CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

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

Request:

☐ Planned Community Development (PCD)
☐ Planned Unit Development (PUD)
☒ Amendment to PCD, PUD or Site Plan
☐ Conditional Use
☐ Amendment to the Comprehensive Plan
☐ Administrative Approval
☐ Administrative Appeal

☐ Annexation
☐ Rezoning
☐ Site Plan Review
☐ Concurrency Certificate
☐ Time Extension
☐ Miscellaneous
☐ Other

Date Submitted: ____________

Project Name: Banyan Tree Phase II

Owner: Northlake Place II, LLC

Applicant (if not Owner): ______________________

Applicant’s Address: 1027 N Florida Mango Rd, Ste 2 WPB Telephone No. 561-346-0105

Agent: Cotleur & Hearing

Contact Person: Nicole Plunkett E-Mail: nplurkett@cotleur-hearing.com

Agent’s Mailing Address: 1934 Commerce Lane, Ste 1

Agent’s Telephone Number: 561-747-6336

FOR OFFICE USE ONLY

Petition Number: ______________ Date & Time Received: ______________

Fees Received

Application $______________ Engineering $______________

Receipt Number: ______________
Site Information:  Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: Northwest quadrant of the intersection of Northlake Blvd. and Mac Arthur Blvd.

Address: 3335 Northlake Blvd.

Section: 18  Township: 42  Range: 43

Property Control Number(s): 52434218220000020

Acreage: 3.87  Current Zoning: MXD/PUD with NBOZ  Requested Zoning: N/A

Flood Zone X  Base Flood Elevation (BFE) - to be indicated on site plan

Current Comprehensive Plan Land Use Designation: MXD with NBOZ Overlay

Existing Land Use: MXD  Requested Land Use: N/A

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

Proposed Square Footage by Use: Daycare 10,000 SF

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

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

1. Explain the nature of the request: The applicant is proposing a 10,000 square-foot The Learning Center (TLE) daycare center within the vacant Building North boundary of the Banyan Tree PUD Phase II. The state-of-the-art facility will accommodate 175 students and include an outdoor play area. Additional information is provided in the enclosed justification statement.

2. What will be the impact of the proposed change on the surrounding area? The majority of the site is existing and remaining untouched. The new TLE request will require minimal parking space adjustments and compactor relocation. The main vehicular access to Northlake Blvd. and Mac Arthur will remain. Additional information is provided within the justification statement.

3. Describe how the rezoning request complies with the City’s Vision Plan and the following elements of the City’s Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.
Not applicable. This request will not require a rezoning.
4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

The proposal will increase the aesthetic appearance of the site will provide the missing link to the completion of the Banyan Tree PUD Phase II. None of the existing landscape buffers will be impacted & the public health, safety, and welfare are taken into account with CCTV, signage, and careful design.

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

The proposed TLE will trigger AIPP and the applicant will meet the requirements of the approval process.

6. Has project received concurrency certification?

Yes, however the proposed project will alter traffic. A revised study will be included with this proposal.

Date Received: 2014

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately 0 mile(s) from the intersection of Northlake Blvd. & Mac Arthur Blvd., on the north, east, south, west side of Northlake Blvd. (street/road).
Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Robert Deziel on behalf of Owner Northlake Place II, LLC who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.

2. That he/she is requesting PUD Amendment in the City of Palm Beach Gardens, Florida.

3. That he/she has appointed Cotleur & Hearing to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Northlake Place II, LLC

Signature of Owner

Robert Deziel

1027 N. Florida Mango Rd, Ste 2

Street Address

P. O. Box

561-346-0105

Telephone Number

red@dezielcompany.com

E-mail Address

Sworn and subscribed before me this 11th day of October, 2019.

