

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 type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input checked="" type="checkbox"/> Site Plan Review |
| <input 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: Avenir Charter School Site Plan Review

Owner: School Development Avenir, LLC

Applicant (if not Owner): _____

Applicant's Address: 6457 Sunset Drive, Miami, FL Telephone No. _____

Agent: Ken Tuma of Urban Design Studio

Contact Person: Ken Tuma E-Mail: ktuma@udsflorida.com

Agent's Mailing Address: 610 Clematis Street, West Palm Beach, FL 33401

Agent's Telephone Number: 561-366-1100

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



Architect: Civica Architecture and Urban Design

Engineer: Ballbe and Associates

Planner: Urban Design Studio

Landscape Architect: _____

Site Information:

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

General Location: South of Avenir Drive, West of Avenir Parcel D

Address: _____

Section: 28 Township: 41 Range: 41

Property Control Number(s): 52-41-41-28-01-001-0011

Acreage: 7.26 Current Zoning: PCD (MXD) Requested Zoning: PCD (MXD)

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

Current Comprehensive Plan Land Use Designation: MXD

Existing Land Use: Vacant Requested Land Use: Charter School

Proposed Use(s) i.e. hotel, single family residence, etc.: _____
600-Student Charter School

Proposed Square Footage by Use: 37,298 SF Charter School

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

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 request is for Site Plan Approval of a 600-student Charter School on 7.26 acres within Parcel A of the Avenir Planned Community District (PCD). The Avenir PCD allows for a 600-student school within Parcel A. See Project Narrative for additional information.

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

The proposed school use is permitted within the Avenir PCD and is consistent with the nature and development pattern of a mixed use community.

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.

As the proposed use is permitted, no rezoning is requested with this site plan 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 natural resources preservation required was addressed with the approval of the Avenir PCD, where the majority of the site has been designated for conservation.

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

The site will comply with the City's Art in Public Places requirement.

6. Has project received concurrency certification?

Concurrency for the 600-student school was included in the Avenir PCD approval.

Date Received: May 5, 2016

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 0.28 mile(s) from the intersection of Avenir Drive and Coconut Boulevard, on the north, east, south, west side of Avenir Drive (street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Annette M. Iraola, Mgr. of
of School Development Avenir, LLC who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting Site Plan Approval for Charter School in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Ken Tuma of Urban Design Studio to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: School Development Avenir, LLC

Signature of Owner [Handwritten Signature]

6457 Sunset Drive

Street Address

P. O. Box

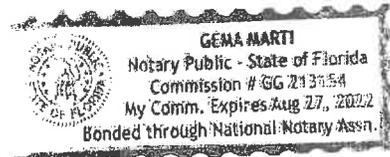
Telephone Number

E-mail Address

Sworn and subscribed before me this 30th day of September, 2021.

[Handwritten Signature]
Notary Public

My Commission expires: 8/27/22



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:


Signature of Applicant

Owner

Ken Tuma of Urban Design Studio

Print Name of Applicant

Optionee

610 Clematis Street, #CU-02

Street Address

Lessee

West Palm Beach, FL 33401

City, State, Zip Code

Agent

561-366-1100

Telephone Number

Contract Purchaser

561-366-1111

Fax Number

KTuma@udsflorida.com

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.

[Signature]
Owner signature

9/30/2021
Date

School Development Avenir, LLC
Owner printed name

52-41-41-28-01-001-0011
Property Control Number

DESIGNEE/BILL TO:
School Development Avenir, LLC

6457 Sunset Drive, Miami, FL 33143

Designee Acceptance Signature

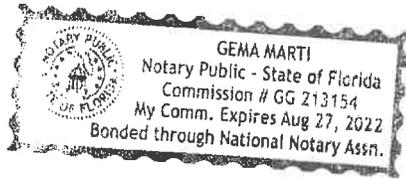
NOTARY ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF Miami-Dade

I hereby certify that the foregoing instrument was acknowledged before me this 30th day of September, 2021, by Anette M. Traba. He or she is personally known to me or has produced _____ as identification.

