PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

Application No.:	SV/CA-2022-01490
Application Name:	Islamic Center School
Control No./Name:	2022-00007 (Islamic Center School)
Applicant:	Islamic Center of West Delray Beach Inc.
Owners:	Islamic Center of West Delray Beach Inc.
Agent:	Urban Design Studio - Bradley Miller Urban Design Studio - Ailish Villalobos
Telephone No.:	(561) 366-1100 , (561) 366-1100
Project Manager:	Vincent Stark, Site Planner I

Title: a Subdivision Variance **Request:** to allow a reduction in the legal access width on 9.85 acres

Title: a Class A Conditional Use **Request:** to allow an Elementary and Secondary School on 9.85 acres

Title: a Class A Conditional Use **Request:** to allow a General Daycare on 9.85 acres

APPLICATION SUMMARY: The proposed requests are for the 9.85-acre Islamic Center School development. The site has no prior Board of County Commissioners (BCC) approvals and is developed as a wholesale nursery.

The Subdivision Variance and Class A Conditional Use requests would allow for the development of an Elementary and Secondary School and General Day Care and allow a reduction in the legal access width. The Preliminary Site Plan (PSP) indicates two buildings with a total of 57,912 square feet (sq. ft.) 56,349 sq. ft. (382 students) for the School and 1,563 sq. ft. (32 children) for the Daycare. In addition, 219 parking spaces are provided with one access point to the site from 152nd Pl S.

SITE DATA:

Location:	South side of 152nd Place S, approximately 1,300 feet East of Lyons Road.
Property Control Number(s)	00-42-46-20-01-000-0462 and 00-42-46-20-01-000-0470
Future Land Use Designation:	Agricultural Reserve (AGR)
Zoning District:	Agricultural Reserve (AGR)
Total Acreage:	9.84 acres
Tier:	Agricultural Reserve
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 5, Vice Mayor Maria Sachs

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibits C1 through C-3.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY: The site has no prior Board of County Commissioners (BCC) approvals and is currently operating as a wholesale nursery.

SUBDIVISION VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
SV	Table 11.E.2.A-2	Minimum legal access width of 80-feet Right-of-Way and 12-feet wide lane widths	Access width of 55-feet Right-of-Way and 11-feet wide lane widths	Reduction of 25 feet of Right-of-Way and 1-foot of lane width per lane

FINDINGS - Subdivision Variance Standards: When considering a Development Order application for a Subdivision 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 Subdivision Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

Pursuant to Unified Land Development Code (ULDC) Article 11, Chapter E.2.A.2, Each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set for in Table 11.E.2.A-2, Chart of Minor Streets, and pursuant to Table 11.E.2.A-2, access to non-residential lots shall be by an 80-foot right of way. This variance application is to request site access from 152nd Place South, a proposed 55-foot roadway constructed to non-plan collector standards, for a 9.84 acre site located on the east side of Lyons Road, south of 152 Place South. This Property Owner wishes to utilize this site for an elementary school, secondary school and a day care.

Engineering Staff is recommending **APPROVAL** of the subdivision variance.

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

Applicant's Response: Yes*. Access to this property is from 152nd Place S. and Article 11 requires the use as a school to have access from an arterial or collector roadway with an 80-foot right of way/easement, to include 12-foot-wide lane widths. 152nd Place S. is currently an unpaved roadway within an existing 30-foot-wide easement. The north property line extends to the center line of the easement and as shown on the Site Plan, the northern 40-feet of the property (one half of the ultimate 80-foot collector road right-of-way) is reserved for road right-of-way purposes. When combined with the northern 15-feet of the 30-foot-wide easement, there will be 55-feet available to construct the access road to the subject property until the remaining 25-feet can be obtained from the Property Owner to the north. Accordingly, a temporary cross section of the roadway to be built (including 11-foot-wide travel lanes) within the 55-feet of access easement is proposed to provide sufficient and safe access to the subject site, a sidewalk and necessary roadway drainage. This cross section deviates from the Non-Plan Collector Roadway detail which ultimately will be constructed in the 80-foot-wide right-of-way when the remaining 25-feet is obtained from the Property Owners to the north. Until such time, a variance is required to allow for the proposed roadway cross section within the available 55-feet of access easement/reservation.*

Staff Response: **CORRECT**. This site is located on the south side of 152nd Place South, which is currently a 30 foot wide unpaved public roadway. This property will dedicate an additional 25 feet for a total of 55 feet. Article 11 requires the proposed use to have access to a roadway constructed to non-plan collector standards and have a width of 80 feet. The proposed roadway will have a non-plan collector pavement design section, 11 foot wide lanes within a 55 foot wide section. If the properties on the north side of 152nd Place South further develop their properties, additional right-of-way would be requested to complete the 80 foot section.

b) Special circumstances and conditions do not result from the actions of the Applicant.

Applicant's Response: Yes*. The Applicant is complying with the criteria for proper access by providing the 40-feet of road reservation within the subject property. The northern 40- feet (net 25-feet) of the right of way will need to be obtained from the Property Owner to the north which is out of the control of the Applicant. With that said, the Applicant is providing an alternative design which can be constructed within the 55-feet of easement area and can be expanded to the standard road design once the balance of the right-of-way is obtained.*

Staff Response: **CORRECT**. This Property Owner is only in control of the south 40 feet of a future 80-foot section. They have proposed an acceptable design within the 55 feet available to them at this time.

c) Granting the variance shall not confer upon Petitioner any special privilege denied by the comprehensive plan and the ULDC to other parcels of land, buildings or structures in the same zoning district.

Applicant's Response: Yes*. This variance is unique to this property and the proposed use. It will provide sufficient and safe access to the property and initiate the construction of the ultimate non-plan collector roadway to serve all properties abutting 152nd Place S, aerial graphic below of existing uses. The requested subdivision variance is compliant with Plan and the ULDC.*



Staff Response: **CORRECT**. Grant of this variance will not confer any special privileges denied by the comprehensive plan or the code.

d) Literal interpretation and enforcement of the terms and provisions of the ULDC would deprive the Petitioner of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.

Applicant's Response: Yes*. A literal interpretation and enforcement of providing the full 80-feet of right of way would force the Applicant to either acquire the additional property from the owners to the north which may be impossible or not viable, resulting in the school use not being allowed, creating the unnecessary and undue hardship to the Applicant. The proposed temporary roadway design initiates the dedication of the necessary right of way as well as the roadway construction within the available 55-feet of road easement that can ultimately be expanded into the 80-foot wide right of way when the remainder right of way is obtained.*

Staff Response: **CORRECT**. Literal interpretation of the code would result in the acquisition of right-of-way from other Property Owners that would potentially impact the current operations of their land. Shifting the alignment south so all of the 80 feet is within their property would not be a viable option because they are not adjacent to Lyons Road, which means realigning the road is not an option. Either option would result in an unnecessary and undue hardship.

e) Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

Applicant's Response**: *Yes****. The variance will allow for the construction of a roadway, sidewalk and drainage that will be sufficient and safe for access to the school use until such time that the ultimate right-of-way can be obtained, and the full standard roadway can be constructed.*

Staff Response: **CORRECT.** Granting of this request is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. No other variances will be requested associated with the access.

f) Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and the ULDC.

Applicant's Response: Yes. *The variance will allow for the construction of a roadway, sidewalk and drainage that will be sufficient and safe for access to the school use as required by the Plan and ULDC.*

Staff Response: **CORRECT**. Grant of this variance is consistent with other purposes, goals, objectives and policies of the comprehensive plan and the code.

g) Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant's Response: Yes. *The proposed temporary roadway has been designed by a professional civil engineer and reviewed and accepted by the County Engineer in order to provide safe and adequate access to the proposed school. The design includes an 8-foot wide sidewalk which will allow for safe pedestrian access in addition to the vehicular access for any students/employees who walk to/from the school. The variance will not be injurious to the area but actually an improvement of which ultimately a non-plan collector road can be constructed providing safe and adequate access to all properties along 152nd Place S.*

Staff Response: **CORRECT**. Granting the variance will not be injurious to the area involved or otherwise detrimental to public welfare.

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, 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, Rezoning to PDD or TDD, or Development Order Amendment 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.*

○ *Consistency with the Comprehensive Plan:* The proposed uses are consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Relevant Comprehensive Plan Policies:* Future Land Use Element (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 Institutional, which falls in line with Institutional uses and may be located in the AGR future land use designation within the Agricultural Reserve Tier.

○ *Intensity:* The request for 57,912 sq. ft. equates to a FAR of approximately 0.14 (57,912/ 428,645 surveyed sq. ft. or 9.84 acres = 0.135). The maximum Floor Area Ratio (FAR) of 0.15 is allowed for Institutional uses within the AGR future land use designation in the Agricultural Reserve Tier (428,645 surveyed sq. ft. or 9.84 acres x 0.15 maximum FAR = 64,296 sq. ft. maximum).

○ *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or study areas as identified in the Comprehensive Plan.

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.*

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. The Applicant is requesting an approval for a General Daycare and an Private Elementary and Secondary School. The Preliminary Site Plan indicates two buildings. Building A is for the Elementary and Secondary School consisting of 35,403 sq. ft. and Building B a total of 22,509 sq ft. for both proposed uses, consisting of 18,698 sq.ft. for the Elementary and Secondary School, 1,563 sq. ft. is for the General Daycare (32 children), . and 2,248 sq. ft. of Administrative offices. In addition, the PSP also indicates two tennis courts, two basketball, two volleyball courts and playground area.

○ *Property Development Regulations:* Table 3.D.1.A Property Development Regulations regulates the required lot dimensions, Building Coverage and minimum setbacks. Staff has analyze the information provided under the Preliminary Site Plan (PSP) and has determine the proposed development is in compliance with the parameters established. The lot meets the minimum size for the AGR Zoning District, 5 acres with a minimum of 300 feet of frontage, width, and depth o. Buildings A and B, meet the required setbacks. The lot frontage and access is from 152nd PL.

General Daycare

The Day Care portion of the Request when review under the ULDC falls within the General Day Care definition. Which is an establishment that provides Day Care for 21 of more children. The preliminary Site Plan indicates a total of 1,563 sq.ft allocate for the Day Care use with a total of 32 children and two designated Drop-off parking spaces.. The Day Care is located within what has been label Building B with the 2,555 Playground area immediately east of the Day Care. Health Staff has indicated no issues with the proposed play-ground area and foundation planting.

The proposal is in compliance with the required Property Development Regulations for setbacks, lot size, as stated on Table 3.D.1.A Property Development Regulations. In addition Staff has analyze the proposal and has determine that the project is in compliance for all the standards for General Day Care as listed on Article 4.B.4.C.7. Including: Site Requirements, Outdoor Activity Area for Child Care and Drop-Off Access.

