

Justification Statement
Carefree 6 at Flamingo
Commercial Planned Development (CPD) Application
City of West Palm Beach Planning & Zoning Submittal
Original Submittal: May 14, 2019
Resubmittal August 2, 2019
Resubmittal September 27, 2019
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Introduction



Figure 1. Carefree Theater (2016)

The Applicant and Property Owners, 2000 SDH, LLC and 2100 SDH, LLC (“Applicant”), respectfully request approval for Rezoning and Planned Development applications with Waivers for the Carefree 6 at Flamingo, a proposed mixed-use development in the City of West Palm Beach. The 1.804-acre (78,598 SF) subject sites (PCNs: 74-43-43-27-19-000-0050, 74-43-43-27-21-001-0010 & 74-43-43-27-21-002-0010) are located on the east side of South Dixie Highway, between Flamingo Drive and Cordova Road, on the north and south sides of Barcelona Road, (“subject property”) as shown on the attached aerial in Exhibit A. The addresses for the three subject parcels are 2000, 2020, and 2100 South Dixie Highway. Prior to 2018, the property had multiple differing Future Land Use and Zoning Designations. Now the subject property has a Commercial East (CE), Future Land Use Designation, and a General

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Commercial (GC) zoning district. The Future Land Use and Zoning designations were approved by City commission in 2018 by Ordinance 4798-18 and Ordinance 4799-18 respectively.

Below is a breakdown of surrounding land and uses:

	Current Future Land Use	Current Zoning	Existing Uses
Site	CE	GC	Vacant
North	MF	RPD ¹	Multi-family Residential (Magnolia Court)
South	CE (part) / SF (part)	GC (part) / SF14-C3 ² (part)	Restaurant (Joy Noodle) & Historic Single-Family Residential Home with 3 units
East	MF (part) / SF (part)	POR (part) / SF14-C3 ² (part)	Warehouse/Office & 3 Historic Single-Family Residential Homes (1, 3 & 2 units each)
West	CE	RTD	Greene School Parking Lot & Art Gallery/Restaurant (EmKo)& The Greene School

¹RPD – Residential Planned Development, ²SF14-C3 – Historic single-family high density residential, context 3



Figure 2. Proposed Carefree 6 Project Rendering

The Applicant is requesting Rezoning approval to a Commercial Planned Development (CPD) to allow a mixed-use development that will include a boutique 6-screen cultural arts theater, significant underground parking garage, complementary retail and restaurants, as well as luxury residential rental apartments and townhomes. The intent of a PD is “to encourage through incentives, the use of innovative land planning and development techniques to create more desirable and attractive

development in the city”, per Article VII Section 94-207. The incentives include, but are not limited to, “relaxing or waiving height, setback, lot dimensions and lot area requirements”. As such, the Applicant is requesting eleven waivers, which are necessary to develop this exciting urban redevelopment project with suburban-oriented underlying zoning standards of the General Commercial (GC) district. While the majority of properties to the east are located in the historic single-family high-density zoning district, many adjacent properties have with multiple units per parcel, ranging in density between 7 to 21 units per acre as shown on Exhibit C. Moreover, many of the single-family properties in the surrounding neighborhood have guesthouses with rental leases, subsequently functioning as multi-family properties.

The Applicant is specifically requesting approval of the following:

- A Rezoning from General Commercial (GC) to Commercial Planned Development (CPD) with underlying General Commercial (GC) and eleven (11) Waivers.
- A Site Plan for a mixed-use project that includes a theater, retail & restaurants, 58 luxury townhome and apartment residential rental units, and a 2-level subterranean parking

structure.

Site History



Figure 3. 1950s Carefree Theater

In the 1930's, the Carefree Theater ("The Carefree") was an ice cream parlor and coin laundry. Then in the 1940's, it expanded to a bowling alley and entertainment center. It eventually evolved into a historic center for the arts, displaying movies and hosting live entertainment for the remainder of its existence. The Carefree has a rich history along the South Dixie Corridor and in the City of West Palm Beach. Once a vibrant 750 seat, one-screen theater, it specialized in art

house releases and concerts for over fifty years. The Carefree venue hosted the Rocky Horror Picture show for more than fifteen (15) years and served as a concert venue presenting national greats like Meat Loaf, Jethro Tull, Jefferson Starship, and many others. The hurricanes of 2005 badly damaged The Carefree Theater and the venue fell into disrepair and permanently closed. Until recently, the Carefree's dilapidated condition was a common property theme along the South Dixie corridor. In the last 10 years, the corridor has enjoyed significant private investment with the Norton Museum remodel, new residential development, restaurants, and boutique retail business uses. The "decade-new" development has been a welcome change, providing a catalyst for continued investment along the Corridor.

Vision



Figure 5. Proposed Carefree 6 Theater at Flamingo Project Rendering

Charles Cohen, managing member of 2000 SDH, LLC and 2100 SDH, LLC, is the President and CEO of Cohen Brothers Realty Corporation, which began in the 1950s. A developer by trade, Mr. Cohen's passion is film and the arts. In 2008, he formed the Cohen Media Group, which is a film production and distribution company. Presently, Cohen Media Group is the largest distributor of French Films in America and owns a world-renowned collection of more than 700 classic films made from 1917 to 1972. The Cohen Media Group is

systematically restoring and preserving these films and distributing throughout the United States.

In 2015, Charles Cohen purchased the Carefree Theater at 2000, 2100, and 2020 South Dixie Highway. He has a vision to redevelop the subject property as a state-of-the-art film venue showing independent, classic and foreign films. This undertaking will be a legacy project for the arts of cinematography and motion pictures.

The redevelopment of the Carefree property will make a positive contribution to the buzzing South Dixie Corridor, re-establishing a regional cultural destination with compatible restaurants and retail space, within a short walk or bike ride from nearby El Cid, Grand View Heights, Flamingo Park, Pineapple Park, and Sunshine Park historic neighborhoods. As shown in the Project Walkability Map on Exhibit B, 499 residential units are located within a quarter-mile, 2,236 units are within a half-mile, and 7,065 units within a mile. Approving this project in close proximity to residential units supports a major goal of the City Mobility Plan, which seeks to shift 14% of vehicular trips to alternate modes of travel such as bicycle, walking, or transit trips. . Not only does the proposed rich mixture of uses encourage walkable trips from nearby neighborhoods, it has the potential to reduce additional trips from driving patrons, as the project program provides multiple destinations in one vehicular trip.

Additionally, in 2012, the City engaged the Urban Land Institute to conduct a study, using stakeholder/neighborhood input, examining the South Dixie Highway Corridor. The study designated the project site's location in the Arts and Culture District of the Corridor, as it's close proximity to the Norton Museum of Art is compatible and ripe for a similar "art" use. Moreover, the proposed project supports other ULI study "desired outcomes" such as streetscape improvements, self-sufficient, on site parking, and fosters opportunities to position the Corridor as a notable shopping and entertainment destination for the region.

