indicates four (4) principal structures totaling 14,156 sq. ft., which includes: Animal Hospital (3,480 sq. ft.), Welcome Center (6,880 sq. ft.), Education Building (2,800 sq. ft.), and Maintenance Buildings (996 sq. ft.); as well as three (3) accessory structures totaling 4,098 sq. ft., as follows: Animal Feeding Building (2,944 sq. ft.), Reptile Enclosure and Restrooms (790 sq. ft.), and Small Mammal House (364 sq. ft.). Overall, the PSP provides for a total of 18,254 sq. ft.

The PSP also indicates a total of 114 parking spaces, with three access points on 111<sup>th</sup> Terrace North (two accesses for emergency access only).

**SITE DATA:**

Location:	Southwest corner of Indiantown Road and Rocky Pines Road, bounded by 112th Drive North on the west.
Property Control Number(s)	00-41-41-02-00-000-1020
Existing Future Land Use Designation:	Rural Residential (RR-10)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	No Change
Total Acreage:	19.46 acres
Affected Acreage:	19.46 acres
Tier:	Rural
Overlay District:	N/A
Neighborhood Plan:	Jupiter Farms Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile:	N/A
Future Annexation Area:	N/A

**RECOMMENDATION:** Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received 0 contacts from the public regarding this application.

**PROJECT HISTORY:**

As previously indicated, the subject site has no prior Zoning approvals and is currently vacant.

**SURROUNDING LAND USES:**

**NORTH (across Indiantown Road):**

FLU Designation: Conversation (CON)  
Zoning District: Agricultural Residential (AR)  
Supporting: Conservation Area (Control No. N/A)

**SOUTH:**

FLU Designation: Rural Residential (RR-10)  
Zoning District: Agricultural Residential (AR)  
Supporting: Residential (Control No. N/A)

**EAST (across 111<sup>th</sup> Terrace N):**

FLU Designation: Rural Residential (RR-10)  
Zoning District: Agricultural Residential (AR)  
Supporting: Vacant (Control No. N/A)

**WEST (across 112<sup>th</sup> Drive N):**

FLU Designation: Rural Residential (RR-10)  
Zoning District: Agricultural Residential (AR)  
Supporting: Residential (Control No. N/A)

**TYPE. 2 VARIANCE SUMMARY:**

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Table 7.C.2.A, R-O-W Buffer Landscape Requirements	15 foot R-O-W Buffer	Elimination of 312 feet of the 15 ft. R-O-W Buffer along 112 <sup>th</sup> Drive N.	Elimination of 312 feet of 15 foot R-O-W Buffer

Type 2 Variance Standards: When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. ***Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:***

**YES.** As can be seen on the Preliminary Site Plan, there is an existing drainage easement (identified on the PSP as a Public Easement) that runs adjacent to 112<sup>th</sup> Drive North, beginning at the southwest corner of the subject site, and continuing approximately 312 feet north (see image below from PSP).

Generally when a drainage easement runs parallel to a roadway, the Property Owner would be required to place the R-O-W buffer of the easement. For this site, this is not a possibility in two specific locations. At the southeast corner, a second swale runs along the south property line, and abuts the existing drainage swale along 112<sup>th</sup> Dr. N. Approximately 160 feet to the north of the south property line there is an existing wetland that abuts the swale (highlighted in yellow below). Because of this, a R-O-W buffer is not permitted in these two locations. Staff have proposed a Condition of Approval (Exhibit C-1, Landscape Condition 1) that will require the Final Site Plan to be modified to provide for a R-O-W Buffer between the wetland and the swale adjacent to the south property line. This request will meet the requirement of being the minimum variance necessary.

112th DR. N. (60' ROAD EASEMENT)

JUPITER FARM  
FUTURE LAND USE: RR-10  
ZONING: AR  
USE: SINGLE FAMILY RESIDENTIAL  
PNC: 00-41-41-02-00-000-1376

JUPITER FARM  
FUTURE LAND USE: L  
ZONING: AR  
USE: SINGLE F  
PNC: 00-41-41-02

PROPOSED 15' PUBLIC EASEMENT OVER EXISTING SWALE

15' PUBLIC EASEMENT

312' EX. POST AND WIRE FENCE (TYP.) (TO BE REMOVED)

WETLAND AREA

15' R.O.W. BUFFER EXCLUDES SWALE & WETLAND (SEE TYPE II VARIANCE REQUEST)

