

**VILLAGE OF NORTH PALM BEACH  
SPECIAL JOINT PLANNING COMMISSION WITH  
VILLAGE OF NORTH PALM BEACH AND  
TOWN OF LAKE PARK  
THURSDAY, OCTOBER 18, 2012  
COUNCIL CHAMBERS 6:30 P.M.**

**Village of North Palm Beach**

Cory Cross, Chair  
Donald Solodar, Vice Chair  
Benjamin Schreier, Member  
Thomas Hogarth, Member  
Corey O’Gorman, Member  
Susan Bickel, 1<sup>st</sup> Alternate  
Alfred Cilcius, 2<sup>nd</sup> Alternate  
Jodi Nentwick, Village Planner  
Jim Brown, Building Official  
Len Rubin, Village Attorney

**Town of Lake Park**

Judith Thomas, Chair  
Mason Brown  
Anthony Bontrager  
Natalie Schneider  
James C. Lloyd  
Kimberly Glas-Castro  
Community Development  
Director,  
Nadia DiTommaso

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**ROLL CALL**

**DECLARATION OF EX PARTE COMMUNICATIONS**

**PUBLIC HEARING & QUASI-JUDICIAL MATTERS**

Public Hearing and Recommendation to the Village Council and Town of Lake Park Town Commission for the following:

A request by Village Shoppes at U.S. 1, LLC, property owner, and its agent Lawrence W. Smith, Esq. of the law firm of Gary, Dytrych & Ryan, P.A., for an Amendment to an existing Planned Unit Development (“PUD”) approved by Ordinance No. 03-2003 and known as the Village Shoppes to modify:

- (1) grant waiver to authorize one additional monument sign;
- (2) allow for the installation of monument signs on the Property in accordance with Village Code requirements; and
- (3) provide a procedure for future minor modifications to the Village Shoppes PUD.

The property is located at 101-133 U.S. Highway One, south of Northlake Boulevard and west of U.S. Highway One, within the C-3 Regional Business Zoning District.

**ADJOURNMENT**

*All members of the public are invited to appear at the public hearing, which may be continued from time to time, and be heard with respect to this matter.*

*If a person decides to appeal any decision made with respect to any matter considered at the subject meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which shall include the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Village Clerk's Office at 841-3355 at least 72 hours prior to the meeting date.*

*This agenda represents the tentative agenda for the scheduled meeting of the Planning Commission. Due to the nature of governmental duties and responsibilities, the Planning Commission reserves the right to make additions to, or deletions from, the items contained in this agenda.*

**VILLAGE OF NORTH PALM BEACH  
COMMUNITY DEVELOPMENT**

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**TO:** Planning Commission

**FROM:** Chuck Huff, Community Development Director

**BY:** Jodi Nentwick, Village Planner

**DATE:** October 18, 2012

**SUBJECT: LPA RECOMMENDATION – Village Shoppes PUD Amendment from Ordinance 03-2003 for monument signage and joint approval process for minor amendments as relates to signage**

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The Village of North Palm Beach received a request to amend the Planned Unit Development (PUD), known as the Village Shoppes to modify Ordinance No. 03-2003 to allow additional signage and to eliminate the joint meeting requirement for minor amendments as it relates to signage. The property is located at 101-133 U.S. Highway One, south of Northlake Boulevard and west of U.S. Highway One, within the C-3 Regional Business Zoning District.

The original Ordinance 03-2003 approved the PUD in February 2003 through a joint meeting by the Village of North Palm Beach Council and Town of Lake Park Town Commission. Majority of the property including the frontage along U.S. Highway One are within the Village jurisdiction, except for the vacant area slated for future development and the loading dock is within Lake Park jurisdiction.

The Village of North Palm Beach and Town of Lake Park share the same land development regulations for the C-3 zoning district, which requires any applications abutting or crossing a municipal boundary a joint meeting with the Village and Lake Park.

The current tenants expressed their concerns to the Village stating lack of ability to advertise and visibility to the U.S. Highway One corridor has decreased business and increased vacancy within the center. Historically, the shopping center has not been at full capacity since the exterior modifications approved in 2003.

The applicant is requesting the following modifications:

- (1) grant a waiver to authorize one additional monument sign;
- (2) allow for the installation of monument signs on the Property in accordance with Village Code requirements; and
- (3) provide a procedure for future minor modifications to the Village Shoppes PUD

*The attached DRAFT Ordinance has been prepared and reviewed by your Village Attorney for legal sufficiency.*

**Recommendation:**

**Staff recommends approval with the conditions the Village's Planning Commission to consider the Town of Lake Park's overall signage provisions to ensure compatibility and the Village's overall signage regulations for additional signage and to eliminate the joint approval for any minor modifications as it relates to signage in accordance to Village policies and procedures.**



Town of Lake Park  
Community Development Department

**Nadia Di Tommaso**  
*Community Development Director*

October 10, 2012

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**MEMO**

**RE:** Village Shoppes PUD Amendment to allow an additional monument sign along US-1 and eliminate the joint Planning and Zoning Board meeting requirement for minor amendments relating to signage

**TO:** Town of Lake Park and Village of North Palm Beach Planning and Zoning Board Members

**JOINT MEETING DATE:** October 18, 2012 at 6:30 p.m. at 501 US-1, NPB Council Chambers

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The Town of Lake Park has been hereby notified of a request received by the Village of North Palm Beach regarding the Amendment to the Planned Unit Development (PUD), known as the Village Shoppes, located on U.S. Highway -1. The original Ordinance 03-2003 approved the PUD in February 2003 through a joint meeting by both the Village of North Palm Beach Town Council and Town of Lake Park Town Commission. Lake Park shares the western boundary of the Village Shoppes PUD as shown below. Both a portion of the vacant area slated for future development and the loading dock on the west side are the only areas located solely in Lake Park. The remainder of the site, inclusive of the permanent building and parking facilities is located in North Palm Beach.



Ordinance 03-2003 approved the PUD with conditions, some of which included the following:

- (1) Only two monument signs are permitted, one along US-1 and one along Palmetto Drive, and that neither sign may have tenant names on them. Only the name and address is permitted;
- (2) Conceptual plans for monument signs shall be approved through a joint meeting of the Lake Park and North Palm Beach Planning and Zoning Boards;
- (3) Concept plan for tenant signage shall be approved through a joint meeting of the Lake Park and North Palm Beach Planning and Zoning Boards

The Village Shoppes is currently proposing the addition of one additional sign along US-1, as well as the elimination of the future requirement for a joint meeting of both Planning and Zoning Boards for matters related to signage. The application submitted to the Village of North Palm Beach, as well as the proposed Ordinance is attached.

The overall area is located in the Commercial-3 (C-3) zoning district. The Village of North Palm Beach and the Town of Lake Park share the same land development regulations for this zoning district. One of the requirements is outlined in Section 78-73(10)(f) of the Town of Lake Park Code of Ordinances and Section 45-34.1(10)(f) of the Village of North Palm Beach Code of Ordinances. The Town's Code includes the following:

*"Applications abutting or crossing a municipal boundary. Any PUD application for property abutting or crossing the North Palm Beach Village boundary shall meet all of the above requirements. In addition, to protect the interests of other C-3 landowners and the Village, a decision on the PUD application shall be made by the Town Commission only at a joint meeting with the North Palm Beach Village Council."*

**The Village of North Palm Beach is not requesting an amendment to this section of the Code. A joint meeting of the Lake Park Town Commission and North Palm Beach Village Council will still be required for all PUD decisions whereby an abutting or crossing of a municipal boundary exists. By virtue of the fact that the Lake Park Town Commission would still be required to jointly approve amendments related to signage, the Town's Planning & Zoning Board remains the recommending body for the Town Commission on these matters. The elimination of the joint meeting requirement in Ordinance 03-2003 above, would not eliminate the Town's requirement for the Planning & Zoning Board to review the item prior to the Town Commission voting on it.**

While the Town of Lake Park does not have any official frontage on US-1 anywhere north of Palmetto Drive, the Town Code does include signage regulations for freestanding signs along US-1. The focus is on US-1 for reasons of compatibility. The Town of Lake Park's Code of Ordinances outlines the following in Section 70-103(5)(b):

*Commercial/nonresidential signage.*

(b)

*Freestanding sign in commercial and mixed commercial/light industrial districts.*

- (1) Permitted content: The name, logo and address of the building occupant. Only one such freestanding sign shall be permitted per building. In addition, signs permitted pursuant to this section may contain any business related noncommercial message which has not been declared by a court of a competent jurisdiction to be obscene, defamatory or otherwise contrary to law. **CONSISTENCY → The Village Shoppes is proposing to include tenant-related signage and is consistent with this provision.**

- (2) Maximum sum total area of freestanding signs along front street: One square foot for every one and one-half feet of front street frontage of the lots on which located.  
**CONSISTENCY** → The Village Shoppes has over 500 feet of street frontage along US-1. This provision would allow for 300 square feet of signage.
- (3) Minimum setbacks:  
(...)  
d. There shall be a minimum of a 48-foot separation between signs, including between signs on adjacent parcels, except that all parcels shall be entitled to at least one freestanding sign, unless prohibited by other sections of this Code.  
**CONSISTENCY** → The proposed sign would be separated from the existing sign by 300 feet, exceeding this requirement.
- (4) Multiple signs: More than one freestanding sign shall be permitted per street frontage if all above provisions are met.  
**CONSISTENCY** → The request can meet the above provision.
- (5) Maximum height: Ten feet above ground where located except as noted below.  
**CONSISTENCY** → The request can meet the above provision.  
(...)
- (7) Monument signs shall have a solid base with such base having a minimum width of six feet. The monument sign bases shall be constructed of materials that are different from the sign face. Such bases shall have texture and relief.  
**CONSISTENCY** → The request can meet the above provision.  
(...)

