



**PALM BEACH COUNTY
ZONING APPLICATION STAFF REPORT**

ZONING COMMISSION, JUNE 5, 2025

A. Application Summary

I. General

Application Name:	Big Dreams Preschool, DOA-2025-00250
Control Name:	Big Dreams Preschool (2001-00039)
Applicant:	Big Dreams Preschool, LLC
Owner:	Big Dreams Preschool, LLC
Agent:	Land Research Management, Inc. - Kevin McGinley
Project Manager:	Nancy Frontany Bou, Senior Site Planner

Title: a Development Order Amendment – Conditional Overlay Zone **Request:** to modify Conditions of Approval for a previous rezoning on 1.01 acres (R-2021-1166) **Title:** a Development Order Amendment - Class B **Request:** to modify the site plan, to reconfigure the parking, and to modify Conditions of Approval to increase the Day Care number of children on 1.01 acres

Application Summary: The application is for the Big Dreams Preschool LLC. The site was last approved by the Zoning Commission for a Class B Conditional Use for a Daycare in May 2023.

The application proposes to modify a condition of approval to allow up to 121 children as well as modify conflicting conditions contained within the Conditional Overlay Zone. The site currently has a condition of approval that limits the number of children to 96, and Engineering Conditions that have restrictions on Traffic Performance Standards. No additional square footage is proposed by this request.

The site is currently built with the structures indicated on the Preliminary Site Plan (PSP) which indicates one 7,900 square feet (sq. ft.) building and 6,350 sq. ft. of outdoor play area with 25 parking spaces. Access to the site is from Quail Drive.

II. Site Data

Acres:	1.01 acres
Location:	Southwest corner of Westgate Avenue and Quail Drive
Parcel Control:	00-42-43-25-00-000-1650
Future Land Use:	High Residential (HR-18)
Zoning District:	General Commercial District (CG)
Tier:	Urban/Suburban
Utility Service:	Palm Beach County Utility Department (PBCWUD)
Overlay/Study:	Westgate/Belvedere Homes Overlay
Neighborhood Plan:	N/A
CCRT Area:	Westgate
Comm. District:	7, Commissioner Bobby Powell, Jr.

III. Staff Assessment & Recommendation

ASSESSMENT: 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 Exhibit C.

STAFF RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions as indicated in Exhibit C.

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

IV. Hearing History

ZONING COMMISSION: *Scheduled for June 5, 2025*

BOARD OF COUNTY COMMISSIONERS: *Scheduled for June 18, 2025*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

I. Exhibits		Page
A.1	Future Land Use Map	3
A.2	Zoning Map	4
B.	Standards Analysis & Findings	5-11
C.1	Conditions of Approval – Conditional Overlay Zone	12-13
C.2	Conditions of Approval – Class B Conditional Use	14-16
D.	Project History	17
E.	Applicant's Exhibits	
E.1	Preliminary Site Plan – April 9, 2025	E-1
E.2	Preliminary Regulating Plan – February 19, 2025	E-2
E.3	Previously Approved Site Plan – December 22, 2023	E-3
E.4	Disclosure of Ownership	E-4
E.5	Palm Beach County Health Department Capacity Letter	E-5
E.6	Westgate CRA Letter	E-6

