

PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

Application No.: SV/CA-2023-00532
Application Name: Boca Raton Achievement Center
Control No./Name: 2023-00035 (Boca Raton Achievement Center)
Applicant: United Spectrum Corp.
Owners: Ellyn Feldman
Plant Triad
Agent: Urban Design Studio - Bradley Miller and Ailish Villalobos
Telephone No.: (561) 366-1100
Project Manager: Nancy Frontany Bou, Senior Site Planner

Title: a Subdivision Variance **Request:** to allow access from a 40 feet wide easement on 5.10 acres
Title: a Class A Conditional Use **Request:** to allow an Private Elementary or Secondary School on 5.10 acres

APPLICATION SUMMARY: The proposed requests are for the 5.10-acre Boca Raton Achievement Center development. The site has no prior Board of County Commissioners (BCC) approvals and is developed as a Wholesale Nursery.

These requests would allow for the development of an Private Elementary and Secondary School and allow access from a 40 feet wide easement. The Preliminary Site Plan (PSP) indicates two buildings with a total of 32,557 square feet (sq. ft.) including classrooms, gym, cafeteria and administrative offices. In addition, 83 parking spaces are provided with access from 155th Street S.

SITE DATA:

Location:	North side of 155th Street S, approx. 0.11 miles east of Lyons Road
Property Control Number(s)	00-42-46-20-01-000-0511; 00-42-46-20-01-000-0512
Existing Future Land Use Designation:	Agricultural Reserve (AGR)
Existing Zoning District:	Agricultural Reserve District (AGR)
Total Acreage:	5.10 acres
Tier:	Agricultural Reserve
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 5, Maria Sachs

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

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled December 7, 2023*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received one contact from the public requesting more information regarding this application.

PROJECT HISTORY: There have been no prior approvals by the Board of County Commissioners (BCC) on the subject property. The property has historically been used for miscellaneous agriculture to include a wholesale (landscape) nursery. The as-built provided by the Applicant include a one-story wood building, covered greenhouses and a trailer.

SUBDIVISION VARIANCE SUMMARY:

ULDC Article	Required	Proposed	Variance
Table 11.E.2.A-2	Minimum legal access width of 80-foot right of way ("ROW")	Access width of 40-foot easement	To allow access from a 40 feet wide easement

FINDINGS:

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 155th Street South, a proposed 40-foot access easement, constructed to non-plan collector standards, for a five (5) acre site located on the east side of Lyons Road, north of 155th Street South. This Property Owner wishes to utilize this site for school for special needs children ages 5 to 22 along with the amenities to serve the school use.

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. By recorded plat (PB 2, Page 26-28) there is a 30' right of way centered over the southern boundary of the subject property as the adjoining parcels. The 15' that is within the subject property is predominately the LWDD Canal 35. To the north of the 30' ROW, there's a 12' FPL Easement which has a dirt road that is used for access from Lyons Road to this property. The dirt road is sufficient for the historic agricultural uses of this property, however for proper legal access, it does not comply. The County recognized this with the approvals of the Place of Worship on the property to the west and required the recording of a 40' wide access easement from Lyons Road to the subject site. The special circumstance that applies to this request is that there are minimal uses that would be able to use the 40' easement and comply with legal access requirements in Article 11 of the ULDC. Specifically, although a School is an allowed use under current land use and zoning, it requires access from an Arterial or Collector Roadway which has a minimum of an 80' wide ROW. Accordingly, through discussions with Land Development, a modified cross section of the actual roadway to fit within the 40' existing access easement was proposed and will be implemented with the approval of this Subdivision Variance request and allow compliance of access for the proposed School use.

Staff Response: CORRECT. Current access to the site from Lyons Road is through a 40-foot access easement. Expansion of this access to meet non-plan collector standards is limited by Lake Worth Drainage District right-of-way to the south. The proposed roadway will have a non-plan collector pavement design section with two (2) 12-foot lanes, Type "F" curb & gutter on both north & south sides, a 6 feet wide sidewalk along the north side of the roadway, and guardrail on the canal side, along with an approved turn-around within the 40-foot access easement.

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

Applicant's Response: Yes. This property was platted over 80 years ago and the LWDD canal consuming the 30' platted ROW has existed long before the Applicant or even many prior property owners became involved. Without the approval of this Subdivision Variance, the property is extremely limited to having any other use than the historic agriculture due to not having proper or legal access. The 40' wide easement and the modified cross section for the proposed roadway will provide legal, safe and adequate access for the proposed use as well as future use of the property to the east.

Staff Response: CORRECT. The property is limited by the property to the west and Lake Worth Drainage District right-of-way to the south to provide the additional right-of-way width.

- 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. The Comprehensive Plan and Code require legal and proper access for every property. Without this variance, that legal and proper access is not viable due to the existing conditions of the canal and FPL easement. This circumstance applies to the property to the east of the subject site as well, however this variance will utilize the available recorded 40' access easement to extend legal and proper access to the subject site as well as the property to the east, consistent to the Plan and Code.

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 acquire the additional property from the owner to the west which may be impossible or not viable, resulting in the school use, and many other permitted uses, not being allowed, creating the unnecessary and undue hardship to the Applicant. The proposed roadway design provides an alternative safe and proper design of the roadway within the available 40-feet of road easement to cure the undue hardship.

Staff Response: CORRECT. Literal interpretation of the code would result in the acquisition of right-of-way from the property owner to the west and Lake Worth Drainage District to the south. This 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 an alternative improved roadway, sidewalk and drainage system within the recorded 40' access easement that will be legal, proper and safe for access to the school use.

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.

- 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 provide the subject site and the property to the east with legal, proper and safe access, consistent with the purposes, goals, objectives and policies of the Plan and Code.

Staff Response: CORRECT. Granting of this variance is consistent with the 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 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 a 5-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 to the existing condition (17-foot-wide dirt road with no sidewalk).

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 use is 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:* The subject site is located east of SR 7 which is in compliance with Future Land Use Element (FLUE) policy 1.5-s that allows Institutional and Public Facilities uses in the Agricultural Reserve Tier east of State Road 7.

- *Policy 1.5-s:* Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7. Institutional related uses, including but not limited to, churches and social service facilities shall be allowed within the AGR Zoning District as a part of the continuation of the Tier.