Mr. Cohen's vision for The Carefree, the South Dixie Corridor, and the City of West Palm Beach include:

- Restoring a valued cultural art space (art house & classic movie theater) along the well-traveled South Dixie Corridor, continuing to make Palm Beach County a cultural destination.
- Providing well-designed, compatible architecture to this historical area of the City.
- Encourage walkability and alternative modes of transportation in the South Dixie Corridor by providing a mixture of uses in close proximity to many surrounding neighborhoods.
- Providing additional retail and fine dining options along the South Dixie Corridor.
- Developing sufficient on-site public parking in an area of need along the busy mixed-use South Dixie Corridor.
- Providing luxury rental units that will improve the overall mixture of housing opportunities for City residents.
- Creating a catalyst for development and redevelopment along the South Dixie Corridor.

Architectural Inspiration

One of the most important components of American architectural history and the least written about, is the extraordinary tradition of Hispanic Classical Architecture in the Southeastern and Southwestern part of the United States and in California. In Florida, and in our case in the Palm Beaches, the extraordinary architectural legacy left by Maurice Fatio and Addison Mizner is the

true benchmark of quality. In the past 25 years, younger architects like Scott Merrill in Vero Beach have made the re-establishment of the Hispanic Classical tradition the focus of their work.

In order to root our architecture and urban planning in the urban character of West Palm Beach, we have been inspired by the timeless works of Mizner and Fatio. Our goal is to have our buildings grow out of the best elements of the City's past and be new at the same time. Once the proposed buildings are completed and weathered, they will soon look like they have been there since the 1920's.

For example, the two octagonal towers flanking the Carefree 6 Theater entry were inspired by the Palm Beach Hotel on Sunrise Avenue. Many other features were influenced by Mizner's brilliant Via Mizner Complex on Worth Avenue and the great oceanfront houses designed by Fatio. Other local sources of inspiration in downtown West Palm Beach include the 1916 Palm Beach County Courthouse, the Harriett at CityPlace and the Comeau Building on Clematis Street.

The Architecture is a contemporary interpretation of Mediterranean Revival, using iconic simple massing elements such as towers and stepped clay tile roofline, accent projecting windows surround, mixing wood accents and smooth stucco walls and columns, clay tile roofs with outlookers, exposed columns and pergolas, terraces, balcony's ornamental railing and brackets with traditional detailing and materials while incorporating increased glass openings with for natural lighting and ceiling heights for contemporary comfort inspired directly from the neighborhood and traditional.

Recent Application Development History

An application was submitted in 2016 for review for the site development of the property and a Rezoning to a Commercial Planned Development. The application included several requests for more intensity for the project. The request included a Floor to Area ratio increase to 2.5 F.A.R., a density increase to 97 units, and over 14 waiver requests. That application was withdrawn to re-design the project to a less intense proposal. The current proposal removed three stories of residential units, decreasing the total from 97 units to 58 (eliminating 39 units), and an overall height reduction from 97' feet



Figure 4. 1970s Carefree Theater

to 71.8' (El Flamingo Building) and 64.6' feet (El Cordova Building). Additionally, the current application reflects a reduction of waivers compared to 14 in the original proposal—and a significant decrease in the overall scale of the requests. Several community outreach meetings were held to receive community feedback regarding the revised program and layout. As a result, we made design changes that reduced the building height and neighborhood facing balcony presence.

Comprehensive Plan

When the Carefree Theater was damaged by hurricanes in 2005, its closing resulted in the elimination of a major cultural arts space and community element for City residents. The Carefree Theater has an 80-year history of being a local entertainment center, cultural arts venue and community meeting place. Its restoration and redevelopment as a public cultural arts venue is a very special project for the City and its residents. In order to achieve the vision of the Applicant and bring this venue back to prominence, the proposed density and intensity is necessary. The City's Comprehensive Plan Future Land Use Element Objective 1.7 and Policy 1.7.1 allow incentives to encourage innovative design and efficient use of land. Specifically, these incentives allow for increases in density and/or floor area ratio for planned developments.

Objective 1.7: Upon the adoption of this Plan, all future development and redevelopment in the City shall be directed in accordance with the Goals, Objectives and Policies outlined in this Element, consistent with the City's Future Land Use Map, and with the option of utilizing innovative planned development regulations and with incentives to encourage the use of such regulations.

Policy 1.7.1: The City shall continue to allow for innovative designs and the efficient use of land, such as the practice of permitting Planned Developments (PDs) and zero lot line developments. Incentives for PDs shall include:

- a) Relaxing of height, setback or other dimensional requirements.
- b) Allowing an increase in density and/or floor area ratio.
- c) Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.

The West Palm Beach Downtown Development Authority (DDA) created the Art and Entertainment (A&E) District as a centralized collection of inspiring arts and entertainment venues; art and history museums; galleries; libraries; performing arts companies; and art education institutions. Situated in the heart of South Florida's most progressive City, the A&E District includes more than 20 distinct and distinguished cultural destinations that form a defining industry cluster. The A&E District enhances the appeal of West Palm Beach as a visitor destination, drawing attention to its status as a vibrant city illuminated by its beauty and range of creative expression. The District has collaborated with partners like the Armory Art Center, Norton Museum of Art, Raymond F. Kravis Center for the Performing Arts, and a free trolley dedicated to connecting the cultural art venues makes getting around the District easy and enjoyable.¹ Once revitalized, the Carefree 6 at Flamingo will join these distinguished cultural art venues, providing a classic motion picture element that the City has been missing for years.

The Applicant intends to redevelop the subject property to restore a significant element of cultural art space (art house & classic movie theater) for the City and its residents, while contributing important momentum development to the South Dixie Corridor. Since 2005, the Carefree Theater has been an eyesore to the area residents and other businesses along the South Dixie corridor. The vacant building and blighted property did not positively contribute to

the Corridor or adjacent neighborhood. This proposal seeks to re-establish this property as an iconic landmark to catalyze additional development and redevelopment along the Corridor.

The Applicant proposal for the subject property is consistent with all of the Goals Policies and Objectives of the Comprehensive Plan and specifically the Future Land Use Element Policies 1.1.7 and 1.1.8. The project as proposed is appropriate and suitable for the entire subject site.

The subject property will be developed as a Commercial Planned Development (CPD) and utilize innovative design features. This project will also provide an efficient use of land by the use of subterranean parking under both buildings. The subterranean parking facility will provide additional public parking spaces along the South Dixie Corridor in an area of need. The current City Zoning Code requires that planned developments not exceed the floor area ratio ("FAR") and residential density beyond the limits in Policy 1.1.3 (32.27 du/ac & 1.5 FAR).

There is a critical recognition of need for additional detail in the Comprehensive Plan to address Cultural and Performing Arts in the City. Projects that provide cultural arts, a mix of uses and offer additional public parking to the City, should be reviewed on a case by case basis and offered flexibility to seek high density and intensity development to offset the costs of such offers.