Notary Public

My Commission expires:

12/10/2022
Applicant’s Certification

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

Applicant is: Robert Deziel

Owner
Robert Deziel; Northlake Place II, LLC
Print Name of Applicant

Optionee
1027 N. Florida Mango Rd, Ste 2
Street Address

Lessee
West Palm Beach, FL 33409
City, State, Zip Code

Agent
561-346-0105
Telephone Number

Contract Purchaser

Fax Number
red@dezielcompany.com
E-Mail Address
Financial Responsibility Form

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

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

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

Robert Deziel
Owner signature

10/11/2019
Date

Robert Deziel; Northlake Place II, LLC
Owner printed name

52434218220000020
Property Control Number

DESIGNEE/BILL TO:
Deziel & Company
1027 N. Florida Mango Rd, Ste 2
West Palm Beach, FL 33409

Robert Deziel
Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

STATE OF Florida
COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 11th day of
October, 2019, by Robert Deziel. He or she is personally known to me or has produced
Humberto Tancillo
Notary public signature

Printed name

State of Florida at-large
My Commission expires: 12/10/2022
CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
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Request:

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☐ Planned Unit Development (PUD) ☐ Rezoning
☐ Amendment to PCD, PUD or Site Plan ☐ Site Plan Review
☑ Conditional Use ☐ Concurrency Certificate
☐ Amendment to the Comprehensive Plan ☐ Time Extension
☐ Administrative Approval ☐ Miscellaneous
☐ Administrative Appeal ☐ Other

Date Submitted:

Project Name: Banyan Tree Phase II

Owner: Northlake Place II, LLC

Applicant (if not Owner):

Applicant’s Address: 1027 N Florida Mango Rd, Ste 2, WP Telephone No. 561-346-0105

Agent: Cotleur & Hearing

Contact Person: Nicole Plunkett E-Mail: nplunkett@cotleur-hearing.com

Agent’s Mailing Address: 1934 Commerce Lane, Ste 1

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FOR OFFICE USE ONLY

Petition Number: __________________________ Date & Time Received: __________________________

Fees Received

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

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Proposed Square Footage by Use: Daycare 10,000 SF

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

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

1. Explain the nature of the request: Request for approval of a major conditional use for a 10,000 square-foot daycare center within the vacant Building North boundary of the Banyan Tree PUD Phase II. The state-of-the-art facility will accommodate 175 students and include an outdoor play area. Additional information is provided in the enclosed justification statement.

2. What will be the impact of the proposed change on the surrounding area? The majority of the site is existing and remaining untouched. The new TLE request will require minimal parking space adjustments and compactor relocation. The main vehicular access to Northlake Blvd. and Mac Arthur will remain. Additional information is provided within the justification statement.

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

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

The proposed TLE will trigger AIPP and the applicant will meet the requirements of the approval process.

6. Has project received concurrency certification?

Yes, however the proposed project will alter traffic. A revised study will be included with this proposal.

Date Received: 2014

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately ___ mile(s) from the intersection of ___________________________, on the ____ north, ____ east, ____ south, ____ west side of ___________________________.

Northlake Blvd. (street/road).
Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Robert Deziel on behalf of Owner Northlake Place II, LLC who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.

2. That he/she is requesting Major conditional use ________________ in the City of Palm Beach Gardens, Florida.

3. That he/she has appointed Cotleur & Hearing ________________ to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Northlake Place II, LLC

Robert Deziel
Signature of Owner

Robert Deziel, Manager of Owner
By: Name/Title

1027 N. Florida Mango Rd, Ste 2
Street Address

West Palm Beach, FL 33409
City, State, Zip Code

P. O. Box

561-346-0105
Telephone Number

red@dezielcompany.com
E-mail Address

Sworn and subscribed before me this __________ day of __________, 2019.

Humberto Tanillo
Notary Public

My Commission expires: 12/10/2022

Notary Public State of Florida
Humberto Tanillo
My Commission GG 281472
Expires 12/10/2022
Applicant's Certification

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

Applicant is: ____________________________
Signature of Applicant

☑ Owner
Robert Deziel; Northlake Place II, LLC
Print Name of Applicant

☐ Optionee
1027 N. Florida Mango Rd, Ste 2
Street Address

☐ Lessee
West Palm Beach, FL 33409
City, State, Zip Code

☐ Agent
561-346-0105
Telephone Number

☐ Contract Purchaser

Fax Number
red@dezielcompany.com
E-Mail Address
Financial Responsibility Form

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

Robert Deziel
Owner signature

10/11/2019
Date

Robert Deziel; Northlake Place II, LLC
Owner printed name

52434218220000020
Property Control Number

DESIGNEE/BILL TO:
Deziel & Company

1027 N. Florida Mango Rd, Ste 2
West Palm Beach, FL 33409

Robert Deziel
Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 16th day of October, 2019, by Robert Deziel. He or she is personally known to me or has produced _____________ as identification.