- *Intensity:* The request proposes two buildings with 32,557 sq. ft., which equates to a FAR of approximately 0.15 (32,557 / 217,051 sq. ft. or 5 acres = 0.149) and does not exceed the maximum Floor Area Ratio (FAR) of 0.15, which is allowed for Institutional and Public Facility uses in the AGR future land use designation in the Ag Reserve Tier (217,051 sq. ft. or 5 acres x 0.15 maximum FAR = 32,557.65 sq. ft. maximum).

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* Special Overlay District/Neighborhood Plan/Planning Study Area: The site is not located within any neighborhood plans, overlays or plan 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.*

Property Development Regulations: Table 3.D.1.A Property Development Regulations regulates the required lot dimensions, building coverage and minimum setbacks. Staff has analyzed the Preliminary Site Plan (PSP) and determined the proposed development is in compliance with the parameters established. The site meets the minimum size and dimensions for a lot within AGR Zoning District of 5 acres with a minimum frontage, width and depth of 300 feet each. In addition, the buildings meet the required setbacks.

- *Private Elementary School:* The Preliminary Site Plan indicates a total of 32,557 sq.ft. located within two buildings with 300 students. Building A is a one-story building with 14,343 sq. ft. and includes a gymnasium, fitness area, cafeteria, and kitchen. Building B is a two-story building with 18,214 square feet with office administration and classrooms. The proposed design includes Pedestrian Access. Fire Staff has indicated that a cross access easement is necessary to the north and to the west as an alternate method of escape in the event of an active shooter event occurs. Staff has added a condition of Approval requiring this cross access easement to the property to the north of the site to be recorded prior to the recordation of the plat. This cross access aligns with the recently approved cross access on the property to the north. The cross access to the west will have a condition that is contingent upon the redevelopment and cross access agreement with the adjacent parcel.

- *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 use according to Table 6.B.1.B, Minimum Parking and Loading Requirements, requires 70 spaces and the Preliminary Site Plan (PSP) indicates 83 parking spaces. In addition, the PSP indicates 1,458 sq. ft. covered drop-off area which can accommodate approximately five vehicles and one loading space.

- *Landscape/Buffering:* In accordance to Table 7.C.2.A, the proposed Preliminary Site Plan indicates an 8-foot Compatibility Buffer along the north side, a 15-foot ROW (Right-of-Way) landscape buffer along 155th Street S., the Applicant is proposing a 20-foot Type 3 Incompatibility Buffer along the eastern property line with a 6-foot-high wall adjacent to agriculture preserved land and, an 8-foot Compatibility Buffer along the western property line. The proposed development is in compliance with the required Foundation Planting.

- *Signs:* A Preliminary Master Sign Plan indicates one free standing sign at the western access point and eight wall signs (four per building), all in compliance with Article 8. Signage.

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

To the north of the site is a vacant parcel that was approved by the BCC on July 19th for a General Day

Care and a Private Elementary School. To the south is a Lake Worth Drainage District Canal, with an AGR-PUD Preserve beyond with a nursery use. The parcel to the east is also an AGR-PUD preserve parcel. Finally to the west is a 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 Site was designed with specific building placement in order to accommodate vehicles during drop-off and pick-up timeframes, so there is minimal impact on 155th Street S. and surrounding roadways. In addition, the application will result in dedication of a 40-foot roadway easement along 155th Street S., in accordance with non-plan collector/local commercial standards, and new landscaping along the street 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.*

○ **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. The water management tracts, and open space have been located to maximize onsite preservation. 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, dated December 14, 2022 prepared by Nutting Environmental of Florida, Inc., the soil and groundwater qualities at the subject property may have been impacted by the former and existing Use(s) on the subject property and the surrounding properties. The Property Owner may 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 necessary. NOTE: Facility/Site ID: FLR000228932. ERM Staff has added two Conditions of Approval to address these issues.

○ **Wellfield Protection Zone:** This property is not located 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 adjacent properties on all sides support agricultural and civic uses. Given the recent and future 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 as it is consistent with the development patterns with the surrounding areas. 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 300 student Private School is expected to generate 744 net daily trips, 237 net AM peak trips, and 51 net PM peak hour trips. The school is proposing staggered start and end times to reduce peak impact of traffic. Therefore, the above trip generation estimates are conservative. The build out of the project is assumed to be by 2027.

The project meets Traffic Performance Standards based on programed widening of Atlantic Ave and Lyons Rd. The intersection of Clint Moore Rd and Lyons Rd meets the standard using the 30% Level of Service bonus available for schools.

ADJACENT ROADWAY LEVEL OF SERVICE (AM PEAK)

Traffic volumes are in vehicles per hour
Segment: Lyons Rd from Atlantic Ave to 155th Rd S
Existing count: Northbound=544, Southbound=900
Background growth: Northbound=221, Southbound=174
Project Trips: Northbound=44, Southbound=75
Total Traffic: Northbound=809, Southbound=1149
Present laneage: 2 in each direction
Assured laneage: 2 in each direction
LOS "D" capacity: 1960
Projected level of service: LOS D or better in both directions

DRAINAGE STATEMENT

The subject site is located within the boundaries of the Lake Worth Drainage District and the South Florida Water Management District C-15 Basin. The Applicant's Engineer states, *"It is proposed that runoff be directed to on-site water management areas (dry detention and exfiltration trench) by means of paved/grass swales and inlets/storm sewer. Legal positive outfall for overflow and bleed down is available via the Lake Worth Drainage District L-35 Canal located along the south side of the property. The site is not located within a Special Flood Hazard Area.*

Drainage design is to address the following:

- 1. On-site retention of the runoff from the 3 year – 1 hour rainfall event.
- 2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year – 3 day rainfall event.
- 3. Building floor elevations to be set at or above the level produced by the 100 year – 3 day rainfall event.."
- 4. Allowable discharge to be in accordance with South Florida Water Management District and Lake Worth Drainage District Criteria.
- 5. Roads to protected from flooding during the 5 year – 24 hour event.
- 6. Due consideration to water quality (including ½" dry pretreatment per South Florida Water Management District criteria).

Required permits/approvals shall include the following:

- 1. Lake Worth Drainage District Drainage Permit."

The entire statement is found in Exhibit G. Prior to issuance of any building permits, the development will have to obtain applicable approvals and permits from the Districts.

