

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ZV/DOA-2021-01942
Application Name: Johns Glades West MXPDP
Control No./Name: 2004-00459 (Johns Glades West MXPDP)
Applicant: Uptown FL Partners LLC
Owners: Uptown FI Partners LLC
Glades 95th Owner LLC
Agent: Dunay, Miskel and Backman, LLP - Beth Schrantz
Dunay, Miskel and Backman, LLP - Scott Backman
Telephone No.: (786) 763-0565 , (561) 368-7700
Project Manager: Timothy Haynes, Senior Site Planner

TITLE: a Development Order Amendment **REQUEST:** to modify Conditions of Approval for wall signage **TITLE:** a Type 2 Variance **REQUEST:** to increase wall sign area (Building C3)

APPLICATION SUMMARY: Building C3 is part of the overall Johns Glades West Mixed Use Planned Development (MXPDP) development. The development last received a sign variance approval from the Zoning Commission (ZC) on October 1, 2020 to increase the maximum wall sign area for Buildings C1 through C8, subject to Conditions of Approval.

The Applicant is requesting a Type 2 Variance to increase the wall sign area of Building C3 within the Commercial Pod of the MXPDP. The request includes an increase along the front (east) building facade in order to relocate square footage from the south and west façades of Building C-3 to the east façade of C-3. This increase would allow the total square footage budget go from 275 sq. ft to 485 sq. ft. The Applicant is also requesting a Development Order Amendment to modify Conditions of Approval on the previously approved Development Order for the wall sign variance to delete the limitation from the prior variance for the east façade of C-3 and allow the new variance to apply.

No changes are proposed to previously approved uses, square footages, or access points.

SITE DATA:

Location:	South side of Glades Road approximately 1,450 ft. east of State Road 7
Property Control Number(s)	00-42-47-18-24-001-0000; 00-42-47-18-24-002-0000; 00-42-47-18-24-023-0000
Existing Future Land Use Designation:	Multiple Land Use (MLU)
Existing Zoning District:	Mixed Use Planned Development District (MXPDP)
Total Acreage:	37.26 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 5, Commissioner Maria Sachs

RECOMMENDATION: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff has received no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
ZV/PDD/R-2016-00845	Type 2 Variance to allow a reduction of the front setback for Building C5	ZR-2017-0013	April 6, 2017
ZV/PDD/R-2016-00845	Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Mixed Use Planned Development (MXPDP) Zoning District	R-2017-0692	May 25, 2017

Application No.	Request	Resolution	Approval Date
	Requested Use to allow a Type I Restaurant with Drive-through (Building C6)	R-2017-0693	May 25, 2017
	Requested Use to allow a Type I Restaurant with Drive-through (Building C7)	R-2017-0694	May 25, 2017
	Requested Use to allow a Theater performance venue (Building C3)	R-2017-0695	May 25, 2017
	Requested Use to allow workforce Housing Density Bonus in excess of 30 percent	R-2017-0696	May 25, 2017
ZV/ABN/DOA-2018-01725	Abandonment for a Requested Use to allow a Type I Restaurant with Drive-through (Building C-6)	R-2019-0253	February 28, 2019
	Development Order Amendment to reconfigure the Site Plan to modify Conditions of Approval (Architecture and Planning)	R-2019-0254	February 28, 2019
	Development Order Amendment to reconfigure the Site Plan; add square footage; add and delete uses; and, modify Conditions of Approval (Architecture and Planning)	R-2019-0255	February 28, 2019
	Development Order Amendment to reconfigure the Site Plan to add square footage and, to modify Conditions of Approval (Architecture and Planning)	R-2019-0256	February 28, 2019
DOA/W-2019-01125	Development order Amendment to reconfigure the Master Plan and site Plan; and, to add square footage	R-2019-1695	October 24, 2019
	Type 2 Waiver to extend hours of operation for a Non-Residential Use located within 250 feet of a Residential Use or Future Land Use designation	R-2019-1696	October 24, 2019
ZV/ABN/DOA-2018-01725	Type 2 Variance to reduce Front Setback and eliminate Foundation Planting	ZR-2019-0005	February 7, 2019
ZV-2020-00787	Type 2 Variance to increase maximum wall sign area	ZR-2020-0041	October 1, 2020

SURROUNDING LAND USES:

NORTH (across Glades Road):

FLU Designation: Medium Residential (MR-5)
 Zoning District: Single-Family Residential (RS) with Special Exception for a PUD
 Supporting: Residential and Public/Civic (West Boca Estates PUD, Control No. 1982-00174)

SOUTH (across Lake Worth Drainage District L-46 Canal):

FLU Designation: Low Residential, 3 Units per acre (LR-3)
 Zoning District: Residential Transitional (RT) with a Special Exception for a PUD
 Supporting: Civic (Rainberry PUD, Control No. 1984-00139)

FLU Designation: Medium Residential (MR-5)
 Zoning District: Residential Planned Unit Development (PUD)
 Supporting: Residential (Ponte Verde PUD, Control No. 1997-00056)

EAST (across 95th Avenue South):

FLU Designation: Medium Residential (MR-5)
 Zoning District: Single-Family Residential (RS) with a Special Exception for a PUD
 : Residential (Boca Ridge Glenn, Control No. 1983-00088)

WEST:

FLU Designation: Commercial High, with an underlying LR-3 (CH / LR-3)
 Zoning District: General Commercial with Special Exception (SE / MUPD)
 Supporting: Commercial (Festival Shoppes, Control No. 1990-00024)

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The request to amend to Conditions of Approval for the prior request for a sign variance for the east façade of Building C3, is consistent with the policies of the Plan. The request for modified signage calculation for the east façade will be reanalyzed below pursuant to a new request for a variance. The site will remain consistent with the purposes, goals, objectives and policies of the Plan.

