TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING AGENDA
JUNE 6, 2016
7:00 p.m.
535 PARK AVENUE
LAKE PARK, FLORIDA

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the Meeting should contact the Town Clerk's Office by calling (561) 881-3311 at least 48 hours in advance to request accommodations.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	☐
Martin Schneider, Vice-Chair	☐
Anthony Bontrager, Regular Member	☐
Vacant, Regular Member	☐
Vacant, Regular Member	☐
Vacant, Regular Member	☐
Vacant, Alternate Member	☐
Vacant, Alternate Member	☐

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting Minutes of April 4, 2016

PUBLIC COMMENTS

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and provide it to the Recording Secretary. Cards must be submitted before the agenda item is discussed.

ORDER OF BUSINESS

The normal order of business for Hearings on agenda items is as follows:

- Staff presentation
- Applicant presentation (when applicable)
- Board Member questions of Staff and Applicant
- Public Comments – 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

NEW BUSINESS

A. **Variance Request(s) 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, Section 5-6(c)(2)(f) Maximum Height, Section 5-6(c)(2)(g) Minimum Setbacks, Section 5-6(2)(a) Maximum Number, Section 5-9(b)(3) Landscaping, and Chapter 78, Article V: Section 78-142(c)(7) Minimum Number of required off-street, of the Town of Lake Park Code of Ordinances.**

B. **Variance Request(s) 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, Section 5-6(c)(2)(f) Maximum Height, Section 5-6(c)(2)(g) Minimum Setbacks, and Section 5-9(b)(3) Landscaping, of the Town of Lake Park Code of Ordinances.**

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT

DUE TO THE JULY 4TH HOLIDAY, THE REGULARLY SCHEDULED JULY PLANNING & ZONING BOARD MEETING WILL BE HELD AS A "SPECIAL CALL" MEETING ON MONDAY, JULY 11, 2016 AT 7:00 P.M.

TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
APRIL 4, 2016

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Martin Schneider, Vice-Chair	Present
Michele Dubois	Present

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

APPROVAL OF AGENDA

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

	Aye	Nay
Martin Schneider	X	
Judith Thomas	X	
Michele Dubois	X	

The Motion carried 3-0, and the Agenda was approved as amended.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the February 1, 2016, Planning & Zoning Board Meeting Minutes as submitted. Vice-Chair Schneider made a motion for approval with the correction of one typo, and the motion was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Martin Schneider	X	
Judith Thomas	X	
Michele Dubois	X	

The Motion carried 3-0, and the Minutes of the February 1, 2016, Planning & Zoning Board Meeting were approved.

PUBLIC COMMENTS

Chair Thomas reviewed the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

A) A SPECIAL EXCEPTION USE APPLICATION FOR A SUBSTANCE ABUSE TREATMENT FACILITY TO BE LOCATED AT 143 SILVER BEACH ROAD IN THE R-2 RESIDENTIAL DISTRICT. *APPLICANT: NZ CONSULTANTS, INC.*

STAFF PRESENTATION

The Town Planner, Scott Schultz, addressed the P&Z Board and explained this Application is for a Special Exception Use for a substance abuse treatment facility. The Applicant is NZ Consultants, Inc., on behalf of the property owner, Mr. Ashwin Bhatt. The site is located at 143 Silver Beach Road, which is located within the R-2 Residential Zoning District and has a Future Land Use Designation of Commercial/Residential. The adjacent zoning to the north is R-1 Residential; to the south is the R-6 Residence District of the City of Riviera Beach, and to the east and west is the R-2 Residential District.

Mr. Schultz stated that Applicant is proposing to open a substance abuse treatment facility whose primary function will be to provide medical detoxification. The facility will serve up to 12 clients who will be housed on site during treatment, which lasts 5-7 days. The facility will be operated by one (1) registered nurse and one (1) nurse's assistant, for a total of 2 employees per shift. Mr. Schultz pointed out an error in the Summary of the Staff Report which states the employees will be nurse practitioners, however, the employees will actually be a nurse and nurse's assistant. The facility will be open 24 hours a day, 7 days a week, and the nurse and nurse's assistant positions will each have an 8 hour shift which rotates three times over the 24 hour period, for a total of 6 employees during 24 hours. A doctor will not be onsite, but will be on-call should his or her services be required by the nurse and/or nurse's assistant. A total of fourteen (14) persons will be working or residing on site at any one time during the 24-hour period.

Mr. Schultz showed a map and reviewed the existing conditions on site, indicating:

- The Site is located on the north side of Silver Beach Road between Federal Highway and 2nd Street, approximately 313' from Federal Highway.
- The structure at the Site was built in 1975 and has historically served as multi-family rental housing
- The Applicant does not propose any additions to the structure that would expand its footprint, but does propose to convert two of the three kitchens into offices and to remove walls within the rear patio so that the three units have joined access.

Mr. Schultz stated in regard to the six (6) Criteria required for the granting of a Special Exception, Staff finds the following:

Criteria 1: Staff finds the proposed special exception use is <u>not</u> consistent with the goals, objectives, and policies of the Town's Comprehensive Plan as follows:

Goal 3.4.1	The Town shall foster development and redevelopment that is compatible with and improves existing neighborhoods while minimizing potential threats to health, safety and welfare that is posed by nuisances of incompatibles land uses. *(READS IN PART)*
Goal 3.4, Objective 1, Policy 1.1(b):	The Town shall regulate the use and intensity of land development to ensure the compatibility of adjacent land uses. *(READS IN PART)*
Goal 3.4, Objective 1, Policy 1.5:	The Town shall encourage development and redevelopment while minimizing negative impacts to existing neighborhoods and development. *(READS IN PART)*
Goal 3.4, Objective 4:	The Town shall coordinate with appropriate governments and agencies to minimize and mitigate potential mutual adverse impacts of future development and redevelopment activities. *(READS IN PART)*
Goal 3.4, Objective 5:	The Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, and to neighboring jurisdictions. *(READS IN PART)*

Goal 3.4, Objective 5, Policy 5.1: The Town shall protect, preserve, maintain and improve its core residential neighborhoods from intrusion of incompatible uses. *(READS IN PART)*

Goal 3.4, Objective 9, Policy 9.4: A Commercial development that extends to the west more than 175' beyond the Federal Highway frontage line must have its commercial frontage on Federal Highway. The site is located approximately 313' west of Federal Highway. *(READS IN PART)*

Mr. Schultz stated, in summary, Policy 9.4 states that commercial uses should front Federal Highway and uses along Silver Beach road should be residential.

Policy 1.1(b) states the Town shall regulate the use and intensity of land development to ensure compatible adjacent land uses and to minimize negative impacts to existing neighborhoods. This proposed Special Exception Use is *overly* transient in nature since it will result in an annual potential turnover, as follows:

→ 2,190 Staff persons, based on 6 person staff during a 24-hour period
→ 624-876 patients, based on 12 patients with a 5-7 day treatment
→ Police activity at the Site which is not consistent with the nature of the surrounding permitted single and multi-family residential uses. *(To be discussed more under Criteria 5)*
→ A potential increase in ambulatory activity over what is expected within permitted single and multi-family residential uses.

Mr. Schultz stated that transient residential uses are allowed in the R-2 Zoning District, however this use is defined as "a dwelling that has a turnover in occupancy of more than two times a year..." and its intent is to accommodate turnover produced by seasonal residential rental units and other similar residential-type rental properties. In comparison, the proposed Special Exception Use is not a transient residential use nor is it a housing alternative, but a commercial business requiring patients to stay in-house for the 5-7 day treatment period, similar to an inpatient treatment facility.

Mr. Schultz further stated that regarding Objectives 4 & 5, the City of Riviera Beach responded to the Town's request for comments that they do not support the proposed Special Exception Use due to the following reasons:

→ Compatibility with adjacent single family residential zoning and future land use designations;
→ Intensity of the use that is not consistent with surrounding permitted residential uses;
→ Increase in traffic along Silver Beach Road associated with the type of land use;

→ Parking on site;
→ Operating a 24/7 facility in a residential area;
→ Perceived safety concerns.

Mr. Schultz stated that in regards to Criteria 2, Staff finds the proposed Special Exception Use is consistent with the Land Development and Zoning Regulations as it relates to parking, since six (6) spaces are provided and only five (5) are required; paving and striping; landscaping; signage, for which none is proposed; and building height, setbacks and massing, for which no improvements are proposed.

Mr. Schultz stated that Staff finds Criteria 3 is not met since the proposed Special Exception Use is not compatible with the character and use of the surrounding properties in its function; hours of operation; and type and amount of traffic to be generated.

Mr. Schultz stated in regards to the compatibility of surrounding properties, the area where the proposed Special Exception Use is located is comprised solely of residential uses and its boundaries are as follows: the Site is located in the R-2 Residential District and is abutted by the R-1 Residential District to the North, the R-6 Residential District to the South (in the City of Riviera Beach's jurisdiction), and the R-2 District to the east and west. These zoning districts are all west of Federal Highway and contain no commercial uses. He further stated that the proposed Special Exception Use is not consistent with this zoning district since it is a request to operate a for-profit commercial facility. Mr. Schultz noted that a substance abuse treatment facility can have a live in requirement and this Application is strictly proposing a live in component as part of the 5-7 day treatment program, and therefore, it is not considered a residential use or housing alternative. Mr. Schultz further explained that the Future Land Use for the Site is Residential/Commercial; however, the Comprehensive Plan identifies the intent of those parcels along Silver Beach Road as having a residential/commercial Future Land Use as remaining residential and those in this Future Land Use fronting Federal Highway as having the ability to introduce a commercial component that may extend west for 175'. Mr. Schultz stated the proposal is inconsistent since it is a commercial facility not fronting Federal Highway.

Regarding the hours of operation, Mr. Schultz stated the Applicant's proposed operating hours are 24-hours a day, 7 days a week, during which time:

→ 6 staff persons will change shifts three times a day or more;
→ Clients will arrive and depart from the facility every 5 to 7 days;
→ Related deliveries will occur such as food, medical and office supplies;
→ Emergencies requiring ambulatory care will produce activity; and
→ Issues requiring police assistance will generate activity at any time.

Consequently, all of these activities will create a transient environment which is inconsistent with the residential character of the area.

Regarding traffic, Mr. Schultz stated the proposed Special Exception Use will generate an increased amount of traffic that is arriving and departing from the Site, more than a permitted residential use in the surrounding area, based on the staff and patient turnover, deliveries, police services and potential ambulatory emergencies.

Mr. Schultz stated Staff finds Criteria 4 is not satisfied because the proposed Special Exception Use may create a concentration and proliferation of the same or similar uses that is detrimental to the development or redevelopment of the area where it is being proposed. Similar uses such as recovery residences, inpatient rehabilitation aftercare facilities, or more substance abuse treatment facilities may increase due to the affordability and availability of property within the Town.

Staff finds Criteria 5 is not met because the proposed Special Exception Use will have a detrimental impact on surrounding properties based on the number of persons working, using and residing at the Site based on the degree of noise produced, and based on the amount and flow of traffic generated, as follows:

Number of persons using/residing/working at site: Subsection (a) of Criteria 5 asks for an analysis of the number of persons using, residing or working at the property of the proposed special exception use against what is normally permitted in that zoning district. Staff's findings are as follows:

- The Site is 0.3 acres for which the zoning code allows up to a three-family dwelling unit having a maximum of 9 unrelated persons.
    - In comparison, the proposed Special Exception Use proposes up to 14 individuals using, working and residing at the site at any given time. This exceeds the intent of the lot/area by a 55% increase.

- Annually, the site will exceed use intensities of surrounding permitted residential uses as follows:
    - 2,190 Staff turnover based on 6 staff during a 24-hour period
    - 624-876 patient turnover based on 12 patients with a 5-7 day stay
    - Regular deliveries of office & medical supplies and food
    - Police activity at the Site that is not consistent with surrounding permitted single and multi-family residential uses
    - Potential ambulatory activity.

    - For purposes of comparison: A substance abuse treatment facility is not a permitted use in the R-2 zoning district, whereas a nursing or convalescent home is. Please note the differences in these two uses as follows:
        - Nursing and convalescent homes have an average length of stay of 835 days and up to 5 years for Alzheimer patients.
        - Unlike a substance abuse treatment facility, Nursing and convalescent homes are a housing alternative because the stay intent upon move-in is to stay long term.
        - The move-in intent is also different than this substance abuse treatment facility as follows:

- Individuals move into a nursing home to receive assistance with daily living functions that may not be available at home, such as dressing, eating, mobility issues and the like.
- Individuals move into a convalescent home with the intent to receive therapeutic or physical therapies following a surgery and major illness. However, both are long term housing options.

In contrast, individuals would enter this proposed substance abuse treatment facilities not to live, but for treatment that has a predetermined stay. In this case it is 5-7 days.

For the Board's understanding, Mr. Schultz explained the next stage in the recovery process would likely be for an individual leaving detox treatment to enter a living environment known as a recovery residence or sober home. This proposal is for a clinical detoxification facility and not a living environment.

Noise: Based on the nature of the medical services provided, deliveries and staff and patient activity, the known need for police assistance, and the possible increase in ambulatory activity, this proposed Special Exception Use is not consistent with the surrounding permitted uses and will have a detrimental impact of surrounding properties based on the noise generated at the site.

- Staff met with PBSO Lieutenant Vassalotti to review statistics his Department provided of Sunrise Detox, a substance abuse treatment facility, and Northlake Care Center, a nursing home. While both facilities had a larger bed count than what this Applicant is proposing, the information indicated that substance abuse treatment facilities require police services that are inconsistent with nursing homes and residential sites. Specifically, a need for police services for the following type of calls were identified:

  → Suspicious persons
  → Disturbance in progress
  → Misdemeanor
  → Mentally disturbed persons
  → Theft & larceny
  → Fights
  → Civil matters
  → Suspicious incidents
  → Unwanted guests
  → Missing persons

Lieutenant Vassalotti confirmed these types of calls are expected with substance abuse facilities, while not as readily expected from nursing homes or residential uses.

Traffic: The proposed Special Exception Use will generate an increase in traffic that is arriving and departing from the Site than will the surrounding permitted residential uses based on staff and patient turnover, deliveries, police services, and ambulatory emergencies.

Mr. Schultz stated Staff finds that Criteria 6 of the proposed Special Exception Use will adversely affect property values in adjacent areas and be a deterrent to the improvement, development or redevelopment of surrounding properties. In their Application, the Applicant states in a report prepared by its consultant, Land Research Management, Inc. that the site is located in an area comprised of mixed uses, which encompasses properties along Federal Highway to the east, and residential uses from Bayberry Drive to the North, West 37th Street to the south, and 2nd Street to the West. Staff disagrees with the consultant's statement that this area is comprised of mixed uses because the only commercial facilities in this area are found fronting Federal Highway and everything west of Federal highway in the area defined by LRM consists only of single and multi-family housing. Staff believes that the site is located in a purely homogenous residential neighborhood, because no commercial uses are found west of Federal Highway, and those uses on Federal Highway are in the C-1 Business District, unlike the properties to the west, which are all zoned R-1 and R-2 Residential. Therefore, the statement made by the Applicant's consultant, found on page 5 and paragraph 4 of the report does apply here, which reads: *"...the introduction of a dissimilar land use within a homogenous residential neighborhood consisting solely of owner-occupied single-family homes may have a detrimental impact..."*

STAFF RECOMMENDATION

Mr. Schultz summarized that the Application for Special Exception Use meets Criteria 2, but does not meet Criteria 1, 3, 4, 5 and 6. Because the Application does not meet all of the six (6) Criteria required for the granting of a Special Exception Use, Staff is recommending denial. Furthermore, the proposed Special Exception Use is not consistent with the Town's Comprehensive Plan, and pursuant to Section 163.3194(1)(a) of the Florida Statutes, a Development Order for this use cannot be recommended for approval.

Mr. Schultz stated should the Planning and Zoning Board recommend approval, Staff strongly recommends the following Conditions of Approval:

1. The site plan dated 1/20/16 shall be fully adhered to
2. Seacoast Utility Authority will require a review of the change in land use at the Site.

Mr. Schultz provided for the record an e-mail which Staff received from Michael D. Mason, a Federal Highway property owner, in which Mr. Mason stated his opposition to the proposed facility as he feels it will have a negative impact on the residents of the area. (Attached to these Minutes).

APPLICANT PRESENTATION

Ms. Nilsa Zacarias, a principal of NZ Consultants, Inc. addressed and thanked the Planning & Zoning Board Members for considering their Special Exception Use Application. She stated NZ Consultants is representing Silver Beach Wellness, LLC, who is proposing a medical detoxification facility for alcohol/substance dependence at 143 Silver Beach Road.

Ms. Zacarias provided a Power Point Presentation (attached to these Minutes) and showed the location of the site, as well as the existing conditions on the property. Ms. Zacarias stated she wanted to address how critical the drug and alcohol problem is in our Nation. She stated 22.7 million individuals aged 12 or older need treatment for a drug or alcohol use problem and 2.5 million will receive treatment at a facility. The Federal Government has acknowledged that substance abuse is a national problem and a priority as there has been an increase in deaths due to overdoses – 28,648 deaths in 2014, per the Center for Disease Control and Prevention (CDC). She stated that just last week, $1.1 Billion of new funding was approved for the upcoming fiscal year to help individuals seek treatment and successfully complete and sustain recovery.

Ms. Zacarias explained addiction recovery consists of three (3) core steps: 1) Detoxification (Detox); 2) Rehabilitation (Rehab) and 3) Intensive Outpatient Treatment (IOP-Sober Homes). Ms. Zacarias explained that Silver Beach Wellness will be a residential medical detoxification facility and not a sober home for individuals seeking treatment for alcohol and substance dependence. The facility will occupy the existing 3-unit residential building with twelve (12) private beds and will be licensed and regulated by F.S. Chapter 397 and Florida Administrative Code 65-30. The facility will be medically supervised by an on-call Physician/Medical Director and the nursing staff will consist of one (1) nurse and nursing support staff which will be on site at all times. Ms. Zacarias stated the average length of stay is 5-7 days, and the patients will be monitored 24 hours per day, 7 day per week <u>inside</u> the facility. Ms. Zacarias also stated that the patients in the facility will not have access to vehicles and there is no mobility for the patients. She stated the patients are individuals recovering from substance abuse and are persons with a disability under Title II of the Americans with Disabilities Act (ADA). The ADA prohibits discrimination on the basis of disability by public entities.

Ms. Zacarias reviewed the site plan and pointed out proposed landscape improvements and six (6) parking spaces and one (1) ADA parking space. She showed the proposed interior layout which consists of a total six (6) bedrooms and five (5) bathrooms.

Ms. Zacarias reviewed the six (6) Special Exception Use Criteria, as follows:

Criteria 1: Consistency with Comprehensive Plan: Silver Beach Wellness meets the Goals and Objectives Policies of the Comprehensive Plan and is therefore consistent with the Comprehensive Plan.

Criteria 2: Consistency with Land Development and Zoning Regulations: Silver Beach Wellness is consistent with the Zoning Regulations of the R-2 Zoning District; substance abuse treatment facilities are permitted by Special Exception Use per Code Section 78-66(1)(m); parking requirements are met.

Criteria 3: Compatibility with Character and Use of Surrounding Properties: Silver Beach Wellness is compatible with the surrounding properties as it blends in and is consistent with the neighborhood character, which a mix of uses of owner/renter occupied; residential single and multi-family units; commercial properties, not single uses; in proximity to high impact commercial uses; older residential structures with a lack of maintenance and existing low property values. Ms.

Zacarias stated a recent market analysis indicates the proposed facility will not negatively impact the neighborhood, including property values.

Criteria 4: Does not Create Concentration or Proliferation: Silver Beach Wellness is in compliance and does not create concentration or proliferation, pursuant to Code Section 78-66(1)(m), as it is not within a radius of 1,200 feet of another such existing substance abuse treatment facility.

Criteria 5: Impact to Surrounding Properties: Silver Beach Wellness is in compliance as the patients will be transported to and from the proposed facility by a transportation service and will not have vehicles; has been reviewed by the Palm Beach County Traffic Division and meets the Traffic Performance Standards of Palm Beach County; a Trip Generation Analysis shows there is one (1) net new peak hour trip.

Criteria 6: Effects on Adjacent Property: Silver Beach Wellness is in compliance; the proposed facility will not reduce light or air to adjacent properties and will not negatively impact the neighborhood, including property values. Ms. Zacarias stated the facility would actually contribute to a more attractive environment by new development and aesthetic improvements to the parking lot; landscaping; lighting and painting.

Ms. Zacarias showed photos of substance abuse facilities in other Palm Beach County municipalities which are compatible with residential neighborhoods and are not detrimental to their surroundings.

Mr. Jim Fleischmann, Vice-President of Land Research Management, Inc., addressed the Planning & Zoning Board. He stated his task was to perform a market analysis (as contained within the *Application for Special Exception Review*) to assess the project's impact on the neighborhood which was difficult because the Town has no criteria in terms of what a market analysis is or for what constitutes a strong neighborhood. He stated his background is in planning and market feasibility analysis. Mr. Fleischmann explained he defined the search area/surrounding "neighborhood" as bounded by Bayberry Drive to the north; West 37th Street in Riviera Beach to the south; Federal Highway/Broadway to the east and 2nd Street in Lake Park/Avenue "E" in Rivera Beach to the south, and which is bisected by Silver Beach Road. Silver Beach Road is defined as an Urban Collector Roadway which accommodates substantially higher traffic volumes than normal residential roads. His opinion therefore is that this is not a calm, typical residential neighborhood. Mr. Fleischmann reviewed his findings, as follows:

1) Land Use: 53% Residential; 18% Duplex/Triplex; 18% Commercial and 11% Vacant (very mixed neighborhood)

2) Residential Tenure: 26 residential units (single and multi/family), of which 5 are currently assigned a Homestead Exemption by Palm Beach County, indicating a high percentage of renter-occupancy with a high turnover rate as compared to a more stable homeowner occupied neighborhood.

3) Commercial Uses: 2 gasoline stations and a business (A vehicle storage rack manufacturing business) and a vacant commercial lot which is fenced off and totally overgrown.

4) Recent Sales Activity: Eight residential properties have sold within the neighborhood during the past 3 years (2013-2015), ranging from $20,000 - $152,500 with an average sale of $59,000 and a median sale of $48,000. Multiple-family (duplex and triplex) property sales ranged from $53,000 to $115,000 with an average sale of $85,000 and a median sale of $86,000.

Mr. Fleischmann stated that when all of these factors are combined this is a mixed use neighborhood that is bisected by a heavily traveled roadway with a high percentage of renters and low property values. He stated that it is his conclusion that the property values in this area are already adversely affected by the characteristics of the area itself and not by the use which is being proposed. Mr. Fleischmann stated that within his market analysis he assessed some of the potentially negative impacts that this type of facility might have such as overcrowding; adequate parking; traffic generation; hours of operation and visual appearance. In conclusion, based upon the analysis within an appropriately defined neighborhood using the criteria that is used by property appraisers, they have concluded that the property will have no to minimal negative impacts on the area.

Ms. Zacarias summarized the proposed facility meets all of the six (6) Special Exception Use Criteria; is compatible with the surrounding residential neighborhoods; provides a service for a serious national problem of drug/substance abuse; and the use is part of the Town Code and is consistent the Town's Comprehensive Plan.

Ms. Zacarias stated that she respectfully disagrees with the Staff Report which includes several facts which are not correct, "cherry picked" and includes inconsistent analysis with regard to the Comprehensive Plan. She further stated there is no doubt that this proposal is compatible with its surroundings, Town Zoning Regulations and will have no impact on traffic.

Chair Thomas questioned Staff regarding the noticing requirement. Ms. DiTommaso relied the certified mail notice was sent out 10 days prior to the P&Z Meeting to all residents within a 300' radius of the proposed facility.

PUBLIC COMMENTS

Michael Cunningham – a 30-year Silver Beach Road resident – addressed the P&Z Board. He stated that he is concerned because Silver Beach Road already has enough problems. He stated the police presence is not as visible as it was when the Town of Lake Park had its own Police Department. He thinks the proposed facility is needed, but not on Silver Beach Road. There are problems on Silver Beach Road with a lot of low income tenants on drugs.

Vincent V. Osborne – a Lake Park Resident – resides directly behind the proposed facility. His concern is this is a residential area with a lot of children and families and a substance treatment facility will not fit into the neighborhood, will increase traffic and decrease property values.

BOARD DISCUSSION

Board Member Dubois questioned the Applicant why they picked this particular site rather than a commercial area. Ms. Zacarias replied that the property owner, Mr. Bhatt, chose this property because Town Code allows this use as a Special Exception Use in this area. Board Member Dubois asked the Applicant why there would be such a high staff turnover. Ms. Zacarias responded that this is a 24-hour, 7-day monitored facility. She stated the patients will be inside and monitored at all times. Board Member Dubois questioned why there are only two (2) staff members. Ms. Zacarias responded it is the first step in the detox medical facility and there will also be a daytime medical director on-call.

