

NEW GENERATION MONTESSORI
CONDITIONAL USE & CLASS IV SITE PLAN APPLICATION
CITY OF DELRAY BEACH

INTAKE: June 25, 2020



Urban Planning and Design
Landscape Architecture
Communication Graphics

PROJECT DESCRIPTION

On behalf of the Property Owner, JM Royalty Enterprise Property 326, LLC ("Applicant"), Urban Design Studio, has prepared and hereby respectfully submits this concurrent application for Conditional Use and Class IV Site Plan approval to allow for an expansion of the existing child care facility ("day care"), known as New Generation Montessori, located at 326 NW 7th Avenue by adding the adjacent property to the north, 330 NW 7th Avenue, to care for a maximum of 117 children on an overall 0.62 acre site ("Subject Site").

New Generation Montessori currently provides child care services to approximately 67 children. The existing day care is improved with a one-story 3,547 square foot building with outdoor playground areas to serve both the infant and non-infant children and a 315 square foot meeting room. At New Generation Montessori, they understand the importance of producing high quality education for children, while simultaneously providing an environment that is family-centered, safe and nurturing. The facility is open Monday through Friday from 7:00am to 6:00pm and will remain operating under the same hours with the proposed expansion.

The subject site is located between NW 7th Avenue and NW 8th Avenue in the City of Delray Beach, with primary frontage on NW 7th Avenue. The Property Control Numbers (PCN) for the subject site is as follows:

PCN	Owner Information	Address	Acreage	Day Care
12-43-46-16-01-001-0050	JM Royalty Enterprise Property 326, LLC	326 NW 7 th Ave	0.47	Existing
12-43-46-16-01-001-0040	JM Royalty Enterprise Property 326, LLC	330 NW 7 th Ave	0.15	Proposed

The subject site is zoned Single Family Residential (R-1-A) and has a future land use designation of Low Density (LD). There is no change to the existing future land use or zoning with this application and the lots will ultimately be joined by a Unity of Title in accordance with City of Delray code.

