

CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:

- | | |
|--|---|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input type="checkbox"/> Site Plan Review |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Concurrency Certificate |
| <input type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Administrative Approval | <input type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Other <input type="text"/> |

Date Submitted:

Project Name: Promenade Plaza Planned Community Development

Owner: LSREF2 Promenae, LLC

Applicant (if not Owner): Woolbright Development, Inc. - Jorge Morell, Vice President

Applicant's Address: 2240 NW 19th St., Suite 801 Telephone No. 561-989-2240
Boca Raton, FL 33431

Agent: Cotleur & Hearing

Contact Person: Donaldson Hearing/ Brett A. Leone E-Mail: bleone@cotleur-hearing.com

Agent's Mailing Address: 1934 Commerce Lane, Suite 1, Jupiter, FL 33458

Agent's Telephone Number: 561-747-6336

FOR OFFICE USE ONLY	
Petition Number: _____	Date & Time Received: _____
<u>Fees Received</u>	
Application \$ _____	Engineering \$ _____
Receipt Number: _____	

Architect: T.I. Architecture, Inc. - Harold Tuttle

Engineer: _____

Planner: Cotleur & Hearing - Donaldson Hearing/ Brett A. Leone

Landscape Architect: Cotleur & Hearing - Donaldson Hearing/ Brett A. Leone

Site Information:

Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: North of the intersection of Lighthouse Dr. and Alt. A1A, on the east side of A1A

Address: 9810 Alternate A1A, Palm Beach Gardens, FL 33410

Section: 42 Township: 43 Range: 52

Property Control Number(s): 52-43-42-07-26-009-0000

Acreage: 22.02 Current Zoning: PCD Requested Zoning: PCD

Flood Zone X500 Base Flood Elevation (BFE) – to be indicated on site plan _____

Current Comprehensive Plan Land Use Designation: Commercial

Existing Land Use: Commercial Requested Land Use: Commercial

Proposed Use(s) i.e. hotel, single family residence, etc.: Commercial

Proposed Square Footage by Use: +/- 7,500 SF Daycare

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):
N/A

Justification

Information concerning all requests (attach additional sheets if needed.)
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: The Applicant is requesting a PCD Amendment and a Major
Conditional Use for a proposed +/- 7,500 SF Daycare use within the Promenade Plaza PCD.

2. What will be the impact of the proposed change on the surrounding area?

There will be no impact on the surrounding area. The existing shopping center has been around for nearly 30
years.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements
of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure,
Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination
and Capital Improvement.

There is no request for a rezoning with this Application.

4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

The subject site is an existing shopping plaza that has been in existence for nearly 30 years.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

The Art in Public Places requirement will not be triggered as a result of this application

6. Has project received concurrency certification?

Yes

Date Received: January 1, 2005

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately _____ mile(s) from the intersection of _____
Lighthouse Dr. and SR 811 _____, on the north, east, south, west side of SR 811 _____
_____ (street/road).

Applicant's Certification

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:

Owner's Agent

Signature of Applicant

Jorge Morell

Print Name of Applicant

Optionee

2240 NW 19th St., Suite 801

Street Address

Lessee

Boca Raton, FL 33431

City, State, Zip Code

Agent

Telephone Number

Contract Purchaser

Fax Number

E-Mail Address



Permit # _____

Financial Responsibility Form

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for re-imbusement purposes. All activities related to the pending permit(s) will cease until any outstanding invoices are paid.

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the application review process.

Owner signature

10/28/16
Date

Jorge Morell

Owner printed name

52-43-42-07-26-009-0000
Property Control Number

DESIGNEE/BILL TO:
Jorge Morell

2240 NW 19th St., Suite 801

Boca Raton, FL 33431

Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF Palm Beach

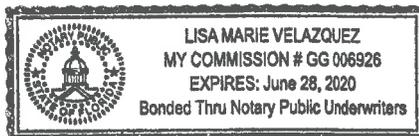
I hereby certify that the foregoing instrument was acknowledged before me this 28 day of ~~September~~ October, 2016, by Jorge Morell. He or she is personally known to me or has produced _____ as identification.