Private Elementary and Secondary School

The Private Elementary School as indicated on the Preliminary Site Plan occupies a total of 56,349 sq.ft. located within two separate buildings with 382 students. In addition the Applicant has provided a Pickup/Drop-off operation diagram that indicates their entrance along the eastern portion of the Site and circle on a one way loop through the site (Exhibit 6)

The proposal is in compliance with the required Property Development Regulations for setbacks, lot size, as stated on Table 3.D.1.A Property Development Regulations. In addition Staff has analyze the proposal and has determine that the project is in compliance for all the standards for General Day Care as listed on Article 4.B.4.C.14. Including: Setbacks, Pedestrian Access and Vehicular Circulation. Fire Staff has indicated that a required cross access easements is required as an alternate method of escape in the event of an active shooter event occurs. Staff has added a condition of Approval requiring the this cross access easement to be recorded prior to Final DRO approval.

- *Architectural Review:* The uses are required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. The Applicant has indicated the desire to submit the required documents for Architectural review at time of Building Permit Approval

- *Parking:* The proposed uses according to Table 6.B.1.B Minimum parking and Loading Requirements required a total of 93 spaces. The Preliminary Site Plan (PSP), indicates a total of 217 parking spaces will serve the site. The proposed site plan is also indicating a total of 2 drop off spaces for the daycare and two loading areas.

- *Landscaping and Buffering*: According to Table 7.C.2.A Regulates the required buffer width and Table 7.C.2.C Incompatibility Buffers. The proposed Preliminary Site Plan indicates a 15-foot ROW (Right-of-Way) landscape buffer along 152nd Place S., and a 20-foot Type 3 Incompatibility Buffer along the eastern and southern property lines, with a 6-foot-high wall. Along the western property line, an 8-foot Compatibility Buffer is provided. The proposed development is in compliance with the required Foundation planting.

- *Signage:* A Preliminary Master Sign Plan indicates one free standing sign at the western access point.

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.*

To the north of the property exist miscellaneous Agriculture uses with Wholesale nurseries. To south there is a Place of Worship along with Nursery wholesale. The east the existing parcel is Agricultural and to the west includes Place of Worship.

The proposed uses are generally consistent and compatible with the surrounding land uses and the overall character of the area. The design and purpose of the school align with the existing surroundings and will harmoniously integrate into the community.

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.*

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The proposed development is in compliance with the ULDC standards. The site has designed, considering specific building placement to facilitate efficient vehicular stacking. within the premises during drop-off and pick-up times possible impact to the adjacent lands. The Applicant has provided a Pickup/Drop-off operation diagram that indicates their entrance along the eastern portion

of the Site and circle on a one way loop through the site (Exhibit 6) This approach minimizes any potential impact on 152nd Place S and the surrounding roadways. In addition the proposed buildings have been kept to a one story with a maximum height of 35 feet.

Furthermore, as part of the application, the development is providing an additional 40 feet of roadway dedication along 152nd Place S in accordance with non-plan collector standards.

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.*

o *Vegetation Protection:* The site is an existing nursery. There are native vegetation species that exist on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated for. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C.

o *Site Contamination:* Based on the Phase I Environmental Site Assessment ("ESA"), dated March 12, 2017, prepared by Aspen Environmental Consulting, LLC, the soil and groundwater qualities at the subject property may have been impacted by its former use as a nursery and lawn equipment maintenance/ repair shop. "There is a potential for land contamination at the site. Further investigation may be warranted to assess the presence or absence of such contamination." The Property Owner will need to work with the Florida Department of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C. During the DRO process, ERM will confirm that the Applicant is coordinating with FDEP, if contamination is found. Additionally, ERM has conditioned a Phase II ESA to be provided to ensure that the excavation(s) meets the 300-foot distance criteria from any known contamination, inter alia.

o *Wellfield Protection Zone:* This property is located not within Wellfield Protection Zone.

o *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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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.

o *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 properties surrounding the site are predominantly dedicated to agricultural and civic uses on all sides. Considering the recent and future residential growth in the area, the proposed development on the site aligns with logical and orderly development patterns. It takes into account the surrounding proposed and existing development and trends and ensures that they will not be adversely affected. The project's design and implementation contribute to the overall harmony and consistency in the evolving neighborhood landscape.

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

ENGINEERING COMMENTS: The proposed 382 student private elementary school and 32 student daycare project is expected to generate 1,084 net daily trips, 396 net AM peak trip, and 105 net PM peak hour trips. The build out of the project is assumed to be by 2027.

Some segments of Atlantic Ave has background deficiency, without the project traffic. Lyons Rd between Atlantic Ave and Clint Moore Rd is currently being widened to 4 lanes divided, which will meets adopted Level of Service standards. The project meets Traffic Performance Standards using provisions in Florida Statute 163.3180. The project will be required to construct turn lanes on Lyons Rd at 152nd Pl S and provide a surety for a signal at the intersection.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)
Traffic volumes are in vehicles per hour
Segment: Lyons Rd between Atlantic Ave and Clint Moore Rd
Existing count: Northbound=886, Southbound=591
Background growth: Northbound=367, Southbound=245
Project Trips: Northbound=34, Southbound=29
Total Traffic: Northbound=1287, Southbound=865

Present laneage: 1 in each direction
Assured laneage: 2 in each direction
LOS “D” capacity: 880/1960 (present/assured) per direction
Projected level of service: Worse than LOS D in the existing condition, but LOS D or better with assured construction

The Property Owner shall plat the property prior to the issuance of the first building permit.

The Property Owner shall reconstruct 152nd Place and build a sidewalk prior to the issuance of the first certificate of occupancy.

PALM BEACH COUNTY HEALTH DEPARTMENT:
This project has met the requirements of the Florida Department of Health.

SCHOOL IMPACTS:
The School Board has no issue with this request.

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

FIRE PROTECTION:
Staff has reviewed this application and have no comment. The proposed development is located within the boundary of PBC Fire Station # 42.



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 states, over the past 20 years, the number of residential units in the west Delray area has experienced a significant exponential growth, and this trend continues with the ongoing development in the Agricultural Reserve. Considering this evolving development pattern from 1995 to the present day, the Applicant's request to permit the proposed institutional, civic, and public uses on the site will serve the surrounding residential and working communities effectively. The Staff is in agreement with the Applicant's proposal that a new Elementary and Secondary School and a General Daycare facility is needed in this area.

CONCLUSION: Staff has evaluated the standards listed under Articles 2.B.7.B and 2.B.7.E.6 and has determined that there is a balance between the need for change and the potential impacts generated by the Islamic Center School for the subdivision variance and two Class A Conditional Uses. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibits C-1 through C-3.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Subdivision Variance on 9.85 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 18, 2023. 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 Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. The subdivision variance approval shall remain in effect as long as the Final Site Plan remains valid in accordance with the applicable time limitations of Article 2.E., of the ULDC. (ONGOING: ENGINEERING - Engineering)

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: ZONING - 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.

CONDITIONS OF APPROVAL

EXHIBIT C-2

Class A Conditional Use-Elementary and Secondary School on 9.85 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 18, 2023. 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. (ONGOING: ZONING - Zoning)

ACCESS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall record a Cross Access Agreement from the subject property to the property to the south in a form and manner that is acceptable to the County Attorney's office. (DRO: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall construct i) right turn lane south approach on Lyons Rd at 152nd Place ii) left turn lane north approach on Lyons Rd at 152nd Place.

This construction shall be concurrent with the paving and drainage improvements for the site. As of writing of this condition, Lyons Rd was under construction for widening from 2 lanes to 4 lanes divided. Coordination with the County should be done to find the best way to accommodate the above turn lanes within the project limits. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at 152nd Place and Lyons Rd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

4. 152nd Place shall have two exiting lanes on the east approach at Lyons Rd intersection of adequate storage length, as approved by the County Engineer. (ONGOING: ENGINEERING - Engineering)

5. Prior to the issuance of the first building permit, 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. (BLDGPMT: MONITORING - Engineering)

6. The Property Owner shall reconstruct 152nd PL from Lyons Road to the east driveway connection, plus tapers, to be consistent with Palm Beach County standards for a local commercial street. This construction shall be concurrent with the paving and drainage improvements for the site. 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.

a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

b. The Property Owner shall maintain this section of roadway in perpetuity unless the maintenance obligation is reassigned to another entity as approved by the County Engineer. (ONGOING: ENGINEERING - Engineering)

7. Property Owner shall construct a minimum 8 foot wide pathway/sidewalk along the south side of 152nd Place from Lyons Road to their east property line. 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. (CO: MONITORING - Engineering)

ENVIRONMENTAL
1. Prior to the final approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be provided to the Department of Environmental Resources Management for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER-EAST AND SOUTH PROPERTY LINES
1. In addition to the requirements for a 20-foot wide Type 3 Incompatibility buffer for the east and south property lines the Development shall provide a 6-foot wall. (BLDGPMT/DRO: ZONING - Zoning)

2. Buffer reduction and/or easement encroachments within the east and south 20-foot wide Type 3 Incompatibility Buffers are prohibited. (BLDGPMT: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE
3. In addition to the requirements for the Type 3 Incompatibility buffer for the south property line the following shall apply:
a. the emergency access to the south property shall include an opaque gate; and
b. the gate shall align with the wall included within the buffer. (BLDGPMT: 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: ZONING - 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.

CONDITIONS OF APPROVAL

EXHIBIT C-3

Class A Conditional Use-General Daycare on 9.85 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 18, 2023. 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. (ONGOING: ZONING - Zoning)

ACCESS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall record a Cross Access Agreement from the subject property to the property to the south in a form and manner that is acceptable to the County Attorney's office. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall construct i) right turn lane south approach on Lyons Rd at 152nd Place ii) left turn lane north approach on Lyons Rd at 152nd Place.

This construction shall be concurrent with the paving and drainage improvements for the site. As of writing of this condition, Lyons Rd was under construction for widening from 2 lanes to 4 lanes divided. Coordination with the County should be done to find the best way to accommodate the above turn lanes within the project limits. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at 152nd Place and Lyons Rd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

4. 152nd Place shall have two exiting lanes on the east approach at Lyons Rd intersection of adequate storage length, as approved by the County Engineer. (ONGOING: ENGINEERING - Engineering)

5. Prior to the issuance of the first building permit, 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. (BLDGPMT: MONITORING - Engineering)

6. The Property Owner shall reconstruct 152nd PL from Lyons Road to the east driveway connection, plus tapers, to be consistent with Palm Beach County standards for a local commercial street. This construction shall be concurrent with the paving and drainage improvements for the site. 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.

a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT: MONITORING - Engineering)

b. The Property Owner shall maintain this section of roadway in perpetuity unless the maintenance obligation is reassigned to another entity as approved by the County Engineer. (ONGOING: MONITORING - Engineering)

7. Property Owner shall construct a minimum 8 foot wide pathway/sidewalk along the south side of 152nd Place from Lyons Road to their east property line. 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. (CO: MONITORING - Engineering)

ENVIRONMENTAL
1. Prior to the final approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be provided to the Department of Environmental Resources Management for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER-EAST AND SOUTH PROPERTY LINES
1. In addition to the requirements for a 20-foot wide Type 3 Incompatibility buffer for the east and south property lines the Development shall provide a 6-foot wall. (BLDGPMT/DRO: ZONING - Zoning)

2. Buffer reduction and/or easement encroachments within the east and south 20-foot wide Type 3 Incompatibility Buffers are prohibited. (BLDGPMT: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE
3. In addition to the requirements for the Type 3 Incompatibility buffer for the south property line the following shall apply:
a. the emergency access to the south property shall include an opaque gate; and
b. the gate shall align with the wall included within the buffer. (BLDGPMT: 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: ZONING - 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.