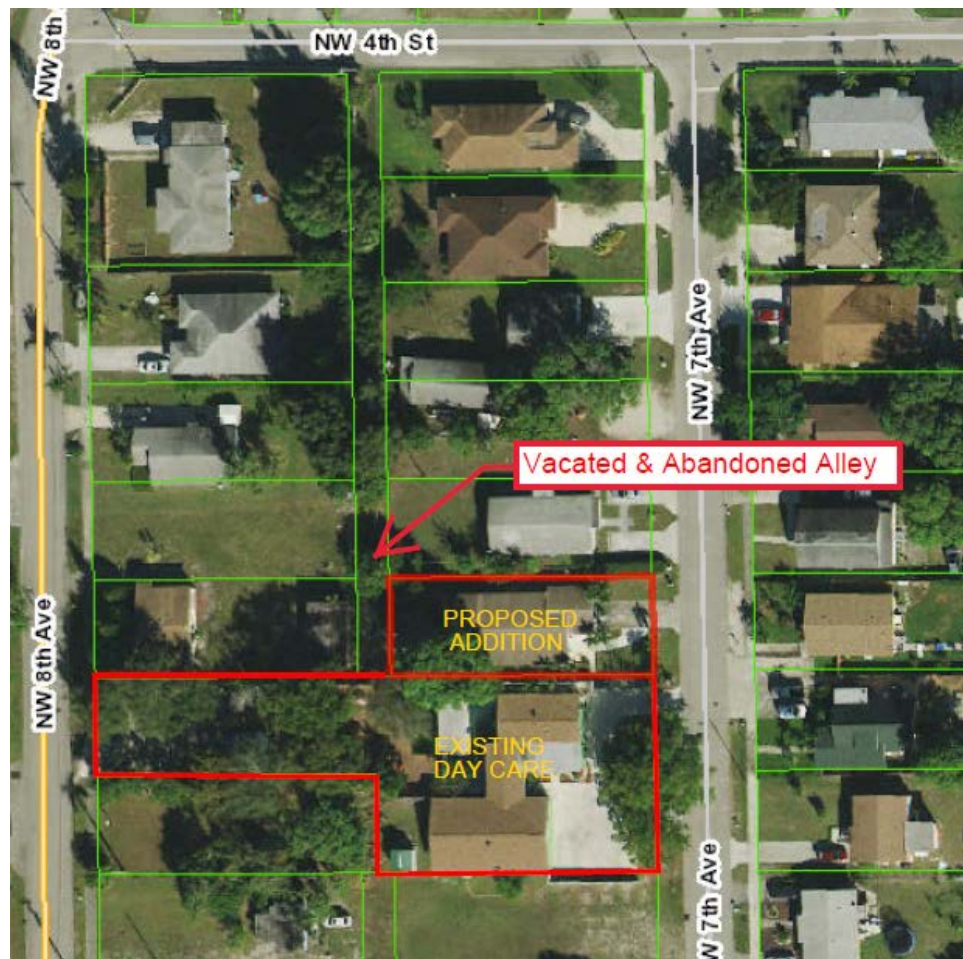
SITE HISTORY

The site has historically been used as a day care. In 1986, the existing day care parcel (PCN12-43-46-16-01-001-0050) received approval for a major site plan modification and modification to an existing conditional use to add 1,785 square feet to a one-story building. A copy of the approved Site Plan and minutes from the City Commission meeting on April 22, 1986 that granted the approval to expand on the use are provided as exhibits with this application. No files or records of the original approvals have been found through our request of City records. In 2018, a Class I Site Plan Modification was approved for the installation of a 5-foot-high PVC picket fence, two 5-foot-high double swing picket gates and a 6-foot-high tongue and groove board fence (Application Number 2019-003-SPI-SPR-CL1). At present, the built

features on this property includes a one-story 3,547 square foot, child care facility with a 315 square foot building located interior to the site which is utilized as a meeting room.

There is no approval history of record for the adjacent parcel (PCN 12-43-46-16-01-001-0040) that is the subject of this application for the expansion. At present, the built features on this property includes a one-story 2,059 square foot, single family home built in 1964 per the Palm Beach County Property Appraiser records.

Other pertinent approval information to the site includes the approval of Resolution Number 5-86, that was adopted by the City Commission on January 25, 1986, which vacated and abandoned an alley located behind the parcel, as illustrated in the graphic below. A copy of this Resolution is provided as an exhibit with this submittal.



INTENT OF AMENDMENT

The subject site is designated by the Comprehensive Plan for LD land use and is zoned R-1-A. Per Section 4.4.3(D), child care facilities are allowed as conditional uses within the zoning district. As referenced prior, the existing day care (Building A) modified their conditional approval and site plan approval in 1986. Accordingly, this application requests Conditional Use and Class IV Site Plan approval to expand the area of the existing day care by including the adjacent property to the north (Building B), a 0.15-acre site, which will allow for an overall 2,324 square foot addition to the existing day care use.

Building A and Building B, as identified on the Site Plan, are existing structures. The day care currently operates out of Building A and is expanding services by adding Building B. The existing buildings will remain and the two buildings will be joined by a hardscape feature in the front of the building, which provides for an additional 265 SF (of hallway/corridor space and front porch). The main entrance will be relocated from Building A to Building B. Preliminary architecture and floor plans, prepared by Steve Myott Architecture, are provided with this application. Building B will be painted to match Building A and will include consistent trim and lighting features for architectural consistency. Additional landscaping will be added to the perimeter of the property as well as foundation plantings that will also tie the two buildings together.

The proposed plan has been designed to comply with the land development regulations required for the R-1-A zoning district and supplemental regulations of child care facilities (LDR Section 4.3.3 (E)) as shown on the Site Plan and as indicated below.

Property Development Regulations – The proposed development plan provided with this application is consistent with LDR Section 4.3.4 provided below.

Zoning Dist./Pod	Min. Lot Dimensions (ft)			Min. FAR	Bldg. Cover.	Setbacks/Separation (ft)			
R-1-A	Size	Width/ Frontage	Depth			Front	Side (North)	Side (South)	Rear
Required	7,500 sf	60'	100'	1,000 sf	N/A	25'	7.5'	7.5'	10'
Proposed	27,007 sf	150'	276'	0.23	23%	27.5'	5.9'	6.5'	13.9'

Building A and Building B are existing structures and as such, the side interior setbacks provided are considered existing non-conformities and are identified per the table below and on the Site Plan:

NON-CONFORMITY CHART

	LDR Section	Required	Provided
*	Sect. 4.3.4 R-1-A Zoning Setbacks	Side Interior 7 1/2'	Side Interior North - 5.9' Side Interior South - 6.5'

Building Height – Building A and B are both 1-story buildings with an approximate height of 15.6-feet each which is below the 35-foot maximum building height per LDR's.

