

Mayor David Browning, Seat 4
Vice-Mayor Tom Goltzené, Seat 5
Councilman Ronald D. Jarriel, Seat 1
Councilman Ryan Liang, Seat 3
Councilman Todd McLendon, Seat 2



Town of Loxahatchee Groves
Planning and Zoning Board (PZB) Meeting
Thursday, August 18, 2016, at 7:00 p.m.

TENTATIVE -
SUBJECT TO
REVISION

Town of Loxahatchee Groves
155 "F" Road, Loxahatchee Groves, FL 33470

Chair Dennis Lipp
Board Member Veronica Close
Board Member Grace Joyce
Board Member Keith Harris
Board Member William Ford
Alternate Member: Robin Crawford
Alternate Member: Vacant

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Planning Consultant Jim Fleischmann

The Planning & Zoning Board meets on the 2nd or 3rd Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA).

1. OPENING

- a. Call to Order & Roll Call
- b. Approval of Minutes: July 19, 2016 and July 21, 2016
- c. Approval of Agenda
- d. Public Comments

2. CONVENE PLANNING AND ZONING BOARD

- a. Old Business: None
- b. New Business:

**1. Loxahatchee Groves Commons Outparcel Building F Site Plan Amendment
SP(A) 2016-04**

**2. Loxahatchee Groves Commons Inline Retail Building B Site Plan Amendment
SP(A) 2016-05**

3. Dunkin Donuts Menu Board Sign Variance

- c. Public Comments
- d. Board Member Comments
- e. Adjournment

The next Planning and Zoning Board Meeting is to be determined.

Comments Cards: Anyone from the public wishing to address the LPA must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the LPA with respect to any matter considered at this meeting 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 included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



Town of Loxahatchee Groves
Planning & Zoning Board
Thursday, July 19, 2016, at 7:00 p.m.

SPECIAL MEETING MINUTES

Chair Dennis Lipp
Vice-Chair Grace Joyce
Board Member Veronica Close
Board Member Keith Harris
Board Member William Ford
Alternate Member #1 Robin Crawford

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Planning Consultant Jim Fleischmann

AGENDA

1. OPENING

- a. Call to Order & Roll Call

Chair Dennis Lipp called the meeting to order at 7:00 p.m. Present were Vice Chair Grace Joyce and Board Members Keith Harris and William Ford. Board Members Veronica Close and Alternate Member Robin Crawford were absent.

Staff Present: Town Manager Bill Underwood, Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

- c. Approval of Agenda

Motion: a motion to approve the agenda was made by Vice Chair Joyce and seconded by Board Member Harris. Motion passed 4 – 0.

- d. Public Comments – none

- e. New Business: Ordinance 2016-06 Rescued Animal Care Moratorium:
Consideration of a recommendation to Town Council

Planning Consultant Fleischmann explained to the Board that this moratorium ordinance would allow Staff, then the ULDC Committee and the Planning & Zoning Board to look at the regulations for animal facilities and update them to avoid some unforeseen consequences that had arisen since the last amendments. The moratorium would be until January 20, 2017.

Some of the issues that have arisen were regarding the number of animals allowed, possibly a cap on the size of the allowed facility property, location criteria, definition of “rescue”.

In response to questions, Manger Underwood responded this moratorium would be for all animal rescue facilities, not just dogs. This would include all domesticated animals, including equine, unless on Bonafide Ag properties.

Motion: a motion to recommend approval of the moratorium ordinance was made by Vice Chair Joyce and seconded by Member Ford. Motion passed 4 – 0.

- a. Public Comments - none
- b. Board Member Comments - none
- c. Adjournment

Having no further business and hearing no further comments, the meeting was adjourned at 3:16 pm.



Town of Loxahatchee Groves
Planning & Zoning Board
Thursday, July 21, 2016, at 7:00 p.m.

MEETING MINUTES

Chair Dennis Lipp
Vice-Chair Grace Joyce
Board Member Veronica Close
Board Member Keith Harris
Board Member William Ford
Alternate Member #1 Robin Crawford

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Planning Consultant Jim Fleischmann

AGENDA

1. OPENING

- a. Call to Order & Roll Call

Chair Dennis Lipp called the meeting to order at 7:00 p.m. Present were Vice Chair Grace Joyce and Board Members Veronica Close, Keith Harris, William Ford and Alternate Member Robin Crawford.

Staff Present: Town Manager Bill Underwood, Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

- b. Approval of Minutes: May 19, 2016

Motion: a motion to approve the minutes was made by Board Member Close and seconded by Vice Chair Joyce. Motion passed 5 – 0.

- c. Approval of Agenda

Motion: a motion to approve the agenda was made by Board Member Close and seconded by Vice Chair Joyce. Motion passed 5 – 0.

- d. Public Comments – none

Planning Consultant Fleischmann requested that the Applicant for Southern Crossing give his presentation for all their items on the agenda (land use amendment, rezoning and site plan) at once to avoid time consuming duplication of the presentation. The items could then be

voted on separately. This would also apply to the Applicant for Folsom Road Properties with regard to annexation, land use amendment and rezoning. The Board agreed.

