

Gardens Learning Center

Rezoning, Site Plan, Major Conditional Use, Planned Unit Development Justification Statement

June 3, 2019

Introduction

On behalf of Northlake Property Inc., the applicant, we are requesting a site plan approval for a 1.48-acre property. The subject site is located on the south side of Northlake Boulevard between Military Trail and the Florida Turnpike. A PUD rezoning and site plan and a major conditional use has been submitted along with a companion small-scale Comprehensive Plan amendment from RM to PO.

Project Contact

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Fees

Major Conditional Use	\$1,650
Rezoning	\$2,500
PUD (In Connection with Rezoning)	\$500
Concurrency	\$550
Total	\$5,200

Location

The 1.48-acre property is located on the south side corner of Northlake Boulevard, approximately 0.8 miles east of the Florida Turnpike and approximately 0.6 miles west of Military Trail. It is located directly across Northlake Boulevard from the Palm Beach Gardens Fire Station 3; west of Hidden Hollow neighborhood entrance; and east of Christ Fellowship, North County Senior Center, and Place of Hope.

Background

Annexed into the City of Palm Beach Gardens several years ago, the Gardens Learning Center is a family-owned and operated preschool that has been in business since 1990. The original site plan approval through Palm Beach County included a church, daycare, and other ancillary uses on 8.84 acres. However, only the church ended up being constructed. Ultimately, the Gardens Learning Center took over the church building and became what it is today, and over 7 acres of the site plan area was sold. There is an extreme shortage of premier daycare facilities in Palm Beach Gardens. The Gardens Learning Center has been maxed out at 100 students for many years and they are looking to expand their existing facility to accommodate 170 students.

Students who attend the preschool range in age from infants and toddlers through age seven. Multiple types of programs are offered, which split the students by age, and allow quality learning opportunities for students. Gardens Learning Center is truly a multigenerational family business. The applicant, Susana and her husband Orlando, began the preschool just over 28-years ago and all three of their children attended the school as young students. Today, the applicant’s children are employed by the preschool and even bring their own young children to attend classes and volunteer. Family and community play a major role in the company values at the Gardens Learning Center. Place of Hope and Christ Fellowship, both located just across the street from the Gardens Learning Center, have volunteered and participated in activities with the preschool throughout the years. While spending the past 28-years within unincorporated Palm Beach County, the annexation into Palm Beach Gardens requires the applicant to address a handful of nonconforming uses. A concurrent Comprehensive Plan Map Amendment request has been submitted along with this application.

Land Use & Zoning

The subject property currently has a Future Land Use designation of Residential Low (RL) and a zoning designation of Residential Medium (RM).

DIRECTION	PROJECT	FUTURE LAND USE DESIGNATION	ZONING DESIGNATION
NORTH	PBG Fire Station Place of Hope	P INST/8	P/I PBC PUD
SOUTH	Hidden Hollow	RL	RL3
WEST	Horseshoe Acres	RL	RM
EAST	Hidden Hollow	RL	RL3

Subject Request

The applicant is seeking to expand the existing daycare facility by adding six (6) classrooms totaling approximately 3,750 square feet, upgrade the existing site parking area, improve pedestrian circulation, and update the existing landscaping. Additionally, the applicant is proposing to rezone the property from Residential Medium (RM) to Professional Office (PO)

with a PUD overlay. The companion Future Land Use Amendment petition will enable the applicant to rezone the property to an appropriate zoning classification for the daycare that has operated on site for many years. Table 1-1 of the Comprehensive Plan lists Professional Office as a consistent zoning designation within the Professional Office Future Land Use.

Table 1-1: Future Land Use – Zoning Consistency Chart

Future Land Use Category	Consistent Zoning District(s)
Rural Residential	RR10/RR20/PDA (PCD/PUD)
Residential Very Low	RE/PDA (PCD/PUD)
Residential Low	RL1/RL2/RL3/PDA (PCD/PUD)
Residential Medium	RL1/RL2/RL3/RM/PDA (PCD/PUD)
Residential High	RL1/RL2/RL3/RM/RH/PDA (PCD/PUD)
Mobile Home	RMH/PDA (PCD/PUD)
Commercial	CN/CR/CG1/CG2/PO/PDA (PCD/PUD)
<u>Professional Office</u>	<u>PO/PDA (PCD/PUD)</u>
Industrial	M1/M1A/M2/PDA (PCD/PUD)
Public	P/IPDA
Recreation and Open Space	P/I, CONS/PDA
Commercial Recreation	CR/PDA
Conservation	CONS/PDA
Golf	P/I /PDA or as a part of a PUD, PCD
Mixed Use	MXD/PDA (PCD/PUD)

Compatibility with the Surrounding Area

The zoning designation of Professional Office is compatible with the surrounding area. The stretch of Northlake Boulevard between the Florida Turnpike and Military Trail is comprised of several institutional, educational, and professional office uses. Many of these uses are directly adjacent to residential. This stretch includes uses such as: Palm Beach Gardens Fire Department Station #3, North County Senior Center, Place of Hope, Christ Fellowship Church, Church Nazarene, Macedonian Orthodox Church, Cornerstone Church, Metropolitan Community Church, and World Class Academy. The residential community, Hidden Hollow was constructed after the opening of the Gardens Learning Center and the applicant has received a letter of support from the Hidden Hollow Home Owners Association. The Comprehensive Plan Map Amendment and continued operation of the Gardens Learning Center will not alter the existing character of the immediate area.

The site meets all of the locational criteria within the Comprehensive Plan for Professional Office. Policy 1.1.1.8 states, “The category may be used as a transition from more intense

commercial to residential land uses. Professional Office shall be located within the urban service boundary, and located in areas that are either accessible to major arterials or collector roads, where water supply and wastewater collection services are provided, where police and fire service are provided economically, and where the professional office uses are adequately buffered from residential categories.”

Site Plan and Landscape Elements

The applicant is proposing to expand the existing daycare facility by 3,750 square feet and make a number of site improvements to update non-conformities and to provide a safer drop-off and pick-up environment for the students, parents, and staff. The proposed expansion to the building will add 3,750 square feet of indoor classrooms and bring the grand total of the daycare facility to 8,750 square feet. The existing playgrounds on the east and west sides of the daycare will be expanded to the south and be able to accommodate a maximum of 170 students. The proposed architecture will be consistent with the existing architecture in an effort to make the final building look like it was all completed in one phase.