Survey points: #3011, #1274, #3016, #3012, #3017, #3015, #3014, #3013, #3012, #3011, #3010, #3009, #3008, #3007, #3006, #3005, #3004, #3003, #3002, #3001, #3000, #2999, #2998, #2997, #2996, #2995, #2994, #2993, #2992, #2991, #2990, #2989, #2988, #2987, #2986, #2985, #2984, #2983, #2982, #2981, #2980, #2979, #2978, #2977, #2976, #2975, #2974, #2973, #2972, #2971, #2970, #2969, #2968, #2967, #2966, #2965, #2964, #2963, #2962, #2961, #2960, #2959, #2958, #2957, #2956, #2955, #2954, #2953, #2952, #2951, #2950, #2949, #2948, #2947, #2946, #2945, #2944, #2943, #2942, #2941, #2940, #2939, #2938, #2937, #2936, #2935, #2934, #2933, #2932, #2931, #2930, #2929, #2928, #2927, #2926, #2925, #2924, #2923, #2922, #2921, #2920, #2919, #2918, #2917, #2916, #2915, #2914, #2913, #2912, #2911, #2910, #2909, #2908, #2907, #2906, #2905, #2904, #2903, #2902, #2901, #2900, #2899, #2898, #2897, #2896, #2895, #2894, #2893, #2892, #2891, #2890, #2889, #2888, #2887, #2886, #2885, #2884, #2883, #2882, #2881, #2880, #2879, #2878, #2877, #2876, #2875, #2874, #2873, #2872, #2871, #2870, #2869, #2868, #2867, #2866, #2865, #2864, #2863, #2862, #2861, #2860, #2859, #2858, #2857, #2856, #2855, #2854, #2853, #2852, #2851, #2850, #2849, #2848, #2847, #2846, #2845, #2844, #2843, #2842, #2841, #2840, #2839, #2838, #2837, #2836, #2835, #2834, #2833, #2832, #2831, #2830, #2829, #2828, #2827, #2826, #2825, #2824, #2823, #2822, #2821, #2820, #2819, #2818, #2817, #2816, #2815, #2814, #2813, #2812, #2811, #2810, #2809, #2808, #2807, #2806, #2805, #2804, #2803, #2802, #2801, #2800, #2799, #2798, #2797, #2796, #2795, #2794, #2793, #2792, #2791, #2790, #2789, #2788, #2787, #2786, #2785, #2784, #2783, #2782, #2781, #2780, #2779, #2778, #2777, #2776, #2775, #2774, #2773, #2772, #2771, #2770, #2769, #2768, #2767, #2766, #2765, #2764, #2763, #2762, #2761, #2760, #2759, #2758, #2757, #2756, #2755, #2754, #2753, #2752, #2751, #2750, #2749, #2748, #2747, #2746, #2745, #2744, #2743, #2742, #2741, #2740, #2739, #2738, #2737, #2736, #2735, #2734, #2733, #2732, #2731, #2730, #2729, #2728, #2727, #2726, #2725, #2724, #2723, #2722, #2721, #2720, #2719, #2718, #2717, #2716, #2715, #2714, #2713, #2712, #2711, #2710, #2709, #2708, #2707, #2706, #2705, #2704, #2703, #2702, #2701, #2700, #2699, #2698, #2697, #2696, #2695, #2694, #2693, #2692, #2691, #2690, #2689, #2688, #2687, #2686, #2685, #2684, #2683, #2682, #2681, #2680, #2679, #2678, #2677, #2676, #2675, #2674, #2673, #2672, #2671, #2670, #2669, #2668, #2667, #2666, #2665, #2664, #2663, #2662, #2661, #2660, #2659, #2658, #2657, #2656, #2655, #2654, #2653, #2652, #2651, #2650, #2649, #2648, #2647, #2646, #2645, #2644, #2643, #2642, #2641, #2640, #2639, #2638, #2637, #2636, #2635, #2634, #2633, #2632, #2631, #2630, #2629, #2628, #2627, #2626, #2625, #2624, #2623, #2622, #2621, #2620, #2619, #2618, #2617, #2616, #2615, #2614, #2613, #2612, #2611, #2610, #2609, #2608, #2607, #2606, #2605, #2604, #2603, #2602, #2601, #2600, #2599, #2598, #2597, #2596, #2595, #2594, #2593, #2592, #2591, #2590, #2589, #2588, #2587, #2586, #2585, #2584, #2583, #2582, #2581, #2580, #2579, #2578, #2577, #2576, #2575, #2574, #2573, #2572, #2571, #2570, #2569, #2568, #2567, #2566, #2565, #2564, #2563, #2562, #2561, #2560, #2559, #2558, #2557, #2556, #2555, #2554, #2553, #2552, #2551, #2550, #2549, #2548, #2547, #2546, #2545, #2544, #2543, #2542, #2541, #2540, #2539, #2538, #2537, #2536, #2535, #2534, #2533, #2532, #2531, #2530, #2529, #2528, #2527, #2526, #2525, #2524, #2523, #2522, #2521, #2520, #2519, #2518, #2517, #2516, #2515, #2514, #2513, #2512, #2511, #2510, #2509, #2508, #2507, #2506, #2505, #2504, #2503, #2502, #2501, #2500, #2499, #2498, #2497, #2496, #2495, #2494, #2493, #2492, #2491, #2490, #2489, #2488, #2487, #2486, #2485, #2484, #2483, #2482, #2481, #2480, #2479, #2478, #2477, #2476, #2475, #2474, #2473, #2472, #2471, #2470, #2469, #2468, #2467, #2466, #2465, #2464, #2463, #2462, #2461, #2460, #2459, #2458, #2457, #2456, #2455, #2454, #2453, #2452, #2451, #2450, #2449, #2448, #2447, #2446, #2445, #2444, #2443, #2442, #2441, #2440, #2439, #2438, #2437, #2436, #2435, #2434, #2433, #2432, #2431, #2430, #2429, #2428, #2427, #2426, #2425, #2424, #2423, #2422, #2421, #2420, #2419, #2418, #2417, #2416, #2415, #2414, #2413, #2412, #2411, #2410, #2409, #2408, #2407, #2406, #2405, #2404, #2403, #2402, #2401, #2400, #2399, #2398, #2397, #2396, #2395, #2394, #2393, #2392, #2391, #2390, #2389, #2388, #2387, #2386, #2

**YES.** As outlined in Standard A, there is an existing drainage (public) easement that runs parallel to 112<sup>th</sup> Dr. N. The Applicant met with Zoning and Land Development Staff to seek abandonment of the easement, in which Land Development Staff indicated that this was not an option, and the drainage easement is required to take in outfall from the roadway. The Applicant is not able to provide R-O-W buffering within the wetland area as well as the existing swale that runs parallel to the south property line. As such, the Applicant attempted to provide the necessary buffering in these areas, and is not able to do so because of existing on-site conditions.

**YES.** The existing easement that runs parallel to 112<sup>th</sup> Dr. N that is a required drainage area for the roadway, as identified by Land Development Staff. With the additional swale that exists along the south property line and abuts the swale adjacent to the roadway, and the wetland that abuts the drainage easement to the north, the Applicant has no ability to provide the necessary buffering within this area, as required by Code. The variance to eliminate the buffer in these two areas grants no special privilege to the Wildlife Sanctuary.

**YES.** As previously stated, the Applicant has no ability to provide the necessary landscape buffering that is generally required by Code along 112<sup>th</sup> Dr. N based on existing on-site conditions. The Applicant is requesting no modifications to this area of the site. Should this variance request not be supported, the Applicant would be required to do significant modifications along 112<sup>th</sup> Dr. N to alter the existing swale and/or the existing wetland, which would be an unnecessary hardship as there is no development proposed adjacent to 112<sup>th</sup> Dr. N.

**YES.** Staff are supportive of the overall development proposal for the Busch Wildlife Sanctuary. Although the Applicant did seek a variance to eliminate R-O-W buffering for a distance of 312 feet, there is an opportunity for the Applicant to meet code requirements for R-O-W buffering between the aforementioned swale along the south property line and the wetland. Staff are supportive of the

variance, but request as a Condition of Approval that the Final Site Plan be revised to provide buffering between the wetland and the southern swale.

**f. Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:**

**YES.** The proposed development will be providing the necessary R-O-W buffering along 112<sup>th</sup> Dr. N for the majority of the roadway, with the exception of the two areas addressed above. In these two specific locations, it is not possible to provide the necessary landscape buffering adjacent to the roadway based on existing conditions. The proposed development will be setback a significant distance from 112<sup>th</sup> Drive north, and will be significantly buffered by existing vegetation, as identified on the Tree Disposition Plan (Figure 5). The purpose of the R-O-W buffer is to provide visual buffering to adjacent development. The existing on-site vegetation, as well as the significant setback of development from 112<sup>th</sup> Dr. N will provide the buffering needed to be consistent with code objectives.

**g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

**YES.** The inclusion of the R-O-W buffer within the two aforementioned areas (the existing southern swale and the wetland) would be more injurious to the subject site, as the Applicant would be required to make modifications to existing conditions. The variance to eliminate the buffer within these two areas will not be injurious to the site, and will allow the Applicant to maintain existing on-site conditions.