Figure 1 - Land Use Map



Site Data

Size:	4.63 acres
Existing Use:	Vacant
Proposed Use:	School and Day Care, General
Zoning:	AGR
Zoning Quad:	52

Future Land Use Designations

AGR	Agricultural Reserve
CL/AGR	Commercial low, underlying AGR
CL-O/AGR	Commercial Low Office, underlying AGR
MLU	Mixed Land Use
INST/CLR	Institutional, underlying CLR

Date: x/xx/xxxx
Contact: PBC Zoning
Filename: X:\Planning Zoning Coordination\DRO-Maps\2023\7-July
Note: Map is not official, for presentation purposes only.

180 0 180 360 Feet

Planning, Zoning & Building
2300 N. Jog Rd, WPB, FL 33411
Phone (561) 233-5300

Figure 2 - Zoning Map

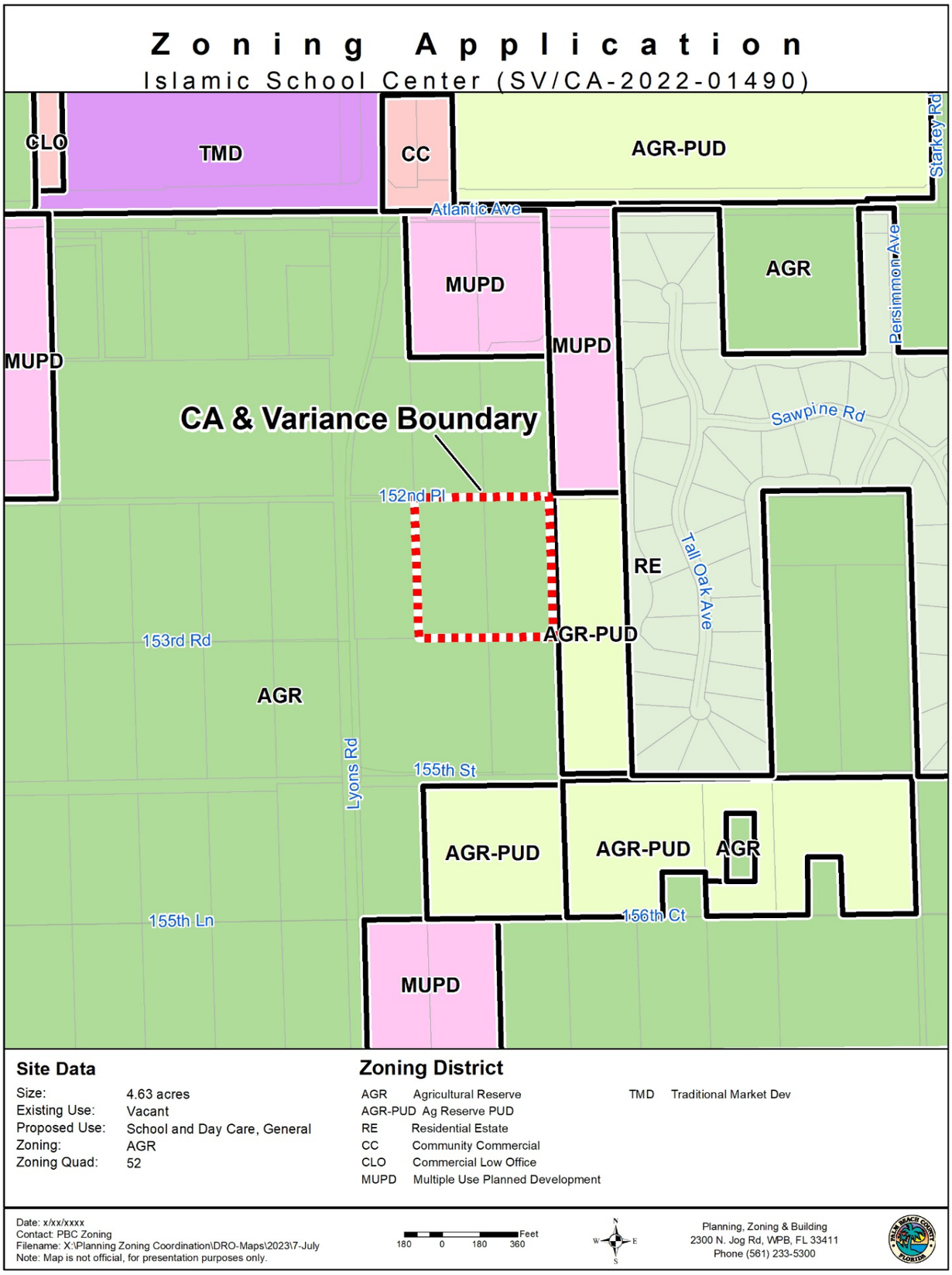


Figure 3 – Preliminary Site Plan dated (05-18-2023)

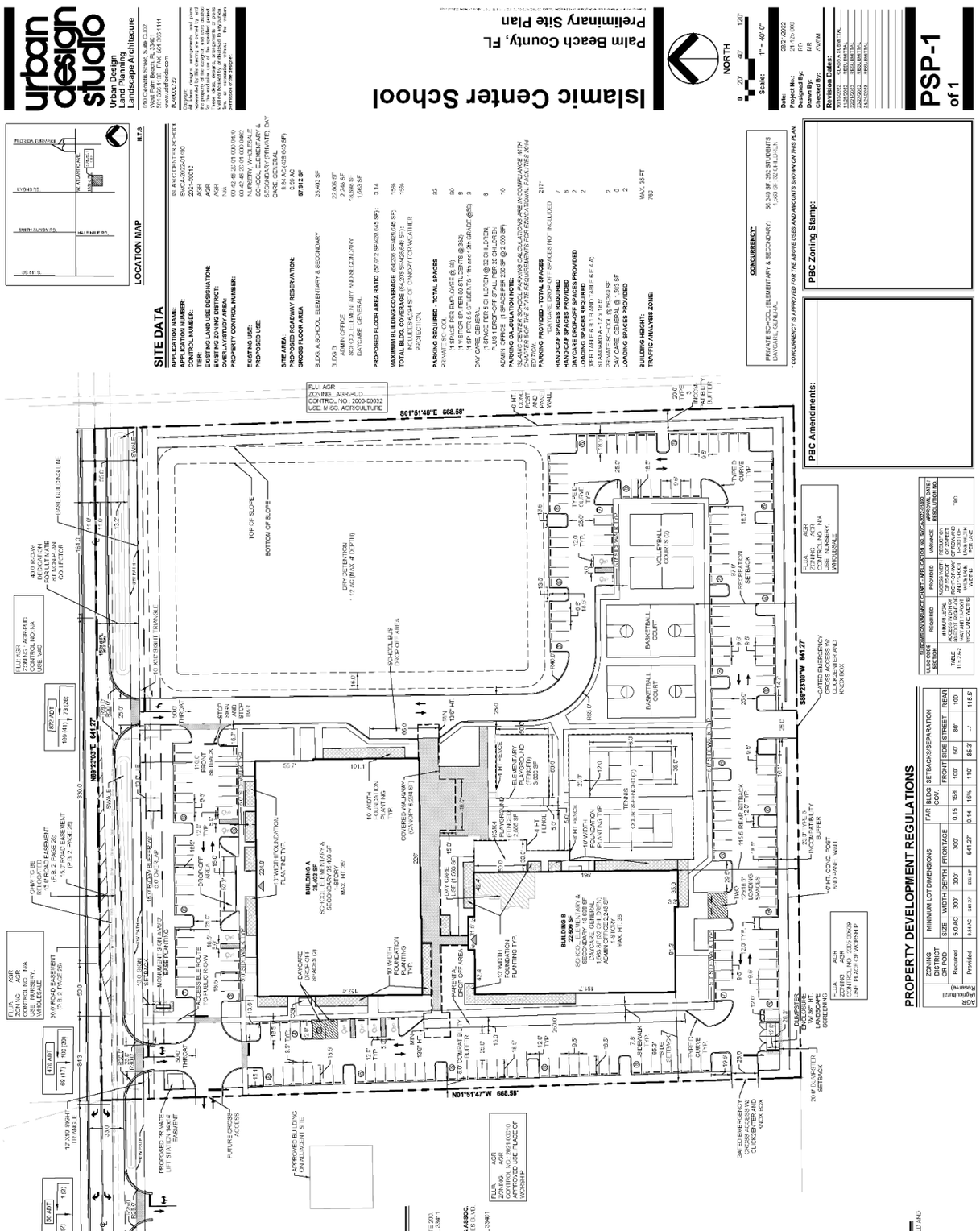
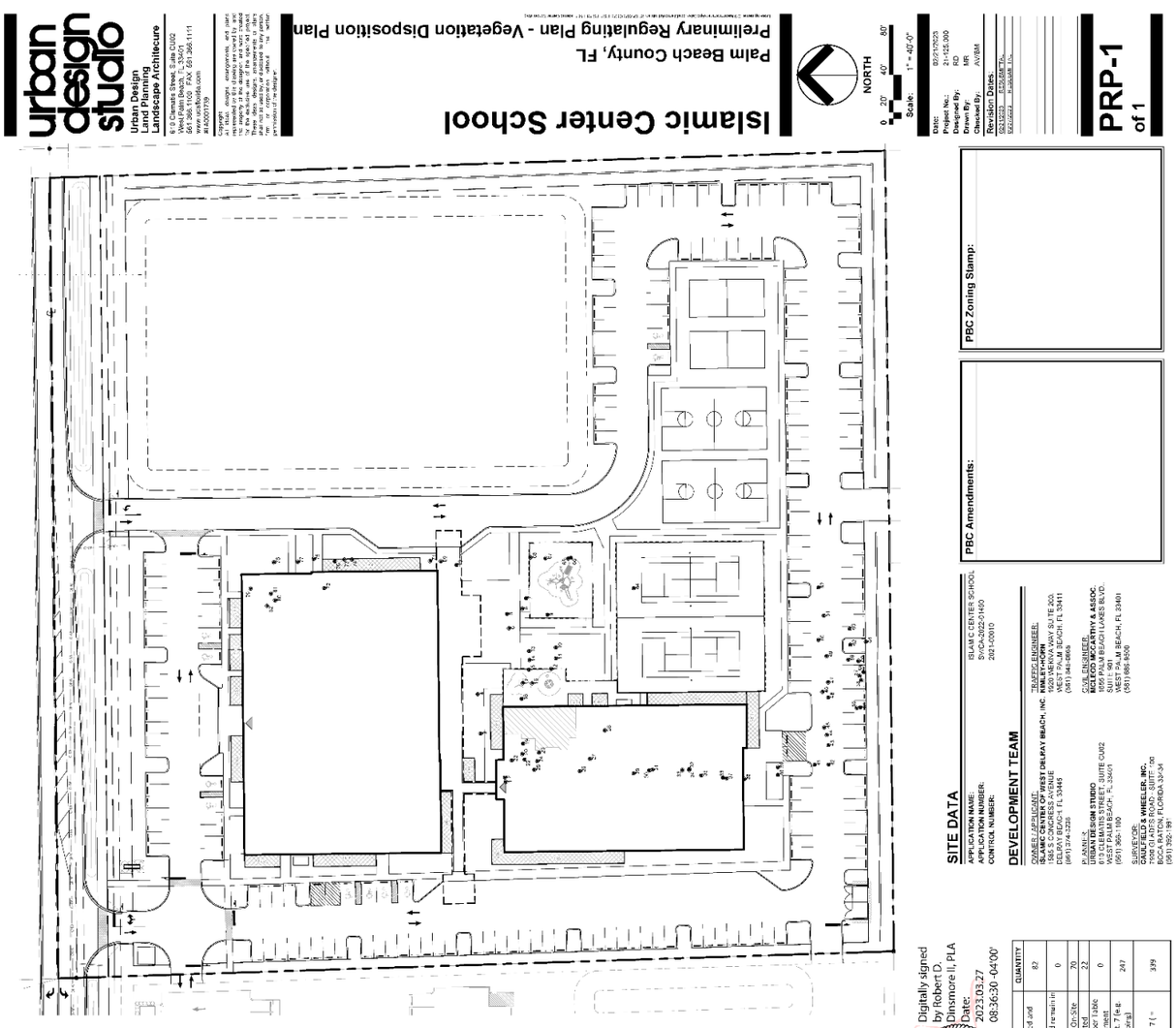
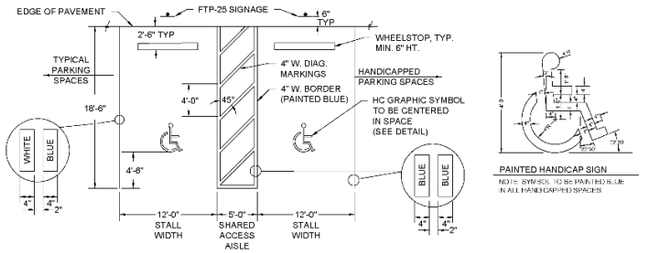