The Carefree 6 at Flamingo project is a special project for the City with an opportunity to bring back a major art house and classic motion picture theater to the area. In order to achieve this vision and bring this venue back to prominence, the proposed density and intensity are necessary. Cultural and Performing Arts venues are not major revenue generators and often rely on private investors, grants and donations. That said, cultural art venues are vital to the fabric of a community and are often surrounded by commercial development that benefits from the revenue spikes as a result of their presence. As such, Carefree 6 at Flamingo presents an opportunity to help bolster the Dixie Corridor as a prominent corridor of cultural significance to the City while bringing up the surrounding commercial. The northern Carefree 6 in the EL Flamingo building will include multiple theater screens in a series of three sizes, the smallest two will have 50 seats, two will have 100 seats and the largest two theaters will have 150 seats each. Two complimentary restaurants will be included on the first floor, along with 32 residential townhome and apartment rental units. The Southern EL Cordova building will include 10,000 square feet of retail on the first floor and 26 residential townhome and apartment rental units. Both buildings will also include two levels of subterranean parking.

Policy 1.1.8: The proposed Future Land Use Map Amendment meets the conditions outlined in Policy 1.1.8, as it is consistent with the provisions of Florida Statutes Chapter 163, the Florida Administrative Code (FAC) rules implementing it, and in accordance with the provisions of the Comprehensive Plan. Additionally, this Amendment is being initiated by the Applicant, who are the sole owners of the property.

Other Goals, Objectives, and Policies of the Comprehensive Plan – The following are additional Goals, Objectives and Policies in the Comprehensive Plan that support the proposed development:

Future Land Use Element

GOAL 2: TO DEVELOP THE CITY CONSISTENT WITH THE PRINCIPLES OF SUSTAINABLE COMMUNITIES AND SMART GROWTH.

Objective 2.1: The City shall facilitate and encourage infill development especially within the areas east of I-95.

Policy 2.1.2: The City shall pursue further opportunities to redevelop the north and south of the City bounded by the Intracoastal Waterway (Lake Worth) to the east and Interstate 95 to the west. By the year 2010, the City Planning Department shall prepare a study of potential areas within the Eastern corridor (east of I-95) which may require redevelopment in the form of more urban spaces and which furnish commercial and residential mixed-use development opportunities.

GOAL 3: THE CITY SHALL STRENGTHEN ITS QUALITY OF LIFE, VISIBILITY AND POSITIVE REPUTATION BY CREATING A HIGHLY VIBRANT AND DIVERSE CULTURAL ENVIRONMENT.

Objective 3.1: The City values the importance of culture in the lives of its citizens and therefore, shall be an active participant in advancing activities and venues that support the on-going growth of culture in the community. The City commits to support, foster and promote:

- Culturally diverse and well-designed neighborhoods.
- Historic preservation efforts and a sustainable environment.
- Culture-oriented programming, events and festivals.
- Major cultural organizations so that they may continue to serve growing audiences, offer world-class experiences and contribute to the City's overall economic development.
- Small and mid-sized cultural organizations and individual artists by providing a positive climate for their on-going maturation.
- "Cultural hubs" throughout the City that reflect patterns of audience attendance and the locations of existing and planned cultural facilities.
- Additional sources of public and private sector funding to improve cultural offerings and venues.
- Effective coalitions, collaborations and partnerships between public and private sectors, cultural organizations and artists to raise public awareness of the benefits of culture in the community.

The above Goals, Policies and Objectives support the proposed Carefree 6 at Flamingo project and the opportunity to bring a mixed-use development with a cultural arts element to the City in a blighted area east of Interstate 95.

Planned Development (Commercial Planned Development – CPD) and Site Plan

The Applicant is requesting the Subject Property (1.804 acres) be rezoned to Commercial Planned Development (CPD) district. A series of nine (9) waivers is being requested to accommodate this unique and special development on the Subject Property. These waivers are discussed further below.

The Carefree 6 at Flamingo Applicant is proposing to redevelop and revitalize the Carefree Theater as a primarily 4-story (with a 1,200 SF Gym on the roof deck above the 4th floor) mixed-use project that will provide six (6) small art house theaters, with a total of 600 seats, complimentary fine dining restaurants, retail and 58 luxury rental apartments and townhomes. To distinguish the difference between the townhome and apartment unit types, the 1BR/1BA, 2BR/2BA and 3BR/2.5BA apartment units are accessed by common stairs and elevators,

featuring great room w/ open kitchen concept, large windows and large balconies and loggias, whereas the townhomes are street accessed, 2 story 3BR/3BA townhouse units.

The design of the Carefree 6 at Flamingo is proposed as two (2) buildings, El Flamingo (north of Barcelona Road) and El Cordova (south of Barcelona Road). El Flamingo will house the six Theaters. In order to acquire the stadium-style seating, the theater level of the building requires it to be within two (2) floors, which is above the larger first-floor, where all the access, drive aisles, parking garage entrances and restaurants are located. This creates the need for additional height to accommodate the residential floors above. Both the El Flamingo and El Cordova include a 2-level subterranean parking structure that will provide a majority of the required parking. Two (2) restaurants will complement the theater by providing patrons the opportunity to dine before and/or after a show time. The upper floors of El Flamingo will include thirty-two (32) luxury rental apartments. El Cordova will complement the El Flamingo building by providing additional parking, upscale retail space and an additional twenty-six (26) luxury rental apartments and townhomes.

The following table is a breakdown of proposed development and garage parking (does not include Non-FAR area or on-street parking):

Building	Use (Details)	Seats/Units/ Parking Spaces	Total Size (square feet)
El Flamingo			
	Theater (6) 2@50 2@100 2@150	600 Seats	22,141
	Restaurant (2)		6,910
	Residential	32 Units	45,915
	Sub- total		74,966
	Parking Deck & Surface Parking	294 Spaces	
El Cordova			
	Retail		8,748
	Residential	26 Units	34,122
	Parking Deck	98 Spaces	
	Sub- Total		42,870
	Totals	600 Seats 58 Units 392 Spaces	117,836

Parking, Loading, & Circulation

The required parking is primarily achieved by the location of two subterranean parking garages with two (2) levels of parking under each building—which are not connected physically, rather separated by Barcelona Road. The 294-space El Flamingo garage ingress is accessed from Flamingo Drive only, and traversed within the building footprint via a ramp to be used by patrons, residents, and valet service. The Flamingo Building’s garage main vehicular entry is located on Flamingo Drive, which includes a flex/thru lane for direct access as well as a valet/drop off lane of the parking, and has egress available via either Flamingo Drive or Barcelona Road (egress only on Barcelona). The 98-space El Cordova garage has sole ingress/egress via Cordova Road, and enters subterranean grades under the building footprint via a ramp to be used by patrons and residents, with no valet service.

The El Flamingo's garage contains 20 tandem spaces on the ground floor (at grade), which will be used exclusively for valet parking. A Valet attendant will be on site managing parking during retail business and theater operational hours, which will be determined at a future date when tenants are in place. Garage tandem spaces will be utilized for valet or assigned to residential units, and will have signage posted outlining the reservations to avoid the public from parking in those spaces and "blocking" one-another in. Garage parking is open to non-commercial public as "pay for parking" with the option for validation for patrons of the restaurant, theater and retail spaces. Residents will be provided appropriate parking spaces based on their rental unit, and also have the ability to validate guests through a coupon system. Permanent employees of the business will be provided with free parking to the garage, while more transient short-shift employees can also park for free, and be directed to off peak locations based on business operational hours to be determined. The proposed development requires 371 parking spaces while 407 have been provided, which will allow for some flexibility in the future valet and parking operation details that are not finalized at this time. In order to finalize parking programs and hire a parking management team, entitlements need to be approved beforehand.