Due to the existing non-conformities on the project site, the applicant is making many site plan changes to bring the parking areas and accessibility up to code, to the extent feasible. Site improvements include updating the existing handicap parking space to meet the required ADA 12-foot wide with 5-foot aisle. The ADA accessible route will connect directly into the entrance of the building and safely connect pedestrians through the parking lot out to the existing Northlake Boulevard public sidewalk. The existing landscape islands and curbing have been reconfigured to meet code standards with increased radii and to support public safety. Two (2) parking diamonds with landscaping are proposed to enhance the aesthetics of the parking area and strategically allow increased green space and shade trees. The existing drop-off area will be slightly reconfigured to allow it to be striped with curbing and a pedestrian sidewalk. This new design will be much safer for parents and students, especially during the drop-off and pick-up hours. The existing dumpster will remain in its existing location due to the convenience and ease it provides the daycare with its close proximity to the building. A lush clusia hedge is proposed around the existing dumpster structure to soften it and provide screening.

Landscape Buffers

The applicant is significantly upgrading their existing landscape to provide as much perimeter buffering, screening to the play areas, and parking lot landscaping as possible with the many utility and easement constraints which exist today. As an effort to meet as many of the requirements as possible, the applicant met with Seacoast Utility Authority (SUA) in March to work out potential engineering and landscaping solutions. It was determined during the meeting that SUA will work with the applicant to allow single stem Christmas palms and a podocarpus hedge with root barrier along the southern buffer within the existing 20-foot SUA easement. The west buffer provides many more obstacles due to an existing 10-foot SUA on the applicant’s property, a 25-foot SUA easement on the adjacent property, and an existing life station just to the northwest of the subject property. No planting within the buffer is possible

and waiver is requested. The applicant has moved the existing fence location of the westernmost play area by pulling in the existing fence closer to the building to allow for a 4-foot tall podocarpus around the perimeter and avoiding any conflicts with SUA easements and proposed retention.

The eastern buffer is lined with thick vegetation along the adjacent property and an existing overhead powerline along the northern portion of the east property boundary. The applicant is proposing silver buttonwood trees along the parking area buffer to satisfy the requirements of the Florida Power and Light (FPL) "Right Tree, Right Place" program. There is no landscaping proposed within any of the play areas because of safety concerns with the students. The applicant is proposing to enhance the north landscape buffer and right-of-way along Northlake Boulevard. The existing large shade trees will remain and understory groundcover with silver buttonwood trees are proposed.

Engineering

The stormwater modifications will consist of filling the majority of the existing dry retention area and excavating new dry detention swales along the southern and western portions of the site. These swales will provide water quality treatment prior to controlled overflow to a storm sewer system leading to the Hidden Hollow lake system. A drainage easement was granted for the subject parcel to drain to Hidden Hollow in ORB11072/Page 1318. Utility improvements will consist of abandoning the existing septic system and connecting to the Seacoast Utility Authority sanitary sewer system along the west side of the subject property.

Parking

There are currently 39 parking spaces on site today, including 1 bus parking space and 1 handicap parking space. The proposed site plan reduces this number to 35 parking spaces, including 1 bus parking space, 1 handicap parking space, and 1 drop-off space located within the drop-off area. There are 3 parking spaces towards Northlake Boulevard reserved for employees. The parking modifications meet the requirements of Table 33: Required Off-Street Parking Spaces within code section 78-345 – Number of Parking Spaces Required. The 8,750 square-foot daycare with 170 students requires 1 space per 10 students plus 1 pickup/drop-off space per 10 students plus 1 space per van or bus. The required number of spaces for this project is 35 parking spaces and we are providing 35 parking spaces.

Traffic

A traffic impact analysis has been conducted by Kimley-Horn. The analysis demonstrates that the traffic generated by the proposed redevelopment will meet the requirements of the Palm Beach County Traffic Performance Standards Ordinance. The project will generate 278 net new external daily trips, including 46 new external AM peak hour trips and 46 new external PM peak hour trips. Access to the site from Northlake Boulevard will continue as it exists today with one existing left-in/right-in/right out driveway. No thresholds are exceeded and therefore, no turn lanes are proposed.

Architecture

The new 3,750 square-foot addition will allow the daycare to have six (6) new classrooms for their students. Consistent with the existing function of the daycare today, the new classrooms will have an exterior door to access the play areas and covered outdoor walkways. Generally, the goal of the new architecture is to make the 3,750 square-foot addition look like it was always a part of the existing building. All of the exterior elements will remain consistent with similar stucco and paint for the walls and metal roofing material.

Signage

Although the applicant is looking to keep the existing wall signage on the north side of the building, they are proposing a new ground sign along Northlake Boulevard which will sit directly south of the existing 10-foot utility easement. The dimensions and copy area of the ground sign will meet the requirements of Table 24: Permanent Signs within code section 78-285 – Permitted Signs. The copy area will not exceed 60 square feet and the height and width will not exceed 10 feet and 15 feet, respectfully. The ground sign will require a waiver for the setback to the ROW to the north and potentially a waiver for the required surrounding landscape once the sign dimensions are determined.

Conditional Use

Criteria. In addition to the application requirements listed in code Sec. 78-52 – Conditional Uses, a development order application for a minor or major conditional use approval shall demonstrate compliance with the criteria listed below.

- (1) Comprehensive plan. The proposed use is consistent with the comprehensive plan.

Response: The site meets all of the locational criteria for Professional Office. Comprehensive Plan Policy 1.1.1.8 states, "Professional Office shall be located within the urban service boundary, and located in areas that are either accessible to major arterials or collector roads, where water supply and wastewater collection services are provided, where police and fire service are provided economically, and where the professional office uses are adequately buffered from residential categories." The site has direct access to a major arterial road; is located within the urban service boundary, where there are sufficient public services; and is adequately buffered from residential uses.

- (2) Chapter requirements. The proposed use is consistent with all applicable requirements of this chapter.

Response: The site meets all of the applicable requirements of the chapter. The site is an existing use which has successfully functioned as a daycare for over 28 years. It will continue being successful with the proposed changes.

- (3) Standards. The proposed use is consistent with the standards for such use as provided in section 78-159.

