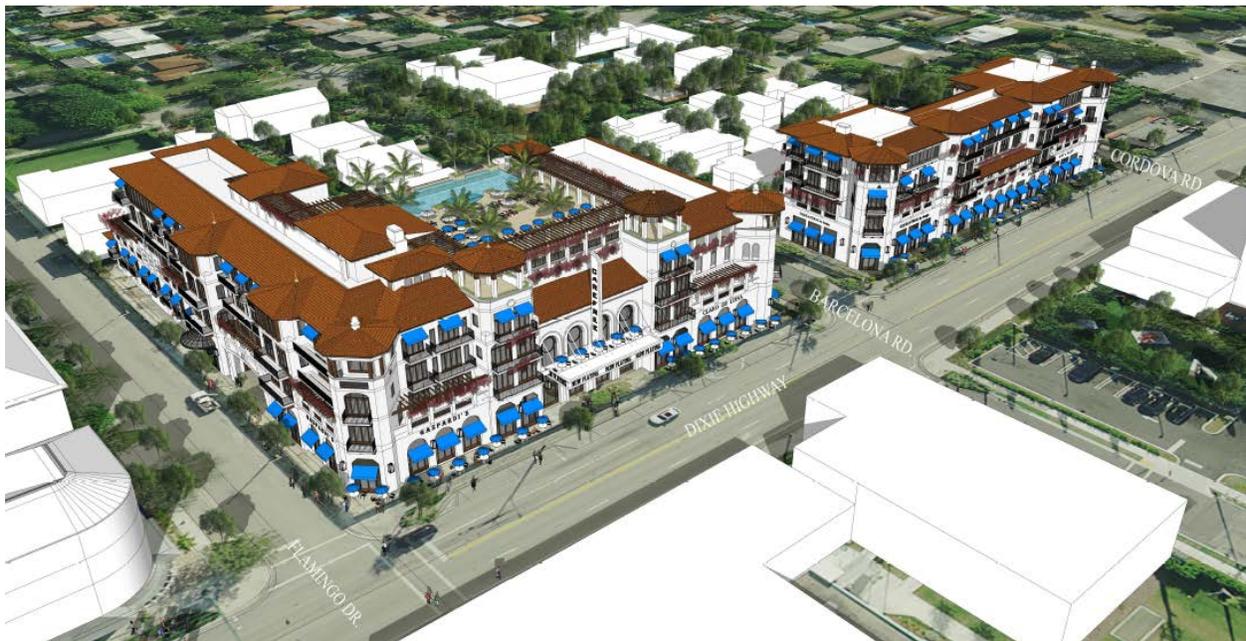


**Justification Statement
Carefree 6 at Flamingo
Planned Development Application
City of West Palm Beach Planning & Zoning Submittal
Original Submittal: May 14, 2019**

Introduction

The Applicant and Property Owners, 2000 SDH, LLC and 2100 SDH, LLC (“Applicant”), respectfully request approval of a Future Land Use Map Amendment, Rezoning, and Planned Development with Waivers for the Carefree 6 at Flamingo, a mixed-use development in the City of West Palm Beach. The 1.804-acre (78,598 sf) subject site (PCNs: 74-43-43-27-19-000-0050, 74-43-43-27-21-001-0010 & 74-43-43-27-21-002-0010) is 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”).



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 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	GC	Auto Sales (Vacant) & Museum/Restaurant (EmKo)

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

The Applicant is requesting Rezoning approval to a Commercial Plened Development (CPD) to allow a mixed-use development that will include a cultural arts theater, complementary retail and restaurants, as well as luxury residential apartments. The Applicant is also requesting nine (9) waivers to accommodate this unique and special development on the subject property. The Carefree 6 at Flamingo project is unique and special due to the required design of the theater space, effort to provide additional public parking in the area, and desire to bring the bulk of the buildings up to South Dixie highway to reduce any perceived impact to the historic residential areas to the east. Although the majority of the properties to the east are located in the historic single-family high-density zoning district, a majority of the properties have multiple units per parcel and have densities from 7 to 21 units per acre.

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 nine (9) Waivers.
- A Site Plan for a mixed-use project that includes a theater, retail, restaurants, residential and a 2-level subterranean parking structure.

History

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 evolved into a historic center for the arts, displaying movies and hosting live entertainment. The Carefree has a rich and long history along the South Dixie corridor and in the City of West Palm Beach. Once a vibrant 750 seat, one screen theater, specializing in art house releases and concerts for over fifty (50) 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 was permanently closed. The Carefree's condition was a common theme along the South Dixie corridor and was razed and removed by the current owner to remove the blighted and disrepaired building from the area. This area has

seen some resurgence in popularity with restaurants and businesses utilizing and rehabilitating existing structures and venues. However, the area has not seen new development and redevelopment like the City's downtown center, City Place, Clematis and Flagler Drive. The redevelopment of the Carefree property has the potential to bring life back to this area and re-establish the rich culture which once thrived in this neighborhood. This proposed development will meet and exceed criteria that is critical to spur rehabilitation and remodeling of commercial space in a unique manner that only this type of development can achieve.