It is important to note, to avoid additional neighborhood traffic in El Cid from the garage, the egresses on Barcelona Road and Flamingo Drive direct exit traffic towards Dixie with signage and pavement striping, as shown on the site plan. Specifically, restricting garage traffic exit patterns towards Dixie Highway, by prohibiting right turns on Flamingo Drive and left turns onto Barcelona Road—the applicant is substantially reducing traffic and noise impacts to the El Cid neighborhood. Moreover, the Barcelona Road circulation is egress only—which reduces neighborhood impacts. Most of these design decisions were based on feedback we received in the neighborhood meetings held with surrounding residents.

Additionally, with 37,799 sf of proposed commercial uses, one loading zone space is required, however two are provided for the project. The required loading space is accessed from Flamingo Drive. To avoid backing onto Flamingo Drive, loading trucks will pull forward and exit through the Flamingo building. Specifically, the Flamingo Building loading zone exit circulation will utilize the tandem spaces for egress circulation out of the garage. As such, the valet spaces will be unavailable during small windows of time each week. Please see auto turn exhibit on the detail plan for reference. The loading zone for the El Cordova building is not required, but nonetheless, accessed via loading truck "back in" access, as shown on the auto-turn. The non-essential El Cordova building loading circulation does not back onto a street, thus complies with loading access standards.

Bike parking is located within the Flamingo garage and along Dixie for both buildings. Please see A1,01 sheet and site plan for specific locations 25 bike parking spaces were provided, thus satisfying the 21-space minimum bike space requirement. 6 spaces were located on Dixie Highway and 19 are in the garage.

Standards of Code Compliance Sec. 94-33 Comprehensive Plan

The proposed development project complies with intent of this standard.

Standards of Code Compliance with Article XII and Article XVII

The standards of these articles are not applicable to the proposed development.

Standards of Code Compliance Sec. 94-35(c). - Site design qualitative development standards

- (1) *Harmonious and efficient organization.* All elements of a plan shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character of adjoining property, and the type and size of buildings. The site will be developed in a manner that will not impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

Response: The design of the Carefree 6 at Flamingo is proposed as two (2) buildings, El Flamingo (north of Barcelona Road) and El Cordova (south of Barcelona Road). El Flamingo will house the six Theaters. In order to acquire the stadium-style seating, the theater level of the building requires it to be within two (2) floors, which is above the larger first-floor, where all the access, drive aisles, parking garage entrances and restaurants are located. This creates the need for additional height to accommodate the residential floors above. Both the El Flamingo and El Cordova include a 2-level subterranean parking structure that will provide a majority of the required parking. Two (2) restaurants will complement the theater by providing patrons the opportunity to dine before and/or after a show time. The upper floors of El Flamingo will include thirty-two (32) luxury rental apartments. El Cordova will complement the El Flamingo building by providing additional parking, upscale retail space and an additional twenty-six (26) luxury rental apartments and townhomes.

- (2) *Preservation of natural conditions.* The landscape shall be preserved in its natural state, to the degree practical, by minimizing tree and soil removal and by other appropriate site planning techniques. Terrain and vegetation shall not be disturbed in a manner likely to increase significantly either wind or water erosion within or adjacent to a development site.

Response: The site shall comply with this standard through innovative storm water storage and structured parking solutions.

- (3) *Screening and buffering.* Fences, walls, or vegetative screening shall be provided where needed to protect residents and users from undesirable views, lighting, noise or other adverse off-site effects and to protect residents and users of off-site development from on-site adverse effects.

Response: The proposed landscape plan proposes additional trees and Category 1 Canopy trees to provide great vegetation-rich spaces—thereby contributing to the revitalization of the Dixie Corridor Streetscape. There are also additional trees proposes along the eastern buffers to reduce impacts to the adjacent residential uses.

- (4) *Enhancement of residential privacy.* The site plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and vegetation shall be arranged to protect and enhance the property.

Response: There are additional trees proposes along the eastern buffers to reduce impacts to the adjacent residential uses. Moreover, there are very limited windows or balconies that face the eastern neighborhood.

- (5) *Emergency access.* Structures and other site features shall be arranged to permit access by emergency vehicle to all buildings.

Response: The site shall comply with this standard.

(6) *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to public rights-of-way and/or other areas dedicated to common use.

Response: The site shall comply with this standard.

(7) *Pedestrian circulation.* When residential uses are included, a pedestrian circulation system shall be provided that is separated to the extent possible from the vehicular circulation system and that at a minimum shall conform to sidewalk standards of the city.

Response: The proposed project emphasizes the streetscape along Dixie Highway, enhancing the pedestrian user experience of the site with innovative landscape planters, Canopy trees, and architectural details and balcony features.

(8) *Design of access and egress drives.* The location, size, and numbers of access drives to a site will be arranged to minimize any negative impacts on public and private ways and on adjacent private property. Traffic improvements shall be provided where they will significantly improve safety for vehicles and pedestrians.

Response: Careful thought went into how this sight is accessed—not only for the safety of pedestrians and vehicles, but also to minimize impacts on the surrounding neighborhood regarding vehicular circulation and parking.

It is important to note, to avoid additional neighborhood traffic in El Cid from the garage, the egresses on Barcelona Road and Flamingo Drive direct exit traffic towards Dixie with signage and pavement striping, as shown on the site plan. Specifically, restricting garage traffic exit patterns towards Dixie Highway, by prohibiting right turns on Flamingo Drive and left turns onto Barcelona Road—the applicant is substantially reducing traffic and noise impacts to the El Cid neighborhood. Moreover, the Barcelona Road circulation is egress only—which reduces neighborhood impacts. Most of these design decisions were based on feedback we received in the neighborhood meetings held with surrounding residents.

(9) *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

Response: The applicant's agents are working closely with FDOT and the City to ensure our project is consistent with the pending streetscape plans/lane adjustments planned for Dixie Highway.

(10) *Design of public rights-of-way.* Public streets and rights-of-way within a site shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall provide a road network with local

streets which provide direct access to individual parcels and other streets which provide no or limited direct access to individual parcels.

Response: The applicant's agents are working closely with FDOT and the City to ensure our project is consistent with the pending streetscape plans/lane adjustments planned for Dixie Highway.

(11) *Stormwater control.* Appropriate measures shall be taken to ensure that removal of stormwater will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of facilities, including grading, gutters, piping and the treatment of turf, to accommodate stormwater and to prevent erosion and the formation of silt.

Response: Storm water management for the site shall not have adverse impacts, and will comply with required provisions set forth herein.

(12) *Exterior lighting.* Exterior lighting shall not interfere with the quiet enjoyment of adjacent properties or the safety of public rights-of-way.

Response: Please refer to the photometric plan set, as the proposal complies with this standard.