Figure 4 – Preliminary Regulating Plan 1 of 3 dated (03-27-2023)



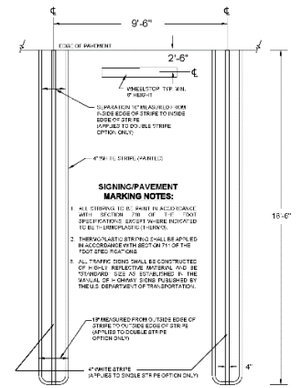


PBC STANDARD HANDICAPPED PARKING SPACE DETAIL

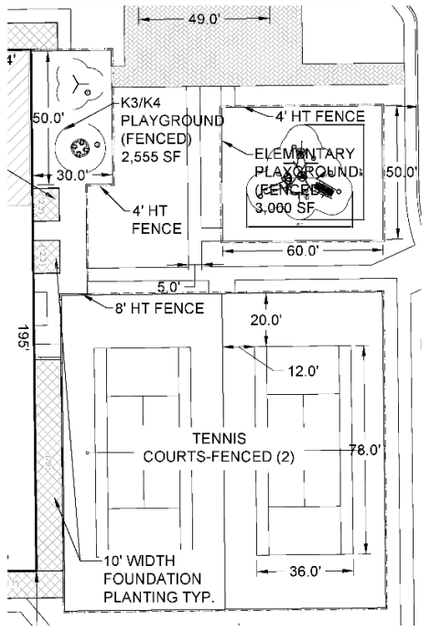


PBC STANDARD PARKING SPACE DETAIL

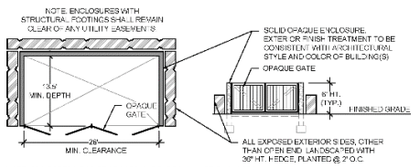
(SINGLE OR DOUBLE STRIPE ALLOWED PER CODE)



RECREATION AREA/PLAYGROUND DETAIL

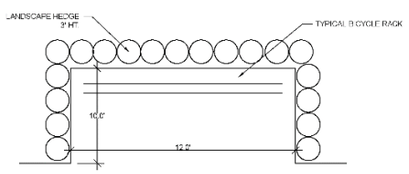


DUMPSTER DETAIL



NOTE: DUMPSTERS FOR PROPOSED C.F. TYPE 3 WILL BE ENCLOSED

BICYCLE PARKING DETAIL:



SITE DATA

APPLICATION NAME:	ISLAMIC CENTER SCHOOL
APPLICATION NUMBER:	SV/CA-2022-01490
CONTROL NUMBER:	2021-00010

PBC Amendments:	PBC Zoning Stamp:

urban design studio
Urban Design
Land Planning
Landscape Architecture
810 Clematis Street, Suite OU02
West Palm Beach, FL 33401
561.366.1100 FAX: 561.366.1111
www.udsflorida.com
ALA0001720

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Islamic Center School

Palm Beach County, FL
Preliminary Regulating Plan

NORTH

0 20' 40' 80'
Scale: 1" = 40'-0"

Date:	02/21/2023
Project No.:	21-135.000
Designed By:	RD
Drawn By:	MR
Checked By:	AV/BM

Revision Dates:
02/21/2023 RESUBMITTAL

PRP-2
of 3

Figure 4 – Preliminary Regulating Plan 2 of 3 dated (02-21-2023)

Tree Protection Management Plan

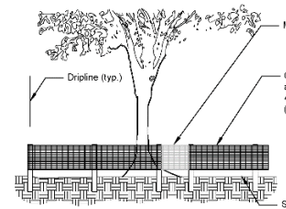
Prior to clearing any of the property for development, the contractor will do the following items:

Clearly identify and mark all trees to be preserved consistent with the approved Landscape Plan.

Install appropriate protective barriers around individual and groups of trees to be preserved.

A suitable protective barrier of metal, wood or other material shall be placed around individual protected trees:

- a distance of 6' or more from all species of mangroves
- a distance of 6' or more, or at a distance outside of 2/3 of the radius of the dripline, whichever is greater, from all protected hardwoods
- a distance of 6' or more, or at a distance outside of 2/3 of the radius of the dripline, whichever is greater, of all protected conifers

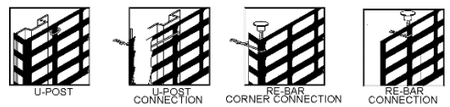


Soil Application:
6 ft tall #14 gauge metal u-post
Color: green
Driven into the ground 1 ft
Available at Home Depot/True Value

Asphalt Application:
6 ft tall #5 rebar with plastic safety cap.
Driven into the ground 1 ft

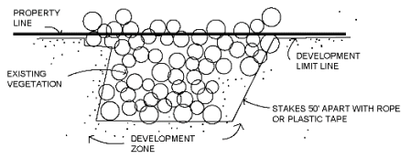
Installation Notes:
A. Space pots every 8 ft.
B. Secure fencing to post with nylon cable ties

Plastic and/or wood strips may also be used to provide additional support and protection between ties and posts.

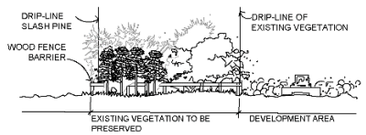


TREE PROTECTION BARRIER DETAIL

Unless conditioned in the vegetation removal permit, groups of trees or areas of vegetation to be preserved shall not require protective barriers. These areas will be marked by stakes installed at a maximum of 50' apart with rope or plastic tape attached to said stakes around the perimeter of the protected area.



Sturdy wood posts and rails shall be used to ensure that barricades can withstand construction activity.



Protective barriers or markings shall remain in place until they are authorized to be removed by staff or receipt of a CO.

There shall be limited development within tree preservation areas:

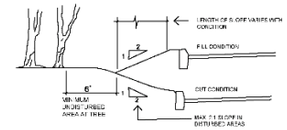
- maintained in its natural state
- provide permeable landscape natural. i.e., grass, mulch
- conform to governing landscape code.

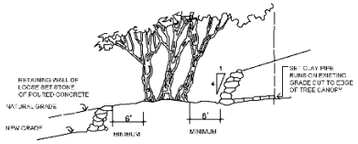
There will be no attachment of signs, etc. to vegetation unless of a non-damaging character.

Light machinery or hand-labor is to be used if vegetation is to be installed in preservation areas.

No grade changes shall be made within tree preservation areas, which require trenching or cutting of roots unless conditioned. Utility lines shall be installed to protect root systems as much as possible.

No removal of soil or fill in tree preservation areas shall occur.





No clearing shall commence until all protection devices are installed , inspected and approved by the Zoning Division and Environmental Resource Management Department.

TREE RELOCATION PROGRAM

Plant Species Requirements

Live Oaks - Best time to move is in their dormant season. Worst time to move is in the spring because of their flush of new growth and lack of precipitation. They should be root pruned at least two weeks in advance of the move and need to be watered in heavily the first two weeks after transplanting.

Root Pruning and Transplanting

When it is determined that a tree or palm needs to be transplanted, it is beneficial and sometimes required that the plant be root pruned. Root pruning is done to reduce the size of an existing root ball in preparation for transplanting. The root ball is reduced to create a new root system large enough to sustain life in the tree/palm while making its move more effective for transportation. The time it takes for the root system to develop before transplanting will vary from tree to tree, depending on soil moisture content. An estimated wait time follows in the schedule listed below.

