

RESOLUTION NO. ZR-2023-030

RESOLUTION APPROVING ZONING APPLICATION CB-2023-00651  
(CONTROL NO. 2001-00039)  
a Class B Conditional Use  
Application of Big Dreams Preschool LLC  
By Land Research Management, Inc., Agent  
(Big Dreams Preschool)

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 CB-2023-00651 the Application of Big Dreams Preschool LLC, by Land Research Management, Inc., Agent, for a Class B Conditional Use to allow a General Day Care on 1.01 acres was presented to the Zoning Commission at a public hearing conducted on November 2, 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 Class B Conditional Use;

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, 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application CB-2023-00651, the Application of Big Dreams Preschool LLC, by Land Research Management, Inc., Agent, for a Class B Conditional Use to allow a General Day Care on 1.01 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 November 2, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Pavlik moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on November 2, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on November 2, 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

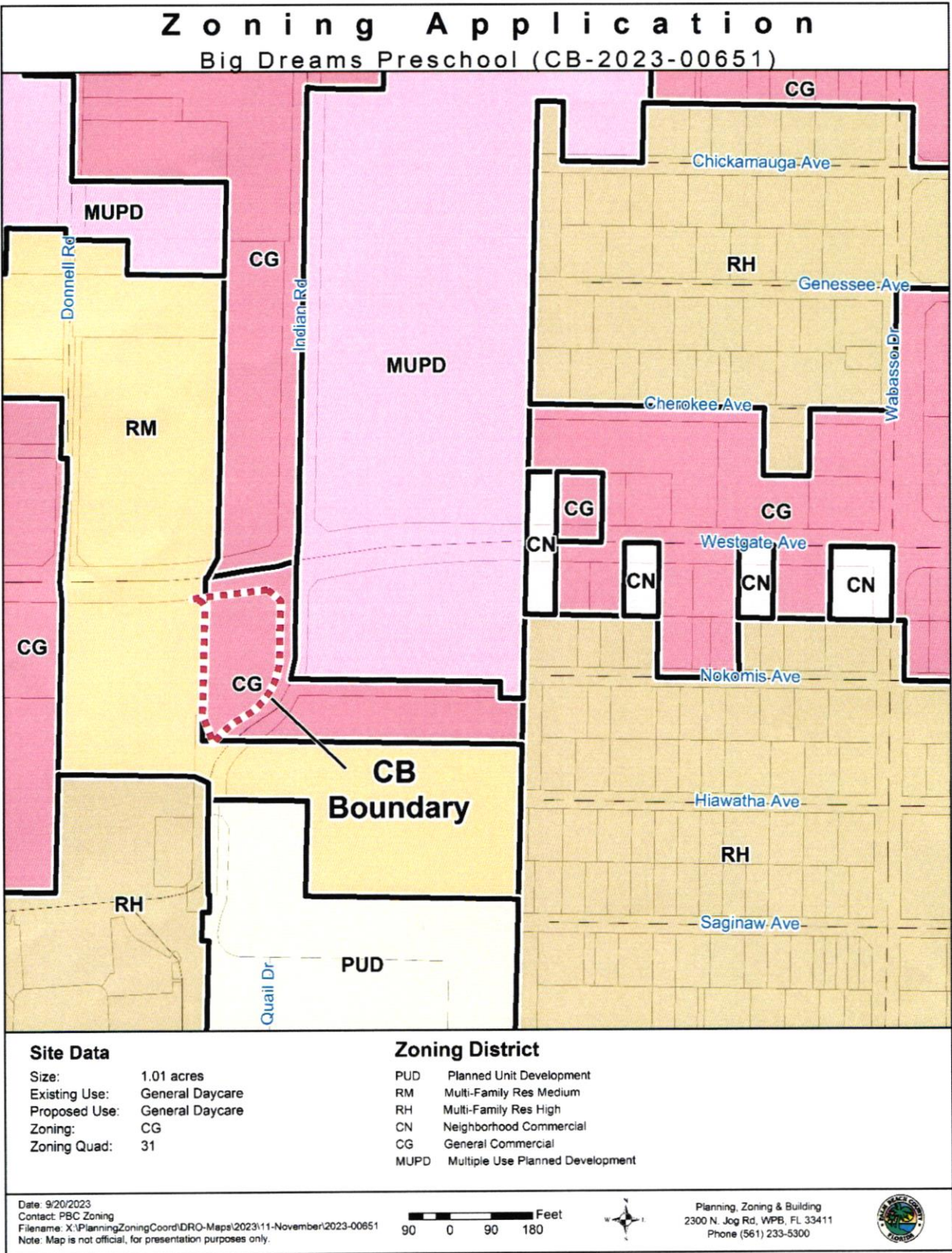
COMMENCE AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE SOUTH 1 DEGREE 33 MINUTES 35 SECONDS WEST, ALONG THE EAST LINE OF SAID SECTION 25, A DISTANCE OF 1292.19 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE, AS SHOWN ON ROAD PLAT BOOK 2, PAGE 205, 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

VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Class B Conditional Use

##### ALL PETITIONS

1. 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 Zoning Commission. (ONGOING: ZONING - Zoning)

##### ENGINEERING

1. 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. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

3. The gate shall stay open during business hours. (ONGOING: ENGINEERING - Engineering)

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. (BLDGPM: MONITORING - Engineering)

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

##### 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)

2. All outdoor lighting shall be extinguished no later than 9:00pm., excluding security lighting only. (ONGOING: CODE ENF - Zoning)

##### USE LIMITATIONS - DAY CARE

1. The day care center shall be limited to a maximum capacity of 96 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)

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)

4. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF - 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.