

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 7TH AVENUE TO EXPAND ITS SERVICES TO 330 NW 7TH 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 7th Avenue and abutting Parcel 2, consisting of $\pm$ 0.14 acres, located at 330 NW 7th 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 7th 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 7th 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 7th 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 7th 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 7th 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 ABANDONED 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**