78-159 j (35) Day care, child, or adult. Child or adult day care facilities shall conform with the applicable standards listed below.

- a. Shall be licensed by and comply with all requirements of the Palm Beach County Health Department, including Chapter 59-1698, Special Acts, Laws of Florida, as amended by Chapter 77-620, Special Acts, Laws of Florida.

Response: The applicant currently operates as a daycare and will secure any additional licenses as required by the Palm Beach County Health Department, if required.

- b. The minimum lot area shall be not less than 8,000 square feet.

Response: The lot area exceeds the 8,000 square foot minimum.

- c. If required, a fenced outdoor recreation area of not less than 800 square feet shall be provided. The outdoor area shall be located in the rear yard in all day care centers located in residential zoning districts.

Response: The proposed outdoor play areas total to 17,733 square feet and exceeds the minimum requirements. The Florida Department of Children and Families Section 3.4.4. A. states, "There must be a minimum of 45 square feet of usable, safe, and sanitary outdoor play area per child, one year of age and older. At a minimum, the outside play area must be able to accommodate one-half of the licensed capacity of the program." With the applicant proposing 170 total students, the requirement is $170 \text{ students} \times 45 \text{ sq. ft.} = 7,650 \text{ sq. ft. minimum}$.

Additionally, the project site is not in a residential zoning district so the existing location of the play areas on the sides of the building shall be allowed.

- d. A day care center shall not exceed the maximum number of children or adults approved by the city council.

Response: The applicant is requesting to increase the square footage of their daycare to increase the students from 100 to 170 students. The applicant will not exceed the maximum number when approved through City Council.

- e. Shall operate not more than 18 hours per day.

Response: The daycare will not operate more than 18 hours per day. The daycare will be open during regular business hours and currently operates Monday – Friday 7am-6pm.

- f. Shall provide a pickup and drop-off facility, including queuing, circulation, and parking spaces, acceptable to the city engineer and the growth management director.

Response: The project proposal will enhance the existing drop-off / pick up area. The parents and students are very familiar with the operations as it has been functioning for many years. The applicant is not looking to change the circulation of the site.

A four feet high fence or wall shall be installed along the perimeter of the outdoor play or activity area.

Response: A 4 feet fence currently exists along the perimeter of all outdoor play areas. The applicant will modify the new play areas to be consistent with the existing fence.

- g. Outdoor activity areas shall be landscaped as required by Section 78-313 of this chapter. In addition, one shade tree per 1,500 square feet of outdoor play or activity area shall be installed.

Response: The existing play areas contain six (6) large shade trees and pines. The shade trees have existed for many years and are extremely mature. They provide an incredible amount of shade. A waiver has been requested for this requirement and a justification is provided herein.

- h. All stationary play equipment, dumpsters, garbage cans or recycling bins, and similar equipment shall be located at least 50 feet from any abutting residential property line.

Response: The site is an existing daycare which has successfully provided child care to Palm Beach Gardens families. The applicant is asking for a waiver for the rear and side setbacks due to the support that is has gotten from the adjacent Hidden Hollow Community. The existing dumpster meets the setback requirements.

- (4) Public welfare. The proposed use provides for the public health, safety, and welfare by:

- a. Providing for a safe and effective means of pedestrian access;

Response: The proposed site plan takes a site that is existing today and improves the safety and means of pedestrian access by providing crosswalks

through the parking area and a connection to the public sidewalk on Northlake Boulevard.

- b. Providing for a safe and effective means of vehicular ingress and egress;

Response: The project site has been a successful daycare use for over 28 years. The vehicular ingress and egress are not proposed to change as the parents and students are familiar with the functionality of it.

- c. Providing for an adequate roadway system adjacent to and in front of the site;

Response: The project site has been a successful daycare use for over 28 years. The minor changes to the north parking area will only increase the functionality and safety by improving the radii and curbing.

- d. Providing for safe and efficient onsite traffic circulation, parking, and overall control; and

Response: The project site has been a successful daycare use for over 28 years. The vehicular circulation onsite are not proposed to change as the parents and students are familiar with the functionality of it.

- e. Providing adequate access for public safety purposes, including fire and police protection.

Response: The project site has been a successful daycare use for over 28 years. The proposed site changes improves public safety. The radii modifications allows for fire trucks better turning radii.

- (5) Screening and buffering. The proposed use utilizes such techniques as landscaping, screening, buffering, site or building design, or business operation procedures to mitigate impacts on surrounding properties, including such impacts as:

- a. Noise;

Response: The project site has been a successful daycare use for over 28 years. The noise levels have never been a concern and the proposed changes will not alter this. The project will adhere to the noise standards as defined within Sec. 78-661 (b) (2) and will not exceed the maximum standards when measured at the property lines.

- b. Glare;

Response: Not applicable. The project site has been a successful daycare use for over 28 years and this has not been a concern.

c. Odor;

Response: Not applicable. The project site has been a successful daycare use for over 28 years and this has not been a concern.

d. Ground-, wall-, or roof-mounted mechanical equipment;

Response: Any new ground equipment will be properly screened.

e. Perimeter, interior, and security lighting;

Response: The project site has been a successful daycare use for over 28 years and this has not been a concern. However, the applicant is proposing new lighting to meet City standards.

f. Signs;

Response: The project site has been a successful daycare use for over 28 years and signage has not been a concern. The applicant would like to keep the existing wall signage and is proposing a ground sign along Northlake Boulevard. The new ground sign will not negatively impact any of the existing surrounding community.

g. Waste disposal and recycling;

Response: The project site has been a successful daycare use for over 28 years and this has not been a concern. The current dumpster location has functioned well and will not change within this proposal. Landscaping is proposed to screen the existing dumpster.

h. Outdoor storage of merchandise and vehicles;

Response: Not applicable.

i. Visual impact; and

Response: The project site has been a successful daycare use for over 28 years and this has not been a concern. The expansion of the building will including additional landscaping along the rear buffer for screening.

j. Hours of operation.

Response: The daycare will be open during regular business hours and currently operates Monday – Friday 7am-6pm.

- (6) Utilities. The proposed use minimizes or eliminates the impact of utility installation, including underground and overhead utilities, on adjacent properties.

Response: The proposed project will improve the current drainage plan on the site today. It will in no way affect any other existing utilities.