**FINDINGS:**

Class A Conditional Use: When considering a Development Order application for a Conditional Use, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

**a. Consistency with the Plan – The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.**

**PLANNING DIVISION COMMENTS:**

- *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Prior Land Use Amendment Application:* The site has no prior approved land use amendments. A land use amendment (LGA-2020-00007) was proposed to change the current Rural Residential, 1 unit per 10 acres (RR-10) land use to Commercial Recreation with an underlying use of Rural Residential, 1 unit per 10 acres (CR/RR-10) but was ultimately withdrawn after a vote of denial by the Planning Commission on January 10, 2020 (passed 14-0 to deny). The application was never heard by the BCC.
- *Relevant Comprehensive Plan Policies:* The submittal complies with Future Land Use Element (FLUE) Policy 1.4-g, which requires that all non-residential development shall be designed in the form of either a Traditional Marketplace or shall comply with the rural design standards in the ULDC to ensure protection of the character of the Tier and to minimize impacts on adjacent neighborhoods. This project shall comply with the provisions of ULDC Article 5.C.1.H.1.g Rural Design Elements as well as the requirements within Articles 6-8 pertaining to the Rural Tier to satisfy the requirements of Policy 1.4-g and protect adjacent neighborhoods and minimize impacts to existing and future residents.

Also relevant is FLUE Policy 2.2.8-a: Institutional and Public Facility uses may be allowed in all future land use designations, provided the uses are consistent with the provisions of the Comprehensive

Plan and ULDC. The use is an Assembly Non-Profit which falls in line with Institutional uses and may be located in the RR-10 future land use designation within the Rural Tier.

The submittal also complies with the objectives and recommendations of the Jupiter Farms Neighborhood Plan which follows FLUE Policy 4.1-c: The County shall consider the objectives and recommendations of all Community Plans, Neighborhood Plans, Joint Planning Areas Agreements, Interlocal Service Boundary Agreements, and Special Studies, recognized by the Board of County Commissioners, prior to conditional use approval. Community Plans, Neighborhood Plans and Special Studies, including those adopted, accepted, or received by the Board of County Commissioners, are incorporated into the Future Land Use Support Document as reference guides to identify community needs and unique neighborhood characteristics within the associated document. The Applicant as part of the submittal has contacted the group about the proposal and directly complies with the neighborhood plan recommendation R-6: Palm Beach County and SIRWCD should communicate with the Jupiter Farms community to make sure that all citizens of Jupiter Farms are notified in a timely fashion of important meetings and information affecting Jupiter Farms and the surrounding area. While the use is nonresidential, the use is compatibility with the surrounding rural setting and vision of wild life thriving as it is a Busch Wildlife facility which promotes the preservation and rehabilitation of native Florida wildlife.

- *Intensity:* The request to add 18,254 square feet of institutional uses to the vacant site, which equates to a FAR of approximately 0.02 (18,254/ 847,765 square feet or 19.46 acres = 0.0215). The maximum Floor Area Ratio (FAR) of .10 is allowed for the RR-10 future land use designation in the Rural Tier (847,765 square feet or 19.46 acres x .10 maximum FAR = 84,776.5 square feet maximum).

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The property is located within the Jupiter Farms Neighbor Plan (JFNP) area. The request is not inconsistent with the neighborhood plan recommendations. The Applicant was advised to meet with the neighborhood group responsible for implementing the Neighborhood Plan. A letter dated January 8,2021 from Jupiter Farms residents has been submitted providing written support for the project.

**b. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

- *Property Development Regulations (PDRs):* The overall development meets the minimum PDRs for a property within the AR Zoning District. The overall site exceeds the minimum 10-acre size requirement (19.46 acres), as well the minimum frontage (300 ft. required, 1,279.09 provided) and depth (300 ft. required, 662.40 provided). Further, all proposed structures, both primary and accessory, will exceed the minimum setback requirements for structures within the AR Zoning district.

- *Overlays:* The subject site is within the Jupiter Farms Neighborhood Plan area. As outlined in Standard A., Consistency with the Plan, the proposed development complies with the Neighborhood Plan requirements.

- *Use Regulations:* The Applicant has proposed the relocation of the Busch Wildlife Sanctuary from the Town of Jupiter to the subject site, and have indicated that the proposed use meets the definition of Assembly Institutional Non-Profit per the submitted Justification Statement. Per Art. 4.B.4.C.2, Assembly Institutional Non-Profit is defined as an establishment open to the public, owned and operated by a non-profit organization for social, educational or recreational purposes. The Applicant has indicated that the facility will remain as non-profit. To note, the Animal Hospital cannot be used as an animal hospital/veterinary clinic for domesticated pets. The Applicant will be required to upgrade Rocky Pines roadway to meet the requirement for Frontage and Access (Art. 4.B.4.C.2.d) to non-planned Collector Standards.

- *Architectural Review:* The Applicant has requested to obtain architectural review approval at time of application for Building Permits for the proposed structure. No Architectural elevations have been provided at this time.

- *Parking:* The proposed development meets the requirements of Table 6.B.1.B, Minimum Parking and Loading Requirements. The PSP indicates a total of 114 parking spaces, whereas the



Code requires a minimum of 92 spaces. One (1) loading space has been provided which will be located next to the Maintenance Buildings.

○ *Landscape/Buffering:* The overall development meets the minimum requirements for landscape buffering, exclusive of the variance request. A 20 ft. R-O-W buffer has been provided along both Rocky Pines Road and Indiantown Road. Along 112<sup>th</sup> Dr. N. the PSP indicates a 15 ft. R-O-W Buffer. All three buffers adjacent to the roadways meet the requirements of Table 7.C.2.A, Width of R-O-W Buffer. Along the south property line, the PSP indicates a 15 ft. Type 2 Incompatibility Buffer, which is required for an institutional development adjacent to detached residential. The proposed buffer meets the requirements of Table 7.C.2.C, Incompatibility Buffer Types. All primary structures, which includes the animal hospital, welcome center, education building and maintenance buildings provide the minimum foundation plantings required per Art. 7.C.3.B, Foundation Planting and Dimensional Requirements. The Applicant will be limiting any removal of existing vegetation on-site, and will act is existing buffering to neighboring homes, as shown on Figure 5, Preliminary Regulating Plan (Tree Disposition).

As previously described, the Applicant seeks a Type 2 Variance for the elimination of 312 feet of R-O-W Buffering adjacent to 112<sup>th</sup> Drive N. Staff are supportive of this variance request.