Humberto Tancillo
Notary public signature

Humberto Tancillo
Printed name

State of Florida at-large My Commission expires: 12/10/2022
Banyan Tree PUD Phase II
PUD Amendment & Major Conditional Use
Justification Statement
November 7, 2019

Introduction
Northlake Place II, LLC (applicant) is requesting approval of an amendment to the Banyan Tree Planned Unit Development (PUD) Phase II, as well as a major conditional use. The Banyan Tree PUD is (+/-) 12.64 acres and is located at the northeast and northwest corners of Northlake Boulevard and Mac Arthur Boulevard. The overall PUD contains Phases I, II, and III, with Phases I and III already developed. In 2016, Phase II was approved with 3 separate single-story buildings (Building East, Building West, and Building North) containing restaurant, medical, and retail uses. Building East and Building West completed construction in 2017 and Building North was never built.

Project Fees

<table>
<thead>
<tr>
<th>Application Request</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUD Amendment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Major Conditional Use</td>
<td>$1,650.00</td>
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<tr>
<td>Open Space Review</td>
<td>$300.00</td>
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<tr>
<td>Engineering Escrow</td>
<td>$1,000.00</td>
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<tr>
<td>Advertising Escrow</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Legal Escrow</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Traffic Escrow</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,950.00</strong></td>
</tr>
</tbody>
</table>

Project Contact
Agent, Planner, & Landscape Architect
Don Hearing, PLA, ASLA
Nicole Plunkett, PLA, ASLA
Cotleur & Hearing
1934 Commerce Lane, Suite 1
Jupiter, Florida 33458
Phone: (561) 747-6336 Ext. 113
Email: dhearing@cotleur-hearing.com
nplunkett@cotleur-hearing.com
Background
The Banyan Tree PUD was approved by Ordinance 41, 2001 and includes three phases. Phases III and I are developed, while Phase II is currently vacant. Resolution 86, 2006 granted the Phase II site approval to allow a three-story building with 30,000 square feet of medical office and 20,000 square feet of professional office, for a total of 50,000 SF of building area. This plan was never implemented.

The site plan for the Banyan Tree PUD Phase II was approved by Resolution 13, 2015. The Resolution amended the Banyan Tree PUD Phase II to allow three separate single-story buildings consisting of 19,016 square feet of restaurant use and 10,200 square feet of retail use. A master signage program was approved as part of the resolution.

An Administrative Amendment, ADMN-15-08-000612, was approved in October 2015, which amended the previous site plan to remove the drive-through lane and added parking spaces. In addition, the amendment approved architectural modification and corresponding landscape revisions. The retail square footage was also adjusted to accommodate 3,500 square feet of medical use for Phase II.

A Miscellaneous Petition, MISC-15-08-000618, approved an amendment to the signage program approved under Resolution 13, 2015. The modifications that were approved was for the removal of one blade sign and an increase in letter height of a tenant sign from 24 inches to 30 inches.

MADM-16-11-000155 approved in January 2017 allowed minor adjustments to the site and landscape plans, parking modifications, door location changes to Building West, and the location of the Art in Public Places between Buildings East and West.

Land Use and Zoning
The subject site has a Future Land Use designation of Mixed Use (MXD) and a zoning designation of MXD with a PUD Overlay. The property is also located within the Northlake Boulevard Overlay Zone (NBOZ) and MacArthur Protection Overlay Zone (MPOZ). No changes to the existing land use and zoning designations are proposed. The building locations, architectural style, and landscaping have been designed in accordance with both overlays.