- (7) Dimensional standards. The proposed use meets or exceeds all dimensional requirements required by the chapter.

Response: The project is existing; however the changes will meet or exceed dimensional requirements. Many existing non-conforming site elements are being brought up to code and any items that can't be are requesting a waiver.

- (8) Neighborhood plans. The proposed use is consistent with the goals, objectives, policies, and standards of neighborhood plans.

Response: Not applicable as there is no neighborhood plan. A letter of support has been submitted by the adjacent residential community, Hidden Hollow.

- (9) Compatibility. The overall compatibility of the proposed development with adjacent and area uses, and character of area development.

Response: The day care has been a successful use for over 28 years and its use is greatly needed within the city.

- (10) Patterns of development. The proposed use will result in logical, timely, and orderly development patterns.

Response: The day care has been a successful use for over 28 years and the parcel size is not expanding.

- (11) Purpose and intent. The proposed use will be in harmony with the general purpose and intent of this chapter and the goals, objectives, and policies of the city.

Response: The day care has been a successful use for over 28 years and is consistent with the goals and policies of the city.

- (12) Adverse impact. The design of the proposed use and structures will minimize any adverse visual impacts or impacts caused by the intensity of the use.

Response: The day care has been a successful use for over 28 years and will not cause any visual impacts. The 3,750 square foot expansion is proposed to be in harmony with the existing building.

(13) Environmental impact. The design of the proposed use minimizes any adverse impacts that may be created, including impacts on environmental and natural resources including air, water, stormwater management, wildlife, vegetation, and wetlands.

Response: The day care has been in existence for over 28 years. The new landscape will help reduce the environmental impact.

Waivers

The applicant is requesting the following waivers to allow the proposed development program.

Waiver Table			
Code Section	Requirement	Proposed	Deviation
1. 78-285 – Ground Sign	Min. 15’ setback from ROW	10’ setback from ROW	5’
2. 78-153 – PO Zoning	Min. 90’ Side Building Setback	80’ Side Setback (West)	10’
3. 78-153 – PO Zoning	Min. 90’ Side Building Setback	50’ Side Setback (East)	40’
4. 78-153 – PO Zoning	Min. 90’ Rear Building Setback	29.6’ Rear Setback	60.4’
5. 78-315(b) – Landscape	Max. 9 Parking Spaces in a Row	10 Parking Spaces in a Row	1 Space
6. 78-319(a)(2) – Buffers	Min. 20’ Landscape Buffer Adjacent to ROW Exceeding 100’	12.5-15’ Landscape Buffer (North)	5-7.5’
7. 78-319(b)(1)(a) – Buffers	Min. 15’ Landscape Buffer Adjacent to Neighboring Residential Property	0-14’ Landscape Buffer (Certain Areas in East Buffer)	1-15’
8. 78-319(a)(a) – Buffers	Min. 8’ Landscape Buffer Around Perimeter of Parcel	6.6’ Landscape Buffer (Certain Areas in West Buffer)	1.4’
9. 78-159(j)(35)(g) – Trees	Min One Shade Tree per 1,500 sq. ft. of Outdoor Play Area (17,733 sq. ft. / 1,500 = 12 Shade Trees Required)	4 Shade Trees	8 Shade Trees

Waiver Criteria. A request for the city council to approve a waiver from one or more of the standards and requirements applicable to a planned development, PUD, or PCD shall comply with a majority of the criteria listed below.

(1) The request is consistent with the city's comprehensive plan.

Response:

a. Sign Setback Waiver

The signage setback waiver is consistent with the city's comprehensive plan, specifically goal 1.1 which states, "Continue to ensure a high quality living environment through a mixture of land uses that will maximize Palm Beach Gardens' natural and manmade resources while minimizing any threat to the health, safety, and welfare of the city's citizens that is caused by incompatible land uses and environmental degradation, by maintaining compatible land uses which consider the intensities and densities of land use activities, their relationship to surrounding properties and the proper transition of land uses." The approval of the signage setback waiver is consistent with this goal by allowing increased safety and wayfinding with the location closer to Northlake Boulevard.

b. Building Setback Waivers

The site meets all of the locational criteria for Professional Office. Comprehensive Plan Policy 1.1.1.8 states, "Professional Office shall be located within the urban service boundary, and located in areas that are either accessible to major arterials or collector roads, where water supply and wastewater collection services are provided, where police and fire service are provided economically, and where the professional office uses are adequately buffered from residential categories." The site has direct access to a major arterial road; is located within the urban service boundary, where there are sufficient public services; and is adequately buffered from residential uses. Due to the annexation into the city of Palm Beach Gardens, the daycare is not a permitted use within its current use designation. The building setback waiver is necessary in order to meet the setback requirements of the proposed PO zoning district and allow the existing daycare to continue functioning as a successful use.

c. Parking Island Waiver

The parking island waiver allowing ten (10) spaces in a row is consistent with the city's comprehensive plan, specifically goal 1.1 which states, "Continue to ensure a high quality living environment through a mixture of land uses that will maximize Palm Beach Gardens' natural and manmade resources while minimizing any threat to the health, safety, and welfare of the city's citizens that is caused by incompatible land uses and environmental degradation, by maintaining compatible land uses which consider the intensities and densities of land use activities, their relationship to surrounding properties and the proper transition of land uses." The approval of the parking island waiver to allow ten (10) spaces in a row is consistent with this goal because it does not cause any threat to health, safety, and welfare nor any environmental degradation. This waiver is necessary to allow meet the required number of parking spaces

required for the project and the condition of these spaces will be much improved with lighting, curbing, and the removal of existing wheel stops.

d. Landscape Buffer Waivers

The landscape buffer waiver approval is consistent with the city's comprehensive plan, specifically goal 1.1 which states, "Continue to ensure a high quality living environment through a mixture of land uses that will maximize Palm Beach Gardens' natural and manmade resources while minimizing any threat to the health, safety, and welfare of the city's citizens that is caused by incompatible land uses and environmental degradation, by maintaining compatible land uses which consider the intensities and densities of land use activities, their relationship to surrounding properties and the proper transition of land uses." The landscape buffer waivers are necessary to demonstrate public benefit. Allowing the applicant to make many landscape upgrades on the site will improve the the safety, screening, and environmental impacts of the site. While there are many constraints with existing utilities and easement, the applicant is making landscape upgrades to the best extent possible.

e. Shade Tree Waiver

The shade tree minimum requirement within play areas waiver approval is consistent with the city's comprehensive plan, specifically goal 1.1 which states, "Continue to ensure a high quality living environment through a mixture of land uses that will maximize Palm Beach Gardens' natural and manmade resources while minimizing any threat to the health, safety, and welfare of the city's citizens that is caused by incompatible land uses and environmental degradation, by maintaining compatible land uses which consider the intensities and densities of land use activities, their relationship to surrounding properties and the proper transition of land uses." The shade tree waiver is necessary to respond to the existing conditions of the current play area. The play area currently contains large shade trees which have trunks ranging from 12" – 40" calipers and provide a significant amount of shade. Trying to squeeze new trees within the play areas will only cause a detriment to these existing trees.