Exhibit A-1 - Future Land Use Map

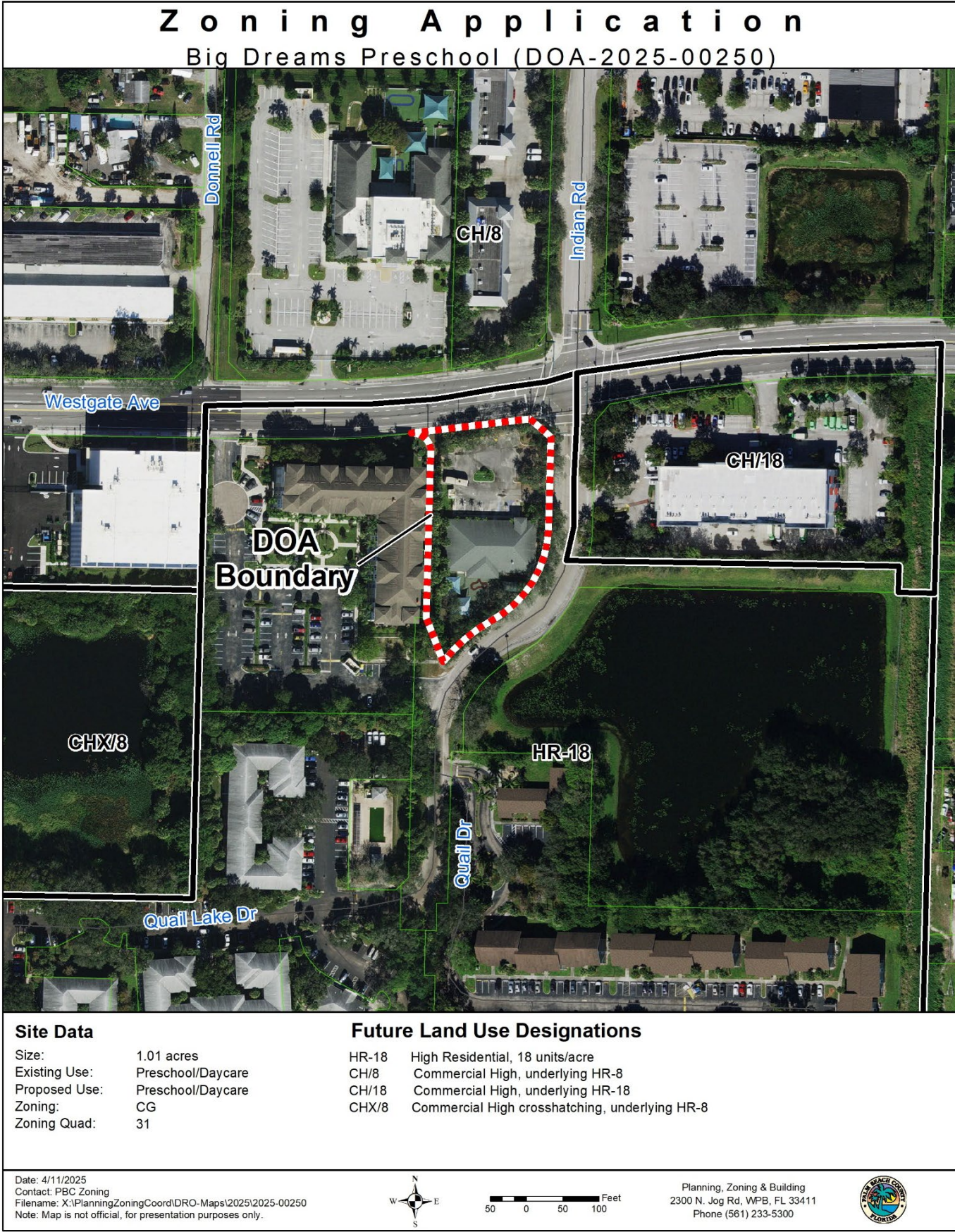


Exhibit A-2 - Zoning Map

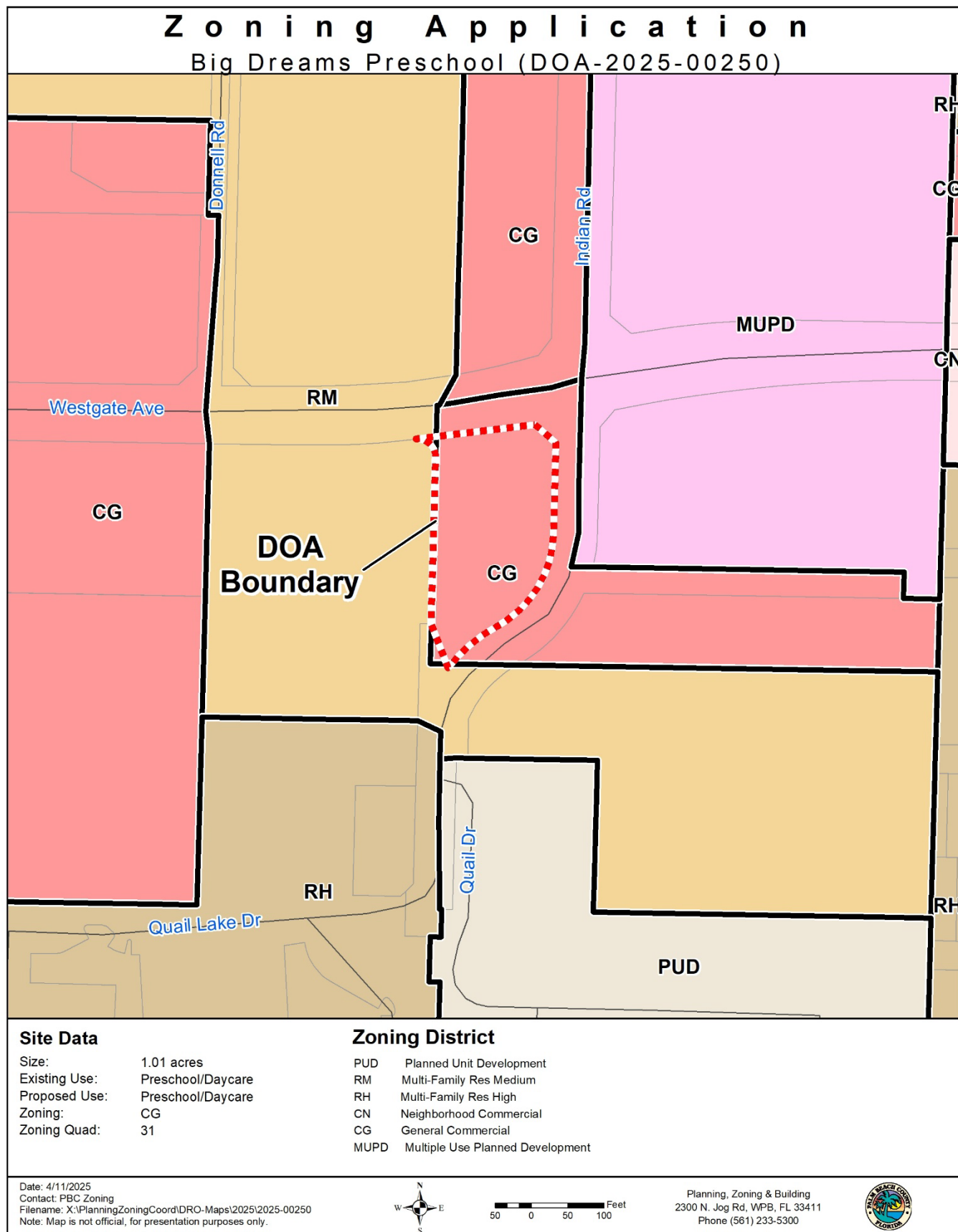


Exhibit B - Standards Analysis & Findings

FINDINGS:

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

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

a. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

○ **Consistency with the Comprehensive Plan:** The proposed amendments the Conditional Overlay Zone 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 within the Westgate Belvedere Homes Community Redevelopment Area Overlay (WCRAO) and has a Future Land Use (FLU) designation of High Residential, 18 units per acre (HR-18). The purpose of the Overlay, as per Future Land Use Element (FLUE) Sub-Objective 1.2.3, is to promote and encourage development and redevelopment of the Westgate area. A daycare is classified as an Institutional use, and is permitted within all FLU designations per FLUE Policy 2.2.8-a.

Staff has previously determined that the existing CG Zoning is consistent with the existing HR-18 residential land use designation based on the application of FLUE Policy 1.2.3-c, which provides a redevelopment incentive within the WCRAO by permitting an increase of the commercial acreage by 20 percent through the rezoning process without a FLUA amendment. Approximately 403.41 acres had a commercial land use designation on the 1989 FLUA, with the permitted commercial increase being 80.68 acres (20% of 403.41). When the subject site was rezoned to CG in August 2021 in order to accommodate a previously proposed medical office, no sites had utilized Policy 1.2.3-c, resulting in up to 80.68 acres of residential or industrial zoning available under this policy. Therefore, the HR-18 future land use designation is consistent with the existing CG zoning district.

There were no prior condition of approval applied as part of the Condition Overlay Zone for consistency with the 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 consistent with the stated purpose and intent of the County Unified Land Development Code (ULDC).