Vice-Chair Schneider asked the Town Attorney whether this is in fact a permitted special exception or a non-permitted use. The Town Attorney responded legally there is a distinction between a permitted use and a special exception use - a special exception use is allowed in a zoning district provided it meets the criteria established for special exception uses in the Code, whereas with a permitted use there are no extra criteria established. Vice-Chair asked if it meets every criteria then it would be allowed, and if it doesn't meet every criteria then it is not allowed. The Town Attorney responded it does have to meet all the special exception criteria, and if it does not meet one of the six criteria, that can be a basis for denial. Vice-Chair Schneider stated that substance abuse treatment is a special exception use in the R-2 District, so what type of substance abuse treatment would that refer to if not this type, and where would we look for this in the R-2 if not in this area. Mr. Schultz responded the substance abuse treatment facility definition covers a broad range of treatment facility types. Ms. DiTommaso added there are several components to a substance abuse treatment facility and detoxification is one of them. She referred to the Zoning Map and pointed out the R-2 residential areas within the Town and stated because there are so many different components to substance abuse treatment facilities, there are some residential type components that would be suitable in the parcels that are located more central in the residential core of the R-2 District. As we push closer to Federal Highway those areas would be more appropriate for the commercial type substance abuse treatment facility components. Ms. DiTommaso stated there is a lengthy list of the various components which is available to the Board. Ms. DiTommaso stated that Staff based their analysis on this proposal which is a 5-7 day treatment facility which Staff did not consider to be a residential alternative. Vice-Chair Schneider asked Staff if under the umbrella of substance abuse treatment would a longer term treatment facility be more appropriate in an R-2 type setting. Ms. DiTommaso replied yes, if the residential facility is compatible and mirrors the residential nature of the surrounding properties. The Town Attorney clarified the list Ms. DiTommaso is referring to is F.S. Chapter 397 which lists the different components of substance abuse facilities. On the bottom scale of the components is a facility that gets licensed, called an outpatient with residential, in which patients may live in the facility and get their services off-site. The proposed type of facility is further up the scale because it is a detox facility with medical services and is staffed 24/7 with medical personnel. He explained that both types of facilities are licensed by the State, in contrast to sober homes which are not licensed by the State and are purely residential facilities with no medical or counseling component but just a living facility for individuals in recovery. Vice-Chair Schneider stated there was no map indicating where other substance abuse treatment facilities are located within the area. Mr. Schultz responded there are two facilities on Northlake Boulevard, one on Prosperity Farms Road, one in Riviera

Beach and one on Singer Island. Ms. DiTommaso stated that none of the mentioned facilities are within 1200' of the proposed facility.

Vice-Chair Schneider questioned Staff what is going on directly west of the proposed. Ms. DiTommaso replied it is multi-family residential construction. Vice-Chair Schneider asked the Applicant how the no-vehicle rule for the clients will be enforced. Ms. Zacarias stated there will be a contract with a transportation company. He asked if the transportation company vehicle will have writing on the side or be non-descript. Ms. Zacarias replied the transportation company will be discreet. Vice-Chair Schneider asked if visitors will be allowed at the facility, to which Ms. Zacarias replied visitors will not be allowed. Vice-Schneider asked if clients will be allowed to go outside to which Ms. Zacarias replied they will not be allowed out front but they can possibly go in the backyard, however, they patients will most likely be in their bedrooms being monitored 24/7.

Chair Thomas asked for an explanation of the difference between a sober house and medical detox facility. Attorney James Green, representing the Applicant, explained in detail the wide variety of treatment type facilities and a lengthy description and discussion ensued. The Town Attorney interrupted and reminded the Planning & Zoning Board they are simply charged with determining if the Special Exception Use Criteria is being met for the proposed facility, as outlined in the Staff Report and Special Exception Use Application. Chair Thomas stated that since they are providing medical services on site it appears to be more commercial in nature as opposed to residential.

Chair Thomas asked the Applicant how residents will be will be prevented from leaving the facility. The Applicant responded the doors are locked and cameras will be outside the facility monitoring who is coming in and going out. Chair Thomas questioned the Applicant if there is an appropriate number of staff persons to handle 12 individuals going through a detox process. Ms. Zacarias responded the facility is licensed by the State and highly regulated and therefore must have the appropriate number of Staff in order to operate, and stated there will also be a medical doctor on-call. Chair Thomas asked what happens to patients after the 5-7 day treatment period. Attorney Green responded the patients move on to a more therapeutic environment after being stabilized in detox. Chair Thomas asked the Applicant if they have other facilities and since it is transient in nature is it required they have any type of hotel/motel license. She asked if there is a house manager on staff. Attorney Green responded there is a clinical director and medical director on-call. Mr. Ashwin Bhatt, property owner, addressed the Board and stated that food will be provided from off-site 3 times per day and there will be a cleaning staff.

Vice-Chair Schneider asked the Applicant the zoning districts for Lumiere in Jupiter and Futures in Tequesta, to which she responded that she is unsure about the zoning district for Lumiere, but Futures in Tequesta is located in the mixed-use district.

Chair Thomas asked if there are sleeping facilities for Staff. The Applicant responded that they work 8 hour shifts and do not sleep at the facility.

Vice-Chair Schneider stated it is difficult as there is some criteria that is being met and other criteria where is not clear. He stated his concerns are with the compatibility of the neighborhood, and the traffic statement and the number of trips coming in and out, which seems to be higher than what the analysis in the traffic report indicates. He stated the facility appears to have a high turnover rate for a residential area. Chair Thomas stated the Application does not meet the criteria for the R-2 District, but rather is a commercial use being housed by residential because the patients will be there for 5-7 days. She is concerned that this will set a precedent in the area and will make it difficult for the renters in the area.

Board Member Dubois asked if the nurses and nursing assistants will work 7 days per week. The Applicant stated that there will always be a nurse on site, with 8 hour shifts 3 times per day.

Chair Thomas stated the Town is currently looking into a mixed-use overlay district and this Application does not appear to be consistent nor compatible with the proposed use. She stated the P&Z Board is governed to look at the future uses for the Town and how the Town is going to grow, and this use will be inconsistent.

PLANNING & ZONING BOARD RECOMMENDATION

Upon conclusion of the discussion, Vice-Chair Schneider stated he could not make a motion for approval. Chair Thomas passed the gavel to Vice-Chair Schneider and made a motion that the Application does not meet the Special Exception Use Criteria for a substance abuse treatment facility located at 143 Silver Beach Road in the R-2 Zoning District. The motion was seconded by Board Member Dubois, and the vote was as follows:

	Aye	Nay
Martin Schneider	X	
Judith Thomas	X	
Michele Dubois	X	

The vote was 3-0 in favor of denial of the Application for a Special Exception Use of a substance abuse treatment facility at 143 Silver Beach Road in the R-2 District.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Ms. DiTommaso announced that the Town is currently seeking Regular and Alternate Members for the Planning & Zoning Board and anyone who is interested may contact the Town Clerk's Office.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 9:05 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: _____

Owner Letter Received 4-1-16

Nadia DiTommaso

From: mdmason@mindspring.com
Sent: Friday, April 01, 2016 2:59 PM
To: Nadia DiTommaso
Subject: Special Exception Use for Drug Abuse Treatment Facility

Dear Ms. Ditommaso,

Thank you for providing information concerning the subject application.

I am the owner of the building at 200-228 US Hwy 1 in Lake Park and wish to comment in opposition to the application. I am concerned that the proposed drug abuse treatment facility will negatively impact residents living in this area of Lake Park, as well the businesses that serve this community. While I appreciate the need to offer treatment to persons who suffer from addiction, I also believe that such facilities must be located in an area that minimizes potential harm and adverse consequences to the affected community.

Immediately adjacent to the east of the commercial building is a residential neighborhood with young children. A drug abuse treatment facility should not be located in this area.

For the foregoing reasons, I request that the application be denied.

Thank you for your consideration and the opportunity to comment.

Michael D. Mason

Town of Lake Park

PLANNING & ZONING BOARD

Silver Beach Wellness, LLC

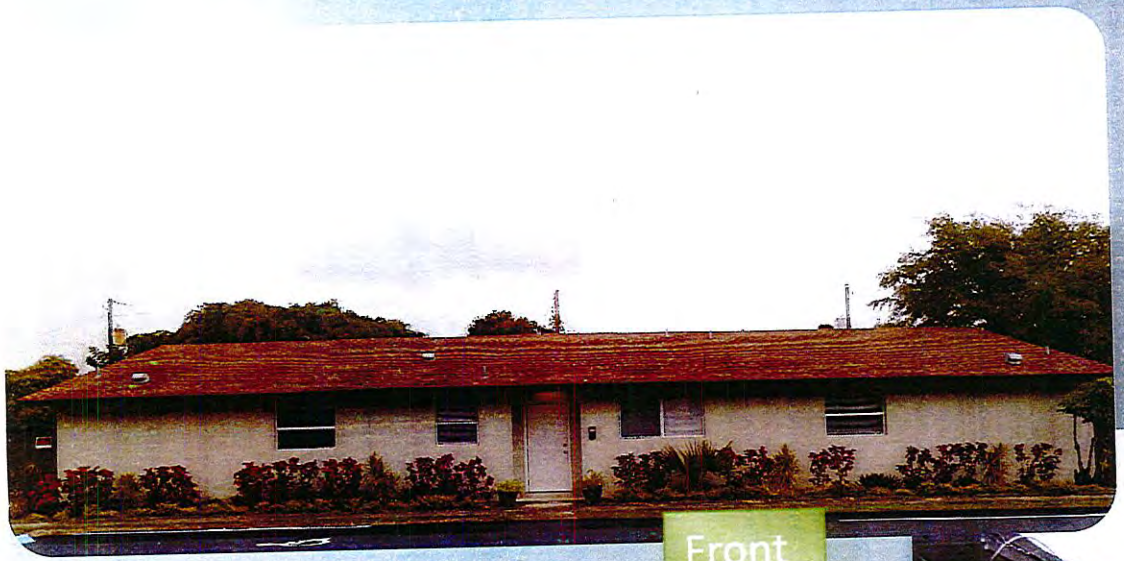
Special Exception Use Application

4.4.16

VZ consultants

Silver Beach Wellness

EXISTING CONDITIONS


Front

East Side

West Side

Rear Yard

22.7 million

individuals aged 12 or older

need treatment for an illicit drug or alcohol use problem

2.5 million

receive treatment at a facility

2013 National Survey on Drug Use and Health

FEDERAL GOVERNMENT

SUBSTANCE ABUSE IS A NATIONAL PROBLEM

A PRIORITY

INCREASE IN DEATH DUE TO OVERDOSES

28,648 deaths in 2014

Centers for Disease Control and Prevention (CDC)

$1.1 Billion New Funding

Prescription Opioid Abuse and Heroin Use Epidemic

Help individuals seek treatment

Successfully complete treatment

Sustain recovery

What is Silver Beach Wellness?

How it will contribute to the Town of Lake Park?

ADDICTION RECOVERY

3 CORE STEPS

Silver Beach Wellness

DETOXIFICATION (DETOX)

REHABILITATION (REHAB) NO

INTENSIVE OUTPATIENT TREATMENT (IOP- SOBER HOMES) NO

Silver Beach Wellness

Residential Medical Detoxification Facility

individuals seeking treatment for alcohol and substance dependence

Occupy existing 3-unit residential building

Private 12 bed licensed

Licensed/Regulated by Florida Statutes Chapter 397

Florida Administrative Code Chapter 65-30

Silver Beach Wellness
Residential Medical Detoxification Facility

Medically supervised by Board Certified Physician-Medical Director – *On Call*

One nurse and nursing support staff - *On-site at all times*

Average length of stay 5 to 7 days - *Monitored 24/7*

Patients will Not have vehicles

9

Silver Beach Wellness

Residential Medical Detoxification Facility

Individual Recovering from substance abuse are persons with disability under Title II of the American with Disability Act

PROHIBITS DISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ENTITIES

10

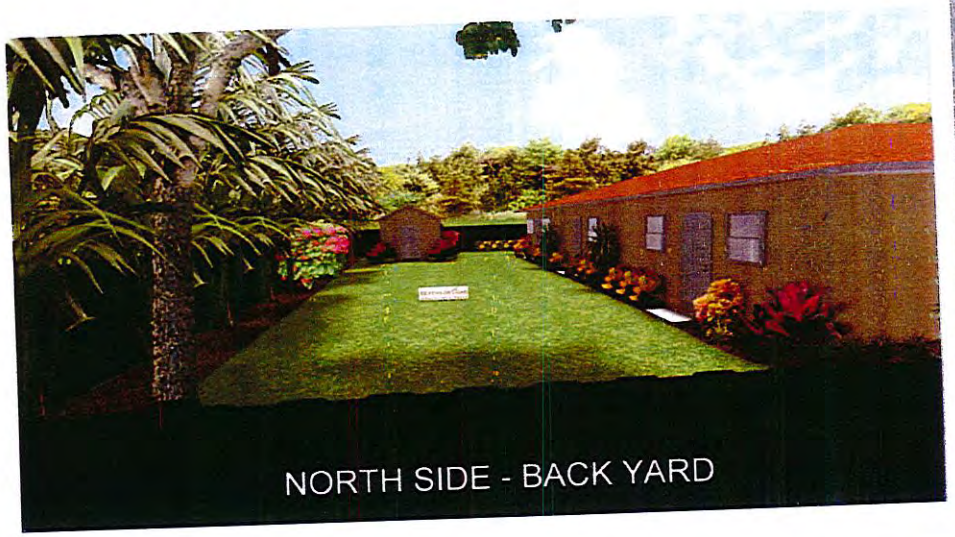
Silver Beach Wellness

Landscape Improvements

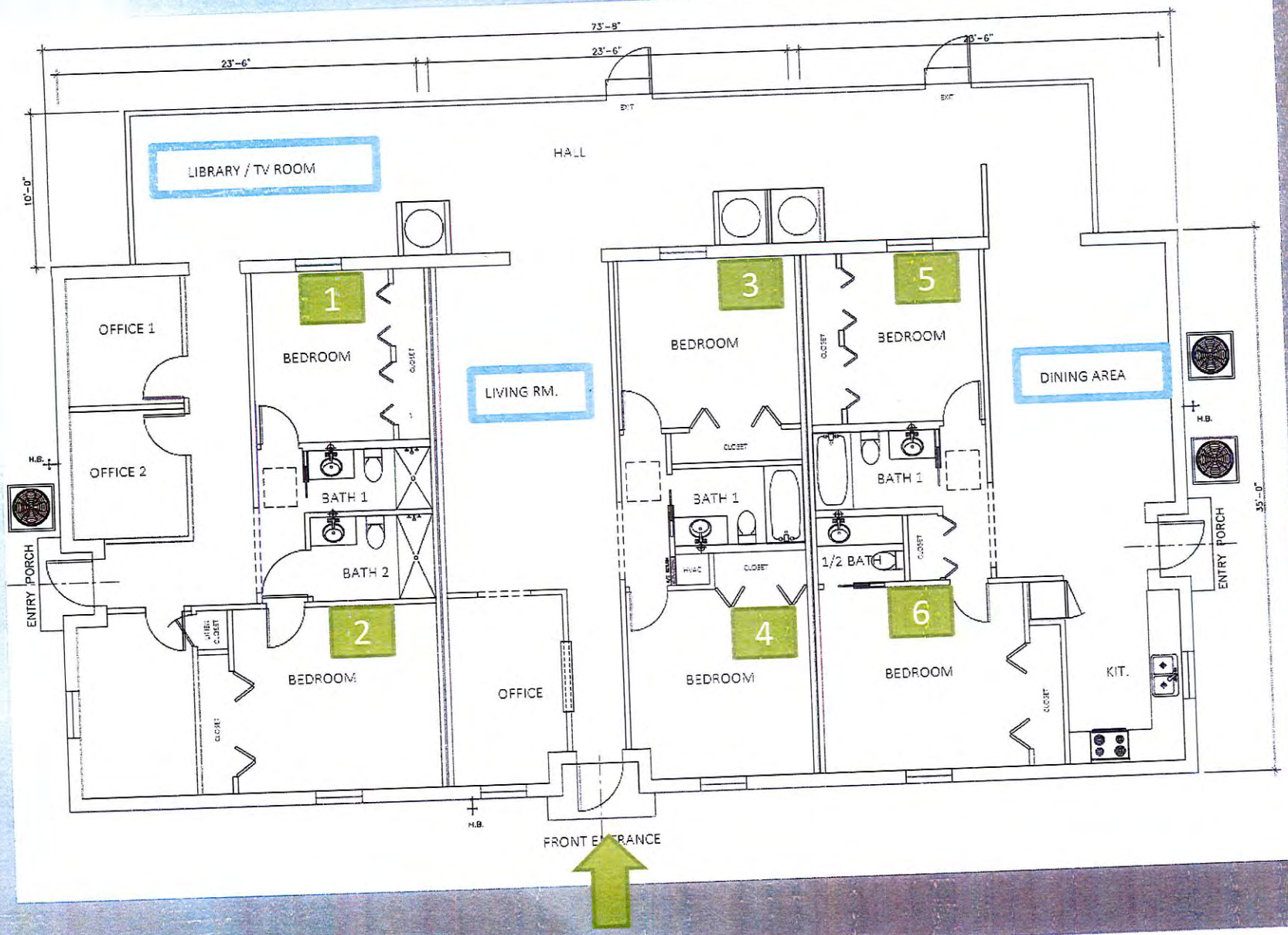
6 Parking Spaces
1 ADA

Silver Beach Wellness

SILVER BEACH WELLNESS LLC



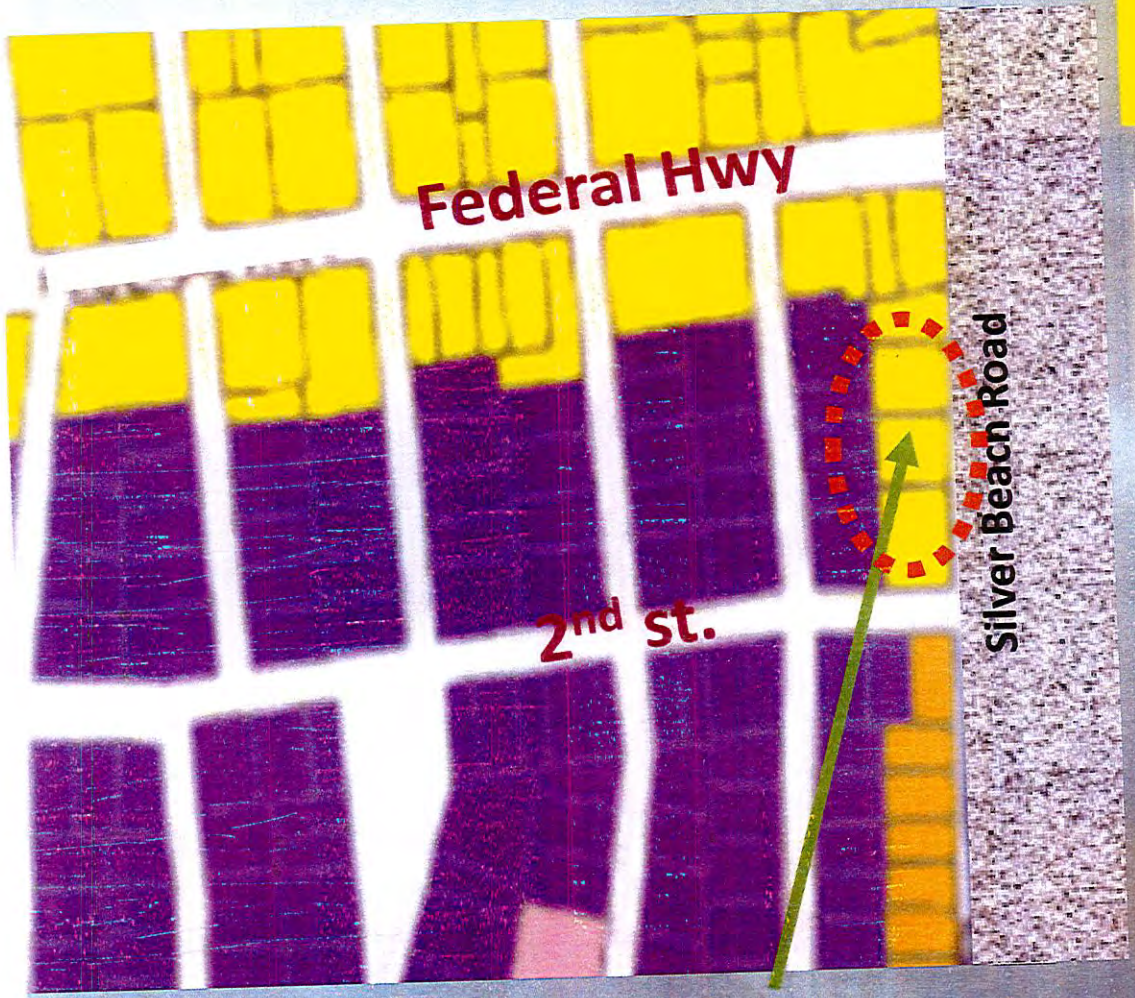
Silver Beach Wellness



SPECIAL EXCEPTION USE CRITERIA

1 CONSISTENCY WITH COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT



Residential and Commercial

Future Land Use Designation

TRANSITIONAL BLOCK

COMMERCIAL CHARACTER FEDERAL HWY AND RESIDENTIAL DENSITY

Residential Low Density
Future Land Use Designation

Proposed Silver Beach Wellness

1 CONSISTENCY WITH COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT

SILVER BEACH WELLNES **IS CONSISTENT WITH THE COMPREHENSIVE PLAN**

- ✓ **Goal 3.4.1.** Contributes to transitional character between commercial nature of Federal Hwy. and residential neighborhood of Silver Beach Road
- ✓ **Objective 3.** Meets required level of service standards
- ✓ **Objective 4.** Provides service to disabled individuals as defined under Title II of Americans with Disabilities Act
- ✓ **Objective 5.** Enhances the aesthetics of existing structure, landscaping, lighting, and parking area

1

CONSISTENCY WITH COMPREHENSIVE PLAN

FUTURE LAND USE ELEMENT

SILVER BEACH WELLNES **IS CONSISTENT WITH THE COMPREHENSIVE PLAN**

- ✓ **Policy 5.1.** Compatible with Residential and Commercial Future Land Use designation, extends types of services offered by Town, combined commercial and residential use serve as transitional component to neighboring residential uses
- ✓ **Policy 5.2.** Positive impact on neighborhood through property enhancements and greater utility
- ✓ **Policy 5.3.** Fosters redevelopment of a key town corridor and target area
- ✓ **Policy 1.5.** Increases tax base while improving current conditions

1 CONSISTENCY WITH COMPREHENSIVE PLAN

SILVER BEACH WELLNES **IS CONSISTENT WITH THE COMPREHENSIVE PLAN**

TRANSPORTATION ELEMENT

✓ **Policies 1.1, 1.3, 1.4.** Complies with County Traffic Performance Standards and Town's Level of Service

- Trip generation analysis provides one (1) net new peak hour trip

HOUSING ELEMENT

✓ **Objective 3; Policy 4.3.** Adequate housing services provided for persons with disabilities - Americans with Disabilities Act – Equal Access to Housing

2 CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

SILVER BEACH WELLNES **IS CONSISTENT WITH ZONING REGULATIONS**

- ✓ **R-2 RESIDENTIAL ZONING DISTRICT**
- ✓ **Substance Abuse Treatment Facility Permitted by Special Exception Use → Code Section 78-66(1)(m)**

"substance abuse treatment facility that provides room and board for seven to fourteen residents, provided that it is not located within a radius of 1,200 feet of another such existing substance abuse treatment facility, *and further provided that the operator of any such facility obtains a business tax receipt from the town"*

2 CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

SILVER BEACH WELLNES **IS CONSISTENT WITH ZONING REGULATIONS**

✓ **R-2 RESIDENTIAL ZONING DISTRICT**

ZONING	Max. Building Height	Max. No. of Stories	Min. Building Site Area	Min. Floor Area	Minimum Setback Regulations		
					Front	Side	Rear
Required	30 feet	2	12,000 sq. ft.	1,980 sq. ft.	30 ft.	10 ft.	7 ft.
Provided	20 feet	1	13,068 sq. ft.	3,250 sq. ft.	50 ft.	10.4 ft.	11.2 ft.