### **LAKE PARK STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board consider the Town's overall signage provisions to ensure compatibility. The Village of North Palm Beach and the Town of Lake Park share a common boundary and aesthetic continuity should be considered whenever possible. Signs should remain harmonious throughout the area. This includes any consideration for non-conforming signs in the future.

Finally, while a joint Town Commission meeting would still be required for any PUD amendment, the Town's Planning and Zoning Board, being the recommending body to the Town Commission for zoning matters including signage, would still need to be involved in the review process. Eliminating the language requiring a joint Planning & Zoning Board meeting for signage would not eliminate the Town's requirement for the Town's Planning & Zoning Board to review the item prior to the Town Commission voting on it.





1  
2 Section 2. The Village Council hereby amends Ordinance No. 03-2003 by amending  
3 Condition 1 of Section 13 to read as follows (additional language underlined and deleted  
4 language is ~~stricken through~~):  
5

- 6 1. That only ~~two~~ three monument signs will be permitted, ~~one~~ two on U.S.  
7 Highway One and one on Palmetto Drive; and the monument signs shall  
8 comply with each of the requirements set forth in Section 6-115 of the  
9 Village Code of Ordinances for which a waiver has not been granted, that  
10 ~~neither sign may have any tenant names on them. Each monument sign~~  
11 ~~may include the name and address of the subject property. The specific~~  
12 ~~locations of the two (2) monument signs as set forth on composite Exhibit~~  
13 ~~"B" are approved. That the developer shall return to a joint meeting of~~  
14 ~~Lake Park and North Palm Beach Planning and Zoning Boards for~~  
15 ~~approval of a concept plan for monument signs.~~  
16

17 Section 2. The Village Council approves the installation of replacement monument signs at  
18 the locations specified in Ordinance No. 03-2003 and the installation of an additional monument  
19 sign at the location specified in Exhibit "1" attached hereto and incorporated herein by reference.  
20 All monument signs shall be constructed as depicted in the graphic representation attached  
21 hereto as Exhibit "2" and incorporated herein by reference.  
22

23 Section 3. The Village Council hereby amends Ordinance No. 03-2003 by deleting  
24 Condition 8 of Section 13 in its entirety (deleted language is ~~stricken through~~):  
25

- 26 8. ~~That the developer shall return to a joint meeting of Lake Park and North~~  
27 ~~Palm Beach Planning and Zoning Boards for the approval of a concept~~  
28 ~~plan for the tenant signage.~~  
29

30 Section 4. The Village Council hereby amends Ordinance No. 03-2003 by amending  
31 Condition 11 of Section 3 to read as follows (additional language is underlined):  
32

- 33 11. That the following waivers are hereby granted with this approval:  
34

35 \* \* \*

- 36  
37 e. From Section 6-115(c)(1)b, Permitted Permanent Accessory Signs,  
38 to allow for two signs along the parcel frontage for the U.S.  
39 Highway One right-of-way.  
40

41 Section 5. The Village Council hereby amends Ordinance No. 03-2003 to provide for minor  
42 modifications to the approved Planned Unit Development. The Village Council may approve  
43 subsequent minor modifications to the Planned Unit Development by resolution without the  
44 necessity of conducting a joint meeting with the Lake Park Town Commission, review by the  
45 Planning Commission, advertisement or public hearing. The following modifications shall not  
46 be considered minor:

- 1 A. Any increase in the total square footage or the footprint of any principal structure;
- 2
- 3 B. Any change in access to the Property;
- 4
- 5 C. Any variance to the C-3 zoning regulations or additional waiver to the Village's land
- 6 development regulations;
- 7
- 8 D. Any increase in height to the buildings located on the Property; or
- 9
- 10 E. Any relocation of parking areas resulting in a net reduction in the total number of parking
- 11 spaces.
- 12

13 Section 5. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for  
 14 any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void,  
 15 such holding shall not affect the remainder of this Ordinance.

17 Section 6. All Ordinances or parts of Ordinances and resolutions or parts of resolutions in  
 18 conflict herewith are hereby repealed to the extent of such conflict. All provisions of Ordinance  
 19 No. 03-2003, unless expressly modified herein, shall remain in full force and effect.

21 Section 6. This Ordinance shall take effect immediately upon adoption.

23 PLACED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

25 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_\_ DAY OF  
 26 \_\_\_\_\_, 2012.

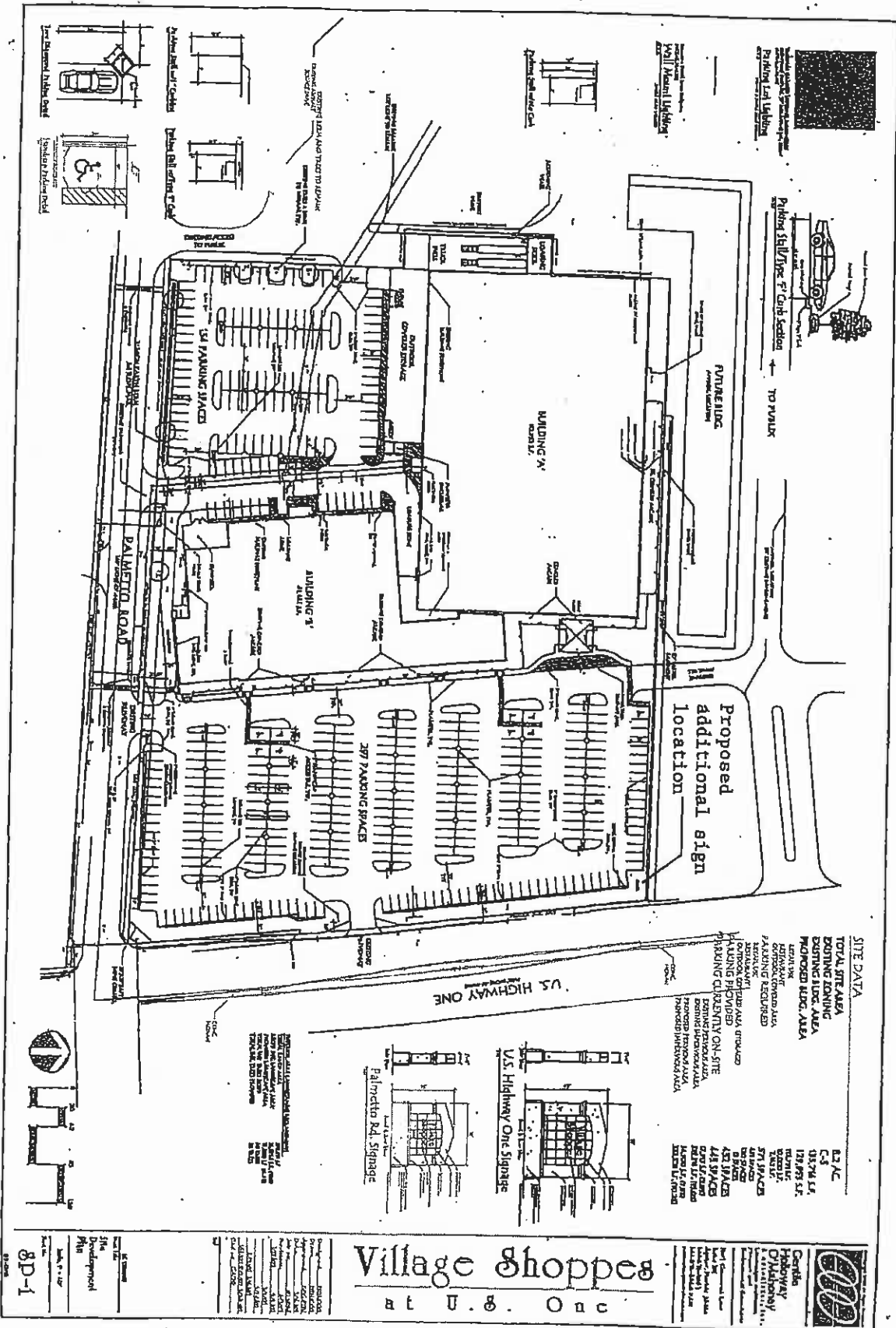
29 (Village Seal) \_\_\_\_\_  
 30 MAYOR