2. CONVENE LOCAL PLANNING AGENCY

a. Review of Public Hearing Procedures

b. Southern Crossing CPA 2016-02

Applicant Representatives, Bradley Miller and Bob Copola, were present to give a presentation and answer questions from the Board. Mr. Miller stated they had kept the FAR low, 0.0997; kept the park that was in the original plan; kept the buildings one story, with some two story facades; had a fifteen foot buffer around the entire property; had parking spaces that met code and kept the elevations in line with the Rural Vista Guidelines. They agreed with the Staff conditions, with the exception of the one pertaining to the FAR, which had a typo error stating .01 instead of .1.

Planning Consultant Fleischmann stated the Application has submitted three applications for concurrent consideration, being the future Land Use Map amendment, the Zoning Map amendment and the Site Plan approval. The Land Use would be changed to Commercial Low (CL), and the Zoning Map would be changed to Commercial Low (CL). The project was consistent with the Town's Comprehensive Plan and ULDC.

Nancy Neil, Tangerine Drive, wanted to know about safety on her street if they were going to use Tangerine for an ingress/egress. Why not use Southern.

Carline Dumornay, Tangerine Drive, wanted to know what stores and/or restaurants were planning to move in to the site.

Guy Harmon, Tangerine Drive, stated his property was surrounded on three sides and wanted to know what was going to be done to protect his property from horses on the trail and people from the restaurants. Bushes or a chain link fence would not be enough. Would there be a time limit for the restaurants to be open.

Simon Fernandez, Tangerine Drive, stated their road was very dusty and wanted to know if they were going to pave Tangerine. Also who would be patrolling the park.

In response to paving, Planning Consultant Fleischmann stated there was a condition in this site plan and also the other project. Both Applicants would be required to pave a portion. Mr. Miller added that paving the roadway might encourage more traffic rather than less. Mr. Miller stated that regarding the stores and restaurants, he understood the Town Council's strong feelings and might have restricted hours; the center management would be responsible for patrolling the park; the Applicant was willing to work on safety issues and the barrier to Mr. Harmon's property. Planning Consultant Fleischmann added that regarding safety on this site,

the other project was required to come up with a safety plan, and the same could be added to these conditions.

The Board discussed several areas of concern on the plans:

- The outfall to C51 canal – catch basin shown on plan but no access for DOT connection – also access for neighbors to connect as well
- Different configurations for the horse trail shown on plan
- Possible different location for park, or make a natural preserve concept
- Use Southern as ingress/egress rather than block off
- Location of lift station right by the residents properties
- Possible reconfiguration to move buildings closer to Southern and have larger turn aisles.

Applicant would work with Planning Consultant on ideas presented and if feasible. Mr. Miller stated he would have to check if the Southern Boulevard ingress/egress was still an option.

Motion: a motion to approve the land use amendment to Commercial Low (CL) was made by Member Close and seconded by Vice Chair Joyce. Motion passed 5 – 0.

c. Folsom Road Properties Annexation and CPA 2016-03

Applicant Representative, Beril Kruger, stated that this animal hospital had been brought up to date and Dr. Grossman was now the sole owner. His children were in veterinary school and would be coming into the business in the future. Mr. Kruger presented some photos of the possible elevations for the hospital expansion Dr. Grossman wanted to initiate after annexation.

Planning Consultant Fleischmann stated the Applicant had submitted three applications for concurrent consideration, being the Annexation request, the future Land Use Map amendment, and the Zoning Map amendment. Regarding the zoning change, the property would have to come in as a non-conforming property, since it was not a permitted use in the Town. However, the FAR was .15, so there was still plenty of room to expand.

The Board questioned the non-conforming use. Mr. Kruger explained that the County had taken a portion of the front property for an easement for Folsom Road and thereby causing the building to not meet setback requirements. Based on historical legacy, the Town could classify the property as a legal non-conforming use. The Board felt the Staff Report should have justified the legal non-conforming property/structure, which it did not; and felt this should have been clarified prior to presentation to the Board.

Motion: a motion to continue the consideration of the annexation request and land use amendment was made by Vice Chair Joyce and seconded by Member Ford. Motion passed 5 – 0.

3. CONVENE PLANNING AND ZONING BOARD

- a. Old Business: None
- b. New Business:

1. Southern Crossing Rezoning REZ 2016-01 and Site Plan 2016-03

Motion: a motion to approve the rezoning to Commercial Low (CL), subject to the two staff limitation conditions, was made by Member Close and seconded by Vice Chair Joyce. Motion passed 5 – 0.

Motion: a motion to continue the site plan until such time as it was ready for re-submitting was made by Member Close and seconded by Member Ford. Motion passed 5 – 0.

2. Folsom Road Properties Rezoning REZ 2016-02

Motion: a motion to continue the rezoning request until Staff Reports were revised to provide more information and clarification was made by Vice Chair Joyce and seconded by Member Close. Motion passed 5 – 0.

