



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

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## PUBLIC NOTICE

### RE: **CONDITIONAL USE REQUEST FOR NEW GENERATION MONTESSORI**

Pursuant to Section 2.4.2 (B)(1)(e) of the Land Development Regulations of the City of Delray Beach, Florida, you are hereby notified of a Conditional Use request for a daycare center expansion at 330 NW 7<sup>th</sup> Avenue for the New Generation Montessori located at 326 NW 7<sup>th</sup> Avenue (highlighted area on the map attached).

The Planning and Zoning Board, acting as the Local Planning Agency, will conduct a **VIRTUAL PUBLIC HEARING** on **MONDAY, AUGUST 17, 2020 at 6:00 PM** (or as soon thereafter as may be heard), for the purpose of receiving public comment and to consider and make a recommendation to the City Commission regarding the Conditional Use request.

Pursuant to Executive Order 20-69, during the COVID-19 State of Emergency, Planning and Zoning Board meetings may be held virtually. Members of the public wishing to view Planning and Zoning Board meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public. The meeting agenda will be made available online prior to the meeting at <http://delraybeach.legistar.com/Calendar.aspx>.

Due to the closure of City Hall, members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing (561) 243 - 7556 and leaving a voicemail message that will be played during the Planning and Zoning Board meeting and made a part of the public record:

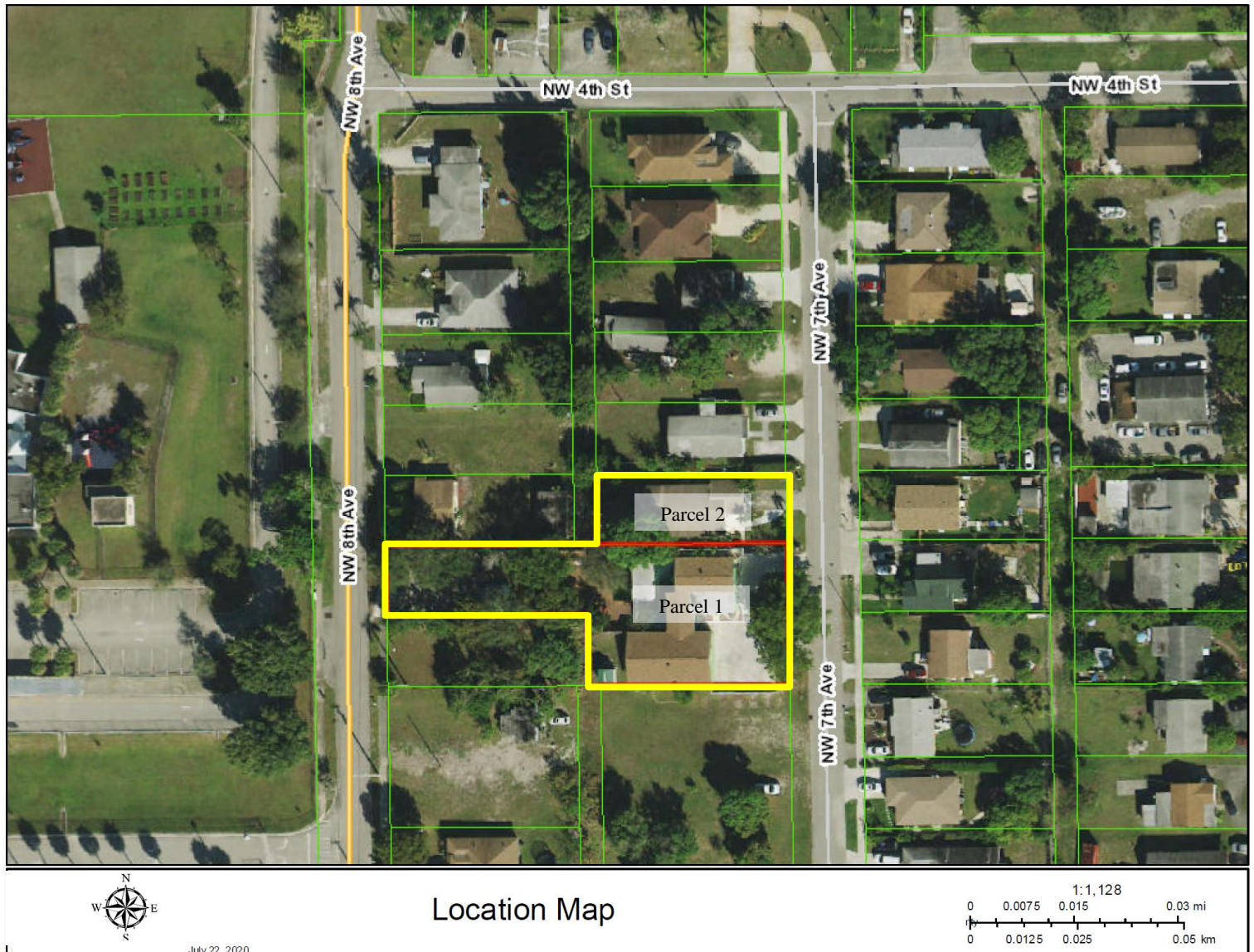
1. **State your full name**
2. **State your address**
3. **Leave a comment no longer than 3 minutes.**

Public comment on items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Planning and Zoning Board has heard from both the applicant and the City, the Board will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Board's consideration.

