

**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.

ACTION BY THE ZONING COMMISSION (ZC): At the July 6, 2023 ZC Hearing, this item was on the Consent Agenda. Commissioner Kern made a motion to recommend approval, seconded by Commissioner Pavlik. The motion carried by a vote of 7-0-0.

ACTION BY THE BOARD OF COUNTY COMMISSIONERS (BCC): At the July 19, 2023 BCC Hearing the Agent requested a postponement from July 19, 2023 to August 24, 2023 in order to discuss an issue regarding timing of opening of the school/daycare with construction of Lyons Road. The BCC approved the request with a motion carried by a vote of 7-0-0.

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

At the July 6th ZC hearing, the Board approved the Subdivision Variance to allow a reduction in the access width and land width.

	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:

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 or 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.*

- *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.
- *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.
- *Wellfield Protection Zone:* This property is located not within Wellfield Protection Zone.
- *Irrigation Conservation Concerns and Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the 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.
- *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 PI 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.

DRAINAGE DISTRICT: The subject site is within the boundaries of the Lake Worth Drainage District. The Applicant’s engineer states that the flood attenuation and water quality treatment will be provided within the dry detention area prior to offsite discharge. The legal positive outfall is available via 152nd Place South drainage system, and will drain to an existing curb inlet located along east side of Lyons Road. See Exhibit E. Prior to the issuance of any Building Permits, the site must obtain approvals from the District.

PALM BEACH COUNTY HEALTH DEPARTMENT:
This project has met the requirements of the Florida Department of Health. The subject site will be serviced by the water and wastewater utilities.

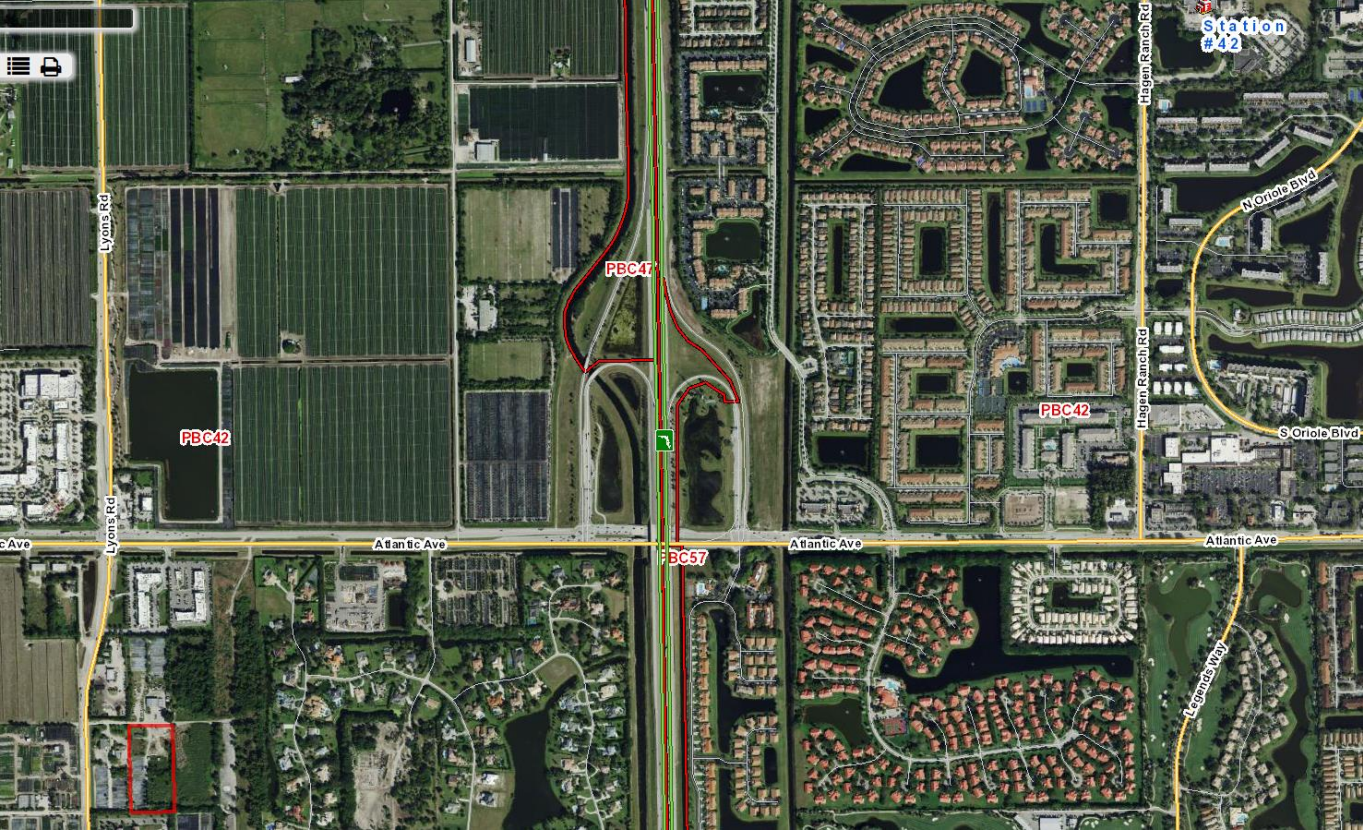
WATER AND WASTEWATER PROVIDER: Water and Wastewater to be provided by Palm Beach County Water Utilities Department. In accordance with their letter dated February 2, 2022, they have stated the following, “..the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the propopsed future land use of school, elementary and secondary with gymnasium and place of worship. A 12” potable water main and an 8” wastewater forcmain are located wihtin Lyons Road approximately 350 feet from the subject property. Uilities must be extended the length of the property. ...”