WATER AND WASTEWATER PROVIDER:

Water and Wastewater to be provided by Palm Beach County Water Utilities Department. In accordance with their letter dated October 27, 2023, Exhibit H, they have stated the following, *"..The Palm Beach county Water Utilities Department is willing and able to provide the following utilities service(s) to the proerty identified below, and will reserve the indicated utility capacity, in Equivalent Residential Connections (ERCs), for a period not to exceed five (5) years from the date of this letter:*

<u>Service Type</u>	<u>Capacity (in ERCs)</u>
Potabe Water	10.40
Wastewater	10.40
Reclaimed Water	

...
This memorandum does not represent a contract for service, and the Developer remains obligated to meet all of the requirements of the Water Utilities Department prior to obtaining utility service."

In order for the proposed development to commence, the Property Owner will need to connect to the water and sewer service provided by PBCWUD. See the entire letter in Exhibit H.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project is awaiting a No Further Action letter from FDEP by Final DRO. A condition has been added on this regards

SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

Non-residential project therefore, Park and Recreation ULDC requirements 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 that there are changed conditions or circumstances that necessitate the requested Development Order Amendment request. *“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.”*

CONCLUSION: Staff has evaluated the standards listed under Article 2.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Subdivision Variance on 5.10-acres

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 – Private Elementary or Secondary School on 5.10 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 25, 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 north in a form and manner that is acceptable to the County Attorney's office. (PLAT: ZONING - Zoning)

2. The proposed emergency cross access connection to the west property for Fire Rescue, shall not be constructed until the adjacent property owner has redeveloped their parcel to have a cross access connection and agreement that align with the subject site. (ONGOING/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 fund the cost of signal installation, if warranted, as determined by the County Engineer on Lyons Rd at 155th St S. 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)

3. The Property Owner shall provide dual exit lanes on 155th St S at Lyons Rd, as approved by the County Engineer. 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. If construction of dual exit lanes is not feasible due to ROW constraints, as determined by the County Engineer, construction of a single exit lane will be acceptable and this condition will be considered satisfied. (BLDGPM/CO: MONITORING - Engineering)

4. 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. (BLDGPM: MONITORING - Engineering)

5. Prior to final site plan approval by the Development Review Officer, the Property Owner shall record a forty (40) foot access easement from the west property line to the east property line as shown on the accompanying Site Plan. The easement shall be approved by the County Engineer prior to recordation by the Property Owner. (DRO: ENGINEERING - Engineering)

6. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall construct 155th Street South from Lyons Road to the eastern project limits, including a 6 feet wide sidewalk, Type 'F' curb & gutter on both north & south sides of roadway, and guardrail on the canal side along with an approved turn-around, to be consistent with Palm Beach County standards for a non-plan collector/local commercial roadway, or as approved by the County Engineer. 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. (BLDGPM/CO: MONITORING - Engineering)

7. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

8. The Property Owner shall construct a left turn lane at the north approach on Lyons Road at 155th Street South, as approved by the County Engineer. 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/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 ERM for review (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, the applicant shall demonstrate compliance with the distance criteria and construction standards identified in the ULDC, Article 4.B.10. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Prior to final approval by the DRO, the Property Owner shall submit a "No Further Action" letter from the Florida Department of Environmental Protection (FDEP) to the Florida Department of Health (FDOH). (DRO: HEALTH DEPARTMENT - Health Department)

LANDSCAPE - PERIMETER

1. Prior to final approval by the DRO, Final Site Plan must be updated to add a note to the proposed emergency access connection to the west property to indicate that the required landscape buffer will be provided until adjacent west property redevelops. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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