○ **Previously approved Conditional Overlay Zone (COZ):** The existing 1.01 acre parcel consists of a Conditional Overlay Zones that was approved in August 2021. Conditions of approval were included to address Engineering Traffic, Land Development, and Zoning, requirements for compatibility and adequate public facilities. The staff report at that time of the rezoning state, *“The COZ is to ensure adequate site visibility and conformance with traffic performance standards as well as provide sufficient landscape buffering between the subject site’s new commercial use and the residential land use to the west. ... Staff has determined, that there are potential impacts of the proposed rezoning and requested medical office use on the surrounding land uses as it relates to site access and traffic flow of the site which requires mitigation. Further, compatibility with the adjacent property to the west also requires mitigation due to the reduced buffer width.”*

The use of the property changed from medical office to General Daycare in 2023, however the Conditions of Approval in the COZ were not updated/revised at that time. Engineering Conditions of Approval, related to compliance with Adequate Public Facilities are required for all changes of uses. Land Development has included the condition for Platting and compliance with sight visibility on Quail Drive within the Use Conditions of Approval. Public health and welfare will still be safeguarded with the conditions applied to the uses. With the modifications proposed to increase the number of children some of the conditions of approval are no longer applicable as new conditions have been applied to the specific use.

Pursuant to Art.2.B.7, Official Zoning Map Amendment, Development Order Amendment to a Standard Zoning District with a COZ, *“A DO for a Standard Zoning District with a COZ may be modified through a DOA pursuant to the Conditions of Approval established with its original approval, or as otherwise set forth in this Code. The Applicant shall demonstrate and the BCC must find that a change of circumstances or site conditions has occurred which make it necessary or reasonable to amend, extend, vary, or alter the COZ.”* The Applicant has demonstrated changes in their Justification Statement, along with the changes that were completed in 2023 which have occurred that make it reasonable to amend the COZ, as conditions are applied to the specific use.

The subject site received approval for a Type 2 Variance to allow Lot Depth reduction and a reduction of required parking spaces under Resolution ZR-2021-0011. However, the Variance to allow a reduction for the required parking spaces is no longer valid as it was based on the Medical Office use, which was never implemented and replaced with the existing approved General Daycare use. A note on the Site Plan has been added to identify this Variance as no longer applicable to the site.

○ **Overlays:** The subject site is located within the Urban Redevelopment Area (URA) and the Westgate Community Redevelopment Area (WCRA). The WCRA issued a letter February 18, 2025 with a recommendation of approval for the Development Order Amendment to the previously approved Class B Conditional Use. The WCRA letter provides no further conditions or comments.

c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed amendment to the Conditional Overlay Zone remains compatible with the surrounding area as the Condition for the additional landscaping will remain. The subject site is surrounded by a mix of commercial uses to the north and east, along with drainage retention to the southeast.

West of subject site is a multifamily residential structure within the RM Zoning District. The Condition of Approval relating to the additional landscape material will remain within the Conditional Overlay Zone.

d. Effect on the Natural Environment – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

The proposed modification to the Conditional Overlay Zone will not result in impacts on the natural environment. There were no previous conditions of approval related to the natural environment within the COZ.

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

Modifications to the Conditions of Approval for the Conditional Overlay Zone do not impact the development patterns for the area.

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

The rezoning of the property in 2021, was previously determined to be compliant with the requirements for Adequate Public Facilities. The application has a concurrent request to modify the use, in which an analysis for Adequate Public Facilities is provided below. The modifications to the COZ relate changes to Engineering Conditions of Approval.

TRAFFIC AND LAND DEVELOPMENT:

The Department of Engineering and Public Works Land Development Division provided comments throughout the review of this application. The Department of Engineering and Public Works Land Development Division reviewed this application and found it to comply with the regulations and code requirements of the ULDC under its authority. This application's request to increase the number of students does not impact the site improvements, therefore there are no drainage impacts to the site.

The existing conditions of approval are carried forward with the condition to plat being amended to be completed by July 1, 2026 since building permits for additional square footage are needed for this approval. The TPS condition is being amended to reflect the proposed development. No new conditions of approval are being proposed.

The conditions on the Conditional Overlay Zone are proposed to be deleted as part of this application request as these conditions are included on the Class B use approval.

g. 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's Justification Statement indicates the following justification for their changed conditions of circumstances: *"The COZ needs to be amended because unlike the conditions of approval, the COZ restrictions on the rezoning will still apply should the conditional use be abandoned. The COZ conditions were placed on the rezoning of the property to CG and are not specifically related to the Daycare conditional use. It is understood that staff may incorporate the COZ conditions, where applicable, into the conditional use conditions of approval."*

Exhibit B - Standards Analysis & Findings

FINDINGS:

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

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

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 amendment to the 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 within the Westgate Belvedere Homes Community Redevelopment Area Overlay (WCRAO) and has a Future Land Use (FLU) designation of High Residential, 18 units per acre (HR-18). The purpose of the Overlay, as per Future Land Use Element (FLUE) Sub-Objective 1.2.3, is to promote and encourage development and redevelopment of the Westgate area. A daycare is classified as an Institutional use, and is permitted within all FLU designations per FLUE Policy 2.2.8-a.

Staff has previously determined that the existing CG Zoning is consistent with the existing HR-18 residential land use designation based on the application of FLUE Policy 1.2.3-c, which provides a redevelopment incentive within the WCRAO by permitting an increase of the commercial acreage by 20 percent through the rezoning process without a FLUA amendment. Approximately 403.41 acres had a commercial land use designation on the 1989 FLUA, with the permitted commercial increase being 80.68 acres (20% of 403.41). When the subject site was rezoned to CG in August 2021 in order to accommodate a previously proposed medical office, no sites had utilized Policy 1.2.3-c, resulting in up to 80.68 acres of residential or industrial zoning available under this policy. Therefore, the HR-18 future land use designation is consistent with the existing CG zoning district.

- *Intensity:* The request does not seek to change the previously approved 7,900 sq. ft., which equates to a FAR of approximately 0.18 (7,900/ 43,939 sq. ft. or 1.009 acres = 0.179 or 0.18 rounded up). The maximum Floor Area Ratio (FAR) of 0.45 is allowed for the subject future land use designation in the Urban Suburban Tier (43,939 sq. ft. or 1.009 acres x 0.45 maximum FAR = 19,772 sq. ft. maximum).