- c. Public Comments – none
- d. Board Member Comments - none
- e. Adjournment

Having no further business and hearing no further comments, the meeting was adjourned at 8:58 pm.

The next Planning and Zoning Board Meeting is to be determined.

Town of Loxahatchee Groves, Florida
Planning and Zoning Board Agenda Item Report
Loxahatchee Groves Commons Applications

PREPARED BY: Jim Fleischmann

August 11, 2016

SUBJECT: The following application for Loxahatchee Groves Commons

1. Site Plan Amendment Approvals: (1) SP(A) 2016-04; and (2) SP(A) 2016-05

1. BACKGROUND/HISTORY

History: An initial Site Plan was approved by the Town Council. The following description summarizes the components of the Final Site Plan approved by Resolution 2015-05:

- Major Anchor: Retail Grocery – Building A: (46,031 sq. ft.)
- Minor Anchor : Building C - Agricultural Indoor Sales (19,097 sq. ft. building) + 16,000 sq. ft. enclosed outdoor storage and display area + 3,400 sq. ft. open outdoor display area)
- Inline Local Retail: Buildings B and D - (17,527 sq. ft.)
- Three Outparcels: (Building G: Fast-food – 4,000 sq. ft., + Building F: Bank – 4,000 sq. ft. + Building E: Retail – 4,000 sq. ft.)

The following site plan revisions were granted by Town Resolution 2015-22:

- Revision to Buildings B and D (increase from 17,527 sq. ft. to 17,550 sq. ft.)
- Revision to Outparcel Building E (reduction from 4,000 sq. ft. to 3,010 sq. ft. and change in use from retail to gas station/convenience store).
- Revision to Outparcel Building F (increase from 4,000 sq. ft. to 5,200 sq. ft. and change in use from bank to retail/restaurant)
- Revision to Outparcel Building G (reduction from 4,000 sq. ft. 3,767 sq. ft. and change in use from retail to fast-food restaurant)

The Applicant has submitted an application for two site specific amendments to the site plan:

- SP(A) 2016-04 - Revision to Outparcel Building F (change in use from retail/restaurant to retail/restaurant/medical office).
- SP(A) 2016-05 - Approval of a chlorine tank to serve the pool supply tenant located in Local Retail Bay #110 of Inline Local Retail Building B.

The applications, in combination, petition approval a change in use for Outparcel Building F and location of a chlorine tank to serve a pool supply tenant in Local Retail Building B. The approvals

will not increase the approved floor-area-ratio.

The applications require two separate actions by the Town Council; a resolution of approval for each application.

Problem Statement: The Planning and Zoning Board should consider separate actions for proposed Site Plan SP(A) 2016-04 and SP(A) 2016-05.

Problem Solution: Two separate issues and PZB actions

(1) The Planning and Zoning Board should hear testimony and make a recommendation of approval, approval with conditions, or denial to the Town Council of proposed Site Plan Amendment SP(A) 2016-04; and

(2) The Planning and Zoning Board should hear testimony and make a recommendation of approval, approval with conditions, or denial to the Town Council of proposed Site Plan Amendment SP(A) 2016-05.

2. CURRENT ACTIVITY

The Applicant has prepared Site Plan Amendment SP(A) 2016-04 and SP(A) 2016-05 applications which staff has reviewed (Ref: Attached Agenda Item Staff Summary).

3. ATTACHMENTS

1. SP(A) 2016-04 Agenda Item (to Outparcel Building F change in use) Staff Summary
2. Clear Medicine, Inc. Zoning Confirmation Response
3. SP(A) 2016-05 Agenda Item (to Inline Retail Building B chlorine tank) Staff Summary

4. FINANCIAL IMPACT

Work on this project is funded by Applicant's Cost Recovery Account

5. RECOMMENDED ACTIONS:

1. That the PZB recommend approval of Site Plan Amendment SP(A) 2016-04; and

2. That the PZB recommend approval of Site Plan Amendment SP(A) 2016-05 subject to the following Conditions of Approval:

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
AUGUST 18, 2016**

**AGENDA ITEM STAFF SUMMARY:
Loxahatchee Groves Commons Outparcel Building F Site Plan
Amendment(SP(A) 2016-04**

A. Site and Applicant Information

Project Name	Loxahatchee Groves Commons Outparcel Building F Use Amendment
Project No.	SP(A) 2016-04
Agent	Jeff Zito, Atlantic Land Investments LLC
Applicant	Atlantic Land Investments, LLC
Owner	Atlantic Land Investments, LLC – Joseph D. Lelonek, Managing Partner
Parcel Control No.	41-41-43-31-09-000-0020
Location	Outparcel F of Loxahatchee Groves Commons located at the Northwest corner of Southern Boulevard and “B” Road
Size (Acreage)	0.82 acre outparcel of 21.73 acre Loxahatchee Groves Commons shopping center.
Zoning	Commercial Low Planned Unit Development (CL/PUD)
Future Land Use	Commercial Low
Existing Use	Vacant/undeveloped
Approved Use	Prior Site Plan Approval – Town Resolution 2015-22; 5,200 sq. ft. outparcel building consisting of retail and restaurant uses
Proposed Use	5,200 sq. ft. outparcel building consisting of retail, restaurant and medical office uses

B. Submitted Support Documents

ITEM	CONTENT
Revised Site Plan	Revision to Outparcel Building F indicating retail/restaurant/medical office uses.
Revised Statement of Use and Traffic Statement	Description of proposed use of Outparcel Building F and impacts upon current approval. Traffic generation reduced from previous approval.