- b. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed amendment to the prior variance to delete the Conditions of Approval related to the east façade of Building C3 is not in conflict with the ULDC, as the Applicant concurrent with this request, is seeking a new variance for the east façade. Elimination of the condition will be replaced with a new analysis and new conditions pursuant to the standards for variances below.

- c. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

There are no modifications to the uses or development layout as part of the requests. The uses and structures will remain compatible with the character and uses of the surrounding lands adjacent to the subject site. The request to delete the condition for the east façade of Building C3 is reviewed with the new variance request as described under the standards below.

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The request to delete the condition for Building C3 will not create adverse impacts on adjacent lands, as there are no site changes proposed as part of this request.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

No environmental impacts will result as part of the request to delete a Conditions of Approval for the east façade of Building C3, based the new variance analysis is provided below.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The request to delete the condition for Building C3 will not affect the development pattern of the site, as there are no site changes proposed as part of this request. The existing development pattern will remain logical, orderly and timely.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The previous approval affirmed compliance with the adequate public facilities requirement. There are no amendments that will alter the concurrency approval of the site.

- h. **Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant has requested a new variance to the east façade of Building C3, and deletion of the prior condition is necessary to prevent conflict in the decision. The new variance supersedes the prior decision for the request for the east façade of Building C3.

TYPE 2 VARIANCE SUMMARY:

ULDC Article	Required	Proposed	Variance
8.G.1.A.4 Signage, Standards for Specific Signs, Building Mounted Signs, Wall Signs.	Maximum of 1.0 square feet of wall sign per linear foot of wall to which the sign is attached; plus and additional 20% for channel letters or 275 sq.ft	Reduced square footage (30 sq. ft.) on the south façade of C3 and 0 square footage on west façade of C3, and the total sign square footage for the east face of C3 be 485 sq. ft.	+222 sq. ft for east façade 30 sq ft for south façade; and, 0 sq ft for west façade for Building C-3.

The Applicant is seeking a new variance from the maximum allowable Wall Sign Area for the east façade of Building C3. The request includes an amendment to the previously approved variance, to delete the limitations of square footage for the east façade of C-3 so that the new variance limitations would apply. Per Table 8.G.1.A, Wall Sign Standards, the subject site is currently permitted a maximum sign area, per lineal feet of the wall the sign is attached to, of 1 sq. ft. along any one side of the building, while all remaining sides are permitted to be 0.5 sq. ft. per lineal feet of the wall the sign is attached to. The previous variance request in 2020 was to increase the sign square footage calculation from 1.0 sq. ft. per lineal to 1.5 sq. ft. per lineal feet, however the ZC only granted 1.2 sq. ft. per lineal feet for the east façade of C3.

This request is different from the prior request in that the Applicant seeks to utilize elements of the Alternative Sign Plan principals to allow for increased signs on the east façade, while eliminating signage on the south facades of C3. The principles of the Alternative Plan allow for 20% of the total sign area allowed for a building mounted sign to another sign type. The Applicant suggests relocation of the total signage for the west façade and majority of the square footage for the south façade (leaving 30 sq. ft.) to the east façade. This allows the elimination/reduction of signs, adjusts the standards in calculation for creative signs and shapes. As such, Staff are providing the following breakdown of the sign budget for the plaza, recognizing those areas that had variances and highlighting the affected request herein.

Maximum Wall Sign Area for Buildings C1 through C8				
Building & Façade (see Figure 4, PSP)	Length of Building Side	Code Permitted Max. Sign Area	Code Permitted Channel Lettering (additional 20%)	Sign Area Proposed and Previously Approved
C1 – Front (North)	630 ft.	630 sq. ft.	756 sq. ft.	945 sq. ft. (ZR-2020-041)
C1 – Side (East)	60 ft.	30 sq. ft.	36 sq. ft.	No Variance
C1 – Side (West)	83.3 ft.	42 sq. ft.	50 sq. ft.	No Variance
C1 – Rear (South)	630 ft.	158 sq. ft.	189 sq. ft.	No Variance
C2 – Front (North)	219 ft.	219 sq. ft.	263 sq. ft.	263 sq. ft (ZR-2020-041)
C2 – Side (East)	83.3 ft.	42 sq. ft.	50 sq. ft.	No Variance
C2 – Side (West)	60 ft.	30 sq. ft.	36 sq. ft.	No Variance
C3 – Front (East-A & A-1)	228.7 ft.	228.7 sq. ft.	275 sq. ft.	485 sq. ft. (V8)
C3 – Side (North)	167.5 ft.	83 sq. ft.	99 sq. ft.	166 sq. ft. (ZR-2020-041)
C3 – Side (South-E)	142 ft.	71 sq. ft.	85 sq. ft.	30 (relocate 55 to East) (V8)
C3 – Side (South-E-1)	30 ft.	15 sq. ft.	18 sq. ft.	0 (relocate to East (V8)
C3 – Rear (West)	228.7 ft.	114 sq. ft.	137 sq. ft.	0 (relocate to East (V8)
C4 – Front (North)	170 ft.	170 sq. ft.	204 sq. ft.	204 sq. ft. (ZR-2020-041)
C4 – Side (East)	70.9 ft.	35 sq. ft.	43 sq. ft.	71 sq. ft. (ZR-2020-041)
C4 – Side (West)	70.9 ft.	35 sq. ft.	43 sq. ft.	No Variance
C4 – Rear (South)	170 ft.	85 sq. ft.	102 sq. ft.	No Variance
C5 – Front (South)	170 ft.	170 sq. ft.	204 sq. ft.	204 sq. ft. (ZR-2020-041)
C5 – Side (East)	65.7 ft.	33 sq. ft.	39 sq. ft.	49 sq. ft. (ZR-2020-041)
C5 – Side (West)	65.7 ft.	33 sq. ft.	39 sq. ft.	49 sq. ft. (ZR-2020-041)
C5 – Rear (North)	170 ft.	85 sq. ft.	102 sq. ft.	170 sq. ft. (ZR-2020-041)
C6 – Front (South)	125.8 ft.	126 sq. ft.	151 sq. ft.	151 sq. ft. (ZR-2020-041)
C6 – Side (East)	74 ft.	37 sq. ft.	44 sq. ft.	56 sq. ft. (ZR-2020-041)
C6 – Side (West)	71 ft.	36 sq. ft.	43 sq. ft.	53 sq. ft. (ZR-2020-041)
C6 – Rear (North)	110 ft.	55 sq. ft.	66 sq. ft.	110 sq. ft. (ZR-2020-041)
C7 – Front (South)	83 ft.	83 sq. ft.	100 sq. ft.	100 sq. ft. (ZR-2020-041)
C7 – Side (East)	66.7 ft.	33 sq. ft.	40 sq. ft.	67 sq. ft. (ZR-2020-041)
C7 – Side (West)	60 ft.	30 sq. ft.	36 sq. ft.	45 sq. ft. (ZR-2020-041)
C7 – Rear (North)	78 ft.	39 sq. ft.	47 sq. ft.	78 sq. ft. (ZR-2020-041)
C8 – Front (South)	59.9 ft.	60 sq. ft.	72 sq. ft.	72 sq. ft. (ZR-2020-041)
C8 – Side (East)	91 ft.	46 sq. ft.	55 sq. ft.	68 sq. ft. (ZR-2020-041)
C8 – Side (West)	91 ft.	46 sq. ft.	55 sq. ft.	68 sq. ft. (ZR-2020-041)
C8 – Rear (South)	55 ft.	28 sq. ft.	33 sq. ft.	55 sq. ft. (ZR-2020-041)
*Note: Per Art. 1.C.1.A.2.r., Rounding of fractions, the results of calculations containing a fraction of 0.5 or greater have been rounded up to the nearest whole number. Likewise, fractions of less than 0.5 have been rounded down to the nearest whole number.				
**Numbers are approximate using a combination of given dimensions and scaling of the Preliminary Site Plan submitted May 2, 2022.				

