



**TOWN OF LAKE PARK
SPECIAL CALL
PLANNING & ZONING BOARD
MEETING MINUTES
SEPTEMBER 12, 2016**

CALL TO ORDER

The Special Call Planning & Zoning Board Meeting was called to order by Chair Thomas at 7:00 p.m.

ROLL CALL

| | |
|------------------------------|---------|
| Judith Thomas, Chair | Present |
| Martin Schneider, Vice-Chair | Present |
| Anthony Bontrager | Present |
| Lanae Barnes | Present |

Also in attendance were Town Attorney Thomas J. Baird; Nadia DiTommaso, Community Development Director, Town Planner Scott Schultz and Recording Secretary Kimberly Rowley.

APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made a motion for approval, and it was seconded by Board Member Barnes. The vote was as follows:

| | Aye | Nay |
|-------------------|------------|------------|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |
| Anthony Bontrager | X | |

The Motion carried 4-0, and the Agenda was approved as submitted.

APPROVAL OF MINUTES

Chair Thomas asked for a motion for the approval of the Minutes of the August 22, 2016, Special Call Planning & Zoning Board Meeting. Vice-Chair Schneider asked to read into the record two (2) revisions/clarifications on Page 10 of the Minutes. Vice-Chair Schneider made a motion for approval with the noted revisions/clarifications and the motion was seconded by Board Member Barnes. The vote was as follows:

| | Aye | Nay |
|-------------------|------------|------------|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |
| Anthony Bontrager | X | |

The Motion carried 4-0 and the August 22, 2016, Special Call Planning & Zoning Board Meeting Minutes were approved with the noted revisions/clarifications.

The Town Attorney, Thomas J. Baird, explained the role of the Planning & Zoning Board regarding variances, which is different from their role in the evaluation of site plans, since when they are reviewing variances they are sitting as the Board of Adjustment and have final authority and therefore it does not move forward to the Town Commission for approval. He explained their decision regarding variances may be appealed by either the Applicant or the Town Commission. Additionally, he explained that since the Board has final authority, this meeting is a Quasi-Judicial Hearing and the Board will act as “judges” and evaluate the presentation of the evidence as presented by Staff and the Applicant. The Town Attorney explained he will prepare a Final Order based on the Board decision of either approval or denial. Mr. Baird informed the Board that because this is a Quasi-Judicial Hearing, there is an obligation for the Board to disclose any ex-parte communications with the Applicant and/or Staff outside of the Hearing this evening, as well as the nature of the communication. The Town Attorney swore in the witnesses.

Chair Thomas, Board Member Bontrager and Board Member Barnes stated they have not spoken with Staff or the Applicant prior to this Meeting. Vice-Chair Schneider disclosed that he had spoken with the Community Development Director prior to this item being continued the first time and that they discussed the Northlake Boulevard Overlay Zone and the Applicant’s request.

PUBLIC COMMENTS

Chair Thomas explained the Public Comment procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A. **Variance Request by Atlas Sign Industries and Dunway Miskel Backman LLP, as Agent for the Property Owner, Alert Realty LC, of 900 Northlake Boulevard, for Sign Variances to Appendix A, Article I, Division I: Section 5-6(c)(2)(e) Maximum Areas, and Section 5-6(c)(2)(f) Maximum Height.**
- B. **Variance Request by Atlas Sign Industries and Dunway Miskel Backman LLP, as Agent for the Property Owner, Alert Realty LC, of 924 Northlake Boulevard, for Sign Variances to Appendix A, Article I, Division I: Section 5-6(c)(2)(e) Maximum Areas, and Section 5-6(c)(2)(f) Maximum Height.**

STAFF PRESENTATION

Scott Schultz, Town Planner, addressed the Planning & Zoning Board Members and pointed out a minor typographical error on Page 2 of the Staff Report...*The six remaining parcels is inclusive of 900 and 924 Northlake Boulevard*, and it should read... *The six remaining parcels are not inclusive of 900 and 924 Northlake Boulevard.*

Mr. Schultz stated the Applicant's Agent is Atlas Sign Industries & Dunway Miskel Backman, LLP, and they have brought forth two (2) Variance Applications for 900 Northlake Boulevard and 924 Northlake Boulevard. Mr. Schultz explained that Staff prepared a separate Staff Report for each Variance Application, however, since the Variance Application made the same request for each parcel, minus a very minor difference in height for one parcel, he will be making only one presentation this evening, unless the Chair would like to proceed differently. Chair Thomas approved of Staff making one presentation, although the Board will vote on each Variance Application separately.

Mr. Schultz gave a brief background of the Northlake Boulevard Overlay Zone (NBOZ) and stated that the Town entered into an Interlocal Agreement with three jurisdictions: the City of Palm Beach Gardens, the Village of North Palm Beach and Palm Beach County. The purpose of the Agreement was to create and apply uniform Regulations and improve aesthetics and appearance. The Agreement was created in 2006 and provided the Town ten (10) years for compliance, which expired recently in July 2016. Mr. Schultz explained that the Board should be aware that enforcement of the Interlocal Agreement is a joint effort by all of the jurisdictions and that some jurisdictions have achieved full compliance without the issuance of variances. He further explained that the granting of a variance will not only mean that the Town of Lake Park has not upheld its commitment under the Agreement, but it is also a direct conflict of the Comprehensive Plan Objectives which will be explained later in the presentation.

Mr. Schultz provided the Board with an up-date on NBOZ compliance within the Town in regard to free-standing signage: Approximately 85% have achieved compliance (out of 44 total parcels, 38 sites have complied). There are six (6) remaining parcels that have not achieved compliance and received Notices of Violation.