C. Narrative Information

1. Property History

The following description summarizes the components of the Final Site Plan approved by Resolution 2015-22:

Building	Approved Site Plan Amendment	
	Use	Sq. Ft.
A	Grocery	46,031
B + D	In-Line Retail	17,550
C	Ag Indoor Sales	19,097
E	Gas/Convenienc	3,010
F	Retail/Restauran	5,200
G	Fast Food	3,767
Totals		94,655

2. Proposed Amendment SP(A) 2016-05

Revise the approved Site Plan to indicate the location of proposed chlorine tank.

D. Staff Finding and Recommendation

Outparcel F is located within the Loxahatchee Groves Commons commercial planned unit development. Although the proposed medical office use is determined to be a permitted use within the CL zoning district, the Loxahatchee Groves Commons site plan approval has assigned a Retail/Restaurant use to Outparcel Building F. As a result, in order to gain approval of the proposed use, a site plan amendment must be approved by the Town.

Staff finds proposed Site Plan Amendment SP(A) 2016-04 dated August 10, 2016 (Site Plan Amendment for Building F), consistent with the Town's Comprehensive Plan and land development regulations and Town Resolution 2015-22 and recommends approval.



Town of Loxahatchee Groves

155 "F" Road • Loxahatchee Groves, Florida 33470 • Telephone (561) 793-2418 • Fax (561) 793-2420

To: Bill Underwood
Town Manager

From: Jim Fleischmann
Town Planning Consultant

Re: Loxahatchee Groves Commons (Clear Medicine, Inc.) Zoning
Confirmation Response

Date: July 27, 2016

MEMO

This Response is based solely on, and in reliance of, the information provided by Requestor, and any independent review specifically discussed herein. Should any of the information provided by Requestor be incomplete, or inaccurate and such affects the analysis herein, this Response may be revoked by the Town.

I. Summary of Inquiry

Clear Medicine, Inc. (Requestor) has requested zoning confirmation on the 21.73 acre Loxahatchee Groves Commons property located at 15597 Southern Boulevard The zoning confirmation request is directed to "Building F" (Property), as identified on the Loxahatchee Groves Commons Site Plan.

According to Palm Beach County Property Appraiser data, the property is currently owned by Atlantic Land Investments, Inc. whose mailing address is 360 Columbia Drive, Suite 102, West Palm Beach, Florida 33409.

On January 20, 2015, the Town Council approved Ordinance 2013-09 assigning a Commercial Low/Planned Unit Development (CL/PUD) zoning designation to the 21.73 acre Loxahatchee Groves Commons property. On February 17, 2015, the Town Council approved (Resolution 2015-05) the Loxahatchee Groves Commons Site Plan.

Property is located on Outparcel F within the approved 94,655 sq. ft. Loxahatchee Groves Commons commercial center. Outparcel F is identified as a separate parcel on the Loxahatchee Groves Commons Replat of Lot 2, Simon Trust Boundary Plat dated March 16, 2016 (PB 121, Pages 95 – 98). Per the Site Plan, Outparcel F is approved for a 5,200 sq. ft. retail/restaurant use.

According to Palm Beach County Property Appraiser data, the 21.73 acre Loxahatchee Groves Commons parcel, including the 5,200 sq. ft. "Building F" outparcel, is currently vacant.

In relation to Property, Requestor has asked for verification of the following:

1. The zoning classification of Property;
2. Is an "Urgent Care" medical use allowed on Property; and
3. If an "Urgent Care" use is not allowed on Property, what is the zoning that will allow such use?

Based upon a request by Town Staff, Requestor has provided the following additional detail regarding the proposed "urgent care" use:

1. There will be no overnight patient stays;
2. The facility will be open 365 days per year according to the following schedule: Monday to Friday - 8:00 a.m. to 8:00 p.m.; and Saturday and Sunday - 8:00 a.m. to 5:00 p.m.
3. Only minimal surgery will be performed; suture of small lacerations, abscess drainage, or foreign body removal.

The following urgent care services will be provided: Non life-threatening illnesses (flu and respiratory infections, ear/eye infections, sore throat, urinary tract infections, gastrointestinal infections, dehydration, low/high blood glucose, minor burns, asthma, allergic reactions, STDs, back pain, etc.); and non life-threatening injuries (e.g. cuts, fractures and sports injuries). X-ray, EKG and laboratory equipment and facilities will be housed onsite to aid in diagnostic services.

The property is currently assigned a 1000 (Vacant Commercial) Use Code by the Palm Beach County Property Appraiser. The Use Code is valid for calendar year 2016.