(2) The request is consistent with the purpose and intent of this section.

Response:

a. Sign Setback Waiver

The sign setback waiver request is to allow a new ground sign which will enable additional wayfinding opportunities for parents who currently bring their children to the Gardens Learning Center and new parents who may not be as familiar with the location of the site. There is not currently a ground sign on the project due to the existing site constraints of an existing utility easement and parking. The proposed sign will site within a newly created landscape parking island. Setting the sign any further back into the site will provide visibility conflicts with parked cars. The 30 feet of additional right of way also already sets the sign back 40 feet from the travel lanes of Northlake Boulevard. The proposed location of the sign will benefit the City by

increasing the safety of the cars on Northlake Boulevard looking for the Gardens Learning Center and setting it any further back will not provide any benefit.

b. Building Setback Waivers

Building setback waiver requests stem from the additional setback requirements associated with the Professional Office (PO) rezoning. Since the current zoning does not allow the day care use, the site is required to rezone. The site is only 180 feet wide which already makes it difficult to meet a 90-foot setback on the rear and sides. The existing building as it sits today, providing no additional square footage, does not meet the 90-foot requires side setbacks. The day care has the support of the immediate residential community who would be the ones impacted by the setback waiver. Supporting this waiver will provide benefit to the City by allowing an already extremely successful day care facility to allow 70 additional new students to their facility which is a massive benefit to the Palm Beach Gardens families.

c. Parking Island Waiver

The parking island waiver request is to provide only one (1) additional parking space above the maximum of nine (9) spaces in a row. The condition is an existing nonconformity. The applicant is correcting many existing parking nonconformities including increasing the turning radii, adding curbing, enhancing the existing drop-off, and correcting the size and access of the existing handicap space. Additionally, the applicant is adding two (2) parking diamonds for additional greenspace and shade within the parking lot which is above and beyond the City code. The applicant requests approval of parking island waiver because it is an existing condition and many improvements as described above are being added to the parking area. It will also allow the applicant to meet the parking requirement to successfully allow 170 students within the daycare which is a benefit to the Palm Beach Gardens community.

d. Landscape Buffer Waiver

Landscape buffer waivers are being requested due to the existing nonconforming conditions and the extreme site constraints caused by parking and utilities. The applicant has taken steps with SUA to meet rear landscape buffer requirements even with the constraints of the existing SUA easement. However, both side and front buffers have proven to cause difficulty. In an effort to justify the landscape buffer requests, the applicant has reduced the width of the existing playground on the west side to provide for a hedge along the fence. Along the northern part of the east side buffer, the applicant is adding a number of shrubs and silver buttonwood trees. The applicant is unable to plant new vegetation within any of the playground areas due to the safety of the students. The adjacent Hidden Hollow community has an extensive buffer which has been the existing condition for many years along the east property boundary. The applicant is enhancing the Northlake Boulevard right of way with new shade and groundcover plantings to enhance the existing shade trees. With the very difficult site conditions caused by nonconformities and existing utilities, the applicant has made an effort to plant and meet the requirements for buffering and landscape to the best extent possible.

e. Shade Tree Waiver

The shade tree waiver is a request due to the shortage of shade trees within the newly expanded play areas. This is a unique situation where the trees which do exist within the play area are extremely mature. There is an existing 40" caliper oak and 24" caliper oak within the west playground along with a 12" caliper mahogany and 24" caliper oak within the east playground. The tree canopies of these four (4) existing native trees are extensive and beautiful. There are also two (2) mature pine trees which exist at 15" calipers each within the west playground. The applicant is requesting a waiver from adding eight (8) more trees within the playground areas because the existing tree canopies already provide an extensive amount of shade. Additionally, the applicant would like to keep the landscaping within the playground areas to only the existing vegetation for safety concerns of the students.

(3) The request is in support of and furthers the city's goals, objectives, and policies to establish development possessing architectural significance, pedestrian amenities and linkages, employment opportunities, reductions in vehicle trips, and a sense of place.

Response:

a. Sign Setback Waiver

The approval of a sign setback waiver will allow for the site to provide a ground sign which will create a sense of arrival and improved wayfinding. Without the waiver to pull the sign closer to Northlake Boulevard, the sign will not be visible to the users of the site because it will be sitting between parked cars. The sign waiver for the new ground sign setback will provide for safer vehicular movement ingress and egress between the site and Northlake Boulevard due to the wayfinding.

b. Building Setback Waivers

The approval of the building setback waivers will allow for the Gardens Learning Center to expand its facility and provide room for 70 additional students. This building expansion is the reason behind all of the other site improvements. Since the site has existed for over 28 years, the expansion triggers many upgrades to the site including lighting, a pedestrian linkage to the public Northlake Boulevard right of way sidewalk, and the new ground sign will provide a sense of arrival.

c. Parking Island Waiver

The approval of the parking island waiver to allow ten (10) spaces in a row is due to an existing nonconformity which has been on the site for many years. Many of the site upgrades are consistent with the city's goals and objectives to create an improved sense of place.

d. Landscape Buffer Waivers

The approval of the landscape buffer waivers is due to an existing nonconformity which has been on the site for many years. The applicant is greatly improving the buffers from the current

conditions by providing new landscape improvements and enhancing the Northlake Boulevard right of way with new landscaping.

e. Shade Tree Waiver

The approval of the shade tree waiver to reduce the number of required shade trees within the play areas is due to the expansive native tree canopy it has today within the play areas. Adding new trees to the play areas could have negative effects on the students with the added risks of tripping and ingesting portions of the vegetation. Additionally, trying to squeeze new trees within the play areas will only cause a detriment to these existing trees and environment. These trees truly provide a sense of place for the users.