Mr. Schultz provided the Board with background of the request. He explained that Colonial Village is constructed across two parcels, identified as 900 Northlake Boulevard and 924 Northlake Boulevard, which is located on the south side of Northlake Boulevard between Prosperity Farms Road and Poplar Court. The properties are located in the NBOZ EAST District, which runs from Prosperity Farms Road to Federal Highway. Mr. Schultz explained four (4) buildings were constructed on these parcels over the period of 1966 to 1973 and the parcels share joint access via a one-way drive aisle with two rows of angled parking. The buildings are situated very close to the roadway at approximately 45' from the public right-of-way, and their wall signs are highly visible from Northlake Boulevard because the site lacks the required landscaping and trees.

Mr. Shultz provided a visual of the very large wall cabinets and described them as bright letters on white backgrounds so there is contrast. He pointed out the eastbound traffic has an unobstructed view and westbound traffic has minimal obstructions.

Mr. Schultz provided a summary of the Applicant's request and stated that since Colonial Village is constructed across two (2) parcels, the Applicant was required to submit two Variance Applications: one for the parcel with the legal address of 900 Northlake Boulevard; and one for the parcel with the legal address of 924 Northlake Boulevard. He explained that each Application is requesting the same two variances, as follows:

- Chapter 78, Appendix A, Division 5-6(c)(2)(e) - a deviation from the maximum height of freestanding signage; and,
- Chapter 78, Appendix A, Division 5-6(c)(2)(f) - a deviation from the maximum allowed sign face square footage

Mr. Schultz noted that the maximum height of a freestanding sign in the NBOZ East District is 8', and the maximum sign face in the NBOZ East District is 30 square feet, having a 5' setback. Mr. Schultz explained the details of the proposed signs and stated the Applicant is proposing to construct one sign on each parcel, as follows:

- At 900 Northlake Boulevard, the Applicant is proposing one (1) freestanding sign to be located at the northeast corner of the property which will be 10'6" in height, and have a sign face of 48 square feet.
- At 924 Northlake Boulevard, the Applicant is proposing one (1) freestanding sign to be located at the northwest corner of the property which will be 10'3" in height, and have a sign face of 48 square feet.

Mr. Schultz further explained that per the Applications, the Variance requests are to ensure the signs will not be obstructed from view by vehicles parked in adjacent parking stalls, and to afford that all tenants are represented on a free standing sign.

Mr. Schultz reviewed the sections of the Comprehensive Plan which are applicable, as follows:

Objective 8, Policy 8.1, Transportation Element: Calls for the Town to strictly enforce its Land Development Regulations.

Objective 10, Policy 10.1, Transportation Element: Calls for the Town to coordinate efforts to implement any signage affecting Northlake Boulevard with the Village of North Palm Beach, per the Interlocal Agreement.

Objective 4, Transportation Element: Calls for the Town transportation system to emphasize safety and aesthetics.

Objective 4, Policy 4.2, Intergovernmental Coordination Element: Requires the Town to maintain high standards and perform responsibility in the execution of Interlocal Agreements with other jurisdictions.

Mr. Schultz provided an analysis of the Criteria and Findings for Variance, as follows:

CRITERIA 1: Asks if any special conditions or circumstances exist that are not applicable to other lands, structures or buildings in the same zoning district.

Staff finds there are no special conditions that exist at this site that cannot be found at other properties in the same zoning district and therefore Criteria 1 is not met. Mr. Schultz stated that the placement of buildings and parking at the sites are not unique and can be found at other properties throughout the NBOZ, for example 450 Northlake Boulevard is a multi-tenant complex within this District having the same building placement, a one-way drive aisle, and parking as the Applicant. He pointed out that, at 450 Northlake Boulevard, there is one (1) compliant freestanding sign displaying the name and address of the complex and one prominent tenant appendage displayed on the sign. *CRITERIA 1: NOT MET*

CRITERIA 2: Asks if any special conditions and circumstances are a result of the actions by the Applicant.

Staff finds that the need for Variances are a direct result of the Applicant because the sites were developed to create the conditions that exist at the site today. Criteria 2 cannot be justified because the current owner inherited these conditions. The conditions were all assumed by the current owner at the time ownership occurred. *CRITERIA 2: NOT MET.*

CRITERIA 3: Asks if the granting of a variance will confer on the Applicant any special privileges that is denied to other lands, buildings or structures in the same zoning district.

Staff finds that granting of the variances will confer a special privilege to the Applicant because everyone in the NBOZ is required to meet the same sign regulations and because the Applicant can accommodate two (2) compliant freestanding signs at the sites that do not require variances. Additionally, granting of these variances will be injurious to property owners within the NBOZ who have already complied with the Code. *CRITERIA 3: NOT MET.*

CRITERIA 4: Asks if the literal interpretation of the Code would deprive the Applicant of rights enjoyed by other properties within the same zoning district.

When Staff interprets the freestanding sign code of the NBOZ literally, it does not create any hardship because two (2) compliant freestanding signs are possible at Colonial Village which would not require any Variance. The Applicants desire to have signs that are larger and more visible is not a right under the sign code, and visibility issues cannot be used to justify Criteria 4. The Applicant's justification statement for Criteria 4 on Page 2 of their application states "*Literal interpretation of the zoning code would deprive the applicant and its retail tenants from the commercial signage exposure afforded to other similar businesses in Town.*" However, Staff found this statement is not entirely accurate since there are no multi-tenant sites in the NBOZ who

have the type of freestanding sign exposure that is being requested by this Applicant. (Visual examples of several properties were shown by Mr. Schultz) CRITERIA 4: NOT MET.

CRITERIA 5: Asks if the variance will be the minimum variance that will make possible the reasonable use of the land, building or structure.

Staff found that the two variances requested are not the minimum variances because the site has no physical hardships that are not self-imposed that will requires granting of a variance. CRITERIA 5: NOT MET.