FINDINGS:

Type 2 Variance Standards: When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. *Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:*

YES: There are special conditions and circumstances that exist that are peculiar to the structure that are not applicable to others in the same district. The structural design creates sign placement limitations to allow for meaningful advertisement of the tenant space. The MXPDP Zoning District has specific architectural design standards which includes more aesthetic building design elements with the incorporation of columns and articulations more than continuous flat wall surfaces. This building was designed to have multiple users, and is proposed to have an additional story. The building placement for C3 has the primary façade facing internal to the east. While signage is allowed on all four sides of the structures, placement of signage to the west and south would be better suited to have limited to no signage, and relocate the signage to the façade that serves the patrons and does not impact the residents to the south or external to the development that won't serve the community. The signage proposed for the east façade will enhance the architectural elements, and the budget within the confines of the maximum square footage allows flexibility and create sign shapes for the mixed use development.

b. *Special circumstances and conditions do not result from the actions of the Applicant:*

YES: The ULDC allows an Alternative Sign Program to relocate square footage by no more than 20%. The Applicant's intent is to relocate square footage from the western façade of C3 and a majority from the southern façade of C3, to consolidate the signage to the eastern side that will suite the patrons rather than the residents to the south or the external commercial areas. Placement of the structures was purposely done for the unique mixed use development.

The Code does not contemplate 100% relocation, but the circumstance furthers the principles of the Master Sign Plan to have the sign budget and the total amount that can be allocated specific for the commercial center. This approval required specific design elements for the architecture and elevations of the building facades. The relocation of signage would allow more visible and convenient sign advertisement.

c. *Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

YES: Granting the variance shall does not confer any special privileges on the Applicant that are denied by the Plan and Code to other parcels of land within the same zoning district. The allowance of an Alternative Sign Plan is offered to other Planned Developments within the County. The intent is to create a budget of total square footage that can be applied in different ways. The limitations of the code leave square footage on every façade and does not give an ability to eliminate signage from a façade and relocate to an area that is better suited for patrons of commercial development. The total square footage allotted for this structure on three of the sides remains, but is relocated and consolidated onto the east façade.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

YES: Literal interpretation and enforcement of the Code would allow for signs that face external to adjacent properties, and toward the residential use to the south that could impact the residences. The Applicant is proposing to limit the signage to occur internal to the site utilizing square footage through a budget. The allowance of a sign budget is provided to all commercial development. Enforcement of the Code will require the signage in this uniquely designed building to be limited to the facades that face away from the development, rather than containing the signage within the interior that are more beneficial to the patrons of the development, rather than external and toward residential to the south.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:*

YES: The requested variance is the minimum variance that will make it possible for the reasonable use of the building for signage purposes. The request is unique in that it doesn't exceed the total square footage that would be allowed if signs were placed on all four sides of the building. This variance allows the east façade to increase square footage, while eliminating and reducing square footage of signage on the other two sides. As such, the minimal variance is proposed.

f. *Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:*

YES: The granting of the variance will be consistent with the purposes, goals, objectives, and policies of the Code. The ULDC allows for an Alternative Sign Plan, which allows relocation of a portion of the site area, but not all of the sign area. This request furthers the principals of that allowance, by eliminating square footage from one façade, and reducing square footage on the other façade to consolidate the square footage and allowing creative and unique sign shapes and geometry that is specific for Building C3. The budget allows for a maximum area, governed by both the Property Owner and the County. The total square footage for the façade would not change, but the individual tenant sizes could be flexible based on the plan created by the Property Owner. The granting of the variance is within the parameters of Code policy and will remain consistent with the purpose of adequate signage to be provided for the business.