33 ATTEST:  
 34  
 35 \_\_\_\_\_  
 36 VILLAGE CLERK

38 APPROVED AS TO FORM AND  
 39 LEGAL SUFFICIENCY:  
 40  
 41 \_\_\_\_\_  
 42 VILLAGE ATTORNEY

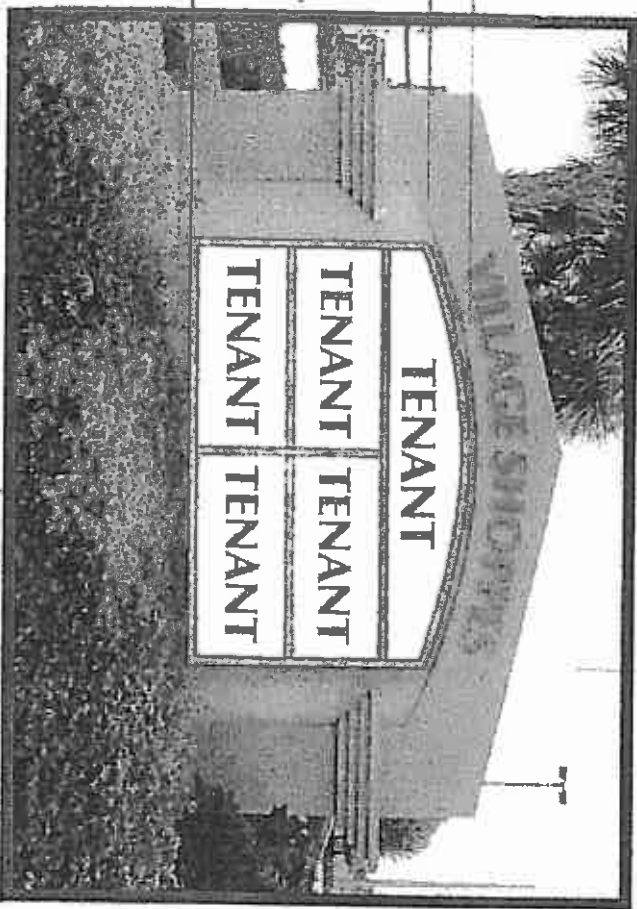
# EXHIBIT 1

SP-1 SITE PLAN REVISED OCTOBER 4, 2012 TO SHOW ADDITIONAL PROPOSED MONUMENT SIGN ON U.S. HIGHWAY ONE



8D-1

# EXHIBIT 2



**D/F MONUMENT SIGN LAYOUT SCALE: 1/2" = 1'-0"**



**EXISTING CONDITION**

REMOVE EXISTING - VILLAGE SHOPPES - COPY, MODIFY EXISTING DOUBLE FACE MONUMENT SIGN TO ACCEPT NEW NON-ILLUMINATED, TENANT MARQUEE SECTION, TWO (2) SINGLE FACE MARQUEES TO BE OF 1 1/2" DEEP ALUMINUM ANGLE FRAME (PAINTED ALUMINUM), W/ 1/2" DIVIDER BARS FOR TENANT PANEL SEPARATION.

TENANT PANELS TO BE OF FLAT WHITE PLEXIGLAS, W/ COMPUTER CUT TRANSLUCENT VINYL GRAPHICS.

VILLAGE SHOPPES - COPY TO BE CAD CUT, 1/4" PLATE ALUMINUM LETTERS, PRIME COAT & FINISH BLUE ACRYLIC POLYURETHANE

**FERRIN Signs**  
 DESIGN PROPOSAL  
 945 28TH STREET  
 WEST PALM BEACH, FL 33407

CLIENT: VILLAGE SQUARE  
 LOCATION: NORTH PALM BEACH, FL.  
 DESIGN #018793A  
 DATE: 9/20/12  
 SALES: C. CAFFEIA  
 DESIGNER: C. COOPER  
 SCALE: AS SHOWN

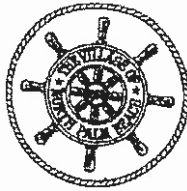
DATE	REVISION

CO-OP SPECIFICATIONS

**NOTICE TO CUSTOMER**

ALL QUOTE PRICES ARE IN US DOLLARS AND ARE SUBJECT TO CHANGE WITHOUT NOTICE. THE PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE. THE PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

THIS DRAWING IS THE PROPERTY OF FERRIN SIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FERRIN SIGNS.



VILLAGE OF NORTH PALM BEACH
ZONING CHANGE APPLICATION

Date July 11, 2012

- Annexation
Zoning Text
Rezoning
SUB-DIVISION PUD
Minor Amendment

This application must be completed and returned with all required enclosures to be accepted by the Village Council of the Village of North Palm Beach. The application will then be referred to the Village Planning Commission and Village Staff for study and recommendations.

Applicant (print) Village Shoppes at U.S. 1, LLC
Address 133 U.S. Highway One
City North Palm Beach State FL Zip Code 33408
Telephone (561) 844-3700 Fax (561) 844-2388
Legal Description: SEE ATTACHED EXHIBIT "A"
Lot ; Block ; Plat Parcel Number

- 1. Dimensions of area or acres covered by application. 8.0575 acres
2. Highway and street boundaries or address U.S. 1; Palmetto Drive; Northlake Blvd.
3. Existing Zoning Classification C-3/PUD Requested Zoning Classification No change
4. Are any structures now located on the property? yes If so, what type(s)? shopping center

The following enclosures are submitted to complete this Application for Public Hearing:

- Site Plan of proposed layout.
Building plans of structures to be erected.
Certified survey of area.
Tentative Sub-Division plat.
Two sketches showing all property owners within 300 ft. of the property covered by this Application.
List of names and mailing addresses of property owners and legal description of property within 300 ft. of the property covered by this Application. State source used to secure same:

Fee of \$100.00, (one hundred dollars) as required by Ordinance No. 185-68 in cash or check drawn to the order "Village of North Palm Beach." SEE NOTE "A"

Attach notarized affidavit of owner authorizing applicant to submit Application for Public Hearing.

The information above and contained on the enclosures is accurate and correct to the best of my knowledge. The Village may rely on said information in considering the Application.

Applicant's Signature LAWRENCE W. SMITH

NOTE "A" Sub-Division and PUD application fees are in addition to the \$100.00 application fee required by Ordinance No. 185-68

EXHIBIT A

TRACT I

A certain parcel of land in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way line of State Road No. 5 as described in a deed from Tesdem, Inc. to the State of Florida as same is recorded in Deed Book 838, Page 25, Public Records of Palm Beach County, Florida with the northerly right-of-way of Palmetto Road as shown on the Plat of Kelsey City (now Lake Park) as same is recorded in Plat Book 8, Page 35, Public Records of Palm Beach County, Florida, and from said point of intersection run (for convenience the said northerly right-of-way line of Palmetto Road is assumed to bear North 89°57'15" West and all other bearings mentioned herein are relative thereto), North 89°57'15" West running along the said northerly right-of-way line a distance of 468.28 feet; thence North 7°27'45" West, a distance of 247.44 feet; thence South 88°43'22" West a distance of 249.34 feet to a point in a line parallel with and one foot westerly from (measured at right angles to) the westerly wall of the Truck Wall so called at the westerly end of the J.M. Fields Store Building, so called; thence North 01°19'04" West, along said parallel line, a distance of 152.45 feet, more or less, to a point in the westerly extension of the North face of the South wall of the Garden Shop so called, said Garden Shop located in the Northwest corner of the said J.M. Fields Store Building; thence North 88°40'56" East along the just said westerly extension and along the just said North face of the South wall a distance of 41 feet, more or less, to a point in the West face of the East wall of said Garden Shop; thence North 01°19'04" West running along the just said West face of the East wall and the northerly extension thereof a distance of 120.27 feet, more or less, to a point in the face of the curb, said curb being 20.26 feet northerly from and parallel with the face of the North wall of said building; thence North 88°40'56" East running along the said face of the curb and its Easterly extension of a distance of 637.31 feet, more or less, to a point in the said westerly right-of-way line of State Road No. 5, said point being also a point on a curve concave to the West, having a radius of 11384.22 feet and whose tangent passing through said point bears South 10°13'29" East; thence Southerly running along the arc of the just described curve and along the said Westerly right-of-way line subtending a central angle of 01°48'07", a distance of 358.34 feet, more or less, to the end of said curve; thence South 81°34'38" West running along a line radial to the just described curve and radial to the next described curve and continuing along said westerly right-of-way line a distance of 5 feet to a point in a curve concave to the West, being concentric with the last described curve and having a radius of 11389.22 feet; thence Southerly running along the arc of the just described curve and continuing along the said Westerly right-of-way line; subtending a central angle of 00°25'22", a distance of 84.04 feet to the end of said curve; thence South 08°00'00" East along the Westerly right-of-way line a distance of 91.77 feet, more or less, to the POINT OF BEGINNING.

