

RESOLUTION NO. ZR-2023 -017

RESOLUTION APPROVING ZONING APPLICATION SV/CA-2022-01490
(CONTROL NO. 2022-00007)
SUBDIVISION VARIANCE (*CONCURRENT*)
APPLICATION OF Islamic Center of West Delray Beach Inc.
BY Urban Design Studio, AGENT
(ISLAMIC CENTER SCHOOL)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application SV/CA-2022-01490, the Application of Islamic Center of West Delray Beach Inc., by Urban Design Studio, Agent, for a Subdivision Variance to allow a reduction in the legal access width on 9.85 acres; for a Class A Conditional Use to allow an Elementary and Secondary School on 9.85 acres; and for a Class A Conditional Use to allow a General Daycare on 9.85 acres was presented to the Zoning Commission at a public hearing conducted on July 6, 2023;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Subdivision Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application SV/CA-2022-01490 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application SV/CA-2022-01490, the Application of Islamic Center of West Delray Beach Inc., by Urban Design Studio, Agent, for a Subdivision Variance to allow a reduction in the legal access width on 9.85 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof,

was approved on July 6, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof; and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kern moved for the approval of the Resolution.

The motion was seconded by Commissioner Pavlik and, upon being put to a vote, the vote was as follows:

| | |
|--------------------------|----------|
| Jess Sowards, Chair | - Aye |
| Cheri Pavlik, Vice Chair | - Aye |
| John Kern | - Aye |
| Michael Kelley | - Absent |
| Glen Gromann | - Aye |
| Sheri Scarborough | - Aye |
| Lisa Reves | - Aye |
| Alex Brumfield III | - Absent |
| Mark Beatty | - Aye |

The Chair thereupon declared the resolution was duly passed and adopted on July 6, 2023.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application SV/CA-2022-01490 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on July 6, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

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

VICINITY SKETCH

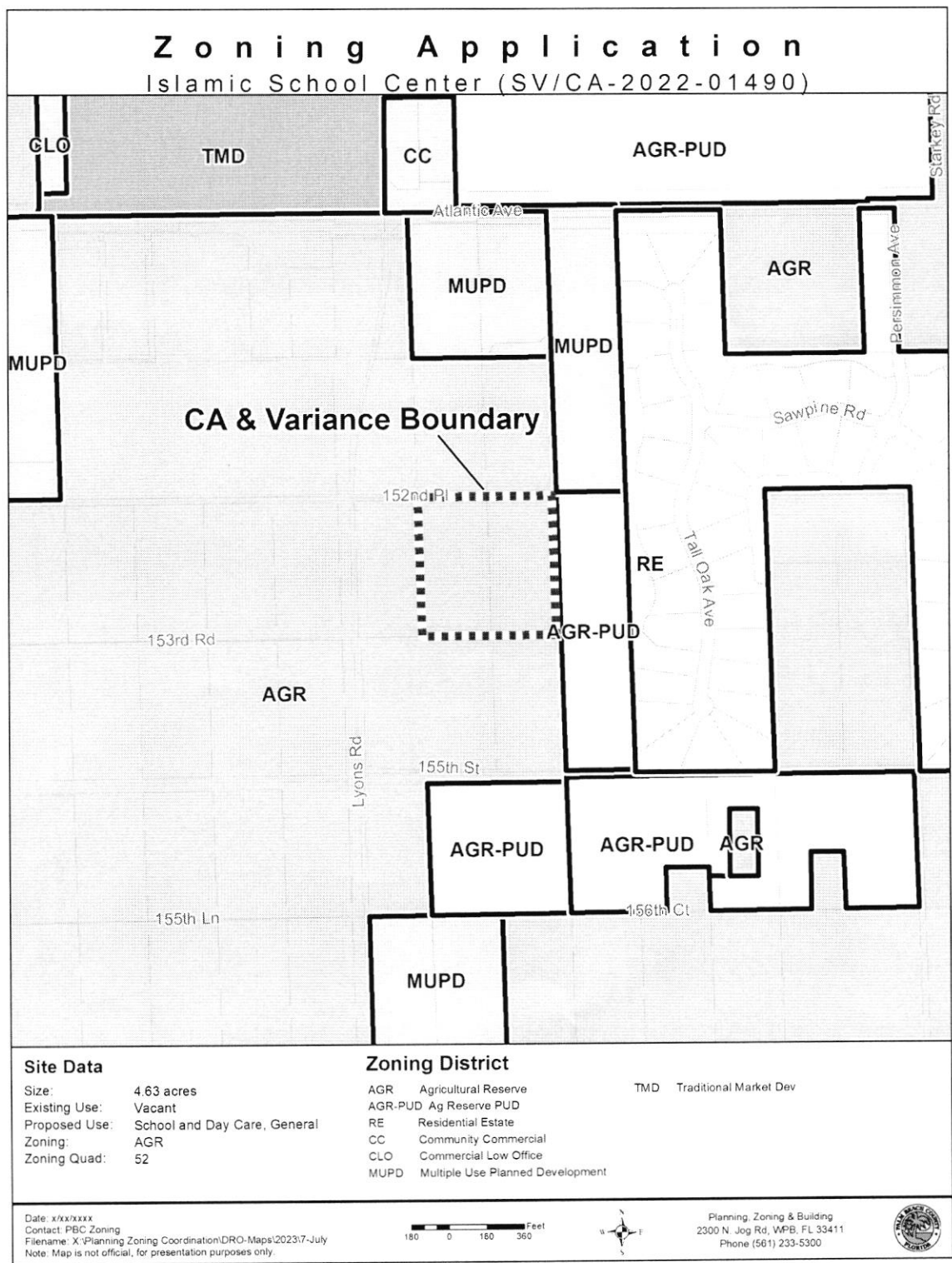


EXHIBIT C

CONDITIONS OF APPROVAL

Subdivision Variance

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.

EXHIBIT D

REQUEST

| | 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 |

| | | |
|-----------------------|---|-----------------|
| SITUS ADDRESS: | Vacant | |
| OWNER NAME & ADDRESS: | Islamic Center Of West Delray Beach Inc 1585 S Congress Ave Delray Beach, FL 33445-6325 | |
| PCN: | 00-42-46-20-01-000-0462 00-42-46-20-01-000-0470 | |
| ZONING DISTRICT: | Agricultural Reserve | |
| BCC DISTRICT: | 5 | |
| PROJECT MANAGER: | Vincent Stark, Site Planner I | |
| LAND USE: | AGR | S/T/R: 20-46-42 |
| CONTROL #: | 2022-00007 | |
| LOT AREA: | 9.84 acres +/- | |
| APPLICANT REQUEST: | to allow a reduction in the legal access width on 9.85 acres | |