2 CONSISTENCY WITH LAND DEVELOPMENT AND ZONING REGULATIONS

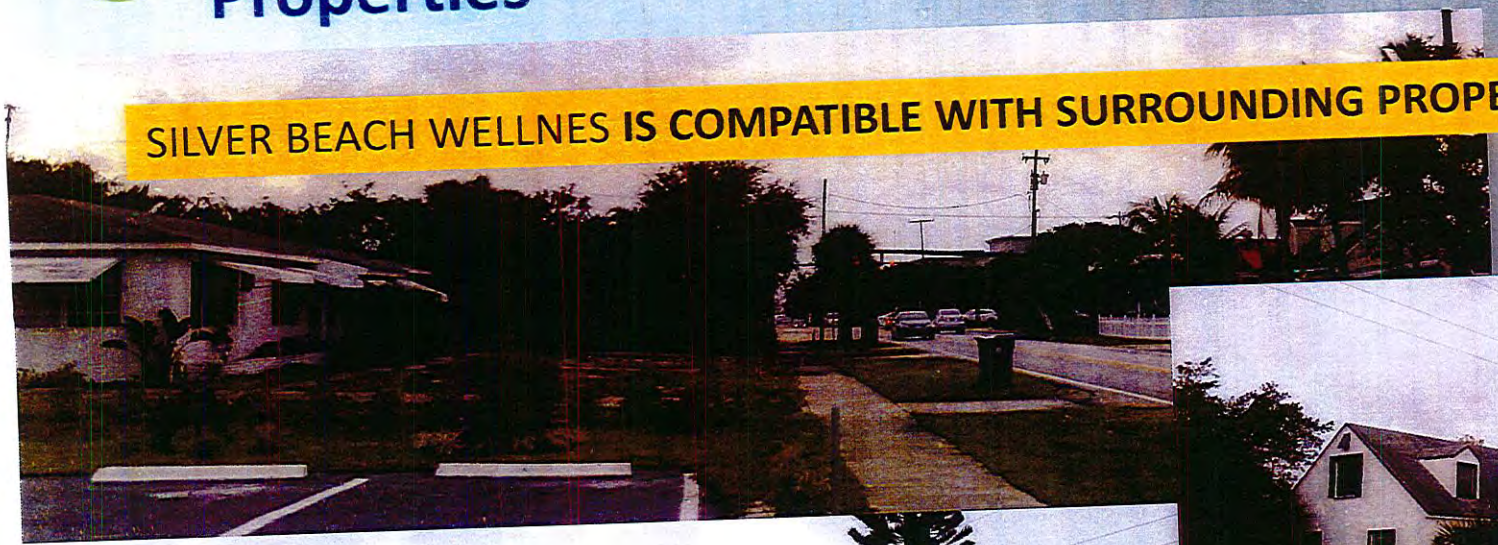
SILVER BEACH WELLNES **IS CONSISTENT WITH ZONING REGULATIONS**

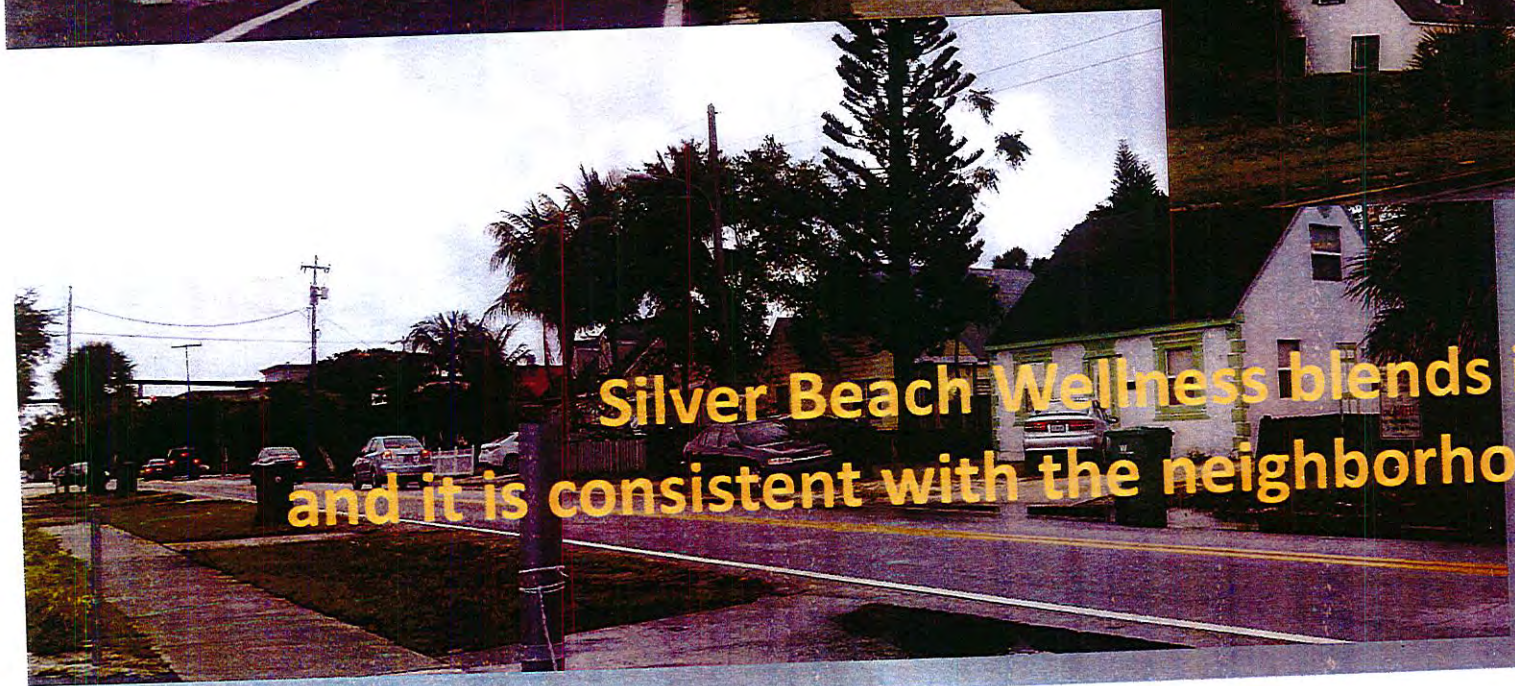
✓ **Meets parking requirements** per Code Sec. 78-142(c)(5), and 78-145 Congregate Living Facilities (comparable use)

PARKING	Minimum 1 space per 4 Residents	Minimum 1 space per Employee	Total
Required	3	2	5
Provided	**3**	**3**	**6**

3 Compatibility with Character and Use of Surrounding Properties

SILVER BEACH WELLNES **IS COMPATIBLE WITH SURROUNDING PROPERTIES**





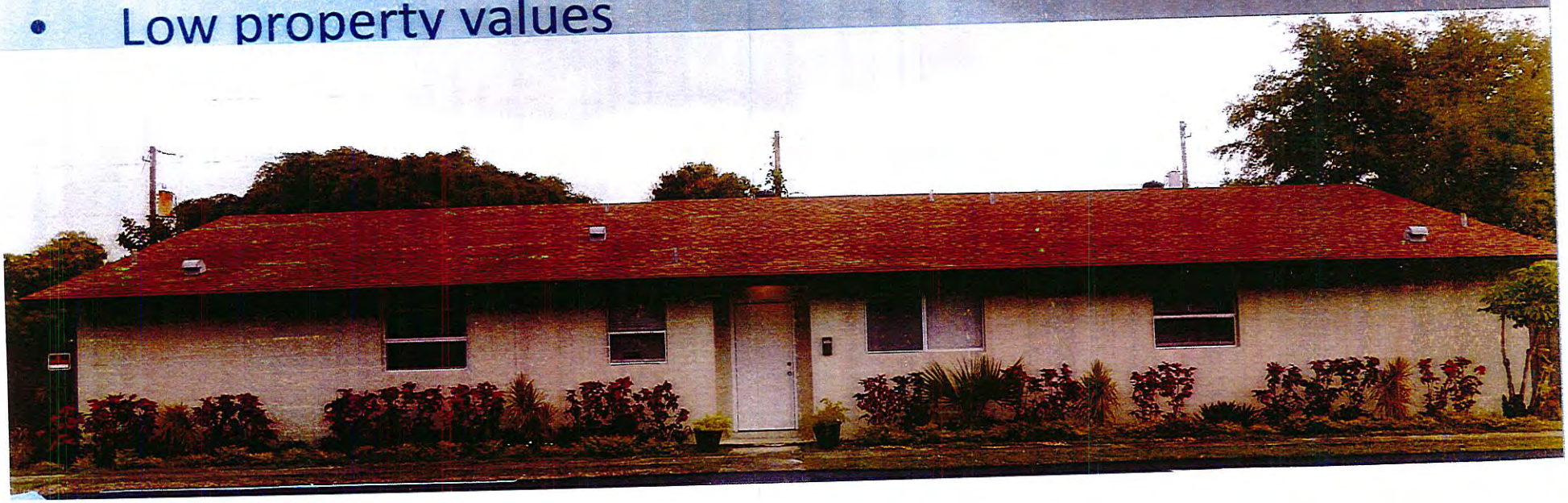
Silver Beach Wellness blends in, and it is consistent with the neighborhood character

3 Compatibility with Character and Use of Surrounding Properties

SILVER BEACH WELLNES **IS COMPATIBLE WITH SURROUNDINGS**

Neighborhood Character – *Market Analysis*

- Mix of uses of owner/renter occupied
- Residential single/multi-family units
- Commercial properties, not single uses
- Proximity to high impact commercial uses
- Older residential structures –*Lack of maintenance*
- Low property values



3 Compatibility with Character and Use of Surrounding Properties

SILVER BEACH WELLNES **IS COMPATIBLE WITH SURROUNDING PROPERTIES**

Market analysis Impact to the Neighborhood indicates **proposed facility will not** negatively impact the "neighborhood," including property values

4 Does Not Create Concentration or Proliferation

SILVER BEACH WELLNES **IS IN COMPLIANCE**

Code Section 78-66(1)(m) restricts proximity -medical detox facilities to each other, **code compliance will prevent proliferation** ***"substance abuse treatment facility that provides room and board for seven to fourteen residents, provided that it is not located within a radius of 1,200 feet of another such existing substance abuse treatment facility"***

5 Impact to Surrounding Properties Based on:

SILVER BEACH WELLNES **IS IN COMPLIANCE**

a. **The number of persons anticipated to be using, residing, or working**

12-bed medically supervised patients

1 nurse and 1 nurse support staff- *on site*

b. **The degree of noise, odor, visual, or other potential nuisance factors generated**

No impact – Outdoor lighting and monitoring camera

5 Impact to Surrounding Properties Based on:

SILVER BEACH WELLNES **IS IN COMPLIANCE**

C. The effect on the amount and flow of traffic within the vicinity

Clients will be transported to and from the proposed facility by a transportation service- ***No vehicles***

Trip generation analysis- predict impact on AM Peak Hour and PM Peak Hour conditions - ***One net new peak hour trip***

Palm Beach County Traffic Division reviewed Traffic Statement- ***Meets the Traffic Performance Standards***

6 Effects on Adjacent Property

SILVER BEACH WELLNES **IS IN COMPLIANCE**

a. **Does not significantly reduce light and air to adjacent properties**

Compliance with required setbacks and lighting requirements for R-2 zoning. Proposed facility **will not reduce light or air to adjacent properties**

b. **Does not adversely affect property values in adjacent areas:**

Proposed facility **will not negatively impacts the neighborhood including property values**

6 Effects on Adjacent Property

SILVER BEACH WELLNES **IS IN COMPLIANCE**

C. Would not be deterrent to the improvement, development or redevelopment of surrounding properties

Compliance with Residential and Commercial Future Land Use and R-2 zoning district regulations

Proposed facility **will *not*** negatively impact future improvements, development, or redevelopment of surrounding properties

Aesthetic improvements: landscaping, parking lot paving, and painting positive impact on surrounding properties and character of neighborhood - ***Contribute to a more attractive environment for new development***

EXISTING SITE VIEW

IMPROVEMENTS

PARKING LOT

LANDSCAPING

LIGHTING

PAINTING

PRIOR TO SITE IMPROVEMENTS

6 Effects on Adjacent Property

SILVER BEACH WELLNES **IS IN COMPLIANCE**

C. **Does not negatively impact adjacent natural systems of public facilities, including parks and open spaces; and provides ped… s, trash rece…**

Res… …npact adja… …ng par…

Ad… …way

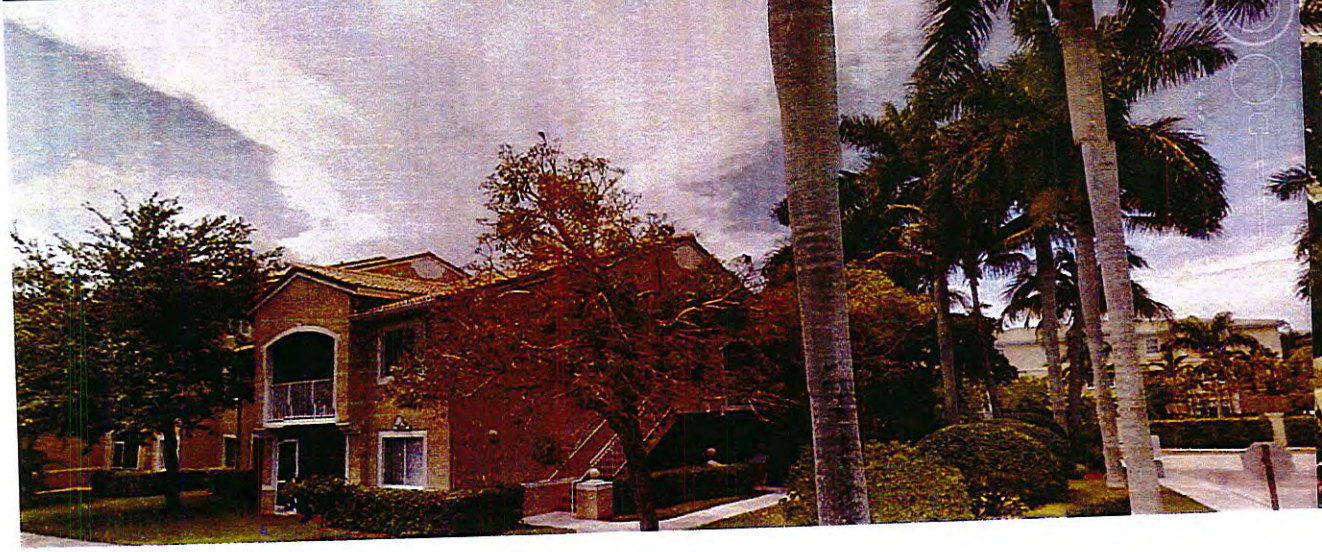
Silver Beach Wellness

CRITERIA	IN COMPLIANCE
1	✓MET CRITERIA
2	✓MET CRITERIA
3	✓MET CRITERIA
4	✓MET CRITERIA
5	✓MET CRITERIA
6	✓MET CRITERIA

SUBSTANCE ABUSE FACILITIES

JUPITER
Detox
30 Beds

SUBSTANCE ABUSE FACILITIES



SUBSTANCE ABUSE FACILITIES

ARE COMPATIBLE WITH RESIDENTIAL NEIGHBORHOODS

ARE NOT DETRIMENTAL TO ITS SURROUNDINGS

Silver Beach Wellness

SUMMARY OF FACTS

Residential Medical Facility

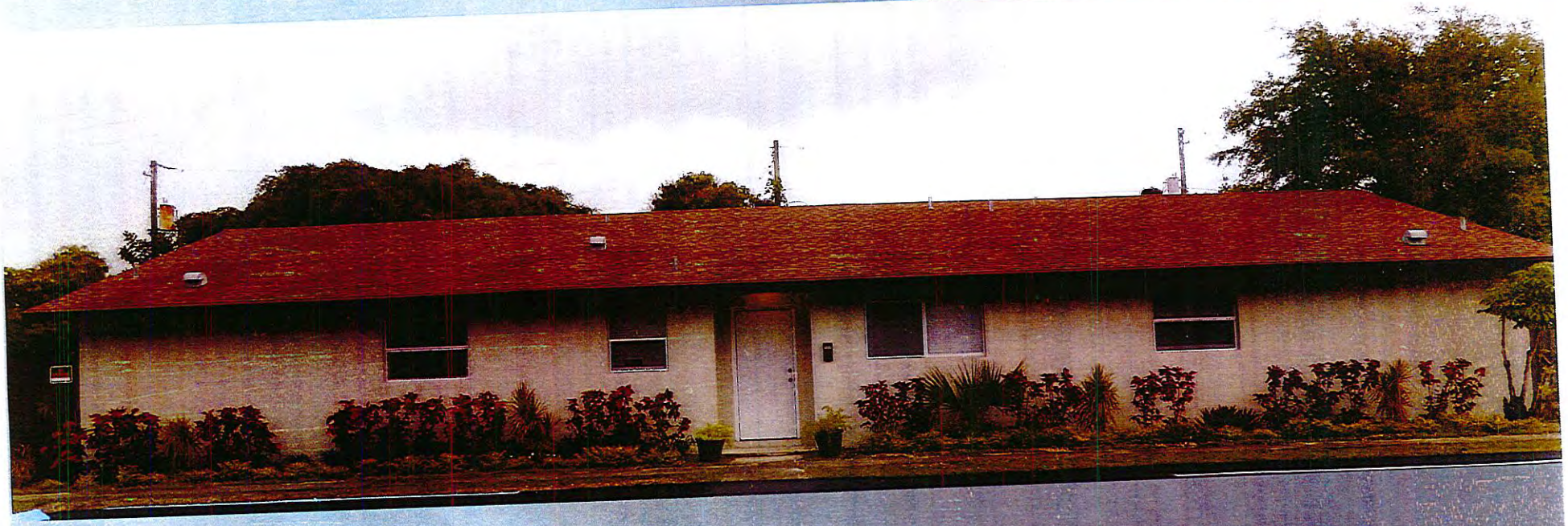
- ✓ Provide Service- Respond to a Need- Serious National Problem
- ✓ Federal Government Supports
- ✓ **Use is Permitted** Spec. Excep.
- ✓ **Consistent with Comp. Plan**
- ✓ **Staff Report - Cherry Pick Inconsistent Analysis**
- ✓ **Compatible with Surroundings**
- ✓ **Compliance with Zoning Reg.**
- ✓ **Not a Sober Home**
- ✓ **Positive Impact- Site Improvements**
- ✓ **No Traffic Impact**

Silver Beach Wellness

Provide a service to disabled individuals seeking treatment for alcohol and/or substance dependence

Individuals recovering from substance abuse are persons with disabilities under Title II of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131), which prohibits discrimination on the basis of disability by public entities

THANK YOU



VZ consultants

The Town of
Lake Park

Community
MAY 06 2016
Development

TOWN OF LAKE PARK
APPLICATION FOR ZONING VARIANCE

Please note: The process to consider a variance of the Town's zoning code is governed by the Town of Lake Park Code of Ordinances, Chapter 32 - Rezoning and Chapter 33 - Land Development Regulations and provisions of other chapters in the Code. It is suggested that applicants schedule a meeting with the Town of Lake Park Community Development Director to discuss the information needed.

DATE Received by Town of Lake Park: _____

This application must be completed and returned with all required enclosures to be accepted by the Town Commission of t the Town of Lake Park. The application will then be referred to the Town Zoning Board of Adjustment and the Town Staff for study and recommendations.

(Please Print)

Name of Applicant (property owner): Alert Realty LC
Name of Agent (if applicable): Atlas Sign Industries & Dunwry Miskel Backman, LLP
(Required to attach Town of Lake Park Agent Authorization Form)
Mailing Address 1077 West Blue Heron Blvd
(This is the address to which all letters, agendas and other materials will be sent)
City Riviera Bch State FL Zip Code 33404
Telephone (561) 8636659 Fax ( ) _____ Annette Southern & Jenn Ronneburger
Legal description of property covered by petition (Attach separate sheet if necessary)
Lot 5 to 7 Block 130 Plat _____
Property I. D. No. 36-43-42-20-03-130-0050

GENERAL INFORMATION ABOUT PROPERTY AND REQUEST

1. Size of property (square feet or acreage): 42,000 square feet
2. Highway and street boundaries or address: 900 Northlake Blvd Lake Park
3. Existing Zoning District classification: Business Commercial NB02 East District
4. Variance Requested Signage allowance (see attached)
5. Describe any structures or uses currently located on the property: Colonial Village Shopping Center

THE INFORMATION/ENCLOSURES LISTED BELOW AND ON THE FOLLOWING PAGE(S) MUST BE SUBMITTED IN CONJUNCTION WITH THIS APPLICATION.

6. Specific Information on Requested Variance

7. [X] Map showing property subject to this application.
[X] Ten (10) copies of Site Plan(s), if necessary
[ ] Building plans of structures to be erected
[X] Certified survey of property
[X] Notarized Town of Lake Park Agent Authorization Form signed by property owner authorizing Agent to act on behalf of owner to submit application for Variance, if applicable

8. Applicant's statement of explanation, needs and reasons for the requested changes, which addresses the following items (Attach additional sheets as necessary):

a. Explain the special conditions or circumstances that exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the zoning district:

See Attached

b. Explain how the special conditions or circumstances that exist do not result from the actions of the Applicant:

See Attached

c. Explain how the literal interpretation of the provisions of the Zoning Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant:

See Attached

d. Explain how the variance requested is the minimum variance that will make possible a reasonable use of the land, building or structure:

See Attached

e. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district :

See Attached

f. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

See Attached

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CORPORATE HEADQUARTERS
1077 West Blue Heron Blvd., West Palm Beach, Florida 33404
PHONE: (561)863.6659 / 800.772.7932 FAX: (561)863.4294
www.atlassignindustries.us

NORTHEAST DIVISION
707 Commerce Drive, Concord, North Carolina 28025
PHONE: (704) 788.3733 / 800.772.7932 FAX: (704) 788.3843

TOWN OF LAKE PARK
APPLICATION FOR SIGN VARIANCE
COLONIAL VILLAGE
900 NORTHLAKE BLVD
LAKE PARK, FLORIDA
MAY 16, 2016

Community
MAY 16 2016
Development

Introduction:

In order to complete the design of the replacement monument signage for Colonial Village located at 900 Northlake Blvd., Lake Park, a variance is being requested from the signage regulations for properties along Northlake Blvd. Chapter 78, Appendix A, Division 5 of the Town of Lake Park Land Development Regulations / NBOZ.

Variance Number	Section:	Required:	Proposed:
1.	Section 5-6(c)(2)(e) Maximum Areas	30 s.f. (w/5' setback), or 36 s.f. (w/10' setback)	Sign #1: 64 s.f. Sign #2: 60 s.f.
2.	Section 5-6(c)(2)(f) Maximum Height	8 Feet	Sign #1: 16'6" Sign #2: 14'6"
3.	Section 5-6(c)(2)(g) Minimum Setbacks	5' from public r.o.w. (30 s.f.), or 10' from public r.o.w. (36 s.f.)	2' setback
4.	Section 5-6(2)(a) Maximum Number	A minimum of one sign per parcel of land.	2 ground signs
5.	78-142(c)(7) Minimum Number of required off-street parking spaces by land use	General Retail: 5 spaces per 1,000 square feet GFA (approx. 117 spaces is required for the combined sites of 900 & 924 Northlake Blvd.)	Reduction of 1 space to a new total of 84 spaces for the combined sites.
6.	Section 5-9(b)(3) Landscaping	Within 3' from base of sign must be landscaped with shrubbery a min. of 30" high and placed at 18" centers.	Landscaping will be added at sign bases per requirements pending site restrictions.

8. Applicants statement of explanation, needs and reasons for the requested changes which addresses the following items:

a. Explain the special conditions or circumstances that exist that are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

The sign variance is required due to special conditions associated with the properties location and existing site conditions. Colonial Village was constructed over a period of 8 years, commencing in 1965 with building 1 and completing in 1973 with building 3 (building 2 was completed in 1966). Considering its age and location, Colonial Village has been a landmark

Community
MAY 16 2016

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for decades including it's Clock Tower pylon sign. Alert Realty purchased the property in 1978 and has been diligent with upkeep and improvements throughout their 43 years of ownership. This landmark retail shopping center is unique as it hosts three (3) ground signs that were established throughout it's growth (1 per building). The 3 signs remain today, with 2 of the signs legally committed for exclusive signage by La Fagota and Bicycle World.

The shopping center is also unique with existing customer parking spaces fronting both Northlake Blvd and the retail spaces. Unlike more modern shopping centers, Colonial Village was not developed with any landscaping or other buffers separating the right of way from the parking areas and drive isles. The location of the free standing signage is land locked and has less than desirable visibility under the current code, while traveling both east and west bound on Northlake Blvd due to the parked vehicles restricting the visibility of signage at a reduced height of eight (8) feet. The average height of an SUV is six (6) foot from grade to roof top therefore it is imperative to raise the base height to a minimum of six (6) feet forcing the overall additional height request and additional square footage.

The location and restricted visibility of the proposed monument signs mandates the hardship of the property and need for an additional height, square footage, setback and one additional freestanding monument sign. The vehicular parking hinders the visibility of the tenant signage making finding any retailer more difficult for east and west bound customers.

b. Explain how the special conditions and circumstances that exist do not result from the actions of the Applicant:

The special conditions and circumstances do not result from the actions of the applicant; they result from existing conditions in the property design, layout, landscape, timeframe of which it was established being 40 plus years prior to the introduction of the new signage regulations and previous contractual agreements with tenants.

c. Explain how the literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship for the applicant:

Literal enforcement of the zoning code would deprive the applicant and its' retail tenants from the commercial signage exposure afforded to other similar businesses in Town. The intent of this request is to provide identification to the retailer location and provide them with recognizable branding afforded to other retailers in the area. Other commercial retail properties in the area are single tenant therefore the one size fits all structure of the NBOZ guidelines inflicts hardship on multi tenant retail centers such as the applicant.