II. Staff Analysis

The following Staff analysis is oriented to providing responses to the three request items:

1. The zoning classification of Property is Commercial Low/Planned Unit Development (CL/PUD);
2. "Urgent Care" is not specifically included in the list of permitted uses in the CL zoning district in Section 25-015 *Permitted uses* in the Town's Unified Land Development Code (ULDC). However, based upon Requestor's description, the proposed "Urgent Care" use can be included within the "Offices (e.g. business, professional, medical)" permitted use category in Section 25-015. On this basis, it is determined that the "Urgent Care" use is permitted within the CL zoning district.

Although "Urgent Care" is determined to be a permitted use in the CL zoning district, the Loxahatchee Groves Commons site plan currently indicates a Retail/Restaurant" use for "Building F". As a result, it is determined that an "Urgent Care" use is not currently permitted on Property.

3. An "Urgent Care" use may be requested on Property by means of a site plan amendment application.

III. Staff Conclusion

For the purposes of zoning confirmation, Property is located on Outparcel F within the Loxahatchee Groves Commons commercial planned unit development. Although "Urgent Care" is determined to be a permitted use within the CL zoning district, the Loxahatchee Groves Commons site plan approval has assigned a Retail/Restaurant use to Property. As a result, in order to gain approval of the "Urgent Care" use, a site plan amendment application must be submitted to the Town of Loxahatchee Groves.



Jim Fleischmann
Town Planning Consultant

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
AUGUST 18, 2016**

**AGENDA ITEM STAFF SUMMARY:
Loxahatchee Groves Commons Inline Retail Building B Site Plan
Amendment(SP(A) 2016-05**

A. Site and Applicant Information

Project Name	Loxahatchee Groves Commons Building B Chlorine Tank
Project No.	SP(A) 2016-05
Agent	Jeff Zito, Atlantic Land Investments LLC
Applicant	Atlantic Land Investments, LLC
Owner	Atlantic Land Investments, LLC – Joseph D. Lelonek, Managing Partner
Parcel Control No.	41-41-43-31-09-000-0020
Location	Local Retail Building B of Loxahatchee Groves Commons located at the Northwest corner of Southern Boulevard and “B” Road
Size (Acreage)	21.73 acre Loxahatchee Groves Commons shopping center.
Zoning	Commercial Low Planned Unit Development (CL/PUD)
Future Land Use	Commercial Low
Existing Use	Under construction
Approved Use	Prior Site Plan Approval – Town Resolution 2015-22; Tenant bay within Building B (14,550 sq. ft.) of Loxahatchee Groves Commons (94,655 sq. ft.)
Proposed Use	Addition of an outdoor chlorine tank for use by a swimming pool supply tenant in Building B.

B. Submitted Support Documents

ITEM	CONTENT
Revised Site Plan	Revision to the approved Site Plan indicating the location of the proposed outdoor chlorine tank.

C. Narrative Information

1. Property History

The following description summarizes the components of the Final Site Plan approved by Resolution 2015-22:

Building	Approved Site Plan Amendment	
	Use	Sq. Ft.
A	Grocery	46,031
B + D	In-Line Retail	17,550
C	Ag Indoor Sales	19,097
E	Gas/Convenienc	3,010
F	Retail/Restauran	5,200
G	Fast Food	3,767
Totals		94,655

2. Proposed Amendment SP(A) 2016-05

Revise the approved Site Plan to indicate the location of a proposed outdoor chlorine tank to the rear of tenant bay #110 in Retail Building B. A proposed swimming pool supply tenant is to locate in bay #110.