Carefree Theater 1950's



Carefree Theater 1970's



Carefree Theater 2016



Proposed Carefree - 6 Theater 2022



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 tabled in an effort to re-design the project which has been considerably reduced to the current application. The reduction includes the removal of three stories of residential units from 97 units to 58 (-39) an overall height from 97' feet to primarily 69' feet (-28). A reduction in total waiver requests from 14 to 9 as well as a decrease in the overall scale of the requests. Several community outreach meetings have been performed in an effort to receive feedback on the revised program and layout and have been incorporated into this application.

Visioning

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. Cohen Brothers Realty Corporation owns and manages more than 12 million square feet of Class A design, retail and office space, including Dania Beach's Design Center of the Americas, known as DCOTA. 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 America.

In 2015, Charles Cohen purchased the Carefree Theater at 2000 South Dixie Highway, as well as the adjacent parcel directly to the south at 2100 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. Mr. Cohen's visions for The Carefree, the South Dixie Corridor, and the City of West Palm Beach include:

- Restoring a cultural art space (art house & classic movie theater) within the City and continuing to make Palm Beach County a cultural destination.
- Providing historically significant architecture to this area of the City.
- Re-establishing a neighborhood identity for El Cid by creating a "walkable corridor" and a "sense of place".
- Providing additional retail and fine dining options along the South Dixie Corridor.
- Providing additional public parking to City in an area of need along the 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 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.

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 bring back a significant element of cultural art space (art house & classic movie theater) to the City and the residents, while revitalizing an abandoned and blighted area of the South Dixie Corridor. Since 2005, the Carefree Theater had been an eyesore to the area residents and other businesses along the South Dixie corridor. The fact that the subject property has sat idle and unoccupied, has contributed to the blight of other vacant properties in the area. This proposal seeks to re-

establish this property as an iconic landmark serving as a catalyst for other development and redevelopment along this 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. With that being said, Carefree 6 at Flamingo presents an opportunity to help secure 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 rental units. The Southern EL Cordova building will include 10,000 square feet of retail on the first floor and 26 residential rental units above. 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 that the entire Subject Property (1.804 acres) be rezoned to the 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 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. 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.

Here is a breakdown of the proposed intensity:

Building	Use (Details)	Seats/Units/ Parking Spaces	Total Size (square feet)
El Flamingo			
	Theater (6) 2@50 2@100 2@150	600 Seats	22,750
	Restaurant (2)		7,936
	Residential	32 Units	42,622
	Sub- total		73,308
	Parking Deck & Surface Parking	301 Spaces	
El Cordova			
	Retail		10,008
	Residential	26 Units	34,388
	Parking Deck	104 Spaces	
	Sub- Total		44,396
	Totals	600 Seats 58 Units 405 Spaces	446,763

Parking and Circulation

The required parking is primarily achieved by the location of two subterranean parking garages with two (2) levels of parking under each building. The EL Flamingo garage ingress is located within the building footprint via a ramp to be used by patrons and valet alike. This is further accessed from the main vehicular entry located on Flamingo Drive which includes a flex/thru lane for direct access as well as a valet/drop off lane. The egress from the garage has two (2) options. Option one (1) is directly to Barcelona Road with a Western directional curb cut exit to Dixie Highway. Alternate access to Flamingo Drive can be accessed with a Western directional curb cut directly to the traffic light intersection. This additional exit to Flamingo has been added as part of the community outreach request. EL Cordova ingress and egress are both directly from Cordova Rd. Directional curb cuts, directional striping, signage of “Left Turn Only”, “Do Not Enter” and Speed tables located direct of our Eastern agrees points are additionally proposed.

Vehicle 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 will 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 will be directed to off peak locations based on business operational hours. The proposed development requires 388 parking spaces while 405 have been provided.

Standards of Code Compliance

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 nine (9) 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 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

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 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: The Applicant is requesting waivers to reduce or eliminate the required landscaping along the roadways in order to provide an urban streetscape more compatible with the area in its current design as well as implement some of the South Dixie Corridor Plan and the street landscaping within it.