Figure 1 - Land Use Map

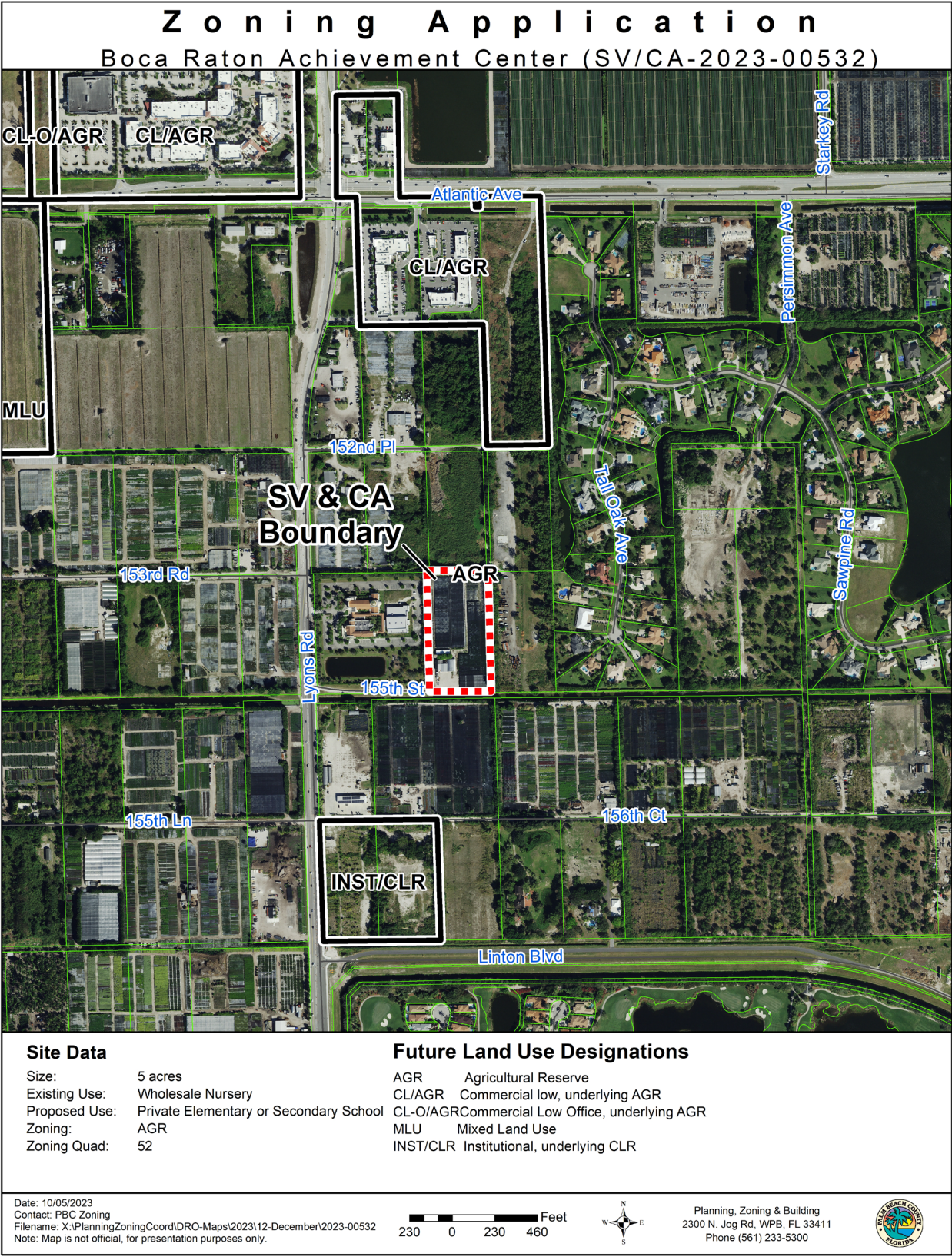


Figure 2 - Zoning Map

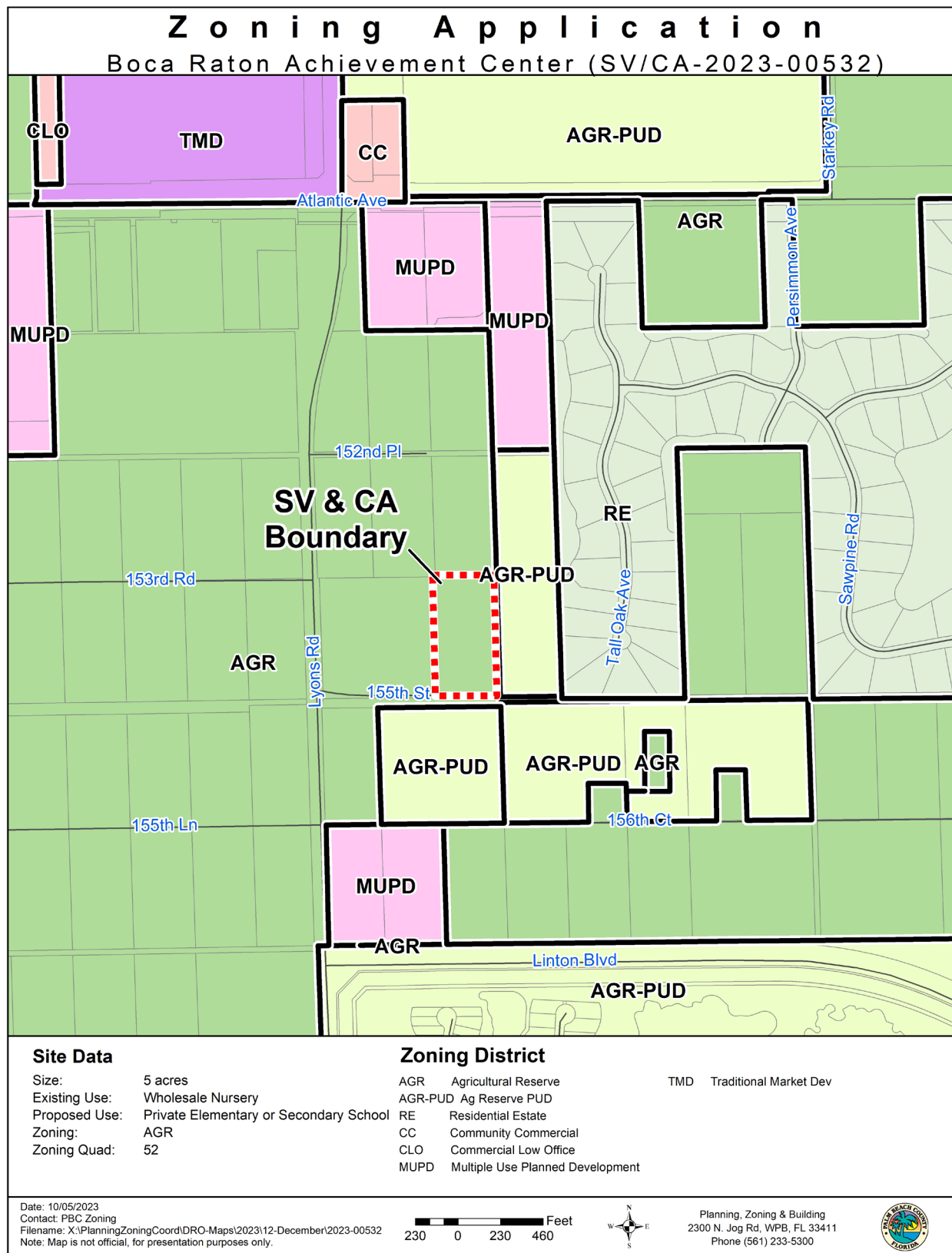


Figure 4 – Preliminary Master Sign Plan dated September 25, 2023

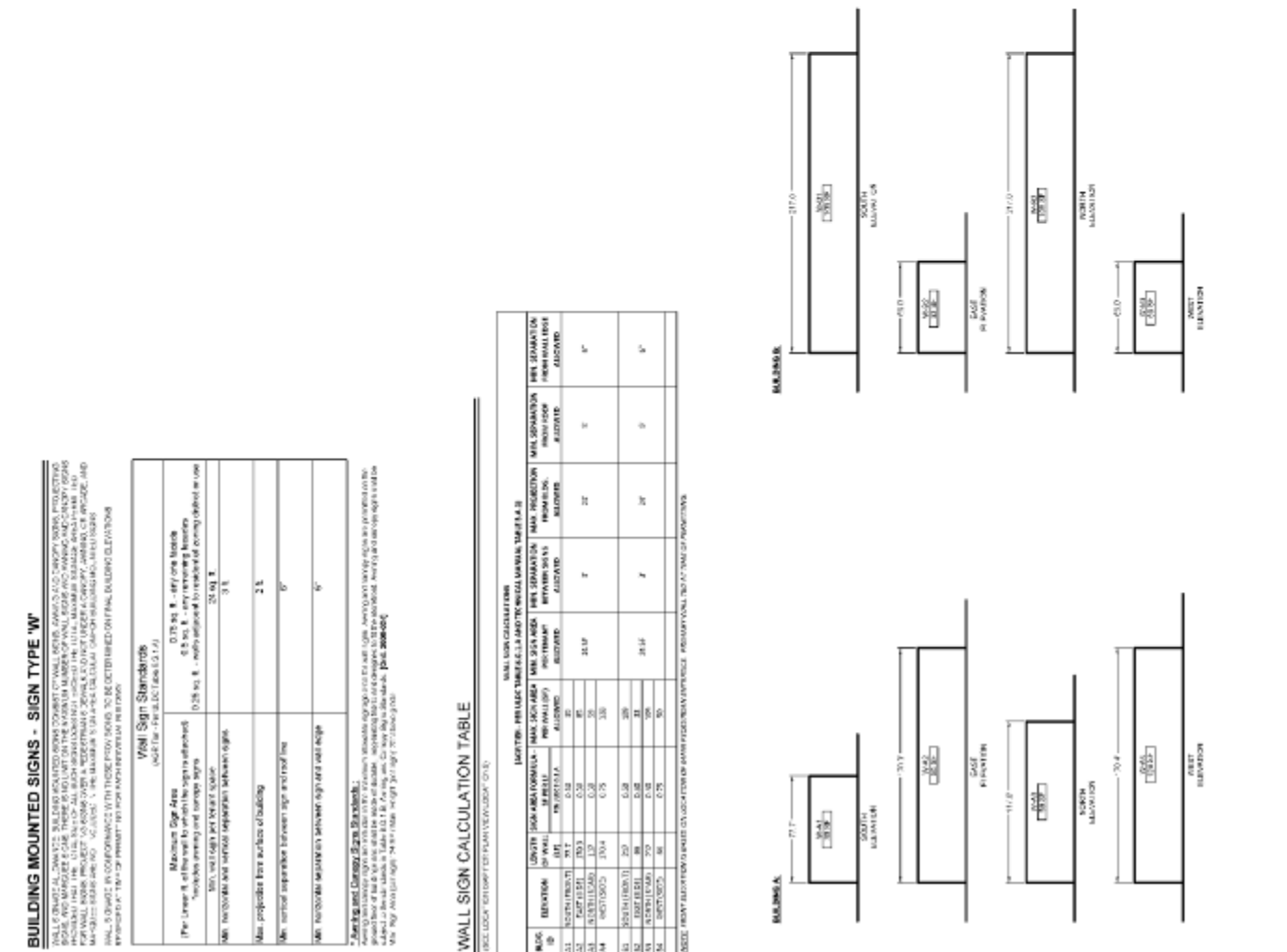
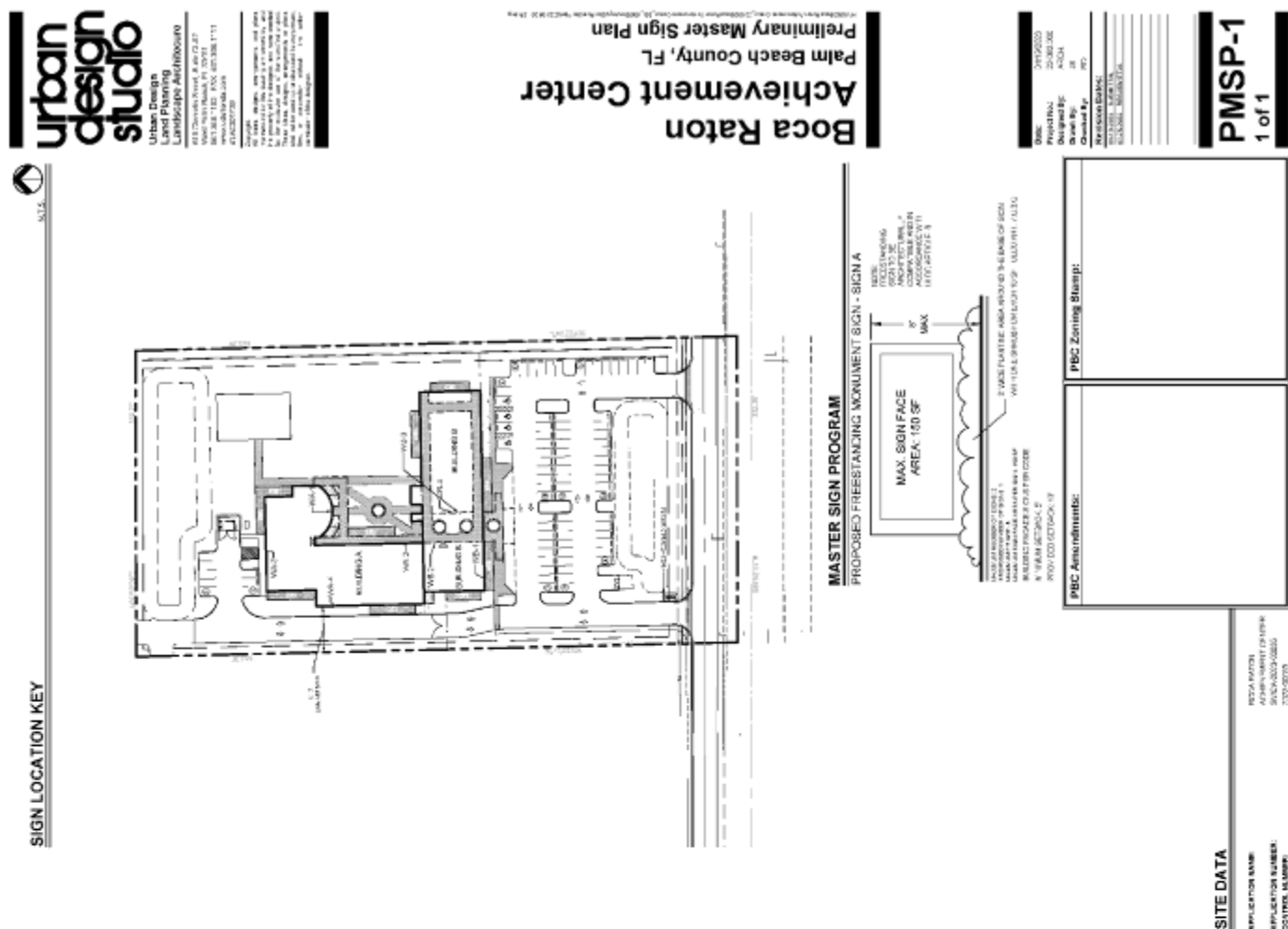


Exhibit D – Disclosure of Ownership - Applicant

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

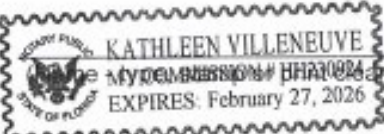
1. Affiant is the [] individual or [x] Director [position—e.g.,
president, partner, trustee] of United Spectrum Corp [name and type of entity -
e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant").
Applicant seeks Comprehensive Plan amendment or Development Order approval
for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 500 NE Spanish River Blvd., Ste. 30
Boca Raton, FL 33431
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Applicant.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of Applicant's
application for Comprehensive Plan amendment or Development Order approval.
Affiant further acknowledges that he or she is authorized to execute this Disclosure
of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Applicant that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and
to the best of Affiant's knowledge and belief it is true, correct, and complete.