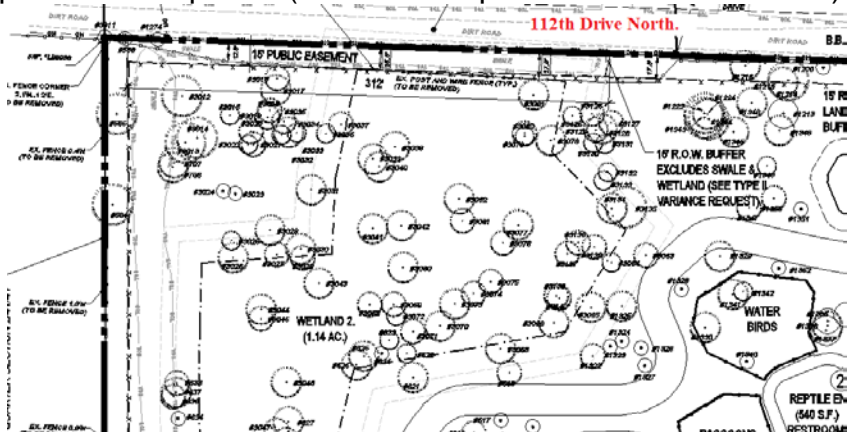
○ *Signs:* The Applicant has indicated that there will be proposed signage for the overall development. As such, Staff have requested a Condition of Approval that a Master Sign Plan be provided through Final Site Plan Review. All proposed signage will be required to meet the requirements of Art. 8, Signage.

c. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed development will be generally consistent with the uses and character of the surrounding area. Directly to the north (across Indiantown Road) are designated Conservation Lands owned by Palm Beach County. To the northeast of the subject site is the Palm Beach Motorcoach Resort (Control No. N/A). This lone residential development along the north side of Indiantown Road in the immediate vicinity of the subject site is zoned as a Recreational Vehicle Planned Development. As previously described, the subject site will be providing R-O-W buffers along Indiantown and Rocky Pines Road, which will provide additional buffering from the roadway and the motorhome park in addition to existing vegetation on site.

To the south is a vacant parcel of land with AR Zoning. These lands will be buffered by a Type 2 Incompatibility Buffer along the south property line of the subject site. To the east is a vacant parcel that is currently owned by the Diocese of Palm Beach, and is zoned AR. At this time, there have been no requests for development of the site on the east side of Rocky Pines Road.

To the west across from 112<sup>th</sup> Drive North exists low-density single family residential homes, that are zoned AR. A total of 5 homes are adjacent to the subject site. These lands will be buffered by a 15 ft. R-O-W buffer adjacent to the roadway, with exception to the location where the Applicant has sought the Type 2 Variance (south east 312 feet). Between 112<sup>th</sup> Dr. N and the proposed development exists a substantial amount of existing vegetation which will buffer existing Home Owners from the proposed development (see Tree Disposition Plan inset below).



**d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

As previously described, the proposed development will have minimal impact on adjacent uses. The Applicant will be providing Code-required buffering along the adjacent property lines, which maintaining a significant amount of existing vegetation of site. The proposed structures have been placed closer to Rocky Pines Road, where there is no adjacent development. Further, the Applicant has sought to maintain existing wetlands, and has designed the proposed development to incorporate these wetlands into the overall development. With regards to traffic, the Applicant has indicated as part of their Justification that trips generated from the site generally peak during mid-morning and mid-afternoon, as these are the times in which students would come for the educational experience. This differs from most non-residential development, and would have less of an impact on existing residential homes to the south of the site on Rocky Pines Road.

**e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: Much of the property had been cleared for agricultural purposes. However, native trees remain scattered around the site and two wetland areas have also been identified. The proposed site plan incorporates both wetland areas and much of the remaining native trees.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

**f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed use will result in a logical and orderly development pattern. Prior to the submittal for the Busch Wildlife Sanctuary, an application had been made for the subject site for a recreational facility that would include a number of soccer fields. Area residents had significant concerns with that proposed use based on the impacts that would be created from traffic and noise. The Applicant for that proposal withdrew the application based on the significant concerns raised from the public. The proposed use will have significantly less of an impact on those that live along Rocky Pines Road and 112<sup>th</sup> Drive North. The use will generate a significantly less number of traffic trips to the site and is substantially buffered by existing vegetation and the proposed buffers. Further, as the proposed use is generally used during the daytime, it will have less impacts on area residents in the early evening hours. As such, meets the development patterns criteria.

**g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The wildlife sanctuary project is expected to generate 371 net daily, 30 AM peak hour, and 35 PM peak hour trips.

There are no roadway improvements required to meet the Traffic Performance Standards because the impacts of the projects will be insignificant.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Indiantown Rd from Alexander Run Rd to Jupiter Farms Rd

Existing count: Eastbound=902, Westbound=1195

Background growth: Eastbound=730, Westbound=377

Project Trips: Eastbound=17, Westbound=14

Total Traffic: Eastbound=1649, Westbound=1586

Present laneage: 2 in each direction

Assured laneage: 2 in each direction

LOS "D" capacity: 1960 per direction

Projected level of service: Better than LOS D in both directions.

The Property Owner shall reconstruct Rocky Pines Road to non-plan collector standards as approved by South Indian River Water Management District and the County Engineer.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Site Plan approved by the DRO.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project will be served by an Onsite Sewage Treatment and Disposal System (OSTDS) for wastewater and a potable water supply well.

FIRE PROTECTION: Staff has reviewed this application and have no comment.

SCHOOL IMPACTS: Staff has reviewed this application and have no comment.

PARKS AND RECREATION: This is a non-residential project, therefore the Parks and Recreation ULDC provisions do not apply.

**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant has indicated that the existing location of the Busch Wildlife Sanctuary is no longer feasible to remain in the Town of Jupiter, as the leasing of the lands will be ending. As such, the Foundation is required to seek a new location for the non-profit use. The subject site meets the lot size needs for the Sanctuary, and provides existing vegetative buffering that will have minimal impacts on area residents. As such, the Applicant has provided sufficient Justification demonstrating changed circumstances that necessitate the proposed Class A Conditional Use.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff are recommending approval as per the Conditions of Approval in Exhibits C-1 and C-2.



## CONDITIONS OF APPROVAL

### EXHIBIT C-1: Type 2 Variance

#### ALL PETITIONS

1. 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. (ONGOING: ZONING - Zoning)

#### LANDSCAPE – PERIMETER - LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF 112TH DRIVE N)

1. Prior to final approval by the Development Review Officer (DRO), the Preliminary Site Plan shall be revised to provide for the following:

- a. A 15 foot Right-of-Way Buffer shall be provided along 112th Drive N., beginning at the north limit of the existing swale located in the southwest corner of the subject site, continuing north for approximately 85 feet (to the edge of the identified Wetland 2 area); and,
- b. Re-label the 15 ft. Public Easement as a 15 ft. Drainage Easement. (ONGOING: ZONING - Zoning)

#### COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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.

## CONDITIONS OF APPROVAL

### EXHIBIT C-2: Class A Conditional Use

#### ALL PETITIONS

1. 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. (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, 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)

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. (BLDGPMT/CO/ONGOING: MONITORING - Engineering)

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)

b. Any required drainage easements shall be recorded prior to issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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 (BLDGPMT: MONITORING - Engineering)

#### ENVIRONMENTAL

1. A complete Standard Vegetation Permit Application For Protection of Native Vegetation Approval, including the appropriate fee, shall be submitted to the Department of Environmental Resources Management (ERM) prior to the final approval of the plan by the Development Review Officer (DRO). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