CRITERIA 6: Asks if the granting of the variance will be in harmony with the general intent and purpose of the Land Development Regulations and if the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Staff finds Criteria 6 is not met because the granting of these variances will not be in harmony with the Code and it is injurious to the area.

Specifically, the proposal is not in harmony with the Code or the Interlocal Agreement. Allowing a variance for a taller and larger sign will break the visual pattern the Code was created by the Interlocal Agreement and that the Town is responsible for implementing. Mr. Schultz further stated that the granting of these variances will cause injury to area, more specifically the injury will be to all those who have already complied with the sign code. Just this year, the Town has issued approximately 20 demolition permits to property owners within the NBOZ to remove their non-compliant freestanding signs. CRITERIA 6: NOT MET

CRITERIA 7: Asks if the variance is contrary to the Comprehensive Plan.

Staff finds multiple sections (4) of the Comprehensive Plan that are inconsistent with the request of the Applicant and therefore, Criteria 7 is not met. CRITERIA 7: NOT MET

STAFF RECOMMENDATION

Mr. Schultz stated that the Variance Applications for 900 Northlake Boulevard and 924 Northlake Boulevard do not meet any of the seven (7) Criteria, and therefore, Staff must recommend denial. Additionally, denial is recommended because fully compliant signs are possible at 900 Northlake Boulevard and 924 Northlake Boulevard; the sites have no physical hardships which are not self-imposed by the sites development or special conditions that cannot be located elsewhere in the district; existing conditions are not grounds to justify variance criteria, and it will be injurious to the numerous property owners who have already complied. Mr. Schultz concluded that, based on the Findings of Fact, Criteria 1-7 were not met.

PUBLIC COMMENTS

There were no public comments.

APPLICANT PRESENTATION

Mr. Scott Backman of Dunway Miskel Backman, LLP, addressed the Board on behalf of the property owner, and stated he will make one brief presentation for both Variance Applications. He apologized for the property owner who very much wanted to be present this evening, but is ill. Mr. Backman said he appreciates Mr. Schultz's Staff Report and they have been working together with Staff in hopes of finding a mutual compromise which to bring forward. Mr. Backman explained he will provide the Board with an overview of the property history, the unique property characteristics, the existing signage vs. Town required signage; the location of the proposed signage; proposed signage vs. Town required signage; and an analysis of the variance criteria. He stated the Board will hear that this is a unique property, that there is a hardship and that they do meet all of the variance criteria. He mentioned that wall signage and monument signage is typically designed so that when you enter the property you can locate the particular storefront that you are going to. He believes the monument signs they are requesting are warranted due to the hardships.

Mr. Backman provided a Power Point Presentation (attached to these Minutes), showing an 8-year timeline for development of the property from 1965-1973, as well as the current location of the three (3) existing signs on the property. Mr. Backman explained when the property was developed 50 years ago it was a very different time, with a very different set of regulations. He stated that today, the property is what you call legally non-conforming, as there are no landscape buffers, the parking is angled, and there is one-way movement from west to side right along the property line which effectively blocks or partially blocks where the proposed required signage would be located. Mr. Backman stated there really is nowhere to place additional signage. He stated this is a very unique property with one-way traffic which makes the western sign visibility critical to eastbound traffic. Mr. Backman pointed out that the Colonial Village is occupied by "mom-and-pop" tenants, without a major anchor to draw patrons into the shopping center.

Mr. Backman reviewed the existing signage location and dimensions which were originally approved with the Town required signage. He showed multiple visuals of the different approaches on Northlake Boulevard with the proposed required signage, in comparison to the existing signage, and showed how the new signage would be less visible due to the height restriction. Mr. Backman stated they are no longer requesting a middle sign, but they had initially appeared before the Planning & Zoning Board in June submitting for variances for three (3) signs which were taller and larger in square footage and the submittal was tabled. Since then, he has since spent time working with Staff in an attempt to find a middle ground, and they are now proposing only two (2) signs. Mr. Backman stated the 30' clock tower sign currently located on the east side of property has some historic significance, although not designated, and has been used by some as a marker in terms of direction. He stated that vehicles are parked along the right-of-way, which is unique to this property and creates a significant hardship, as it hinders the visibility of the sign, which is why they are requesting additional height to the signs.

Mr. Backman showed a visual of the current conditions of the property and explained his client purchased this property 40+ years ago, and the signage and the legal non-conformities have been in place long before the NBOZ in 2006. Mr. Backman stated they are proposing 10'3" in height

and 48 square feet in sign area for the western sign (Sign #1); and proposing 10'6" in height and 48 square feet in sign area for the eastern (Sign #2), in order to allow for visibility from which the tenants will obviously benefit. This is an additional 2'3' in height and 18 square feet in sign area for Sign #1, and an additional 2'6' in height and 18 square feet in sign area for Sign #2.

Mr. Backman reviewed the variance criteria and stated the owner/applicant did not create the special conditions or circumstances on the property but have resulted from existing conditions in the property design, layout, landscape, timeframe of which was established and legally permitted 40+ years prior to the introduction of the new signage regulations and previous contractual agreements with the tenants.

Mr. Backman explained the literal enforcement of the zoning code would deprive the property owner/applicant and its' tenants from the commercial signage exposure it has previously been allowed. The one-size fits all of the NBOZ Guidelines inflicts hardship on the multi-tenant retail centers, whereas it does not for single tenant or uses. He explained that the permissible 30 square foot per sign face and 8' overall height invokes undue hardship due to the visibility, for all tenants to be placed on an inadequate sized monument size, and the vehicular parking location adjacent to the monument sign. Additionally, the existing monument sign is ground locked due to existing conditions of the property and is therefore not self-inflicted and would impose additional hardships if relocated. Mr. Backman explained the variances requested are the minimum necessary to conform to and adhere to the guidelines set forth within the NBOZ, while protecting the existing uses and tenants located at the property and preserving property values by providing fair and adequate identification to the existing businesses located within the center. He stated that any further reduction beyond the proposed variances would inflict undue hardship to loyal and committed businesses in the Town and Colonial Village, and the variances will not have any negative impacts on any of the surrounding properties.