TRACT II

A parcel of land lying in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the intersection of the Westerly Right-of-way line of State Road No. 5, as described in Deed from Tesdem, Incorporated to the State of Florida, recorded in Deed Book 838, Page 25, Public Records of Palm Beach County, Florida, with the Northerly right-of-way line of Palmetto Road, as shown on the Plat of Kelsey City (now Lake Park), recorded in Plat Book 8, Page 35, Public Records of Palm Beach County, Florida; thence Westerly, along said Northerly right-of-way line, a distance of 468.28 feet to a point on a portion of the Westerly boundary of that certain parcel of land described in Official Records Book 3343, Page 1786, Public Records of Palm Beach County, Florida, and the point of beginning of the hereinafter described parcel; thence Northerly along said Westerly boundary, making an angle with the preceding course, measured from East to North of 97°30'30", a distance of 247.44 feet to a point; thence Westerly, making an angle with the preceding course, measured from South to West of 96°11'07", a distance of 208.80 feet to the of the Easterly boundary of that certain parcel of land described in Official Records Book 3259, Page 276, Public Records of Palm Beach County, Florida; thence Southerly, along said Easterly boundary, making an angle with the preceding course, measured from East to South of 89°58'58", a distance of 240.56 feet to a point on said Northerly right-of-way line, making an angle with the preceding course, measured from North to East of 91°20'25", a distance of 235.45 feet to the point of beginning.

Village Shoppes at U.S. 1, LLC  
133 U.S. Highway One  
North Palm Beach, FL 33408

June 26, 2012

Village of North Palm Beach  
Attn: Jodi Nentwick, Village Planner  
501 U.S. Highway One  
North Palm Beach, FL 33408

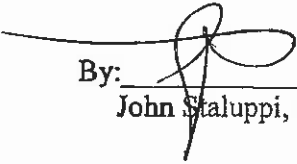
Re: PUD Amendment Request by Village Shoppes at U.S. 1, LLC, Owner of  
101-133 U.S. Highway One, North Palm Beach, FL 33408  
(See Legal Description attached as Exhibit "A").

Dear Ms. Nentwick:

Please consider this letter as authorization from Village Shoppes at U.S. 1, LLC, owner of the property which is the subject of the above-referenced application, for Lawrence W. Smith, Esq. and the law firm Gary, Dytrych & Ryan, P.A., to act on behalf of Village Shoppes at U.S. Highway 1, LLC with regard to a PUD Amendment Application. Thank you.

VILLAGE SHOPPES AT U.S. 1, LLC  
a Florida limited liability company

By: J&J Village Shoppes, LLC,  
a Florida limited liability company,  
Its: Sole Member/Managing Member

By:   
John Staluppi, Manager

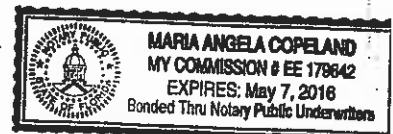
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me on JUNE 29, 2012, by JOHN STALUPPI, as Manager of J&J Village Shoppes, LLC, a Florida limited liability company, as Sole Member/Managing Member of Village Shoppes at U.S. 1, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or who produced \_\_\_\_\_ as identification.

SEAL

My Commission Number is: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

  
Notary  
Print Notary Name: \_\_\_\_\_  
Notary Public—State of Florida



*Law Offices*  
*Gary, Dytrych & Ryan*

PROFESSIONAL ASSOCIATION  
*Est. 1975*

JOHN W. GARY, III  
JAMES H. RYAN  
DONALD R. BICKNELL, JR.  
LAWRENCE W. SMITH  
ALYS NAGLER DANIELS  
PETER M. ARMOLD  
GREGORY C. PICKEN

RICHARD G. DYTRYCH  
1925 - 1996

701 U.S. HIGHWAY ONE, SUITE 402  
NORTH PALM BEACH, FLORIDA 33408  
TELEPHONE (561)-844-3700  
FAX (561)-844-2388  
[www.gdr-law.com](http://www.gdr-law.com)

October 8, 2012

Village of North Palm Beach  
Attn: Jodi Nentwick  
501 U.S. Highway One  
North Palm Beach, FL 33408

Re: Amendment and Additional Justification Statement for PUD Minor Amendment  
Request by Village Shoppes at U.S. 1

Dear Ms. Nentwick:

Please consider this letter our request for an amendment to the minor amendment request to the Village Shoppes PUD. Our application for minor amendments to Ordinance 03-2003 was submitted under my cover letter of July 13, 2012 and requested certain modifications to the monument signage to allow tenant names on the monument signs as now allowed by the Village Code.

By this amendment to our application, we are hereby asking for a waiver from the Village's Sign Code, Section 6-115(C)b. We hereby request that our client be allowed to place an additional monument sign at the north end of the property on U.S. 1. This would result in two monument signs along on U.S. 1 and one monument sign along Palmetto Drive.

The justification for this request is that the large building at the north end of the center is being marketed for lease to one or more large national tenants who will require specific signage containing their names. This additional signage is critical to the leasing program and ultimately to the vitality of the center.



Village of North Palm Beach

Attn: Jodi Nentwick

October 8, 2012

Page | 2

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To that end, we are attaching a site plan, which is the same site plan attached to Ordinance 03-2003 revised as of October 4, 2012 to show the "Proposed Additional Sign Location" at the north end of the property along U.S. 1.

Additionally, we have previously provided a prototype illustration of a typical monument sign.

Please let us should you need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lawrence W. Smith', with a long horizontal flourish extending to the right.

Lawrence W. Smith, Esquire

LWS/md  
Enclosure  
cc: Client

*Law Offices*  
*Gary, Dytrych & Ryan*

PROFESSIONAL ASSOCIATION  
*Est. 1975*

JOHN W. GARY, III  
JAMES H. RYAN  
DONALD R. BICKNELL, JR.  
LAWRENCE W. SMITH  
ALYS NAGLER DANIELS  
PETER M. ARMOLD  
GREGORY C. PICKEN

RICHARD G. DYTRYCH  
1925 - 1996

701 U.S. HIGHWAY ONE, SUITE 402  
NORTH PALM BEACH, FLORIDA 33408  
TELEPHONE (561)-844-3700  
FAX (561)-844-2388  
[www.gdr-law.com](http://www.gdr-law.com)

July 13, 2012

Village of North Palm Beach  
Attn: Jodi Nentwick, Village Planner  
501 U.S. Highway One  
North Palm Beach, FL 33408

Re: PUD Minor Amendment Request by Village Shoppes at U.S. 1, LLC, Owner of  
101-133 U.S. Highway One, North Palm Beach, FL 33408  
(See Legal Description attached as Exhibit "A")

Dear Ms. Nentwick:

Please consider this as our cover letter for an application for a minor amendment to the Village Shoppes PUD which was originally approved by Ordinance 03-2003.

We are requesting to amend Ordinance 03-2003 in order to provide additional signage for the Center consistent with the Village's current codes. Changes proposed are to Section 3, paragraphs 1 and 8. We also propose adding a sentence to Section 6 clarifying the method of approving minor amendments to the PUD. We have attached to this letter our proposed minor amendments to those paragraphs which are set forth in a document titled "Minor Amendments to Ordinance 03-2003 With Respect to Signage at the Village Shoppes".

Our application is attached and enclosed is a check for \$100.00 made payable to the Village of North Palm Beach for the application fee. I am also enclosing a notarized authorization executed by our client, Villages Shoppes at U.S. 1, LLC, authorizing me as the agent to act on behalf of the owner.

Village of North Palm Beach

Jodi Nentwick

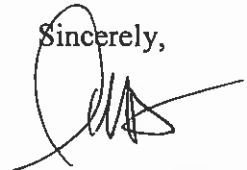
July 13, 2012

Page | 2

Should you need any further information, please contact me and we will furnish it immediately.

Thank you very much for your favorable consideration to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'LWS', with a long horizontal flourish extending to the right.

Lawrence W. Smith, Esquire

LWS/md  
Enclosures  
cc: Client

**Minor Amendments to Ordinance 03-2003 With Respect to Signage at the Village Shoppes**

**Section 3.**

1. Monument signs will be permitted, as allowed by Village Code, Chapter 6, Buildings and Building Regulations, Article V entitled "Signs and Outdoor Display". Each monument sign may include the name and address of the subject property and tenant names as allowed by the Village Code.
  