The provisions of the sign ordinance only allows for one (1) monument sign per parcel not assuming multi tenants. This reduction in signage will prevent the existing retail tenants from being afforded proper and recognizable branding and identification of their location resulting in operational hardship and hardship for their customers as well as reduction in the Town of Lake Park tax revenue.

The permissible sign face area is 36 square feet per sign face invoking undue hardship due to limited visibility of (14) tenants to be placed on the monument sign. Our request for an additional

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COMMUNITY
MAY 16 2016

28 square feet is the minimum required to adequately provide legible names on the proposed signs.

The permissible overall height of 8 feet is invoking undue hardship due to the vehicular parking location adjacent to the monument location. The monument sign location is ground locked due to the existing conditions of the property therefore not self inflicted.

The permissible setback from public right or way of 10 feet is invoking undue hardship due to the location of the right of way line verses the vehicular thoroughfare within the shopping center parking lot. Our request for reduced setback is required in order to prevent the monument sign from encroaching on the vehicular lane creating hazardous conditions within the property. Our request for relief from the setback is the minimum required due to site conditions and road expansion.

In addition, from an aesthetic point of view, the proposed signage enhances the property and will provide balance and harmony to the architecture of this established structure. The NBOZ guidelines were intended to eliminate older, out dated signage that was visual unappealing. The proposed sign package includes enhanced aesthetically pleasing signage that is smaller in height and area then the existing signs on the property.

d. Explain how the variance requested is the minimum variance that will make possible the reasonable use of land, building or structure:

The variance requested is 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 fare and adequate identification to the existing business located within Colonial Village retail center. The proposed signage will create a more attractive economic and business climate. Any further reduction beyond the proposed development package would inflict undue hardship to loyal and committed businesses within the Town of Lake Park and Colonial Village. In addition the proposed variance will not have any negative impacts on any of the surrounding properties.

e. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district:

The requested variance will not confer on the applicant any special privilege due to the unique conditions of this property described herein.

f. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance will be in harmony with the general purpose and intent of the Zoning Code and will not be injurious to the neighborhood or detrimental to the public welfare. As noted above, proposed sign package provides aesthetically pleasing monument signs that are smaller in height and area then what currently exists. Granting this variance will actually ensure that the

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NORTHEAST DIVISION
707 Commerce Drive, Concord, North Carolina 28025
PHONE: (704) 788.3733 / 800.772.7932 FAX: (704) 788.3843

businesses located within Colonial Village remain successful corporate residence for the Town many years to come.

In conclusion, the proposed monument signs are visually complimentary to the architecture and scale of the building and will continue to be in harmony with the general intent and purpose of the code. Granting the requested sign variances will not be injurious to the surrounding area and will not be detrimental to the public interest, but rather will enable the business to prosper and have a positive influence on the community. Existing as well as potential customers will be attempting to locate various business located within Colonial Plaza. Our goal is to ease traffic by making the various retail locations visible and provide a safe flow into the parking lot.

The commercial retail establishments along with Alert Realty respectfully request approval to the signage variances.

CONSENT FORM FROM PROPERTY OWNER AND DESIGNATION OF AUTHORIZED AGENT:

Before me, the undersigned authority, personally appeared IVAN S. SEGAL 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 Sign Variances in the Town of Lake Park, Florida;
3. That he/she is appointed Atlas Signs and Dunay, Miskel + Backman to act as authorized on his/her behalf to accomplish the above Project.

Property Owner Name: ALERT REALTY LC

By: Florida Leasing and Management Corp.
Managing Member

Property Owner Signature

By: Ivan S. Segal, President

By: Name/Title

P. O. Box 880727
Boca Raton, FL
33488-0727

Street Address

City, State, Zip Code

561.912.1286

Telephone Number

Fax Number

REALCOM@AOL.COM

E-Mail Address

Sworn and Subscribed before me on this 27 **day of** APRIL, 20 16

LEAH SINGH

NOTARY PUBLIC

MY COMMISSION EXPIRES:

01-28-2020

LEAH SINGH
Notary Public, State of Florida
Commission# FF 955570
My comm. expires Jan. 28, 2020

REVISED 10/30/2013

COUNTY OF PALM BEACH: NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

PROPERTY CONTROL NO.	YEAR	BILL NO.	CMC	APPLIED EXEMPTION(S)	LEGAL DESCRIPTION
36-43-42-20-03-130-0050	2015	101446426	50		LAKE PARK ADD 1 LTS 5 TO 7 INC BLK 130

ALERT REALTY LC
PO BOX 880727
BOCA RATON FL 33488-0727

ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
Serving Palm Beach County
www.pbctax.com

2015 REAL ESTATE PROPERTY TAX BILL

READ REVERSE SIDE BEFORE CALLING — AD VALOREM TAXES — READ REVERSE SIDE BEFORE CALLING

TAXING AUTHORITY	TELEPHONE	ASSESSSED	EXEMPTION	TAXABLE	MILLAGE	TAX AMOUNT
COUNTY	561-355-3996	1,244,960		1,244,960	4.7815	5,952.78
COUNTY DEBT	561-355-3996	1,244,960		1,244,960	0.1462	182.01
FIRE/RESCUE MSTU	561-355-3996	1,244,960		1,244,960	3.4581	4,305.20
TOWN OF LAKE PARK	561-881-3350	1,244,960		1,244,960	5.3474	6,657.30
TOWN OF LAKE PARK DEBT	561-881-3350	1,244,960		1,244,960	1.5400	1,917.24
CHILDRENS SERVICES COUNCIL	561-740-7000	1,244,960		1,244,960	0.6677	831.26
F.I.N.D.	561-627-3386	1,244,960		1,244,960	0.0320	39.84
PBC HEALTH CARE DISTRICT	561-659-1270	1,244,960		1,244,960	1.0426	1,298.00
SCHOOL LOCAL	561-434-8837	1,244,960		1,244,960	2.4980	3,109.91
SCHOOL STATE	561-434-8837	1,244,960		1,244,960	5.0140	6,242.23
SFWMD EVERGLADES CONST PROJECT	561-686-8800	1,244,960		1,244,960	0.0506	62.99
SO FLA WATER MANAGEMENT DIST.	561-686-8800	1,244,960		1,244,960	0.1459	181.64
SO FLA WATER MGMT - OKEE BASIN	561-686-8800	1,244,960		1,244,960	0.1586	197.45

TOTAL AD VALOREM 30,977.85

READ REVERSE SIDE BEFORE CALLING — NON-AD VALOREM ASSESSMENTS — READ REVERSE SIDE BEFORE CALLING

LEVYING AUTHORITY	TELEPHONE	RATE	AMOUNT
SOLID WASTE AUTHORITY OF PBC	561-640-4000	6,934.68	6,934.68
SOLID WASTE - LAKE PARK	561-881-3350	1,588.32	1,588.32
LAKE PARK STORMWATER	561-881-3350	620.86	620.86

TOTAL NON-AD VALOREM 9,143.86
TOTAL AD VALOREM AND NON-AD VALOREM COMBINED 40,121.71

AMOUNT DUE WHEN RECEIVED BY

NOV 30, 2015	DEC 31, 2015	JAN 31, 2016	FEB 29, 2016	MAR 31, 2016	TAXES ARE DELINQUENT APRIL 1, 2016
$38,516.85	$38,918.06	$39,319.27	$39,720.49	$40,121.71	
4%	3%	2%	1%	NO DISCOUNT	

DETACH HERE **SEE REVERSE SIDE FOR INSTRUCTIONS AND INFORMATION** DETACH HERE

COUNTY OF PALM BEACH: NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

PROPERTY CONTROL NO.	YEAR	BILL NO.
36-43-42-20-03-130-0050	2015	101446426

ALERT REALTY LC
PO BOX 880727
BOCA RATON FL 33488-0727

20151014464260040121712

LEGAL DESCRIPTION
LAKE PARK ADD 1 LTS 5 TO 7 INC BLK 130

P.O. BOX 3353
WEST PALM BEACH, FL 33402-3353

MAKE PAYMENT TO:
TAX COLLECTOR, PALM BEACH COUNTY

AMOUNT DUE WHEN RECEIVED BY

NOV 30, 2015	DEC 31, 2015	JAN 31, 2016	FEB 29, 2016	MAR 31, 2016	TAXES ARE DELINQUENT APRIL 1, 2016
$38,516.85	$38,918.06	$39,319.27	$39,720.49	$40,121.71	
4%	3%	2%	1%	NO DISCOUNT	

(KEEP THIS PORTION FOR YOUR RECORDS)

ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
Serving Palm Beach County
Serving *you.*
www.pbctax.com

IMPORTANT INSTRUCTIONS

2015 REAL ESTATE PROPERTY TAX BILL

This BILL includes Ad Valorem Taxes and Non-Ad Valorem Assessments for the 2015 Tax Year. Payment must be made in full and in U.S. funds. Payment is subject to verification and receipt of funds. A fee is applied for dishonored funds.
See bill insert for more payment information.

2015 REAL ESTATE PROPERTY TAX PAYMENT

- Discount amounts are shown on the front of this bill.
- Payment must be received in our offices by the due dates printed on the TAX BILL (see reverse side).

PAYMENT OPTIONS

- **ECHECK** (Online Only) 24/7 at www.pbctax.com. **A $0.30 ACH Account Verification Fee Will Apply.** Fees not retained by our office (transaction notice serves as confirmation).
- **CREDIT CARD A 2.5% Convenience Fee Will Apply ($2.00 minimum).** Convenience fees are collected by the credit card vendor and not retained by our office (transaction notice serves as online receipt).
- **DEBIT CARD** (Service Center Only) A **$2.50 Convenience Fee Will Apply** (not retained by our office) to each transaction. Payment limit $500.
- **MAIL** Detach the stub below and return with payment. DO NOT TAPE, FOLD, STAPLE, PAPER CLIP OR WRITE ON PAYMENT STUB. Write your 17-digit Property Control Number on your payment. Use the enclosed return envelope with the Tax Collector address showing in the return envelope window (canceled check serves as receipt).
- **DROP OFF BOX** At any Service Center from 8:15 AM to 5:00 PM, Monday - Friday (canceled check serves as receipt).
- **BANK ONLINE BILL PAY** Your bank's bill pay service. Use the 17-digit Property Control Number (no dashes) as account number. Mail delivery and bank processing times vary so allow ample time (bill pay service transaction serves as receipt).
- **WIRE TRANSFER** Email Wires@pbctax.com for instructions.

DELINQUENT TAX INFORMATION - CERTIFIED U.S. FUNDS ONLY

- Ad Valorem Taxes and Non-Ad Valorem Assessments are delinquent APRIL 1, 2016.
- Payment AFTER THE DATE OF DELINQUENCY must be certified funds drawn on a U.S. bank in cash, bank draft, wire transfer, money order or cashier's check.
- Interest and associated costs for delinquent taxes are determined by the date payment is received by the Tax Collector.
- The minimum charge of 3% will be collected. Interest accrues up to 1.5% per month (18% annually).

FLORIDA STATUTE 197.402 and 197.432: Tax Certificates will be sold on all unpaid property taxes 60 days after the date of delinquency.

Contact Information for Questions

Constitutional Tax Collector: Prepares and mails TAX BILLS from Tax Roll data certified by the PBC Property Appraiser and Non-Ad Valorem assessments provided by Levying Authorities (561-355-2264). If this property was sold, forward this bill to the new owner or mark bill "SOLD" and return to the Constitutional Tax Collector's Office.

Property Appraiser: Prepares the Ad Valorem Tax Roll (assessed value, exemptions, taxable value, assessed owner's name, address and legal description). Questions about tax assessment and exemptions should be directed to the Office of the Property Appraiser at 561-355-2866.

Taxing Authorities: Set the Ad Valorem millage rates. See telephone list on reverse side for questions about assessment amounts and services provided.

Levying Authorities: Determine the Non-Ad Valorem assessments. See telephone list on reverse side for questions about assessment amounts and services provided.

(DETACH HERE)

STOP PAYMENT PROCESSING DELAYS

DO NOT TAPE, FOLD, STAPLE, PAPER CLIP OR WRITE ON THIS PAYMENT STUB

INCLUDE THIS STUB WITH PAYMENT

Make payment to:
Tax Collector, Palm Beach County

Please include the 17-digit Property Control Number on your payment. Place this stub and your payment in the enclosed return envelope. The Constitutional Tax Collector's address must show in the return envelope window.

Colonial Village
900 Northlake Blvd.
Lake Park

BOUNDARY SURVEY OF
900 & 924 NORTHLAKE BOULEVARD
PALM BEACH GARDENS, FL 33410

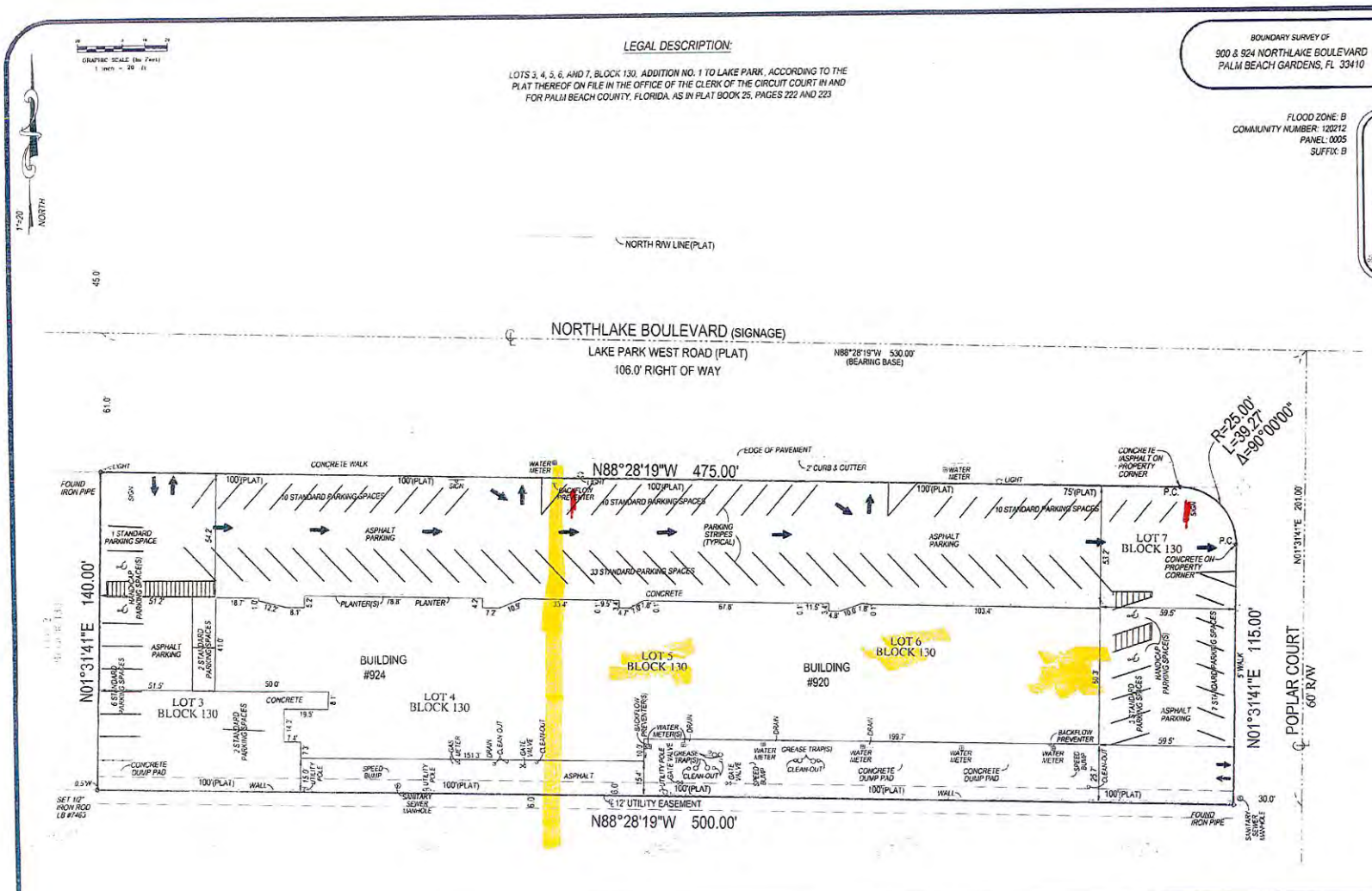
PREPARED FOR
ALERT REALTY, LC

LEGAL DESCRIPTION:

LOTS 3, 4, 5, 6, AND 7, BLOCK 130, ADDITION NO. 1 TO LAKE PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS IN PLAT BOOK 25, PAGES 222 AND 223

FLOOD ZONE: B
COMMUNITY NUMBER: 120212
PANEL: 0005
SUFFIX: B

LOCATION MAP NOT TO SCALE



ABBREVIATION DESCRIPTION:

A/C	AIR CONDITIONER
℄	CENTERLINE
Δ	CENTRAL ANGLE
I.D.	IDENTIFICATION
L	LENGTH
L.B.	LICENSED BUSINESS
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.H.L.	OVERHEAD UTILITIES
P.C.	POINT OF CURVATURE
P.L.	PROPERTY LINE
P.S.M.	PROFESSIONAL SURVEYOR & MAPPER
R	RADIAL / RADIUS
R/W	RIGHT OF WAY

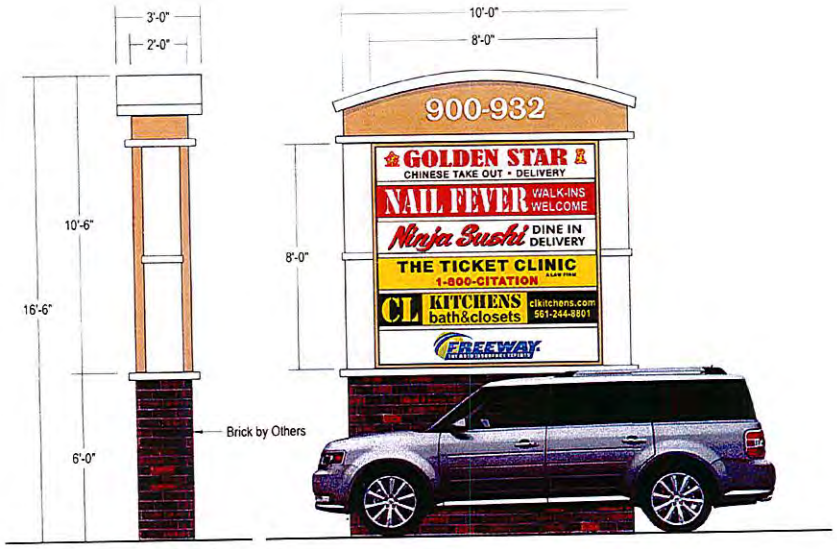
NOTES:

1. LEGAL DESCRIPTION PROVIDED BY CLIENT
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS HAVE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF NORTHLAKE BOULEVARD, ASSUMED TO BEAR N88°28'19"E

Clyde O. McNeal PSM #2883
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Project C-13518	Sheet 1 OF 1
Date 10-29-2015	
Scale 1" = 20'	

COMPASS SURVEYING
WWW.COMPASSSURVEYING.NET
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800
FAX: 561.640.0576
LB #7463



MONUMENT SIGN ELEVATIONS | 1/4" = 1'-0"

SQUARE FOOTAGE:

Allowable = NTE 36.0' Total SF
Proposed = 8.0' x 8.0' = **64.0 SQ FT**
Max Height Allowed by Code = 10'-0"

SCOPE OF WORK:

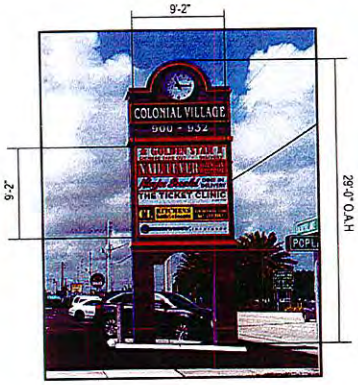
Manufacture new double faced monument sign as shown and described.
Install on existing footing and upright steel support on site in designated area.

DESCRIPTION:

1. Sign is double faced and constructed of aluminum.
2. Sign is internally illuminated with LED modules.
3. Faces are white acrylic with surface applied vinyl graphics.
4. All decorative trim constructed of aluminum.
5. Address numbers are aluminum plate letters with painted finish.

COLOR SCHEDULE:

- **Tenant Panel:** 3M 3630-015 Yellow Vinyl
- **Tenant Panel:** 3M 3630-33 Red Vinyl
- **Tenant Panel:** 3M 3630-73 Dark Red Vinyl
- **Tenant Panel:** 3M 3630-005 Ivory Vinyl
- **Tenant Panel:** 3M 3630-74 Kumquat Orange Vinyl
- **Tenant Panel:** 3M 3630-22 Black Vinyl
- **"Freeway Insurance":** Digital Print
- **Decorative Trim:** Paint Satin Finish White
- **Monument:** Paint to Match Building Color
- **Cabinet :** Paint To Match Pantone 465-U
- **Address Numerals :** Paint Satin White Enamel



EXISTING CONDITIONS: NTS

SQUARE FOOTAGE:

Existing = 9.16'H x 9.16'L = 83.9' SQ FT

PROPOSED COMPOSITE: NTS

atlas SIGN INDUSTRIES
THE SIGN OF PERFORMANCE

CORPORATE HEADQUARTERS
1977 West Blue Heron Blvd., Riviera Beach, FLA 33404
Phone: (561)863-6659 / (800)772-7932 Fax (561)863-4294

NORTHEAST DIVISION
707 Commerce Dr., Concord, NC 28025
Phone: (704)788-3733 / (800)772-7932 Fax: (704)788-3843

www.atlassignindustries.us

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S.O. No.	63009
Sheet No.	1B-V
Date	01|11|2016
Path	Colonial Village|FL|Lake Park
PM	A. Southern
Drawn By	T. Gustave
Scale	As Shown
Revision 1	04|01|16 By DR
Revision 2	05|05|16 By DR
Revision 3	
Revision 4	
Revision 5	
Revision 6	

COLONIAL VILLAGE

UNDERWRITERS LABORATORIES INC. LISTED

Approved by: _____

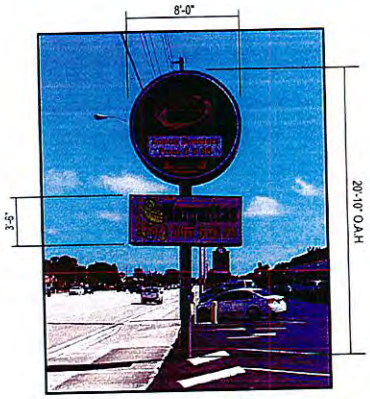
Date: _____

- ☐ APPROVED AS SHOWN
- ☐ APPROVED AS NOTED
- ☐ CORRECT & RESUBMIT

900 Northlake Blvd, Lake Park, FL

Proposed Monument Sign

PROPOSED MONUMENT SIGN: 3/8" = 1'-0"



EXISTING CONDITIONS: NTS

SQUARE FOOTAGE:
Existing = Circle cabinet (50.24') + Boxed cabinet (28.0') = 78.24' SQ FT

EXISTING CONDITIONS: NTS

SQUARE FOOTAGE:
Allowable = NTE 36.0' Total SF
Proposed = 6.0' x 10.0' = **60.0 SQ FT**
Max Height Allowed by Code = 10'-0"

SCOPE OF WORK:
Manufacture new double faced monument sign as shown and described. Install on new footing and upright steel support on site in designated area. New steel will be set in new below grade concrete footer.

DESCRIPTION:
1. Sign is double faced and constructed of aluminum.
2. Sign is internally illuminated with LED modules.
3. Faces are white acrylic with surface applied vinyl graphics.
4. All decorative trim constructed of aluminum.
5. Address numbers are aluminum plate letters with painted finish.
6. Changeable letters are 4"H copy on Zipe-Change Track at 4-1/4"H.