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

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)	5 acres	1.8 acres	3.2 acres
	Commercial Planned Development Districts - Minimum Area Required			
	94-611 -Lot Definition (4)	Setback Orientation		
2	94-243 - Table VIII-3	Lot Line, Front is R.O.W with the Narrowest Length	Dixie Highway as Frontage	Dixie Highway as Frontage
		Flamingo, Barcelona, Cordova as Lot Frontage	Flamingo, Barcelona, Cordova as Side Corner	Flamingo, Barcelona, Cordova as Side Corner
3	94-243 - Table VIII-3	20' plus 6' of setback for each 10' >60' ht.		
	Front Setback (Dixie) Commercial Planned Development Regulations	a.) 79'ht. = 32' feet (El Flamingo west property line- Dixie)	a.) 1'-6" feet (El Flamingo west property line- Dixie)	a.) 30'-6" feet (El Flamingo west property line- Dixie)
		b.) 69' ht. = 26' feet (El Cordova west property line-Dixie)	b.) 0'-8" feet (El Cordova west property line- Dixie)	b.) 25'-4" feet (El Cordova west property line- Dixie)
4	94-243 - Table VIII-3- (12a)	>30' abutting SF= 2' setback for each additional 1' of height.		
	Commercial Planned Development Regulations (Abutting/District Rear Setback)	a.) 79' ht. = 98 feet (El Flamingo east property line)	a.) 17' feet (El Flamingo southeast property line)	a.) 81' feet (El Flamingo southeast property line)
		b.) 62' ht. = 64 feet (El Cordova east property line)	b.) 20 feet (El Cordova east property line)	b.) 44 feet (El Cordova east property line)
5	94-243 - Table VIII-3	60%	69%	9%
	Commercial Planned Development Regulations (Maximum Lot Coverage)			
6	94-243 - Table VIII-3	80%	89%	9%
	Commercial Planned Development Regulations (Max. Impermeable Surface)			
7	94-243 - Table VIII-3	20%	11%	9%
	Commercial Planned Development Regulations (Minimum Landscaping)			
8	94-243 - Table VIII-3	40%	31%	9%
	Commercial Planned Development Regulations (Minimum Open Space)			
9	94-443(b)	5 feet landscape buffer strip along rights-of-way.		
	Landscape Buffering adjacent to a public thoroughfare and nonresidential zoning district	a.) 5 foot Buffer (El Flamingo north, south and west property line)	a.) 0'-3' foot Buffer (El Flamingo north, south and west property line)	a.) relief from 5 foot Buffer (El Flamingo north, south and west property line)
		b.) 5 foot Buffer (El Cordova north, south and west property line)	b.) 0'-3' foot Buffer (El Cordova north, south and west property line)	b.) relief from the 5 foot Buffer (El Cordova north, south and west property line)

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 PUD 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 32-foot front setback based on a building with a height of 79 feet, specifically for the west property line of El Flamingo at the Dixie Highway frontage. Additionally, a 25’4”-foot front setback based on a building with a height of 69 feet, specifically for the west property line of El Cordova at the Dixie Highway frontage. The Applicant is requesting a 30’-6”(a) and a 25’-4”(b) 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 zero-foot (0’) 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. But due to the 5’ balcony overhangs these elements penetrate the setback and are therefore required to be identified, bringing these setbacks to within 8” of the property line. 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



Waiver #4(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 Building (**W4-a**) proposed height of 79' feet is required a setback of 98' from the rear property line adjacent to single family lot. This limited area adjacent to single family is 309 Barcelona, The Applicant owns 309 Barcelona and plans to restore the structure as part of this overall effort. The proposed rear setback for the project of 17' along with the 80' of lot width of the Barcelona lot provided for 97' of separation and acts a buffer to the to the first privately owned residential lot as well other single family lots to the east. Additionally, no residential units are proposed along this rear façade as the theaters are located in this area

The El Cordova Building (W4b) 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 62' feet is required a setback of 44' from the rear property line adjacent to single family lot. The proposed rear setback for the project of 20' is measured to the exterior proposed balconies which extend and additional 10' from the primary structure with an actual setback distance of 30'. The site plan demonstrates a 30' foot side setback along the east side of the El Cordova building (58 feet waiver requested). 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. Trash and dumpster being internal to the building. The existing 6' wall along with upgraded landscaping efforts found in the landscape plan.

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.

Waivers #5 & #6: 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 69%**, requiring this waiver of 9%. Table VIII-3 requires a maximum impermeable surface of 80%. The site plan is showing an **89% impermeable surface, requiring a 9% waiver**. This project is proposed as an urban infill development along the S Dixie Highway corridor. 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 #7 & #8: Section 94-243 – Table VIII-3 – The Commercial Planned Development with underlying General Commercial (GC) Property Development Regulations requires a minimum landscaping area of 20%. The site plan demonstrates an overall landscape area of 11%, requiring this waiver of 9%. Table VIII-3 also requires a minimum open space area of 40%. The site plan demonstrates an open space area of 31%, thus requiring a waiver of 9%. 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, which area not calculated in these open space and landscaping numbers. Additional landscaping is planned for the amenity decks on both El Flamingo and El Cordova, but is also not included in these open space and landscaping numbers.

Waivers #9: Section 94-443(b) requires a 5-foot landscape buffer strip along rights-of-way along S Dixie Highway and the side streets of Flamingo, Barcelona and Cordova. The Applicant is requesting a waiver from the standard 5-foot buffer requirement along S Dixie Highway in an effort to bring the storefronts adjacent to the right-of-way. 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.

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.