Lisa Marie Velazquez
Notary public signature

Lisa Marie Velazquez
Printed name

State of Florida at-large

My Commission expires: 6/28/2020





Landscape Architects | Land Planners | Environmental Consultants

1934 Commerce Lane · Suite 1 · Jupiter, Florida · 33458 · Ph 561.747.6336 · Fax 561.747.1377 · www.cotleurhearing.com · Lic # LC26000535

*Gardens East PCD
Promenade Plaza
PUD Amendment/ Major Conditional Use*
Justification Statement
November 1, 2016

INTRODUCTION

On behalf of Woolbright Development, Inc., the Applicant, we are requesting a PUD Amendment and Major Conditional Use approval to add a Daycare use within the commercial portion of the Gardens East PCD (a.k.a. Promenade Plaza). Promenade Plaza is located just north of the intersection of Alternate A1A and Lighthouse Drive on the east side of Alternate A1A in the City of Palm Beach Gardens, Florida.

PROJECT CONTACT

Agent/Planner - Cotleur & Hearing
Donaldson Hearing / Brett Leone
1934 Commerce Lane, Suite 1
Jupiter, FL 33458
Phone: (561) 747- 6336 ext. 109
Fax: (561) 747-1377
Email: bleone@cotleur-hearing.com

FEES

Pre-Application meeting fee	\$ 200.00
Major Conditional Use	\$ 1,650.00
PUD Amendment	\$ 2,000.00
Legal Escrow	\$ 1,000.00
Engineering Escrow	\$ 1,000.00
Advertising Escrow	\$ 1,000.00
TOTAL	\$ 6,850.00

BACKGROUND

The Promenade Plaza, formally known as Gardens East Plaza, was originally approved through Resolution 44, 1987. This Resolution approved the Gardens East Planned Community Development (PCD). The PCD included two parcels, a residential parcel and commercial parcel. The subject of this request is only for the commercial portion of the PCD. The residential portion of the PCD includes 448 multi-family dwelling units. The commercial center was approved for a total of 244,000 gross square feet. The shopping center includes eight outparcels of varying uses. The uses permitted within the inline retail shops are those uses defined within the General Commercial (CG-1) Zoning District.

The Promenade Plaza has been in existence since the late 1980's and has been an extremely successful and vibrant shopping plaza within the City. However, the plaza has received very little upgrades over the years. In 2015, the center came under new ownership and the new owner's acknowledge the need for façade and landscape upgrades. To this end, applications have been applied for and approved for new paint colors, awnings, and landscaping. All of these improvements are currently being installed at the plaza.

The Promenade Plaza has been deemed built-out by the City. The City issued the build-out determination letter on January 3, 2005.

A Minor Administrative Amendment, MADM-16-03-000140, approved new paint colors for the entire plaza.

An Administrative Amendment, ADMN-16-02-000653, approved the replacement of fabric on existing awnings and landscape improvements for the inline shopping center.

In June 2016 a PUD Amendment, PUDA-16-02-000062, approved the conversion of 25,500 square feet of theater use to 18,032 square feet of Health, Physical Fitness, Weight Reduction, and Spa along with 7,468 square feet of retail. In addition, the PUD Amendment revised the restaurant use and parking calculations to conform to current Code requirements.

LOCATION

Promenade Plaza is located +/- 500 feet north of the intersection of Alternate A1A and Lighthouse Drive on the east side of Alternate A1A in the City of Palm Beach Gardens, Florida. The total PCD is +/-76.67 acres. The commercial portion of the PCD is approximately +/- 32.25 acres in size.

LAND USE & ZONING

The property has a land use designation of Commercial (C). The zoning designation of the property is PCD with an underlying Planned Unit Development (PUD) Overlay on the commercial parcel. The underlying zoning designation for the commercial site is General, Commercial (CG-1).

SUBJECT REQUEST

The Applicant is proposing a +/- 7,565-square-foot daycare use within Building 900. The proposed daycare operator has another location within the City of Palm Beach Gardens and is looking to expand their business to provide exceptional daycare to more children from the northern Palm Beach County area.

The proposed daycare use will be located within Building 900. When the Promenade Plaza PCD was originally approved, Building 900 was approved for 25,500 square feet of theater use. The building was constructed at 23,180 square feet. The remaining 2,320 square feet are approved as part of the plaza's overall entitlements. The Applicant is proposing a 2,417 square foot

expansion on the west side of the building to accommodate the proposed daycare. This expansion will enlarge the building to 25,597 square feet. For the purposes of entitlements, the building square footage is only being increase by 97 square feet. The expansion of the building is being requested to allow up to 150 children at the daycare, 45 children under two years of age and 105 children two years and older.