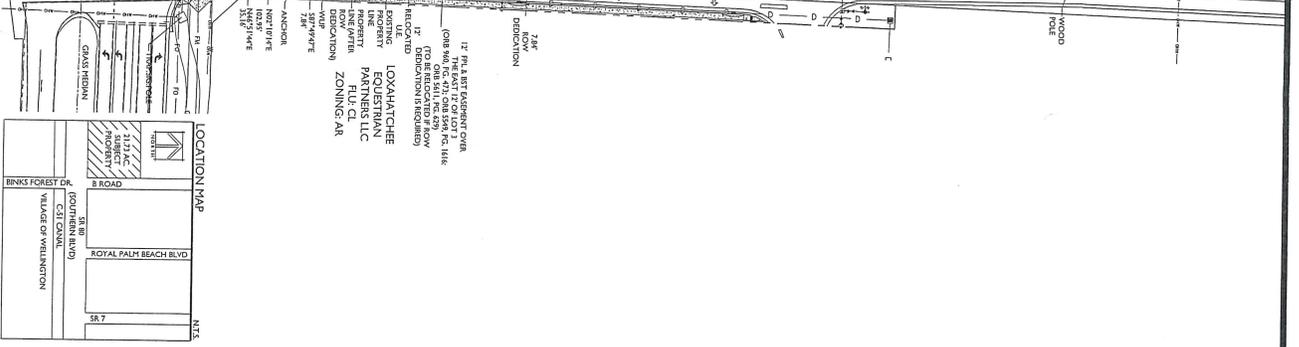
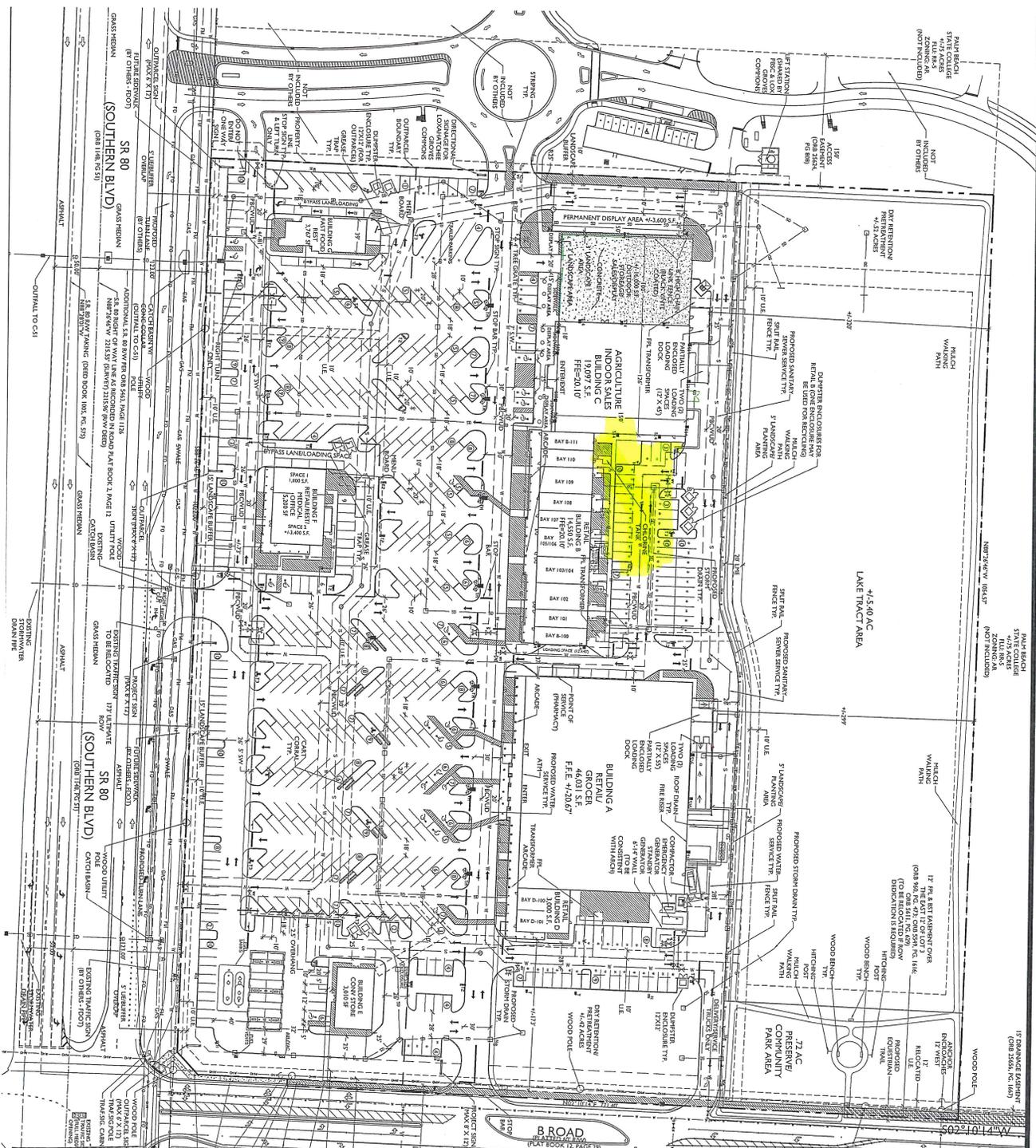
D. Staff Finding and Recommendation

Building B, including spaces for 10 inline local tenants, is located within the Loxahatchee Groves Commons commercial planned unit development. The anticipated swimming pool supply business is determined to be a permitted use within the CL zoning district. However, the approved Loxahatchee Groves Commons site plan does not include an outdoor chlorine tank. As a result, in order to gain approval of the proposed storage tank, a site plan amendment must be approved by the Town.

Staff finds proposed Site Plan Amendment SP(A) 2016-04 dated August 10, 2016 (Site Plan Amendment for Chlorine Tank), consistent with the Town's Comprehensive Plan and land development regulations and Town Resolution 2015-22 and recommends approval, subject to the following conditions:

1. The chlorine tank shall be situated on a permanent concrete slab.
2. The chlorine tank shall be completely enclosed by a retaining wall to prevent spillage and public access.
3. The retaining wall shall be screened by a continuous solid opaque hedge a minimum of 4 feet in height.
4. A Hazardous Materials Management Plan shall be filed with the Town of Loxahatchee Groves prior to submittal of the chlorine tank building permit application
5. Landscaping removed for construction of the storage tank shall be relocated or replaced at another location on the Loxahatchee Groves Commons site.