[Signature]
Notary public signature
Gema Marti
Printed name



State of Florida at-large

My Commission expires: 8/27/22

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| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Other _____ |

Date Submitted: _____

Project Name: Avenir Charter School Major Conditional Use

Owner: School Development Avenir, LLC

Applicant (if not Owner): _____

Applicant's Address: 6457 Sunset Drive, Miami, FL Telephone No. _____

Agent: Ken Tuma of Urban Design Studio

Contact Person: Ken Tuma E-Mail: ktuma@udsflorida.com

Agent's Mailing Address: 610 Clematis Street, West Palm Beach, FL 33401

Agent's Telephone Number: 561-366-1100

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Site Information:

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

General Location: South of Avenir Drive, West of Avenir Parcel D

Address: _____

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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 request is for a Major Conditional Use for a 600-student Charter School on 7.26 acres within Parcel A of the Avenir Planned Community District (PCD). The Avenir PCD allows for a 600-student school within Parcel A with a Major Conditional Use request. This application is submitted concurrently with the Site Plan application for the site.

2. What will be the impact of the proposed change on the surrounding area?
The proposed school use is permitted as a major conditional use within the Avenir PCD and is consistent with the nature and development pattern of a mixed use community.

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.
As the proposed use is permitted as a major conditional use, no rezoning is requested 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 natural resources preservation required was addressed with the approval of the Avenir PCD, where the majority of the site has been designated for conservation.

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

The site will comply with the City's Art in Public Places requirement.

6. Has project received concurrency certification?

Concurrency for the 600-student school was included in the Avenir PCD approval.

Date Received: May 5, 2016

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 0.28 mile(s) from the intersection of Avenir Drive and Coconut Boulevard, on the north, east, south, west side of Avenir Drive (street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Annette M. Iraola, Mgr. of
School Development Avenir, LLC who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting Major Conditional Use for Charter School in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Ken Tuma of Urban Design Studio to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner School Development Avenir, LLC

Signature of Owner *[Handwritten Signature]* Annette M. Iraola, Manager

Street Address 6457 Sunset Drive City, State, Zip Code Miami, FL 33143

P. O. Box _____ City, State, Zip Code _____

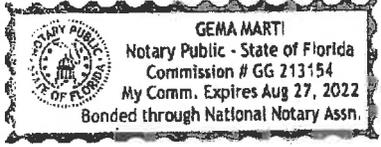
Telephone Number _____ Fax Number _____

E-mail Address _____

Sworn and subscribed before me this 30th day of September 2021.

[Handwritten Signature]
Notary Public

My Commission expires: 8/27/22



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:


Signature of Applicant

Owner

Ken Tuma of Urban Design Studio

Print Name of Applicant

Optionee

610 Clematis Street, #CU-02

Street Address

Lessee

West Palm Beach, FL 33401

City, State, Zip Code

Agent

561-366-1100

Telephone Number

Contract Purchaser

561-366-1111

Fax Number

KTuma@udsflorida.com

E-Mail Address



Palm Beach Gardens Planning and Zoning Department
10500 North Military Trail, Palm Beach Gardens, FL 33410
561-799-4230

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

9/30/2021
Date

School Development Avenir, LLC

Owner printed name

52-41-41-28-01-001-0011

Property Control Number

DESIGNEE/BILL TO:

School Development Avenir, LLC

6457 Sunset Drive, Miami, FL 33143

Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

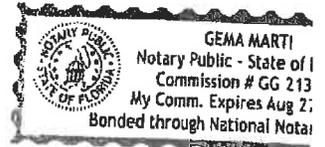
STATE OF Florida

COUNTY OF Miami-Dade

I hereby certify that the foregoing instrument was acknowledged before me this 30th day of September, 2021 by Anette M. Teada. He or she is personally known to me or has produced _____ as identification.