COLOR SCHEDULE:
- **Monument:** Paint to Match Building Color
- **Cabinet :** Paint To Match Pantone 465-U
- **Face Graphic:** Digital Print
- **Decorative Trim:** Paint to Match Pantone 7407-C
- **Address Numerals:** Paint Satin Finish White Enamel
- **Changeable Copy:** Standard Black

900 Northlake Blvd, Lake Park, FL

Proposed Monument Sign

atlas SIGN INDUSTRIES
THE SIGN OF PERFORMANCE

CORPORATE HEADQUARTERS
1077 West Blue Heron Blvd., Riviera Beach, FLA 33404
Phone: (561)863-6658 / (800)772-7932 Fax: (561)863-4294

NORTHEAST DIVISION
707 Commerce Dr., Concord, NC 28025
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www.atlassignindustries.us

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S.O. No.	63009
Sheet No.	2B-V
Date	01|12|2015
Path	Colonial Village|FL|Lake Park
PM	A. Southern
Drawn By	D. Rodgers
Scale	As Shown
Revision 1	04|01|16 By DR
Revision 2	05|05|16 By DR
Revision 3	
Revision 4	
Revision 5	
Revision 6	

COLONIAL VILLAGE

UNDERWRITERS LABORATORIES INC. LISTED

Approved by:

Date:

- APPROVED AS SHOWN
- APPROVED AS NOTED
- CORRECT & RESUBMIT

TOWN LAKE OF PARK
PLANNING AND ZONING BOARD
Meeting Date: June 6, 2016

Applicant(s):	Atlas Sign Industries & Dunway Miskel Backman, LLP [Agent]
Owner:	Alert Realty, LC [Owner]
Address:	900 Northlake Blvd. [Site]
Net Acreage:	0.9605
Legal Description:	LAKE PARK ADD 1 LTS 5 TO 7 INC BLK 130
Existing Zoning:	C-1 Business District
Future Land Use:	Commercial

Adjacent Zoning

North:	North Palm Beach
South:	R-1 Residence District
East:	C-1 Business District
West:	C-1 Business District

Adjacent Existing Land Use

North:	Commercial (North Palm Beach)
South:	Residential
East:	Commercial
West:	Commercial

Please note: the Applicant has submitted two variance applications, one for the parcel with a legal address of 900 Northlake Boulevard (eastern parcel) and one for the parcel with the legal address of 924 Northlake Boulevard (western parcel). ***This staff report is specific to variance requests for 900 Northlake Boulevard only – 924 Northlake Boulevard is being presented under separate cover.***

I. BACKGROUND INFORMATION AND SUMMARY OF REQUEST:

NBOZ Background

The Town of Lake Park executed an Interlocal Agreement with the municipalities of Palm Beach Gardens and the Village of North Palm Beach and Palm Beach County. These local governments wanted to create and apply uniform regulations to Northlake Boulevard to improve its aesthetics and appearance. Accordingly, the Interlocal Agreement was created and the Northlake Boulevard Overlay Zone (NBOZ) was established so that there would be uniform land development regulations, including regulations pertaining to signage. The NBOZ incorporated these regulations, which each of the local governments agreed to apply to new developments or redevelopments. The NBOZ also emphasized a reduction of the signage, the type of signage and enhanced landscaping to improve the aesthetics and appearance of Northlake Boulevard. Non-conforming signage and landscaping was subject to its own compliance schedule. The Town as a whole also established a compliance schedule for non-complying signage Town-wide. Below is a summary of the NBOZ and Town-wide timelines which identify the considerable time periods and extensions that the Town has provided for compliance. To date, NBOZ properties have had 10 years to comply with the NBOZ code and properties elsewhere in the Town have had 8 years to comply. The timelines are as follows:

- NBOZ was created in 2006 and incorporated a signage compliance timeframe of 10 years (expiring July 5, 2016) for non-conforming signs along Northlake Blvd. only.

- The Town's general sign code was modified in July 2008 and provided for a July 1, 2013 compliance date for non-conforming signs.
- In 2011, given the economic downturn and in an attempt to alleviate the strain on commercial property owners and their tenants, an extension to the general sign code was granted to May 31, 2014.
- In 2013, the general sign code signage compliance date was aligned with the timeframe initially anticipated by the NBOZ regulations and extended to July 5, 2016 as the final town-wide deadline in an attempt to further alleviate the strain to commercial property owners and their tenants in all areas of the Town.

Background of Request

The site is located at 900 Northlake Boulevard on the south side of Northlake Boulevard between Prosperity Farms Road and Poplar Court. There is one existing commercial building at the site that was constructed in 1966, per Palm Beach County Property Appraiser records, and the site shares joint access with the adjacent parcel to the west (*a Cross and Joint Access agreement is being discussed with the Owner since this has simply been a historical practice which has carried forward over the years due to both properties being owned by the same entity*). The westernmost parcel has three buildings constructed in 1965, 1966, and 1973. Together, these four buildings across the two parcels are connected and form one contiguous shopping plaza known as Colonial Village. Colonial Village shares a unified parking lot with two rows of angled parking stalls that are separated by a one way drive aisle. There are three driveways providing ingress and egress to the site to/from Northlake Blvd. and two driveways providing the same to/from Poplar Court.

Summary of Request

The Applicant is requesting six variances to the Land Development Code (LDC) as it relates to two proposed ground signs they wish to install at the site (following the removal of the non-conforming pylon sign). Those requests are as follows:

(1) waive all setback requirements for both signs;
(2) increase the size of the sign faces: for sign #1 increase to 64 square feet and for sign #2 increase to 60 square feet from a maximum allowable square footage of either 30 or 36 square feet (depending on setback);
(3) increase the height of the signs: for sign #1 increase height to 16-feet 6-inches and for sign #2 increase height to 14-feet 6-inches from the allowable maximum height of 8 feet;
(4) increase the total number of ground signs allowed per parcel from one to two ground signs;
(5) reduce the number or parking stalls required by one space; and,
(6) waive all landscaping requirements required around the bases of both proposed monument signs.

These variance requests and applicable sections of the LDC are summarized in the following table.
(' = feet / " = inches / s.f. = square feet / ft = feet / r.o.w. = right-of-way)

Variance Number	Section:	Required:	Proposed:
1.	Section 5-6(c)(2)(e) Maximum Areas	30 s.f. (w/5' setback), or 36 s.f. (w/10' setback)	Sign #1: 64 s.f. Sign #2: 60 s.f.
2.	Section 5-6(c)(2)(f) Maximum Height	8 Feet	Sign #1: 16'6" Sign #2: 14'6"

3.	Section 5-6(c)(2)(g) Minimum Setbacks	5' from public r.o.w. (30 s.f.), or 10' from public r.o.w. (36 s.f.)	No Setbacks
4.	Section 5-6(2)(a) Maximum Number	A minimum of one sign per parcel of land.	2 ground signs
5.	78-142(c)(7) Minimum Number of required off-street parking spaces by land use	General Retail: 5 spaces per 1,000 square feet GFA (approx. 117 spaces is required for the combined sites of 900 & 924 Northlake Blvd.)	Reduction of 1 space to a new total of 84 spaces for the combined sites.
6.	Section 5-9(b)(3) Landscaping	Within 3' from base of sign must be landscaped with shrubbery a minimum of 30" high and placed at 18" centers.	No base landscaping

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following Comprehensive Plan statements are applicable in this case:

Policy 8.1: The Town shall strictly enforce land development regulations during the plan review and implementation process.

Policy 10.1: Coordinate the Town's efforts to implement any roadway maintenance, signage, striping or any other activity affecting Silver Beach Road, Northlake Boulevard and Old Dixie Highway with the City of Riviera Beach and/or Village of North Palm Beach.

OBJECTIVE 4: The Town transportation system will emphasize safety and aesthetics.

III. LAWS ON VARIANCES *(the NBOZ Code defers to the Town's general variance procedure)*

Section 55-63 (2) of the Town Code vests the Planning and Zoning Board with final authority regarding variances. Section 78-185 of the Town Code establishes criteria which must be met to entitle an applicant to a variance. The Board must find that each of the 7 criteria have been met to entitle an applicant to the requested variance relief. The 7 criteria are that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building;
(2) The special conditions or circumstances are not a result of actions by the Owner/applicant;
(3) Granting the variance will not confer on the Owner any special privilege that is denied to others;
(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;
(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
(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.

In evaluating these criteria, Courts have placed emphasis on criteria # 4 above, by holding the Owner/applicants for variance relief and the governing board evaluating the application, to the rigorous standard of whether the denial of the variance would render the Property virtually unusable. See Bernard v. Town of Palm Beach, 569 So. 2d 853 (Fla. 4th DCA 1990).

III. ANALYSIS OF CRITERIA AND FINDINGS FOR VARIANCE

Below are listed the seven (7) variance criteria from Code Section 78-185 which all must be met before a variance can be granted.

CRITERIA 1: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

No. There are no special conditions that exist as it relates to the Site's shape, size, topography or other physical features and dimensions. The Site is not unique to this zoning district when it is compared to its neighbors in the NBOZ East District between Prosperity Farms Road and W. Jasmine Drive (located both in the Town of Lake Park and in The Village of North Palm Beach). The Site is similarly dimensioned and the structures on the Site are similarly situated as its neighbors. Although the applicant wants to increase the dimensions of its signage, several other businesses in this district already have ground signs which comply with the NBOZ and others have submitted applications to the Department with the intent of meeting the NBOZ. While the landscaping around the base of the sign requires additional land area and may encroach into required parking or drive aisles thereby warranting special consideration for a variance, this request is being considered alongside the other variance requests based on the signs being proposed. Overall, the criteria is not met.

Criteria NOT met.

CRITERIA 2: That the special conditions and circumstances do not result from the actions of the applicant.

Yes. The need for variances are a direct result of actions of the Applicant since there are no special conditions or circumstances that create a physical hardship that will prevent full compliance of the Town's Sign Code (See Exhibit A for site visuals). The Applicant's desire to have larger, taller and more visible signage is not a result of any physical hardship at the Site. Furthermore, Section 5-9(b)(3) requires landscaping within three feet around the base of a sign and if the sign is set back the 5 feet as required by code, then the landscaping can be incorporated within this area and around its base.

Criteria NOT met.

CRITERIA 3: That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.

Yes. Granting of a variance(s) will confer a special privilege upon the applicant that is denied to other businesses in the NBOZ East District all of whom are required to meet the sign regulations of the NBOZ. Many businesses in this area have already complied with the sign code and have compliant ground signs or have recently submitted an application to the department to install compliant ground signage.

Criteria NOT met.

CRITERIA 4: That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter, and would work unnecessary and undue hardship on the applicant.

No. A literal interpretation of the Code would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or create unnecessary and undue hardship on the applicant because the applicant can maintain a ground sign that complies with the NBOZ regulations, just as others have done (See Exhibit B).

Criteria NOT met.

CRITERIA 5: That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

No. The six variances requested (#1, #2, #3, #4, #5 & #6) are not the minimum variances to make reasonable use of the land, building or structure since the Applicant's request is asking for a waiver to all sign requirements of the NBOZ East District as follows:

(1) Height: The Applicant is requesting two sign structures that exceed the allowable height for an increase of 108% (Sign 1) and 83% (Sign 2). The Applicant has requested that Sign #1 be 16'6" in height and Sign #2 be 14'6" in height. The maximum allowable height is 8'.
(2) Maximum Number of signs: The Applicant is requesting to double the allowable number of signs per parcel. The maximum number of ground signs allowed per parcel in the NBOZ East District is one sign.
(3) Maximum Sign Face: The Applicant is requesting two sign structures that exceed the maximum sign face allowed by 114% (Sign 1) and 100% (Sign 2) based on an assumed setback of 5' with a 30s.f. allowance. Their request for Sign #1 is 64 s.f. and for Sign #2 60 s.f. The maximum sign face of ground signs in the East District is either 30 s.f. with a 5' setback or 36 s.f. with a 10' setback.
(4) Setbacks: The Applicant has requested a waiver of all setbacks. The minimum required setback from a public right of way is either 5' with a 30 s.f. sign face,

or 10' with a 36 s.f. sign face. With no setback, the location of Sign #1 may be within the required visibility triangle and is not permitted under any circumstance to ensure public safety. Sign #2 is also within close proximity of a visibility triangle at Poplar Court and should be verified.

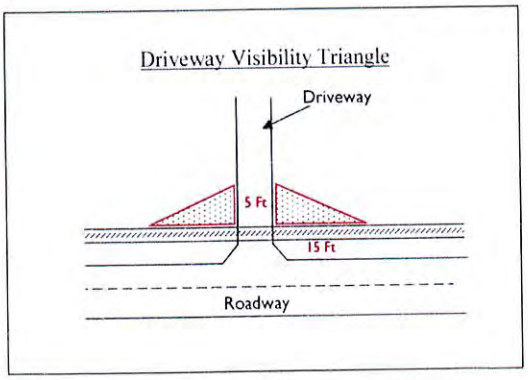
(5) Parking: The overall number of required parking spaces for this shopping plaza is estimated to be 117 spaces. The site is currently under parked at only 85 spaces and the Applicant is requesting a further reduction of 1 parking space since two monument signs are proposed, which also exceeds the code maximum of one monument sign.

(6) Landscaping: All ground signs are required to have base landscaping within 3' from the sign's base. The Applicant is requesting a full waiver to all base landscaping since a waiver is also being requested from the code required setback, preventing any landscaping from being possible.

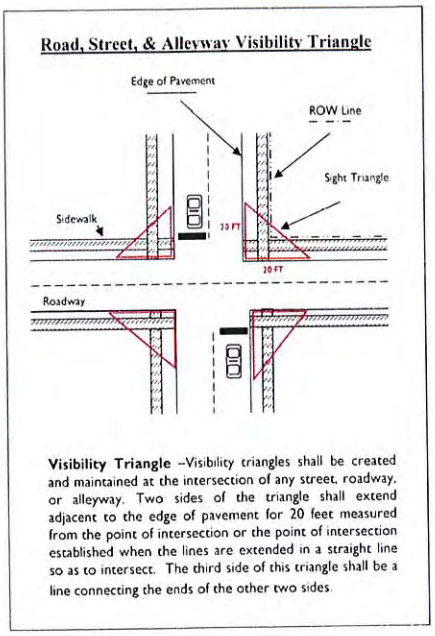
Criteria NOT met.

CRITERIA 6: That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations of the Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

No. The granting of these six variances will not be in harmony with the general intent and purpose of the LDC since it specifically prohibits the replacement of an existing nonconforming sign with another nonconforming sign, per Section 70-104(b).



Further, the granting of variance(s) would be injurious to the area and detrimental to public welfare since the proposal will create potential visibility issues at the site due to a proposed waiver of setbacks. Via a waiver of the required 5' setback from the property line, the two proposed signs will violate Section 78-253(c)(9), which prohibits the placement of any structure, including signs, that obstructs visibility at any road intersection or points of ingress or egress at a driveway. Sign #1 is located next to a driveway and Sign #2 next to the intersection at Poplar Ct, which may be outside the triangle, however the required 5 feet is still physically possible at an appropriate location on the property..



Placement of the sign #1 will fall within the required visibility triangle and is not

permitted under any circumstance to ensure public safety. The visibility triangle at a driveway begins at the public right of way (sidewalk) and is 5' deep for 15' along the property line. The visibility triangle at an intersection begins adjacent to the edge of pavement for 20' in both directions along the intersecting roadways and the third side of the triangle is made by connecting the two sides.

Criteria NOT met.

CRITERIA 7: That the variance would not be contrary to the comprehensive plan of the town.

The granting of these six variances would not be consistent with an Objective and Policies of the Town's Comprehensive Plan. Granting variances to the NBOZ would be inconsistent with Policy 8.1 because it would be contrary to the shared sign regulations adopted by the Village of North Palm Beach, Palm Beach Gardens, and Palm Beach County as part of the NBOZ. Granting the variances would also be inconsistent with Policy 10.1 and Objective 4, which require the implementation of setbacks and visibility triangles.

Criteria NOT met.

V. STAFF RECOMMENDATION

Staff recommends DENIAL of each of the six variances because they do not meet any of the 7 criteria required for the granting of a variance. A fully compliant sign is possible at this site which is demonstrated by the other owners of properties in the NBOZ who have met the sign regulations without hardship. The applicant's desire to have larger and taller signs is not a result of any hardship special to the site nor does it meet any of the seven variance criteria.

Summary of Consistency with Criteria for variance request #1, 2, 3, 4, 5 & 6

		Consistent	Inconsistent
1.	Special Conditions		X
2.	Actions of the Applicant		X
3.	Special Privilege		X
4.	Literal Interpretations		X
5.	Minimum Variance		X
6.	Public Interest		X
7.	General Harmony		X

VI. STAFF'S RECOMMENDED MOTION FOR THE BOARD TO CONSIDER:

Based upon the analysis contained in the Staff report, I move to **DENY the six** variance requests.

The Town of Lake Park

Community Development
MAY 06 2016

TOWN OF LAKE PARK
APPLICATION FOR ZONING VARIANCE

Please note: The process to consider a variance of the Town's zoning code is governed by the Town of Lake Park Code of Ordinances, Chapter 32 - Rezoning and Chapter 33 - Land Development Regulations and provisions of other chapters in the Code. It is suggested that applicants schedule a meeting with the Town of Lake Park Community Development Director to discuss the information needed.

DATE Received by Town of Lake Park: _____

This application must be completed and returned with all required enclosures to be accepted by the Town Commission of t the Town of Lake Park. The application will then be referred to the Town Zoning Board of Adjustment and the Town Staff for study and recommendations.

(Please Print)

Name of Applicant (property owner): Alert Realty LC
Name of Agent (if applicable): Atlas Sign Industries & Dunway Miskel Breitman LLP
(Required to attach Town of Lake Park Agent Authorization Form)
Mailing Address 1077 West Blue Heron Blvd
(This is the address to which all letters, agendas and other materials will be sent)
City Riviera Bch State FL Zip Code 33404
Telephone (561) 8636659 Fax ( ) _____
Legal description of property covered by petition
Lot 3 & 4 Block 130 Plat _____ (Attach separate sheet if necessary)
Property I. D. No. 36-43-42-20-03-130-0030

GENERAL INFORMATION ABOUT PROPERTY AND REQUEST

1. Size of property (square feet or acreage): 28,000 square feet
2. Highway and street boundaries or address: 924 Northlake Blvd Lake Park
3. Existing Zoning District classification: Business Commercial NB02 East District
4. Variance Requested Signage Allowance (see attached)
5. Describe any structures or uses currently located on the property:
Colonial Village Shopping Center

THE INFORMATION/ENCLOSURES LISTED BELOW AND ON THE FOLLOWING PAGE(S) MUST BE SUBMITTED IN CONJUNCTION WITH THIS APPLICATION.

6. Specific Information on Requested Variance

7. [X] Map showing property subject to this application.
[X] Ten (10) copies of Site Plan(s), if necessary
[ ] Building plans of structures to be erected
[X] Certified survey of property
[X] Notarized Town of Lake Park Agent Authorization Form signed by property owner authorizing Agent to act on behalf of owner to submit application for Variance, if applicable

8. Applicant's statement of explanation, needs and reasons for the requested changes, which addresses the following items (Attach additional sheets as necessary):

a. Explain the special conditions or circumstances that exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the zoning district: See Attached

b. Explain how the special conditions or circumstances that exist do not result from the actions of the Applicant: See Attached

c. Explain how the literal interpretation of the provisions of the Zoning Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant:

See attached

d. Explain how the variance requested is the minimum variance that will make possible a reasonable use of the land, building or structure:

See attached

e. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district :

See attached

f. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

See attached

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CORPORATE HEADQUARTERS
1077 West Blue Heron Blvd., West Palm Beach, Florida 33404
PHONE: (561)863.6659 / 800.772.7932 FAX: (561)863.4294
www.atlassignindustries.us

NORTHEAST DIVISION
707 Commerce Drive, Concord, North Carolina 28025
PHONE: (704) 788.3733 / 800.772.7932 FAX: (704) 788.3843

TOWN OF LAKE PARK
APPLICATION FOR SIGN VARIANCE
COLONIAL VILLAGE
924 NORTHLAKE BLVD
LAKE PARK, FLORIDA
MAY 16, 2016

Community
MAY 16 2016
Development

Introduction:

In order to complete the design of the replacement monument signage for Colonial Village located at 924 Northlake Blvd., Lake Park, a variance is being requested from the signage regulations for properties along Northlake Blvd. Chapter 78, Appendix A, Division 5 of the Town of Lake Park Land Development Regulations / NBOZ.

Variance Number	Section:	Required:	Proposed:
1.	Section 5-6(c)(2)(e) Maximum Areas	30 s.f. (w/5' setback), or 36 s.f. (w/10' setback)	60 s.f.
2.	Section 5-6(c)(2)(f) Maximum Height	8 Feet	14'6"
3.	Section 5-6(c)(2)(g) Minimum Setbacks	5' from public r.o.w. (30 s.f.), or 10' from public r.o.w. (36 s.f.)	2' setback
4.	Section 5-9(b)(3) Landscaping	Within 3' from base of sign must be landscaped with shrubbery a min. of 30" high and placed at 18" centers.	Landscaping will be added at sign base per requirements pending site restrictions.

---

8. Applicants statement of explanation, needs and reasons for the requested changes which addresses the following items:

a. Explain the special conditions or circumstances that exist that are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

The sign variance is required due to special conditions associated with the properties location and existing site conditions. Colonial Village was constructed over a period of 8 years, commencing in 1965 with building 1 and completing in 1973 with building 3 (building 2 was completed in 1966). Considering its age and location, Colonial Village has been a landmark for decades including it's Clock Tower pylon sign. Alert Realty purchased the property in 1978 and has been diligent with upkeep and improvements throughout their 43 years of ownership. This landmark retail shopping center is unique as it hosts three (3) ground signs that were established throughout it's growth (1 per building). The 3 signs remain today, with 2 of the signs legally committed for exclusive signage by La Fagota and Bicycle World.

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Community
MAY 16 2016
Development Services

The shopping center is also unique with existing customer parking spaces fronting both Northlake Blvd and the retail spaces. Unlike more modern shopping centers, Colonial Village was not developed with any landscaping or other buffers separating the right of way from the parking areas and drive isles. The location of the free standing signage is land locked and has less than desirable visibility under the proposed code, while traveling both east and west bound on Northlake Blvd due to the parked vehicles restricting the visibility of signage at a reduced height of eight (8) feet. The average height of an SUV is six (6) foot from grade to roof top therefore it is imperative to raise the base height to a minimum of six (6) feet forcing the overall additional height request and additional square footage.

The location and restricted visibility of the proposed monument signs mandates the hardship of the property and need for an additional height, square footage, setback and one additional freestanding monument sign. The vehicular parking hinders the visibility of the tenant signage making finding any retailer more difficult for east and west bound customers.

b. Explain how the special conditions and circumstances that exist do not result from the actions of the Applicant:

The special conditions and circumstances do not result from the actions of the applicant; they result from existing conditions in the property design, layout, landscape, timeframe of which it was established being 40 plus years prior to the introduction of the new signage regulations and previous contractual agreements with tenants.

c. Explain how the literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship for the applicant:

Literal enforcement of the zoning code would deprive the applicant and its' retail tenants from the commercial signage exposure afforded to other similar businesses in Town. The intent of this request is to provide identification to the retailer location and provide them with recognizable branding afforded to other retailers in the area. Other commercial retail properties in the area are single tenant therefore the one size fits all structure of the NBOZ guidelines inflicts hardship on multi tenant retail centers such as the applicant.

The permissible sign face area is 36 square feet per sign face invoking undue hardship due to limited visibility of tenant copy placed on the monument sign. Our request for an additional 24 square feet is the minimum required to adequately provide legible names on the proposed signs.

The permissible overall height of 8 feet is invoking undue hardship due to the vehicular parking location adjacent to the monument location. The monument sign location is ground locked due to the existing conditions of the property therefore not self inflicted.

The permissible setback from public right or way of 10 feet is invoking undue hardship due to the location of the right of way line verses the vehicular thoroughfare within the shopping center parking lot. Our request for reduced setback is required in order to prevent the monument sign from encroaching on the vehicular lane creating hazardous conditions within the property. Our request for relief from the setback is the minimum required due to site conditions and road expansion.

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Community
MAY 16 2016

In addition, from an aesthetic point of view, the proposed signage enhances the property and will provide balance and harmony to the architecture of this established structure. The NBOZ guidelines were intended to eliminate older, out dated signage that was visual unappealing. The proposed sign package includes enhanced aesthetically pleasing signage that is smaller in height and area then the existing signs on the property.

d. Explain how the variance requested is the minimum variance that will make possible the reasonable use of land, building or structure:

The variance requested is 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 fare and adequate identification to the existing business located within Colonial Village retail center. The proposed signage will create a more attractive economic and business climate. Any further reduction beyond the proposed development package would inflict undue hardship to loyal and committed businesses within the Town of Lake Park and Colonial Village. In addition the proposed variance will not have any negative impacts on any of the surrounding properties.

e. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district:

The requested variance will not confer on the applicant any special privilege due to the unique conditions of this property described herein.

f. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance will be in harmony with the general purpose and intent of the Zoning Code and will not be injurious to the neighborhood or detrimental to the public welfare. As noted above, proposed sign package provides aesthetically pleasing monument signs that are smaller in height and area then what currently exists. Granting this variance will actually ensure that the businesses located within Colonial Village remain successful corporate residence for the Town many years to come.

In conclusion, the proposed monument signs are visually complimentary to the architecture and scale of the building and will continue to be in harmony with the general intent and purpose of the code. Granting the requested sign variances will not be injurious to the surrounding area and will not be detrimental to the public interest, but rather will enable the business to prosper and have a positive influence on the community. Existing as well as potential customers will be attempting to locate various business located within Colonial Plaza. Our goal is to ease traffic by making the various retail locations visible and provide a safe flow into the parking lot.