(4) The request demonstrates that granting of the waiver will result in a development that exceeds one or more of the minimum requirements for PUDs.

Response:

a. Sign Setback Waiver

Granting approval of the sign setback waiver will allow the Gardens Learning Center to make many site improvements to bring nonconformities up to code and beyond. The applicant is adding an ADA accessible route through the site to connect it to the public Northlake Boulevard sidewalk, adding landscape diamonds to parking area to allow for new shade trees, adding lighting to the site to improve the safety of the site, and adding the ground signage along Northlake Boulevard to allow for improved wayfinding.

b. Building Setback Waivers

Granting approval of the building setback waivers will allow the Gardens Learning Center to make many site improvements to bring nonconformities up to code and beyond. The applicant is adding an ADA accessible route through the site to connect it to the public Northlake Boulevard sidewalk, adding landscape diamonds to parking area to allow for new shade trees, adding lighting to the site to improve the safety of the site, and adding the ground signage along Northlake Boulevard to allow for improved wayfinding. All of the improvements stem from the expansion of the building which will require the building setback waivers.

c. Parking Island Waiver

Granting approval of the parking island waiver to allow ten (1) spaces in a row will allow the Gardens Learning Center to make many site improvements to bring nonconformities up to code and beyond. The applicant is adding an ADA accessible route through the site to connect it to the public Northlake Boulevard sidewalk, adding landscape diamonds to parking area to allow for new shade trees, adding lighting to the site to improve the safety of the site, and adding the ground signage along Northlake Boulevard to allow for improved wayfinding. The applicant needs to keep this parking as it exists today with the number of spaces in order to meet the parking requirement. However, the condition of these spaces will be much improved with lighting, curbing, and the removal of existing wheel stops.

d. Landscape Buffer Waivers

Granting approval of landscape buffer waivers will allow the Gardens Learning Center to make many site improvements to bring nonconformities up to code and beyond. The applicant is adding an ADA accessible route through the site to connect it to the public Northlake Boulevard sidewalk, adding landscape diamonds to parking area to allow for new shade trees, adding lighting to the site to improve the safety of the site, and adding the ground signage along Northlake Boulevard to allow for improved wayfinding. To the best extent possible, the applicant is planting within the buffers to improve the site conditions and provide increased screening. These are all an upgrade to the current conditions of the site.

e. Shade Tree Waiver

Granting approval of the shade tree waiver to provide for less required shade trees within the playground areas will allow the Gardens Learning Center to make many site improvements to bring nonconformities up to code and beyond. The applicant is adding an ADA accessible route through the site to connect it to the public Northlake Boulevard sidewalk, adding landscape diamonds to parking area to allow for new shade trees, adding lighting to the site to improve the safety of the site, and adding the ground signage along Northlake Boulevard to allow for improved wayfinding. The Gardens Learning Center has a unique opportunity to preserve the expansive tree canopy it has on site with large caliper native trees. Trying to squeeze new trees within the play areas will only cause a detriment to these existing trees. If the trees died, it would cause a negative effect to the neighboring uses.

(5) The request for one or more waivers results from innovative design in which other minimum standards are exceeded.

Response:

a. Sign Setback Waiver

The site has been in existence and used as a day care facility for over 28 years, so providing a new innovative design is not applicable. However, the approval of the sign setback waiver will provide for a new sign on site which does not currently exist today.

b. Building Setback Waivers

The site has been in existence and used as a day care facility for over 28 years, so providing a new innovative design is not applicable. The approval of the building setback waivers will allow for the Gardens Learning Center to make many other site improvements and pedestrian linkages which do not currently exist on site today.

c. Parking Island Waiver

The site has been in existence and used as a day care facility for over 28 years, so providing a new innovative design is not applicable. The approval of a parking island waiver will allow for

the Gardens Learning Center to make many other site improvements and pedestrian linkages which do not currently exist on site today. An example of the minimum requirements being exceeded are the landscape improvements within the Northlake Boulevard right of way and the landscape diamonds within the parking lot.

d. Landscape Buffer Waivers

The site has been in existence and used as a day care facility for over 28 years, so providing a new innovative design is not applicable. The approval of the landscape buffer waivers will allow for the Gardens Learning Center to make many other site improvements, pedestrian linkages, and upgraded landscaping throughout the site.

e. Shade Tree Waiver

The site has been in existence and used as a day care facility for over 28 years, so providing a new innovative design is not applicable. The approval shade tree waiver to allow less trees within the play areas will allow for the Gardens Learning Center to make many other site improvements and pedestrian linkages which do not currently exist on site today. The trees are massive in size and the applicant would like to maintain them and use them as they exist today.

(6) The request demonstrates that granting of the waiver will result in preservation of valuable natural resources, including environmentally-sensitive lands, drainage and recharge areas, and coastal areas.

Response:

a. Sign Setback Waiver

The approval of the sign setback waiver will not have a negative impact on any of the existing native trees. Additionally, there are no environmentally sensitive lands on the site since it is already developed.

b. Building Setback Waivers

The approval of the building setback waivers will not have a negative impact on any of the existing native trees. Additionally, there are no environmentally sensitive lands on the site since it is already developed. The drainage areas are improved from what exists today due to a well thought out drainage plan within this application.

c. Parking Island Waiver

The approval of the parking island waiver to allow ten (10) spaces in a row will not have a negative impact on any of the existing native trees. This is an existing non-conformity on site. Additionally, there are no environmentally sensitive lands on the site since it is already developed.

d. Landscape Buffer Waivers

The approval of the landscape buffer waivers will not have a negative impact on any of the existing native trees. These buffers are existing non-conformities on the site. Additionally, there are no environmentally sensitive lands on the site since it is already developed.

e. Shade Tree Waiver

The approval of a shade tree waiver to allow less trees than required within the play areas will not have a negative impact on the environmental aspect of the site. Additionally, there are no environmentally sensitive lands on the site since it is already developed. It is the applicant's goal to preserve and retain these large trees as they have existed for many, many years.