Mr. Backman explained that due to the unique conditions on the property, the requested variances will not confer any special privilege on the Applicant, will be in harmony with the general purpose and intent of the zoning code and will not be injurious to the neighborhood or public welfare.

Mr. Backman concluded that the proposed monument signs are visually complimentary to the architecture and scale of the building and will enable the businesses in Colonial Village to prosper and have a positive influence on the community. Mr. Backman stated that he believes that the proposal meets all seven variance criteria.

BOARD DISCUSSION

Vice-Chair Schneider asked Staff if the existing wall signage is compliant with today's Code. Mr. Schultz replied that although he has not confirmed each unit, he believes the wall signage is in compliance. Vice-Chair Schneider asked Staff if the 10-year amortization which was put in place by the NBOZ was actually adopted by the Town. The Town Attorney responded that all of the four (4) jurisdictions in the Interlocal Agreement adopted the same code and the same amortization.

Board Member Bontrager questioned why the County signs have not met compliance within the unincorporated areas. The Town Attorney responded that the Board's responsibility is to evaluate based on the Town's Code, and what the County is doing is of no relevance to the application of the criteria for a variance to the Town Code. The Applicant is subject to Town regulations and not the County's regulations.

Board Member Barnes asked what is happening with the signs that are currently not in compliance. Mr. Schultz responded that Notices of Violation have been issued and will move forward to the Code Compliance Special Magistrate if they don't comply or if the Town does not receive an application indicating some sort of action is taking place.

Jennifer Ronneburger of Atlas Signs approached the Board and provided clarification of compliance dates for in the NBOZ. Ms. DiTommaso pointed out that the Town has a much larger amount of non-conforming signs to address, as opposed to the Village of North Palm Beach and the other jurisdictions within the Interlocal Agreement. Ms. Ronneburger stated the Colonial Village sign is a landmark and the Applicant wants to be in compliance.

Board Member Barnes asked the Town Attorney for an explanation of a legal non-conforming use, which he provided. Chair Thomas asked the Community Development Director when a property is legally non-conforming, what are the elements that would trigger requirements for compliance. The Town Attorney responded that it would be an expansion of the use, as the law provides that you cannot expand a legally non-conforming use. The Town Attorney stated the legally non-conformity of the site/property is not one of the criteria that the Board is evaluating. Ms. DiTommaso pointed out that the Tropical Auto Sales site is legally non-conforming, and the site has come into compliance with their signage.

Vice-Chair Schneider expressed that he does not believe that the Applicant has met the Variance Criteria as provided within the Staff Report. He said there is nothing in the Code that states any amount of tenants gets to be on a monument sign and there is no guarantee that all tenants will appear on the sign. Vice-Chair Schneider stated he has observed the site and the wall signs are visible, and the Applicant can meet the 8' height requirement by putting the name of the plaza on the sign. He pointed out the property owner owned this property before the Northlake Overlay went into effect, so they would have been notified of the process and if they were against the signage changes they could have discussed it at the time it was approved by the various jurisdictions. And, now that the Town is at the 10-year compliance date, he believes the property needs to come into compliance.

Board Member Barnes agreed with the points of Vice-Chair Schneider and why the property owner would wait until now to discuss the signage issue.

Chair Thomas stated she is in agreement with the fact that this is not a hardship as they have adequate signage, the Code is not taking anything away from the property because it does allow for wall signage for each of the tenants. Chair Thomas stated that Code changes, and planning changes, which is what they are supposed to do, and that no place remains the same forever. The property is not peculiar in any way to what the Code is requesting them to do and that none of the Variance Criteria has been met.

BOARD RECOMMENDATION

Vice-Chair Schneider made a motion to deny the sign variance request for 900 Northlake Boulevard because it does not meet the Variance Criteria as referenced in the Staff Report. The motion was seconded by Board Member Barnes and the vote was as follows:

| | Aye | Nay |
|-------------------|------------|------------|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |
| Anthony Bontrager | X | |

The vote was 4-0 in favor of denial of the Sign Variance request for 900 Northlake Boulevard.

Vice-Chair Schneider made a motion to deny the sign variance request for 924 Northlake Boulevard because it does not meet the Variance Criteria as referenced in the Staff Report. The motion was seconded by Board Member Bontrager and the vote was as follows:

| | Aye | Nay |
|-------------------|------------|------------|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |
| Anthony Bontrager | X | |

The vote was 4-0 in favor of denial of the Sign Variance request for 924 Northlake Boulevard.

C. Variance Request by Martin L. Haines, III, Property Owner of 501 North Federal Highway, for a Variance to Section 70-103(5)(3)(a) to Reduce the Minimum Western Setback of a Monument Sign from 5' to 1.5'.

Chair Thomas stated this variance request item is being continued to the October 3, 2016, Planning & Zoning Board Meeting.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

There were no additional comments from the Community Development Director.

Chair Thomas announced that the next meeting of the Planning & Zoning Board is scheduled for October 3, 2016, at 7:00 p.m.

Vice-Chair requested that Staff look into setting a limit for the number of tenants allowed on a monument sign, and that four (4) tenants might be a good maximum number.