6. Prior to submittal, the building permit application shall be reviewed and approved by the Town Consulting Engineer to ensure consistency with: (1) previously issued Loxahatchee Groves environmental permits; and (2) additional required environmental permits and hazardous waste requirements.



12 THE 1/4 AC EXISTING DRIVE
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LOXAHATCHEE GROVES COMMONS
 PREPARED FOR ATLANTIC LAND INVESTMENTS, LLC
 TOWN OF LOXAHATCHEE GROVES, FLORIDA

Atlantic Land
COMPANIES
 360 Columbia Drive #102
 West Palm Beach, FL 33409

SHEET #
 SP.1

Town of Loxahatchee Groves, Florida
Planning and Zoning Board Agenda Item Report
Dunkin Donuts Sign Variance VA 2016-03

PREPARED BY: Jim Fleischmann

August 11, 2016

SUBJECT: Increase the size of the sign face of the Dunkin' Donuts outparcel secondary sign (menu sign) above the maximum allowed by the Town Code.

1. BACKGROUND/HISTORY

History: The Loxahatchee Groves Commons Site Plan, including a 3,767 sq. ft. fast-food use on Outparcel G was approved by Town Council Resolution 2015-22. Dunkin' Donuts is currently under construction. The Site Plan has an approved outparcel monument sign at the southwest corner of the Building G outparcel and a menu board on the drive-thru on the north side of the building.

Problem Statement: The Planning and Zoning Board should consider the Applicant's variance request to increase the sign face of the menu sign (secondary sign) to a size greater than the maximum the ULDC currently permits. The ULDC currently permits a maximum sign face on an outparcel secondary sign of 12 sq. ft., while the Applicant proposes to increase the sign face to 45 sq. ft.

Problem Solution: A variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020 is met. In order to recommend approval of the proposed variance, the PZB should find that the application meets each of the five criteria.

2. CURRENT ACTIVITY

The Applicant has prepared Variance Application VA 2016-03 which staff has reviewed (Ref: Attached Agenda Item Staff Summary) to make a recommendation as to whether or not the five ULDC Section 150-020 criteria have been met by the Applicant. It is Staff's conclusion that the five criteria have not been met.

3. ATTACHMENTS

1. Agenda Item Staff Report: Variance Application 2016-03.

4. FINANCIAL IMPACT

Work on this project is funded by Applicant's Cost Recovery Account

5. RECOMMENDED ACTION

1. Staff finds that the Applicant has not demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020 has been met and therefore recommends denial of Variance Application VA 2016-03.

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
AUGUST 18, 2016**

**AGENDA ITEM STAFF SUMMARY:
Loxahatchee Groves Commons Outparcel Building G: Dunkin' Donuts
Sign Variance Application VA 2016-03**

A. Site and Applicant Information

Project Name	Dunkin' Donuts Secondary Sign Variance
Project No.	VA 2016-03
Agent	<i>Steven Rubiano</i> , Kemp Signs and Service, Inc.
Applicant	Dunkin' Donuts
Owner	Atlantic Land Investments, LLC – Joseph D. Lelonek, Managing Partner
Parcel Control No.	41-41-43-31-09-000-0020
Location	Outparcel G of Loxahatchee Groves Commons located at the Northwest corner of Southern Boulevard and "B" Road
Size (Acreage)	0.80 acre outparcel of 21.73 acre Loxahatchee Groves Commons shopping center.
Zoning	Commercial Low Planned Unit Development (CL/PUD)
Future Land Use	Commercial Low
Existing Use	Vacant/under construction
Approved Use	Site Plan Approval – Outparcel G: 3,767 sq. ft. fast-food restaurant One monument sign and one secondary sign (no dimensions indicated). Condition of Approval requires sign permits. Code allows a maximum secondary sign of 12 sq. ft.
Proposed Use	3,767 sq. ft. Dunkin' Donuts fast-food restaurant. Secondary sign (menu sign) of 45 sq. ft.

B. Submitted Support Documents

ITEM	CONTENT
Variance Application	Statement of Consistency with ULDC Sections 150-010(A) – (C) Variance Authority and Section 150-020 Consistency with Variance Considerations

C. Narrative Information

1. Property History

The following description summarizes the components of the Final Site Plan approved by Resolution 2015-22:

Building	Approved Site Plan Amendment	
	Use	Sq. Ft.
A	Grocery	46,031
B + D	In-Line Retail	17,550
C	Ag Indoor Sales	19,097
E	Gas/Convenienc	3,010
F	Retail/Restauran	5,200
G	Fast Food	3,767
Totals		94,655

One monument sign (southwest corner of Outparcel F) and one secondary sign (menu board) located on the drive-thru lane on the north side of the building) are indicated on the Site Plan. A Condition of Approval requires that sign permits be procured. ULDC Section 90-040(5) allows one secondary sign (including a menu sign) of 12 sq. ft.

2. Variance VA 2016-03 Request

Permit a menu sign (secondary sign) of 45 sq. ft. at the location indicated on the approved Site Plan; a variance of 33 sq. ft.