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is located within the Urban Redevelopment Area (URA) Study Area and the Westgate Community Redevelopment Area (WCRA). The WCRA issued a letter dated February 18, 2025 with a recommendation of approval for the request. The WCRA letter provides no further conditions.

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 consistent with the stated purpose and intent of the County Unified Land Development Code (ULDC).

- *Prior Variances:* The site has previous approvals for variances for the subject site. The five-foot Incompatibility Buffer along the west property line was approved under Variance BA-2001-083 and will remain unchanged. A 20-foot Utility Easement overlaps this 5 foot landscape buffer 100% which is also indicated on the previously approved Site Plan, see Exhibit E.1. The R-O-W buffer on the eastern property line also received approval for a five- foot reduction as approved under Resolution BA-2001-083.

- *Property Development Regulations:* The subject site is developed with a 7,900 sq.ft. building and is located within the Urban Highway (UH) Sub-area and is regulated by Table 3.B.14.F – WCRAO Non-Residential and Mixed Use Sub-area PDRs and Table 3.D.1.A Property Development Regulations. The site is located on a corner lot, fronting both Westgate Avenue and Quail Drive. The proposed development meets the minimum frontage and access required for the General Commercial Zoning District within the UH Sub-area of the WCRAO along with the required building height. In addition, the property also meets Code requirements for minimum lot dimensions of 1-acre size, 100 ft. of width and frontage, as the site is a 1.01 acre lot and has 228.67 ft. of width and frontage. The site received a variance approval for the lot depth, under Resolution R-2021-011 to allow 165 ft. of depth where 200 ft. is required. The building does meet the side setbacks. The site has approved variances to reduce the front and rear building setback under Resolution ZR-2021-0022 approved on August 5, 2021, however, site currently meets the required

front setback per the Urban Highway (UH) PDRs of Table 3.B.14.F – WCRAO Non-Residential and Mixed Use Sub-area PDRs.

- **Overlays:** The subject site is located within the Urban Redevelopment Area (URA) and the Westgate Community Redevelopment Area (WCRA). The WCRA issued a letter February 18, 2025 with a recommendation of approval for the Development Order Amendment to the previously approved Class B Conditional Use. The WCRA letter provides no further conditions or comments.

In addition, the existing 1.01 acre parcel consists of a Conditional Overlay Zones that was approved in August 2021. Analysis of the Conditional Overlay Zone is included in this report (Exhibit B –Page 5).

- **Uses:** The General Day Care was previously approved on October 5, 2001 and later abandoned and the site rezoned with the intention to develop a permitted by right Medical Office use; however, it was never implemented. Subsequently, the daycare use approved again on November 2023 and use has been in place since its approval. The proposed amendment to the Class B Conditional use is to increase the number of children from 96 to 121 children and it is in compliance with the use regulations under the ULDC. The Preliminary Site Plan indicates a total of 121 children for the within the existing 7,900 sq. ft. building, along with a total of 6,350 sq. ft. of outdoor play area and six drop-off parking spaces. Health Department Staff has indicated no issues with the proposed play-ground area. In order to minimize the impact that the Day Care operation may have upon the Multi Family Residential property to the west Staff have incorporated Conditions of Approval under use limitations in regards to Maximum student capacity, Hours of operations, Hours of use for the play area and Outdoor speakers.

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 analyzed the proposal and has determined that the project is in compliance of 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 required Drop-Off spaces and Access.

With the increase in the number of children, the Applicant will need to meet with the Building Division and Fire Rescue Staff. Modifications to the building may be necessary in order to increase the number of students. Condition of Approval has been incorporated to ensure applicable permits are approved.

- **Parking:** Per Table 6.B.1.B – Minimum Parking and Loading Requirements of the ULDC, 18 parking spaces are required for a day care use. However, the Applicant is providing 23 standard parking spaces from which six are required drop-off spaces, as indicated on the preliminary site plan, see Exhibit E-1.

- **Landscape/Buffering:** The PSP indicates an existing 15 ft. R-O-W buffer along Westgate Avenue, in accordance with ULDC Table. 7.C.2.A., with a five-foot Utility Easement overlap. In addition, there is a 15-foot R-O-W buffer provided on the northern half along Quail Drive on the eastern property line that transition to a 10-foot R-O-W buffer on the southern portion on the same side in accordance with an approval for a five-foot buffer reduction that allowed the 10-foot wide buffer. A five-foot Incompatibility Buffer is provided along the western property line as approved under BA-2001-083 variance approval. Staff has analyzed the buffers and determined to be compliance. The existing five feet foundation planting was approved as part of the prior Development Order for the site under an older Unified Land Development Code (ULDC) supplement.

- **Signs:** There is no proposed changes to the signage associated with this application, however there is an existing four-foot high sign with 20 sq. ft. of sign face area on site approved by Building Permit B-2033-002450-0000, a Preliminary Regulating Plan with sign detail has been included in the exhibits.

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

The subject site is within the commercial corridor along Westgate Avenue and is compatible with the surrounding uses. To the north of the site is a parcel with a Commercial High FLU designation and a CG district which currently supports two separate general office buildings (Indian Road Office Commercial, Control No. 2003-00047). Directly southeast of the site is a lake which serves as a drainage retention area (Palm Beach County Drainage Retention Lake)

To the east of the site there is a commercial building within Multiple Use Planned Development (MUPD) Zoning District with and a Commercial High with an Underlying (CH/18) FLU designation, supporting a commercial building (Urbanek Properties, Control No. 2001-00030). West of subject site is a multifamily residential structure within the RM Zoning District.

It is important to note that the surrounding area contains a commercial FLU with underlying residential. The majority of the properties within the corridor have utilizes the commercial FLU designation to work in conjunction with the neighboring residential uses. The surrounding zoning designations of the areas consist primarily of CG, CN, or MUPD which will remain consistent and compatible with the Day Care use.

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.*

There proposed changes to site design are minimal, therefore there are no adverse impact as the Day Care use has been in place on the site. Staff has incorporated Conditions of Approval under use limitations in regards to maximum student capacity, hours of operations, hours of use for the play area and outdoor speakers to address any impact the amendment may have on adjacent parcels. The Day Care benefits the adjacent lands as the recent demand and need for child care in this area has been increasing significantly.

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 subject site has been previously developed. The application request does not impact native vegetation.