(7) The request clearly demonstrates public benefits to be derived, including but not limited to such benefits as no-cost dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of important natural resources, and use of desirable architectural, building, and site design techniques.

Response:

a. Sign Setback Waiver

The sign setback waiver demonstrates public benefit by allowing the ground sign to sit closer to Northlake Boulevard. There is currently no ground signage at the project site. Approving this waiver will provide better visibility for drivers looking for the Gardens Learning Center. It will increase the wayfinding and can provide for safer vehicular movement ingress and egress between the site and Northlake Boulevard.

b. Building Setback Waivers

The sign setback waiver demonstrates public benefit by allowing the Gardens Learning Center to increase the size of the building and allow for an increase of 70 students. Day care facilities within the city of Palm Beach Gardens are needed. The support of this waiver will allow for an already successful day care facility to provide parents with 70 open spots. This will be a great benefit to the local community. Since the day care has been in existence for over 28 years, the applicant is aware of the current demand of day care facilities and has been running at capacity for some time now.

c. Parking Island Waiver

Approving this waiver will allow the Gardens Learning Center to meet the required number of parking spaces for 70 additional students and retain an existing condition on site. The parking island setback waiver demonstrates public benefit by allowing the applicant to keep their parking spaces and improve the rest of the site. The applicant is mitigating this request by adding two (2) parking diamonds with landscaping and creating an ADA accessible pedestrian linkage through the site out to the public right of way sidewalk on Northlake Boulevard.

d. Landscape Buffer Waivers

The landscape buffer waivers demonstrate public benefit by allowing the applicant to make many landscape upgrades on the site to help improve safety, screening, and environmental impacts. While there are many constraints with existing utilities and easement, the applicant is making landscape upgrades to the best extent possible.

e. Shade Tree Waiver

The shade tree waiver demonstrates public benefit by allowing the Gardens Learning Center to preserve the expansive native tree canopy it has today within the play areas. Adding new trees to the play areas could have negative effects on the students with the added risks of tripping and ingesting portions of the vegetation. Additionally, trying to squeeze new trees within the play areas will only cause a detriment to these existing trees and environment.

(8) Sufficient screening and buffering, if required, are provided to screen adjacent uses from adverse impacts caused by a waiver.

Response:

a. Sign Setback Waiver

The sign setback waiver does not create adverse impacts because it is consistent with many of the existing ground signs along Northlake Boulevard. The proposed ground sign will be set within a full bed of groundcover and shade trees.

b. Building Setback Waivers

The building setback waivers do not create adverse impacts because it is an existing use that is familiar to the community. The side setbacks will remain the same, but a waiver is required due to the new zoning. While the rear setback is needed with the building expansion, the applicant is providing additional landscape along the rear buffer and has written support from the community directly behind it.

c. Parking Island Waiver

The parking island maximum number of spaces in a row does not create adverse impacts because it currently exists on the site today. This is not a new condition and has not created any negative impacts in the history of its existence. The applicant is mitigating this request by providing two (2) new landscape diamonds within the parking area which is a similar to the approval of Northlake Gardens commercial center just east on Northlake Boulevard.

d. Landscape Buffer Waivers

The landscape buffer waivers do not create adverse impacts because the conditions exist today. While they are nonconforming, the applicant is proposing to reduce the width of the existing playground on the west side to provide for a hedge along the fence. Additionally, the applicant is proposing landscape improvements within the Northlake Boulevard right of way.

e. Shade Tree Waiver

The shade tree requirement within play area waiver does not create adverse impacts. These shade trees have trunks which range from 12" – 40" calipers and provide a significant amount of shade. Many of the new daycares cannot achieve this due to the massive size of these trees. Trying to squeeze new trees within the play areas will only cause a detriment to these existing trees. If the trees died, it would cause a negative effect to the neighboring uses.

(9) The request is not based solely or predominantly on economic reasons.

Response:

a. Sign Setback Waiver

The sign setback waiver is not based solely or predominantly on economic reasons. Allowing the ground sign to sit closer to Northlake Boulevard will provide visibility for drivers looking for the Gardens Learning Center. It will increase the wayfinding and can provide for safer vehicular movement ingress and egress between the site and Northlake Boulevard.

b. Building Setback Waivers

The building setback waivers is not based solely or predominantly on economic reasons. The building setback waiver requests stem from the additional setback requirements associated with the Professional Office (PO) rezoning. Since the current zoning does not allow the day care use, the site is required to rezone. The site is only 180 feet wide which already makes it difficult to meet a 90-foot setback on the rear and sides. The existing building as it sits today, providing no additional square footage, does not meet the 90-foot requires side setbacks. The day care has the support of the immediate residential community who would be the ones impacted by the setback waiver. Supporting this waiver will provide benefit to the City by allowing an already extremely successful day care facility to allow 70 additional new students to their facility which is a massive benefit to the Palm Beach Gardens families.

c. Parking Island Waiver

The parking island waiver for the maximum number of parking spaces in a row is not based solely or predominantly on economic reasons. The waiver request is due to the existing conditions of the site and the many existing nonconformities. The applicant is making many site improvements to bring the site closer to code. Additionally, the waiver will allow the applicant to meet the parking requirement to successfully allow 170 students within the daycare which is a benefit to the Palm Beach Gardens community which is in need of day care facilities for students.

d. Landscape Buffer Waivers

The waiver for the reduced landscape buffers is not based solely or predominantly on economic reasons. The conditions currently exist on the site today and the applicant is improving those

conditions. The request for approval of the landscape buffer waivers is due to the difficult site conditions caused by existing nonconformities, utilities, and easement.

e. Shade Tree Waiver

The waiver for the required shade trees in a play area is not based solely or predominantly on economic reasons. The applicant is requesting a waiver from adding eight (8) more trees within the playground areas because the existing tree canopies already provide an extensive amount of shade. Additionally, the applicant would like to keep the landscaping within the playground areas to only the existing vegetation for safety concerns of the students.

(10) The request will be compatible with existing and potential land uses adjacent to the development site.