The commercial retail establishments along with Alert Realty respectfully request approval to the signage variances.

CONSENT FORM FROM PROPERTY OWNER AND DESIGNATION OF AUTHORIZED AGENT:

Before me, the undersigned authority, personally appeared IVAN S. SEGAL, 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 Sign Variances in the Town of Lake Park, Florida;
3. That he/she is appointed Atlas Signs and Survey, Miskel + Jackson to act as authorized on his/her behalf to accomplish the above Project.

Property Owner Name: _____

ALERT REALTY LC

By: Florida Leasing and Management Corp.
Managing Member

Property Owner Signature

By: Ivan S. Segal, President

By: Name/Title

P. O. Box 880727
Boca Raton, FL
33488-0727

Street Address

City, State, Zip Code

561.912.1286

Telephone Number

Fax Number

REALCOM@ME.COM

E-Mail Address

Sworn and Subscribed before me on this 27 **day of** APRIL, **20** 16,

LEAH SINGH

NOTARY PUBLIC

MY COMMISSION EXPIRES:

01-28-2020

LEAH SINGH
Notary Public, State of Florida
Commission# FF 955570
My comm. expires Jan. 28, 2020

REVISED 10/30/2013

COUNTY OF PALM BEACH: NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

PROPERTY CONTROL NO.	YEAR	BILL NO.	CMC	APPLIED EXEMPTION(S)	LEGAL DESCRIPTION
36-43-42-20-03-130-0030	2015	101446758	50		LAKE PARK ADD 1 LTS 3 & 4 BLK 130

1311
R 7 - 317636

ALERT REALTY LC
PO BOX 880727
BOCA RATON FL 33488-0727

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2015 REAL ESTATE PROPERTY TAX BILL

READ REVERSE SIDE BEFORE CALLING — AD VALOREM TAXES — READ REVERSE SIDE BEFORE CALLING

TAXING AUTHORITY	TELEPHONE	ASSESSSED	EXEMPTION	TAXABLE	MILLAGE	TAX AMOUNT
COUNTY	561-355-3996	745,637		745,637	4.7815	3,565.26
COUNTY DEBT	561-355-3996	745,637		745,637	0.1462	109.01
FIRE/RESCUE MSTU	561-355-3996	745,637		745,637	3.4581	2,578.49
TOWN OF LAKE PARK	561-881-3350	745,637		745,637	5.3474	3,987.22
TOWN OF LAKE PARK DEBT	561-881-3350	745,637		745,637	1.5400	1,148.28
CHILDRENS SERVICES COUNCIL	561-740-7000	745,637		745,637	0.6677	497.86
F.I.N.D.	561-627-3386	745,637		745,637	0.0320	23.86
PBC HEALTH CARE DISTRICT	561-659-1270	745,637		745,637	1.0426	777.40
SCHOOL LOCAL	561-434-8837	761,829		761,829	2.4980	1,903.05
SCHOOL STATE	561-434-8837	761,829		761,829	5.0140	3,819.81
SFWMD EVERGLADES CONST PROJECT	561-686-8800	745,637		745,637	0.0506	37.73
SO FLA WATER MANAGEMENT DIST.	561-686-8800	745,637		745,637	0.1459	108.79
SO FLA WATER MGMT - OKEE BASIN	561-686-8800	745,637		745,637	0.1586	118.26

TOTAL AD VALOREM 18,675.02

READ REVERSE SIDE BEFORE CALLING — NON-AD VALOREM ASSESSMENTS — READ REVERSE SIDE BEFORE CALLING

LEVYING AUTHORITY	TELEPHONE	RATE	AMOUNT
SOLID WASTE AUTHORITY OF PBC	561-640-4000	4,297.83	4,297.83
SOLID WASTE - LAKE PARK	561-881-3350	988.38	988.38
LAKE PARK STORMWATER	561-881-3350	411.37	411.37

Pd
#4253
11.27.15

TOTAL NON-AD VALOREM 5,697.58
TOTAL AD VALOREM AND NON-AD VALOREM COMBINED 24,372.60

AMOUNT DUE WHEN RECEIVED BY

NOV 30, 2015	DEC 31, 2015	JAN 31, 2016	FEB 29, 2016	MAR 31, 2016	TAXES ARE DELINQUENT APRIL 1, 2016
$23,397.71	$23,641.42	$23,885.16	$24,128.87	$24,372.60	
4%	3%	2%	1%	NO DISCOUNT	

DETACH HERE **SEE REVERSE SIDE FOR INSTRUCTIONS AND INFORMATION** DETACH HERE

COUNTY OF PALM BEACH: NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

PROPERTY CONTROL NO.	YEAR	BILL NO.
36-43-42-20-03-130-0030	2015	101446758

ALERT REALTY LC
PO BOX 880727
BOCA RATON FL 33488-0727

20151014467580024372602

LEGAL DESCRIPTION
LAKE PARK ADD 1 LTS 3 & 4 BLK 130

P.O. BOX 3353
WEST PALM BEACH, FL 33402-3353

MAKE PAYMENT TO:
TAX COLLECTOR, PALM BEACH COUNTY

AMOUNT DUE WHEN RECEIVED BY

NOV 30, 2015	DEC 31, 2015	JAN 31, 2016	FEB 29, 2016	MAR 31, 2016	TAXES ARE DELINQUENT APRIL 1, 2016
$23,397.71	$23,641.42	$23,885.16	$24,128.87	$24,372.60	
4%	3%	2%	1%	NO DISCOUNT	

(KEEP THIS PORTION FOR YOUR RECORDS)

IMPORTANT INSTRUCTIONS

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2015 REAL ESTATE PROPERTY TAX BILL

This BILL includes Ad Valorem Taxes and Non-Ad Valorem Assessments for the 2015 Tax Year. Payment must be made in full and in U.S. funds. Payment is subject to verification and receipt of funds. A fee is applied for dishonored funds.
See bill insert for more payment information.

2015 REAL ESTATE PROPERTY TAX PAYMENT

- Discount amounts are shown on the front of this bill.
- Payment must be received in our offices by the due dates printed on the TAX BILL (see reverse side).

PAYMENT OPTIONS

- **ECHECK** (Online Only) 24/7 at www.pbctax.com. **A $0.30 ACH Account Verification Fee Will Apply.** Fees not retained by our office (transaction notice serves as confirmation).
- **CREDIT CARD** A **2.5% Convenience Fee Will Apply ($2.00 minimum).** Convenience fees are collected by the credit card vendor and not retained by our office (transaction notice serves as online receipt).
- **DEBIT CARD** (Service Center Only) A **$2.50 Convenience Fee Will Apply** (not retained by our office) to each transaction. Payment limit $500.
- **MAIL** Detach the stub below and return with payment. DO NOT TAPE, FOLD, STAPLE, PAPER CLIP OR WRITE ON PAYMENT STUB. Write your 17-digit Property Control Number on your payment. Use the enclosed return envelope with the Tax Collector address showing in the return envelope window (canceled check serves as receipt).
- **DROP OFF BOX** At any Service Center from 8:15 AM to 5:00 PM, Monday - Friday (canceled check serves as receipt).
- **BANK ONLINE BILL PAY** Your bank's bill pay service. Use the 17-digit Property Control Number (no dashes) as account number. Mail delivery and bank processing times vary so allow ample time (bill pay service transaction serves as receipt).
- **WIRE TRANSFER** Email Wires@pbctax.com for instructions.

DELINQUENT TAX INFORMATION - CERTIFIED U.S. FUNDS ONLY

- Ad Valorem Taxes and Non-Ad Valorem Assessments are delinquent APRIL 1, 2016.
- Payment AFTER THE DATE OF DELINQUENCY must be certified funds drawn on a U.S. bank in cash, bank draft, wire transfer, money order or cashier's check.
- Interest and associated costs for delinquent taxes are determined by the date payment is received by the Tax Collector.
- The minimum charge of 3% will be collected. Interest accrues up to 1.5% per month (18% annually).

FLORIDA STATUTE 197.402 and 197.432: Tax Certificates will be sold on all unpaid property taxes 60 days after the date of delinquency.

Contact Information for Questions

Constitutional Tax Collector: Prepares and mails TAX BILLS from Tax Roll data certified by the PBC Property Appraiser and Non-Ad Valorem assessments provided by Levying Authorities (561-355-2264). If this property was sold, forward this bill to the new owner or mark bill "SOLD" and return to the Constitutional Tax Collector's Office.

Property Appraiser: Prepares the Ad Valorem Tax Roll (assessed value, exemptions, taxable value, assessed owner's name, address and legal description). Questions about tax assessment and exemptions should be directed to the Office of the Property Appraiser at 561-355-2866.

Taxing Authorities: Set the Ad Valorem millage rates. See telephone list on reverse side for questions about assessment amounts and services provided.

Levying Authorities: Determine the Non-Ad Valorem assessments. See telephone list on reverse side for questions about assessment amounts and services provided.

(DETACH HERE)

STOP PAYMENT PROCESSING DELAYS

DO NOT TAPE, FOLD, STAPLE, PAPER CLIP OR WRITE ON THIS PAYMENT STUB

INCLUDE THIS STUB WITH PAYMENT

Make payment to:
Tax Collector, Palm Beach County

Please include the 17-digit Property Control Number on your payment. Place this stub and your payment in the enclosed return envelope. The Constitutional Tax Collector's address must show in the return envelope window.

Colonial Village
924 Northlake Blvd
Lake Park

GRAPHIC SCALE (In Feet)
1 inch = 20 ft.

NORTH

LEGAL DESCRIPTION:

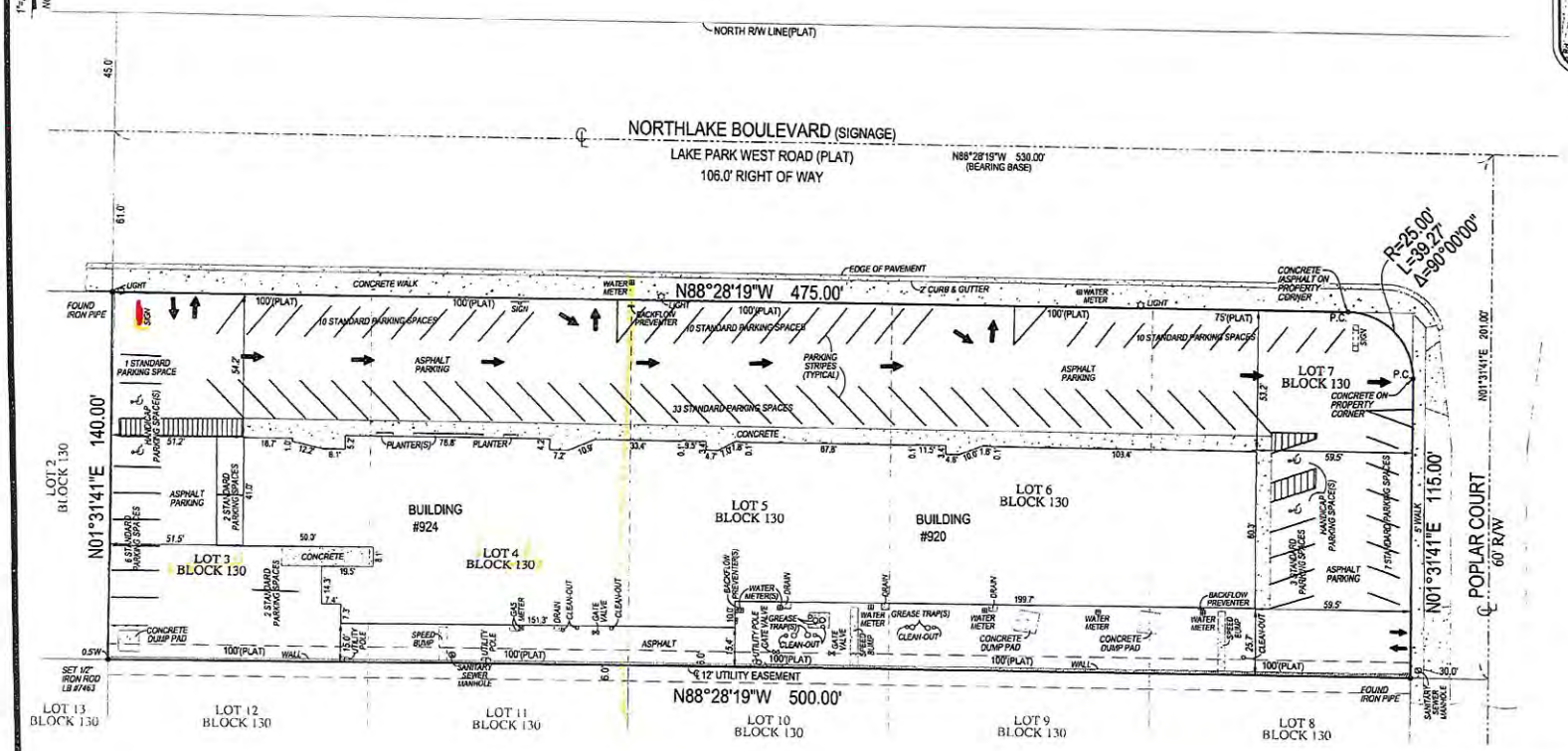
LOTS 3, 4, 5, 6, AND 7, BLOCK 130, ADDITION NO. 1 TO LAKE PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS IN PLAT BOOK 25, PAGES 222 AND 223

BOUNDARY SURVEY OF
900 & 924 NORTHLAKE BOULEVARD
PALM BEACH GARDENS, FL 33410

PREPARED FOR
ALERT REALTY, LC

FLOOD ZONE: B
COMMUNITY NUMBER: 120212
PANEL: 0005
SUFFIX: B

LOCATION MAP NOT TO SCALE



ABBREVIATION DESCRIPTION:

A/C	AIR CONDITIONER
℄	CENTERLINE
Δ	CENTRAL / DELTA ANGLE
I.D	IDENTIFICATION
L	LENGTH
LB	LICENSED BUSINESS
N.A.V.D	NORTH AMERICAN VERTICAL DATUM
N.G.V.D	NATIONAL GEODETIC VERTICAL DATUM
O/HL	OVERHEAD UTILITIES
P.C.	POINT OF CURVATURE
P.K.	PARKER KYLON NAIL
PSM	PROFESSIONAL SURVEYOR MAPPER
R	RADIAL / RADIUS
R/W	RIGHT OF WAY

NOTES:

1. LEGAL DESCRIPTION PROVIDED BY CLIENT
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF NORTHLAKE BOULEVARD, ASSUMED TO BEAR N88°28'19"E

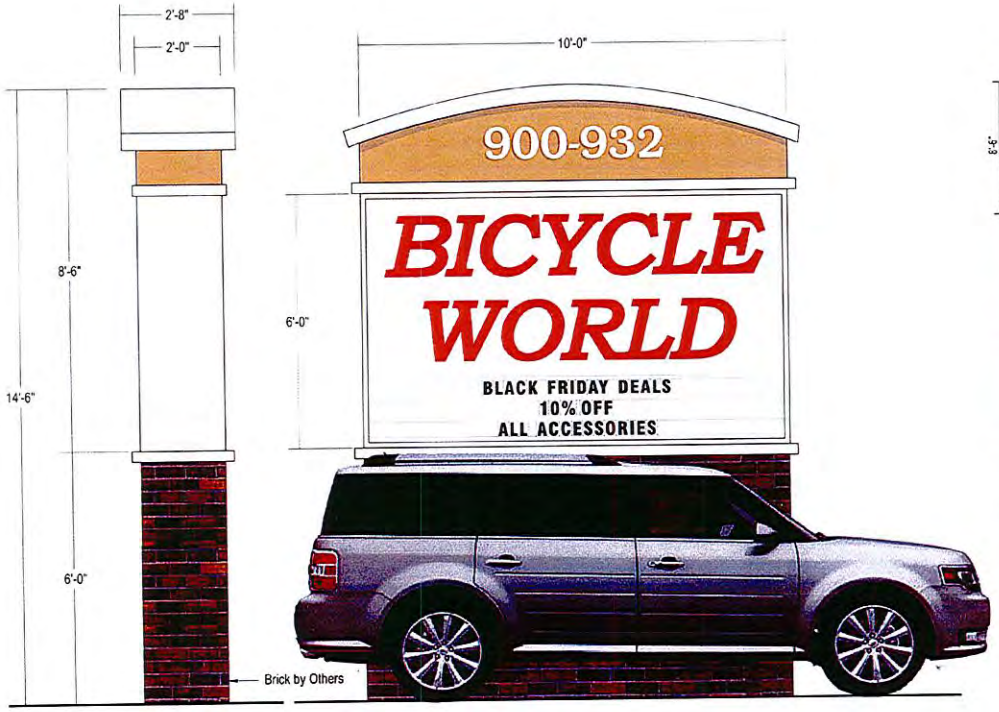
Clyde O. McNeal PSM #2883
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Project	C-13518
Date	10-29-2015
Scale	1" = 20'
Sheet	1 OF 1

COMPASS SURVEYING
WWW.COMPASSSURVEYING.NET

6259 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE: 561.640.4800
FAX: 561.640.0576

LB #7463



PROPOSED MONUMENT SIGN: 3/8" = 1'-0"

SQUARE FOOTAGE:

Allowable = NTE 36.0' Total SF
Proposed = 6.0' x 10.0' = **60.0 SQ FT**
Max Height Allowed by Code = 10'-0"

SCOPE OF WORK:

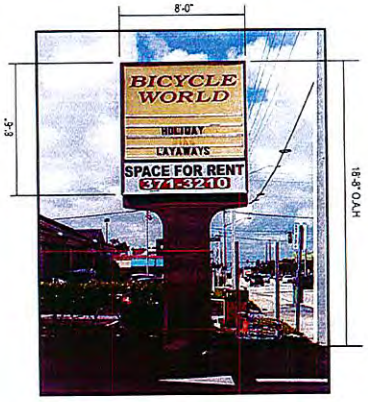
Manufacture new double faced monument sign as shown and described. Install on existing footing and upright steel support on site in designated area.

DESCRIPTION:

1. Sign is double faced and constructed of aluminum.
2. Sign is internally illuminated with LED modules.
3. Faces are white acrylic with surface applied vinyl graphics.
4. All decorative trim constructed of aluminum.
5. Address numbers are aluminum plate letters with painted finish.
6. Changeable letters are 4"H copy on Zipe-Change Track at 4-1/4"H.

COLOR SCHEDULE:

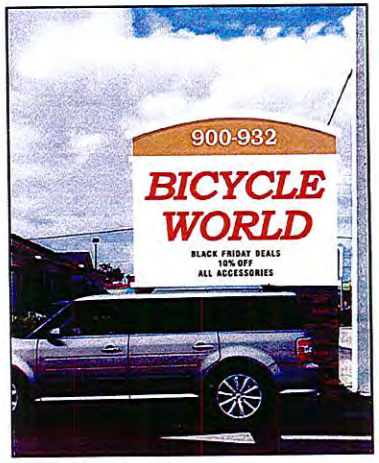
- **Bicycle World:** 3M 3630-33 Red Vinyl
- **Monument:** Paint to Match Building Color
- **Cabinet :** Paint To Match Pantone 465-U
- **Address Numerals :** Satin Finish White Enamel
- **Changeable Copy:** Standard Black



EXISTING CONDITIONS: NTS

SQUARE FOOTAGE:

Existing = 8.5'H x 8.0'L = **68.0' SQ FT**



PROPOSED COMPOSITE | NTS

900 Northlake Blvd, Lake Park, FL

Proposed Monument Sign

atlas SIGN INDUSTRIES
THE SIGN OF PERFORMANCE

CORPORATE HEADQUARTERS
1077 West Blue Heron Blvd., Riviera Beach, FLA 33404
Phone: (561)863-6650 / (800)772-7932 Fax: (561)863-4294

NORTHEAST DIVISION
707 Commerce Dr., Concord, NC 28025
Phone: (704)788-3733 / (800)772-7932 Fax: (704)788-3843

www.atlassignindustries.us

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S.O. No.	63009
Sheet No.	3B-V
Date	11|11|2015
Path	Colonial Village|FL|Lake Park
PM	A. Southern
Drawn By	T. Gustave
Scale	As Shown
Revision 1	11|23|15 By DR
Revision 2	12|30|15 By DR
Revision 3	04|05|16 By DR
Revision 4	
Revision 5	
Revision 6	

COLONIAL VILLAGE

UNDERWRITERS LABORATORIES INC. LISTED

Approved by: _____

Date: _____

- APPROVED AS SHOWN
- APPROVED AS NOTED
- CORRECT & RESUBMIT

TOWN LAKE OF PARK
PLANNING AND ZONING BOARD
Meeting Date: June 6, 2016

Applicant(s):	Atlas Sign Industries & Dunway Miskel Backman, LLP [Agent]
Owner:	Alert Realty, LC [Owner]
Address:	924 Northlake Blvd. [Site]
Net Acreage:	0.6424
Legal Description:	LAKE PARK ADD 1 LTS 3 & 4 BLK 130
Existing Zoning:	C-1 Business District
Future Land Use:	Commercial

Adjacent Zoning

North:	North Palm Beach- C-1 Commercial
South:	R-1 Residence District
East:	C-1 Business District
West:	C-1 Business District

Adjacent Existing Land Use

North:	North Palm Beach- Commercial
South:	Residential
East:	Commercial
West:	Commercial

Please note: the Applicant has submitted two variance applications, one for the parcel with a legal address of 900 Northlake Boulevard (eastern parcel) and one for the parcel with the legal address of 924 Northlake Boulevard (western parcel). ***This staff report is specific to variance requests for 924 Northlake Boulevard only – 900 Northlake Boulevard is being presented under separate cover.***

I. BACKGROUND INFORMATION AND SUMMARY OF REQUEST:

NBOZ Background

The Town of Lake Park executed an Interlocal Agreement with the municipalities of Palm Beach Gardens and the Village of North Palm Beach and Palm Beach County. These local governments wanted to create and apply uniform regulations to Northlake Boulevard to improve its aesthetics and appearance. Accordingly, the Interlocal Agreement was created and the Northlake Boulevard Overlay Zone (NBOZ) was established so that there would be uniform land development regulations, including regulations pertaining to signage. The NBOZ incorporated these regulations, which each of the local governments agreed to apply to new developments or redevelopments. The NBOZ also emphasized a reduction of the signage, the type of signage and enhanced landscaping to improve the aesthetics and appearance of Northlake Boulevard. Non-conforming signage and landscaping was subject to its own compliance schedule. The Town as a whole also established a compliance schedule for non-complying signage Town-wide. Below is a summary of the NBOZ and Town-wide timelines which identify the considerable time periods and extensions that the Town has provided for compliance. To date, NBOZ

properties have had 10 years to comply with the NBOZ code and properties elsewhere in the Town have had 8 years to comply. The timelines are as follows:

- NBOZ was created in 2006 and incorporated a signage compliance timeframe of 10 years (expiring July 5, 2016) for non-conforming signs along Northlake Blvd. only.
- The Town's general sign code was modified in July 2008 and provided for a July 1, 2013 compliance date for non-conforming signs.
- In 2011, given the economic downturn and in an attempt to alleviate the strain on commercial property owners and their tenants, an extension to the general sign code was granted to May 31, 2014.
- In 2013, the general sign code signage compliance date was aligned with the timeframe initially anticipated by the NBOZ regulations and extended to July 5, 2016 as the final town-wide deadline in an attempt to further alleviate the strain to commercial property owners and their tenants in all areas of the Town.

Background of Request

The Site is located at 924 Northlake Blvd. on the south side of Northlake Boulevard between Prosperity Farms Road and Poplar Court. There are three existing commercial buildings upon the Site that were constructed in 1965, 1966 & 1973. The Site shares joint access (*a Cross and Joint Access agreement is being discussed with the Owner since this has simply been a historical practice which has carried forward over the years due to both properties being owned by the same entity*) with an adjacent parcel to the east that has one building located upon it which was constructed in 1966. Together, the four buildings across the two parcels constitute a shopping plaza known as Colonial Village. The Colonial Village shopping plaza has a unified parking lot with two rows of angled parking stalls that are separated by a one way drive aisle. There are three driveways which provide ingress and egress to the Site to/from Northlake Blvd. and two driveways providing access to/from Poplar Court.

Summary of Request

The Applicant is requesting four variances to the Land Development Code (LDC) as it relates to one proposed ground sign that they wish to install at the Site (*following the removal of two non-conforming freestanding signs*). Those requests are as follows:

(1) waive all setback requirements;
(2) increase the size of the sign face to 60 square feet from a maximum allowable square footage of either 30 or 36 square feet (depending on setback);
(3) increase the height of the sign 14feet 6inches from the allowable maximum height of 8 feet; and,
(4) waive all landscaping requirements required around the base of the proposed monument sign.