Subject Request
The applicant is proposing a (+/-) 10,000 square-foot The Learning Experience (TLE) daycare center and (+/-) 5,050 square-foot outdoor play area within the vacant Building North boundary in the Banyan Tree PUD Phase II with 175 total students. This state-of-the-art facility will provide before-school, after-school, and summer camp opportunities for infants through
kindergartners. The TLE will also provide the missing link to the completion of the Banyan Tree PUD Phase II which is currently a great success since its completion of Building East and Building West.

Adding a daycare use to the current Phase II of the Banyan Tree PUD will create a strong synergy throughout the entire plaza. Pedestrian connectivity is maintained between all 3 buildings to allow easy walkability between uses. The compactor which exists on site today is proposed to be relocated slightly northwest from its current location. This new location will be screened on all sides with landscape and will become an extension to the adjacent Blood Bank service area. This location will also provide better maneuverability truck access rather than having the compactor sit in the middle of the site as it does today.

Similar to the functionality of the TLE which exists at the LA Fitness Plaza on PGA Boulevard at the Florida Turnpike, a 6-foot wide sidewalk with a 4-foot tall white lattice style PVC fence is proposed on the north side and a 5-foot wide sidewalk with a 4-foot tall white lattice style PVC fence on the east side of the daycare building. This is very standard with the TLE safety procedures to allow a controlled environment for students and teachers to exit the building in the event of an emergency. An additional 6.7 feet of foundation planting is proposed along the north side of this fenced area. To address natural surveillance, the lattice style fence will allow visibility through it and a note has been placed on the landscape plans to maintain the foundation shrubs at a maximum of 24 inches in height. As with the previous approvals, the applicant will continue to inform and to work with the Lake Catherine community directly to the north throughout the approval process.

Use and Parking Analysis
In an effort to provide the applicant flexibility with future tenants, an analysis between uses approved through ADMN-15-08-000612, the uses existing on site today, and the proposed uses are outlined below.

**Table 1A: Approved Use Analysis**

<table>
<thead>
<tr>
<th>USE</th>
<th>APPROVED*</th>
<th>EXISTING ON SITE</th>
<th>REMAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESTAURANT</td>
<td>19,016 SF</td>
<td>9,475 SF</td>
<td>9,541 SF</td>
</tr>
<tr>
<td>RETAIL</td>
<td>9,380 SF</td>
<td>8,290 SF</td>
<td>1,090 SF</td>
</tr>
<tr>
<td>MEDICAL</td>
<td>3,500 SF</td>
<td>3,500 SF</td>
<td>0 SF</td>
</tr>
<tr>
<td>TOTAL</td>
<td>31,896 SF</td>
<td>21,265 SF</td>
<td>10,631 SF</td>
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</table>

<table>
<thead>
<tr>
<th>OUTDOOR SEATING</th>
<th>1,902 SF</th>
<th>650 SF</th>
<th>1,252 SF</th>
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<tbody>
<tr>
<td></td>
<td>229 SEATS</td>
<td>53 SEATS</td>
<td>176 SEATS</td>
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</table>

**Table 1B: Approved Parking**

<table>
<thead>
<tr>
<th>PARKING CALCULATIONS</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHASE II PARKING</td>
<td>258</td>
<td>227</td>
<td>-31</td>
</tr>
</tbody>
</table>
**Approved per ADMN-15-08-000612**

**Table 2A: Proposed Use Analysis**

<table>
<thead>
<tr>
<th>USE</th>
<th>PROPOSED</th>
<th>EXISTING ON SITE</th>
<th>REMAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESTAURANT</td>
<td>Max. 15,776 SF**</td>
<td>9,475 SF</td>
<td>**</td>
</tr>
<tr>
<td>RETAIL</td>
<td>Min. 2,000 SF**</td>
<td>8,290 SF</td>
<td>**</td>
</tr>
<tr>
<td>MEDICAL</td>
<td>3,500 SF</td>
<td>3,500 SF</td>
<td>0 SF</td>
</tr>
<tr>
<td>DAYCARE (175 STUDENTS)</td>
<td>10,000 SF</td>
<td>0 SF</td>
<td>10,000 SF</td>
</tr>
<tr>
<td>TOTAL</td>
<td>31,896 SF</td>
<td>31,896 SF</td>
<td>0 SF**</td>
</tr>
<tr>
<td>OUTDOOR SEATING</td>
<td>1,352 SF</td>
<td>650 SF</td>
<td>702 SF</td>
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<tr>
<td></td>
<td>163 SEATS</td>
<td>53 SEATS</td>
<td>110 SEATS</td>
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</table>