Notary public signature

Printed name



State of Florida at-large

My Commission expires: 8/27/22

PROJECT NARRATIVE

Avenir Charter School

SITE PLAN REVIEW and MAJOR CONDITIONAL USE

October 4, 2021



Urban Planning and Design
Landscape Architecture
Communication Graphics

Request

School Development Avenir, LLC, the owner of 7.26 acres of land within Parcel A of the Avenir Planned Community Development (PCD), is requesting site plan approval and a major conditional use for a two-story, 600-student charter school with the community. The subject site is located south of the Avenir Drive extension and west of the future Parcel D roadway which is identified on the PCD Master Plan.

The proposed site plan will be for a two-story, 42,021 square-foot charter school for grades K through the fifth grade. The site will have two access points from Avenir Drive. Sodded and hard surface play areas have been provided on the site along with landscaping and a retention pond. The site plan provides for a 7% lot coverage.

Location

Avenir is generally located in northeastern Palm Beach County within the municipal limits of the City of Palm Beach Gardens and is approximately 4.5 miles in its longest dimension (north-south), and 2.5 miles in its widest dimension (east-west). The proposed Charter School site is generally located south of the Avenir Drive extension and west of the future Parcel D roadway.

The subject site has a Mixed Use (MXD) future land use designation and a Mixed Use zoning designation with a Planned Community District (PCD) overlay. The Avenir site is currently under development.

The table below summarizes the existing Land Use designation, Zoning designation, and use of the surrounding properties.

EXISTING ZONING AND LAND USE DESIGNATIONS			
DIRECTION	EXISTING USE	ZONING	LAND USE
North	Parcel A (Pod 15) - Vacant	PCD (MXD)	Mixed Use (MXD)
South	Palm Beach County - Vacant	PBC: AR (Agricultural Residential)	PBC: RR20 (Rural Residential-20)
East	Parcel D (Workplace District) - Vacant	PCD (MXD)	Mixed Use (MXD)
West	Parcel A (Residential) - Vacant	PCD (MXD)	Mixed Use (MXD)

History

The Avenir PCD was approved on May 5, 2016 by City Council through the adoption of Ordinance 3, 2016, Ordinance 4, 2016 and Resolution 4, 2016. The initial PCD approval for the 4,763-acre project includes 2,407 acres of conservation area, 3,000 single family homes, 250 multi-family homes, 1,940,000, square feet of professional office, 200,000 square feet of medical office, 400,000 square feet of commercial space, 300

hotel rooms, 20 acres of agriculture, a 55-acre park, a 60-acre civic parcel, a 15-acre City annex site, and a 15-acre public school site.

Consistent with Condition of Approval #3 of Resolution 4, 2016, an administrative amendment was approved on December 19, 2016 which modified the development program to decrease the Single-Family units to from 3,000 to 2,690 units (-310 units); add 960 Age-Restricted residential units; and decrease the Professional Office use from 1,940,000 square feet to 1,800,000 square feet (-140,000 square feet).

On August 2, 2018, City Council adopted Resolution 44, 2018, which modified the internal PCD roadway network, internal parcel boundaries, development standards and conditions of approval.

On November 1, 2018, the City Council adopted Resolution 67, 2018, which approved a 469-unit age-restricted, single-family residential subdivision on 195 acres within Parcel A.

On January 10, 2019, the City Council adopted Resolution 2, 2019, which approved the boundary plat for Avenir. As part of the boundary plat approval, 130 acres were donated to the City for Civic/Recreational uses and a future City Hall annex. In addition, the plat provides 50 acres for economic development purposes. In addition, 2.5 acres of land was provided to the Seacoast Utility Authority for a future facility.

On January 10, 2019, the City Council adopted Resolution 3, 2019, which adopted Site Plan #1, which consists of 416 single-family homes on approximately 230.49 acres. The City Council adopted Resolution 38, 2019 on June 6, 2019, which approved the Avenir Clubhouse and Recreation Area site plan. Plats for Avenir Pods 1, 2, 3, 4 and 5 have been approved by City Council.