- *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 amendment will result in a logical, orderly, and timely development pattern.*

The development patterns along the Westgate Avenue corridor where the subject property is located are a mix of high-density residential and commercial development. The Daycare use is deemed consistent with development patterns with the surrounding areas. The increase in the number of children is a logical pattern that provides services to the surrounding residential homes, as well as the employees for the adjacent commercial developments.

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

TRAFFIC DIVISION:

The Department of Engineering and Public Works Traffic Division provided comments throughout the review of this application. This site was previously approved for a Day Care center for 96 children. This proposal is to increase the capacity of the center to 121 children. The project is expected to generate 247 net daily trips, 47 net AM peak trips, and 48 net PM peak hour trips. The build out of the project is assumed to be by 2028.

The site is located in the Westgate Transportation Concurrency Exception area, and therefore, is exempt from meeting Traffic Concurrency standards. Access to the site will be on Quail Dr as a full access. No turn lanes are warranted at the access.

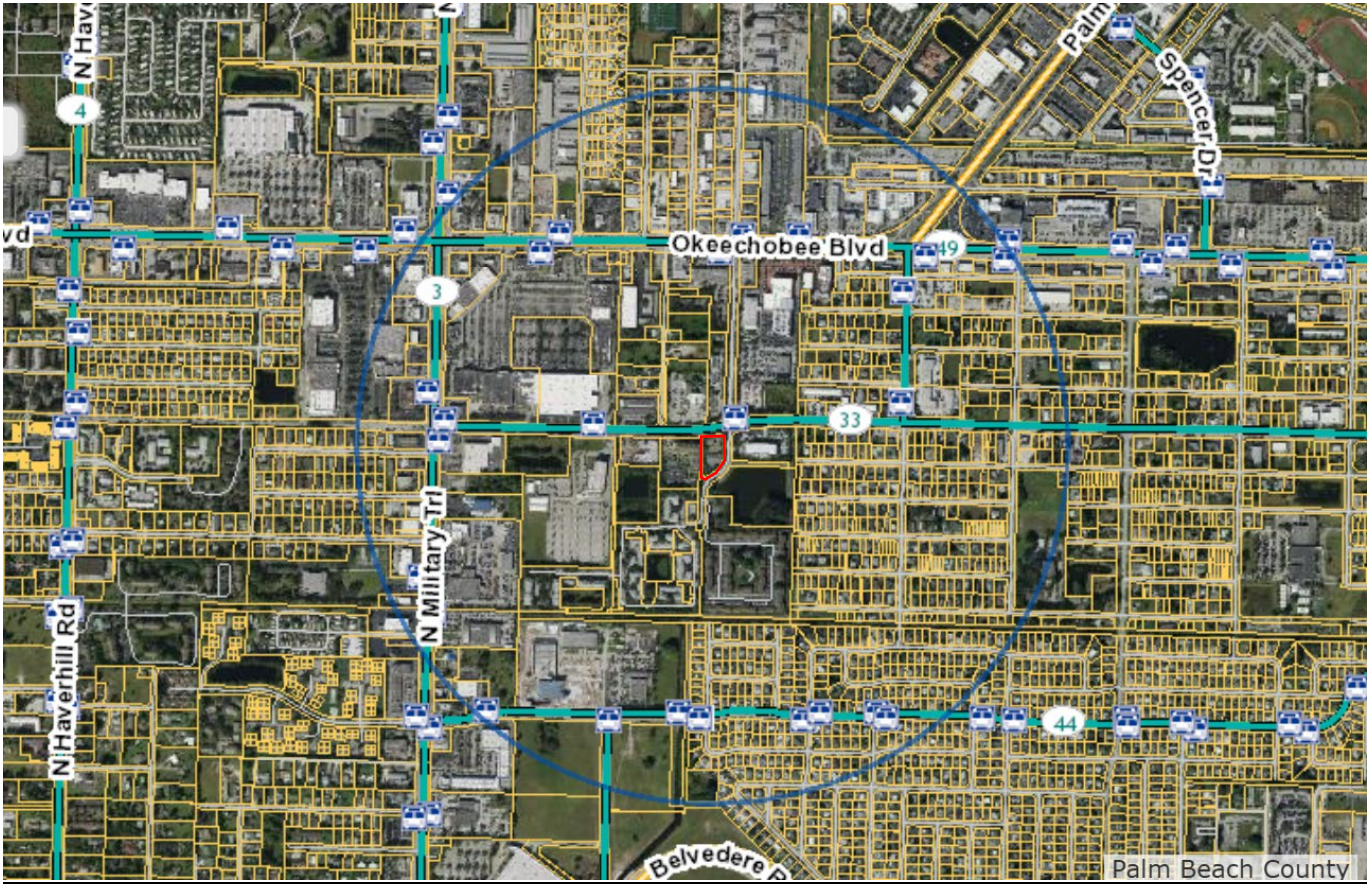
LAND DEVELOPMENT:

The Department of Engineering and Public Works Land Development Division provided comments throughout the review of this application. The Department of Engineering and Public Works Land Development Division reviewed this application and found it to comply with the regulations and code requirements of the ULDC under its authority. This application's request to increase the number of students does not impact the site improvements, therefore there are no drainage impacts to the site.

The existing conditions of approval are carried forward with the condition to plat being amended to be completed by July 1, 2026. No new conditions of approval are being proposed.

MASS TRANSIT:

Palm Tran Review Staff were provided this application for review and had no comments during the review or for the staff report analysis. There are approximately 20 bus stops within a 1/2 mile of the subject property, with a stop on the north side of Westgate Avenue for the west bound driving lanes. Bus Route 33 is directly adjacent to the property running east-west along Westgate Avenue.



DRAINAGE DISTRICT:

The subject development is located within the service boundaries of the Lake Worth Drainage District. LWDD Review Staff were provided this application for review. No drainage statement was provided for the review as there were no proposed exterior changes to the drainage. If there are modifications to approved drainage plans, prior to the issuance of any building permits, the Applicant must obtain applicable permits and approvals from the District.

WATER AND WASTEWATER PROVIDER:

The water and wastewater provider is Palm Beach County Water Utilities Department (PBC WUD). The PBCWUD Review Staff were provided this application for review, and provided comments which were addressed by the Applicant. Any modifications to capacity shall obtain the appropriate permits and approvals from PBC WUD.