ADJOURNMENT

There being no further business before the Board, Chair Thomas asked for a motion to adjourn. Board Member Bontrager made the motion and it was seconded by Board Member Barnes. The vote was as follows:

| | Aye | Nay |
|-------------------|-----|-----|
| Judith Thomas | X | |
| Martin Schneider | X | |
| Lanae Barnes | X | |
| Anthony Bontrager | X | |

The vote was 4-0 and the Meeting was adjourned by Chair Thomas at 8:15 p.m.

Respectfully Submitted,


Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:


Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE: 1/12/2017



APPLICATIONS FOR SIGN VARIANCES

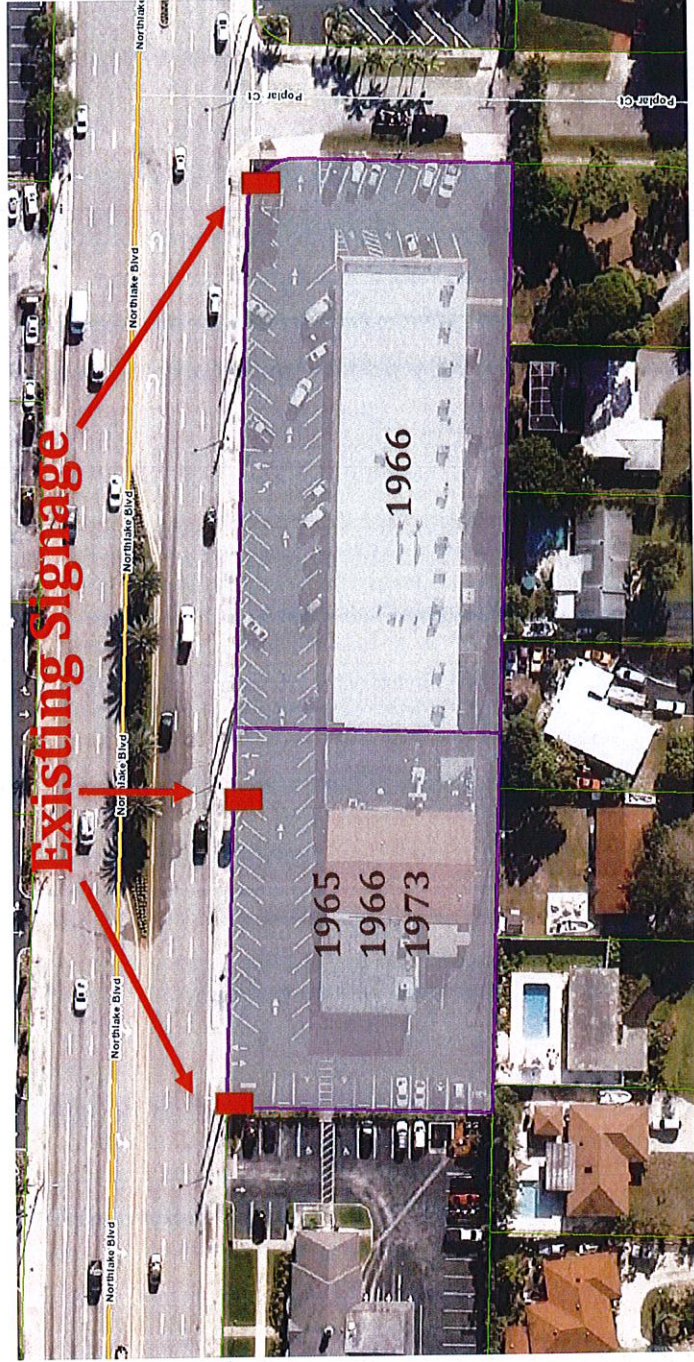
PLANNING & ZONING - SEPTEMBER 12, 2016

OVERVIEW

- Property History
 - Unique Property Characteristics
 - Existing Signage vs. City Required Signage
 - Location of Proposed Signage
 - Proposed Signage vs. City Required Signage
 - Analysis of 7 Variance Criteria
-

PROPERTY HISTORY

8 Year Development TIMELINE



EXISTING

VS.

CITY REQUIRED



EXISTING

VS.