An amendment to the PCD was approved by City Council through the adoption of Resolution 4, 2020 on January 9, 2020. The amendment grouped all approved medical uses within the project on Parcel D. In addition, 155,000 square feet of retail space was shifted from Parcel B to Parcel D. The amendment modified the location of a Parcel D driveway and permitted uses to include two uses: (1) Emergency health care/department and (2) recreation, private outdoor.

On June 4, 2020, the Avenir Site Plan #3 application was approved for 390 homes on 152.55 acres within Pods 6, 7 & 8 of the project. Model homes and typical lot landscaping plans Pod 2 were approved on September 10, 2020 through the adoption of Resolution 53, 2020. The site plan for the FPL Substation, which will help provide electrical service to the community, was also approved on September 10, 2020. The FPL substation was approved through the adoption of Resolution 51, 2020.

On July 16, 2020, the City Council approved a Master Signage Program for the PCD including design criteria for residential pods entry signs, non-residential ground signs, and other various community signs through the adoption of Resolution 40, 2020.

On June 3, 2021, the City Council approved a PCD Amendment via Resolution 27, 2021 to amend the PCD Master Plan to modify the internal parcel boundaries and create a new internal Workplace parcel, Parcel J; relocated 400,000 square feet of professional office from the 60-acre Workplace Parcel C to the Town Center Parcel B, Workforce Parcel D, and new Workplace Parcel J; and relocate 105,000 sf of commercial entitlement from Workplace Parcel D to the Town Center Parcel B and add a FPL utility easement adjacent to the substation, expand the Conservation area, modify PDC roadway network to add two new external PCD driveways connection the Town Center Parcel B and Workforce Parcel D to Northlake Boulevard, and modify

the PCD's internal roadway network to remove the two-lane, 56-ft wide District Street, and add a 60-ft District Street in Workplace Parcel D, modify the PCD buffers, Northlake Boulevard Parkway, and internal roadway buffer landscape plans; updated the PCD Development standards and list of permitted uses, and to modify certain conditions of approval in Res 4, 2016.

Site Plan Analysis

As indicated above two-story, 42,021 square-foot charter school for grades K through the fifth grade within Parcel A of the Avenir PCD. The requested charter school is permitted within Parcel A, pursuant to the Avenir Development Standards, as a major conditional use. An analysis on how the proposed use meets the City's conditional use criteria (Section 78-52 (d) of the City's Land Development Regulations) is provided below.

The subject site is located south of the Avenir Drive extension and west of the future Parcel D roadway which is identified on the PCD Master Plan. Two access points to the site are proposed from the extension of Avenir Drive, west of Coconut Boulevard. The western access point features a full access at Avenir Drive and will accept right and left turns into the site. This access will be used for parent drop-off and pick-up. Please see the Queuing Plan in the Architectural package. City code requires 1 drop-off space per 60 students, which calculates to 60 drop-off spaces for the 600-student school. The site plan provides 157 drop-off spaces. The eastern access point will be gated during the drop-off and pick-up activities. During the other times, the access will be open for staff and visitor parking.

The two-story, charter school will feature 29 classrooms, a computer lab, cafeteria, music room, art room, playground, basketball court and open play area for up to 600 students within grades Kindergarten through 5th grade. A ground sign (10 feet x 10 feet in size) is proposed at the project's western entrance.

The City's parking standard for elementary schools 1 space per classroom, plus 1 space per 250 square feet of office plus 1 drop-off space per 10 students. As a result, the parking requirement for the proposed school is 36 parking spaces and 60 drop-off spaces. On the requested site plan, the Applicant is providing 64 vehicle parking spaces, 20 golf cart parking spaces, and 157 drop-off spaces. The parking spaces are proposed to be 9-foot wide and 18.5-foot deep. The Applicant is seeking a waiver to allow for the City's minimum parking width standard of 9 feet. Consistent with City Code requirements for 9-foot-wide parking spaces, the site provides more than 26 feet for the adjacent drive aisle. The City's minimum parking width standard is requested in order to provide additional open space on the site. An analysis on how the requested waiver meets the City's criteria has been provided below.