(13) *Protection of property values.* All elements of a site plan shall be arranged to have minimal negative impact on the property values of adjoining property.

Response: The proposed development shall not negatively affect property values of adjacent properties. It is important to note that the applicant owns one of the adjacent properties and has no objection to this project.

(14) *Consideration of future development.* Site plan reviews performed pursuant to this section shall consider existing and likely future development adjacent to the site.

Response: The proposed development shall interfere with future redevelopment adjacent to the site.

Sec. 94-32. - Amendments and rezoning.

(a) Standards. In reviewing a proposed amendment to the text or map of this chapter, the City commission and the planning board shall consider all of the following:

(1) Whether the proposed amendment is consistent with all elements of the City comprehensive plan;

Response: The proposed rezoning is consistent with all the elements of the Comprehensive Plan including the Future Land Use Element, which encourages the use of Planned Developments. Furthermore, the proposed Commercial Planned Development is consistent with the proposed Commercial East (CE) Future Land Use designation.

(2) Whether there exist changed conditions which require an amendment;

Response: There are changed conditions regarding this amendment. The subject property existed as a commercial entertainment center (Carefree Theater) for over 80 years. The property previously contained four (4) Future Land Use designations (CE, C, MF & SF). An application was submitted to the City Commission to amend the Future Land Use designation to all Commercial East (CE) as well as a consistent rezoning to GC General Commercial and were both subsequently approved in 2018. Furthermore, the hurricanes of 2005 badly damaged the Carefree Theater and it was blighted and in disrepair since and subsequently raised as a result. This has caused the surrounding area to become an unpredictable investment for surrounding new business. This project and subsequent rezoning to CPD poses an opportunity for redevelopment of the Carefree Theater property and the property directly to the south, which will trigger the investment and redevelopment of surrounding properties.

(3) Whether the proposed amendment is in conformance with all applicable portions of the city development code;

Response: With the exception of the eleven (11) waivers being requested, which the zoning code allows waivers for projects with innovative design and efficient use of land, the proposed rezoning is in conformance with all other sections of the City's land development code.

(4) Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;

Response: The 2018 adoption of the Future Land Use of (CE) and Rezoning to (GC) the site now has an overall Land Use Designation and a consistent and compatible Zoning District. The site has the been part of the Carefree Theater commercial development for over eighty (80) years. The Commercial Planned Development (CPD) district will allow for the innovative design and best use of land by allowing the development to be pushed up to the South Dixie corridor and give the project a more urban feel.

(5) Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities;

Response: The proposed amendment will not exceed the capacity of public facilities as identified in the Level of Service analysis as part of the previously Land Use and Zoning designation approvals.

(6) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment;

Response: This is a redevelopment of an existing site, so all the vegetation on site was planted as part of the previous development. The trees that are identified to be removed, will be replaced with new species in areas around the buffers and along the rights of way. Therefore, the proposed amendment will not negatively impact the

natural environment.

(7) Whether and the extent to which the proposed amendment would adversely affect property values in the area; and

Response: There are no adverse affects on property values in the area, if anything the amendment will increase the value of the subject property, thus positively affecting the surrounding properties. This development will be a catalyst to spark further development, redevelopment and predictability of the South Dixie Corridor.

(8) Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any negative effects on such pattern.

Response: The proposed amendment follows an orderly and logical development pattern in that the redevelopment is infill to restore a significant element to a vacant site along the corridor. This blighted area of the South Dixie corridor is in dire need of redevelopment, the re-establish this of motion picture arts to the local area and City at large will be a popular destination for residents and visitors alike. The Norton museum recently underwent major renovations and with this investment into the arts within the community demonstrates the need for these types of uses which foster the arts within the City.

Commercial Planned Development (CPD) Standards Sec. 94-207(d)

The rezoning to Commercial Planned Development (CPD) is consistent with all the elements of the Comprehensive Plan including the Future Land Use Element, which encourages the use of Planned Developments. Furthermore, the Commercial Planned Development (CPD) is consistent with the proposed Commercial East (CE) Future Land Use designation. A majority of the properties surrounding this project are commercial and multi-family. There is only a small portion of the property that is adjacent to historic single-family uses, however the commercial development line has already been established and this project is not seeking to expand into the adjacent historic single-family area. Furthermore, the property owner and Applicant own the historic single-family house at 309 Barcelona and have plans to restore the structure, to remain a single-family residence. This property will act as a natural buffer between the proposed Carefree 6 at Flamingo project and the adjacent historic neighborhood to the East. This request for Rezoning to Commercial Planned Development (CPD) is necessary to have a unified development on the subject property, which is situated on the North and South sides of Barcelona Road.

The following standards apply to Commercial Planned Developments:

- (1) *Location.* Commercial planned developments may be located in any commercial or industrial district.

Response: Complies, the property is located in a Commercial district.

- (2) *Minimum area required.* The minimum area required for a commercial planned development district shall be five acres; however, an area of lesser size as identified in Sec 94-243. Table VIII-3, GCPDD and may be approved for commercial planned development zoning upon findings by the planning board and the city commission of the following: a. Particular circumstances justify such reduction. b. Requirements for planned development district zoning and the benefits to be derived from planned development district zoning can be derived in such lesser area.

Response: The property totals 1.804 acres. The Applicant is requesting a waiver to allow this property to be zoned Commercial Planned Development with a reduced acreage. This project is being planned as one unified development with a mix of uses that all work together and complement each other. The commercial development line along South Dixie has been established in this area for over eighty (80) years and results in smaller (less than 5 acres) commercial properties along this corridor.

- (3) *Permitted uses.* Permitted uses within a planned commercial development are those uses permitted by the city commission and specified in the adopting ordinance. The permitted uses may include all uses permitted in all districts.

Response: Complies, the existing and proposed uses of theater, retail, restaurant and multi-family residential are currently permitted by right in the underlying general commercial (GC) zoning district.

- (4) *Required setbacks.* Required setbacks shall be as provided in article VIII of this chapter.

Response: The intent of the Planned Development is to provide flexibility with development standards, such as setbacks, to encourage creative architecture and innovative development form. The Applicant is requesting waivers to allow the mass of the building directly on South Dixie Highway. Additionally, the theater levels require the building to be taller, thus increasing the required setbacks. The project has a more urban feel, so allowing these setback waivers will be similar to other planned developments and building located along the corridor and the surrounding area.

- (5) *Maximum floor area ratio.* The maximum floor area ratio for a commercial planned development shall be in accordance with article VIII of this chapter.

Response: The proposed application is within the maximum floor area ratio of 1.5 for the Commercial East (CE) Planned Development District.

- (6) *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to article XV of this chapter.

Response: Complies, the project meets and exceeds the parking and loading requirements of Article XV.

- (7) *Landscaping/buffering.* Landscaping and buffering shall be provided pursuant to article XIV of this chapter.