CITY REQUIRED



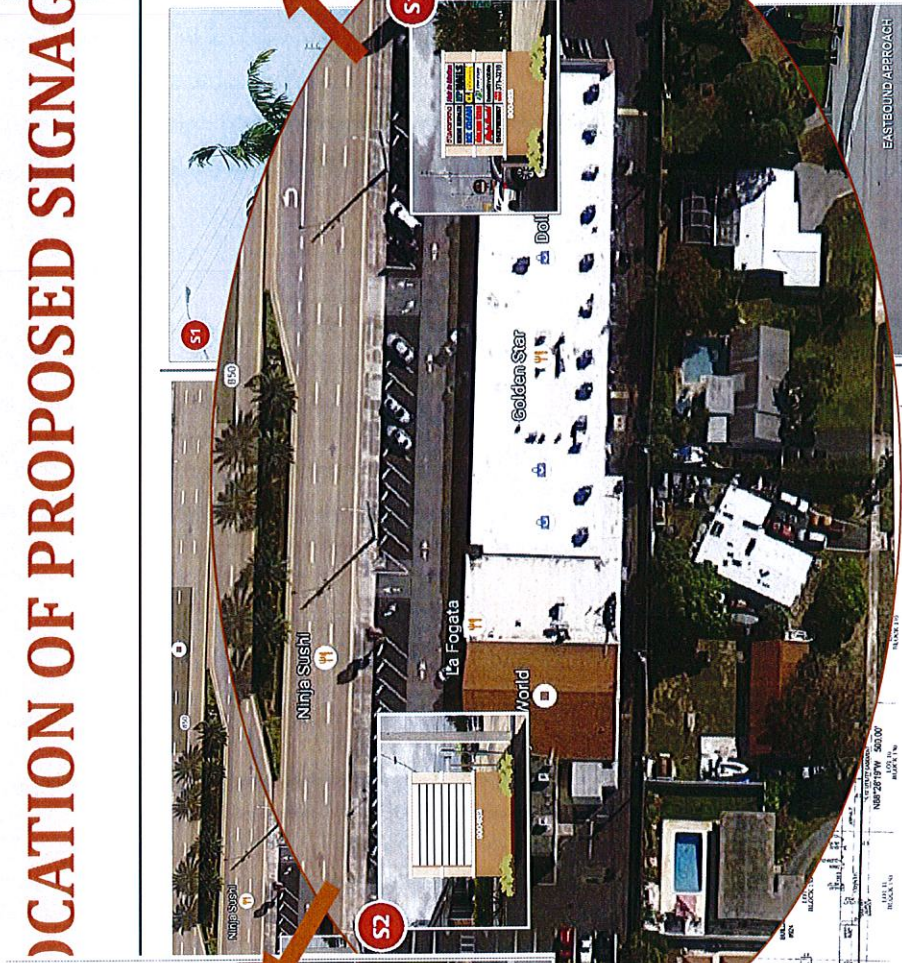
EXISTING

VS.

CITY REQUIRED



LOCATION OF PROPOSED SIGNAGE



COLONIAL VILLAGE

INDEPENDENT LANDSURVEYORS, INC.

Approved by: _____

Date: _____

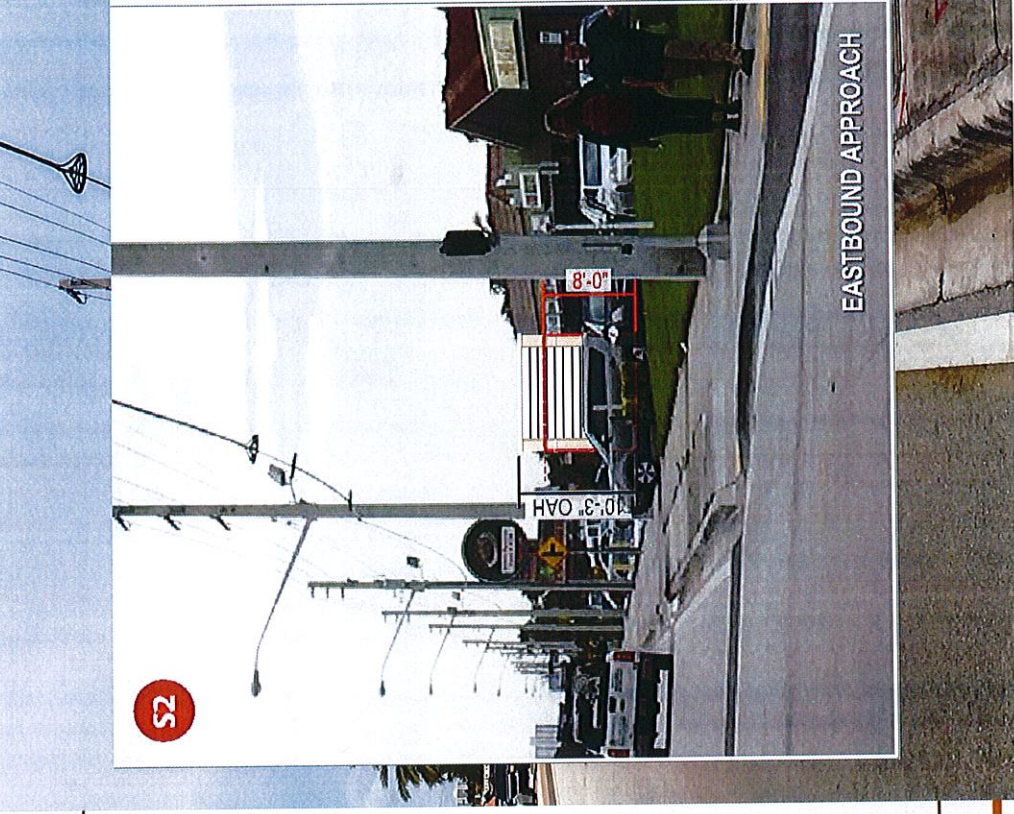
APPROVED AS SHOWN
 APPROVED AS NOTED
 CORRECT & REVISION

PROPOSED

3 Signs Total Existing

Sign #1
(Western Sign)

- Total Height
10 feet
3 inches
- 48 square
feet in sign
area



CITY REQUIRED

Only 2 Permitted

Sign #1
(Western Sign)

- Total height
8 feet
- Maximum
sign area 30
square feet

PROPOSED

3 Signs Total Existing

Sign #3
(Eastern Sign)

- Total Height
10 feet
6 inches
- 48 square
feet in sign
area



CITY REQUIRED

Only 2 Permitted

Sign #3
(Eastern Sign)

- Total height
8 feet
- Maximum
sign area 30
square feet

Colonial Village has been built in the last 50 years, including

Alert Realty has 0 years.

(6) Multiple buildings within and existing may differ

Location of front parking is locked.

