

RESOLUTION NO. R-2025- 0877

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2024-01285
 (CONTROL NO. 1989-00063)
 a Class A Conditional Use
 APPLICATION OF Lyons Retail, Inc., Primrose Schools
 BY HSQ Group LLC, AGENT
 (Sherbrooke Center)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2024-01285 was presented to the Board of County Commissioners at a public hearing conducted on June 18, 2025;

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A 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 the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA/CA-2024-01285, the Application of Lyons Retail, Inc., Primrose Schools, by HSQ Group LLC, Agent, for a Class A Conditional Use to allow a General Daycare on 2.14 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 June 18, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor

- Aye

Commissioner Sara Baxter, Vice Mayor
Commissioner Gregg K. Weiss
Commissioner Joel G. Flores
Commissioner Marci Woodward
Commissioner Maria Sachs
Commissioner Bobby Powell, Jr.

- Aye
- Aye
- Aye
- Aye
- Nay
- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 18, 2025.

Filed with the Clerk of the Board of County Commissioners on June 18, 2025.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO
CLERK & COMPTROLLER


BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF PARCEL "A" OF SHERBROOKE CENTER REPLAT NO. 3, M.U.P.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 110, PAGES 86 THROUGH AND INCLUDING 88, OF THE PUBLIC RECORDS OF RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID REPLAT FORMERLY KNOWN AS FOLLOWS:

TRACTS A, B, C AND D OF SHERBROOKE CENTER REPLAT M.U.P.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 87, PAGES 56 THROUGH AND INCLUDING 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF TRACT E, OF SHERBROOKE CENTER REPLAT M.U.P.D. VACATED BY THE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 20812, PAGE 176, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE THE FOLLOWING LANDS CONVEYED BY:

SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 22679, PAGE 547; SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 30705, PAGE 209; SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 33298, PAGE 670 AND SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 32614, PAGE 16, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

NOTE: PROVIDE THE COMPANY WITH A PROPER LEGAL DESCRIPTION AND/OR A SURVEY PREPARED BY A LICENSED FLORIDA REGISTERED LAND SURVEYOR AND CERTIFIED TO THE COMPANY FOR ITS REVIEW. THE COMPANY RESERVES THE RIGHT TO MAKE ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS, AND TO AMEND THE LEGAL DESCRIPTION OF THE LAND DESCRIBED IN SCHEDULE A, UPON REVIEW OF THE DESCRIPTION FURNISHED BY SAID SURVEYOR.

PARCEL 2: EASEMENT

NON-EXCLUSIVE EASEMENT FOR ACCESS, INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 ABOVE CREATED BY, AND MORE PARTICULARLY DESCRIBED IN THE RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 18245, PAGE 752, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3: EASEMENT

NON-EXCLUSIVE EASEMENT FOR ACCESS, INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 ABOVE CREATED BY, AND MORE PARTICULARLY DESCRIBED IN THE RECIPROCAL EASEMENT AND OPERATING AGREEMENT BETWEEN LYONS RETAIL, INC. AND COMMERCE BANK, N.A. RECORDED IN OFFICIAL RECORDS BOOK 21040, PAGE 1137, AS AMENDED BY FIRST AMENDMENT TO RECIPROCAL EASEMENT AND OPERATING AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 30705, PAGE 214; CORRECTED FIRST AMENDMENT TO RECIPROCAL EASEMENT AND OPERATING AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 30828, PAGE 1309; AND SECOND AMENDMENT TO RECIPROCAL EASEMENT AND OPERATING AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 31580, PAGE 1132, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.]

ALSO DESCRIBED AS:

THAT PORTION OF PARCEL "A" OF "SHERBROOKE CENTER REPLAT N°3 M.U.P.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 110, PAGES 86 THROUGH 88 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 44 SOUTH, RANGE 42 EAST, IN PALM BEACH COUNTY, FLORIDA; THENCE S 88°27'58" W 602.65 FEET, ALONG THE SOUTH LINE OF SAID SECTION 32; THENCE N 01°32'02" E 60.00 FEET, TO THE MOST SOUTHERLY SOUTHEASTERLY CORNER OF SAID PARCEL "A"; THE FOLLOWING FIVE COURSES BEING ON THE EAST LINE OF SAID PARCEL "A"; THENCE N 45°30'46" E 35.99 FEET; THENCE N 0°27'02" W 194.05 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N 00°27'02"W 18.38 FEET TO A PRM LB3300, ALSO BEING THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 300 FEET; THENCE NORTHERLY AND NORTHWESTERLY 377.72 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 72°08'21" TO THE BEGINNING OF REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 468.57 FEET; THENCE NORTHWESTERLY 93.92 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°29'02"; THENCE ON A NON-TANGENT LINE S 30°42'53"W 251.49 FEET; THENCE S59°17'07"E 53.11 FEET; THENCE S59°00'41"E 205.01 FEET; THENCE N89°32'24"E 86.03 FEET; THENCE N83°47'54"E 53.87 FEET; THENCE N86°26'38"E 50.49 FEET; THENCE N89°32'58"E 13.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 93,377.31 SQF OR 2.14 ACRES MORE OR LESS.

VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved 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 Board of County Commissioners. (ONGOING: ZONING - Zoning)

USE LIMITATIONS - DAY CARE

1. The day care center shall be limited to a maximum capacity of 214 children (at any one time). (ONGOING: CODE ENF - Zoning)

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

3. Prior to the issuance of a Building Permit, the Property Owner shall provide the Zoning Division a copy of the signed "Capacity Calculator Summary" from the Health Department which describes the capacity for the daycare consistent with the BCC approval. (BLDGPM: 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.