**Table 2B: Proposed Parking**

<table>
<thead>
<tr>
<th>PARKING CALCULATIONS</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>DIFFERENCE</th>
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</thead>
<tbody>
<tr>
<td>PHASE II PARKING</td>
<td>242</td>
<td>223</td>
<td>-20</td>
</tr>
<tr>
<td>PHASES I AND III PARKING</td>
<td>300</td>
<td>335</td>
<td>+15</td>
</tr>
<tr>
<td>TOTAL</td>
<td>543</td>
<td>558</td>
<td>+15</td>
</tr>
</tbody>
</table>

**For the purpose of the proposed Use Analysis in Table 2A, the applicant is maximizing restaurant use on the site. 15,776 square feet of restaurant with 2,000 square feet of retail is proposed. The parking numbers shown in Table 2B reflect these Use Analysis numbers and do not exceed the approved Phase II Parking Difference. This scenario was created to show how all of the numbers play out with the most intense maximum use proposed. Tenants come and go over time and this scenario allows the applicant to maintain flexibility between retail and restaurant uses. Realistically, no matter what the ratio of restaurant and retail is, the site is bound to have a minimum of 2,000 square feet of retail. The site currently provides 223 spaces for Phase II. There are 10 designated spaces for employee parking within the northeast Blood Bank Property. There are 558 parking spaces provided within the PUD which exceeds the required 543 spaces. The proposed daycare minimally alters the parking area immediately surrounding the new building. The remaining parking has been functioning since the completion of Buildings East and West and will remain untouched.**

A second future scenario which is unlikely, but still possible, is that the site will contain a maximum of 17,776 square feet of retail with 0 square feet of restaurant. Traffic consultants at Kimley-Horn created a comparison trip table showing this second scenario versus our proposed scenario. Please see Table 3A. This comparison is purely to show that our proposed 15,776
square feet of restaurant with 2,000 square feet of retail is factually most intense than any other scenario involving retail versus restaurant.

Table 3A: Trip Generation Scenario Comparison

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>Daily Trips</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Proposed Scenario 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Turnover Sit-Down Restaurant</td>
<td>15.776</td>
<td>1,770</td>
<td>157</td>
<td>86</td>
</tr>
<tr>
<td>General Commercial (&lt;10,000 SF)</td>
<td>2</td>
<td>251</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Medical Office</td>
<td>3.5</td>
<td>122</td>
<td>10</td>
<td>8</td>
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<td>Day Care</td>
<td>175</td>
<td>Students</td>
<td>716</td>
<td>137</td>
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<td></td>
<td></td>
<td>Subtotal</td>
<td>2,859</td>
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<tr>
<td>Pass-By Capture</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>High Turnover Sit-Down Restaurant</td>
<td>43.0%</td>
<td>761</td>
<td>68</td>
<td>37</td>
</tr>
<tr>
<td>General Commercial (&lt;10,000 SF)</td>
<td>62.0%</td>
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<tr>
<td>Medical Office</td>
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<tr>
<td>Day Care</td>
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<tr>
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<td>Pass-By Capture</td>
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In summary, the way we are proposing our use breakdown within this narrative and the site data is consistent with how the original approval was approached. The idea is to allow the applicant flexibility to adjust retail and restaurant tenants based on the current market trends and needs. This flexibility will allow the tools to provide the most successful mix of uses on site. It is quite likely that the current tenants which exist today within Buildings East and West will not be the exact same mix of uses in five years. While we cannot predict the future, we are requesting the approval of 15,776 square feet of restaurant with 2,000 square feet of retail to allow for flexibility with future tenants.