8. DELETED

**Section 6.** Minor modifications to this Ordinance may be made by Resolution of the Village Council without the necessity of review by the Planning Commission or advertisement or public hearing. If any section, paragraph, sentence clause, phrase or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

## **ORDINANCE 03-2003**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A COMMERCIAL PLANNED UNIT DEVELOPMENT UPON THOSE CERTAIN LANDS LOCATED AT THE CORNER OF NORTHLAKE BOULEVARD AND U.S. HIGHWAY 1 (FORMERLY KNOWN AS THE TWIN CITY MALL) LOCATED IN C-3 REGIONAL BUSINESS DISTRICT AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; SAID LANDS TO BE DEVELOPED IN ACCORDANCE WITH THE PLANS ATTACHED HERETO AS EXHIBITS, WHICH PLANS ARE EXPRESSLY MADE A PART HEREOF; ESTABLISHING PROJECT SPECIFIC DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of North Palm Beach, Florida, created the C-3 Regional Business District under Ordinance No. 8-95 which was subsequently codified as Section 45-34.1 of the Code of Ordinances of the Village; and

WHEREAS, subject real property was rezoned to C-3 Regional Business District by Ordinance No. 9-95 of the Village; and

WHEREAS, the C-3 Regional Business District provides for and allows for the approval of a Planned Unit Development (PUD) thereon to encourage economical, efficient and imaginative design, and application has been made for approval of a PUD on the subject real properties; and

WHEREAS, the Village Council of the Village of North Palm Beach, Florida, has held a joint meeting with the town commission of the Town of Lake Park, Florida, for the purpose of coordinating the approval of a Planned Unit Development on the subject real property formerly known as the Twin City Mall; and

WHEREAS, the applicant has presented plans and other development specifications for the PUD project on the real property, and testimony has been presented by the property owner and other interested parties.

BE IT ORDAINED BY THE VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA:

Section 1. The Village Council of the Village of North Palm Beach, Florida, does hereby approve the application for a commercial Planned Unit Development on the real property more particularly described in Exhibit "A" attached hereto and made part hereof submitted by the Village Shoppes at U.S. 1, L.L.C.. The Planned Unit Development shall be in accordance with the maps, plans, drawings and other documents submitted therewith and reviewed by the Village's Public Services Department, Planning Commission and the Village Council and any recommendations and modifications approved thereto by the Village and subject to the provisions of Section 45-34.1, C-3 Regional Business District, and other applicable sections of the Code of Ordinances of the Village and law, and the special conditions, and modified development standards as provided herein and in Section 45-34.1 of the Code of Ordinances of the Village.

Section 2. The uses permitted on the subject real property shall be those described in Section 45-34.1 of the Code of Ordinances of the Village in effect at the time of the passage of this ordinance.

Section 3. The approved conceptual site development plan for this commercial planned unit development is attached as composite Exhibit "B" consisting of four (4) sheets entitled respectively CSP-1, SP-1 last revised 1/14/03, L-1 last revised 1/14/03 (Landscape Development Plan), L-2 last revised 1/14/03 (Landscape Specification Sheet), P-1 last revised 1/14/03 (Photometric Development Plan), all prepared by Gentile Holloway O'Mahoney & Associates, Inc., which said exhibit is made a part hereof, together with sheet A-1, last revised 1/23/03 and sheet EL, last revised 1/3/03, prepared by the Sun Group, Inc., with the following amendments and conditions:

1. That only two monument signs will be permitted, one on U.S. Highway One and one on Palmetto Drive; that neither sign may have any tenant names on them. Each monument sign may include the name and address of the subject property. The specific locations of the two (2) monument signs as set forth on composite Exhibit "B" are approved. That the developer shall return to a joint meeting of Lake Park and North Palm Beach Planning and Zoning Boards for approval of a concept plan for monument signs.

2. That all ground-mounted equipment shall be screened from view from all public rights-of-way.
3. That all existing roof-mounted equipment shall be screened from view from all public rights-of-way with a parapet wall as shown on the Site Development Plan, Sheet SP-1 attached hereto as Composite Exhibit "B"; all roof-mounted equipment which is installed in the future shall be screened and shall be painted to match the color of the building.
4. That the landscaping on U.S. Highway One shall be as shown on Sheets L-1 and L-2 attached hereto as Composite Exhibit "B".
5. That lighting in the parking lot be mounted on poles not to exceed 37 feet in height and the light fixture itself be a metal halide fixture of a shape and style compatible and equivalent to the fixture shown on Sheet SP-1 attached hereto as Composite Exhibit "B".
6. That the cross parking agreement with the adjacent landowner to the north and west shall be maintained in perpetuity.
7. That the developer and Village staff may work together to make minor changes such as shifting locations and styles of storefronts, doors and windows as necessary to accommodate a tenant.
8. That the developer shall return to a joint meeting of Lake Park and North Palm Beach Planning and Zoning Boards for the approval of a concept plan for tenant signage.
9. The Village logo being a ship's wheel shall be placed on the southeast corner of the planned unit development. The Village shall provide and install the logo at its expense.
10. That the developer's landscape architect shall certify to the Village of North Palm Beach that the landscape improvements have been completed pursuant to the approved landscape plans prior to the issuance of a certificate of occupancy for the property.
11. That the following waivers are hereby granted with this approval:
  - a. From Section 45-34.1(2), Off-Street Parking, and Section 45-34.1(3), Off-Street Loading and Internal Circulation of the Village Code, to allow for a minimum of 432 parking spaces on site and for the size and configuration of the parking spaces to be as shown on SP-1 included within Composite Exhibit "B" attached hereto.

- b. From Section 45-34.1(4)a., Landscaping, to provide for a landscaped buffer between Palmetto Road and the off-street parking areas along the south boundary of the Property of between 3.5 feet and 21.8 feet with at least five (5) trees and eighteen (18) shrubs for each one hundred (100) lineal feet of buffer along Palmetto Road, as shown on L-1 and L-2 included within Composite Exhibit "B" attached hereto; and
- c. From Section 45-34.1(4)b., Landscaping, to provide for the interior landscaping for unroofed parking areas as shown on L-1 and L-2 included within Composite Exhibit "B" attached hereto.
- d. From Section 45-34.1(5), Setbacks and Height, to waive the setback requirement along the north and west boundaries of the Property and to permit the existing structures to exist in their current locations and as currently set back as shown on the SP-1 included within Composite Exhibit "B" attached hereto.

Section 4. If there is any conflict between the written terms of this Ordinance and the Site Development Plan set forth as Composite Exhibit "B", the terms of this Ordinance shall prevail.

Section 5. Prior to issuance of building or other permits by the Village of North Palm Beach, applicant shall submit for approval a recordable unity of title for the commercial planned unit development lands described in Exhibit "A" in lieu of platting the property. Upon approval by the Village attorney, the unity of title shall be recorded in the Public Records of Palm Beach County, Florida, at the cost of applicant.

Section 6. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 7. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 8. This Ordinance shall take effect immediately upon passage.

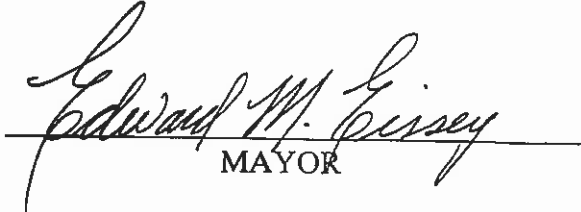
PLACED ON FIRST READING THIS 23rd DAY OF JANUARY, 2003.



PLACED ON PUBLIC HEARING THIS 13th DAY OF FEBRUARY 2003.

PLACED ON SECOND, FINAL READING AND PASSED THIS 13th DAY OF FEBRUARY, 2003.

(VILLAGE SEAL)