g. *Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:*

YES: The proposed sign variance will not be detrimental to the public welfare. The sign variance requests relocation of sign area that would allow for the elimination and reduction of sign area on the west and south facades of Building C3, and relocate the square footage that could have been placed on those facades to the east façade. This relocates the square footage from those facades that face residential, or external to the west be located interior to the development. The total square footage that could have been allowed on multiple sides remains the same, but is consolidated on the eastern façade, interior to the development.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-1 and Exhibit C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1: Development Order Amendment

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated July 13, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: CODE ENF - Zoning) (Previous VARIANCE Condition 1 of Resolution ZR-2020-41, Control No.2004-00459)
2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for Application No. DOA/W-2019-01125. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning) (Previous VARIANCE Condition 2 of Resolution ZR-2020-41, Control No.2004-00459)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous VARIANCE Condition 3 of Resolution ZR-2020-41, Control No.2004-00459)
4. Prior to issuance of Building Permit, the approved Variances shall be shown on the Final Site Plan. (BLDGPMPT: ZONING - Zoning) (Previous VARIANCE Condition 4 of Resolution ZR-2020-41, Control No.2004-00459)

SIGNS

1. Prior to issuance of Building Permit, the Final Master Sign Plan shall be revised to include the total sign budget for each fa*ade of each building within the Commercial Pod of the MXPDP. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous VARIANCE Condition 5 of Resolution ZR-2020-41, Control No.2004-00459)
2. The Property Owner shall be prohibited from utilizing the 20 percent bonus wall sign area for the use of channel lettering above and beyond this Variance. (ONGOING: ZONING - Zoning) (Previous VARIANCE Condition 6 of Resolution ZR-2020-41, Control No.2004-00459)
3. Previous VARIANCE Condition 7 of Resolution ZR-2020-41, Control No.2004-00459, which currently states:

Wall signage for Buildings C1 through C8, as identified on the Preliminary Site Plan dated May 4, 2020, shall be limited as follows:

- a. Maximum 1.2 sq. ft. (per l.f.) of sign area along the north side of Buildings C1, C2 and C4; east side of Building C3; and, south side of Buildings C5, C6, C7 and C8. A minimum of 75 percent of the sign area shall consist of channel lettering;
- b. Maximum 1.0 sq. ft. (per l.f.) of sign area along the north side of Buildings C3, C5, C6, C7 and C8; and, east side of Buildings C4 and C7. A minimum of 75 percent of the sign area shall consist of channel lettering;
- c. Maximum 0.75 sq. ft. (per l.f.) of sign area along the east side of Buildings C5, C6 and C8; and, west side of Buildings C5, C6, C7 and C8. A minimum of 75 percent of the sign area shall consist of channel lettering; and,
- d. All remaining sides not specified herein shall comply with the ULDC.

Is hereby amended to read:

Wall signage for Buildings C1 through C8, as identified on the Preliminary Site Plan dated May 4, 2020, shall be limited as follows:

- a. Maximum 1.2 sq. ft. (per l.f.) of sign area along the north side of Buildings C1, C2 and C4; and, south side of Buildings C5, C6, C7 and C8. A minimum of 75 percent of the sign area shall consist of channel lettering;

- b. Maximum 1.0 sq. ft. (per l.f.) of sign area along the north side of Buildings C3, C5, C6, C7 and C8; and, east side of Buildings C4 and C7. A minimum of 75 percent of the sign area shall consist of channel lettering;
 - c. Maximum 0.75 sq. ft. (per l.f.) of sign area along the east side of Buildings C5, C6 and C8; and, west side of Buildings C5, C6, C7 and C8. A minimum of 75 percent of the sign area shall consist of channel lettering; and,
 - d. All remaining sides not specified herein or granted variance approval through a separate application shall comply with the ULDC.
- (BLDGPM/ONGOING: BUILDING DIVISION - Zoning)

COMPLIANCE

- 1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
- 2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

- 1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

EXHIBIT C-2: Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Site Plan is dated May 2, 2022 and the Preliminary Master Sign Plan dated May 2, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)
2. Prior to issuance of Building Permit, the approved Variances shall be shown on the Final Site Plan. (BLDGPMPT: ZONING - Zoning)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMPT: BUILDING DIVISION - Zoning)

SIGNS

1. The Property Owner shall be prohibited from utilizing the 20 percent bonus wall sign area for the use of channel lettering above and beyond this Variance. (ONGOING: ZONING - Zoning)
2. In addition to the variances approved pursuant to ZV-2020-xxxx, the maximum square footage for Building C3 shall be as follows:
 - a. Front (east fa*ade): 485 sq. ft.;
 - b. Side (south E): 30 sq. ft.;
 - c. Side (south E-1): 0 sq. ft.;
 - d. Rear (west): 0 sq. ft.; and,
 - e. A minimum of 75 percent of the sign area shall consist of channel lettering. (BLDGPMPT/DRO: BUILDING DIVISION - Zoning)
3. Prior to Final Approval by the DRO, the Final Master Sign Plan shall be revised to include the total sign budget for each fa*ade of each building within the Commercial Pod of the MXPDP (BLDGPMPT: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