Supplemental Regulations - LDR Section 4.3.3 (E) outlines supplemental regulations for child care facilities. The regulations and how the proposed plan comply with the regulations are as follows.

1. Lot Area – The minimum lot area shall be 7,500 SF.

Response: The subject site provides for a total of 27,007 SF which meets and exceeds the minimum lot area requirement.

2. Floor Area – Facilities shall contain a minimum floor area of 35 SF per child; exclusive of space devoted to bathrooms, halls, kitchen, offices and storage.

Response: The application requests approval of a day care facility with a maximum of 117 children. Based on a minimum floor area of 35 SF per child, 4,095 SF is required and 4,216 SF is provided between Building A and Building B.

3. Outdoor Area – There shall be a minimum of 75 SF of outdoor play area per child. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback or adjacent to any outdoor storage area. The play area shall be surrounded by a six-foot high fence or wall.

Response: The existing and proposed outdoor play area expansion is located immediately adjacent to the Building A and Building B and does not encroach in the front yard setback nor is it adjacent to any outdoor storage areas. The outdoor play area perimeter will be surrounded by a fence and locked gates. More information is provided in response number 5 below.

4. Loading Area – A pickup and drop-off area for children shall be provided in a convenient area adjacent to the building and shall provide clear ingress and egress to the building.

Response: The hours of operation for the day care are 7am to 6pm with children drop off times staggered through the morning and pick up times staggered through the afternoon. There is an existing pickup/drop-off area, to include 4 parking spaces, located in the front of the building along NW 7th Ave that has historically served the site and with the addition of the new parcel will be extended to serve the increase in use.

As mentioned above, the main entrance will be relocated from Building A to Building B and with such, the flow of traffic into and out of the site will switch to a right in entry off of the existing southern driveway and exit from the existing northern driveway of the new parcel. The reconfigured pickup/drop-off area will allow for better maneuvering in and out of the site for Fire Services as well as for parents picking and dropping off their children. The 4 parking spaces will remain and will be restriped to current LDR standards and for ADA compliance.

5. Other Regulations – All child care facilities shall comply with State and County regulations.

Response: The existing day care center is currently licensed and in compliance with State and County regulations. The proposed development plan has been designed to remain in compliance with all State and County Regulations for lot area minimums, minimum floor area ration per child, outdoor play area ratio per child and loading/drop-off.

The minimum outdoor play area for the existing day care is provided per Palm Beach County Rules and Regulations governing Childcare Facilities. Per Article X.B, there shall be a minimum of 75 SF of outdoor play area per non-infant child, for at least one-half of the total number of non-infant children for which the center is licensed and there shall be a minimum of 45 SF of outdoor play area per infant child, for at least one-half of the total number of infants for which the center is licensed. This application proposes for a maximum of 117 children to include 92 non-infant children and 25 infant children which will require 4,126 square feet of total outdoor play area, per below:

$$\begin{aligned} 92 \text{ non-infant children} \times 75 \text{ SF} &= 6,900 \text{ SF divided by } \frac{1}{2} = 3,450 \text{ SF} \\ 25 \text{ infant children} \times 45 \text{ SF} &= 1,125 \text{ SF divided by } \frac{1}{2} = 563 \text{ SF} \end{aligned}$$

As indicated on the provided Site Plan, the development plan provides for a total of 5,994 SF of outdoor play area which meets and exceeds the minimum outdoor play area requirements. The outdoor play areas will be separated in accordance with Palm Beach County Health Department regulations so the ages do not co-mingle within the outdoor play areas at the same time and the classrooms serving infants will have direct access to the outdoor infant play area. The outdoor play area is located immediately adjacent to the building and does not encroach in the front yard setback nor is it adjacent to any outdoor storage areas. The outdoor play area will include the use of sunshade structures and tree canopy to provide coverage from the sun and it is enclosed by fencing to include a locked gate from the employee parking area.