1. Clear the area around the tree that has been selected.

2. Determine the size of the root ball that is being prepared.

Tree Caliper	Root Ball
2-4"	36-42"
4-6"	42-48"
6-8"	48-60"
8-10"	72-84"
12-14"	84-96"
14-16"	96-108"
16-18"	108-120"
18-20"	120-132"
20-24"	132-144"
24-28"	144-156"
28-32"	156-168"
32-36"	168-180"

Sabal Palms	4' Root Ball
Coconut Palms	4-5' Root Ball
Queen Palms	4' Root Ball
Canary Island Date Palms	5-6' Root Ball
Reclinata Palms	6-8' Root Ball
Paurotis Palms	6-8' Root Ball
Sago Palms	3-4' Root Ball
Royal Palms	5-6' Root Ball

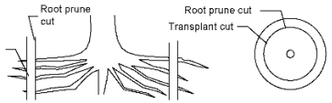
3. Palms may be cut on three sizes leaving the open side toward the strongest northeast winds.

4. Broadleaf trees should be cut on two sides initially opposite each other.



Transplant cut

5. Once the ball size has been determined, mark the spot around the ball and prepare for a 1' trench around the tree. Use sharp spades for root pruning and do not cut under the root ball. Leave old cut roots on top of root ball.



6. Fill trench with existing soil with 1/3 peat humus mixed in. Leave a depression to hold water.

7. Irrigate with a mist head at root ball to help promote feeder roots and maintain watering.

8. Wait time after root pruning until transplanting per individual specifications, for differing types of plant material.

Ficus Trees	6 weeks to 90 days
Palms	6 weeks to 90 days
Oaks, 6" and under	6 weeks to 90 days
Oaks, 6" - 12"	90 days to 6 months
Oaks, 12" and above	6 months to 1 year

9. Fertilize top of ball with milorganite after root pruning.

10. Some bracing may be required after root pruning.

11. A full top will encourage feeder root growth. Previous to transplanting, remove enough top growth to balance the smaller root system. Thin out and trim back unwanted foliage and branches.

12. Cut trench for transplanting outside of root pruned trench to allow for feeder roots.

13. Lift tree from one side to break suction and peel off root ball. If it doesn't break then dig under to sever roots.

Specifications:

1. Contractor shall be responsible for locating any and all underground utilities or obstructions prior to commencing work. In case of conflict with proposed work, notify landcape architect prior to commencement of work.

2. Contractor shall provide adequate irrigation to assure the healthy establishment of relocated trees.

3. Pruning of limbs shall occur only as necessary to facilitate relocation and shall maintain the natural shape and character of tree.

4. Finish grade for top of tree plug shall meet the proposed finsih grade after relocation.

5. All plant materials shall be relocated to freshly dug holes with similiar size and type of tree moving equipment. The holes should be filled 1/3 with water, place tree, back fill and water in thoroughly, being sure to avoid air pockets. Provide 4"-6" dish around newly dug plant material to retain water. Water thoroughly after planting as specified.

6. All trees exhibiting shallow root systems shall be staked as required.

7. Prune, thin out and shape relocated trees, shrubs and understory in accordance with desired effect of the landscape architect and to retain natural character. Remove all vines and exotic vegetation. Maintain relocated plant materials for a period of not less than 90 days. Maintain by watering, removing of exotic vegetation or weeds, providing insecticide applications and mulching.

8. The contractor shall protect trees during relocation procedures from scrapes, scars and undue breakage. Understory plant material moved with primary species shall be protected against damage.

9. Landscaping contractor shall provide a one (1) year warranty on all relocated material.

SITE DATA

APPLICATION NAME:	ISLAMIC CENTER SCHOOL
APPLICATION NUMBER:	SV/CA-2022-01490
CONTROL NUMBER:	2021-00018

PBC Amendments:	PBC Zoning Stamp:

urban design studio
Urban Design
Land Planning
Landscape Architecture
810 Clematis Street, Suite CU02
West Palm Beach, FL 33401
561.366.1100 FAX: 561.366.1111
www.udstudio.com
ULA0001739

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Islamic Center School

Palm Beach County, FL
Preliminary Regulating Plan

NORTH

0 20' 40' 120'
Scale: 1" = 40'-0"

Date: 02/21/2023
Project No.: 21-126.000
Designed By: MD
Drawn By: MR
Checked By: AW/BM

Revision Dates:
02/21/2023 RESUBMITTAL

PRP-3
of 3

Figure 4– Preliminary Regulating Plan 3 of 3 dated (02-21-2023)

BUILDING MOUNTED SIGNS - SIGN TYPE 'W'

WALL SIGNAGE ALLOWANCE. BUILDING MOUNTED SIGNS CONSIST OF WALL SIGNS, AWNING AND CANOPY SIGNS. PROJECTING SIGNS, AND MARQUEE SIGNS. THERE IS NO LIMIT ON THE MAXIMUM NUMBER OF WALL SIGNS AND AWNING AND CANOPY SIGNS PROVIDED THAT THE TOTAL SIZE OF ALL SUCH SIGNS DOES NOT EXCEED THE TOTAL MAXIMUM SIGNAGE AREA PERMITTED FOR WALL SIGNS. PROJECTING SIGNS OVER A PEDESTRIAN SIDEWALK AND NOT UNDER A CANOPY, AWNING, OR ARCADE, AND MARQUEE SIGNS ARE NOT INCLUDED IN THE MAXIMUM SIGN AREA CALCULATION FOR BUILDING MOUNTED SIGNS.

WALL SIGNAGE, IN CONFORMANCE WITH THESE PROVISIONS, TO BE DETERMINED ON FINAL BUILDING ELEVATIONS REVIEWED AT TIME OF PERMITTING FOR EACH INDIVIDUAL BUILDING

Wall Sign Standards (AGR Tier - Per ULDC Table 8.G.1.A)	
Maximum Sign Area (Per Linear ft. of the wall to which the sign is attached) *Includes awning and canopy signs	0.75 sq. ft. - any one facade 0.5 sq. ft. - any remaining facades 0.25 sq. ft. - walls adjacent to residential zoning district or use
Min. wall sign per tenant space	24 sq. ft.
Min. horizontal and vertical separation between signs	3 ft.
Max. projection from surface of building	2 ft.
Min. vertical separation between sign and roof line	6"
Min. horizontal separation between sign and wall edge	6"

*** Awning and Canopy Signs Standards :**

Awning and canopy signs are included in the maximum allowable signage area for wall signs. Awning and canopy signs are permitted on the ground floor of buildings and shall be made of durable, long-lasting fabric and designed to fit the storefront. Awning and canopy signs shall be subject to the standards in Table 8.G.1.B, Awning and Canopy Signs Standards. **[Ord. 2006-004]**
Max. Sign Area (per sign): 24 SF / Max. Height (per sign): 20' above grade

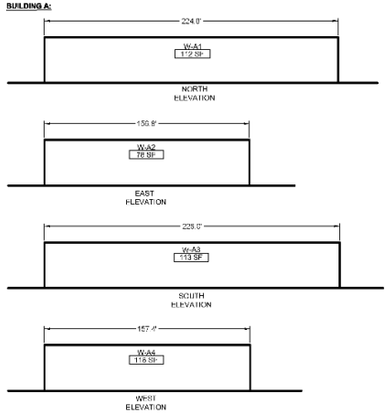
WALL SIGN CALCULATION TABLE

(SEE LOCATION MAP FOR PLAN VIEW LOCATIONS)

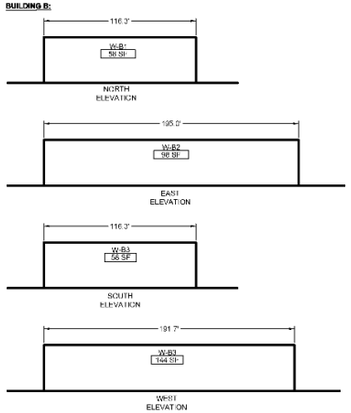
WALL SIGN CALCULATIONS (AGR TIER - PER ULDC TABLE 8.G.1.A AND TECHNICAL MANUAL TABLE 5.A.-1)										
BLDG. ID	ELEVATION	LENGTH OF WALL (LF)	SIGN AREA FORMULA - SF PER LF PER ULDC 8.G.1.A	MAX. SIGN AREA PER WALL (SF) ALLOWED	MIN. SIGN AREA PER TENANT ALLOWED	MIN. SEPARATION BETWEEN SIGNS ALLOWED	MAX. PROJECTION FROM BLDG. ALLOWED	MIN. SEPARATION FROM ROOF ALLOWED	MIN. SEPARATION FROM WALL EDGE ALLOWED
A1	NORTH (*FRONT)	224.8	0.50	112	24 SF	3'	24"	6"	6"
A2	EAST (SIDE)	156.8	0.50	78					
A3	SOUTH (REAR)	226	0.50	113					
A4	WEST (SIDE)	137.4	0.75	118					
B1	NORTH (*FRONT)	116.3	0.50	58	24 SF	3'	24"	6"	6"
B2	EAST (SIDE)	195	0.50	98					
B3	SOUTH (REAR)	116.3	0.50	58					
B4	WEST (SIDE)	191.7	0.75	144					

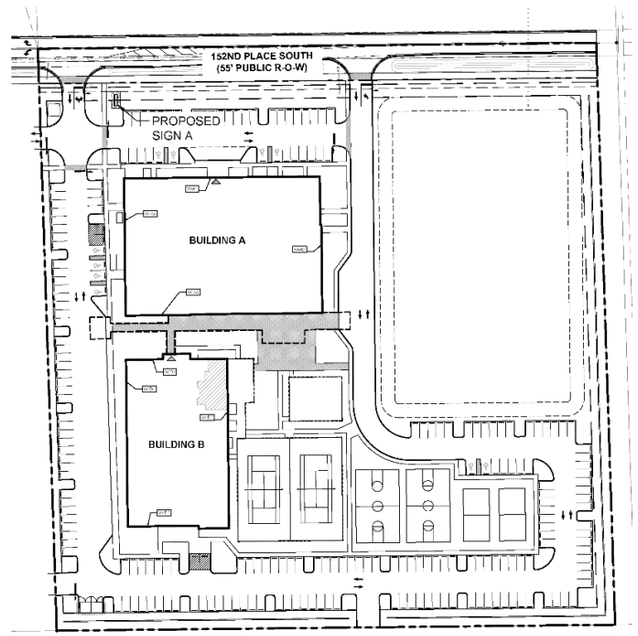
NOTE: FRONT ELEVATION IS BASED ON LOCATION OF MAIN PEDESTRIAN ENTRANCE. PRIMARY WALL TBD AT TIME OF PERMITTING.

BUILDING A:



BUILDING B:

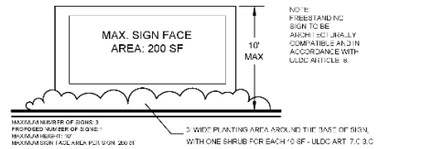




SIGN LOCATION KEY N.T.S.