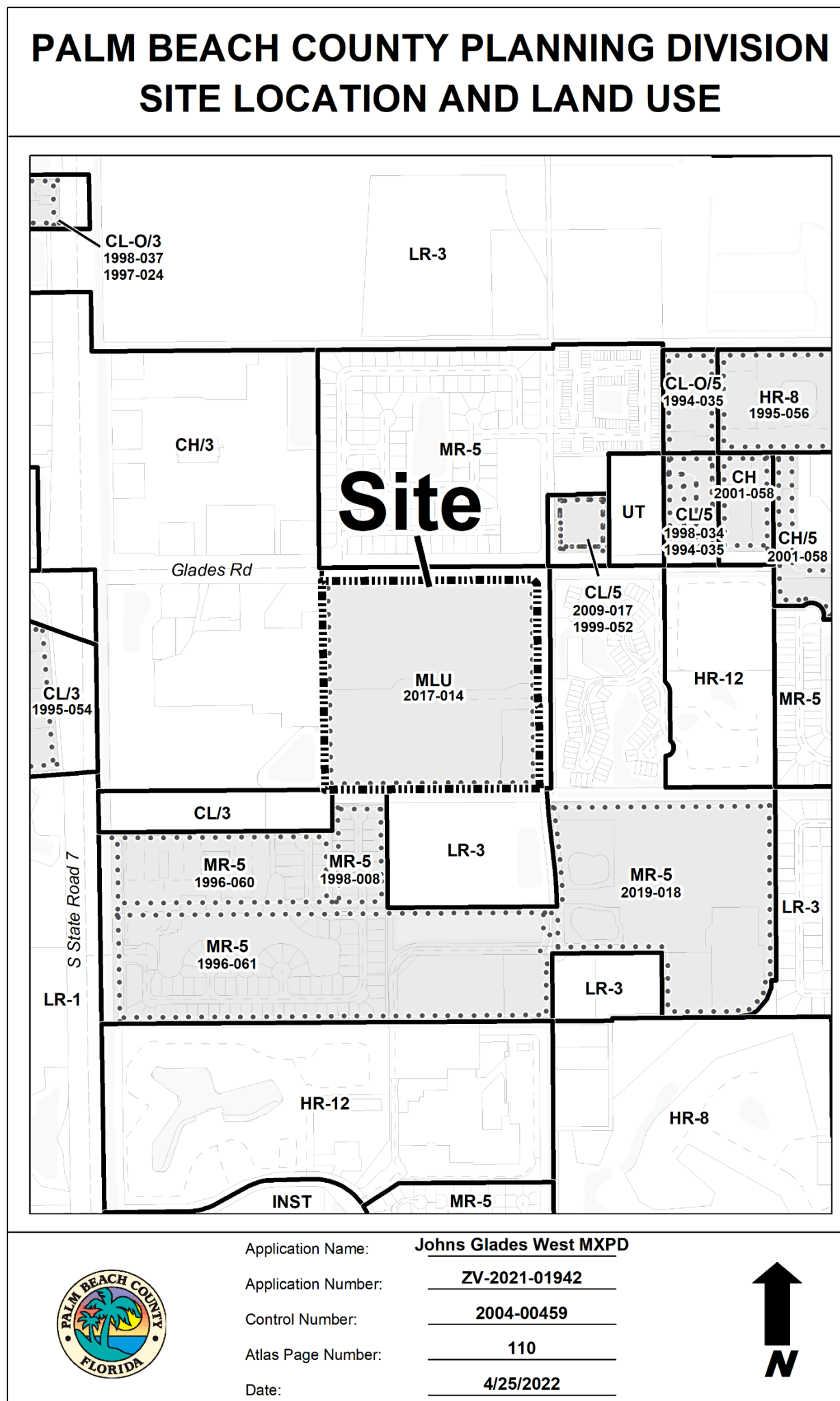


Figure 2 - Zoning Map

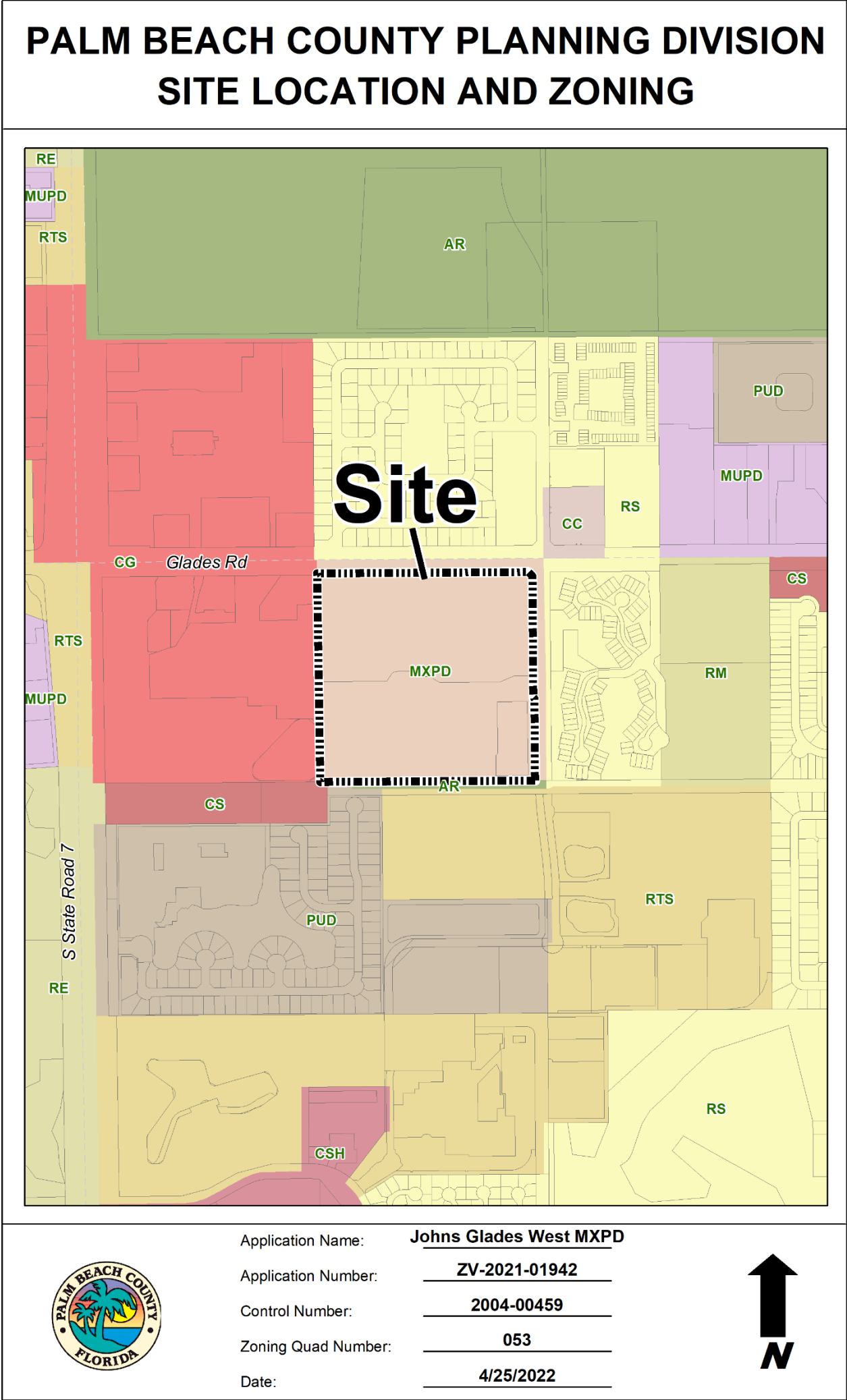
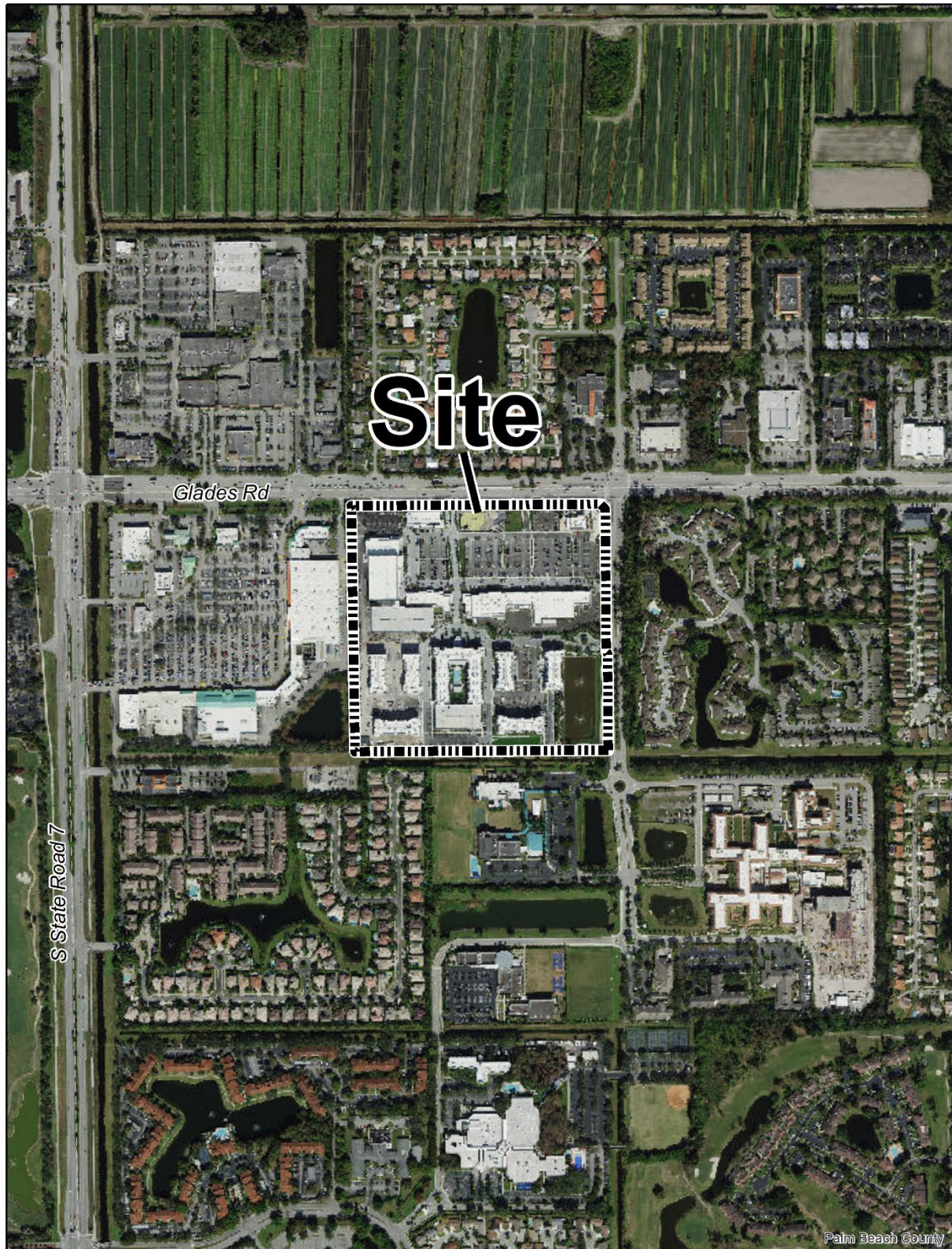


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION

SITE LOCATION



Application Name:	<u>Johns Glades West MXPD</u>
Application Number:	<u>ZV-2021-01942</u>
Control Number:	<u>2004-00459</u>
Atlas Page Number:	<u>110</u>
Date:	<u>4/25/2022</u>