#### SIGNS

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

**DISCLOSURE**

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

### Figure 1 – Future Land Use Map

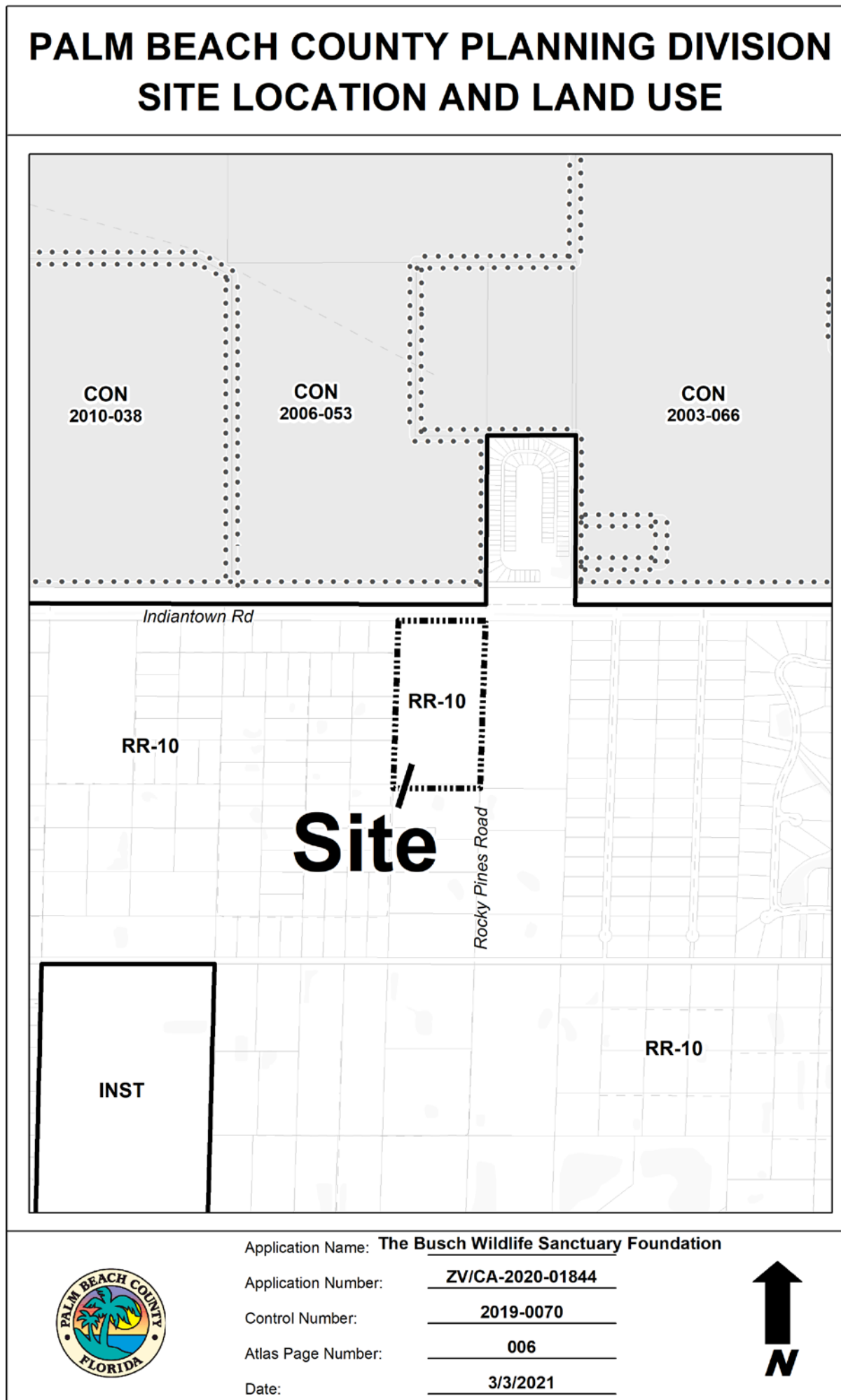


Figure 2 - Zoning Map



Zoning Commission

Application No. ZV/CA-2020-01844

Busch Wildlife Sanctuary

April 1, 2021

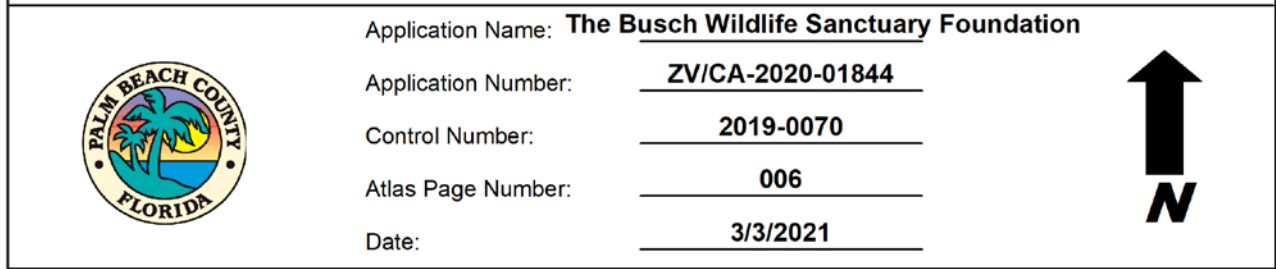
BCC District 1

Page 39



Zoning Commission  
Application No. ZV/CA-2020-01844  
Busch Wildlife Sanctuary

**PALM BEACH COUNTY PLANNING DIVISION  
SITE LOCATION**



Date: 3/3/2021

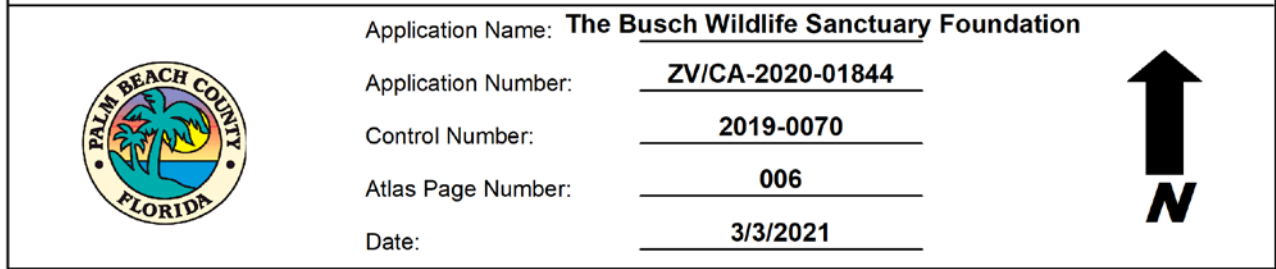








Exhibit D – Disclosure of Ownership (Applicant)

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE  
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Paul Trabulsiy, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Director/Treasurer The Busch Wildlife Sanctuary Foundation, Inc. [position—e.g.,  
president, partner, trustee] of XYZ Limited Partnership, [name and type of entity -  
e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant").  
Applicant seeks Comprehensive Plan amendment or Development Order approval  
for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 2500 Jupiter Park Drive, Jupiter FL 33458
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of  
every person or entity having a five percent or greater interest in the Applicant.  
Disclosure does not apply to an individual's or entity's interest in any entity  
registered with the Federal Securities Exchange Commission or registered pursuant  
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County  
policy, and will be relied upon by Palm Beach County in its review of Applicant's  
application for Comprehensive Plan amendment or Development Order approval.  
Affiant further acknowledges that he or she is authorized to execute this Disclosure  
of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to  
reflect any changes to ownership interests in the Applicant that may occur before the  
date of final public hearing on the application for Comprehensive Plan amendment  
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the  
penalties provided by the laws of the State of Florida for falsely swearing to  
statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and  
to the best of Affiant's knowledge and belief it is true, correct, and complete.