Response:

a. Sign Setback Waiver

The sign setback waiver is compatible with the existing adjacent uses to the project site. Many of the existing uses have ground signage along Northlake Boulevard to make their place of business or place of worship easily identifiable to vehicular and pedestrian traffic. Gardens Learning Center currently does not have a sign and allowing the be proposed with the setback waiver will allow it to fit in visually with the other existing uses.

b. Building Setback Waivers

The building setback waiver is compatible with the existing adjacent uses to the project site. The Gardens Learning Center has been existing and functioning on this site for over 28-years. The setbacks of both the east and west sides will not be changing from the existing condition. While the rear setback will be changing, the applicant has gained support of the project from the immediate adjacent Hidden Hollow property owners association. The rear will also include additional landscaping with the buffer which will add to the screening. There is also a significant existing landscape area which exists on the neighboring property.

c. Parking Island Waiver

The parking island waiver is compatible with the existing adjacent uses to the project site. Asking for a parking waiver for one (1) additional parking space in a row is not an uncommon request within the city due to site constraints or existing nonconformities. Neighboring properties, such as Northlake Gardens commercial center gained approval on parking spaces up to fourteen (14) in a row with the addition of landscape diamonds. The applicant has added landscape diamonds to mitigate for this waiver request.

d. Landscape Buffer Waivers

The landscape buffer waivers are compatible with the existing adjacent uses to the project site. The Gardens Learning Center has been in existence for over 28 years and operating with

practically non-existent landscape buffers. This has never caused any issues with the neighboring uses. The applicant is looking to improve the buffers to the best extent possible which will improve the buffers and right of way from the current conditions which exist today.

e. Shade Tree Waiver

The shade tree waiver within a play area is compatible with the existing adjacent uses to the project site. Neighboring daycare facilities within the city have gained approval on this waiver by providing shade in other forms such as canopies or shade sails. The Gardens Learning Center has a unique opportunity to preserve the expansive tree canopy it has on site with large caliper native trees. Trying to squeeze new trees within the play areas will only cause a detriment to these existing trees. If the trees died, it would cause a negative effect to the neighboring uses.

(11) The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

Response:

a. Sign Setback Waiver

The sign setback waiver is in harmony with the general purpose and intent of this section and will not be injurious or detrimental to the public health, safety, and welfare. Allowing approval of this waiver will provide signage closer to Northlake Boulevard. This will provide increased visibility for drivers looking for the Gardens Learning Center, both existing parent and new parents. It will increase the wayfinding and can provide for safer vehicular movement ingress and egress between the site and Northlake Boulevard.

b. Building Setback Waivers

The building setback waiver requests are in harmony with the general purpose and intent of this section and will not be injurious or detrimental to the public health, safety, and welfare. Since the current zoning does not allow the day care use, the site is required to rezone. The site is only 180 feet wide which already makes it difficult to meet a 90-foot setback on the rear and sides. The existing building as it sits today, providing no additional square footage, does not meet the 90-foot requires side setbacks. The day care has the support of the immediate residential community who would be the ones impacted by the setback waiver.

c. Parking Island Waiver

The parking island waiver is in harmony with the general purpose and intent of this section and will not be injurious or detrimental to the public health, safety, and welfare. The waiver request is due to the existing conditions of the site and the many existing nonconformities. The applicant is making many site improvements to bring the site closer to code which will end up increasing the public health, safety, and welfare to the site. Additionally, the improved lighting on the site will provide a public element of safety.

d. Landscape Buffer Waivers

The landscape buffer waiver requests are in harmony with the general purpose and intent of this section and will not be injurious or detrimental to the public health, safety, and welfare. The conditions currently exist on the site today and the applicant is improving those conditions, which will ultimately increase the public health, safety, and welfare. The request for approval of the landscape buffer waivers is due to the difficult site conditions caused by existing nonconformities, utilities, and easement.

e. Shade Tree Waiver

The shade tree waiver for required number of shade trees within a play area is in harmony with the general purpose and intent of this section and will not be injurious or detrimental to the public health, safety, and welfare. The Gardens Learning Center has a unique opportunity to preserve the expansive tree canopy it has on site with large caliper native trees. Adding new trees to the play areas could have negative effects on the students with the added risks of tripping and ingesting portions of the vegetation. The applicant would like to keep the play area as safe for the children as possible.

Consistency with City's Comprehensive Plan

Goal 1. 1: Continue to ensure a high-quality living environment through a mixture of land uses that will maximize Palm Beach Gardens' natural and manmade resources while minimizing any threat to the health, safety, and welfare of the City's citizens that is caused by incompatible land uses which consider the intensities and densities of land use activities, their relationship to surrounding properties and the proper transition of land uses.

The proposed Comprehensive Plan Map Amendment will maintain high quality of life for residents of Palm Beach Gardens. The daycare is an existing use and has operated harmoniously with nearby residential homes for many years. The site will be well screened and buffered from adjacent residential uses. It will enable a community staple, The Gardens Learning Center to continue daycare operations, which there is currently a shortage of in Palm Beach Gardens. The provision of daycare for working parents is an important component of having a stable local workforce and high quality of life for residents.

Policy 1.1.1.8.: Professional Office (PO)

The predominant uses in the Professional/Office category include business, professional and medical office centers. The intent of the category is to distinguish office uses from more intensive commercial uses such as retail. Activities generally do not entail retail uses, or the sale or display of goods. Typical uses include legal, insurance, financial, realty, technical and medical service establishments and are more specifically defined in the City's Land Development Regulations. Retail uses should only directly serve the needs of the office uses. The compatible zoning district for this category shall be the PO zoning district

The Professional Office category depicts existing and proposed future professional office areas. The category may be used as a transition from more intense commercial to residential land uses. Professional Office shall be located within the urban service boundary, and located in areas that are either accessible to major arterials or collector roads, where water supply and wastewater collection services are provided, where police and fire service are provided economically, and where the professional office uses are adequately buffered from residential categories.

The site meets all of the locational criteria for Professional Office. It has direct access to a major arterial road; is located within the urban service boundary, where there are sufficient public services; and is adequately buffered from residential uses.

Conclusion

The applicant is requesting approval of a PUD rezoning and site plan with a major conditional use and waivers. Additionally, the applicant is requesting a companion small-scale Comprehensive Plan amendment from RM to PO. The subject property is located within a portion of the Northlake Corridor which has many institutional, educational, and professional office uses. The amendment will enable an existing daycare, The Gardens Learning Center to continue to thrive and provide valuable services to the Palm Beach Gardens community. The applicant looks forward to working with Staff to respond to any questions or issues that might arise as a result of your review.