  
MAYOR

ATTEST:   
VILLAGE CLERK

EXHIBIT A

TRACT I

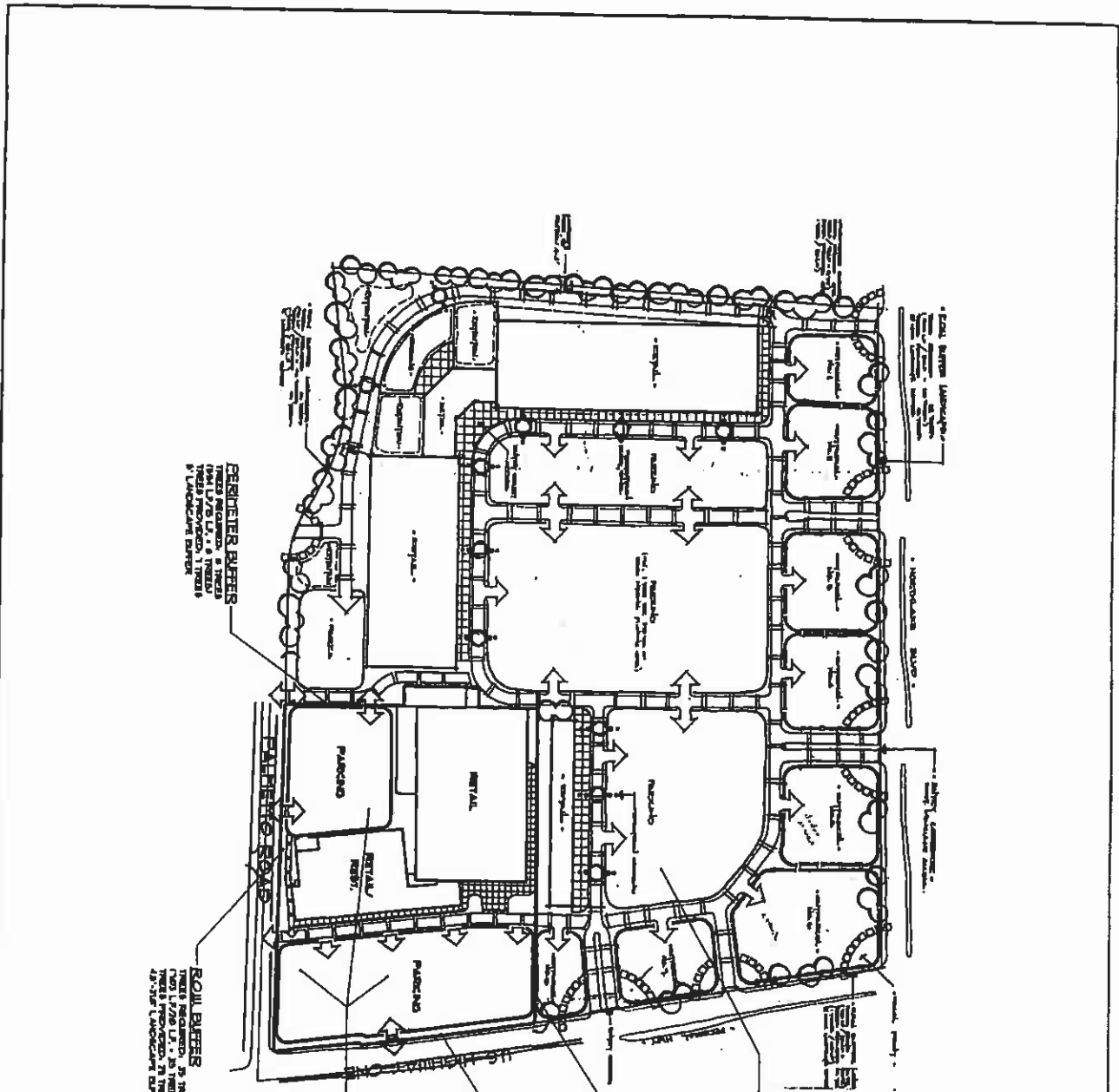
A certain parcel of land in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way line of State Road No. 5 as described in a deed from Tisdem, Inc. to the State of Florida as same is recorded in Deed Book 838, Page 25, Public Records of Palm Beach County, Florida with the northerly right-of-way of Palmetto Road as shown on the Plat of Kelsey City (now Lake Park) as same is recorded in Plat Book 8, Page 35, Public Records of Palm Beach County, Florida, and from said point of intersection run (for convenience the said northerly right-of-way line of Palmetto Road is assumed to bear North 89°57'15" West and all other bearings mentioned herein are relative thereto), North 89°57'15" West running along the said northerly right-of-way line a distance of 468.28 feet; thence North 7°27'45" West, a distance of 247.44 feet; thence South 88°43'22" West a distance of 249.34 feet to a point in a line parallel with and one foot westerly from (measured at right angles to) the westerly wall of the Truck Wall so called at the westerly end of the J.M. Fields Store Building, so called; thence North 01°19'04" West, along said parallel line, a distance of 152.45 feet, more or less, to a point in the westerly extension of the North face of the South wall of the Garden Shop so called, said Garden Shop located in the Northwest corner of the said J.M. Fields Store Building; thence North 88°40'56" East along the just said westerly extension and along the just said North face of the South wall a distance of 41 feet, more or less, to a point in the West face of the East wall of said Garden Shop; thence North 01°19'04" West running along the just said West face of the East wall and the northerly extension thereof a distance of 120.27 feet, more or less, to a point in the face of the curb, said curb being 20.26 feet northerly from and parallel with the face of the North wall of said building; thence North 88°40'56" East running along the said face of the curb and its Easterly extension of a distance of 637.31 feet, more or less, to a point in the said westerly right-of-way line of State Road No. 5, said point being also a point on a curve concave to the West, having a radius of 11384.22 feet and whose tangent passing through said point bears South 10°13'29" East; thence Southerly running along the arc of the just described curve and along the said Westerly right-of-way line subtending a central angle of 01°48'07", a distance of 358.34 feet, more or less, to the end of said curve; thence South 81°34'38" West running along a line radial to the just described curve and radial to the next described curve and continuing along said westerly right-of-way line a distance of 5 feet to a point in a curve concave to the West, being concentric with the last described curve and having a radius of 11389.22 feet; thence Southerly running along the arc of the just described curve and continuing along the said Westerly right-of-way line; subtending a central angle of 00°25'22", a distance of 84.04 feet to the end of said curve; thence South 08°00'00" East along the Westerly right-of-way line a distance of 91.77 feet, more or less, to the POINT OF BEGINNING.

TRACT II

A parcel of land lying in Section 21, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the intersection of the Westerly Right-of-way line of State Road No. 5, as described in Deed from Tisdem, Incorporated to the State of Florida, recorded in Deed Book 838, Page 25, Public Records of Palm Beach County, Florida, with the Northerly right-of-way line of Palmetto Road, as shown on the Plat of Kelsey City (now Lake Park), recorded in Plat Book 8, Page 35, Public Records of Palm Beach County, Florida; thence Westerly, along said Northerly right-of-way line, a distance of 468.28 feet to a point on a portion of the Westerly boundary of that certain parcel of land described in Official Records Book 3343, Page 1788, Public Records of Palm Beach County, Florida, and the point of beginning of the hereinafter described parcel; thence Northerly along said Westerly boundary, making an angle with the preceding course, measured from East to North of 97°30'30", a distance of 247.44 feet to a point; thence Westerly, making an angle with the preceding course, measured from South to West of 96°11'07", a distance of 208.80 feet to the Easterly boundary of that certain parcel of land described in Official Records Book 3259, Page 276, Public Records of Palm Beach County, Florida; thence Southerly, along said Easterly boundary, making an angle with the preceding course, measured from East to South of 89°58'58", a distance of 240.56 feet to a point on said Northerly right-of-way line, making an angle with the preceding course, measured from North to East of 91°20'25", a distance of 235.45 feet to the point of beginning.



**PREVIOUSLY APPROVED CONCEPTUAL P.L.D.**

**NOTES:**  
 1. CONTRACTOR SHALL MAINTAIN 30' OF CLEARANCE AT ALL TIMES AT THE INTERSECTION OF THE DRIVEWAY AND THE MAIN STREET.  
 2. ALL CURBS SHALL BE 6" HIGH AND 12" WIDE.  
 3. ALL DRIVEWAYS SHALL BE 12' WIDE AND 12" HIGH.  
 4. ALL DRIVEWAYS SHALL BE 12' WIDE AND 12" HIGH.  
 5. ALL DRIVEWAYS SHALL BE 12' WIDE AND 12" HIGH.

**RETAIL BUILDINGS:**  
 1. TOTAL AREA: 10,000 SQ. FT.  
 2. TOTAL AREA: 10,000 SQ. FT.  
 3. TOTAL AREA: 10,000 SQ. FT.

**RESTAURANT BUILDINGS:**  
 1. TOTAL AREA: 2,000 SQ. FT.  
 2. TOTAL AREA: 2,000 SQ. FT.  
 3. TOTAL AREA: 2,000 SQ. FT.

**LANDSCAPING REQUIREMENTS:**  
 1. TOTAL PLANT AREA: 10,000 SQ. FT.  
 2. TOTAL PLANT AREA: 10,000 SQ. FT.  
 3. TOTAL PLANT AREA: 10,000 SQ. FT.



**Village Shoppes**  
at U.S. One

**GENIE**  
 Highway  
 O'Malley  
 & Associates, Inc.

DATE	1/15/77	DRAWN BY	J.P.	CHECKED BY	J.P.
PROJECT NO.	1000	SCALE	AS SHOWN	DATE	1/15/77
CLIENT	GENIE	DESIGNER	GENIE	APPROVED BY	J.P.
CONTRACT NO.	1000	LOCATION	U.S. ONE	STATUS	CONCEPTUAL