Zoning Commission
Application No. ZV/DOA-2021-01942



Figure 5 – Approved Master Sign Plan (Sheet 1 of 3) dated September 29, 2020

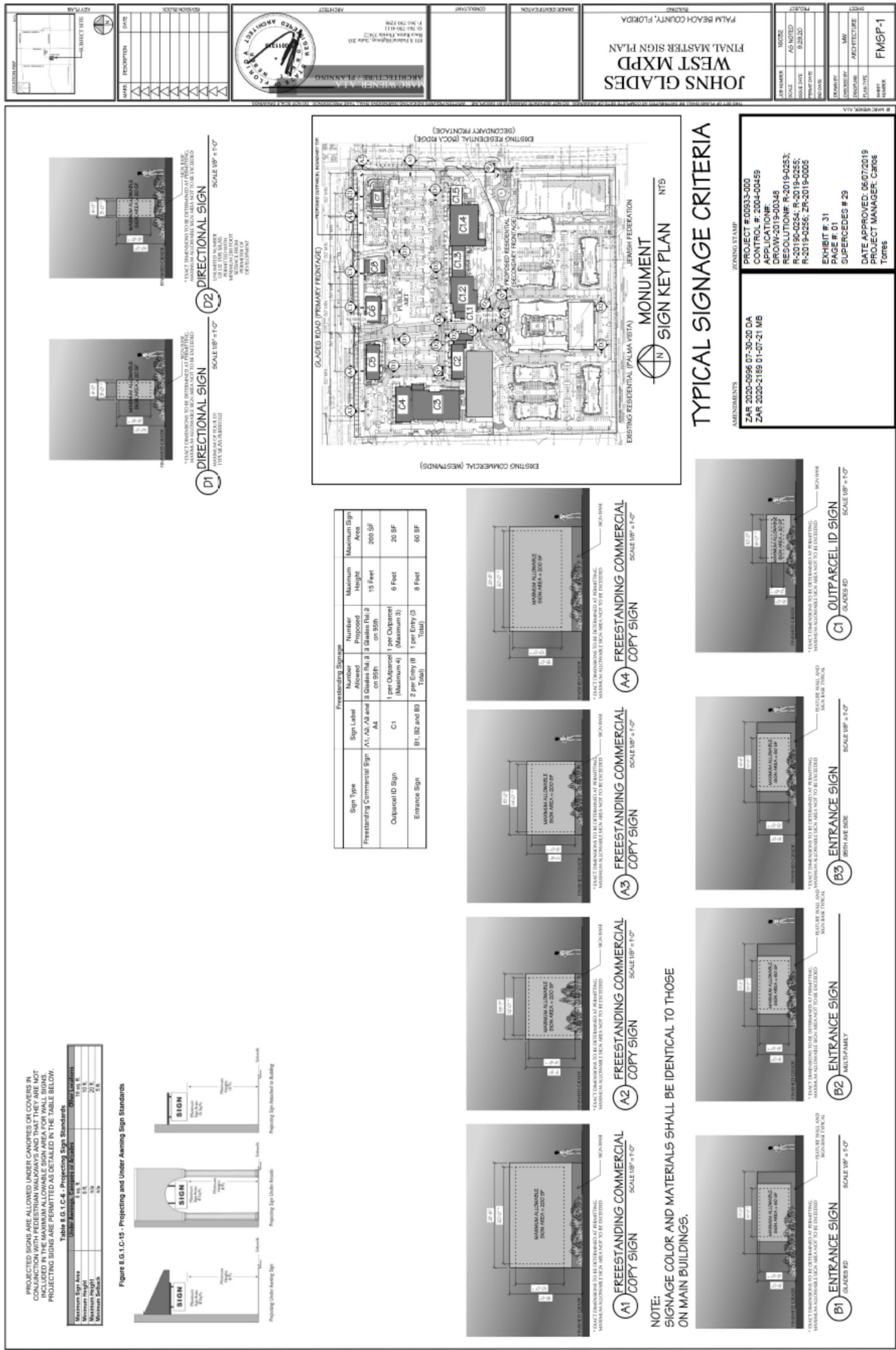
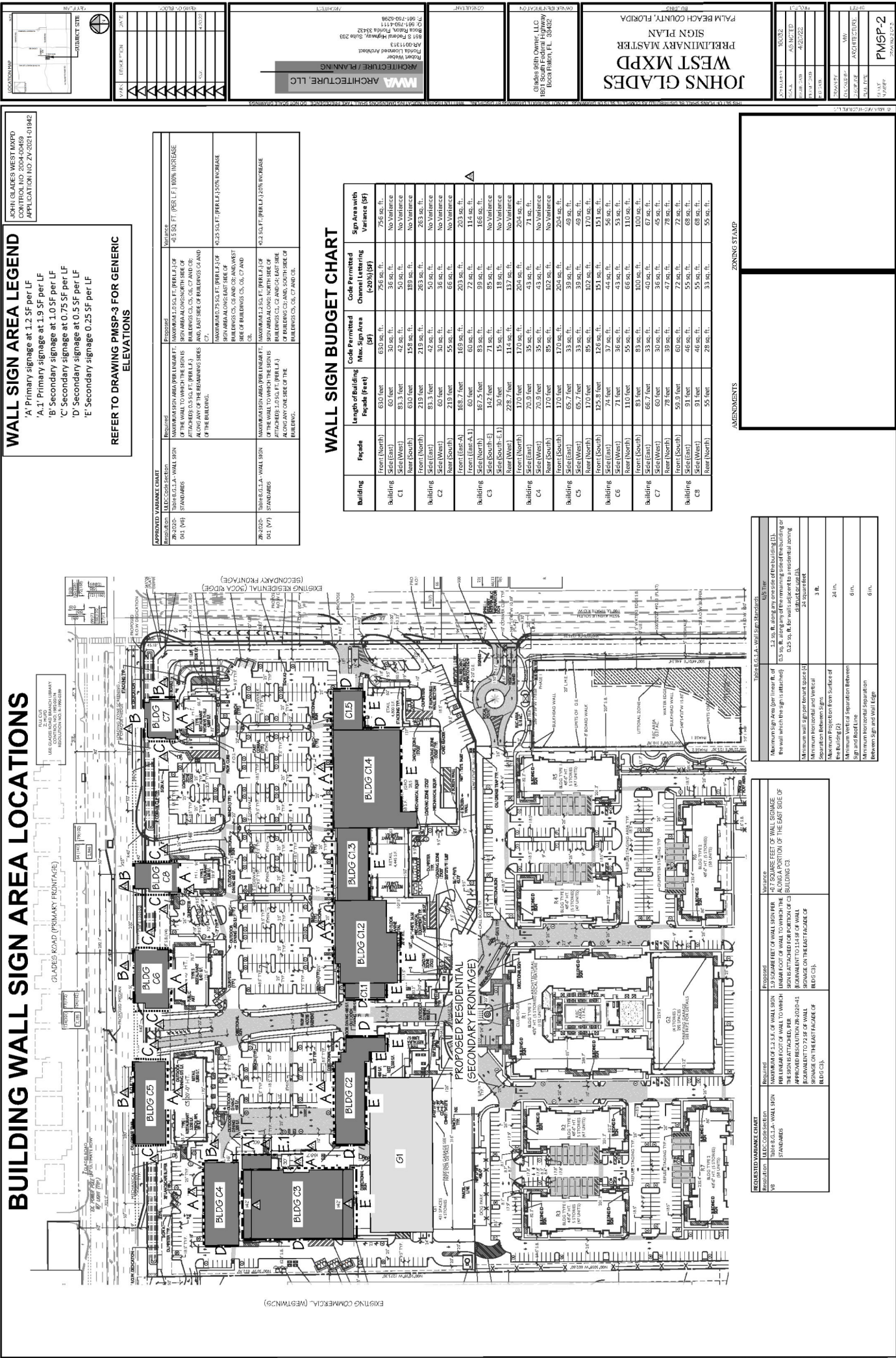