D. STAFF REVIEW

The requested variance is to allow a menu sign (secondary sign) to exceed the sign-face maximum size. Per ULDC Section 90-040(5) a, the sign-face maximum is 12 sq. ft. The Applicant has proposed 45 sq. ft., as illustrated in Attachment A.

Variance procedures and requirements are contained in Article 150 *Variances* of the Town's ULDC. Per ULDC Section 150-010(B), the Town Council may grant a variance provided that such approval will not result in a use which is specifically or by inference prohibited in the zoning district.

Further, per ULDC Section 150-010(C), variance applications will not be considered with respect to the following:

1. Where plans have been submitted and approved and permits issued, and additional work not shown on the approved plans has been performed. Previous plans have not been submitted and approved, permits issued and additional work completed for signs on the property.

2. Where a property has been subdivided and as a result an existing structure is in violation of the provisions of the ULDC. The property has been subdivided since incorporation of the Town; however, no structure is in violation of ULDC provisions.

Brief descriptions of abutting properties are presented in the following table. Loxahatchee Groves Commons property borders the subject site on the north and east.

Palm Beach State College borders the subject site on the west. Southern Boulevard, followed by the C-51 Canal right-of-way, borders to the south.

Inventory of Abutting Properties

Direction	Description
North	Under construction – Loxahatchee Groves Commons shopping center
South	Southern Boulevard followed by C-51 Canal
East	Under construction – Loxahatchee Groves Commons shopping center
West	Under Construction – Palm Beach State College

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

Criterion 1: That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.

Applicant's Response: The business will not prosper without the full use of a standard menu board congruent with marketing research done by Dunkin brands. The current size limitations will not allow enough products to be displayed and business will suffer by not allowing food diversification for all tastes and national marketing effort.

Criterion 2: That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.

Applicant's Response: The proposed sign is a national model and is not self-created by the franchisee.

Criterion 3: That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.

Applicant's Response: The Town only allows a 12 sq. ft. menu sign. All surrounding drive-thru locations allow larger signs and the Applicant proposes to be allowed to offer a level of food service on par with neighboring communities while bringing more tax money to the Town.

Criterion 4: The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.

Applicant's Response: The variance will not create any special privilege other than more square footage to maintain profitability.

Criterion 5: That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant's Response: A larger menu board will not be injurious or detrimental to the public welfare.

E. STAFF FINDINGS

Based upon its review, Staff finds that Variance Application VA 2016-03 may be acted upon by the Town Council, as it meets the requirements of ULDC Sections 150-010(B) and ULDC Section 150-010(C).

Staff finds that proposed Variance VA 2016-02 is not contrary to the public interest; however, adequate justification, per the requirements of ULDC Section 150-020 "Consideration for variances", has not been provided by the Applicant. Specifically, the following Staff responses and staff replies are summarized:

1. Special conditions and circumstances do exist which are unique to the property, or the intended use of the property. The Town's ULDC specifically cites menu sign as included in the sign category of "Secondary Signs" and limits the sign face of this category of signs to 12 sq. ft. The unique circumstance cited is that the size limitation on the sign will not allow all of the products to be listed which will result in a loss of potential sales and not reflect national marketing efforts.

2. There are self-created hardships and those not self-created. ULDC. The proposed sign is based on a national model created by Dunkin' Donuts corporate, not the Applicant and is therefore not self-created. The ULDC allows a maximum 12 sq. ft. secondary sign on an outparcel. This requirement has been in the ULDC since 2010; prior to the approval of the Loxahatchee Groves Site Plan. Location on Outparcel F was a decision made by the Applicant after the ULDC requirement was effective.

3. Literal and appropriate interpretation of the Code will not deprive the applicant of reasonable use of the property. All surrounding drive-thru locations allow larger signs and the Applicant proposes to be allowed to offer a level of food service on par with neighboring communities. The Applicant has not provided any examples of what surrounding communities allow. Further, Loxahatchee Groves is a unique community that does not attempt to mirror surrounding communities. Town standards are oriented to preserving the unique character of Loxahatchee Groves.

4. It has not been determined that the Variance proposed is the minimum that will make possible the reasonable use of the property. The Applicant has requested that the sign face of menu sign be increased from a maximum of 12 square feet to 45 sq. ft. The Applicant has not demonstrated that the request is the minimum necessary to insure reasonable use of the property.

5. It has not been demonstrated that granting of the variance will be in harmony with the general intent and purpose of the Code. Per Section 90-005(C) *Compatibility of the ULDC*, signs should be made compatible with the overall objectives of the Comprehensive Plan by ensuring compatibility with surrounding land uses. ULDC sign standards have been designed to insure compatibility with the character of the Town. The Applicant has not demonstrated how approval of the 45 sq. ft. sign will maintain compatibility insured by ULDC standards.

E. STAFF RECOMMENDATION

It is concluded the Applicant has not demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020 has been met. Based upon this conclusion, Staff recommends denial of Variance Application VA 2016-03.

**ATTACHMENT A
PROPOSED SIGN ELEVATION**