**LEGEND:**

RETAIL BUILDING

RESTAURANT BUILDING

PARKING GARAGE

LANDSCAPING

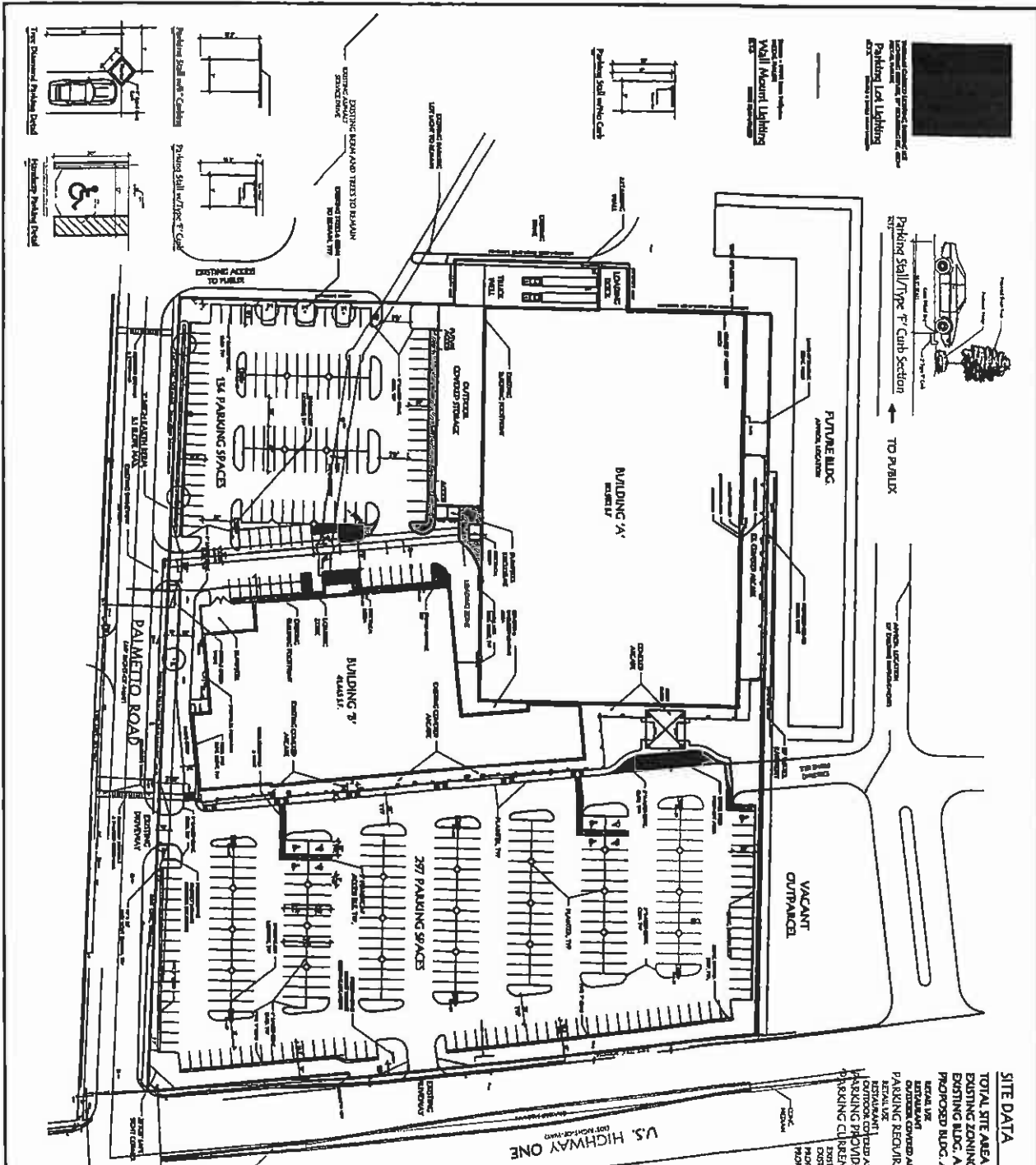
U.S. HIGHWAY

MAIN STREET

**CONCEPTUAL SITE DEVELOPMENT PLAN**

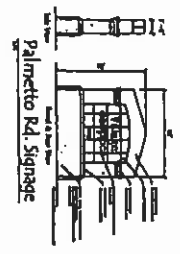
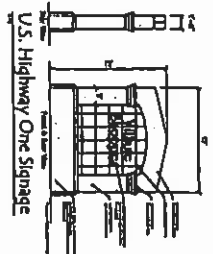
SCALE: 1" = 50'

**C&D-1**



**SITE DATA**

TOTAL SITE AREA	8.3 AC
EXISTING ZONING	C-3
EXISTING BLDG. AREA	183,716 S.F.
PROPOSED BLDG. AREA	128,793 S.F.
NETVAL USE	RETAIL USE
OUTRIGGER COVERED AREA	571 SPACES
PARKING REQUIRED	483 SPACES
RESTAURANT	483 SPACES
RETAIL USE	483 SPACES
EXISTING BLDG. AREA	183,716 S.F.
PROPOSED BLDG. AREA	128,793 S.F.
PROPOSED DRIVEWAY AREA	202,231 S.F. (2,800)



EXISTING BLDG. AREA 183,716 S.F.  
 PROPOSED BLDG. AREA 128,793 S.F.  
 NETVAL USE RETAIL USE  
 OUTRIGGER COVERED AREA 571 SPACES  
 PARKING REQUIRED 483 SPACES  
 RESTAURANT 483 SPACES  
 RETAIL USE 483 SPACES  
 EXISTING BLDG. AREA 183,716 S.F.  
 PROPOSED BLDG. AREA 128,793 S.F.  
 PROPOSED DRIVEWAY AREA 202,231 S.F. (2,800)

# Village Shoppes

at U.S. Highway One

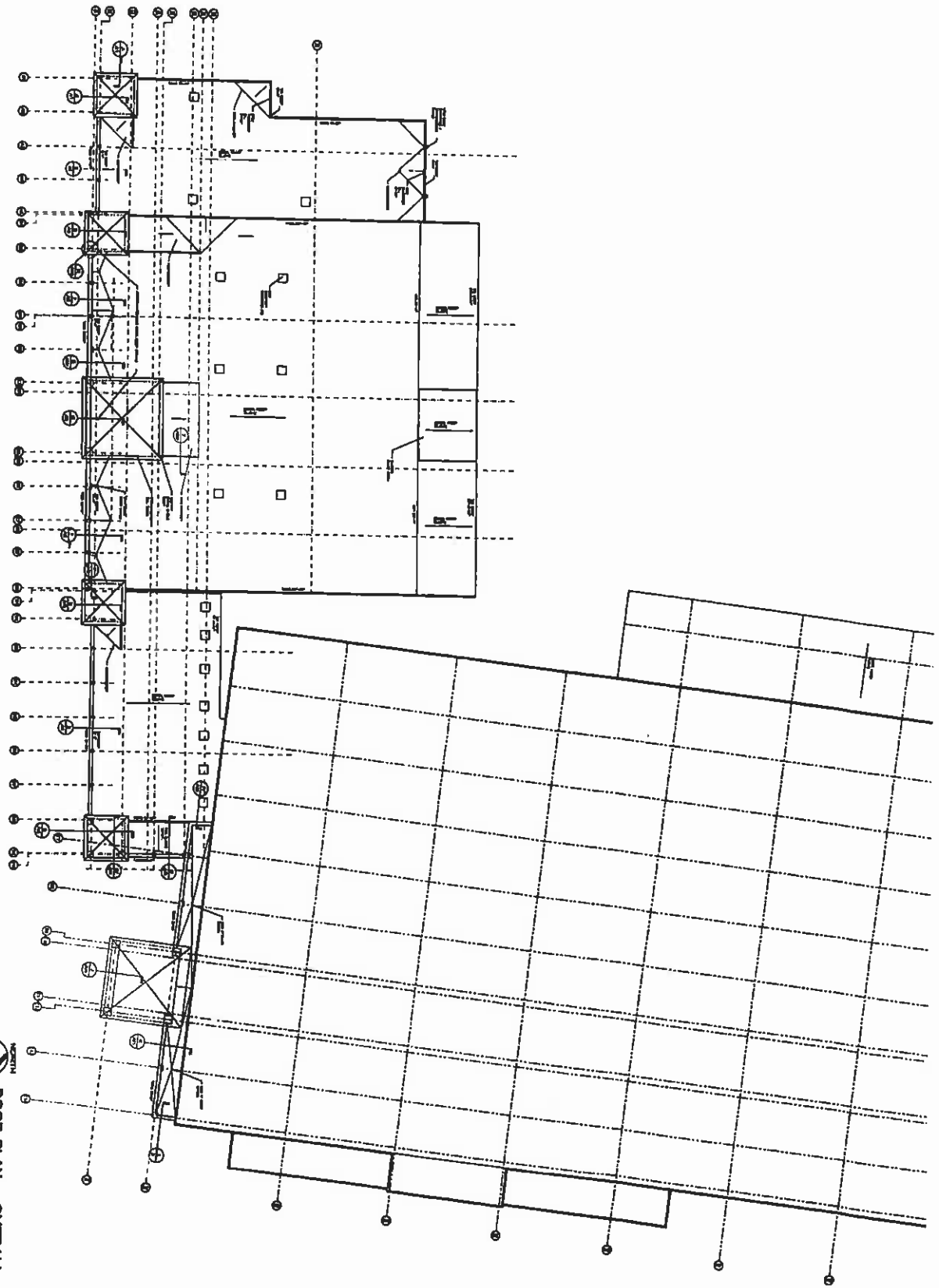
8P-1

Site Development Plan

Scale: 1" = 40'