In order for the proposed development to commence, the Property Owner will need to hook up to the water and sewer service provided by PBCWUD.

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 recordation of the Plat, 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. (PLAT: 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)

8. No Certificate of Occupancy for the Day Care and The Private School shall be issued prior to the completion of the widening of Lyons Rd from a 2 lane section to a 4 lane divided section from Atlantic Ave to L-38 canal, currently under construction as of the issuance date of this resolution or earlier than 2 years after the issuance date of this resolution, whichever is earlier. (ONGOING: 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 recordation of the Plat, 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. (PLAT: 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. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/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. (BLDGPM: 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. (BLDGPM: 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. (BLDGPM: 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)

8. No Certificate of Occupancy for the Day Care and The Private School shall be issued prior to the completion of the widening of Lyons Rd from a 2 lane section to a 4 lane divided section from Atlantic Ave to L-38 canal, currently under construction as of the issuance date of this resolution or earlier than 2 years after the issuance date of this resolution, whichever is earlier. (ONGOING: 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)

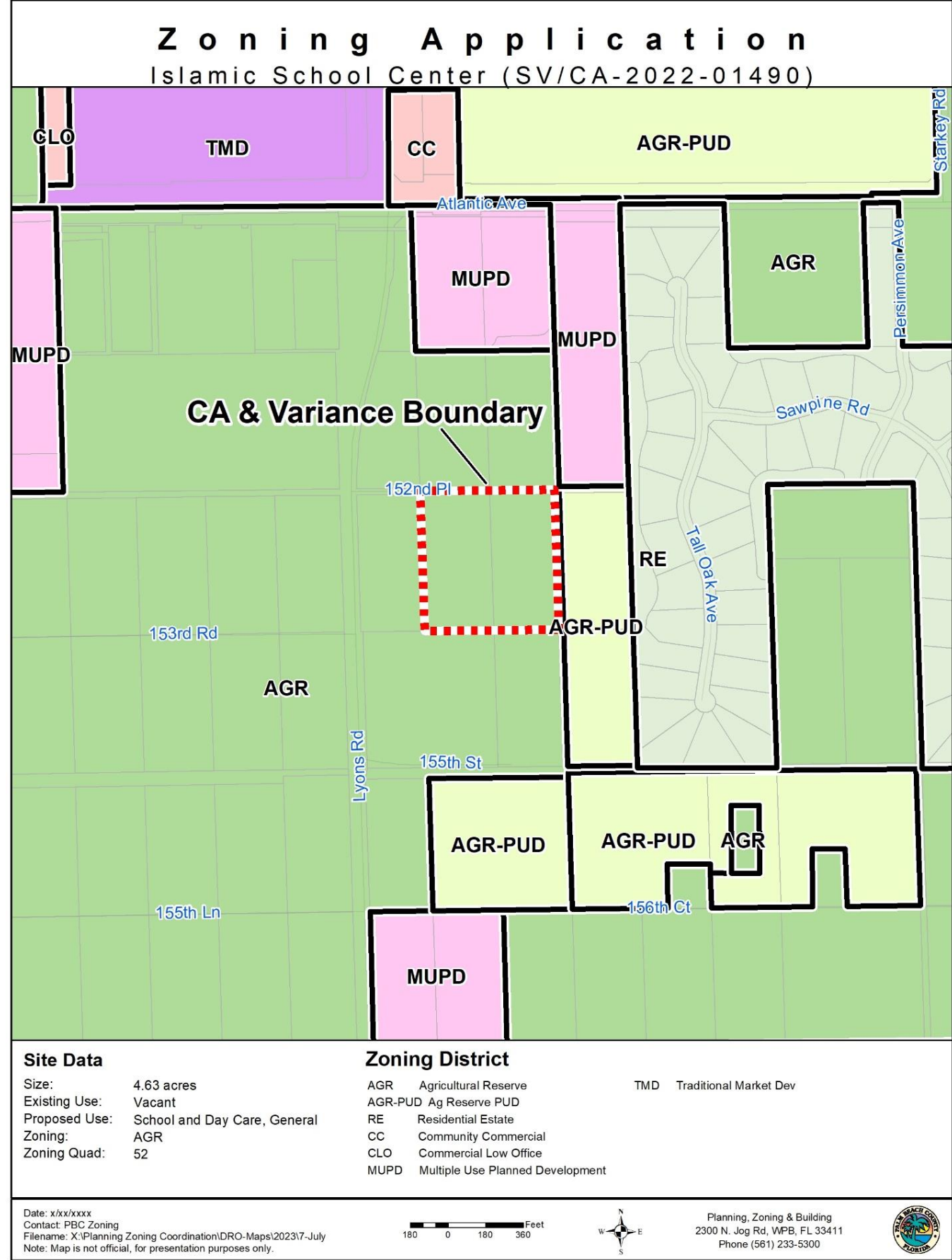
DISCLOSURE

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



Figure 2 - Zoning Map



Board of County Commissioners
Application No. SV/CA-2022-01490

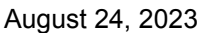


Figure 4 – Preliminary Regulating Plan 1 of 3 dated (03-27-2023)