Traffic
A revised traffic impact analysis has been conducted to address the proposed daycare. The previous traffic impact analysis requested approval for 10,200 SF of commercial retail, 18,016 SF of high turnover restaurant, and 1,000 SF of fast food restaurant. This request calculated 1,703 net new external trips. The proposed scenario for the daycare use modifies the original request to only require 1,349 net new external trips. This is a reduction of 354 net new external trips and less intense use for the site.

Access & Vehicular Circulation
Phase II of the PUD has two existing vehicular access points off Northlake Boulevard and Mac Arthur Boulevard. The access on Northlake Boulevard is shared between Phases I and II. The access on Mac Arthur Boulevard is located at the northeast corner of the site. The proposed daycare will not change or affect these vehicular access points. The landscaping and monument signage at both entrances exist today and are not proposed to be modified.

The interior vehicular circulation within Phase II of the PUD will function very similarly to how it does today. There are minimal changes to the parking and drive aisle with this proposal and they only occur directly adjacent to the new daycare. Three areas of decorative pavers are proposed along the northernmost drive aisle to encourage traffic calming.

The pedestrian circulation will be improved with the new daycare as it will eliminate the “dead end” which exists when someone walks along the center crosswalk to the north empty parcel. Finalizing the Phase II site plan with last remaining building on the parcel provides many benefits and pedestrian circulation is one of those improvements.

Architecture and Signage
The proposed architecture for the daycare has been carefully designed to be functional for the tenant while fitting in with the existing architectural style of Buildings West and East within the Banyan Tree PUD Phase II. A similar color palette was chosen with many of the same architectural details including the decorative canopy and parapet design. The idea is that after the construction is completed, Phase II will look like it was all designed and constructed at the same time as a complementary project.

The applicant is proposing principal tenant signage at the entrance to the daycare on the south elevation. The dimension of the sign is 3’-7” in height by 10’-0” in width. The logo and text design are federally registered and complies with the general specifications of the approved Northlake Gardens Master Signage Program. There are no proposed changes to the monument sign approvals at this time.

Lighting
Lighting to the immediate surrounding area of the new daycare has been modified to include additional light poles. Additionally, wall pack lighting is proposed along the elevations of the building. A revised photometric plan which addressed these changes is included within this application. It is the applicant’s desire to provide a safe environment through lighting and surveyance cameras with the proposed project enhancements.

**Landscape**

All landscape buffers will within Phase II will remain intact. The 25-foot landscape buffer along the north property line was planted a few years ago and has matured nicely into a very thick and full landscape buffer. This proposal will add new foundation planting along the south, east, and north elevations of the daycare. There are 2 existing medjool palms which sit near the site of the daycare. The easternmost medjool will remain in the existing parking island and the westernmost medjool is proposed to be relocated to the central parking island closest to the pedestrian crosswalk. Matched Japanese blueberry trees will be planted on both sides of the main daycare entrance. Confederate jasmine vines at the south elevation will provide an enriched design and enhance the architecture. The east and north elevations contain double adonidia palms, ficus green island, and variegated schefflera. There are no public entrances to the building along the east and north elevations.

Additional planting is proposed at the new compactor location and along the outdoor play area fence. The applicant is proposing to relocate 3 Japanese blueberry trees which will be affected by the parking lot changes to buffer the compactor area. New confederate jasmine is proposed on its walls. Podocarpus is proposed along the perimeter of the outdoor play area fence.

**Waivers**

The following waivers are requested:

<table>
<thead>
<tr>
<th>Section</th>
<th>Code</th>
<th>Required</th>
<th>Proposed</th>
<th>Waiver</th>
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</thead>
<tbody>
<tr>
<td>Sec. 78-159</td>
<td>(j) (35) h.</td>
<td>One shade tree</td>
<td>Three canopy structures and two covered</td>
<td>3.37 Trees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>per 1,500 SF of</td>
<td>overhangs</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>outdoor play</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>area</td>
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<td></td>
</tr>
</tbody>
</table>