MASTER SIGN PROGRAM

PROPOSED FREESTANDING MONUMENT SIGN - SIGN A



MAXIMUM NUMBER OF SIGNS: 3
PROPOSED NUMBER OF SIGNS: 1
MAXIMUM HEIGHT: 10'
MAXIMUM SIGN FACE AREA PER SIGN: 200 SF
BUILDING FACADE SIGNS PER CODE
MINIMUM SETBACK: 5'
PROVIDED SETBACK: 10'

SITE DATA

APPLICATION NAME: ISLAMIC CENTER SCHOOL
CONTROL NO: 2021-00019
APPLICATION NO: SV/CA-2022-01490

PBC Amendments:	PBC Zoning Stamp:

urban design studio
Urban Design
Land Planning
Landscape Architecure
610 Clematis Street, Suite CU02
West Palm Beach, FL 33401
561.366.1100 FAX 561.366.1111
www.udsflorida.com
#LA0001739

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Islamic Center School

Palm Beach County, FL
Preliminary Master Sign Plan

Date:	06/21/2022
Project No.:	21-125.000
Designed By:	RD
Drawn By:	AW/BM
Checked By:	AW/BM

Revision Dates:

10/18/2022	CLIENT COMMENTS
12/21/2022	PBC SUBMITTAL
03/27/2023	PBC SUBMITTAL

PMSP-1
of 1

Figure 5 – Preliminary Master Sign Plan dated (03-27-2023)

Figure 6 – Pickup/Drop-off Operations Diagram

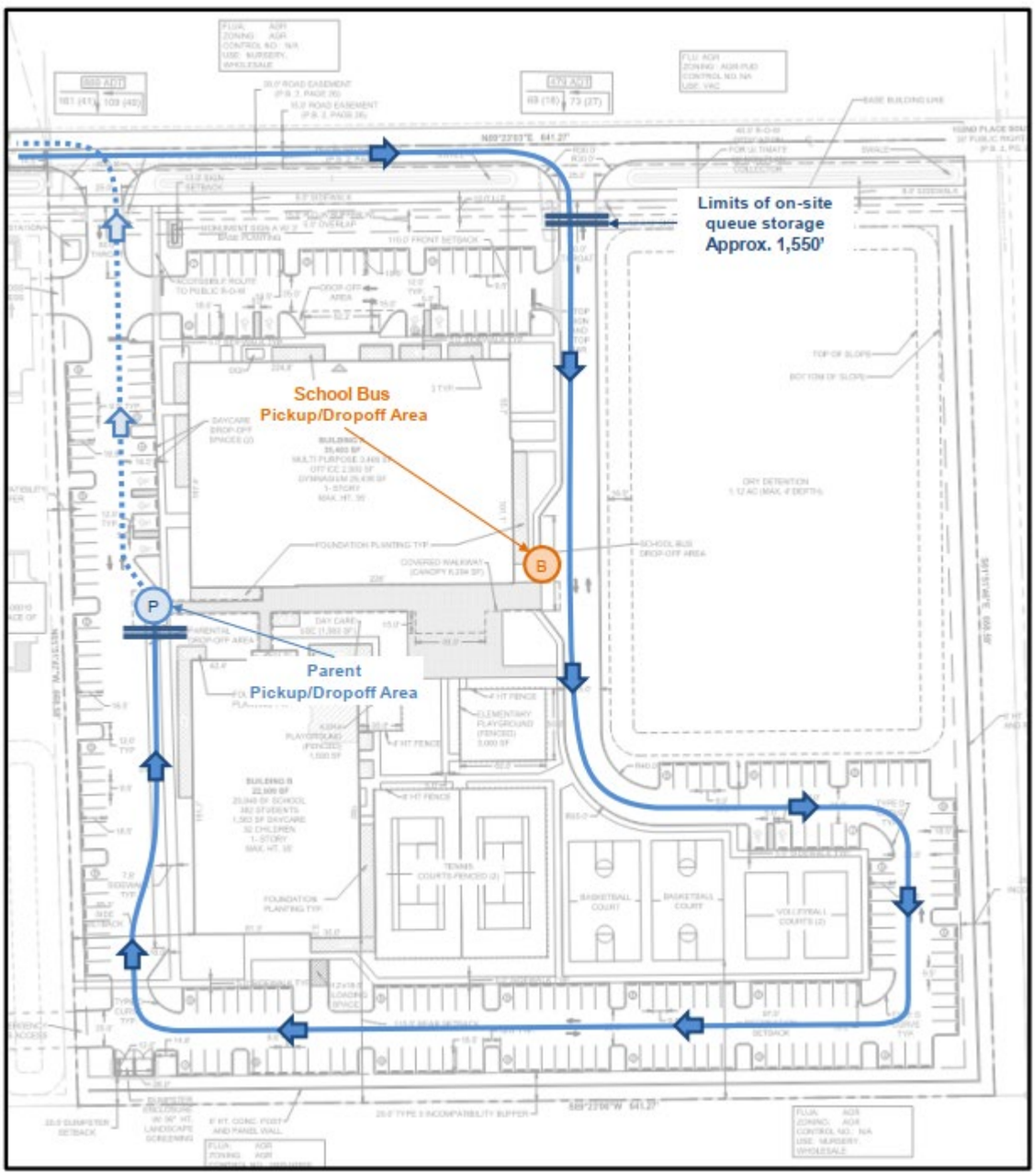


Exhibit D – Disclosure of Ownership

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 Saed Khalil, 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] Director *[position - e.g., president, partner, trustee]* of Islamic Center of West Delray Beach, Inc. *[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: 1515 S Federal Highway, Suite 106
Boca Raton, FL 33432

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.

Saed Khalil, 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 12 day of November, 2022 by Saed Khalil *(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)*.

Bassam Kattoura
(Name - type, stamp or print clearly)

(Signature)

My Commission Expires on: 7/23/2024

NOTARY'S SEAL OR STAMP

BASSAM KHALIL KATTOURA
Notary Public - State of Florida
Commission # HH 23074
My Comm. Expires Jul 23, 2024
Bonded through National Notary Assn.

EXHIBIT "A"

PROPERTY

TRACT 47 AND THAT PORTION OF TRACT 46 (LESS THE EAST 23.4 FEET OF TRACT 46), LYING WITHIN THE WEST 990 FEET OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 TO 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
CONTAINING 428,645 SQUARE FEET/9.8403 ACRES, MORE OR LESS.

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**

Islamic Center of West Delray, Inc.

1515 S Federal Highway, Suite 106

Boca Raton, FL 33432

Exhibit E – Applicant's Justification Statement dated 02-21-2023

ISLAMIC CENTER SCHOOL
JUSTIFICATION STATEMENT

Request(s): Class A Conditional Use Approval
Control No: 2022-00007
Application No: SV/CA-2022-01490
Submitted: October 19, 2022
Resubmitted: November 28, 2022
Resubmitted: February 21, 2023

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of Islamic Center of West Delray Beach, Inc. ("Applicant"), Urban Design Studio has prepared and hereby respectfully submits this application for Class A Conditional Use approval to allow for the development of a School, Elementary and Secondary ("school") and Day Care, General ("daycare") use along with a Concurrent Subdivision Variance to request a temporary roadway design until the full width of the 80-foot wide non plan collector road right-of-way is acquired. Subsequently, an application for Final Site Plan approval will be processed before permit can be issued to redevelop and improve the 9.84-acre site located off of 152nd Place S, on the east side of Lyons Road, approximately 0.25-acres south of Atlantic Avenue in unincorporated Palm Beach County and identified in the Palm Beach County Property Appraisers records under property control numbers 00-42-46-20-01-000-0462 & 00-42-46-20-01-000-0470. The subject site has a future land use designation of Agricultural Reserve ("AGR") and is located within the Agricultural Reserve ("AGR") zoning district and Tier.

The subject site is currently operating as a wholesale nursery. The proposed redevelopment plan will include two buildings with a total gross floor building area of 57,912 square feet. Building A is a 1-story building with 35,403 square feet and includes a gymnasium, cafeteria, employee office space and multi-purpose space to serve the school and daycare uses. Building B is a 1-story building with 22,509 square feet and includes a private school with 382 students and a 32 children daycare use.

Additionally, there is 6,294 square feet of canopy within the site that will provide weather protection for the students and staff. The total gross floor area and total canopy area provides for 64,296 square feet of total building coverage for the site.

LEGAL LOT OF RECORD

The subject property is a legal lot of record and identified as Tracts 47 and 46 (portion thereof), Block 20 of The Palm Beach Farms Co. Plat No. 1 as recorded in Plat Book 2 Page 26.

The Applicant will be required to process a boundary plat application, in accordance with ULDC Article 11, following Final Site Plan approval. A note has been included on the Site Plan that would allow the Developer to subdivide in the future utilizing the platting exemption in Art. 11.A.6.B. should they elect to do so.

Additionally, a 40-foot roadway reservation is required along 152nd Place S for an ultimate 80 foot wide Non-Plan Collector roadway. Currently, there is a platted 30 foot wide right-of-way of which 15 feet is north of the site's property line. Therefore, with the reservation, there will be 55 feet of road easement area for the construction of the roadway, until the remaining 25 feet is acquired from the Property Owner to the north. The roadway easement and reservation are depicted on the Site Plan as a total of 0.59-acres of right-of-way reservation which will result in a remainder 9.25-acre parcel. It is understood that the subject property will be required to Plat the proposed roadway tract and the remainder of the property following Final Site Plan approval.

HISTORY

There is no previous land use, zoning or permitting history approvals on the subject property. The property has historically been used for miscellaneous agriculture to include a wholesale (landscape) nursery. The as-built features include one wood pole barn as identified on the Survey prepared by Caulfield and Wheeler, Inc. and illustrated in the graphic below:



SURROUNDING USES

The property is surrounded by a Place of Worship use to the south and west; and miscellaneous agricultural uses to south, north and east. The parcel located immediately west of the subject property is under the same ownership. A breakdown of the surrounding uses is provided below.

Adjacent Property	Land Use Designation	Zoning District	Approved/Existing Use	Control Number	Resolution Number
East	AGR	AGR-PUD	Vacant	2000-00032	R-2016-1236
North	AGR	AGR	Nursery, Wholesale	None	None
			Vacant	None	None
South	AGR	AGR	Place of Worship	2005-00509	R-2006-910
			Nursery, Wholesale	1997-00120	None
West	AGR	AGR	Place of Worship	2021-00010	None

SITE DESIGN

The subject site consists of 9.84 acres of land of which a portion is currently developed with agricultural related structures for a wholesale nursery use with the remainder of the lot undeveloped or utilized for agricultural use. The Applicant is proposing to develop the subject site with a school campus for elementary and secondary age children in grades VPK3 through 12th grade. As confirmed with the Palm Beach County Health Department Division, the VPK3 component classifies as a Day Care use. Grades VPK4 through 12th grade classify as School, Elementary or Secondary.