Response: This application requests one waiver for landscaping for not providing a 10' buffer from building to RO.W. The Applicant is requesting a waiver from the standard 10-foot buffer requirement along S Dixie Highway in an effort to bring the storefronts adjacent to the right-of-way, which would also waive the requirements for 41 trees for 866 total linear feet of buffer material. The side streets accommodate landscape areas that range in width from two (2') feet to six (6') the required street trees and other additional plantings will be located in the right-of-way as part of the implementation of the S Dixie Highway corridor study. As such, multiple mitigation measures are proposed by increasing landscape material on other site portions to decrease impact of a reduced buffer. Please see details below.

Flamingo Building Property

North Buffer: North buffer requires 10 trees. Plan provides seven (7) palm trees along the building and five (5) trees within the ROW. Additionally, smaller trees are utilized due to overhead lines which restrict the maximum size allowable in that area.

South Buffer: South buffer requires six (6) trees. To mitigate the deficiency, plan provides two upgraded live oak trees flanking the project entrance. Specifically, the oak trees have been upgraded from 12' at install to 16' to assist in mitigating for the waiver.

East Buffer: East buffer requires 12 trees, however, to help mitigate for this waiver request, the plan provides 17, which is five (5) additional above code to help offset the quantity on the other buffers. Further, an additional 37 palms are proposed to assist in offsetting this waiver request.

West Buffer: West buffer requires eight (8) trees, however, the plan provides six (6) upgraded Cathedral Live Oaks located in tree grates. Moreover, an additional four (4) palms are located in the parking islands. To offset the tree number deficiency, oaks are to be installed at 20' tall, which is significantly larger than the minimum size required. Further, two (2) accent trees and four (4) palms are proposed along building façade.

Cordova Building Property

North Buffer: North buffer requires four (4) trees. To mitigate the deficiency, plan provides one (1) accent tree (size reduction due to location of water service) and one(1) upgraded 16' live oak are proposed in ROW. Additionally, three (3) accent trees are proposed along façade to bolster tree canopy presence in this frontage location.

South Buffer: South buffer requires four (4) trees. To mitigate the deficiency, plan provides two (2) 16' oaks, one (1) accent tree, and 2 palms along foundation area.

East Buffer: East buffer requires eight (8) trees, however, 12 trees are provided to offset reduction in other areas. To further mitigate this waiver request in other areas, an additional 25 palms are proposed along this frontage.

West Buffer: West buffer requires eight (8) trees. To mitigate the deficiency of buffer width, nine (9) trees are upgraded Cathedral Live Oaks in ROW, along with 2 accent trees 15 palms along building façade. The west buffers have been upgraded to include canopy trees and palms to both screen from the residents to the east but also enhance the buffer and provide addition tree quantity to offset the overall requirement on site.

Finally, new urbanism principles, appropriate for the subject's site location, encourage buildings to have minimal setbacks to foster and engage street activities and provide a street-to-building ratio that frames the street space with a sense of enclosure—critical to urban realm placemaking. As such, a buffer reduction is consistent when applying these placemaking principals to the site's urban location.

(8) *Illumination.* Any source of illumination located within a commercial planned development district shall not exceed one foot-candle at or beyond the boundaries of such development.

Response: Complies.

(9) *Outdoor storage.* Outdoor storage facilities are prohibited in any commercial planned development district, unless outdoor storage is expressly approved by the city commission as part of the ordinance adopting the commercial planned development. Approval of outdoor storage in a commercial planned development district shall include mitigation measures to protect adjacent properties from the impacts of the outdoor storage. However, this prohibition shall not apply to the following:

a. The outdoor display of automotive vehicles for sale or rent.

b. The incidental display of goods or chattels for sale or rent in a commercial planned

development by an establishment having activities that occur within a building. These goods or chattels shall be secured within the building when the business is not open.

Response: Complies.

Waivers

The following is a list of waivers being requested with this application for Commercial Planned Development (CPD):

Waivers - Commercial Planned Development (CPD)				
	CITY CODE SECTION	REQUIRED	PROVIDED	WAIVER REQUESTED
1	94-207(d)(2) Commercial Planned Development Districts - Minimum Area Required	5 acres	1.8 acres	3.2 acres
2	94--611 - Lot Definition (4) 94-243 - Table VIII-3 Setback Orientation	Lot Line, Front is R.O.W with the Narrowest Length Flamingo, Barcelona, Cordova as Lot Frontage	Dixie Highway as Frontage Flamingo, Barcelona, Cordova as Side Corner	Dixie Highway as Frontage Flamingo, Barcelona, Cordova as Side Corner
3	94-243 - Table VIII-3(6) Front Setback (Dixie) 20' plus 6' of setback for each 10' >60' ht.	a.) 71.8' ht. = 27' (EI Flamingo Bldg west property line-Dixie) b.) 64.6' ht. = 22.8' (EI Cordova Bldg west property line-Dixie)	a.) 5' b.) 5'	a.) 22' b.) 17.8'
4	94-243 - Table VIII-3(6) Side Interior Setback >30' abutting SF= 2' setback for each additional 1' ht.	71.8' ht. = 83.6' feet (eastern south side Flamingo Bldg)	28.7'	54.9'
5	94-243 - Table VIII-3(12a) Rear Setback (Abutting Res District Rear Setback) >30' abutting SF= 2' setback for each additional 1' ht.	a.) 71.8' ht. = 83.6' (EI Flamingo Bldg north eastern property line) b.) 64.6' ht. = 69.2' feet (EI Cordova Bldg south eastern property line)	a.) 17.7' b.) 25'	a.) 65.9' b.) 44.2'
6	94-243 - Table VIII-3 Maximum Lot Coverage	60%	67%	7%
7	94-243 - Table VIII-3 Maximum Impermeable Surface	85%	97%	12%
8	94-243 - Table VIII-3 Minimum Landscape Area	15%	10%	5%
9	94-243 - Table VIII-3 Minimum Open Space	40%	33%	7%
10	94-443(d) 10' Landscape Buffer adjacent to a public thoroughfare and nonresidential zoning district from multi-family residential	10' Buffer (EI Flamingo Bldg north, south and west property line & EI Cordova Bldg north, south and west property line)	0'	Relief from 10' Buffer
11	94-207(c)(7) Signage	RPD signage subject to provisions of Article XIII	Signage as shown on SP-2	Signage as shown on SP-2

The above waivers are the minimum amount required to reasonably construct the proposed site plan with the uses identified. The zoning code Section 94-243 – Table VIII-3: Commercial district schedule of district regulations, allows the City Commission, at their discretion, to approve the above waivers for planned development districts in the City of West Palm Beach. The following is a description and justification for each individual waiver. These waivers are also identified on the proposed Site Plan.

Waiver #1 PD Size: Section 94-207(d) (2) requires that all Commercial Planned Developments (CPD) shall be a minimum five (5) acres in size. However, the code allows the planning board and the city commission to approve an area of lesser size as long as there are particular circumstances that justify such a reduction and the requirements for planned development district zoning and the benefits to be derived from planned development district zoning can be derived in such lesser area. There are particular circumstances in this case as the land area of the original Carefree Theater is limited in size and cannot be expanded to the east due to the historic neighborhood. The Applicant has made provisions to acquire the property directly to the south and increase the land area. With the current layout and design, all the community benefits of the planned development can be achieved in the 1.807 acres.