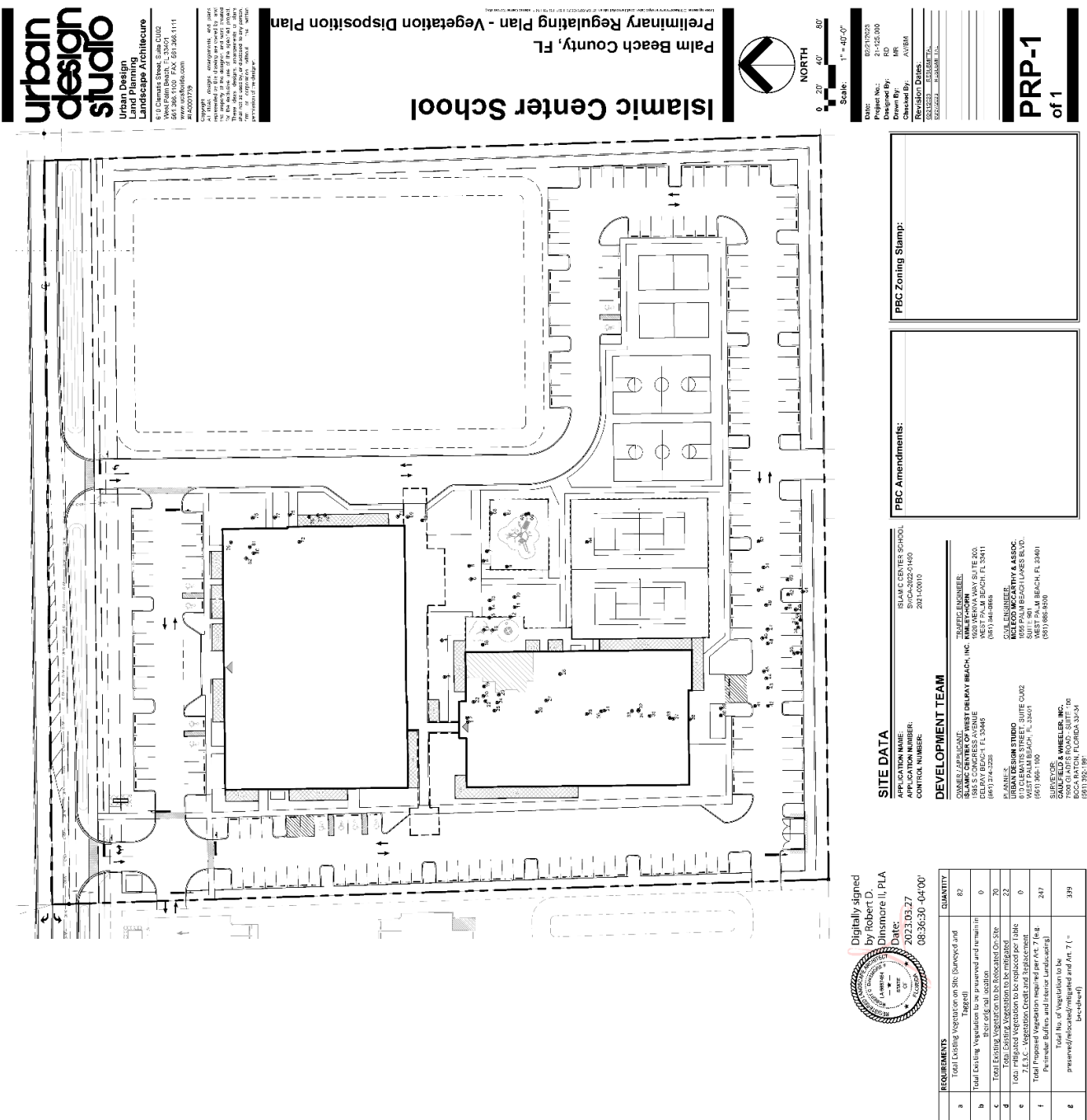
[illegible]