DATE: 01-20-04





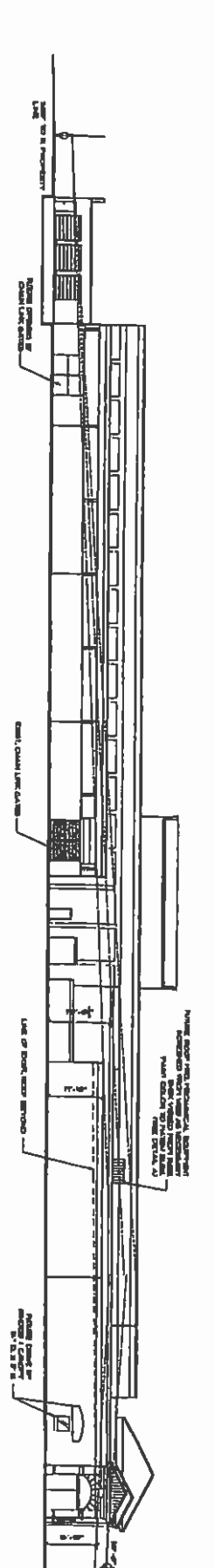
**ROOF PLAN - OVERALL**  
 SCALE: 1/8" = 1'-0"

**A2**

**THE SUN GROUP**  
 3000 N. W. 107th Ave., Suite 100  
 Miami, Florida 33177  
 Phone: (305) 551-1111  
 Fax: (305) 551-1112  
 Website: www.sun.com

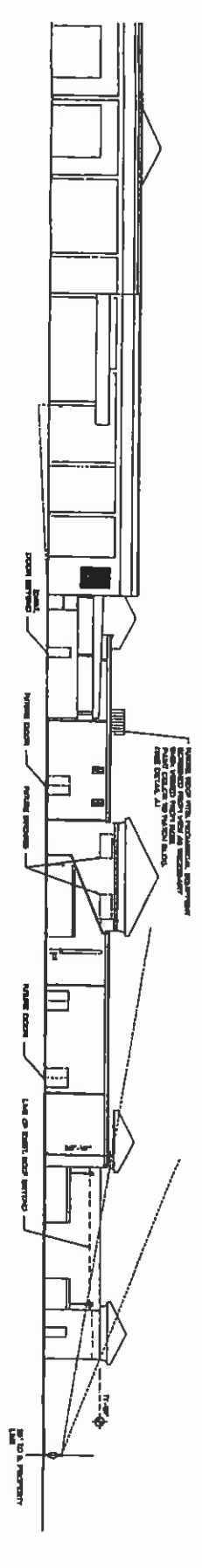
**Village Shoppes**  
 at U.S. One

NO.	DATE	REVISION

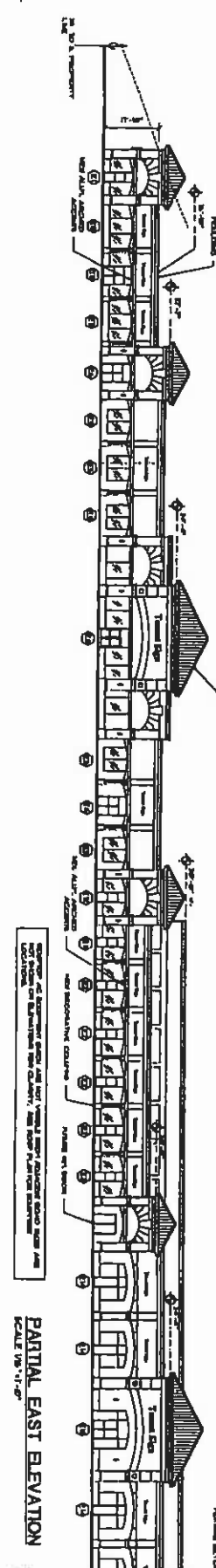


**DETAIL 'A'**  
**FUTURE EQUIPMENT SCREEN**  
 SCALE 1/4" = 1'-0"

**SOUTH ELEVATION**  
 SCALE 1/8" = 1'-0"



**PARTIAL WEST ELEVATION**  
 SCALE 1/8" = 1'-0"



**PARTIAL EAST ELEVATION**  
 SCALE 1/8" = 1'-0"

# Village Shoppes

at U.S. One

THE SUN GROUP  
 ARCHITECTS  
 300 E. WASHINGTON ST.  
 CHICAGO, ILL. 60601  
 TEL. 312.467.1100

THE SUN GROUP  
 ARCHITECTS  
 300 E. WASHINGTON ST.  
 CHICAGO, ILL. 60601  
 TEL. 312.467.1100

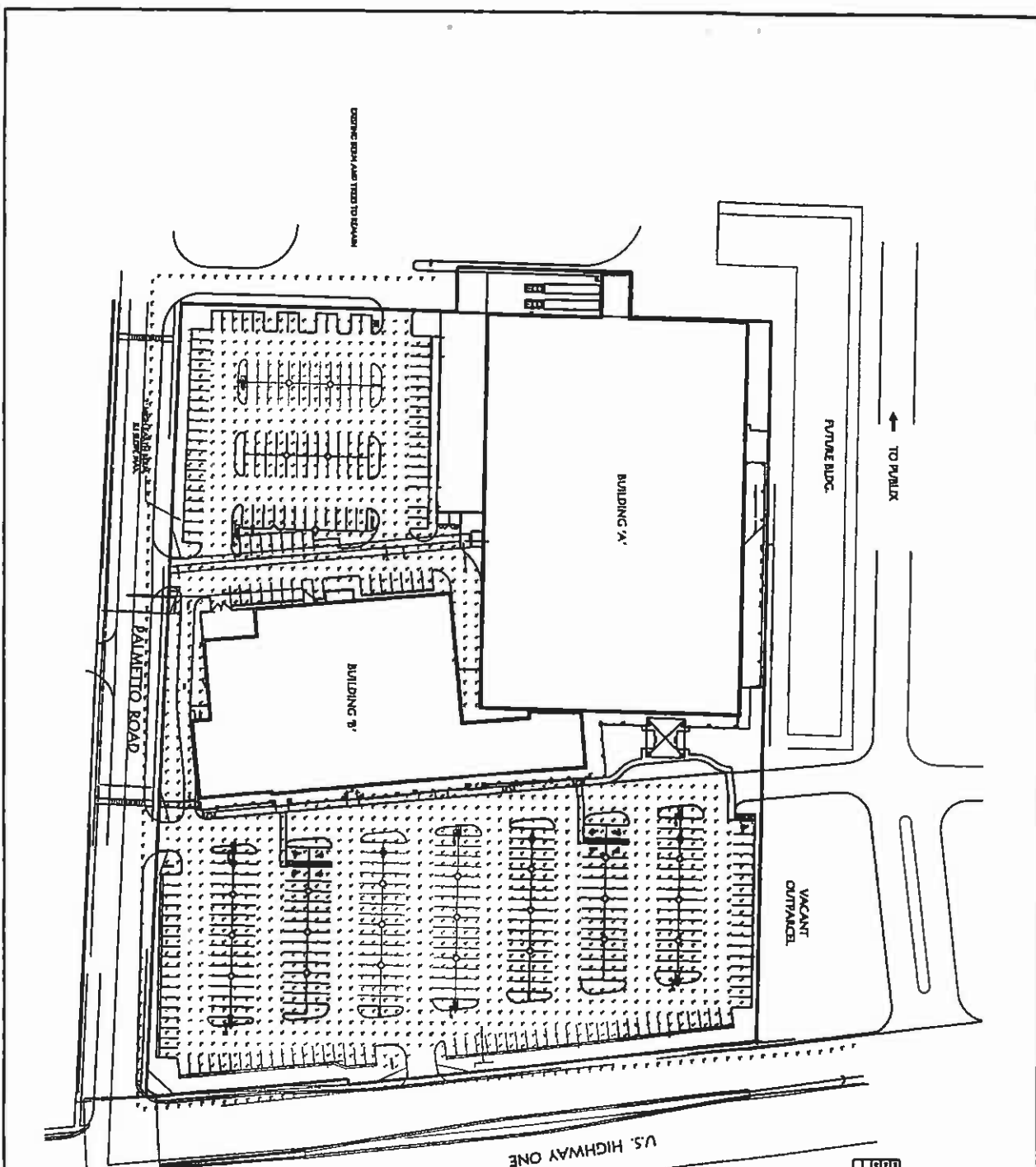
THE SUN GROUP  
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 TEL. 312.467.1100

THE SUN GROUP  
 ARCHITECTS  
 300 E. WASHINGTON ST.  
 CHICAGO, ILL. 60601  
 TEL. 312.467.1100









NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/15/88	PRELIMINARY PLAN	...	...
2	11/15/88	REVISED PLAN	...	...
3	12/15/88	FINAL PLAN	...	...

1432 - 10th Street  
 Lake Park, FL 33405  
 561-448-8889



# Village Shoppes

at U.S. One

**Gentle Holloway O'Leary**  
 a Kiewit Company  
 1432 - 10th Street  
 Lake Park, FL 33405  
 561-448-8889

**37' LIGHT POLE PLAN**

**P-1**

DATE: 10/15/88

SCALE: 1" = 40'

PROJECT: Village Shoppes Development Plan

DESIGNED BY: ...

CHECKED BY: ...

DATE: 10/15/88