Existing hedges decrease visibility

Multi-store/unit condition not added traditionally addressing Lake Park

UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2015-02

REASONS FOR AMENDMENTS JANUARY 28, 2016 - BCC ADOPTION HEARING

| | | |
|----|---|--|
| 6. | ULDC Art. 4.D.5.A.5, Use Approval and Procedures (page 288) | 1. Remove supplementary use standard language related to approval as process, and the Use Matrix is amended to indicate the more restrictive approval process, and. |
| 7. | ULDC Art. 4.D.5.D.5, Use Approval and Procedures (pages 288 - 289). | 2. Update titles to clarify regulations that pertain to BSO for BCC approval. (Zone) (Overlaid) (Reaffirm Zone) Lot Line (ZLL) property owners right to construct fences or walls on their property, including within the ZLL Maintenance and Roof Overlay Easement of an abutting ZLL home, as highlighted in the attached exhibit. The standard was inadvertently revised in Round 2012-02, which intended to clean up required Plat dedication language and establish consistency with Land Development standards in Art. 11, Subdivision, Platting and Improvements. |

EXHIBIT H - ART. 8.H.2. BILLBOARDS

| Part | Article | Reasons |
|------|---|--|
| 1. | Art. 8.H.2. Billboards (pages 290 - 294). | (County Attorney/Zoning) Eliminate reference to settlement agreement since the settlement agreement is not a requirement for permits, relocation, and replacement of billboards. |

EXHIBIT I - NORTHLAKE BOULEVARD OVERLAY ZONE

| Part | Article | Reasons |
|------|--|--|
| 1. | ULDC Art. 2.D.8, Type I Waiver, (page 295) | (Zoning) Reference new Type I Waiver provisions proposed for the Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines outlined in Part 2 of this Exhibit. |
| 2. | ULDC Art. 3.B.6, Boulevard Overlay Zone | Reasons: (Zoning) The Northlake Boulevard Overlay Zone (NBOZ) is based on an inter-local agreement between Lake Park, North Palm Beach, Palm Beach Gardens, and Palm Beach County. The proposed amendments will better align the County's application of the |

The "Design Guidelines" is not a stand-alone Code, but is used in combination with each jurisdiction's development regulations, which can be used to improve the overall appearance of properties fronting Northlake Boulevard from U.S. 1 westward to Military Trail. This was to be accomplished through adoption of the "Design Guidelines" by the County and a more unified approach to redevelopment along a corridor that is governed by four separate jurisdictions.

The NBOZ Design Guidelines can be found online here: http://www.pbccgov.com/zip/16225%20Guide/Northlake/DesignGuide_Northlake%20County_District01

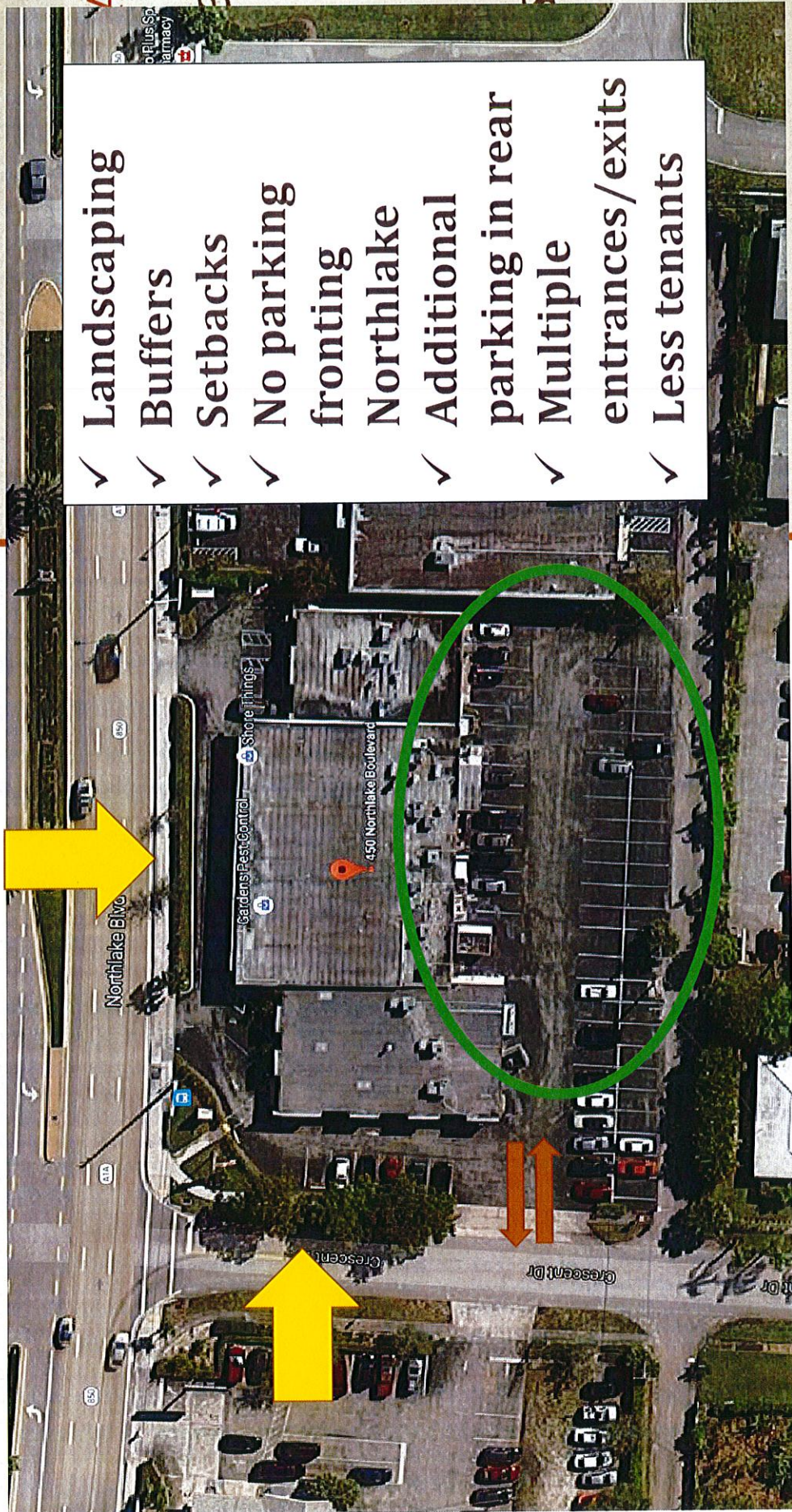
The "Design Guidelines" is not a stand-alone Code, but is used in combination with applicants and staff in some scenarios. When applying the ULDC and Design Guidelines, the more restrictive provision shall prevail. However, since the adoption of the "Design Guidelines" the County has a more unified approach to redevelopment along a corridor that is governed by four separate jurisdictions.