PALM BEACH COUNTY HEALTH DEPARTMENT:

The Health Department Review Staff were provided this application for review and have no comments. Included in Exhibit E-5, is the Capacity Calculator Summary provided by the Health Department signed on July 29th and 30th of 2024. In order to increase the number of children from 96 to 121 the Property Owner will need to confirm with the building and fire departments of the applicable permits required. The Applicant will need to get the appropriate permits from the Health Department with a new Capacity Calculator Summary for the change.

FIRE RESCUE:

Fire Rescue Review Staff were provided this application for review, and have no comments. The subject site is located within the service boundaries of PBC Fire Rescue Station 24. Conditions of approval have been included for the applicant to obtain the applicable permits from the Building Division and Fire Rescue for the modifications to the increase in the number of children.

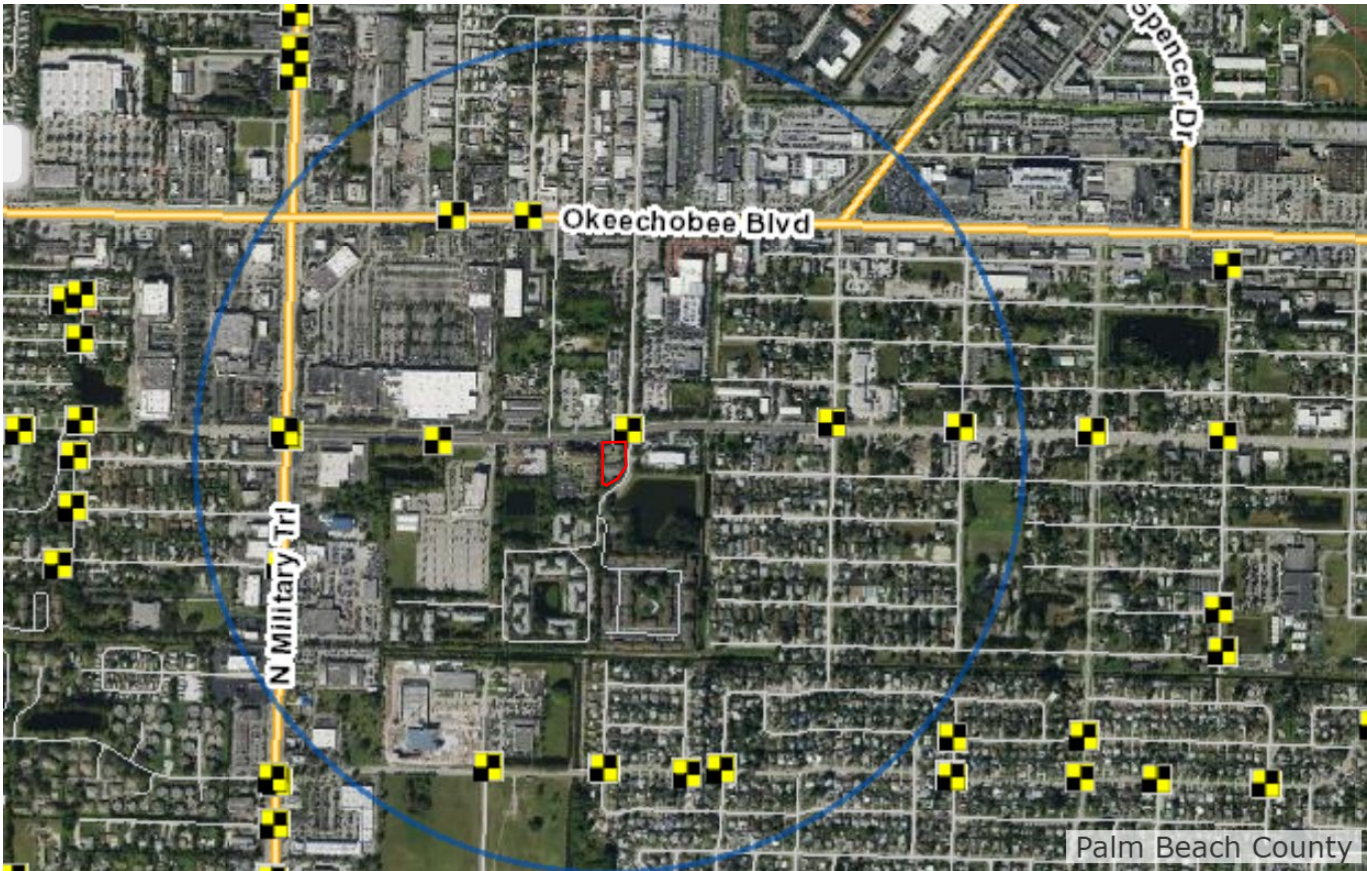


PARKS AND RECREATION:

The Parks and Recreation Department review Staff have been provided this application for review, and have no comments. This is a non-residential application and the requirements for the provision of level of service for Regional, District, Beach and Local Parks and the Parks and Recreation Department ULDC requirements do not apply.

SCHOOL IMPACTS:

The PBC School District review Staff were provided this application for review, and have no comments. There are approximately 11 school bus stop locations within ½ mile of the subject property.



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’s Justification Statement indicates the following justification for their changed conditions of circumstances: *“Since its opening, the pre-school administration recognized the demand for infants to be incorporated into the school program. The DOA request to increase capacity to 121 students will accommodate infant enrollment without having to add building square footage or play area. These changed circumstances and the need for market-based day care opportunities in the area prompted the owner/operator to request the increase in capacity.”*

Exhibit C-1 - Conditions of Approval

Development Order Amendment – Conditional Overlay Zone

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2021-1166, Control No.2001-00039, which currently states:

The approved Site Plan is dated June 14, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

Is hereby deleted. [Reason: The site plan restriction is no longer necessary]

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2021-1166, Control No.2001-00039, which currently states:

Prior to October 30, 2022, 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. (DATE: MONITORING - Engineering)

Is hereby deleted. [REASON: Condition added to Class B approval]

2. Previous ENGINEERING Condition 2 of Resolution R-2021-1166, Control No.2001-00039, which currently states:

The Property Owner shall improve the sight visibility for the existing driveway on Quail Drive, as approved by the County Engineer. Any and all costs associated with these improvements shall be paid for by the Property Owner.