**Shade Trees Within Outdoor Play Areas – Sec. 78-159 (j) (35) h.**

The applicant is requesting a waiver to eliminate the shade tree requirement within outdoor play areas. Introducing vegetation within a play area for children can result in ingestion of plant material, cuts from the bark or tree limbs, and the potential for increased insects. The applicant is instead proposing to provide shade through a series of three canopy structures which sit within the play equipment area and two covered overhangs which extend from the western elevation of the daycare. The shade from these five elements will provide increased protection from the sun and heat for the children and staff at the daycare while eliminating many of the issues which occur with introducing vegetation.
**Conditional Use Criteria**

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

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

   The Comprehensive Plan designation for this site is Mixed Use Development (MXD). The zoning designation is PUD / MXD, which is consistent with the Comprehensive Plan designation. The daycare use is consistent with the intent of the MXD district.

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

   The proposed Major Conditional Use will be consistent with all applicable requirements.

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

   **Section 78-159, Table 21: Permitted, Conditional, and Prohibited Use Chart: Day care, child or adult (note 35).**

   **(Note 35) Day care, child or adult.** Child or adult day care facilities shall conform with the applicable standards listed below.

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

   *Response: Noted. The applicant will comply.*

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

   *Response: The lot area exceeds 8,000 SF and is currently 168,761.65 SF.*

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

   *Response: A fenced outdoor play area is proposed which totals 5,050 SF.*

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

   *Response: Noted. The applicant will not exceed the maximum number of children or adults as approved by city council.*
e. Shall operate not more than 18 hours per day.  
   Response: The facility will not operate more than 18 hours per day.

f. Shall provide a pickup and drop-off facility, including queuing, circulation, and parking spaces, acceptable to the city engineer and the growth management director. 
   Response: The applicant is proposing five drop-off/pick up spaces at the front entrance to the daycare. There are designated morning and afternoon windows for drop-off/pick up. The daycare historically has had no problem with too many vehicles coming to the daycare at the same time.

g. A four feet high fence or wall shall be installed along the perimeter of the outdoor play or activity area. 
   Response: A 8-foot white PVC fence is proposed around the perimeter of the outdoor play area.

h. Outdoor activity areas shall be landscaped as required by Section 78-313 of this chapter. In addition, one shade tree per 1,500 square feet of outdoor play or activity area shall be installed. 
   Response: No vegetation is proposed within the play area to minimize the possibly of a child ingesting a plant or getting hurt. The absence of vegetation within the play area also helps with the maintenance of the play equipment. The requirement per this section is 3.37 trees (5,050 SF of play area / 1,500 SF). Instead, the applicant is proposing three canopy structures over the play equipment and two covered overhangs over the picnic tables attached to the west side of the daycare building.

i. All stationary play equipment, dumpsters, garbage cans or recycling bins, and similar equipment shall be located at least 50 feet from any abutting residential property line. 
   Response: The compactor and play equipment exceeds the minimum 50 feet setback from the residential property line.

The proposed daycare use is consistent with these requirements. We see this site as an ideal location for a daycare as it would be utilized by the surrounding residents.

(4) Public welfare. The proposed use provides for the public health, safety, and welfare by:
   a. Providing for a safe and effective means of pedestrian access;
The proposed site plan for the daycare provides a connection to the main interior central crosswalk which safely leads pedestrians through the parking area to existing Buildings East and West. The new daycare will provide the missing last link to a complete site. Additionally, all of the existing pedestrian access areas will remain and ultimately connect to the public sidewalks along Mac Arthur Boulevard and Northlake Boulevard.

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

There are two existing ingress and egress points which serve Phase II. No changes to the existing vehicular access points are proposed.

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

The proposed building will not interfere with the existing ingress and egress to the site from the public rights-of-way.

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

The proposed amendment provides for unobstructed vehicular circulation and adequate parking based on a study of the proposed uses. No dead-end parking is proposed to ensure safe and efficient onsite traffic flow. The main vehicular circulation through the interior of the site generally remains as it exists today. The addition of three areas of decorative pavers along the northernmost east to west drive aisle. These paver areas will act as traffic calming and enhance the aesthetics of this area.