Under Art. 14.4.D. Variances and Variances: the "Design Guidelines" are not a stand-alone Code, but is used in combination with applicants and staff in some scenarios. When applying the ULDC and Design Guidelines, the more restrictive provision shall prevail. However, since the adoption of the "Design Guidelines" the County has a more unified approach to redevelopment along a corridor that is governed by four separate jurisdictions.

- The Owner/Applicant has owned the property for over 40 years.
- Property's special conditions and circumstances existed prior to the introduction of the new signage regulations.
- Previous contractual agreements with tenants existed prior to the introduction of the new signage.
- Owner/Applicant did not create the special conditions on the property with knowledge that it could later detrimentally impact the signage visibility.
- Assumption of existing conditions is not a justification for the hardship endured by Owner/Applicant and the multiple tenants who have been loyal and economic contributors to the Town of Lake Park.

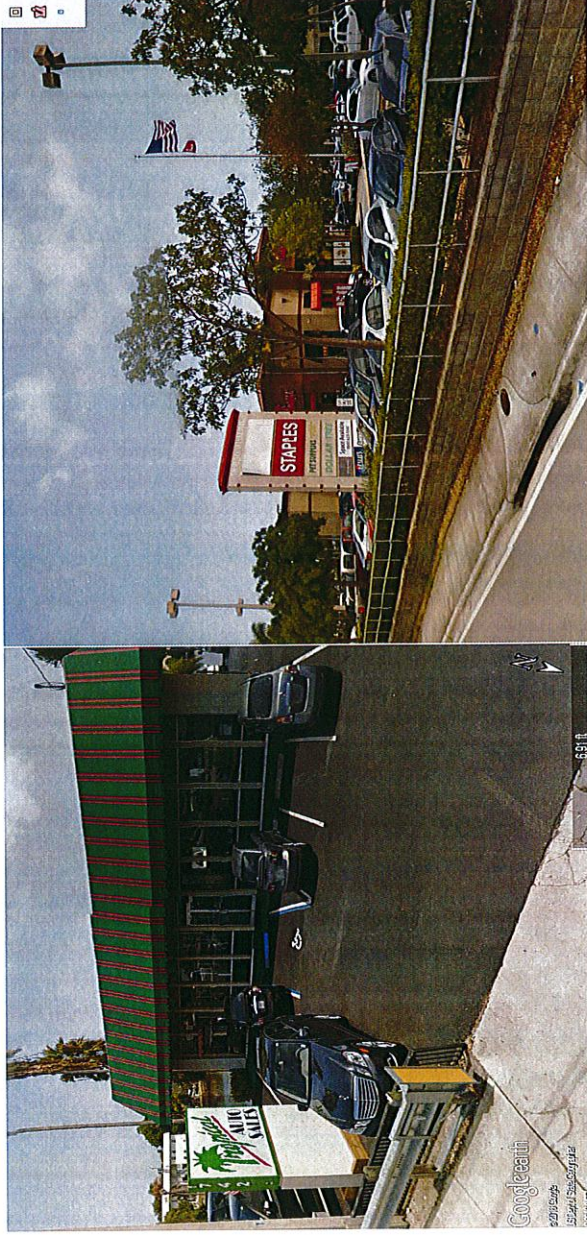
ANALYSIS OF 7 VARIANCE CRITERIA

#2 The special conditions or circumstances are not a result of actions by the owner/applicant;



- ✓ Landscaping
- ✓ Buffers
- ✓ Setbacks
- ✓ No parking fronting Northlake
- ✓ Additional parking in rear
- ✓ Multiple entrances/exits
- ✓ Less tenants

- One size fits all interpretation of the NBOZ guidelines inflicts hardship and inequality on multi-store/unit complexes.



Businesses located in Lake Park

- Colonial Village has 14 tenants and 17 tenant bays.
- All tenants are small business owners and not large, national corporate brands.

ANALYSIS OF 7 VARIANCE CRITERIA

#4 A literal interpretation of the land development regulations would deprive the Owner of rights commonly enjoyed by other properties in the same zoning district;

ANALYSIS OF 7 VARIANCE CRITERIA

#5 The variance granted is the minimum variance that will make the possible use of the land, building, or structure;

| TYPE | EXISTING | REQUIRED | LOSSES | PROPOSED |
|---------------------------|---------------------|----------------|---------------------|--------------------|
| Number of Signs | 3 | 2 | 1 | 2 |
| Height of Western Sign | 18 feet 8 inches | 8 feet | 10 feet 8 inches | 2 feet 3 inches |
| Height of Eastern Sign | 29 feet | 8 feet | 21 feet | 2 feet 6 inches |
| Sign area of Western Sign | 68 square feet | 30 square feet | 38 square feet | 18 square feet |
| Sign area of Eastern Sign | 83.9 square feet | 30 square feet | 53.9 square feet | 18 square feet |

- New signage still improves aesthetics
- Visually complimentary to the architecture and scale of the buildings
- Still creates appearance of uniformity throughout the Town
- Differences in visual pattern are minor
- Colonial Village is unique and over 50 years old
- Enable businesses to prosper
- Successful businesses for the Town
- Positive influence in community
- Safe traffic flow
- Visibility triangles are compliant

ANALYSIS OF 7 VARIANCE CRITERIA

#6 The granting of the variance will be in harmony with the general intent and purpose of the land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare;

AND

#7 Granting the variance would not be contrary to the comprehensive plan;



QUESTIONS?