The minimum staff to child ratios will be met per Palm Beach County Rules and Regulations governing Childcare Facilities. With the approval of this application, it will allow the operator to expand on their use and offer greater services to the community it serves. The proposed day care with a maximum of 117 children will require a total of 12 staff members to serve the facility based on the following:

Age of Children	No. of Children	Staff/Child Ratio	No. of Staff Rqrd.
Infants	16	1 per 4	4
Toddlers	9	1 per 6	2
Two's	22	1 per 11	2
Three's	30	1 per 15	2
Four's	40	1 per 20	2
TOTAL	117	NA	12

Parking - Per LDR Sect. 4.6.9.C.7.h, parking requirements for child care facilities are provided at 1 parking space per 300 SF of gross floor area. Based on a total of 6,186 SF of gross floor area, 21 parking spaces are required. The proposed development plan provides for a total of 16 parking spaces to serve the site and accordingly a waiver from LDR Section 4.6.9.C.7.h for a reduction in required parking spaces is requested with this application. Parking is existing and will remain in both the front and rear of the facility. The parking configuration in the front of the building off of NW 7th Avenue includes a pickup/drop-off area, 3 regular parking spaces and 1 handicap parking space. The remaining 12 parking spaces (to include 8 existing parking spaces and 4 new parking spaces) are provided in the rear of the facility, with access off of NW 8th Avenue, to serve as employee parking.

With a maximum capacity of 117 children, 12 employees will be needed to serve the facility. Day care drop-off/pickup times fluctuate throughout the day, as does the number of required employees. As such, day care employees work in shifts. Assuming the maximum capacity of 117 children and 12 employees, there would be 8 staff members scheduled for the 7am to noon shift and 8-10 staff members scheduled for the noon to 6pm shift. With 12 employee parking spaces available in the rear of the building and an additional 4 parking spaces in the front of the building, there is sufficient parking to serve the site although by LDR standards which calculate parking based on gross floor area, the site requests a waiver from 5 parking spaces.

Site Lighting - The property and parking area will provide site lighting in compliance with City Code. A lighting plan, prepared by Ronald L. Levinson P. E., is provided for review with this application.

Landscape - Landscape buffers are existing and provided along all sides of the property. These buffers will be enhanced with this application and will provide sufficient screening and buffering to adjacent uses. Additionally, there are mature trees around the perimeter of the site and within the employee parking and outdoor play area that will be preserved. Please refer to the Landscape Plans, prepared by Dave Bodker Landscape Architecture, provided with this application.

Foundation Planting - In accordance with LDR Section 4.6.16, foundation planting is provided along the frontage of Buildings A and B where visible from the adjacent ROW of NW 7th Avenue

Utilities – Building A and Building B are existing structures with current utilities serving the site. The proposed development plan will not pose any adverse impact on utility services. Preliminary Engineering plans and a Drainage Statement, prepared by Simmons & White, are provided with this application for review.

REVIEW CRITERIA FOR CONDITIONAL USE

According to LDR Section 2.4.5(E)(5), the City Commission must make findings that establish the following not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;

Response: This application proposes an expansion to an existing child care facility use. The child care facility has been operating since the 1980's and has not had any detrimental effect on the neighborhood. On the contrary, the child care facility has had such success that this is the second expansion on the property and the expansion will allow greater services to the neighbor and community that it serves.

- (b) Hinder development or redevelopment of nearby properties.

Response: The approval of this application will not hinder the development or redevelopment of nearby properties. Properties surrounding the site to the north, east and south are zoned R-1-A with an LDR future land use designation, consistent with the site and include existing single-family residential homes to the north and east and vacant parcels to the south. To the west of the site across NW 8th Avenue is SD Spady Elementary School with a zoning of R-1-A and CF future land use designation. The proposed expansion of the existing child care facility with this application is consistent and compatible with the surrounding area. It will not hinder the development or redevelopment of nearby properties.