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

The site can be easily accessed by emergency vehicles from Northlake Boulevard or Mac Arthur Boulevard. There are minimum changes to the interior circulation and 20-foot minimum radii are maintained throughout the affected areas to provide proper fire access. The applicant has also taken into consideration many safety aspects to adhere to CPTED standards. These new additions within this proposal include additional lighting around the daycare, new CCTV cameras, security signage, and traffic calming elements.
(5) Screening and buffering. The proposed use utilizes such techniques as landscaping, screening, buffering, site or building design, or business operation procedures to mitigate impacts on surrounding properties, including such impacts as:

a. Noise; b. Glare; c. Odor;

The daycare is proposed to maintain the 100-foot setback from the residential property line to the north. A 25-foot wide landscape buffer with a wall is existing along the north property line and the vegetation within this buffer have greatly matured over the years. The applicant has allowed this buffer to become a full and thick area of landscape which help with any potential noise, glare, or odor.

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

All ground- and rooftop-mounted mechanical equipment will be screened from view in accordance with City Code.

e. Perimeter, interior, and security lighting;

The applicant is proposing additional lighting and a new photometric plan to meet the safety standards.

f. Signs;

A principal wall sign is proposed on the south side of the daycare building. No signage will be proposed facing any of the adjacent properties.

g. Waste disposal and recycling;

The applicant is proposing to relocate the existing compactor area to provide for better access for the trucks to pick up. The recycling area within the compactor area will be redesigned to provide superior functionality than what exists today. Since the applicant is currently using a similar compactor on site today, we are confident the maintenance and pickup schedules will be continued to eliminate any potential odor, pests, or spills. A benefit to using a compactor versus a typical dumpster is that the compactors contain smells and spills. A concrete wall will contain the compactor and recycling areas and will be screened with Japanese blueberries and shrubs.

h. Outdoor storage of merchandise and vehicles;

There will be no outdoor storage or storage of vehicles.

i. Visual impact; and

Due to the mature landscape within the existing north 25-foot buffer, the visual impact of the new daycare to the residents to the north is minimal, if any. Architecturally, the new daycare fits in with the existing character of the Phase II site.
The addition of the daycare will also complete the vacant sod area and provide for a finished site.

j. Hours of operation.
The daycare will hold normal business hours and will operate for less than 18 hours per day.

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

All proposed utility changes are minimal in nature due to the site being mostly built out. The proposed changes will have no impact on utilities located on adjacent properties.

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

All dimensional requirements have been met.

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

There are no neighborhood plans for this area.

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

The proposed daycare use is located within an area of existing retail and commercial uses. The proposed uses will complement the existing uses within the Banyan Tree PUD and along the Northlake Boulevard Corridor. The development of this site will help further the vision for the NBOZ.

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

The proposed use is located between two developed sites to the east and west that are commercial in nature, directly accessible to a major arterial roadway, and located in an area where water supply and wastewater collection are provided. The development of the daycare site is easy to access for construction.

(11) Purpose and intent. The proposed use will be in harmony with the general purpose and intent of this chapter and the goals, objectives, and policies of the city.
The daycare is compatible with the surrounding area and is in harmony with the general purposes of the city’s policies for Mixed Use Developments.

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

The proposed use will improve the visual aesthetics of the area by developing a currently vacant portion of a parcel, adding additional lush vegetation and creating an architecturally significant buildings that will complement the existing development and the vision of the Northlake Boulevard Corridor.

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

The subject site does not contain any environmentally significant wildlife, vegetation, or wetlands. Additionally, the applicant is proposing to develop a vacant portion of an otherwise unfinished parcel. Infill development of this nature discourages urban sprawl, which further minimizes the potential for adverse environmental impacts to be generated by the site.

Conclusion
The applicant is seeking a PUD amendment and major conditional use approval for Phase II to allow a daycare. The proposed use will complement the existing uses within the Banyan Tree PUD and the corridor, providing an opportunity for adjacent neighboring communities to have their children taken care of during the day. The applicant has worked thoughtfully and diligently with earlier aspects of Phase II; and is looking forward to working with staff to achieve a sustainable and successful project that will bring added value to the city.