Evelyn Falconer, 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 3rd day of March, 2025 by
Kathleen Villeneuve (name of person acknowledging). He/she is personally
known to me or has produced drivers license (type of identification) as
identification and did not take an oath (circle correct response).


My Commission Expires on: _____



(Signature)
NOTARY'S SEAL OR STAMP

EXHIBIT "A"

PROPERTY

PARCEL 1

THAT PORTION OF TRACT 51, OF SECTION 20, THE PALM BEACH FARMS CO., PLAT NO.1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN THE WEST 990 FEET OF THE NORTH WEST QUARTER (NW ¼) OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE EASTERLY 23.40 FEET THEREOF.

PARCEL 2

THE EAST 23.40 FEET OF TRACT 51, SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

TRACT 51, PLAM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 51; THENCE S01°22'55"E, ALONG THE WEST LINE OF TRACT 52 OF SAID PLAT 653.30 FEET TO THE NORTH RIGHT-OF-WAY LINE OF L.W.D.D. CANAL LATERAL 35, AS RECORDED IN OFFICIAL RECORDS BOOK 1732, PAGE 612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S89°52'50"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 332.36 FEET TO THE EAST LINE OF THE TRACT 50 OF SAID PLAT; THENCE N01°22'27"W, ALONG SAID EAST LINE OF TRACT 50, A DISTANCE OF 653.31 FEET TO THE SOUTH LINE OF TRACT 46 OF SAID PLAT; THENCE N89°52'59"E, ALONG SAID SOUTH LINE OF TRACT 49, A DISTANCE OF 332.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 217,051 SQUARE FEET (5.0 ACRES) MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
Non-Profit Company 501c3	

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

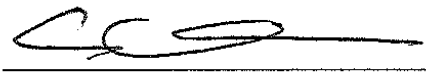
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Ellyn Feldman, 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 ☐ _____ [position - e.g., president, partner, trustee] of _____ [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: 4566 St. Andrews Dr
Boynton Beach, FL 33436
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.


Ellyn Feldman, 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 1st day of March, 2023 by Ellyn Feldman (name of person acknowledging). He/she is personally known to me or has produced FL Driver license (type of identification) as identification and did/did not take an oath (circle correct response).

Rahul Amin
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 09/16/2023


NOTARY SEAL OR STAMP

Rahul Amin
State of Florida
My Commission Expires 09/16/2023
Commission No. GG 913564

EXHIBIT "A"**PARCEL 1**

THAT PORTION OF TRACT 51, OF SECTION 20, THE PALM BEACH FARMS CO., PLAT NO.1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN THE WEST 990 FEET OF THE NORTH WEST QUARTER (NW ¼) OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE EASTERLY 23.40 FEET THEREOF.

PARCEL 2

THE EAST 23.40 FEET OF TRACT 51, SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

TRACT 51, PLAM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 217,051 SQUARE FEET (5.0 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
Ellyn Feldman	4566 St. Andrews Drive, Boynton Beach, FL 33436 100%

Exhibit F – Disclosure of Ownership – Owner

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

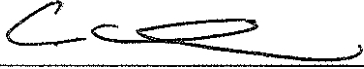
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Eilyn Feldman, 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 ☒ MGMR Triad Plant Co., L.C. [position - e.g., president, partner, trustee] of Triad Plant Co., L.C. [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: 4566 St. Andrews Dr
Boynton Beach, FL 33436
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.



Ellyn Feldman, 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 1st day of March, 2023 by Ellyn Feldman (name of person acknowledging). He/she is personally known to me or has produced FL Driver License (type of identification) as identification and did not take an oath (circle correct response).

Ruhul Amin
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 09/16/2023

NOTARY'S SEAL OR STAMP



Ruhul Amin
State of Florida
My Commission Expires 09/16/2023
Commission No. GG 913564

EXHIBIT "A"**PARCEL 1**

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ALSO DESCRIBED AS FOLLOWS:

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Name	Address
Ellyn Feldman	4566 St. Andrews Drive, Boynton Beach, FL 33436 100%



April 18, 2023
Job No. 22-220A
Revised 07/21/2023
Revised 09/23/2023

DRAINAGE STATEMENT

Boca Raton Achievement Center
Palm Beach County, Florida

SITE DATA

The subject parcel is located on the north side of 155th Street South east of Lyons Road in Palm Beach County, Florida and contains approximately 5.09 acres. The Property Control Numbers (PCN) for the subject parcel are 00-42-46-20-01-000-0511 and 00-42-46-20-01-000-0512. Proposed site development on the currently unimproved parcel consists of a 300-student private school. For additional information concerning site location and layout, please refer to the Site Plan prepared by Urban Design Studios.

PROPOSED DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-15 Basin. It is proposed that runoff be directed to on-site water management areas (dry detention and exfiltration trench) by means of paved/grass swales and inlets/storm sewer. Legal positive outfall for overflow and bleed down is available via the Lake Worth Drainage District L-35 Canal located along the south side of the property. The site is not located within a Special Flood Hazard Area.

Drainage design is to address the following:

1. On-site retention of the runoff from the 3 year – 1 hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year – 3 day rainfall event.
3. Building floor elevations to be set at or above the level produced by the 100 year – 3 day rainfall event.

2581 Metrocentre Blvd. West, Ste 3 | West Palm Beach, FL 33407
561.478.7848 | simmonsandwhite.com | Certificate of Authorization Number 3452

Drainage Statement
Job No. 22-220A
April 18, 2023 – Page 2
Revised 07/21/20203
Revised 09/23/2023

PROPOSED DRAINAGE (CONTINUED)

- 4. Allowable discharge to be in accordance with South Florida Water Management District and Lake Worth Drainage District Criteria.
- 5. Roads to protected from flooding during the 5 year – 24 hour event.
- 6. Due consideration to water quality (including 1/2" dry pretreatment per South Florida Water Management District criteria).