Waiver #2 Frontage/Setback Orientation: Section 94-611(4) Lot Definitions. Lot Line, Front is the Public Right of Way with the narrowest length. The implementation of the setback requirement of chart 94-243 - Table VIII-3 requires that by definition the frontage is the narrow part of the lot, therefore, requiring the three streets for Flamingo, Barcelona and Cordova as the frontage with no true rear or side corner setbacks. The applicant is requesting that Dixie highway be considered the frontage for the property and, therefore, further implementing Table VIII-3 to identify Dixie as such. This interpretation will be a truer implantation of the setback requirements over the entire CPD.

Waiver #3(a) & (b) Front Setback (Dixie Hwy.): Section 94-243 – Table VIII-3 – The Commercial Planned Development with underlying General Commercial (GC-PDD) Property Development Regulations require a 27-foot front setback based on a building with a height of 71.8 feet, specifically for the west property line of El Flamingo at the Dixie Highway frontage. Additionally, a 22.8' front setback based on a building with a height of 64.6 feet, specifically for the west property line of El Cordova at the Dixie Highway frontage. The Applicant is requesting a) 22' and (b) 17.8' respectively foot waivers; As a result of the buildings being brought up to the right of way line and the implementation of the South Dixie Corridor Plan, a 5' setback is appropriate in this area along South Dixie Highway. Throughout the downtown and along major walkable corridors, it is common practice to see buildings brought up the right-of-way line to establish a storefront presence along the roadway. A majority of the building's mass has been pushed forward to the South Dixie corridor with the closed part of the buildings actually having a 5' setback. It should be noted there are 5' balcony overhangs, but no balcony encroaches into more than 3' of the 5' front setback as shown and dimensioned in various points on the site plan. These setback waivers are adjacent to rights-of-way and across from existing commercial development. *See page A-3.01 of the Architectural plans that shows the areas where the building penetrates the various setbacks.*

Waiver #3 Continued: Existing Streetscape and new Buildings in the corridor brought forward to the street with graphic examples below.



Waiver #4 Side Interior Setback

Section 94-243 – Table VIII-3 – The Commercial Planned Development with underlying General Commercial (GCPDD) Property Development Regulations requires a 5’ side setback when adjacent to commercial uses and only 15’ foot rear setback when adjacent to residential property. But based on the Maximum Height table of “NONE”, Note#12 references structures exceeding a height of 30’ feet. Building above 30’ feet in height that are adjacent to a single-family district requires an additional 2’ feet of setback for each 1’ foot in building height above 30’ feet. The EL Flamingo Building has proposed height of 71.8’ feet, and therefore requires a setback of 83.6’ from the side interior property line adjacent to single family lot. The proposed side interior setback is 28.7’ feet, thus requiring a waiver of 54.9’ feet. The applicant owns the property directly adjacent to the side interior line, and has no objections to this encroachment wavier.

It should also be noted that while this extra setback requirement is specifically for a Commercial Zoning District adjacent to a residential neighborhood, the vast majority of the proposed floor area is residential. As such, the impact of the extra setback will be significantly less due to the fact that commercial floor area is actually a small percentage of the project. Specifically, the commercial portion only consists of 32% of total floor area.

Waiver #5(a) & (b) Rear Setback: Section 94-243 – Table VIII-3 – The Commercial Planned Development with underlying General Commercial (GCPDD) Property Development Regulations requires a 5’ rear setback when adjacent to commercial uses and only 15’-foot rear

setback when adjacent to residential property. But based on the Maximum Height table of "NONE", Note#12 references structures exceeding a height of 30' feet. Building above 30' feet in height that are adjacent to a single-family district are required an additional 2' feet of setback for each 1' foot in building height above 30' feet. The EL Flamingo (5a) proposes height of 71.8' feet and therefore is required a setback of 83.6' from the rear property line adjacent to single family lot. The proposed rear setback for the project of 17.7' feet requires a 65.9' foot setback wavier (5a). The applicant owns the property directly adjacent to the side interior line, and has no objections to this encroachment wavier.

The El Cordova Building (5b) located in the Commercial Planned Development with underlying General Commercial (GC-PDD) Property Development Regulations requires a 5' rear setback when adjacent to commercial uses and only 15'-foot rear setback when adjacent to residential property. But based on the Maximum Height table of "NONE", Note#12 references structures exceeding a height of 30' feet. Buildings above 30' feet in height that are adjacent to a single-family district are required an additional 2' feet of setback for each 1' foot in building height above 30' feet. The EL Cordova Building (W4-b) proposed height of 64.6' feet is required a setback of 69.2' feet from the rear property line adjacent to single family lot. The proposed rear setback for the project is 25', which requires a 44.2' feet wavier as shown on the site plan. All efforts have been made to locate the mass of the El Cordova building west towards Dixie Highway. Extensive design efforts have been made to ensure compatibility with the neighborhood. For example, trash and dumpsters rare proposed internal to the building. The existing 6' wall along with upgraded landscaping efforts and an 8' wall found in the landscape plan with extra trees for screening. Architectural efforts include reduce the number of windows facing east limiting to five apartments located along our eastern elevation above 30' height identified by note #12.

It should also be noted that while this extra setback requirement is specifically for a Commercial Zoning District adjacent to a residential neighborhood, the vast majority of the proposed floor area is residential. As such, the impact of the extra setback will be significantly less due to the fact that commercial floor area is actually a small percentage of the project. Specifically, the commercial portion only consists of 32% of total floor area.

Waivers #6 Lot Coverage: Section 94-243 – Table VIII-3 – The Commercial Planned Development with underlying General Commercial (GC) Property Development Regulations allows a Maximum Lot Coverage of 60%. The site plan demonstrates an overall Lot Coverage of 67%, requiring this waiver of 7%. This site is ripe for redevelopment given the location along the bustling Dixie Highway Corridor. The proposed building mass is consistent with the corridor development patterns and the adjacent Norton Museum and PBA College.

Waivers #7 Impermeable Surface: Table VIII-3 requires a maximum impermeable surface of 85%. The site plan is showing an 97% impermeable surface, requiring a 12% waiver. This project is proposed as an urban infill development along the S Dixie Highway corridor and the underground parking garage inhibits the project from complying with this standard. However, as shown on the landscape plan, the project proposes many landscape planters that will soften the hardscape on site and enhance the public realm of the circulation spaces for vehicles and pedestrians. Similar lot coverage totals can be found in urban developments along similar corridors throughout the City and within community redevelopment areas. Although the City does not recognize the S Dixie Corridor as a specific public funded redevelopment area, there is truly a need for such redevelopment in this area. The Carefree Theater has sat vacant for over ten (10) years and other commercial properties in the area are in need of redevelopment.

The Carefree presents an opportunity for a private property owner to invest in this corridor to spark a catalyst for other redevelopment in this area. Again, this intensity is not unlike other projects in the downtown district, or in other community redevelopment agencies in the City.