The open space standard for the site, per the Avenir Development Standards, is 35%. The proposed site plan provides for 61% open space. Based on the provided open space, the City's landscape point requirement is 11,484 points. The Applicant is providing 11,733 landscaping points. Along the site's western buffer, adjacent to a future residential pod in Avenir, a 20-foot-wide buffer with a six-foot-high concrete wall has been provided. Along the southern buffer, adjacent to vacant agricultural/residential land in Palm Beach County, the approved 25-foot-wide PCD buffer has been provided. Along the eastern parcel boundary line, a minimum 8-foot-wide landscape buffer with a six-foot-high black vinyl coated chain link fence is provided. The landscaping palette includes Southern Live Oaks, Royal Poinciana, Green and Silver Buttonwoods, Pigeon Plums, Wax Myrtles, Sabal Palms, Florida Royal Palms, and Cabbage Palms.

The following is an analysis of the proposed site plan:

Requirement	PBG Standard	Proposed	Consistent?
Front Setback (Avenir Drive)	15 feet	30.8 feet	Yes
Side Setback	7 feet, 6 inches	105.3 feet & 188.8 feet	Yes
Rear Setback	10 feet	377 feet	Yes
Maximum Building Height	3 stories/45 feet	2 stories, 31 feet, 1 inch	Yes
Minimum Lot Width	50 feet	606 feet	Yes
Maximum Lot Coverage	35%	7%	Yes
Open Space	35%	61%	Yes
Parking	96 spaces	201 spaces	Yes
Parking Space size	10 feet x 18.5 feet	9 feet x 18.5 feet	Waiver requested
Loading Spaces	1 loading space	1	Yes

Conditional Use Criteria

As indicated above, the requested charter school is permitted within Avenir Parcel A as a major conditional use. A conditional use development application was included with the site plan petition. Section 78-52 (d) of the City’s Land Development Regulations require that requests for major conditional uses address how the proposed use is consistent with 13 criteria. The referenced criteria are provided below in **bold** and our responses follow in *italics*.

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

Policy 1.1.3.6. of the City’s Future Land Use element of the Comprehensive Plan states that the City shall ensure availability of suitable land for schools and that schools should be encouraged to be located in proximity of residential area. The Avenir Development Standards, which governs the development within the PCD, allows schools as a major conditional use within the project’s Parcel A, which is Avenir’s district for single-family homes. This standard is consistent with the City’s Land Development Regulations which allows for schools as a major conditional use in all residential zoning districts. The requested project is consistent with this criterion.

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

The purpose and intent of the City’s Land Development chapter is to regulate development in order to protect, provide for, and further the public health, safety and general welfare of the City. One ways the City ensures this purpose is establishing building setbacks. The proposed charter school has been located on the parcel to maximize the building setbacks to adjacent parcels. As a result, the proposed site plan

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

*Section 78-159 of the City Code is the Permitted Use list for the various zoning districts in the City. In addition, the City provides specific standards for some uses, including schools. Below are the standards for proposed schools within the City. For your reference, I have included the standards in **italic bold** and the responses in italics.*

- (54) **Schools, public or private. Public or private schools are public or private elementary or secondary schools conducting regular classes with a course of study approved by the Florida Department of Education. All schools shall comply with the standards listed below.**
- a. **Shall conform to all city concurrency requirements.**

A 600-student school is an approved use within the Avenir PCD Master Plan. The school is part of the overall PCD which received its concurrency approval when the Master Plan was approved.

- b. **Shall connect to public water and sewer treatment systems, or other systems approved by the city and the county health department.**

Similar to other sites in Avenir, Seacoast Utility Authority will provide potable water and sanitary sewer service to the subject site.

- c. **Shall be approved as a major conditional use.**

A major conditional use development application has been provided with the school site plan petition.