The Department of Health requires a minimum of 35 square feet of useable indoor space per child. Indoor space is defined as areas used by the children in normal day-to-day operations. Areas not calculated as useable space include stairways, hallways, bathrooms, kitchens, offices, etc. The proposed daycare facility has a total of 5,330 square feet of useable space. For the proposed 150 students this equates to 35.5 square feet per child.

Age Group (# of children)	Required Indoor Useable Area	Provided Indoor Useable Area
All Students (150)	5,250 SF	5,330 SF

In addition, the Department of Health requires a minimum of 75 square feet of outdoor play are per non-infant child, for at least one-half of the total number of non-infant children for which the daycare is licensed or 37.5 square feet per child. For infants a minimum of 45 square feet of outdoor area is required for at least one-half of the total number of infants for which the daycare is licensed or 22.5 square feet per child. To accommodate outdoor play areas for the children, the Applicant is proposing to add a +/- 3,975-square-foot playground at the front of the building and a +/- 1,013-square-foot playground adjacent to the west side of the building. The playground at the front of the building will be for children two years old and older, while the playground at the west side of the building will be for children under the age of two years old. The location of the outdoor play area for children under the age of 2 years old is regulated by the Department of Health. This play area is required to have direct access to the outdoor play area specific for infants. A five-foot high decorative aluminum picket fence will be placed around the perimeter of both outdoor play areas.

Age Group	Required Outdoor Area	Provided Outdoor Area
Infant (> 2 y/o)	1,012.5 SF	1,013 SF
Non-infant (+ 2 y/o)	3,937.5 SF	3,975 SF

CIRCULATION

The existing drive aisle in front of the retail bays will be modified to continue through the northern most parking aisle and not directly in front of Building 900 as it exists today. This modification to the drive aisle is to allow for a large green area in front of Planet Fitness and a playground area at the front of the proposed daycare. Traffic circulation will not be impacted with this modification, as traffic will continue to be able to flow throughout the entire plaza.

PARKING

Promenade Plaza has a mix of uses and the plaza is currently parked at the Shopping Center rate of 1/200 square feet. The proposed daycare use will require one (1) space per ten (10) children, plus one (1) pick-up/drop-off space per ten (10) children, plus one (1) space per van or

bus. The total number of required parking spaces for 150 students would be 31 spaces. The parking spaces directly in front of the proposed daycare will be dedicated spaces for parent drop-off/pick-up.

The proposed modifications to the parking area directly in front of the daycare will reduce the overall number of parking spaces to 1,400 from the previously approved 1,404 spaces. A surplus of 187 spaces will remain within the plaza.

Use	Square Footage (SF)	Parking Rate	Required Parking	Existing Parking	Proposed Parking
IN-LINE SHOPPING CENTER					
Retail	176,134	1/200 SF	881	1,154	1,150
Max. restaurant use	50,408 (incl. in Retail total)	-	-	-	-
Fitness	18,032	1/200 SF	90	-	-
Daycare	7,565	1/10 Students + 1 pick-up/drop-off/10 students+ 1/Van or Bus	31	-	-
SUBTOTAL			1,002	1,154	1,150
OUTPARCELS					
Drugstore/Pharmacy w/ Drive-Thru	14,090	1/200 SF	72	73	73
Convenience Store w/ Gas Sales	3,000	1/250 SF + 2 per Bay	16	25	25
Fast Food Restaurant	3,000	1/150 SF + 1/250 SF	32	40	40
Car Wash	1,228	1/250 SF + 1 per Bay	12	18	18
Bank	3,500	1/250 SF	14	34	34
Restaurant	6,000	1/150 SF + 1/250 SF	64	60	60
SUBTOTAL			207	250	250
Total			1,209	1,404	1,400

PICK-UP/DROP-OFF PROCESS

The pick-up/drop-off process for the children requires the student to be walked into the daycare by an adult in the morning and the adult must enter the daycare to sign the student out for pick-up. This process takes approximately five minutes. The parents will utilize the dedicated pick-up/drop-off parking spaces in front of the daycare center. This equates to 12 pick-up/drop-off opportunities per hour for each dedicated parking space. With a total of 15 spaces required, this creates 180 drop-off/pick-up opportunities per hour, which are approximately 30 more opportunities than required for the 150 students.