These variance requests and applicable sections of the LDC are summarized in the following table. (' = feet / " = inches / s.f. = square feet / ft = feet / r.o.w. = right-of-way)

Variance Number	Section:	Required:	Proposed:
1.	Section 5-6(c)(2)(e) Maximum Areas	30 s.f. (w/5' setback), or 36 s.f. (w/10' setback)	60 s.f.
2.	Section 5-6(c)(2)(f) Maximum Height	8 Feet	14'6"
3.	Section 5-6(c)(2)(g) Minimum Setbacks	5' from public r.o.w. (30 s.f.), or 10' from public r.o.w. (36 s.f.)	No Setbacks
4.	Section 5-9(b)(3) Landscaping	Within 3' from base of sign must be landscaped with shrubbery a minimum of 30" high and placed at 18" centers.	No base landscaping

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following Comprehensive Plan statements are applicable in this case:

Policy 8.1: The Town shall strictly enforce land development regulations during the plan review and implementation process.

Policy 10.1: Coordinate the Town's efforts to implement any roadway maintenance, signage, striping or any other activity affecting Silver Beach Road, Northlake Boulevard and Old Dixie Highway with the City of Riviera Beach and/or Village of North Palm Beach.

OBJECTIVE 4: The Town transportation system will emphasize safety and aesthetics.

III. LAWS ON VARIANCES *(the NBOZ Code defers to the Town's general variance procedure)*

Section 55-63 (2) of the Town Code vests the Planning and Zoning Board with final authority regarding variances. Section 78-185 of the Town Code establishes criteria which must be met to entitle an applicant to a variance. The Board must find that each of the 7 criteria have been met to entitle an applicant to the requested variance relief. The 7 criteria are that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building;

(2) The special conditions or circumstances are not a result of actions by the Owner/applicant;

(3) Granting the variance will not confer on the Owner any special privilege that is denied to others;

(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;

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

(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.

In evaluating these criteria, Courts have placed emphasis on criteria # 4 above, by holding the Owner/applicants for variance relief and the governing board evaluating the application, to the rigorous standard of whether the denial of the variance would render the Property virtually unusable. See Bernard v. Town of Palm Beach, 569 So. 2d 853 (Fla. 4th DCA 1990).

III. ANALYSIS OF CRITERIA AND FINDINGS FOR VARIANCE

Below are listed the seven (7) variance criteria from LDC Section 78-185 which all must be met before a variance can be granted.

CRITERIA 1: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

No. There are no special conditions that exist as it relates to the Site's shape, size, topography or other physical features and dimensions. The Site is not unique to this zoning district when it is compared to its neighbors in the NBOZ East District between Prosperity Farms Road and W. Jasmine Drive (located both in the Town of Lake Park and in The Village of North Palm Beach). The Site is similarly dimensioned and the structures on the Site are similarly situated as its neighbors. Although the applicant wants to increase the dimensions of its signage, several other businesses in this district already have ground signs which comply with the NBOZ and others have submitted applications to the Department with the intent of meeting the NBOZ. While the landscaping around the base of the sign requires additional land area and may encroach into required parking or drive aisles thereby warranting special consideration for a variance, this request is being considered alongside the other variance requests based on the signs being proposed. Overall, the criteria is not met.

Criteria NOT met.

CRITERIA 2: That the special conditions and circumstances do not result from the actions of the Applicant.

Yes. The need for variances are a direct result of actions of the Applicant since there are no special conditions or circumstances that create a physical hardship that will prevent full compliance of the Town's Sign Code (See Exhibit A for site visuals). The Applicant's desire to have larger, taller and more visible signage is not a result of any physical

hardship at the Site. Furthermore, Section 5-9(b)(3) requires landscaping within three feet around the base of a sign and if the sign is set back the 5 feet as required by code, then the landscaping can be incorporated within this area and around its base.

Criteria NOT met.

CRITERIA 3: That granting the variance requested will not confer on the Applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.

Yes. Granting of a variance(s) will confer a special privilege upon the applicant that is denied to other businesses in the NBOZ East District all of whom are required to meet the sign regulations of the NBOZ. Many businesses in this area have already complied with the sign code and have compliant ground signs or have recently submitted an application to the department to install compliant ground signage.

Criteria NOT met.

CRITERIA 4: That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter, and would work unnecessary and undue hardship on the applicant.

No. A literal interpretation of the Code would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or create unnecessary and undue hardship on the applicant because the applicant can maintain a ground sign that complies with the NBOZ regulations, just as others have done (See Exhibit B).

Criteria NOT met.

CRITERIA 5: That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

No. The four variances requested (#1, #2, #3, & #4) are not the minimum variances necessary to make a reasonable use of the land, building or structure. The applicant is asking that the Town waive the sign requirements of the NBOZ East District as follows:

(1) Height: The applicant is requesting a structure that is nearly twice the allowed height. Maximum allowable height is 8' and the Applicant has requested 14'6". This is an 83% increase in height based on the maximum allowed height.
(2) Maximum Sign Face: The applicant has requested double the maximum sign face allowed at 60 s.f. The maximum sign face of ground signs in the East District is either 30 s.f. with a 5' setback or 36 s.f. with a 10' setback. This is a 100% increase in the maximum sign face allowed (assuming a 5' setback with 30 s.f.).
(3) Setbacks: The applicant has request full waiver of all setbacks. The minimum required setback from a public right of way is either 5' with a 30 s.f. sign face, or 10' with a 36 s.f. sign face. With no setback, the location of this sign is within the

required visibility triangle and is not permitted under any circumstance to ensure public safety.

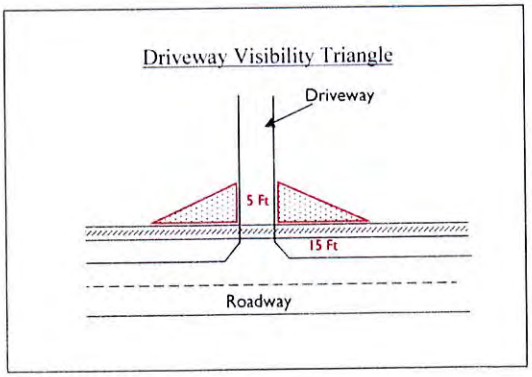
(4) Landscaping: All ground signs are required to have base landscaping within 3' from the sign's base. The applicant is requesting a complete waiver of the base landscaping requirements of the NBOZ and for a waiver of the required setback. The result would be that there would be no landscaping.

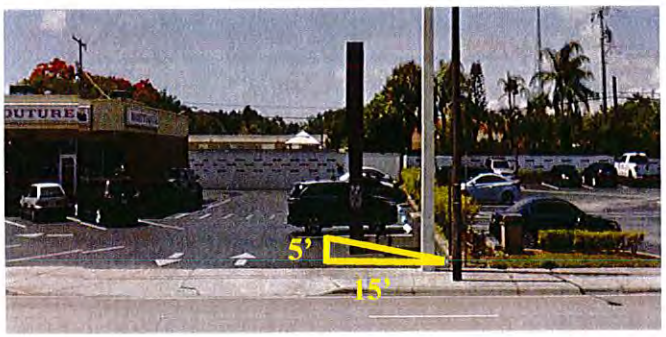
Criteria NOT met.

CRITERIA 6: That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations of the Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

No. The granting of these four variances will not be in harmony with the general intent and purpose of the LDC since it specifically prohibits the replacement of an existing nonconforming sign with another nonconforming sign, per Section 70-104(b).

Further, the granting of variances would be injurious to the area and detrimental to public welfare since the proposal will create safety issues associated with the visibility from the Site. Granting a waiver of the required 5' setback from the property line will violate Section 78-253(c)(9), which prohibits the placement of any structure, including signs, that obstruct visibility at any road intersection or points of ingress or egress at a driveway. This proposed sign is located in between two driveways, one at the Site and one at the adjacent parcel (950 Northlake- PNC Bank). **The placement of a sign at this location will be in the required visibility triangle and will severely compromise public safety. The visibility triangle at a driveway begins at the public right of way (sidewalk) and is 5' deep for 15' along the property line.**

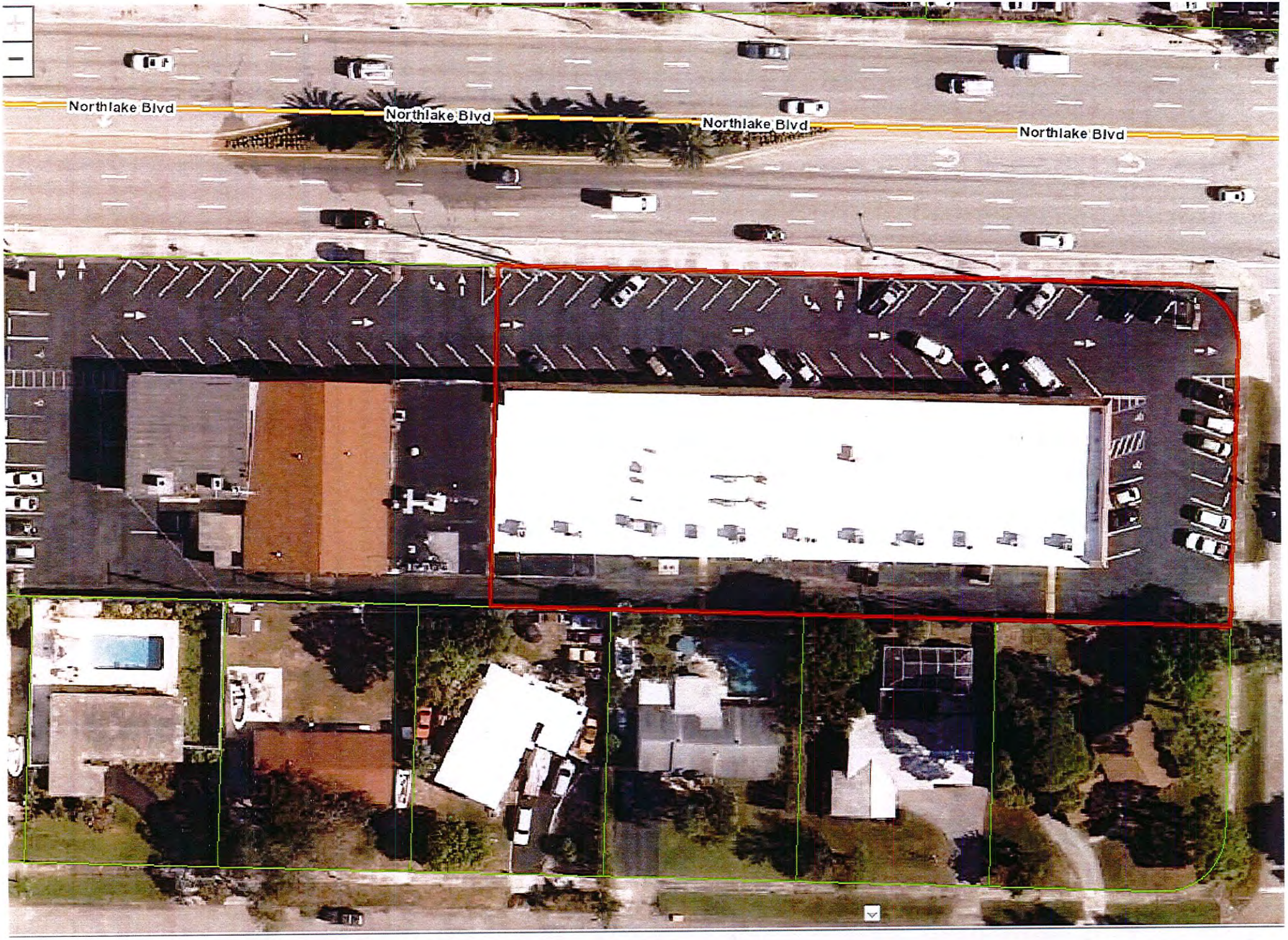




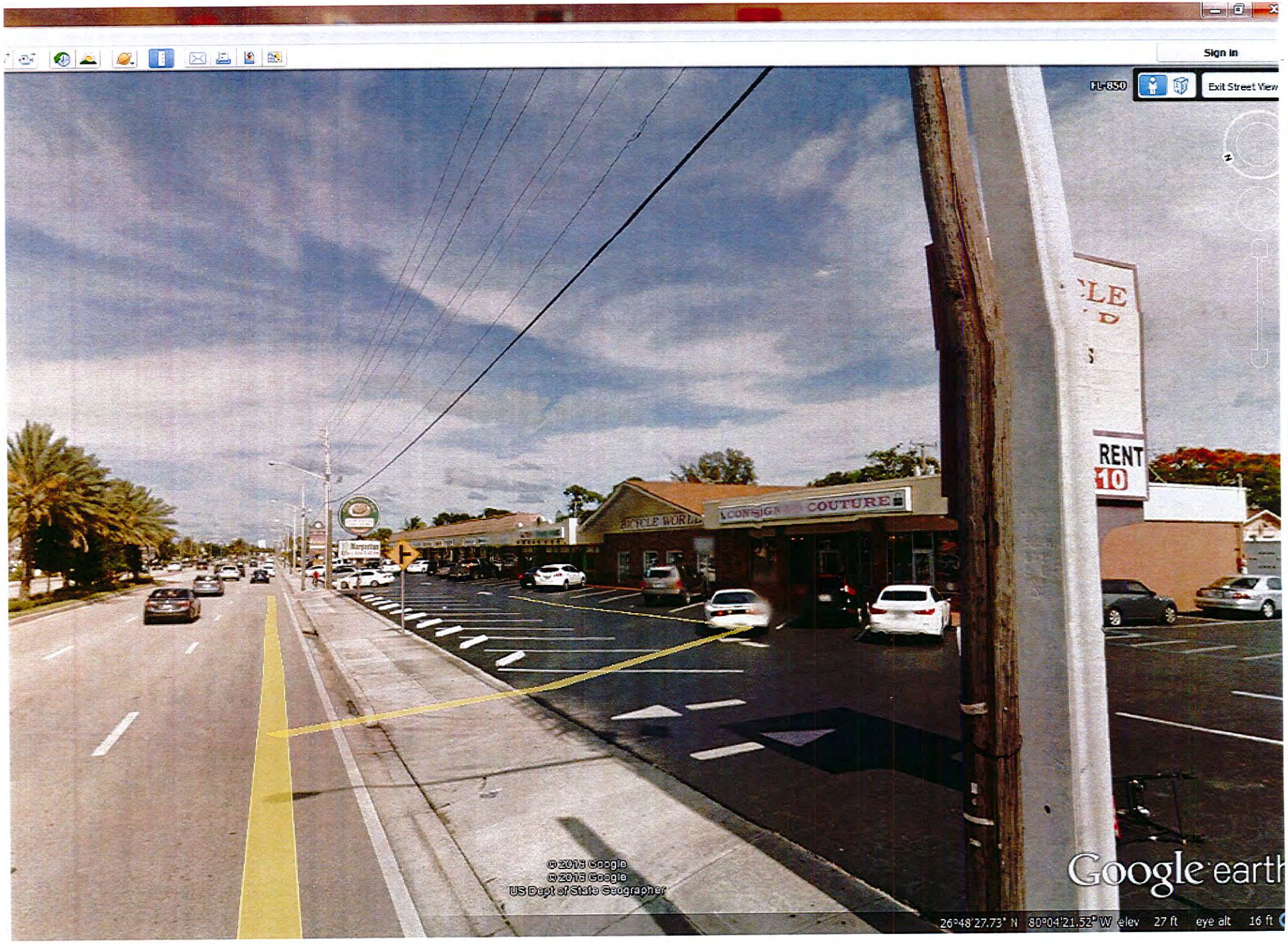
Criteria NOT met.

EXHIBIT "A"

SITE VISUALS


Northlake Blvd
Northlake Blvd
Northlake Blvd
Northlake Blvd

Sign In
FL-850
Exit Street View
BICYCLE WORLD
SPACE FOR RENT
© 2018 Google
© 2018 Google
US Dept of State Geographer
Google earth
26°48'27.73" N 80°04'21.38" W elev 28 ft eye alt 16 ft


Sign In
FL-850
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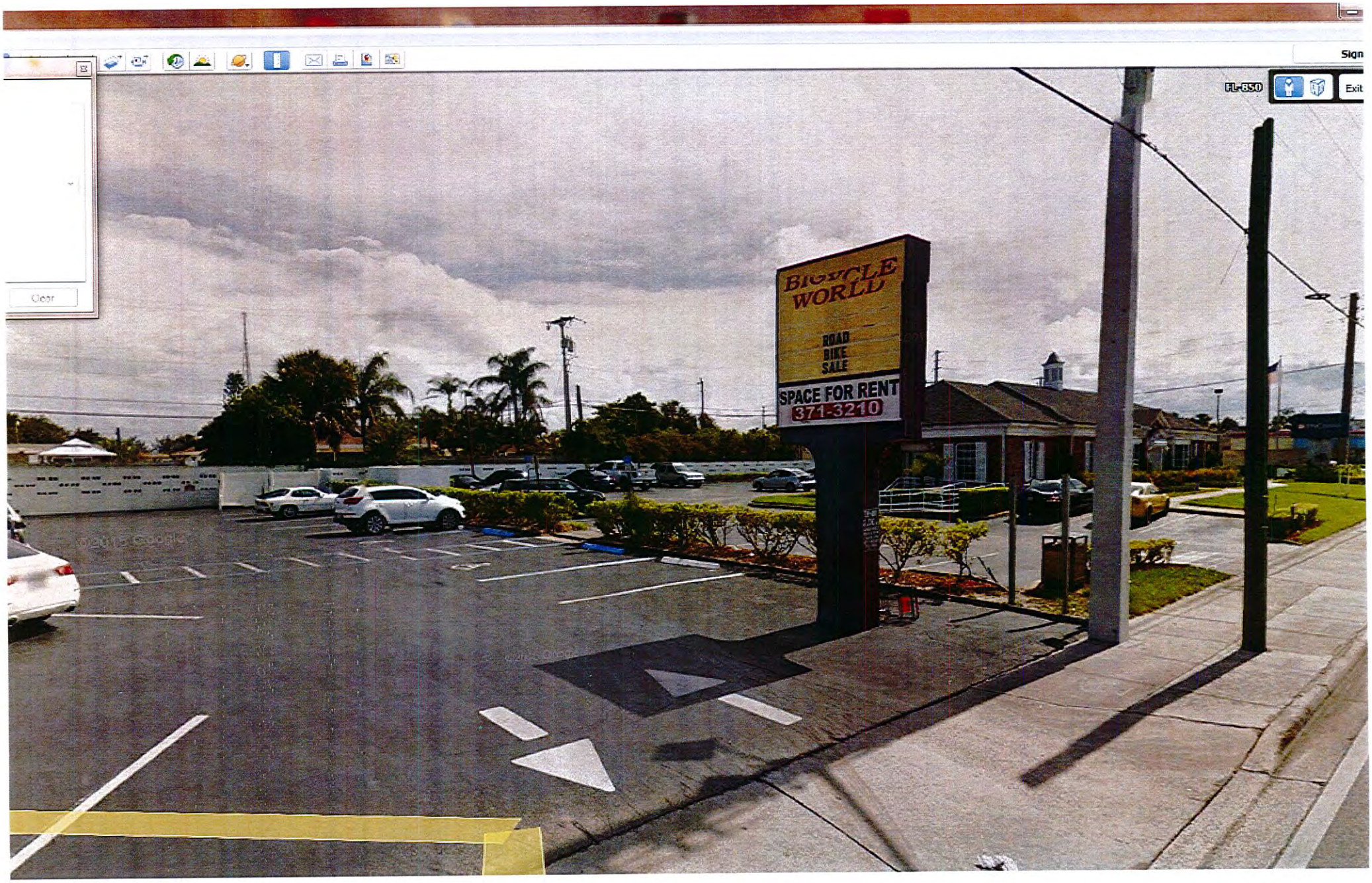
RENT
COUTURE
© 2013 Google
© 2013 Google
US Dept of State Geographer
Google earth
26°48'27.73" N 80°04'21.52" W elev 27 ft eye alt 16 ft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FL-850
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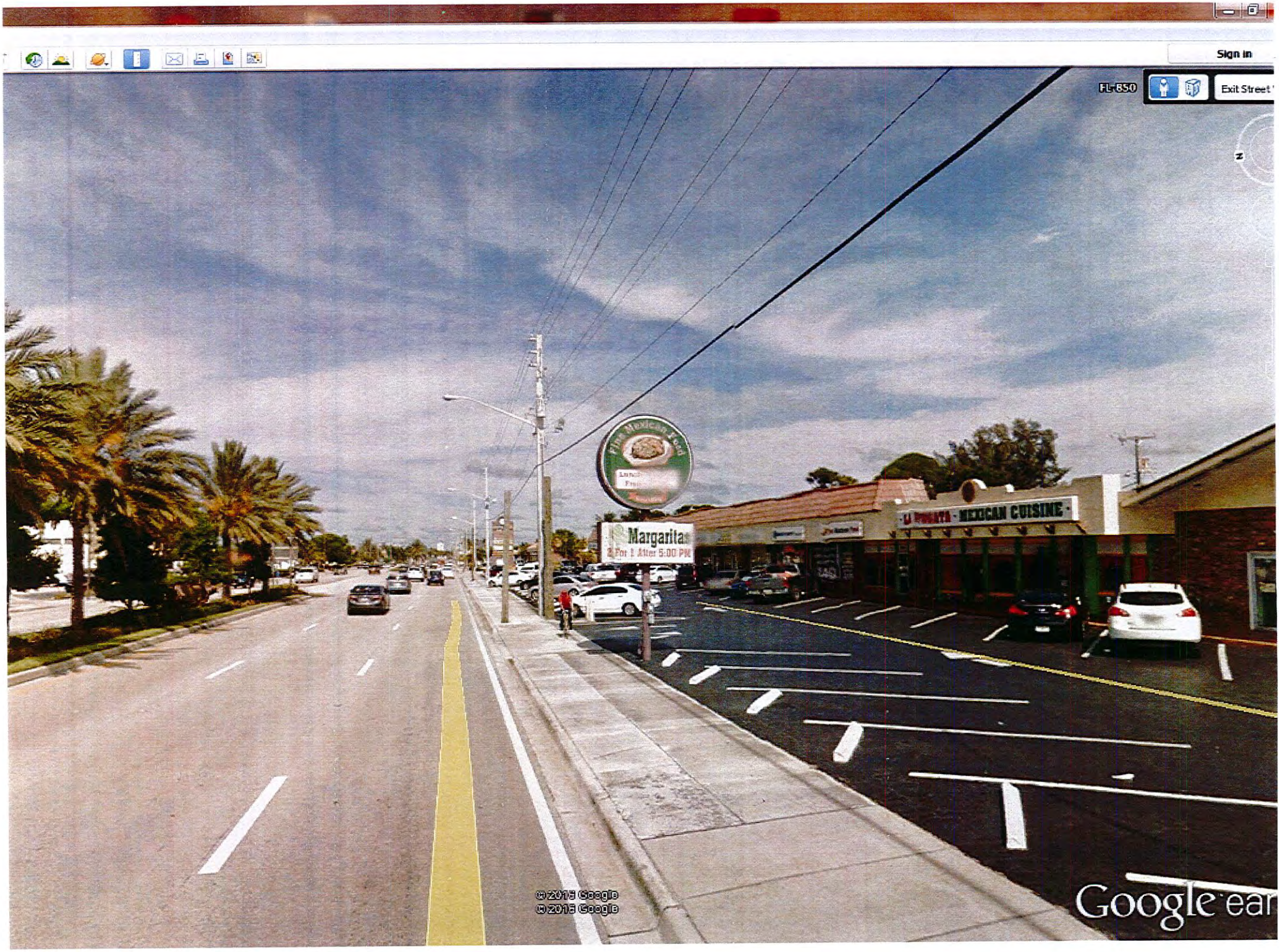
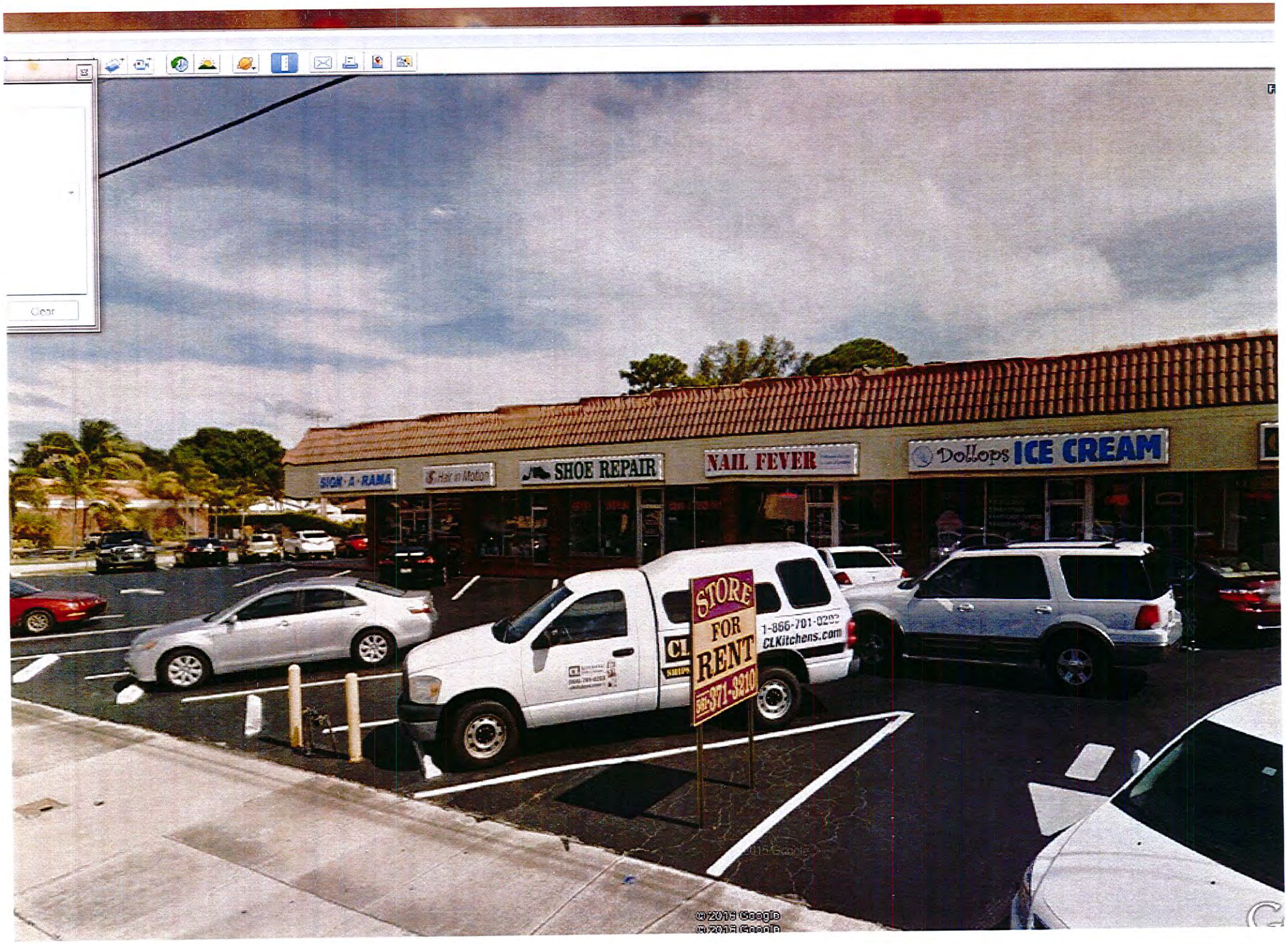
ROAD
BIKE
SALE
SPACE FOR RENT
871-3210