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

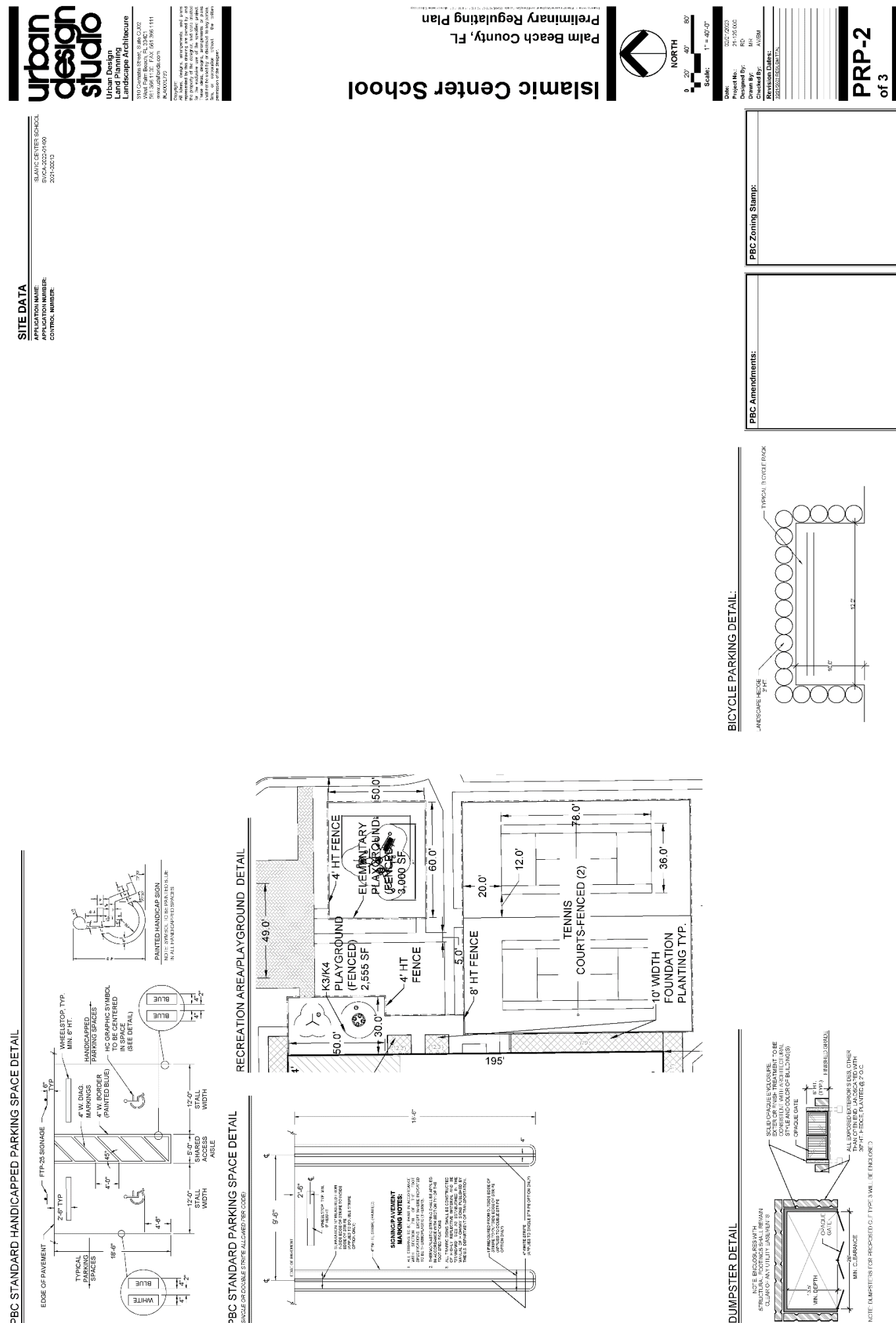


Figure 6 – Pickup/Drop-off Operations Diagram

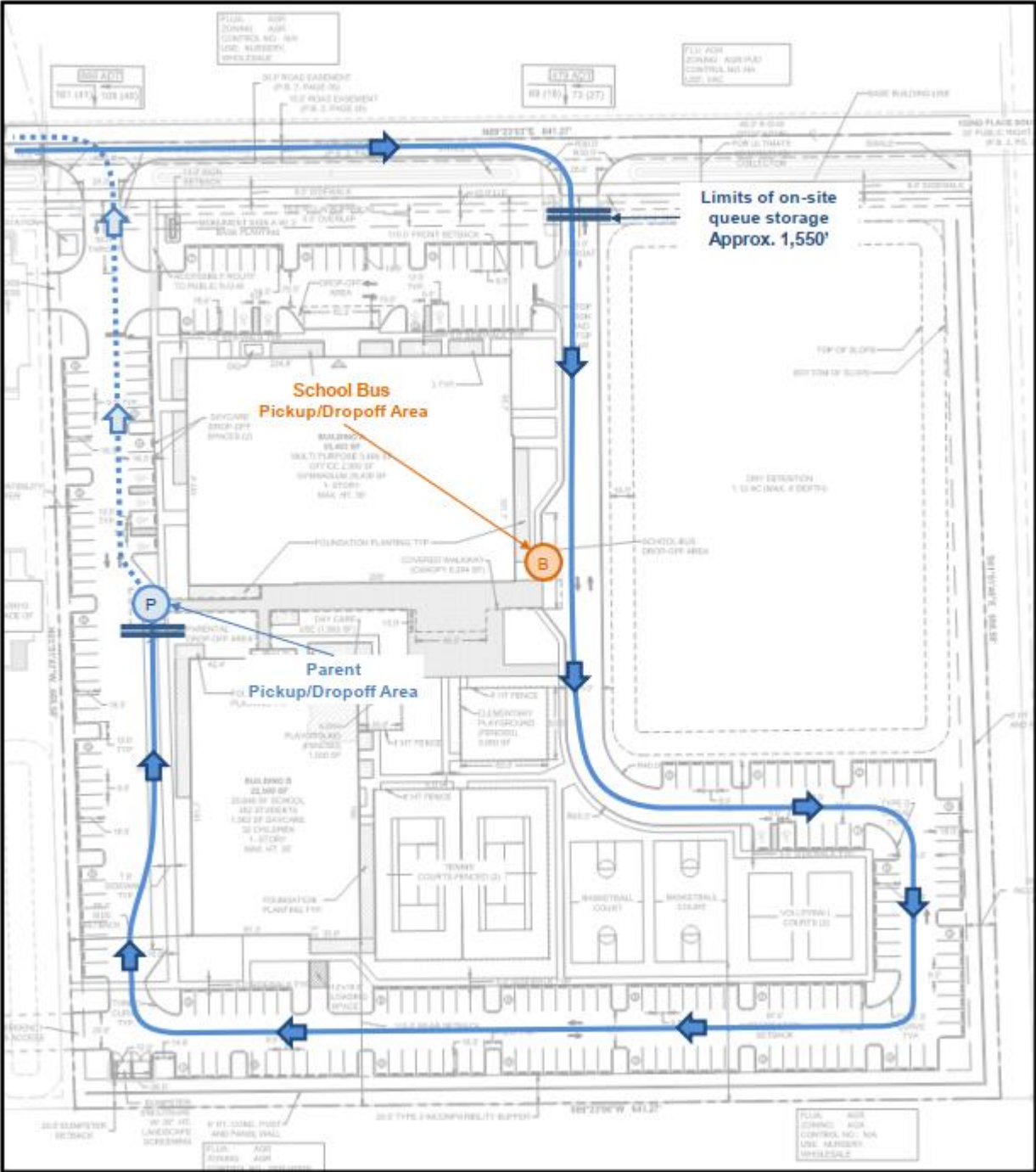


Exhibit D – Disclosure of Ownership

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 ☒ Director Islamic Center of West Delray Beach, Inc. [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
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 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

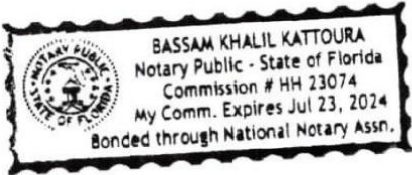


EXHIBIT "A"

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 – Drainage Statement dated September 19, 2022



McLeod • McCarthy & Associates, P.A.
Civil Engineers

September 19, 2022

Re: Drainage Statement for Islamic Center School
152nd Place South
Palm Beach County, Florida (MMA #22-004)

Site Description

The subject site contains 9.84 acres on the south side of 152nd Place South, east of Lyons Road in unincorporated Palm Beach County, Florida. The site is bordered to the west by the previously approved Lyons Islamic Center (DRO-2021-1114), to the north by 152nd Place South, to the south by the St. Mary Orthodox Church, and to the east by an existing agricultural facility. The site is previously developed with a cluster of small agricultural/nursery buildings. The existing site grades range from 16.5 NAVD to 21.0 NAVD with a system of small ditches along the southern and western property lines.