REVIEW CRITERIA FOR SITE PLAN

According to LDR Section 2.4.5.G.d., Class IV: a modification to a site plan which represents either a significant change in the intensity of use or significant changes which affect the spatial relationship among improvements on the land, requiring full review of Performance Standards found in Section 3.1.1.

Following are the standards for Site Plan Actions in Section 3.2.3 and a response as to how each is addressed by this application.

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

Response: The buildings are existing and will remain unaffected by the application, aside from the addition of 265 SF for a hardscape corridor to connect the two buildings and interior modifications as required by Building Code. Landscape buffers are also existing on the site and will be enhanced with the proposed expansion. Access to the site will remain as existing on both NW 7th Avenue and NW 8th Avenue.

- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.

Response: The current design provides for responsible pedestrian space with an existing sidewalk off of NW 8th Avenue with direct access into to the site and an existing

sidewalk on the east side of NW 7th Avenue which allows for safe passage of pedestrians and bicyclists alike to access the site.

- C. Open space enhancements as described in policies found under Objective B-1, of the Open Space and Recreation Element are appropriately addressed.

Response: A 5,994 SF outdoor play area is provided in the design, along with additional open space located in the front and sides of the building.

- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.

Response: There is no anticipated need to widen NW 7th Avenue or NW 8th Avenue or make any improvements to either street. The driveways that serve the site are existing and the reconfiguration of the front drop off area will better serve the use with an extended queuing distance.

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.

Response: This site is not vacant; this condition is not applicable.

- F. Vacant property shall be developed in a manner so that the future use and intensity are appropriate in terms of soil, topographic and other applicable physical considerations; complementary to adjacent land uses and fulfills remaining land use needs.

Response: The site is not vacant; this condition is not applicable.

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse markup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Object B-2 of the Housing Element.

Response: Not applicable to this application.

- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

Response: This application proposes an expansion to an existing and successful child care facility use. The child care facility has been operating since the 1980's and has not had any negative impact on the neighborhood. To the contrary, the child care facility has had such success that this is the second expansion on the property and the expansion will allow greater services to the neighbor and community that it serves. The proposed expansion will not have a significant impact on traffic volumes and traffic circulation patterns will remain unaffected with primary access off of NW 7th Avenue and access off of NW 8th Avenue which will be utilized by employees. A Traffic Study, prepared by Simmons & White, is provided with this application for review.

- I. Development shall not be approved in traffic associated with such development would create a new high accident location or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.

Response: This application proposes an expansion to an existing child care facility use and will not create any new high accident location issues. The current site provides for an existing pickup/drop-off area in the front of Building A with access into the site from the northern driveway with one-way traffic and exit from the site through a southern driveway. As mentioned above, the main entrance will be relocated from Building A to Building B and with such, the flow of traffic into and out of the site will switch to a right in entry off of the existing southern driveway and exit from the existing northern driveway of the new parcel. The reconfigured pickup/drop-off area will allow for better maneuvering in and out of the site for Fire Services as well as for parents picking and dropping off their children. These changes create a safer traffic access condition.

- J. Tot lots and recreational areas, serving children from toddlers to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.

Response: Not applicable to this application.

REVIEW CRITERIA FOR WAIVERS

Pursuant to LDR Section 2.4.7(B), a waiver involves the granting of partial or total relief from a specific regulation. In order to accommodate the proposed expansion of the existing child care center, the application proposes the following two waivers:

	LDR Section	Required	Proposed	Waiver
W1	Sect. 4.6.9.C.7.h	21 parking spaces	16 parking spaces	5 parking spaces
W2	Sect. 4.6.16.H.3.i	9' landscape island	5.4'	3.6'

W1 – Per LDR Sect. 4.6.9.C.7.h, parking requirements for child care facilities are provided at 1 parking space per 300 SF of gross floor area. Based on a total of 6,186 SF of gross floor area, 21 parking spaces are required. The proposed development plan provides for a total of 16 parking spaces to serve the site which is more than enough for daily operations. As referenced earlier, with a maximum capacity of 117 children, 12 employees would be needed to serve the facility. Day care drop-off/pickup times fluctuate throughout the day, as does the number of required employees. As such, day care employees work in shifts. Assuming the maximum capacity of 117 children and 12 employees, there would be 8 staff members scheduled for the 7am to noon shift and 8-10 staff members scheduled for the noon to 6pm shift. The site provides for a total of 16 parking spaces. With 12 employee parking spaces available in the rear of the building, there is surplus parking available for employee parking and 4 parking spaces are provided in the front of the building as needed to serve the child care facility use.