Sign in
FL-850
Exit Street
Margaritas
2 For 1 After 5:00 PM
LA PINATA - MEXICAN CUISINE -
© 2013 Google
© 2013 Google
Google ear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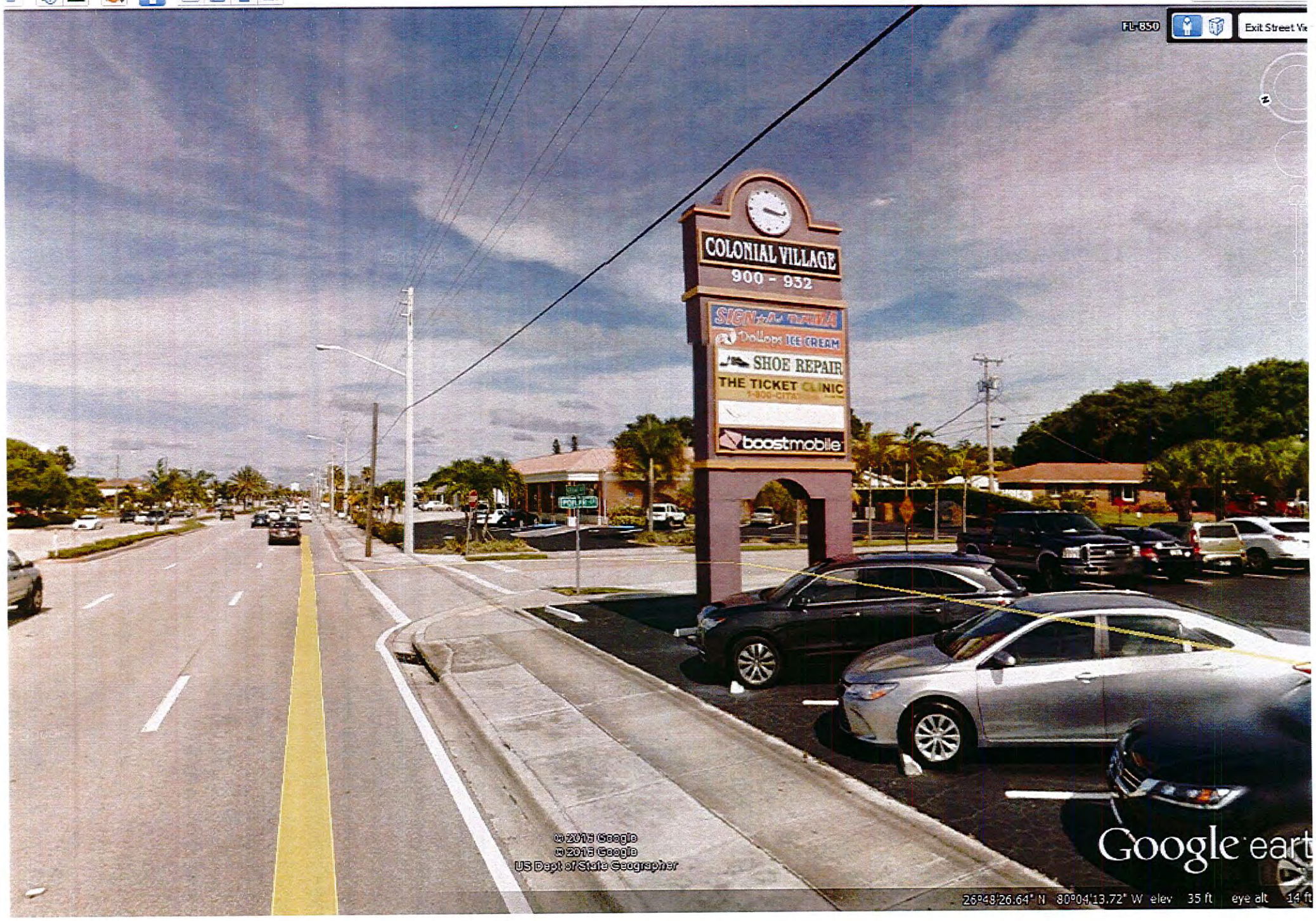
Hair in Motion
SHOE REPAIR
NAIL FEVER
Dollops ICE CREAM
STORE
FOR
RENT
561-371-3210
1-866-701-0203
CLKitchens.com
© 2013 Google


Sign In
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Exit Street Vi
COLONIAL VILLAGE
900 - 932
Dollops ICE CREAM
SHOE REPAIR
THE TICKET CLINIC
boostmobile
© 2013 Google
© 2013 Google
US Dept of State Geographer
Google earth
26°48'26.64" N 80°04'13.72" W elev 35 ft eye alt 14 ft

FL-850
COLONIAL VILLAGE
900 - 932
THE TICKET CLINIC
NORTHLAKE BLVD
POPLAR

Clear
© 2016 Google
© 2016 Google
US Dept of State Geographer
© 2016 INEGI
Tour Guide
Imagery Date: 5/2015 26°48'28.53" N 80°04'19.

EXHIBIT "B"

NBOZ PROPERTY STATS

NORTHLAKE BOULEVARD (NBOZ)

FREESTANDING SIGNAGE COMPLIANCE STATISTICS

June 1, 2016

Dear Board Members:

I would like to share with you a glimpse of the overall sign compliance in the NBOZ District. These are sites who have installed compliant freestanding signs (or removed noncomplying signage), or have received permits and are in the process of removal and/or installation. Out of the 38 sites located within the Town's portion of the NBOZ along the south side of Northlake Blvd., there are 11 sites who have come into compliance, or have been permitted to begin work that will result in compliance (*compliance can also simply mean the removal of non-compliant signage*). There are 19 sites that have non-compliant freestanding signs as described below. I have included visuals of sites that have incorporated compliant monument signs for your review. Many others have already contacted our office in an attempt to gather the necessary information for compliance.

Sites that have come into compliance/have approved permits: **11**

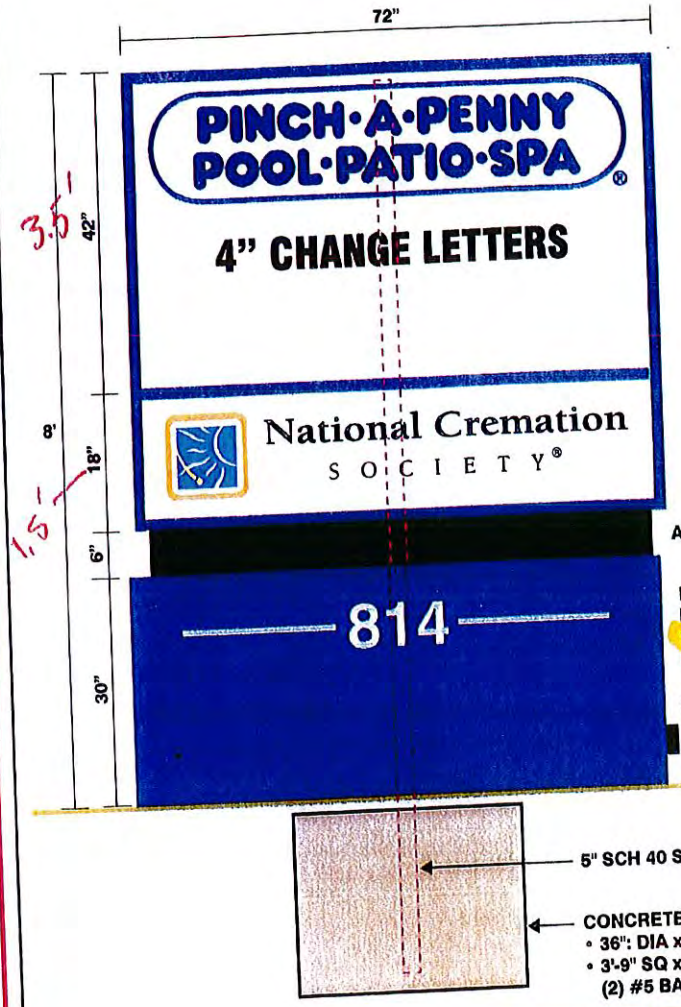
742 NORTHLAKE BLVD	Tropical Auto Sales	
640 NORTHLAKE BLVD	Medical Home Care	
440 NORTHLAKE BLVD	Harbor Freight	
516 NORTHLAKE BLVD	American Pawn	
838 NORTHLAKE BLVD	Business Offices	(no signage)
950 NORTHLAKE BLVD	PNC Bank	(review in progress no visual attached)
952 NORTHLAKE BLVD	Miami Subs	(removal- no replacement proposed)
814 NORTHLAKE BLVD	Pinch a Penny	
818 NORTHLAKE BLVD	Imperial Frame Gallery	(removal- no replacement proposed)
524 NORTHLAKE BLVD	Shopping Plaza	(existing modified to be compliant)
806 NORTHLAKE BLVD	Northlake Muffler	(removal- no replacement proposed)

Non-compliant freestanding signs: **19**

Pole Sign	6
Pylon Sign	8
Monument	4

Sincerely,

Scott Schultz, Town Planner

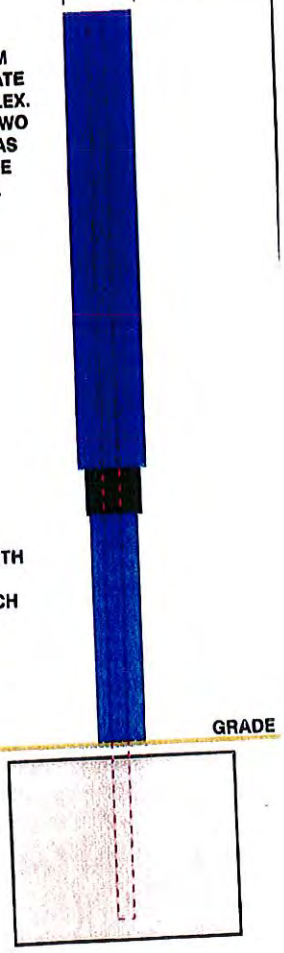


FABRICATE OUT OF 12" SIGN ALUMINUM SIGN EXTRUSION. LED'S WILL ILLUMINATE THE SIGN. FACES TO BE FLAT WHITE PLEX. METAL DIVIDER BAR SEPARATES THE TWO FACES. GRAPHIC TO BE REFLEX BLUE AS BEFORE. 250 CHANGE LETTERS WILL BE INCLUDED. BOTTOM COPY BY OTHERS.

ALUMINUM REVEAL.

BOTTOM BASE OUT OF .080 ALUMINUM WITH INNER BRACING. ACID ETCH, PRICE AND SPRAY TEXTURE ON. PAINT BLUE TO MATCH REFLEX BLUE AS CLOSE AS POSSIBLE

STRUCTURE AS PER OUR ENGINEERING.



5" SCH 40 STEEL POST (A53/B)

CONCRETE FOOTER OPTIONS (2500 PSI):
- 36": DIA x 5'-0" DEEP [AUGERED]
- 3'-9" SQ x 2'-6" DEEP [SPREAD, WITH (2) #5 BARS EACH WAY, TOP & BOTTOM

Sign face: 6' x 5' = 30 sf ✓

height: 8' ✓

Base: 6' wider ✓

Texture & relief ✓

SS 5/31/16

This drawing is fo... drawing may vary.

PROJECT NAME: F...

DATE: 1/29/15

DESCRIPTION:

ABOVE

I have carefully reviewed and he... additional changes must be in...

signature

date

FLORIDA SIGN COMPAN... SINCE
INNOVATIVE SIGNAGE
1101 29th Avenue West
Bradenton, FL 34205
Phone: 941.747.1000 Fax: 941-746.56...

ASCE 7-10 WIND LOADS:
- V=156 mph • Exposure 'C'
- Risk Category 1 Structure
- Sign Height = 15 ft max
- Kzt=1.0, Kd=0.85, G=0.85
- ASD Load Coeff = 0.6

Solid freestanding sign at grade:
- Cf=1.55 (w/h ratio ≥ 1/2)
- ± 35.5 psf

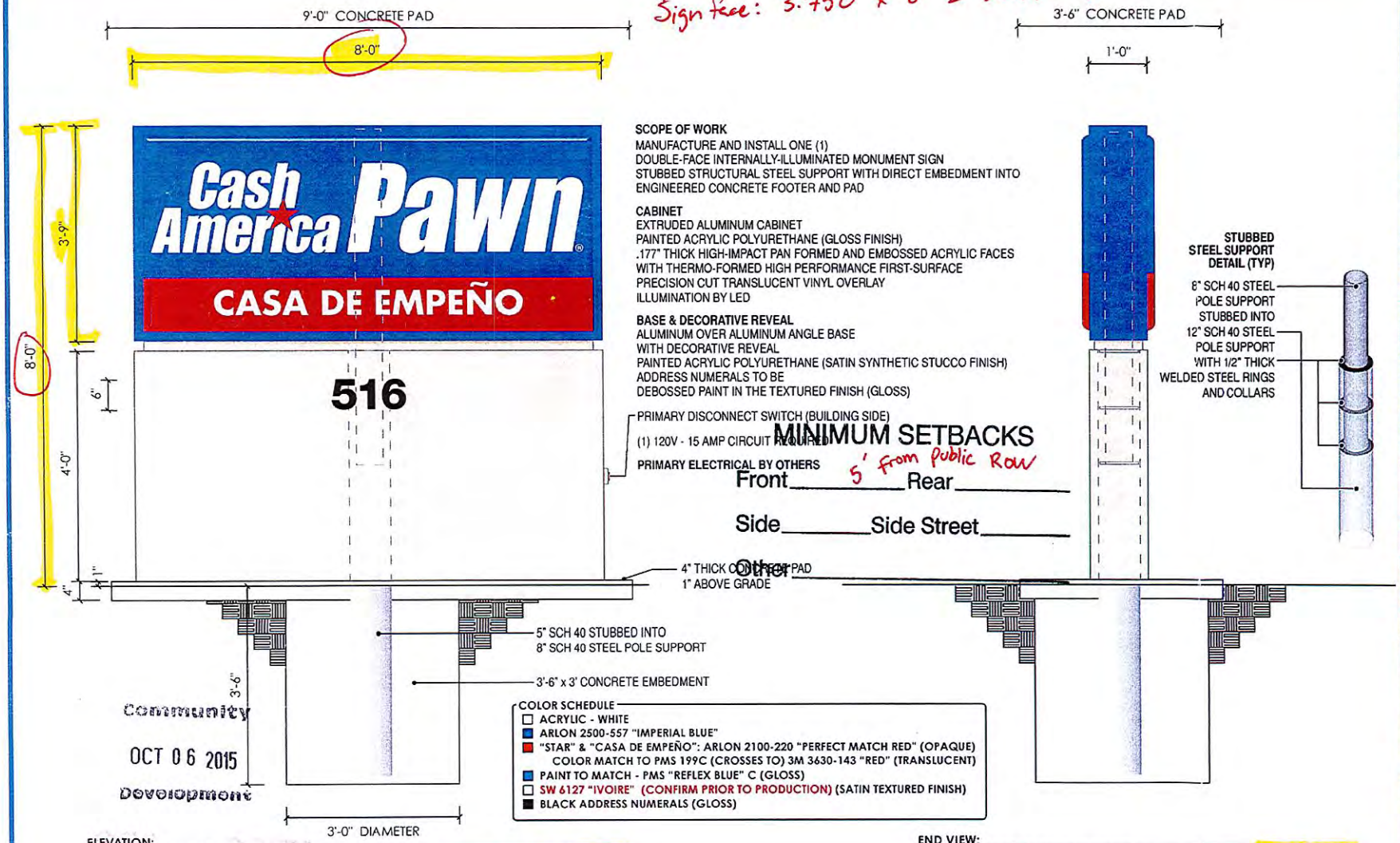
1200 N Federal Hwy, #200
Boca Raton, FL 33432
1-888-371-3113

Christian Langley
Florida PE #67382
Cert of Auth #31134

APR 28 2016

General Notes: ● Design is in accordance with the requirements of the Fla Bldg Code 5th Ed (2014) for use within & outside the High Velocity Hurricane Zone (HVHZ). ● This engineering certifies only the structural integrity of those systems, components, and/or other construction explicitl specified herein. ● Electrical notes, details, & specifications are provided by and are the sole responsibility of the electrical engineer. No electrical [illegible]

Sign face: 3.750' x 8' = 30 ft² ✓



SCOPE OF WORK
MANUFACTURE AND INSTALL ONE (1)
DOUBLE-FACE INTERNALLY-ILLUMINATED MONUMENT SIGN
STUBBED STRUCTURAL STEEL SUPPORT WITH DIRECT EMBEDMENT INTO
ENGINEERED CONCRETE FOOTER AND PAD

CABINET
EXTRUDED ALUMINUM CABINET
PAINTED ACRYLIC POLYURETHANE (GLOSS FINISH)
.177" THICK HIGH-IMPACT PAN FORMED AND EMBOSSED ACRYLIC FACES
WITH THERMO-FORMED HIGH PERFORMANCE FIRST-SURFACE
PRECISION CUT TRANSLUCENT VINYL OVERLAY
ILLUMINATION BY LED

BASE & DECORATIVE REVEAL
ALUMINUM OVER ALUMINUM ANGLE BASE
WITH DECORATIVE REVEAL
PAINTED ACRYLIC POLYURETHANE (SATIN SYNTHETIC STUCCO FINISH)
ADDRESS NUMERALS TO BE
DEBOSSED PAINT IN THE TEXTURED FINISH (GLOSS)

PRIMARY DISCONNECT SWITCH (BUILDING SIDE)
(1) 120V - 15 AMP CIRCUIT REQUIRED
PRIMARY ELECTRICAL BY OTHERS

MINIMUM SETBACKS
Front 5' from public Row Rear
Side Side Street
Other

COLOR SCHEDULE
- ACRYLIC - WHITE
- ARLON 2500-557 "IMPERIAL BLUE"
- "STAR" & "CASA DE EMPEÑO": ARLON 2100-220 "PERFECT MATCH RED" (OPAQUE) COLOR MATCH TO PMS 199C (CROSSES TO) 3M 3630-143 "RED" (TRANSLUCENT)
- PAINT TO MATCH - PMS "REFLEX BLUE" C (GLOSS)
- SW 6127 "IVOIRE" (CONFIRM PRIOR TO PRODUCTION) (SATIN TEXTURED FINISH)
- BLACK ADDRESS NUMERALS (GLOSS)

Community Development
OCT 06 2015

ELEVATION:
FREE STANDING MONUMENT SIGN
QTY: 1
1/2"=1'-0"

END VIEW:
FREE STANDING MONUMENT SIGN
1/2"=1'-0"

SIGNACCESS INCORPORATED
7205 Waelli Drive, Melbourne, FL 32940
Ph: (321) 752-9040 Fax: (321) 752-1990
Web: www.signaccess.com

DESIGN# 7191 R2-ENG

CLIENT: CAP-WPB #4 - 804

INSTALLATION ADDRESS:
516 NORTHLAKE BLVD
LAKE PARK, FL 33403

ACCT MANAGER: JOSEPH COUTURIER
DESIGNER: JS DENNISON
DATE: 8/13/15

REVISION:	DATE:
LED ILLUMINATION	8/21/15-JSD
4" THICK CONC. PAD	8/26/15-JSD
NEW SUPPORT	9/14/15-JSD

MUNICIPALITY:
SQ. FT. ALLOWABLE: 30 SQ. FT.
SQ. FT. SHOWN: 30 SQ. FT.
OVERALL HEIGHT ALLOWABLE: 8'
AREA:
PERIMETER:
TYPESTYLES:
CODE: .5 .25

ELECTRICAL REQUIREMENTS
VOLTS: 120V
BREAKER: 15 AMPS
CIRCUIT(S): 1
Underwriters Laboratories Inc. Listed

CUSTOMER NOTICE

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APPROVAL
SIGNATURE:
DATE:

SHEET: 1 OF 1

SS
5/16/17

Community
MAY 5 2016
Development

FABRICATE & INSTALL ONE (1) DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT SIGN.

CABINET TO BE OF ALUMINUM OVER ALUMINUM ANGLE FRAME INTERNALLY ILLUMINATED WITH 800 M.A., HIGH OUTPUT, FLUORESCENT LAMPS. PRIME COAT & FINISH GREEN ACRYLIC POLYURETHANE.

FACES TO BE OF FLAT WHITE ACRYLIC WITH COMPUTER CUT PREMIUM TRANSLUCENT VINYL GRAPHICS.

BASE OF ALUMINUM CONSTRUCTION, PRIME COATED & FINISHED SIMULATED STUCCO.

ADDRESS NUMERALS TO BE COMPUTER CUT OPAQUE WHITE VINYL @ STREET SIDE

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

Sign face calculation: (convert ft. to decimal ft.)
4'1" x 7'6"
4.083 x 7.5 = 30.6 S.F.

THIS DRAWING WAS CREATED TO ASSIST YOU IN VISUALIZING OUR PROPOSAL. THE ORIGINAL IDEAS HEREIN ARE THE PROPERTY OF FERRIN. PERMISSION TO COPY OR REVISE THIS DRAWING CAN ONLY BE OBTAINED THRU A WRITTEN AGREEMENT WITH FERRIN. SEE YOUR SALES REPRESENTATIVE OR CALL THE OFFICE OF FERRIN SIGNS INC.

FERRIN Signs
945 26TH STREET
WEST PALM BEACH, FL.
33407
DESIGN PROPOSAL
PALM BEACH: (561) 802-4242 • MARTIN: (561) 340-4865 • BROWARD: (954) 764-2042

CLIENT: TROPICAL AUTO SALES
LOCATION: LAKE PARK, FL.
DESIGN #1015008
DATE: 10/9/15
SALES: W. BENNETT
DESIGNER: C. COOPER
SCALE: AS NOTED DISK:DRAW 2015

DATE:	REVISIONS

COLOR SPECIFICATIONS:

NOTICE TO CUSTOMER

ALL VOLTAGE PRESUMED TO BE 120 VOLT, UNLESS SPECIFIED OTHERWISE.
NOTE: SIGNS TO WITHSTAND 160 MPH FOR CAT. 1 STRUCTURES.55LBS. PER SQ. FT. AS PER ASCE 7-10 REQUIREMENTS.
DESIGN BASED UPON 180 M.P.H. 3 SECOND GUST DESIGN WIND SPEED PER FRC 2010 EXPOSURE C.

FERRIN will endeavor to match colors where specified, we cannot guarantee exact matches due to varying compatibility of materials used. Final dimensions may vary from those shown within this drawing. An exact scaled drawing will be provided upon your request.

CLIENT APPROVAL BY:
DATE:

MEDICAL
SUPPLIES
MEDICAL
HOMECARE
SUPPLY
SALES • EQUIPMENT • RENTAL
640
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