Required permits/approvals shall include the following:

- 1. Lake Worth Drainage District Drainage Permit

<p>Bryan G. Kelley, Professional Engineer, State of Florida, License No. 74006</p> <p>This item has been electronically signed and sealed by Bryan G. Kelley, P.E., on 09/25/2023, using SHA-1 Authentication Code.</p> <p>Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.</p>	<p>Digitally signed by Bryan Kelley Date: 2023.09.25 09:54:37 -04'00'</p>
--	---

sa: x:/docs/trafficdrainage/ds.22220a.revII



BOCA RATON ACHIEVEMENT CENTER
JUSTIFICATION STATEMENT



Request(s): Class A Conditional Use Approval &
Concurrent Subdivision Variance
Control No: 2023-00035
Application No: SV/CA-2023-00532
Submitted: April 19, 2023
Resubmitted: June 26, 2023
Resubmitted: July 24, 2023

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of United Spectrum Corp, (“Applicant”), Urban Design Studio has prepared and hereby respectfully submits this application for a Class A Conditional Use to allow a private school, elementary or secondary (“school”) on the property located on 8839 155th Street S. The proposed school is for special needs children ages 5 to 22 along with recreation amenities to serve the school use. A concurrent subdivision variance from Non-Plan Collector 80-foot minimum right-of-way width access requirements is also requested. Subsequently, an application for Final Site Plan approval will be processed before permit can be issued. The subject site contains 5.00-acres and is located off of 155th Street S, on the east side of Lyons Road, approximately 0.30-miles south of Atlantic Avenue in unincorporated Palm Beach County and identified in the Palm Beach County Property Appraisers records under property control numbers 00-42-46-20-01-000-0511 & 00-42-46-20-01-000-0512. 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 development plan for the school will include two buildings with a total gross floor building area of 32,557 square feet to serve the 300-students. Building A is a 1-story building with 14,343 square feet and includes a gymnasium, fitness area, cafeteria, and kitchen. Building B is a 2-story building with 18,214 square feet. The first story includes 3,520 square feet of office administration and 5,372 square feet of classrooms along with a covered breezeway. The second floor includes 9,322 square feet of classrooms.

Building B also includes a covered breezeway along with a covered drop-off area located at the vehicular drop-off/pick-up area and there is canopy proposed within the site that will provide weather protection for the students and staff connecting from Building A to Building B.

LEGAL LOT OF RECORD

The subject property is a legal lot of record and identified as Tract 51 (portion thereof), Section 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.

HISTORY

There is no previous land use or zoning 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 a one-story wood building, covered greenhouses and a trailer 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 west; and miscellaneous agricultural uses to south, north and east. The parcel located immediately north of the subject property is currently in the application process for approval of a school and daycare use (Application SV/CA-2022-01490). A breakdown of the existing surrounding uses is provided below.

Adjacent Property	Land Use Designation	Zoning District	Approved/Existing Use	Control Number	Resolution Number
East	AGR	AGR-PUD	Misc. Agriculture	2000-00032	R-2016-1236
North	AGR	AGR	Vacant (Misc. Agriculture)	2022-00007	NA
South	AGR	AGR-PUD	Misc. Agriculture	2005-00014	ZR-2019-0014
West	AGR	AGR	Place of Worship	2005-00509	R-2006-910

LAND USE/ZONING

The subject site is currently in the AGR Tier with an AGR land use designation and AGR zoning. The proposed use of the site as a Private School, Elementary or Secondary is allowed in these designations, subject to a Class A Conditional Use approval by the Board of County Commissioners.

SITE DESIGN

The subject site consists of 5.00-acres of land of which is currently developed with agricultural related structures for a wholesale nursery use. The Applicant is proposing to develop the subject site with a private school for special needs children, grades K through 12, with a student age range of 5 to 22 years old, along with recreation amenities to serve the school use.

The school will be able to accommodate a total of 300 students maximum. An anticipated breakdown of student count by grade is provided below:

GRADE	STUDENTS	GRADE	STUDENTS	GRADE	STUDENTS
K	20	5 th	25	10 th	25
1 st	20	6 th	25	11 th	25
2 nd	20	7 th	25	12 th	25
3 rd	20	8 th	25		
4 th	20	9 th	25		

Boca Raton Achievement Center (“BRAC”) is a nonprofit, special education school for students with autism spectrum disorder and related disabilities. Their mission is to provide students with disabilities a learning environment based on individual needs and strengths, rooted in support, consistency and centered on a sense of community and inclusion. BRAC provides direct instruction in academics, life skills, health and fitness, independent living, and vocational training over a 5-day week, Monday through Friday.

The proposed development plan will include two buildings with a total gross floor building area of 32,557 square feet. Building A is a 1-story building with 14,343 square feet and includes a gymnasium, fitness area, cafeteria, and kitchen. Building B is a 2-story building with 18,214 square feet. The first story includes 3,520 square feet of office administration and 5,372 square feet of classrooms along with a covered breezeway. The second floor includes 9,322 square feet of classrooms. There is a covered drop-off area at the school’s main entrance along with covered walkways through the campus to offer weather protection for students and employees. A multi-game court is proposed in the northeast corner of the site, in compliance with recreation setbacks per Table 5.B.1.A.

Based on the AGR future land use designation and zoning, the Applicant is requesting a Class A Conditional Use approval to allow a private School, Elementary or Secondary on the subject site.

ACCESS

The Subject Property is located off of 155th Street S, on the east side of Lyons Road, approximately 0.30-milessouth of Atlantic Avenue. Per the site survey, there is a 30-foot platted right-of-way (“ROW”) on the south boundary which provides legal frontage and access to the site. The 30-foot platted right of way currently contains a LWDD drainage ditch, however there is also a 40-foot-wide easement along the south property line of the adjacent Place of Worship property to the west that provides alternative legal access from Lyons Road to the property. We have discussed using the 40-foot-wide easement for vehicular access with Land Development and Traffic Divisions and both have agreed to a conceptual design of a roadway for access subject to the processing of a request for a concurrent Subdivision Variance from the minimum Non-Plan Collector 80-foot ROW access width requirements. The proposed roadway would extend across the entire frontage of the subject property which is considered 155th Street S. and offer legal access to the property east of the subject property.