The conditional use notice can be found online at <https://www.delraybeachfl.gov/government/city-departments/city-clerk/public-notices>. If you would like further information with regard to how this proposed action may affect your property, or if you would like to review the plans for this request, please contact Kent Walia, Senior Planner, Development Services Department located at 100 NW 1st Avenue, Delray Beach, Florida 33444, e-mail [waliak@mydelraybeach.com](mailto:waliak@mydelraybeach.com), or by phone at 561-243-7365, between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, excluding holidays.

All interested parties are invited to attend the public hearing and comment upon the proposed action or submit their comments in writing on or before the date of the hearing to the Development Services Department. Please be advised that if the action taken on this request is appealed, the appellant may need to ensure that a verbatim record includes the

testimony and evidence upon which the appeal is to be based. The City does not provide nor prepare such record pursuant to F.S. 286.0105.



City of Delray Beach  
Planning and Zoning Department  
Date Posted: August 7, 2020

RESOLUTION NO. 131-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST FOR A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO AUTHORIZE NEW GENERATION MONTESSORI DAYCARE CENTER LOCATED AT 326 NW 7<sup>TH</sup> AVENUE TO EXPAND ITS SERVICES TO 330 NW 7<sup>TH</sup> AVENUE , AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, JM Royalty Enterprise Property 326, LLC, ("Owner") is the fee simple owner of Parcel 1, consisting of  $\pm$  0.46 acres, located at 326 NW 7<sup>th</sup> Avenue and abutting Parcel 2, consisting of  $\pm$  0.14 acres, located at 330 NW 7<sup>th</sup> Avenue, more particularly described in the legal description in Exhibit "A" and shown on the map in Exhibit "B"; and

WHEREAS, the property located at 326 NW 7<sup>th</sup> Avenue has a conditional use for child care facilities, as defined in Land Development Regulations (LDR) Section 4.3.3, "Special requirements for specific uses," Subsection 4.3.3(E), "Child care facilities;"

WHEREAS, a Conditional Use Application (File Number 2020-200-USE) was submitted by Owner to grant the property located at 330 NW 7<sup>th</sup> Avenue a conditional use for child care facilities, as defined in LDR Section 4.3.3, "Special requirements for specific uses," Subsection 4.3.3(E), "Child care facilities;"

WHEREAS, this request was reviewed by the Planning and Zoning Board at a public hearing on August 17, 2020, with the Board voting \_ to \_ recommending \_\_\_\_\_ of the application; and

WHEREAS, the Applicant has met the standards for childcare facilities, as defined in LDR Section 4.3.3, "Special requirements for specific uses," Subsection 4.3.3(E), "Child care facilities;" and

WHEREAS, the finding was made that establishing the conditional use at 330 NW 7<sup>th</sup> Avenue will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located; nor hinder development or redevelopment of nearby properties, as required by LDR Section 2.4.5(E), "Establishment of a Conditional Use;" and

WHEREAS, the City Commission reviewed the Conditional Use request for a child care facility for 330 NW 7<sup>th</sup> Avenue and considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved

and adopted.

Section 2. The City Commission makes positive findings for granting approval of the conditional use to authorize Owner to operate a child care facility at 330 NW 7<sup>th</sup> Avenue, pursuant to Land Development Regulations Chapter 3 and Sections 2.4.5(E)(5) and 4.3.3(E).

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Shelly Petrolia, Mayor

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

**EXHIBIT "A"**  
**NEW GENERATION MONTESSORI DAYCARE**

LEGAL DESCRIPTION:

PARCEL 1: THE SOUTH 50 FEET OF THE EAST 135 FEET OF THE NORTH ½ OF BLOCK 1, TOWN OF DELRAY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE EAST ½ OF THAT ABANDONDED ALLEY LYING WESTERLY AND ADJACENT THERETO.

PARCEL 2: THE NORTH 50 FEET OF THE SOUTH 100 FEET OF THE EAST 135 FEET OF THE NORTH ½ BLOCK 1, MAP OF THE TOWN OF LINTON, FLORIDA (NOW KNOWN AS DELRAY BEACH), ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



**EXHIBIT “B”  
NEW GENERATION MONTESSORI  
LOCATION MAP**