Waivers #8 Landscape Area: Section 94-243 – Table VIII-3 – The Commercial Planned Development with underlying General Commercial (GC) Property Development Regulations requires minimum landscaping area of 15%. The site plan demonstrates an overall landscape area of 10%, requiring this waiver of 5%. However, as shown on the landscape plan, the project proposes many landscape planters that will soften the hardscape on site and enhance the public realm of the circulation spaces for vehicles and pedestrians.

To mitigate this waiver request, the plan proposes landscape planters along both facades of the building. In fact, the landscape plan proposes planters throughout the site on top of garage structure, planted with vegetation, to also help mitigate impacts of this request. Moreover, the plan proposes 248 sf of planter space on the roof deck amenity plan. While the planters are costly, but the applicant recognizes the importance of incorporating green space in this urban mixed use project. Finally, the design proposes 49% more foundation planting than required by code. All of these mitigating efforts are proposed to offset the impact of this waiver request.

Waivers #9 Open Space: Table VIII-3 also requires a minimum open space area of 40%. The site plan demonstrates an open space area of 33%, thus requiring a waiver of 7%. The Applicant has accommodated and planned for an upgraded streetscape design which includes landscaping, shade trees, tree grates and pavement upgrades along the S Dixie, Flamingo Drive, Barcelona Road, and Cordova Road corridors.

Additionally, the urban location of the site along a major urban thoroughfare, S. Dixie Highway, is more appropriate for less open space than other more suburban areas of the City where open space has a higher value and impact on the quality of life and recreation. Moreover, the roof deck amenity will offer regal tree planters and lounge recreation for the residents to compensate for the decrease in open space on site.

Waivers #10 Landscape Buffer: Section 94-443(d) requires a 10-foot landscape buffer strip along rights-of-way along S Dixie Highway and the side streets of Flamingo, Barcelona and Cordova for multi-family uses. The Applicant is requesting a waiver from the standard 10-foot buffer requirement along S Dixie Highway in an effort to bring the storefronts adjacent to the right-of-way, which would also waive the requirements for 41 trees for 866 total linear feet of buffer material. The side streets accommodate landscape areas that range in width from two (2') feet to six (6') the required street trees and other plantings will be located in the right-of-way as part of the implementation of the S Dixie Highway corridor study. It should be noted that the bottom floor is mostly commercial along the linear frontages of the ROW with only a few exceptions. As such, the wavier request does not have as much impact as a request would with 100% multi-family residential. In fact, new urbanism principles of pulling the bottom floor of commercial uses closer to the street is consistent with many other urban oriented part of the City's code, and maintain the urban location of the subject property warrants this type of building orientation along Dixie Highway. Moreover, the roof deck amenity will offer regal tree planters and lounge recreation for the residents to compensate for the requested wavier of buffers.

To further outline this waiver requesting buffer widths less than 10', and according mitigation proposed in-lieu of the minimum buffer width, please review the following information:

Flamingo Building Property

North Buffer: North buffer requires 10 trees. Plan provides seven (7) palm trees along the building and five (5) trees within the ROW. Additionally, smaller trees are utilized due to overhead lines which restrict the maximum size allowable in that area.

South Buffer: South buffer requires six (6) trees. To mitigate the deficiency, plan provides two upgraded live oak trees flanking the project entrance. Specifically, the oak trees have been upgraded from 12' at install to 16' to assist in mitigating for the waiver.

East Buffer: East buffer requires 12 trees, however, to help mitigate for this waiver request, the plan provides 17, which is five (5) additional above code to help offset the quantity on the other buffers. Further, an additional 37 palms are proposed to assist in offsetting this waiver request.

West Buffer: West buffer requires eight (8) trees, however, the plan provides six (6) upgraded Cathedral Live Oaks located in tree grates. Moreover, an additional four (4) palms are located in the parking islands. To offset the tree number deficiency, oaks are to be installed at 20' tall, which is significantly larger than the minimum size required. Further, two (2) accent trees and four (4) palms are proposed along building façade.

Cordova Building Property

North Buffer: North buffer requires four (4) trees. To mitigate the deficiency, plan provides one (1) accent tree (size reduction due to location of water service) and one(1) upgraded 16' live oak are proposed in ROW. Additionally, three (3) accent trees are proposed along façade to bolster tree canopy presence in this frontage location.

South Buffer: South buffer requires four (4) trees. To mitigate the deficiency, plan provides two (2) 16' oaks, one (1) accent tree, and 2 palms along foundation area.

East Buffer: East buffer requires eight (8) trees, however, 12 trees are provided to offset reduction in other areas. To further mitigate this waiver request in other areas, an additional 25 palms are proposed along this frontage.

West Buffer: West buffer requires 8 trees. To mitigate the deficiency of buffer width, nine (9) trees are upgraded Cathedral Live Oaks in ROW, along with 2 accent trees 15 palms along building façade. The west buffers have been upgraded to include canopy trees and palms to both screen from the residents to the east but also enhance the buffer and provide addition tree quantity to offset the overall requirement on site.

Waiver #11 Signage

This CPD application proposes a signage program per allowances in Sec. 207(a)(1) which permits "innovative land planning and development techniques to create desirable and attractive development in the City". Non-residential signage shall be subject to the provisions in Sec. 94-409 for calculating sign area, and shall use the entire structural façade of non-residential and residential uses for calculations. Additionally, some specific sign types and according sizes, and the location and quantity of proposed non-residential signage shall be regulated by the scaled signage program details in SP-2. Residential signage shall be subject to provisions in Sec. 94-407. As such, the Carefree Theater CPD Signage Program outlined in SP-2 is proposed to replace the standard signage requirements cited in Sec. 94-27(c)(7) referring to Article XIII for signage standards, thus requires approval of the subject waiver.

In Summary

In closing, understanding that cultural arts are not revenue generators, they are a catalyst for surrounding businesses, thus creating a new tax base in this area of the City. The additional

impermeable surface and lot coverage are all related in that this project needs to utilize the entire site to be a viable development. Again, this intensity is not unlike other projects in the downtown district, or in other community redevelopment agencies in the City.

The Carefree Theater has an 80-year history of being a local entertainment center, cultural arts venue and community meeting place. Its restoration and redevelopment as a public cultural arts venue is a very special project for the City and its residents. The City's Comprehensive Plan Future Land Use Element Objective 1.7 and Policy 1.7.1 allow incentives to encourage innovative design and efficient use of land. Specifically, these incentives allow for increases in density and/or floor area ratio for planned developments. The subject property will be developed as a Commercial Planned Development (CPD) and utilize innovative design features. This project will also provide an efficient use of land by the use of subterranean parking in both buildings. The subterranean parking facility will provide additional public parking spaces along the South Dixie Corridor in an area of need. In order to achieve the vision of the Applicant and bring this venue back to prominence, the proposed project and intensity are necessary. This unique and special project requires your full attention and support. The granting of these minor waiver requests will result in a unique opportunity and the Applicant's investment into the community. Approval of this project will provide and ensure an economically sound, vibrant corridor along with an additional landmark location and use directly to the City, its residents and visitors.

Please accept these applications for a Planned Development for the Carefree 6 at Flamingo mixed-use project.