The daycare use proposes a total of 32 children and a total floor area of 1,563 square feet (which excludes corridors, office, storage, etc). The daycare use is located in the northeast portion of Building B and will be divided into two VPK3 classrooms with 16 children in each room. The VPK3 classrooms are located with closest proximity to the designated daycare pick-up/drop-off spaces and the parental vehicular drop-off line, along with a fenced in playground to the east, exclusive to VPK3 and VPK4, which has direct access from the daycare classrooms.

The private school use proposes a total of 382 students in grades VPK4 through 12. All classrooms will be located within Building B and contains 20,946 square feet. A breakdown of student count by grade is provided below:

GRADE	STUDENTS	GRADE	STUDENTS	GRADE	STUDENTS
VPK4	32	4th	25	9th	25
K	50	5th	25	10th	25
1st	25	6th	25	11th	25

2nd	25	7th	25	12th	25
3rd	25	8th	25		

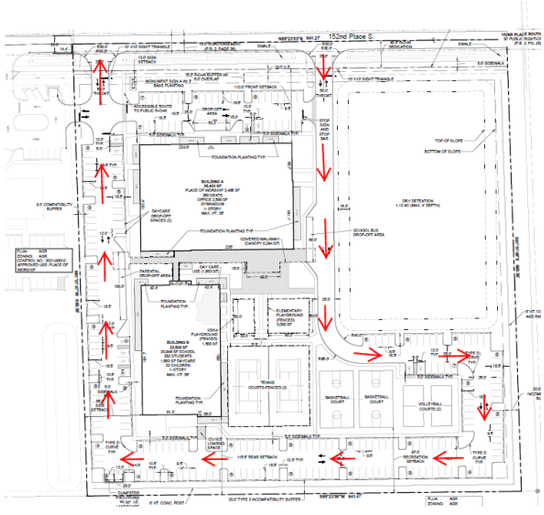
The school will be private and includes a gymnasium and outdoor recreation amenities (tennis courts, basketball courts, playgrounds, volleyball courts and picnic pavilions); employee office space; a cafeteria and multi-purpose space to serve the use.

Based on the AGR future land use designation and zoning, the Applicant is requesting Class A Conditional Use approval to allow a School, Elementary and Secondary (for grades VPK4 through 12) and a Day Care, General use (for VPK3) on the subject site.

ACCESS

The Subject Property is located off of 152nd Place S, on the east side of Lyons Road, approximately 0.25-acres south of Atlantic Avenue. Access to the site is existing off of 152nd Place S, which is classified as a Non-Collector Plan roadway and as such a 40-foot roadway reservation is required along 152nd Place S. The proposed development plan features two full-access openings on 152nd Place S. All access openings will provide a minimum 50-foot throat depth and will allow for efficient circulation of traffic into, through and out of the site without impacting traffic on adjacent roadways while allowing for safe drop-off maneuvers and pedestrian navigation of the site.

Arrival/dismissal time for the campus is projected from 8:00am to 3:00pm on weekdays, with a staggered schedule option available as needed. Student drop-off will be directed into the site through the second access point off of 152nd Place S. and exit from the site from the first access point off of 152nd Place S. School bus drop-off area is located on the east side of Building A and vehicle (parental) drop-off area is located on the east side of Building B. This will provide sufficient circulation and stacking within the site to avoid stacking on 152nd Place S. Below is an exhibit showing the proposed circulation within the site:



In response to comments from Fire Division, the parental drop-off area has been extended to a length of 250-feet to allow for additional stacking outside of the adjacent travel lanes and an Emergency Access Management Plan exhibit has also been provided as part of this application to reflect emergency access points to allow vehicles to enter and leave the site in emergency situations. The emergency access points will be gated and include a click2enter and knox box system.

PARKING & LOADING

The Preliminary Site Plan as proposed meets the requirements for parking and loading based on an anticipated program as provided in *Article 6* of the ULDC. Pursuant to ULDC *Table 6.B.1.B, Minimum Parking & Loading Requirements*, a total of 78 parking spaces are required and 241 parking spaces are provided. The calculations for required parking are provided below:

Use	Proposed Square Footage	ULDC Table 6.B.1.B - Required Parking Rates	Required Parking
School, Elementary & Secondary	60 employees 382 students 50 students	1 sp per employee 1 visitor sp per 50 students 1 sp per 5.5 students 11th-12th grade	60 8 9
Day Care, General	32 children	1 sp per 5 children; plus 1 drop-off stall per 20 persons (excluded from parking count)	6
Administrative Office (Staff)	2,500 SF	1 sp per 250 square feet	10
TOTAL RQRD.			**93**
TOTAL PRVD.			**219**

The School use parking calculations are also based on and in compliance with State Requirements for Educational Facilities 2010 FBC / Sec 423.10.2.8 which parks at 1 space per employee, 1 visitor space per 50 students and 1 space per 5.5 students in the 11th-12th grade.

Pursuant to ULDC *Table 6.B.1.B, Minimum Parking & Loading Requirements*, the proposed uses are subject to loading Standard A which requires compliance with the minimum loading requirements provided in *ULDC Article 6.E.2.B.1, Standard "A"* with zero (0) loading spaces for 0-10,000 SF; 1 loading space for 10,001 SF to 40,000 SF; and 1 loading space for each additional 40,000 SF. As such, a total of 2 loading spaces (at 12-feet by 18.5-feet each) are required and provided in the rear of Building B.

LANDSCAPE

Pursuant to the requirements of ULDC *Article 7*, a 15-foot ROW landscape buffer with a 5-foot easement overlap is proposed along 152nd Place S., which will begin at the base building line. Along the eastern and southern property lines, the Applicant is proposing a 20-foot Type 3 Incompatibility Buffer which will include a 6-foot-high wall; and an 8-foot Compatibility Buffer is provided along the western property line in accordance with ULDC standards. Given the agricultural nature and compatible institutional uses that surround the subject site, the proposed buffers will adequately address any potential impact that my generate from the request.

Foundation planting is provided in accordance with ULDC Table 7.C.3.B for AGR Tier minimum requirements with 10-foot-wide planting areas for 50% of each building front and side façade and 30% of each rear façade for Building A and Building B.

SIGNAGE

A Master Sign Plan has been submitted reflecting the proposed free-standing monument sign located off of 152nd Place S. and building wall signs for the project which will be implemented at time of permitting and code compliant with ULDC Article 8.

CONDITIONAL USE STANDARDS:

This application requests Conditional Use approval for the School, Elementary and Secondary use and Day Care, General use. As such, the following standards for Class A Conditional Use, per Article 2.B.7.B.2 are addressed below:

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.*

Response: The proposed School and Day Care uses are consistent with the property's AGR FLU designation. Future Land Use Element (FLUE) Policy 2.2.8-b states Institutional and Public Facility uses [such as schools] may be allowed in all future land use designations, provided the uses are consistent with the provisions of the Comprehensive Plan and ULDC." The request is also consistent with the maximum floor area ration ("FAR") of 0.15 for non-residential uses with an AGR FLU designation. For this 9.84-acre (428,645 square feet) site, the site could develop with a maximum of 64,296 square feet at the 0.15 FAR. The proposed development plan requests an FAR of approximately 0.14 or 57,912

square feet for the site. A breakdown of structures and gross floor area ("GFA") is provided below:

Building A	School Gymnasium, Office, Multi-Purpose	35,403 SF
Building B	School and Day Care	22,509 SF
	Total =	57,912 SF

In addition to the Building A and Building B, the development plan provides for 6,294 square feet of canopy within the site that will provide weather protection for the students and staff. The total gross floor area and total canopy area provides for 64,206 square feet of total building coverage or 15%, which is in compliance with ULDC code requirements for AGR building coverage.

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

Response: The proposed development program will comply with all applicable standards and provisions of the Code for use, layout, function, and general development characteristics, as described in the *Site Design* section above. Per ULDC Table 4.B.4.A, *Institutional, Public and Civil Use Matrix*, the School and Day Care use are permitted on site through Class A Conditional Use approval. The proposed uses meet all supplemental regulations for School, Elementary or Secondary (private) contained in Article 4.B.2.C.13 and Day Care, General contained in Article 4.B.2.C.7. A compliance summary is provided below:

13. School – Elementary or Secondary

a. Definition
An institution of learning, whether public, private, or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education. **Response: Use is consistent with definition.**

b. General

1) Setbacks
All Schools shall comply with the zoning district setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the zoning district. **Response: All setbacks provided, meet and exceed the 25-foot setback requirement.**

2) South Florida Water Management District (SFWMD)
Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD. **Response: Not-applicable; the subject site does not contain any wetland areas.**

a) Preservation
Prior to commencement of construction, lot clearing, or any other site development/preparation, all applicable permits shall be obtained in conformance with Art. 9, Archaeological and Historic Preservation.

b) Wetlands Permits
On-site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

c) Construction Documents
Prior to Site Plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.

3) Airport Land Use Compatibility Zoning
The establishment of a new School shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. **Response: Not applicable; noted.**

c. Private Schools
The following standards shall apply to all Private Schools: **Response: The proposed school will be a private school.**

1) Pedestrian Access/Bike Path
Pedestrian access, bike paths, and crosswalks showing access to the School site from surrounding neighborhoods shall be shown on the Site Plan. **Response: The Site Plan provides for pedestrian/bike access into the site from 152nd Place South, which extends out to Lyons Road. There are no neighborhoods within the general vicinity of the site that would require crosswalks being shown on the Site Plan.**

2) Vehicular Circulation
Designated bus and parental drop-off/pick-up areas, shall be provided. Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, or other methods acceptable to the DRO. **Response: Designated bus and parental drop**

off/pick up areas are labeled on the Site Plan. Additionally, pathways which cross vehicular use areas are defined on the plan with decorative pavers in accordance with this code provision.

3) Approval Process
This use shall be subject to the applicable approval process pursuant to the Use Matrices of Art. 3, Overlays and Zoning Districts and this Article. **Response: The school use is approved by Class A Conditional Use approval based on the current AGR future land use designation, zoning district and Tier.**

d. Charter Schools
Charter Schools are considered public schools pursuant to F.S. § 1002.33 and shall be subject to the standards and procedures applicable to Public Schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. ch. 1013, the use shall be treated as Public Schools for the purposes of this Code. Charter Schools with 200 or fewer students in a commercial, industrial, or non-residential Planned Development District shall be subject to DRO approval. **Response: Not-applicable; not a charter school.**

7. Day Care

a. **Definition**
An establishment that provides care, protection, and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA).

b. **Types**

1) **Day Care, Limited**
A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis.

a) Collocated Use – AGR Zoning District
A Limited Day Care may be allowed as a collocated use to a Nonprofit Assembly Institutional subject to DRO approval

b) Use Limitations
Limited Day Care use does not include nighttime or overnight care. **Response: Not-applicable.**

2) **Day Care, General**
A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. **Response: The proposed Daycare provides for a total of 32 children and qualifies as a Day Care, General.**

3) **Large Family Child Care Home**
An occupied Single-Family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following: **Response: Not-applicable.**

a) **Applicability**
The Applicant or owner shall provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted.

b) **Approval Process**
The use shall be Permitted by Right when located on lots 20,000 square feet or greater.

c) **Site Requirements**
In addition to the property development regulations applicable to Single Family residential, the following shall apply:

(1) **Outdoor Activity Area**
All outdoor activity area provisions applicable to a Day Care shall apply.