W2 – Per LDR 4.6.16.H.3.i, landscape islands with a dimension of 9-feet, exclusive of curb, shall be placed at intervals no less than one landscape island for every 13 standard parking spaces. The reduced landscape island that is subject of this variance is provided at 5.4 feet which requires a variance of 3.6-feet. Building A is an existing building that will remain unchanged with this application. As such there is 52.1-feet from Building A to the property line. In order to accommodate 2-feet of required foundation planting and a restriping of the existing 4 parking spaces to include 3 regular parking spaces and 1 handicap parking space in accordance with current LDR and ADA standards for parking stall size, this provides for a 5.4-foot landscape island.

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the granting body shall make findings that the granting of the waiver meets the following standards:

- a) Shall not adversely affect the neighboring area;

W1 – The reduction in parking spaces will not adversely affect the neighborhood as it will still provide adequate parking to serve the existing child care facility expansion. As a successful existing business, the Applicant understands the daily operations and number of parking spaces needed to serve the use. Parking needs for a day care are primarily for employees as the typical function of customer interaction is to utilize the drop-off/pickup loading area for a quick in and out. Should a parent or visitor need to park, there are 4 existing parking spaces located in the front of the building that will remain. The parking that is allocated in the rear of the building off of NW 8th Street has historically been used for employee parking and will continue to do so. There are currently 8 existing employee parking spaces and 4 more parking spaces are proposed with this development plan for a total of 12 employee parking spaces. The 16 parking spaces provided will serve the use and shall not adversely affect the neighboring area.

W2 – The reduced landscape island will not adversely affect the neighborhood as it will still allow for adequate planting material within it (in according with LDR section 4.6.16) and adequate screening adjacent to the NW 7th Avenue ROW is still provided with the reduced landscape island. Please refer to the Landscape Plans that have been prepared by Dave Bodker Landscape Architecture and provided with this application.

- b) Shall not significantly diminish the provision of public facilities;

W1 & W2 – The requested waivers will allow for efficient use of the property without adverse impact on public facilities.

- c) Shall not create an unsafe situation; and

W1 – The proposed parking configuration and requested reduction in parking will not create an unsafe situation as the parking areas are already existing on the site. The application proposes a re-striping of the 4 existing parking spaces located in the front of the building and a re-striping of 8 existing parking spaces in the rear of the building (employee parking). There are 4 new parking spaces proposed in the employee parking by reconfiguring the existing outdoor play area limits which is internal to the site. As such, this will not create an unsafe condition.

W2 - The requested waiver for the reduced landscape island will not create an unsafe situation as it will allow for the re-striping of the 4 existing parking spaces in compliance with current LDR and ADA regulations for stall size and thus provides for a reduction in landscape island width but still with the ability to provide screening from the adjacent ROW.

- d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

W1 – As referenced above, the reduction in parking spaces is specific to this child care facility use. The 16 parking spaces provided are sufficient to support the daily operations of the day care use based on the maximum potential of 117 children, need for 12 employees maximum, which work in shifts, and the use itself which does not have a high customer demand for parking (rather drop-off and pick up of children in an expeditious manner). Taking such into consideration does not grant a special privilege in that the same waiver could be granted under similar circumstances on other property for another applicant or owner.

W2 – As referenced above, Building A is an existing building that will remain unchanged with this application. As such there is 52.1-feet from Building A to the property line. In order to accommodate 2-feet of required foundation planting and a restriping of the existing 4 parking spaces to include 3 regular parking spaces and 1 handicap parking space in accordance with LDR and ADA standards, this provides for a 5.4-foot landscape island. Granting the reduction of landscape island width does not grant any special privilege in that the same waiver could be granted under similar circumstances on other property for another applicant or owner.

CONCLUSION

Accordingly, we request comments and recommendation of approval from Staff. Should any additional information be required, please contact Ailish Villalobos or Bradley Miller at avillalobos@udsflorida.com or bmiller@udsflorida.com.