  
Paul Trabulsy Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH St Lucie

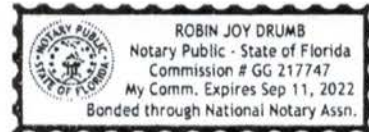
The foregoing instrument was acknowledged before me by means of [☒] physical presence or  
[ ] online notarization, this 14 day of October, 20 20 by  
Paul Trabulsy (name of person acknowledging). He/she is personally  
known to me or has produced (type of identification) as  
identification and did/did not take an oath (circle correct response).

Robin Joy Drumb  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 09/11/2022

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"****PROPERTY****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 RECORDS 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 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.

**FLOOD ZONE:**

THIS PROPERTY IS LOCATED IN FLOOD ZONE X, ACCORDING TO F.I.R.M. (FLOOD INSURANCE RATE MAP) NO. 12099C 0155F, DATED (NOT PRINTED).



## EXHIBIT "B"

### DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

**Address**

The Busch Wildlife Sanctuary Foundation, Inc.

2500 Jupiter Park Drive Jupiter FL 33458

Disclosure of Beneficial Interest - Applicant form  
Form # 8

Page 4 of 4

Revised 12/27/2019  
Web Format 2011



Exhibit D – Disclosure of Ownership (Property)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Benjamin Glinsky, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [ ] individual or [x] Manager of BGTG Properties, LLC. [position - e.g., president, partner, trustee] [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 6671 W. Indiantown Road #50-291 Jupiter FL 33458
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
Benjamin Glinsky, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

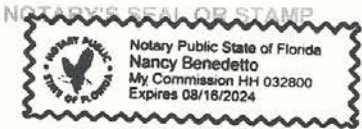
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [ ☒ ] physical presence or [ ☐ ] online notarization, this 29<sup>th</sup> day of October, 2020 by Benjamin Glinsky (name of person acknowledging). He/she is personally known to me or has produced drivers license 6452-073-75-418-0 (type of identification) as identification and did/did not take an oath (circle correct response).  
Exp: 11/18/2021

Nancy Benedetto  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 8/16/2024



**EXHIBIT "A"****PROPERTY****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 RECORDS 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 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.

**FLOOD ZONE:**

THIS PROPERTY IS LOCATED IN FLOOD ZONE X, ACCORDING TO F.I.R.M. (FLOOD INSURANCE RATE MAP) NO. 12099C 0155F, DATED (NOT PRINTED).



## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

BGTG Properties LLC - 6671 W. Indiantown Road  
#50-291 Jupiter FL 33458

THE BUSCH WILDLIFE SANCTUARY FOUNDATION  
Conditional Use “A” for Assembly Institutional Nonprofit  
Justification Statement  
Control No. 2019-00070  
Application No.: CA-2020-1844  
PCN: 00-41-41-12-02-000-1020  
Original Submittal: November 2, 2020  
1<sup>st</sup> Resubmittal: January 11, 2021  
2<sup>nd</sup> Resubmittal: February 1, 2021

**Introduction:**  
On behalf of the Owner, BGTB Properties LLC and The Busch Wildlife Sanctuary Foundation, Inc., Gentile Glas Holloway O’Mahoney, & Associates, Inc. (2GHO), acting as agent, respectfully request approval of the following requests:

- 1. Conditional Use “A” to allow an Assembly Institutional Non-Profit.
- 2. Type II Variance to allow the elimination of a portion of the ROW Buffer along the west side of the property – Article 7.C.2.A.1.

The property is located on the southwest corner of Indiantown Road and Rocky Pines Road. The subject site is 19.46 acres of land with a Future Land Use designation of RR-10 and a Zoning District of AR. The subject site is located within Palm Beach County’s Rural Tier.

**Development Program:**  
**The Busch Wildlife Sanctuary** has a two-fold mission of wildlife rehabilitation and environmental education.

A. **Rescue** – *rescue sick, injured, or orphaned native Florida wildlife. The Sanctuary is a non-profit organization that services Palm Beach County. We rely on the public to bring injured wildlife to our wildlife hospital. Over the years, they have rescued deer, foxes, screech owls, hawks, bald eagles, squirrels, birds, and many others. The volunteer rescue team is sent out to rescue animals that the public can’t, such as raccoons, great blue herons, bobcats, foxes, etc.*

B. **Rehab** – *The hospital staff works hard to take care of the many wildlife patients in our hospital. They feed the orphaned wildlife, perform examinations, administer medication, and much more. At certain times, the staff is taking care of more than 75 animals. All patients are examined upon the end of treatment and are assessed whether or not they can be released back into the wild.*

The Sanctuary also provides a major educational experience to the residents, visitors and especially the Children attending Palm Beach County schools. This education component provides the basis for understanding our native Florida wildlife, their habitat and how we can preserve the environment for both the Wildlife and our residents. This falls in line with a major role established by Palm Beach County in their efforts through the Department of

The Busch Wildlife Sanctuary Foundation, Inc.  
November 2, 2020  
1<sup>st</sup> Resubmittal – January 11, 2021  
2<sup>nd</sup> Resubmittal – February 1, 2021  
Page 2

Environmental Management that works daily to preserve our natural environment, preserve land, water and wildlife and create a quality of life we in Palm Beach County desire.

The proposed Conditional Use “A” application for an Assembly Institutional Non-Profit will allow the Busch Wildlife Sanctuary currently located in the Town of Jupiter at the Jupiter Commerce Park to be relocated to this vacant almost 20-acre parcel of land. There will be the following structures located on site:

Principal Structures:  
A. Hospital – 3,480 s.f.  
B. Welcome Center – 6,880 s.f.  
C. Education Building - 2,800 s.f.  
D. Maintenance Buildings – 996 s.f.  
Total of 14,156 s.f., this total square footage number has been used for parking and traffic purposes.

Other accessory structures consists of 4,098 s.f. as follows:  
1. Restroom structure – 250 s.f.  
2. Animal Feeding – 2,944 s.f.  
3. Reptile enclosure – 540 s.f.  
4. Small rehab – 364 s.f.  
Total of accessory structures – 4,098 s.f.,

The site also consists of several areas to contain animals either for public viewing or rehabilitation. Areas such as but not limited to:  
– Water bird area;  
– Large tortoise area;  
– Crocks and gator area;  
– Bears, panther and bobcat pens;  
– Deer exhibit and various animal rehabilitation areas.

**Development History:**  
The property was part of a Land Use Amendment (LGA2016-001) to change the RR-10 to CRE and a Rezoning (Z-2019-1104) from AR to CRE. These applications have been withdrawn.