(2) **Drop-Off**
Shall comply with all drop-off access standards applicable to Day Care.

(3) **Parking**
Shall provide at least four parking spaces including those required for a Single- Family residential unit. Parking dimensions shall comply with Art. 6, Parking, Loading, and Circulation.

(4) **Site Egress**
Shall not allow backward egress from a driveway or parking area into a street.

(5) **Signage**
Shall not be permitted.

4) **Family Day Care Home**
See Supplementary Use Standards under Residential Use Classification, Accessory Residential Use Standards. **Response: Not-applicable.**

c. **Lot Size**

A minimum of 6,000 square feet, or the minimum required by the zoning district in which the Limited or General Day Care is located, whichever is greater. **Response: The subject site is 9.84-acres and exceeds the minimum lot size requirement.**

d. Airport Land Use Compatibility

The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. **Response: The subject site is not in proximate location to an airport.**

e. Floor Area

1) Child Care

a) For a Day Care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet. **Response: The daycare proposes a total of 32 children and a total floor area of 1,563 square feet (excluding corridors, office, storage, etc.), which meets and exceeds the minimum floor area requirement.**

b) An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children. **Response: Not-applicable, less than 40 children proposed.**

2) Adult Care

For an Adult Day Care, the total amount of net floor space available for all participants shall be in accordance with Rule 58A-6.013, F.A.C., as may be amended, and as determined by the AHCA. **Response: Not-applicable, proposed use is Day Care, General.**

f. Outdoor Activity Area for Child Care

1) General

An outdoor activity area shall be provided on the same lot as the Day Care. The area shall not be located in the required front setback or adjacent to any outdoor storage area of any existing use. **Response: A fenced in outdoor play area located directly adjacent to the daycare use is provided internal to the site, adjacent to the daycare room(s) and not located within any setbacks.**

2) Square footage

Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in Appendix D, Chapter 1, Article X, Section B of the PBC Code, as may be amended. **Response: The outdoor play area is 1,500 square feet, which meets the minimum requirement for the 32 children day care.**

3) Location of Outdoor Play Equipment

Stationary outdoor play equipment permanently anchored to the ground shall be set back a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. Outdoor play equipment shall not be located in any required landscape area or easement. **Response: The outdoor play area is provided internal to the site, adjacent to the daycare room(s) and not located within any landscape areas or easements. Playground equipment will be provided and permanently anchored to the ground. Equipment type and location to be determined at time of permitting.**

4) Shade Trees

A minimum of one 12-foot-tall native Canopy tree shall be provided or preserved within the interior of the outdoor activity area per 1,500 square feet of area provided. **Response: A canopy tree will be provided within the interior of the outdoor activity area in compliance with code. Location on tree type to be determined at time of permitting.**

5) Fence/Wall

A minimum four-foot-high fence or wall shall surround the outdoor activity area. **Response: A fence is provided around the outdoor play area that meets and exceeds the 4-foot height requirement.**

g. Drop-off Access

1) Drop-Off

One designated drop-off space shall be provided for every 20 children or adults. Drop-off spaces shall be a minimum of 12 feet in width. **Response: Based on 32 child day care, the site provides two (2) designated drop-off spaces, for the daycare use only, that meets the minimum 12-foot width requirements. They are located near the main entrance of Building B.**

2) Sidewalk Access

A minimum four-foot-wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the Day Care entrance shall be provided. **Response: A minimum 4-foot sidewalk is provided adjacent to the drop-off spaces, connecting to the school entrance/day care use.**

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.*

Response: The property has a future land use designation and zoning of AGR. Within the vicinity of the subject site are multiple agricultural, civic and residential uses. Immediately adjacent to the site includes a Place of Worship to the south and west; and Miscellaneous Agriculture (include Wholesale Nurseries) to the north, east and south.

The proposed Private School, with Daycare component for VPK3 children, is compatible and consistent with the surrounding uses and character of the area and Lyons Road corridor.

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.*

Response: The application will not adversely affect properties within the area. The project complies with all County ULDC standards and intensity restrictions. The Site was designed with specific building placement in order to accommodate vehicular stacking within the site during drop-off and pick-up timeframes, so there is minimal impact on 152nd Place S and surrounding roadways. In addition, the application will result in 40-feet of roadway dedication along 152nd Place S., in accordance with non-plan collector standards, and new landscaping along the right-of-way and around the sites perimeter will enhance the neighborhood aesthetics.

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.*

Response: The proposed development program and uses minimize environmental impacts, but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. There are no environmental issues associated with this application beyond compliance with ULDC regulations.

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

Response: The adjacent properties on all sides support agricultural and civic uses. Given the recent residential growth in the area, development on the site will result in logical, timely and orderly development pattern, and will not adversely affect local development trends.

g. Adequate Public Facilities - *The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

Response: The proposed development plan will comply with Article 2.F, Concurrency. Provided with this application is a traffic report, prepared by Kimley-Horn, and a drainage statement, prepared by McLeod McCarthy & Associates, PA, which addresses concurrency standards. Also provided with this application is a letter from Palm Beach County Water Utilities Department confirming the site is located within the Palm Beach County utility service area and the site is serviced with water and sewer.

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

Response: The number of residential units added to the west Delray area has increased exponentially over the past 20 years and that increase continues today with the development in the Agricultural Reserve. Based on this change in development patterns from 1995 to today, the Applicant's request to allow the proposed *institutional, civic and public* uses on the site will support the surrounding residential communities and provide a community serving use on the site.

SUBDIVISION VARIANCE STANDARDS:

This application requests approval of a Concurrent Subdivision Variance to allow a reduction in the minimum legal access width from 80-feet to 55-feet and lane widths from 12-feet to 11-feet,

per Table 11.E.2.A-2 – Chart of Minor Streets (until the full width of the 80-foot wide non plan collector road right-of-way is acquired).

ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE
Table 11.E.2.A-2	Minimum legal access width of 80-foot right of way ("ROW") and 12-foot-wide lane widths	Access width of 55-foot ROW and 11-foot- wide lane widths	Reduction of 25-feet of ROW and 1-foot of lane widths

As such, the following standards per Article 2.B.7.E.6 are addressed below:

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;*
Response: Yes. **Access to this property is from 152nd Place S. and Article 11 requires the use as a school to have access from an arterial or collector roadway with an 80-foot right of way/easement, to include 12-foot-wide lane widths. 152nd Place S. is currently an unpaved roadway within an existing 30-foot-wide easement. The north property line extends to the center line of the easement and as shown on the Site Plan, the northern 40-feet of the property (one half of the ultimate 80-foot collector road right-of-way) is reserved for road right-of-way purposes. When combined with the northern 15-feet of the 30-foot-wide easement, there will be 55-feet available to construct the access road to the subject property until the remaining 25-feet can be obtained from the property owner to the north. Accordingly, a temporary cross section of the roadway to be built (including 11-foot-wide travel lanes) within the 55-feet of access easement is proposed to provide sufficient and safe access to the subject site, a sidewalk and necessary roadway drainage. This cross section deviates from the Non-Plan Collector Roadway detail which ultimately will be constructed in the 80-foot-wide right-of-way when the remaining 25-feet is obtained from the property owners to the north. Until such time, a variance is required to allow for the proposed roadway cross section within the available 55-feet of access easement/reservation.**

b*. Special circumstances and conditions do not result from the actions of the Applicant;*
Response: Yes. The Applicant is complying with the criteria for proper access by providing the 40-feet of road reservation within the subject property. The northern 40- feet (net 25-feet) of the right of way will need to be obtained from the property owner to the north which is out of the control of the Applicant. With that said, the Applicant is providing an alternative design which can be constructed within the 55-feet of easement area and can be expanded to the standard road design once the balance of the right-of-way is obtained.

c. *Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;*
Response: Yes. **This variance is unique to this property and the proposed use. It will provide sufficient and safe access to the property and initiate the construction of the ultimate non-plan collector roadway to serve all properties abutting 152nd Place S, aerial graphic below of existing uses. The requested subdivision variance is compliant with Plan and the ULDC.**



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 district, and would work an unnecessary and undue hardship;*

Response: Yes. A literal interpretation and enforcement of providing the full 80-feet of right of way would force the Applicant to either acquire the additional property from the owners to the north which may be impossible or not viable, resulting in the school use not being allowed, creating the unnecessary and undue hardship to the Applicant. The proposed temporary roadway design initiates the dedication of the necessary right of way as well as the roadway construction within the available 55-feet of road easement that can ultimately be expanded into the 80-foot wide right of way when the remainder right of way is obtained.

e. *Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;*

Response: Yes. The variance will allow for the construction of a roadway, sidewalk and drainage that will be sufficient and safe for access to the school use until such time that the ultimate right-of-way can be obtained, and the full standard roadway can be constructed.

f. *Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and*

Response: Yes. The variance will allow for the construction of a roadway, sidewalk and drainage that will be sufficient and safe for access to the school use as required by the Plan and ULDC.

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

Response: Yes. The proposed temporary roadway has been designed by a professional civil engineer and reviewed and accepted by the County Engineer in order to provide safe and adequate access to the proposed school. The design includes an 8-foot wide sidewalk which will allow for safe pedestrian access in addition to the vehicular access for any students/employees who walk to/from the school. The variance will not be injurious to the area but actually an improvement of which ultimately a non-plan collector road can be constructed providing safe and adequate access to all properties along 152nd Place S.

STATUS OF CONDITIONS OF APPROVAL

There are no current Resolutions (or Conditions of Approval) approved for the subject site.

CONCLUSION

On behalf of the Applicant and Owner, Islamic Center of West Delray, Inc., Urban Design Studio requests consideration and approval of this Class A Conditional Use request for a Private School and Daycare use, along with a Concurrent Subdivision Variance from minimum access requirements followed by subsequent Final Site Plan approval for the *Islamic Center School*.

Should you have any questions regarding this application, please contact Ailish Villalobos or Bradley Miller from Urban Design Studio at avillalobos@udsflorida.com and bmiller@udsflorida.com.

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