LANDSCAPING

Landscaping will meet all requirements of the City's Code. The Applicant is currently in the process of upgrading the landscaping throughout the plaza. The proposed landscaping for the daycare use will be associated with the modifications already in progress. In addition, the

proposed landscaping for the outdoor play areas will comply with Code Sections 78-159, Note 35(h).

MAJOR CONDITIONAL USE

Daycare use is a major conditional use within the General Commercial (CG-1) zoning district. The proposed day care will be located within the Promenade Plaza within the Gardens East PCD. The Site has a CG-1 underlying zoning district.

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

Response: The proposed use is consistent with the City's Future Land Use designation of Commercial. The proposed daycare is conveniently located near several residential areas and within a popular shopping center that has a mix of uses. The proposed use will be a new use that is part of the rehabilitation of an older shopping center.

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

Response: The proposed development meets and/or exceeds the requirements of the City's Code and all applicable requirements of this chapter.

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

Response: Section 78-159 (j)(35) provides specific criteria for day care uses. The proposed use meets all criteria except for a dedicated drop-off lane. The Palm Beach county Rules and Regulations Governing Child Care Facilities requires an adult dropping-off or picking-up a child to enter the daycare and sign for the child. To accommodate this requirement the Applicant is proposing to have dedicated parking spaces for parent drop-off/pick-up.

Section 78-159(j)(35)

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 proposed daycare user has several locations throughout Palm Beach County and one within the City of Palm Beach Gardens. All locations, including this proposed location, complies or will 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.

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

Response: The proposed location of the daycare use is part of a larger commercial plaza. Specifically, the use will be located within a recently renovated building.

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 Applicant is proposing two outdoor play areas for the children. Both areas exceed the minimum 800 square foot fenced outdoor recreation area requirement.

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

Response: The Applicant is proposing a 150-student daycare.

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

Response: The proposed hours of operation are 7:00am to 6:00pm.

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 Applicant is requesting a waiver for the required pick-up and drop-off facility. The Palm Beach county Rules and Regulations Governing Child Care Facilities requires an adult dropping-off or picking-up a child to enter the daycare and sign for the child. To accommodate this requirement the Applicant is proposing to have dedicated parking spaces for parent drop-off/pick-up.

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

Response: The Applicant will meet all requirements for the outdoor play or activity area including but not limited to the installation of a four-foot high fence.

h. 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 Applicant will meet all requirements for the outdoor play or activity area including but not limited to proper landscaping and the installation of one shade tree per 1,500 square feet of outdoor play or activity area.

i. 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 property that directly abuts the outdoor play or activity area is the residential portion of the overall Gardens East PCD. There is existing vegetation that provides a buffer from the proposed outdoor play or activity and the adjacent residential portion of the Gardens East PCD.

(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 requested daycare use is located within an existing shopping plaza that has existed since the 1980's. The current pedestrian access points have been established and are currently being safely used.

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

Response: Promenade Plaza has three (3) access points from Alternate A1A and one (1) from Lighthouse Drive. The proposed use will not have an adverse impact on the existing vehicular ingress and egress points.

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

Response: The proposed use is located within an existing shopping center, which has an existing roadway network adjacent to and in front of the site. The daycare use will not have an adverse impact on the roadway network.

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

Response: As mentioned in subsection (b) there is multiple access points to Promenade Plaza. The applicant is proposing to modify the existing drive aisle in front of the proposed daycare to allow for a large landscaped area and playground in front of the building. This will result in a row of parking that will be dedicated to be used by parents to drop-off/pick-up their children.

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

Response: The proposed use will meet all building and life safety standards, and all Department of Health regulations. The surrounding plaza exists and the proposed use will not alter the existing access for public safety purposes.

(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 proposed use is located within an existing commercial center. A lake buffers the rear of the plaza from the neighboring Gardens East Apartments. As mentioned in the narrative above, the Applicant is proposing to locate the playground at the front and side of Building 900. The daycare facility will adhere to all noise standards within the City's Code.

b. Glare;

Response: The proposed use will not generate any glare.

c. Odor;

Response: The proposed use will not generate any odor. Existing dumpster facilities on site will be utilized.

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

Response: All ground- roof-, or wall-mounted mechanical equipment will be screened from public view as to be consistent with the City's Code.

e. Perimeter, interior, and security lighting;

Response: The location of the proposed use is within an existing Building within the plaza. The majority of the lighting exists. Any proposed lighting will meet the City's Code requirements.

f. Signs;

Response: The Applicant is proposing a tenant sign, as allowed by Code, on the front of Building 900. The proposed sign will meet the size requirements of the City's Code.

g. Waste disposal and recycling;

Response: The proposed use will use the existing dumpsters at the plaza.

h. Outdoor storage of merchandise and vehicles;

Response: There will be no outdoor storage of merchandise and vehicles associated with this request.

i. Visual impact; and

Response: The playground area will be screened to meet and/or exceed Code requirements.

j. Hours of operation.