- a. Approval for the sight visibility measures shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Installation shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

Is hereby deleted. [REASON: Condition added to Class B approval]

3. Previous ENGINEERING Condition 3 of Resolution R-2021-1166, Control No.2001-00039, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

- a. No Building Permits for the site may be issued after December 31, 2025, 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)

Is hereby deleted. [REASON: Condition added to Class B approval]

SITE DESIGN

1. Landscaping along the west property line shall include:

- a. One (1) booted Sabal palm planted for each ten (10) linear feet of the property line;
- b. One (1) large/medium shrub for each four (4) linear feet of the property line. Shrubs shall be a minimum height of thirty (30) inches at installation and to be maintained at a minimum height of seventy-two (72) inches in height. (ONGOING: 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/o
- 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.

Exhibit C-2 - Conditions of Approval

Development Order Amendment - Class B

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution ZR-2023-30, Control No.2001-00039, which currently states:

The approved Preliminary Site Plan is dated October 2, 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated April 9, 2025. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution ZR-2023-030 (Control 2001-00039), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution ZR-2023-30, Control No.2001-00039, which currently states:

No Building Permits for the site may be issued after December 31, 2026, 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.

Is hereby amended to read:

No Building Permits for the site may be issued after December 31, 2028. 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. Previous ENGINEERING Condition 2 of Resolution ZR-2023-30, Control No.2001-00039, which currently states:

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.

Is hereby amended to read:

Prior to July 1, 2026, 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. (DATE: MONITORING - Engineering)

3. The gate shall stay open during business hours. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution ZR-2023-30, Control No.2001-00039)

4. The Property Owner shall improve the sight visibility for the existing driveway on Quail Drive, as approved by the County Engineer. Any and all costs associated with these improvements shall be paid for by the Property Owner.

a. Approval of the sight visibility shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Installation shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution ZR-2023-30, Control No.2001-00039)

LIGHTING

- 1. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution ZR-2023-30, Control No.2001-00039)
- 2. All outdoor lighting shall be extinguished no later than 9:00pm., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution ZR-2023-30, Control No.2001-00039)

USE LIMITATIONS - DAY CARE

- 1. Previous USE LIMITATIONS - DAY CARE Condition 1 of Resolution ZR-2023-30, Control No.2001-00039, which currently states:

The day care center shall be limited to a maximum capacity of 96 children (at any one time).

Is hereby amended to read:

The day care center shall be limited to a maximum capacity of 121 children (at any one time). (ONGOING: CODE ENF - Zoning)

- 2. Hour of operation for the daycare facility shall be limited from 6:30 a.m. to 7:00 p.m. Monday to Saturday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 2 of Resolution ZR-2023-30, Control No.2001-00039)
- 3. The outdoor play area shall not be used for activities after 6:00 p.m. or before 8:00 a.m. Monday to Saturday. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 3 of Resolution ZR-2023-30, Control No.2001-00039)
- 4. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 4 of Resolution ZR-2023-30, Control No.2001-00039)
- 5. By January 1, 2026 or prior to the implementation of the increase in capacity from 96 to 121, whichever occurs first, the Applicant shall obtain the applicable building permits to confirm the existing facility meets the Building and Fire Codes. The increase in the number of children may require a change of occupancy to Group E. (BLDGPMT/DATE/ONGOING: BLDG DIVISION – Zoning)
- 6. Prior to the issuance of a Building Permit, and implementation of the increase in capacity, the Property Owner shall provide the Zoning Division a copy of a new “Capacity Calculator Summary” from the Health Department which increases the capacity from 96 to 121. (BLDGPMT/ONGOING: ZONING – Zoning)

COMPLIANCE

- 1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
- 2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
CB-2001-00039	Title: Class B Conditional Use Request: CB to allow a general daycare	ZR-2001-00007	Adopted	10/05/2001
ZV-2020-02113	Title: a Type 2 Variance Request: to allow for a reduction of parking spaces and minimum lot depth.	ZR-2021-00011	Adopted With Conditions	03/04/2021
ABN/ZV/Z-2020-01856	Title: a Development Order Abandonment Request: to abandon a Class B Conditional Use for a General Daycare.	ZR-2021-00021	Adopted	08/05/2021
ABN/ZV/Z-2020-01856	Title: a Type 2 Variance Request: to allow a reduction of the front and rear setback, the dumpster setback; and, the terminal landscape island width.	ZR-2021-00022	Adopted With Conditions	08/05/2021
ABN/ZV/Z-2020-01856	Title: an Official Zoning Map Amendment Request: to allow a rezoning from the Residential High (RH) Zoning District to the General Commercial (CG) Zoning District.	R-2021-01166	Adopted With Conditions	08/26/2021
CB-2023-00651	Title: a Class B Conditional Use Request: to allow a General Day Care on 1.01 acres	ZR-2023-00030	Adopted With Conditions	11/02/2023

Exhibit E-1 - Preliminary Site Plan

Exhibit E-2 - Preliminary Regulating Plan

Exhibit E-3 - Previously Approved Site Plan

Exhibit E-4 - Disclosure

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 Yordan Carrazana, 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] AMBR Big Dreams Preschool, LLC [position - e.g., president, partner, trustee] of Big Dreams Preschool, LLC [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: 256 Davis Road
Palm Springs, FL 33461
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.

Yordan Carrazana, 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 February, 2025 by Yordan Carrazana (name of person acknowledging). He/she is personally known to me ☒ or has produced Drivers License (type of identification) as identification and did/did not take an oath (circle correct response).