**Surrounding Properties:**  
The following summarizes the nature of the surrounding properties adjacent to the subject site.

	EXISTING FLU	EXISTING ZONING	PCN	EXISTING USE	CONTROL NUMBER
Subject Site	RR-10	AR	00-41-41-02-00-000-1020	VACANT	2019-00070
North	CON	PO	INDIANTOWN ROAD 00-41-40-35-01-001-0010	RIGHT OF WAY / CYPRESS CREEK NATURAL AREA	N/A

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The Busch Wildlife Sanctuary Foundation, Inc.  
November 2, 2020  
1<sup>st</sup> Resubmittal – January 11, 2021  
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	EXISTING FLU	EXISTING ZONING	PCN	EXISTING USE	CONTROL NUMBER
South	RR-10	AR	VARIES PCNs	SFD	N/A
East	RR-10	AR	ROCKY PINES ROAD 00-41-41-02-00-000-1670	RIGHT OF WAY / VACANT	N/A
West	RR-10	AR	VARIES PCNs	SFD	

**North:** Identified by PCN: 00-41-40-35-01-001-0010 located in Unincorporated Palm Beach County. The property consists of approximately 250 acres and is currently a conservation area. The property has a Conservation (CON) FLU designation and is within the Agricultural Residential (AR) Zoning District.

**South:** Parcel identified by PCN: 00-41-41-02-00-000-1660 located in Unincorporated Palm Beach County. The properties consist of 10.16 acres and the current land use is Single-Family. They have a Rural Residential (RR-10) FLU designation and are within the Agricultural Residential (AR) Zoning District.

**East:** Identified by PCN: 00-41-41-02-00-000-1670 located in Unincorporated Palm Beach County. The property consists of approximately 19.50 acres and is currently undeveloped. The property has a Rural Residential (RR-10) FLU designation and is within the Agricultural Residential (AR) Zoning District.

**West:** Multiple parcels identified by PCN(s): 00-41-41-02-00-000-1410, Confidential Record with no PCN, 00-41-41-02-00-000-1210, 00-41-41-02-00-000-1200 and 00-41-41-02-00-000-1370; and are within Unincorporated Palm Beach County. The properties consist of approximately 9 acres total and the current land use is Single-Family. They have a Rural Residential (RR-10) FLU designation and are within the Agricultural Residential (AR) Zoning District.

**Site Visit with ERM and Zoning:**

A site visit took place on Tuesday, October 20, 2020 with Mark Godwin and Keri Smith from ERM and Albert Jacob from Zoning Landscape Division to walk the site and review existing vegetation conditions. Staff from both agencies were pleased with the general layout of the project and overall intent to preserve the majority of the existing native vegetation.

**Conditional Use Standards:**

Based on Article 2.B.7.B for a Conditional Use "A" requires the Applicant to address the Standards under Article 2.B.7.B.2 of the Palm Beach County Unified Land Development Code (ULDC) establishes standards by which these requests shall be considered.

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**a. Consistency with the Plan:**

*Response: The proposed Conditional Use "A" for Assembly Institutional Nonprofit is consistent with the purposes, goals, objectives and policies of the Plan. The subject site has a Future Land Use Designation of RR10. Additionally, the subject property is located within the Rural Tier.*

*The subject site is located in the Jupiter Farms Neighborhood Planning area (JFNP) which was established in the 1990s. The project is consistent with several requirements of the JFNP. The site will not have a connection to the municipal potable water source, and while the project is in the service area of the Loxahatchee River Management District, there is currently no sewer services availability to this site. In keeping with the JFNP, this site will handle potable water and sewer disposal as most of the Jupiter Farms properties operate.*

*An objective of the plan is to preserve the environment, the Busch Wildlife Sanctuary will meet this objective by maintaining most of the existing viable native vegetative environment on site by placing accessory animal structures as to keep as much of the vegetation as possible.*

*This Applicant's proposal is consistent with the following policies:*

*Policy 1.4-a The county shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier*

*Response: The subject site will be preserving the cultural and recreational resources by maintaining the vegetative character of this site by placing the accessory animal structures on site to maintain the vegetation.*

*Policy 1.4-d: property in the rural tier shall not be further subdivided.*

*Response: With the proposed use this property will maintain the approximate 20 acres of land in its entirety and is a legal lot.*

*Policy 4.1-C: based on this policy the "County shall consider the objectives and recommendations on community plans".*

*Response: As stated above, the subject site is part of the Jupiter Farms Neighborhood Planning area, and is consistent with several of the requirements*

**b. Consistency with the Code:**

*Response: The Conditional Use "A" for Assembly Institutional Nonprofit complies with all applicable standards and provisions of this Code for use, layout, function and general development characteristics. The proposed Assembly Institutional Nonprofit meets the requirements of Article 4.*

**Supplementary Use Standards for Assembly Institutional Nonprofit:**

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The Applicant has demonstrated compliance with the applicable supplemental use standards in the section. Please note, if a section is omitted, it is not applicable to the Owner's proposal.

**a. Definition** – *the proposed Assembly Institutional Nonprofit meets the definition by operating a nonprofit organization for social, education and recreational purposes.*

**b. Typical Uses** -

**c. Zoning districts** -

**1. AR/RSA District** – *the subject site is located within the AR – Agricultural Residential Zoning District and the RSA – Rural Service Area and will be a Conditional Use "A" for an Assembly Institutional Nonprofit.*

**2. TND District** – *Not Applicable.*

**d. Frontage and Access** – *the project is located at the southwest corner of Indiantown Road and Rocky Pines Road. Discussions with Land Development provided the Applicant with information on providing a Non-planned Collector design for access from Rocky Pines Road.*

**c. Compatibility with Surrounding Uses:**

*Response: The proposed Assembly Institutional nonprofit is compatible with the surrounding uses. The site will be developed keeping the vegetation and wetlands throughout the site with planned placement of the structures and pens needed for the animals. Currently, the property to the east is vacant and owned by the Diocese of Palm Beach, and at the time of this application it is not known of any plans for development. Properties to the west and south are existing single-family dwellings. By preserving a significant amount of vegetation on site, the proposed use will maintain a rural character by preserving the vegetation on site.*

**d. Design Minimizes Adverse Impact:**

*Response: The site will be developed in a manner that will keep most of the existing vegetation and wetlands in place throughout the site with planned placement of the structures and pens needed for the care of the animals. These accessory structures are setback from the property lines to maintain the vegetation.*

*The applicant is requesting a Type II Variance for the elimination of a portion of the required 15' ROW Buffer along 112<sup>th</sup> Drive North. The variance will allow the existing historical swale to be maintained which provides drainage for the existing single family dwellings as well as the 112<sup>th</sup> Drive North an existing 60' roadway easement.*

**e. Design Minimizes Environmental Impact:**

*Response: The proposed amendment and design minimizes environmental impacts, including, but not limited to water, air stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Careful consideration was given to the placement of the structures and walkways in order to preserve the existing scattered large pine trees, other trees and wetlands on site. As with the Sanctuary's*