Response: The hours of operation are from 7:00am to 6:00pm.

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

Response: Utilities to the building currently exist.

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

Response: The proposed use meets all dimensional requirements required by the Code.

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

Response: There are no specific neighborhood plans for Promenade Plaza.

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

Response: The proposed use, building and landscaping are consistent with the character of Promenade Plaza and the surrounding area.

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

Response: The proposed use will occupy a portion of Building 900 that is currently going through renovations due to its previously dilapidated condition. The site has been deemed built out.

(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 proposed daycare use within Promenade Plaza provides a need in an area convenient to both work places and residences. The introduction of this new use within the plaza is part of upgrades to the overall plaza. The proposed use is consistent with the City’s goals, objectives, and policies.

(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: There are no anticipated adverse impacts associated with the proposed use.

(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 proposed use will occupy a portion of the newly renovated Building 900. There are no environmental impacts associated with this request.

WAIVERS

The Applicant is requesting one waiver from the Code related to this request. The waiver is from Section 78-159, Note 35(f), which requires a drop-off facility. There will be dedicated parking spaces for parents to park in to pick-up/drop-off their children. The daycare requires parents to walk their children into the daycare center. There is currently a crosswalk that leads from directly in front of the proposed location of the daycare use to the parking area. In addition, the Applicant is proposing to add four (4) additional parking spaces directly in front of Building 900 to be used as additional pick-up/drop-off locations.

Code Section	Requirement	Proposal	Waiver
78-159, Note 35(f)	Provide a pickup and drop-off facility, including queuing, circulation, and parking spaces.	No pickup or drop-off facility	Providing a pickup and drop-off facility.

Section 78-158(i) – Criteria

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

Response: The proposed use is consistent with the City’s Comprehensive Plan. The proposed daycare use is located conveniently to multiple residential areas, employment areas and commercial areas. The proposed daycare will be located within commercial center that has been in existence for nearly 30 years.

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

Response: The applicant is requesting this waiver to provide a safe alternative to the required pick-up/drop-off facility. The request is consistent with the purpose and intent of this section.

(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: The requested waiver will allow for the addition of a daycare use within a shopping plaza. The portion of the plaza in which this use will be occupying is the old Theater Building (Building 900). The Applicant is currently renovating this building to address previous Code Compliance issue as well as to relocate an existing fitness use from within the in-line portion of the plaza to this building. The Daycare use will be a great complementary use to not only the fitness center but the plaza as a whole.

(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: The Applicant has put in a tremendous amount of effort to bring this site into Code Compliance. The new landscaping, painting and building renovations has added great value to the site. In addition, the waiver request will allow for a safe alternative to the City's pick-up/drop-off facility requirement.

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

Response: The requested use will be utilizing space within the former Theater Building. The Promenade Plaza meets or exceeds the City's requirements for open space, landscaping points and number of parking spaces.

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

Response: The Promenade Plaza has been in existence since the late 1980's; this criterion does not apply.

(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: Promenade Plaza is recently under new management. The new owners are working to enhance an older shopping plaza through new painting, replacing the awnings and

landscaping as well as bringing in new tenants. The proposed use will provide the surrounding residences a quality daycare center that will add value to the plaza.

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

Response: There are no adverse impacts caused by this waiver. The proposed outdoor playground associated with the daycare will be properly screened per Code requirements.

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

Response: The waiver request is not based solely or predominantly on economic reasons. This waiver request is to provide a safe alternative for dropping-off/picking-up children from the daycare.

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

Response: The request is consistent with the nature of Promenade Plaza. There is not proposed change of land use request associated with this waiver request.

(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: The requested waiver will provide a safe alternative to the required drop-off/pick-up facility and will not adversely impact the parking or traffic flow in and out of the plaza. In fact, this proposed waiver will improve the safety of the children attending the proposed daycare.

CONCLUSION

This Applicant looks forward to working with Staff on the proposed PUD Amendment and Major Conditional Use Request. Should any questions or issues that arise as a result of your review please feel free to contact us at any time.