 **SONIA RUIZ**
(Name of Notary Public) **Commission # HH 211708**
Expires April 28, 2026

Sonia Ruiz
(Signature)

My Commission Expires on: _____

NOTARIAL SEAL OR STAMP



SONIA RUIZ
Commission # HH 211708
Expires April 28, 2026

EXHIBIT "A"**PROPERTY**

Commence at the Northeast corner of Section 25, Township 43 South, Range 42 East; thence South 1 degree 33 minutes 35 seconds West, along the East line of said Section 25, a distance of 1292.19 feet to a point on the South right-of-way line of Westgate Avenue, as shown on Road Plat Book 2, Page 205, Public Records of Palm Beach County, Florida and further amended in Official Records Book 9484, Page 622 of said Public Records; thence North 88 degrees 51 minutes 13 seconds West, along said South right-of-way line, a distance of 6.57 feet to a point on a curve concave to the South with a central angle of 12 degrees 54 minutes 49 seconds and a radius of 2059.93 feet; thence West along the arc of said curve, a distance of 464.28 feet to a point of reverse curvature of a curve concave to the North with a central angle of 2 degrees 38 minutes 24 seconds and a radius of 2140.00 feet; thence West along the arc of said curve, a distance of 98.61 feet to a point on the West right-of-way line of Quail Drive, as described in Official Records Book 10601, Page 858, of said Public Records, being the Point of Beginning; thence South 48 degrees 48 minutes 03 seconds East, along said West right-of-way line, a distance of 38.48 feet; thence South 1 degree 31 minutes 32 seconds West, along said West right-of-way line, a distance of 124.93 feet to a point on a curve concave to the Northwest having a central angle of 60 degrees 01 minutes 23 seconds and a radius of 150.00 feet; thence South and Southwest along the arc of said curve, a distance of 157.14 feet to a point of reverse curvature of a curve concave, to the Southeast having a central angle of 24 degrees 04 minutes 21 seconds and a radius of 210.00 feet; thence Southwest along the arc of said curve, a distance of 88.23 feet; thence North 20 degrees 59 minutes 13 seconds West, a distance of 65.28 feet; thence North 1 degree 31 minutes 32 seconds East, a distance of 228.67 feet to a point on a curve concave to the Southwest having a central angle of 96 degrees 14 minutes 02 seconds and a radius of 25.00 feet; thence Northwest along the arc of said curve, a distance of 41.99 feet to a point on the said South right-of-way line of Westgate Avenue and a point on a non-tangent curve concave to the North having a radius of 2140.00 feet, a central angle of 4 degrees 25 minutes 08 seconds and whose radial at said point bears North 4 degrees 42 minutes 30 seconds West; thence East along said curve and said South right-of-way line, a distance of 165.04 feet to the Point of Beginning.

Less and except right-of-way of Quail Drive as laid out and in use.

Said lands situate in the Palm Beach County, Florida and containing 43,939 square feet (1.009 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
<u>Yordan Carrazana</u>	<u>100%</u>
	<u>256 Davis Road, West Palm Beach, FL</u>

Exhibit E-5 – PBCHD Capacity Letter

lrmi@bellsouth.net

From: Sonia Ruiz <sruiz.personal1@gmail.com>
Sent: Monday, September 23, 2024 8:10 PM
To: Kevin McGinley
Subject: Re: SONIA

Good Afternoon Sonia Ruiz,
According to the application submitted by the entity, Big Dreams Preschool, Building and Zoning Department approved the capacity of 96. Although, the Department measured the facility at 123, the Department can and will not supersede the Building and Zoning’s decision. If an increase is desired, please address this concern with Building and Zoning. If they (Building and Zoning) are willing to increase the capacity, the Department would be willing to take the steps required to increase the facility’s capacity.

Curlena M. Dukes
Environmental Supervisor II
Division of Environmental Public Health
Florida Department of Health in Palm Beach County
800 Clematis Street, 4th Floor
West Palm Beach, FL 33401
Phone: (561) 352-0176
Fax: (561) 837-5084



If you have any questions regarding licensing, please e-mail Childcarelicensing@flhealth.gov

General questions, complaints, incident reports, and all other concerns can be sent to PBChildcare@flhealth.gov

 Please consider the environment before printing this e-mail.



Please scan the code and tell us how we did or <https://www.surveymonkey.com/r/DT5VH6B>

Thank You,
Have a GREAT Day!

Capacity Calculator Summary

This is to certify that I have completed reviewing the attached floor plans on:

Big Dreams Preschool
1713 Quail Dr, West Palm Beach, FL 33409
50-51-2876981

[illegible][illegible]

The maximum licensing capacity is based on the most restrictive calculations.

>2 Indoor Capacity	98	Infant Indoor Capacity	25
>2 Outdoor Capacity	69	Infant Outdoor Capacity	27
Wash Basin/Toilet Capacity	255	Drinking Fountain/Water Dispenser Capacity	150
Building/Zoning/Fire Capacity Limit	96	Total Septic Capacity	N/A
INFANT CAPACITY FOR THE FACILITY	25	MAXIMUM CAPACITY FOR THE FACILITY	96

INFANT CAPACITY FOR THE FACILITY

MAXIMUM CAPACITY

96

Counselor Signature _____

Date _____

Supervisor Signature

Date

Director/Owner Signature

Date _____

By signing this document, I attest I have reviewed and understand the measurements which determine my program's capacity.

Exhibit E-6 – WCRA Recommendation Letter



February 18, 2025

Kevin McGinley
Land Research Management, Inc.
2240 Palm Beach Lakes Blvd. #103
West Palm Beach, FL 33409

RE: WCRA RECOMMENDATION
PROJECT: Big Dreams Preschool – Expedited Application Consideration (EAC) to Increase Student Capacity (EAC-2024-00250)
1713 Quail Drive

Dear Kevin;

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The application requests the following:

1. Zoning Commission approval of an Expedited Application Consideration to allow the day care use to increase capacity from 96 children to 126 children;
2. Any variances or waivers required to bring the site into compliance with current ULDC standards; and,
3. Final Site Plan approval.

The Westgate CRA reviewed a preliminary site plan, justification by your office, along with other supporting documents, including a traffic statement. The property is operating as a day care facility. The subject application, which seeks to increase student capacity by 30 children, is supported by the Westgate CRA Community Redevelopment Plan, as amended, to provide neighborhood serving commercial uses on the Westgate Avenue corridor, and the intent of the WCRAO UH Sub-area as a commercially developed Sub-area.

TCEA trip pool has a current balance available of 4,689 daily trips and 581 pm peak hour trips. The subject application, which proposes 12 net new pm peak trips, has no impact on the TCEA. The TCEA pool balance remains within the threshold established by Policy 1.2-r of the Comprehensive Plan Transportation Element.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Pennell".

Denise Pennell, FRA-RA
Senior Planner/Project Manager
Westgate CRA, Palm Beach County
dpennell@pbcgov.org
561-640-8181x105

1280 N. Congress Avenue, Suite 215
West Palm Beach, Florida 33409
561-640-8181
westgatecra.org

THIS PAGE LEFT BLANK INTENTIONALLY