- d. **Shall conform to all applicable environmental standards and requirements.**

The City's environmental conservation requirements were met during the approval of the Avenir PCD, where 51% of the site (2,409 acres) has been preserved.

- e. **Shall conform to all city landscaping requirements.**

As indicated in the attached landscape plan, the proposed site plan meets and exceeds all of the City's landscaping requirements. Pursuant to the City's landscaping requirements, 11,484 landscaping points are required and 11,733 have been provided.

- f. **Shall dedicate, at no cost, any necessary rights-of-way or easements for roads, canals, drainage, or public or private utilities.**

The subject site will provide, at no cost, any necessary easement requirements for roads, drainage, or utilities.

- g. **Shall install such road improvements as may be required by the city.**

The site will be accessed through Avenir Drive, which is being constructed by the Avenir PCD developer.

- (4) Public welfare. The proposed use provides for the public health, safety, and welfare by:**
a. Providing for a safe and effective means of bicycle and pedestrian access;

The Avenir street network provides for larger sidewalks along the main roadways as a means of encouraging pedestrian and bicycle use. Along Avenir Drive, adjacent to the subject site, a 12-foot-wide sidewalk will be provided for pedestrian and bicycle use. Twenty (20) bicycle parking spaces have been provided consistent with City standards. In addition, 20 golf cart parking spaces have been provided at the school for additional mobility options.

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

The site will have two access points from Avenir Drive.

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

As the site will be located within Avenir, the PCD's approved roadway network will serve the site.

- d. Providing for safe and efficient on-site traffic circulation, parking, and overall control; and**

As indicated in the attached queuing exhibit within the architectural package of plans, the traffic circulation on site has been planned to make the drop-off and pick-up activities as safe and efficient as possible. During drop-off and pick-up activities, motorists will enter the site from the western entrance and travel through the site. School staff will be located along the queuing route to help guide motorists through the drop-off and pick-up procedures.

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

The site has two access points off of Avenir Drive which will allow for an emergency vehicle to access the site if one of the entrances is blocked. The school building will have a secure entrance for students and staff.

- (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;**

The play equipment, courts and fields have been located at the center of the 7.23-acre site. The large setbacks from adjacent properties and landscape buffers will mitigate noise generated on the site.

- b. Glare;**

Glare is not an anticipated impact of the proposed charter school.

c. Odor;

Dumpsters have been located at the southeast corner of the site, which is almost 600 feet away from any parcels designated for residential development in Avenir.

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

All mechanical equipment, either ground or roof-mounted, will be screened from public view.

e. Perimeter, interior, and security lighting;

Consistent with the City photometric standards, a lighting plan has been provided for the subject site.

f. Signs;

A proposed sign for the proposed school has been provided at the western entrance for the site.

g. Waste disposal and recycling;

As indicated above, the site's dumpsters are located at the southeast corner of the site and will be serviced by Waste Management, the City's solid waste disposal contractor.

h. Outdoor storage of merchandise and vehicles;

Any outdoor storage of equipment will be located in the service yard, which is screened by a six-foot high wall.

i. Visual impact; and

Significant landscape buffers has been provided on the west, south and east boundaries of the site to screen the view of the proposed school.

j. Hours of operation.

The exact hours of operation have not been set, but they will follow the typical school calendar and hours of operation.

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

Similar to the other projects in Avenir, the subject site will have utility services placed underground.

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

As described in the site plan analysis above, the proposed use and subject site meets and exceeds all dimensional requirements, such as building setbacks, open space and lot width. The Applicant is requesting a waiver to allow for 9-foot-wide parking spaces, which is the minimum standard for parking space widths in the City Code. The reduced width in parking space helps provide the 61% open space on the lot.

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

The proposed use and development plan is consistent with the Avenir Development Standards and PCD Master Plan.

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

The City's Comprehensive Plan encourages schools to be located in close proximity to residential neighborhoods. Consistent with this requirement, the Avenir Development Standards allow for schools to be located with the project's Parcel A, which is the Avenir single-family home district.