The proposed development plan features two full-access openings on 155th Street S. which 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. Student drop-off is intended for vehicles to enter on the east driveway off of 155th Street S. and then exit on the west driveway off of 155th Place S. The vehicle (parental) drop-off area is located on the south side of Building B with a 12-foot-wide and 113-foot-long area for cars to pull in to let children out of the vehicle. A 1,380 square foot covered canopy is provided in this area for weather protection.

Also provided with this application is an Emergency Access Management Plan Exhibit to reflect emergency access points to allow vehicles to enter and leave the site should there be an

emergency situation, as has been recently requested by the Fire/EMS Department. The emergency access points will be gated and include a click2enter and knox box system.

PARKING & LOADING

Given the school is being established for special needs students, those of age to drive will still not be permitted to drive their own vehicle and all students will be dropped off. However, the Preliminary Site Plan as proposed meets the requirements for parking and loading based on the anticipated program below and as provided in *Article 6* of the ULDC. Pursuant to ULDC *Table 6.B.1.B, Minimum Parking & Loading Requirements*, a total of 70 parking spaces are required and 83 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	40 employees 300 students 50 students	1 sp per employee 1 visitor sp per 50 students 1 sp per 5.5 students 11 th -12 th grade	40 6 10
Administrative Office (school)	3,520 SF	1 sp per 250 square feet	14
TOTAL RQRD.			70
TOTAL PRVD.			83

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. Based on the 32,557 square foot school, a total of 1 loading space (at 12-feet by 18.5-feet each) is required and provided in the rear of Building A.

LANDSCAPE

Pursuant to the requirements of ULDC Article 7, a 15-foot ROW landscape buffer with a 5-foot easement overlap is proposed along 155th Street S., which will begin at the base building line. Along the eastern property line, 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 northern and western property lines in accordance with ULDC standards. Given the agricultural nature and compatible civic 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 155th Street 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, 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 use is 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 5.00-acre (222,037 square feet) site, the site could develop with a maximum of 32,557 square feet at the 0.15 FAR. The proposed development plan requests an FAR of approximately 0.15 or 32,557 square feet for the site. A breakdown of structures and gross floor area (“GFA”) is provided below:

Building A	School Gymnasium, Kitchen, Cafeteria	14,343 SF
Building B	School and Administration	18,214 SF
Total =		32,557 SF

ULDC code requirements for AGR building coverage allows up to 15% or 32,557 square feet. The site design provides for 15% or 32,557 square feet in compliance.

- 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 use is permitted on site through Class A Conditional Use approval. The proposed use meets all supplemental regulations for School, Elementary or Secondary (private) contained in Article 4.B.2.C.13. 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 minimum 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 155th Street S., 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: A 113-foot designated parental drop off/pick-up area is provided on the south side of Building B, which includes a covered area for weather protection. 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.**

- 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 west; and Miscellaneous Agriculture to the north, east and south.

The proposed Private School 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 155th Street S. and surrounding roadways. In addition, the application will result in dedication of a 40-foot roadway easement along 155th Street 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. Provided with this application is a Phase I Environmental Report.

- 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 and drainage statement, prepared by Simmons & White, 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 access from a 40 feet wide easement, per Table 11.E.2.A-2 – Chart of Minor Streets.

ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE
Table 11.E.2.A-2	Minimum legal access width of 80-foot right of way ("ROW")	Access width of 40-foot easement	To allow access from a 40 feet wide easement

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. By recorded plat (PB 2, Page 26-28) there is a 30’ right of way centered over the southern boundary of the subject property as the adjoining parcels. The 15’ that is within the subject property is predominately the LWDD Canal 35. To the north of the 30’ ROW, there’s a 12’ FPL Easement which has a dirt road that is used for access from Lyons Road to this property. The dirt road is sufficient for the historic agricultural uses of this property, however for proper legal access, it does not comply. The County recognized this with the approvals of the Place of Worship on the property to the west and required the recording of a 40’ wide access easement from Lyons Road to the subject site. The special circumstance that applies to this request is that there are minimal uses that would be able to use the 40’ easement and comply with legal access requirements in Article 11 of the ULDC. Specifically, although a School is an allowed use under current land use and zoning, it requires access from an Arterial or Collector Roadway which has a minimum of an 80’ wide ROW. Accordingly, through discussions with Land Development, a modified cross section of the actual roadway to fit within the 40’ existing access easement was proposed and will be implemented with the approval of this Subdivision Variance request and allow compliance of access for the proposed School use.

- b. *Special circumstances and conditions do not result from the actions of the Applicant;*

Response: Yes. This property was platted over 80 years ago and the LWDD canal consuming the 30’ platted ROW has existed long before the Applicant or even many prior property owners became involved. Without the approval of this Subdivision Variance, the property is extremely limited to having any other use than the historic agriculture due to not having proper or legal access. The 40’ wide easement and the modified cross section for the proposed roadway will

provide legal, safe and adequate access for the proposed use as well as future use of the property to the east.

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. The Comprehensive Plan and Code require legal and proper access for every property. Without this variance, that legal and proper access is not viable due to the existing conditions of the canal and FPL easement. This circumstance applies to the property to the east of the subject site as well, however this variance will utilize the available recorded 40’ access easement to extend legal and proper access to the subject site as well as the property to the east, consistent to the Plan and Code.

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 acquire the additional property from the owner to the west which may be impossible or not viable, resulting in the school use, and many other permitted uses, not being allowed, creating the unnecessary and undue hardship to the Applicant. The proposed roadway design provides an alternative safe and proper design of the roadway within the available 40-feet of road easement to cure the 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;

Response: Yes. The variance will allow for the construction of an alternative improved roadway, sidewalk and drainage system within the recorded 40’ access easement that will be legal, proper and safe for access to the school use.

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 provide the subject site and the property to the east with legal, proper and safe access, consistent with the purposes, goals, objectives and policies of the Plan and Code.

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

Response: Yes. The proposed 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 5-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 to the existing condition (17-foot-wide dirt road with no sidewalk).

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, United Spectrum Corp, Urban Design Studio requests consideration and approval of this Class A Conditional Use request for a Private School use, along with a Concurrent Subdivision Variance from minimum access requirements followed by subsequent Final Site Plan approval for the *Boca Raton Achievement Center*.

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.