Proposed Drainage

The parcel is located within the South Florida Water Management District's (SFWMD) C-15 Drainage Basin with an allowable discharge rate of 70 CF/mile² (CSM) and is within the boundaries of the Lake Worth Drainage District (LWDD). Existing SFWMD Environmental Resource Permit (ERP) No. 50-00347-S was issued for J&N Farms, Inc. in 1988 and covers the subject parcel.

The site is planned for a private elementary/secondary school with educational buildings, sports fields, gymnasium, and parking facilities. In addition to the school campus, the project will include the improvement of 152nd Place South, along the subject site's frontage, to meet Palm Beach County requirements.

Stormwater runoff will be collected and conveyed via a network of inlets and culverts to a dry detention area located at the northeast corner of the campus. Flood attenuation and water quality treatment will be provided within the dry detention area prior to offsite discharge. Legal positive outfall is available via the 152nd Place South drainage system at the site's northern boundary. The western portion of 152nd Place South will soon be improved and will drain to an existing curb inlet located along the east side of Lyons Road approximately 475' south of 152nd Place South. This curb inlet discharges to the Lyons Road stormsewer system via an existing 18" RCP culvert leading to a 36" RCP culvert along the western edge of Lyons Road. Invert elevation at the point of connection to the curb inlet is approximately 15.1 NAVD per the Lyons Road roadway plans. A control structure and outfall culvert will be constructed to regulate discharge to the offsite stormsewer system.

152nd Place South will be improved to Palm Beach County Non-Plan Collector Road standards with curb and gutter and an 8' wide sidewalk. Drainage will be collected and treated in a dry swale along the south side of the reconstructed roadway prior to discharging to the on-site stormwater management system associated with the Lyons Islamic Center. A drainage easement will be recorded over this drainage system connecting 152nd Place South to Lyons Road.

The Forum III | 1655 Palm Beach Lakes Blvd, Suite 810 | West Palm Beach, FL 33401
T 561 689 9500 | F 561 689 8080
todd@mcleodmccarthy.com • www.mcleodmccarthy.com

The stormwater management system will be designed in accordance with SFWMD & ULDC criteria with the following requirements:

- Minimum Parking Lot Elevation set at or above the 3 year – 1 day peak flood stage
- Minimum Perimeter Berm set at or above the 25 year – 3 day peak flood stage
- Minimum Finished Floor Elevation at or above the 100 year – 3 day (zero discharge) peak flood stage
- Water Quality Treatment and Flood Attenuation within dry detention area
- Legal Positive Outfall to the Lyons Road stormsewer system via 152nd Place South and the proposed Control Structure and culvert
- No offsite discharge up to the 25 year – 3 day flood stage except through an approved control structure
- Drainage Permits will be obtained from SFWMD, LWDD, and Palm Beach County prior to construction

If you have any questions regarding this application, feel free to contact me at 561.689.9500 or todd@mcleodmccarthy.com.

Sincerely,



9/19/2022

Todd N. McLeod, P.E. President
FL License No. 69188 | CA 30535



McLEOD • McCARTHY
& Associates
CIVIL ENGINEERS

Exhibit F – Water and Waster Water Letter dated February 2, 2022



**Water Utilities Department
Engineering**
8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com

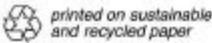
**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor

Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



February 2, 2022

Urban Design Kilday Studios
610 Clematis Street Suite CU02
West Palm Beach, Fl. 33401

RE: Islamic Center School
PCN 00-42-46-20-01-000-0462 & 00-42-46-20-01-000-0470
Service Availability Letter

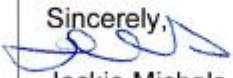
Dear Ailish,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed future land use of school, elementary and secondary with gymnasium and a place of worship.

A 12" potable water main and an 8" wastewater forcemain are located within Lyons Road approximately 350 feet from the subject property. Utilities must be extended the length of the property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

Jackie Michels, P.E.,
Project Manager