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

The proposed school is consistent with the largely residential development of the Avenir community.

- (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.**

As indicated above, the proposed school will be a valued asset to the Avenir community by providing an educational facility, as planned with the original approval.

- (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.**

Through the design of the site which incorporates large setbacks and enhanced landscape buffers, any adverse impacts of the site have been mitigated.

- (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.**

The subject site does not impact any of 2,409 acres of upland and wetland preservation on the Avenir site.

Waiver - 9-Foot-Wide Parking Spaces

Section 78-344 of the City Code establishes the standard dimensions for a parking space at 10' x 18.5' with a 24-foot-wide drive aisle and the minimum space size of 9' x 18.5' with a 26-foot-wide drive aisle. With this request, the Applicant is requesting to use the City's minimum parking space dimensions of 9' x 18.5' with a drive aisle that exceeds the City's 26-foot-wide standard. The reduced parking space allows for the provision of 61% open space on site. The Avenir Development Standards require 35% for parcels within Avenir.

Waiver Criteria Compliance

Consistent with the requirements of Section 78-158 of the City's LDRs, the waiver request shall comply with a majority of the criteria listed within the code. The City's waiver criteria are listed below in **bold** and the responses follow in *italics*.

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

The City's Comprehensive Plan encourages the provision of open space and quality landscaping for development projects. The use of the City's minimum parking space dimensions creates additional open space and landscaping options throughout the site. The site provides for 61% open space and 11,XXXXXX landscaping points, which are both in excess of City standards.

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

The purpose and intent of this code section to promote creative and innovative design through the planned development process. Using the City's minimum parking width standard is just part of the creative approach undertaken to address the parking impact of the project. The site meets and exceeds the open space requirement for the project and still provide the necessary parking for the facility. As such, the criterion has been addressed.

(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.

The request for a school located within the residential neighborhood of the Avenir community is consistent with Policy 1.1.3.6. of the City's Future Land Use element of the Comprehensive Plan, which encourages schools to be located near residents' homes. The site is consistent with this City policy and will help reduce the length of vehicle trips to a school within Avenir.

(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.

As indicated above, the proposed waiver helps allow the Applicant to provide 61% open space on the site, which exceeds the Avenir development standard of 35%. The open space has allowed for larger buffers adjacent to the future single-family residential area located to the west of the site. As such, the request meets this criterion.

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

The requested waiver has allowed the Applicant to provide landscaping points, open space, building setbacks and landscaping buffers in excess of the applicable standards. The proposed waiver allows for these overall site development upgrades to occur.

- (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.**

The subject request does not adversely impact the 2,409 acres of upland and wetland preserve on the site. As approved, the Avenir project conserves 51% of its land area. That percentage will not change with this request.

- (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.**

The subject site addresses the multiple mobility options provided within the Avenir community. The proposed school will provide for vehicle, golf cart and bicycle parking which will encourage alternative means of travel to and from the facility. As such, the opportunity for the reduction of vehicle trips within the community will provide a public benefit.

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

The use of the City's minimum parking space width does not require additional screening or buffering. The landscaping within the parking area and around the site plan provides for a significant buffering to screen the parking from adjacent properties.

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

The requested waiver allows for additional open space within the project. This additional open space has allowed for the creation of the enhanced landscaping buffers and outdoor play field. The requested waiver is not based on economic reasons.

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

As allowed by the City's Comprehensive Plan, Land Development Regulations, and the Avenir Development Standards, the location of schools within residential neighborhoods is permitted and encouraged. As such, the proposed school is consistent with the existing and propose land uses within Avenir.

- (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.**

With the requested minimum parking space width, the site plan has been designed, consistent with the City Code, to have drive aisles in excess of 26 feet. The wider than standard drive aisles will allow more maneuverability for vehicles accessing the spaces. It should be noted that the majority of the parking spaces will be for staff which will only access the vehicles at the beginning and end of the day. As such, the request is not detrimental to the public health, safety and welfare.