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*mission, the site will provide a much of a natural habitat for the wildlife that will be on the site. The proposed Type II Variance allows the existing historic swale and wetlands to be preserved with no changes. This allows this area to be unchanged to the surrounding property owners.*

**f. Development Patterns:**

*Response: The proposed conditional use will result in a logical, orderly and timely development pattern. The development patterns in the area have modeled that of a typical neighborhood are rural in nature. The site is located on the southwest corner of Indiantown Road and Rocky Pines Road and with the subject site being developed with the animal sanctuary this will keep the rural character of the area.*

**g. Adequate Public Facilities:**

*Response: The proposed amendment complies with Article 2.F, Concurrency. The proposed development will provide connections to any existing public services and utilities when available.*

**Traffic:** *the proposed project is projected to generate 349 daily trips; the project meets the PBC Traffic Performance Standards. The traffic trips for this use is much different from a typical commercial development, with traffic patterns for this use anticipates that peak hours would be mid-morning and then mid-afternoon.*

**Potable Water & Wastewater:** *the subject site will be serviced with a well for potable water and will provide on-site sewage treatment.*

**Drainage:** *The site is situated within the Northern Palm Beach County Improvement District's (NPBCID) service area. An Environmental Resource Permit through SFWMD and a Drainage Permit through PBCCID will be required and submitted to respective agencies.*

**h. Changed Conditions or Circumstances:**

*Response: There are demonstrated changed conditions or circumstances. This project has been a staple of the community for quite a long time and providing this use in a new location that will provide additional space for rehabilitation and rescue of the wildlife and education opportunities for the public.*

**TYPE II VARIANCE**

This application requests a Type II Variance for a reduction in right-of-way buffer ("ROW") width for a portion of the ROW buffer due to the existing historical retention swales and the wetland preservation.

ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE
Article 7.C.2.A ROW Buffers	15-foot ROW Buffer	0-foot ROW Buffer	15-foot

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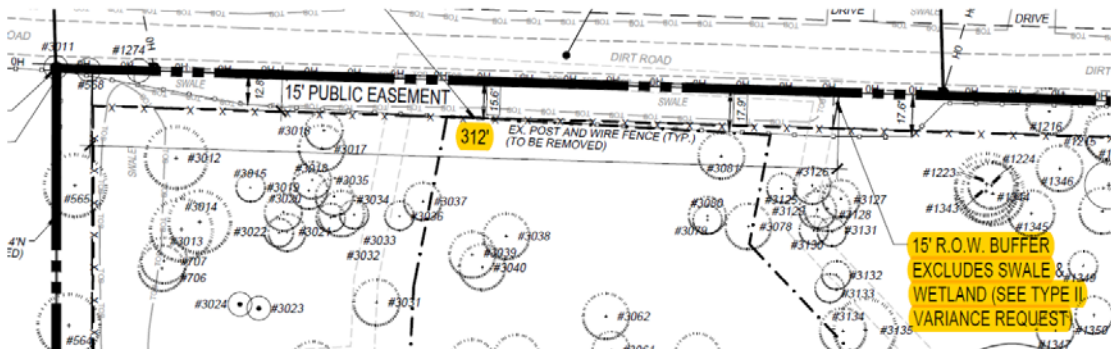
		(for a portion of the ROW – approx. 312 linear feet)	ROW Buffer (for a portion of the ROW – approx. 312 linear feet)
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As noted above, the subject site is located at the southwest corner of Indiantown Road and Rocky Pines Road. It is also bounded on the west by 112<sup>th</sup> Drive North which is location of the proposed Type II Variance from Article 7.C.2.A.1 – Right-of-Way (ROW) buffer requirement for a 60' right of way/easement. The proposed variance is for approximately 312 feet of the 1,279 feet of property.

Pursuant to ULDC Section 2.B.7.E, the following criteria must be satisfied for the granting of variances. Below is an analysis of the variance standards which demonstrates compatibility.

- a) Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district:

*Response: There are special conditions and circumstances that existing with the subject site. As referenced above, 112<sup>th</sup> Drive North is a 60' unimproved road easement that allows access to single family homes. The below graphic/site plan portion reflects the location of the Type II Variance proposed. There is an historical swale along this part of the property that serves as the drainage for the roadway only (112<sup>th</sup> Drive North). Abutting the swale is a wetland to be preserved, based on these existing conditions, the Type II Variance being requested will eliminate the ROW Buffer in this area for a length of approximately 312 feet. The remainder of the ROW Buffer along 112<sup>th</sup> Drive North will be provided.*



*remain on site including the wetland to be preserved in this location and elimination of the ROW Buffer will allow the existing to be maintained as it has historical existed. The area of the property immediately east of the subject area of this variance request will remain in its natural vegetated state. Granting of this variance will not grant any special circumstances or conditions.*

- c) Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district:

*Response: Granting of this variance does not confer any special privilege denied by the Comprehensive Plan and the ULDC. Requesting this variance for the elimination of a portion of the ROW Buffer is based the historical nature of the subject site; the existing swales provides for drainage of 112<sup>th</sup> Drive North. The ULDC provides the opportunity for sites to request variances from Article 7 of the Code if the requirements cannot be met. Land Development supports keeping the swale in its current configuration and requires a public easement to be place over the swale so as to maintain the historical drainage in perpetuity pursuant to the Comprehensive Plan Policy.*

- d) Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

*Response: A literal enforcement would require the existing swale to be eliminated to provide a 15' ROW Buffer as well as disturb an existing wetland slated to be preserved. Code requires that a ROW Buffer be located adjacent to the property line and also would be in conflict with the comprehensive plan policy to maintain historical drainage of a roadway.*

- e) Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:

*Response: Allowing the reduction for the portion of ROW buffer that overlaps the existing swale (approximately 312') is the minimum variance required. The remaining 1,279 feet of the required 15' ROW buffer will be provided meeting the ULDC.*

- f) Grant of the variance will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and this code:

*Response: The requested variance is the minimum variance to allow reasonable use of the property that will not create any adverse impacts on surrounding uses. As stated above, the variance requests will maintain the existing natural condition of this area,*

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*maintain the drainage which will remain consistent with the Comprehensive Plan and ULDC.*

- g) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

*Response: The granting of this variance will not be injurious or detrimental to the public welfare. As stated above, the purpose of the variance is to allow the specific area to remain unchanged with the redevelopment of the site, which will allow the historical swale, including historic drainage pattern and wetland to be preserved.*

### **Conclusion**

The Conditional Use "A" for an Assembly Institutional Nonprofit for The Busch Wildlife Sanctuary Foundation and the proposed Type II Variance will provide recreational and educational opportunities for the residences and schools throughout Palm Beach County. With that, Gentile Glas Holloway O'Mahoney & Associates, respectfully request approval of the presented request. The project managers at Gentile Glas Holloway O'Mahoney & Associates, Inc. are George G. Gentile, Daniel Siemsen and Patricia Lentini.

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