Figure 6 – Preliminary Master Sign Plan (Sheet 2 of 3) dated May 2, 2022

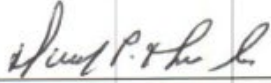


Zoning Commission
Application No. ZV/DOA-2021-01942



Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION		FORM # 8
DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT		
[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]		
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE		
STATE OF FLORIDA COUNTY OF PALM BEACH		
BEFORE ME, the undersigned authority, this day personally appeared David P. Olmo, SR, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:		
1. Affiant is the [] individual or [x] Manager [position—e.g., president, partner, trustee] of Sweet Sensations of Uptown Boca LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").		
2. Affiant's address is: 14351 SW 24th Street Davie, FL 33325		
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.		
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.		
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.		
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.		
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.		
Disclosure of Beneficial Interest - Applicant form Form # 8	Page 1 of 4	Revised 12/27/2019 Web Format 2011

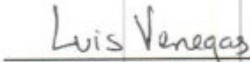


David P. Olmo, SR, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 4 day of February, 2022 by
David P. Olmo, SR (name of person acknowledging). He/she is personally
known to me or has produced Driver License (type of identification) as
identification and did/did not take an oath (circle correct response).



(Name - type, stamp or print clearly)



(Signature)

My Commission Expires on: 09/17/2023



Luis A Venegas
Comm. #GG914121
Expires: Sept. 17, 2023
Bonded Thru Aaron Notary

EXHIBIT "A"

PROPERTY

TRACT 1:

PARCELS A AND B AND TRACT W OF JOHNS GLADES WEST MXP, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 127, PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF A PORTION OF TRACT 1 DESCRIBED ABOVE, CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE ACCESS EASEMENT BETWEEN EZON INVESTMENT COMPANY AND YOLAND ELIZABETH SPRATT RINGGER, ET AL., RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 326 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 3:

PERPETUAL NONEXCLUSIVE EASEMENT GRANTED BY AND BETWEEN PARCEL A AND B OF TRACT 1 DESCRIBED ABOVE, CREATED BY AND MORE PARTICULARLY DESCRIBED IN MAINTENANCE AND EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 30449, PAGE 726 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TRACT 1 CONTAINING 1,623,147 SQUARE FEET/37.2623 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Debra L. Olmo -	14351 SE 24th Street, Davie, FL 33325
David P. Olmo, SR -	14351 SE 24th Street, Davie, FL 33325

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Alexander S. Rosemurgy, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Manager Glades 95th Owner, LLC* [position - e.g., president, partner, trustee] of Glades 95th Owner, LLC* [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County. * Administrative Member of Uptown Boca, LLC, Member of Glades 95th Owner, LLC
2. Affiant's address is: 1801 S Federal Highway
Boca Raton, FL 33432
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Alexander S. Rosemurgy
 Alexander S. Rosemurgy, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
 COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 26th day of October, 2021 by Alexander S. Rosemurgy (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

CAROL M. ZOLDOS
 (Name - type, stamp or print clearly)

Carol M. Zoldos
 (Signature)

My Commission Expires on: 6/15/2022

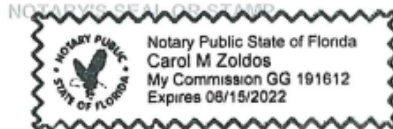


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A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF A PORTION OF TRACT 1 DESCRIBED ABOVE, CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE ACCESS EASEMENT BETWEEN EZON INVESTMENT COMPANY AND YOLAND ELIZABETH SPRATT RINGGER, ET AL., RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 326 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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EXHIBIT "B"

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Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
WS-UB, LLC (80.6%)	660 Steamboat Road, 3rd Floor
	Greenwich, CT 06830

Remaining 19.4% interest is held by individuals owing less than 5% ownership interest in the Property.

Exhibit E – Applicant’s Justification Statement dated May 20, 2022



Gary Dunay	Hope Calhoun	Christina Bilenki
Bonnie Miskel	Dwayne Dickerson	Lauren G. Odom
Scott Backman	Ele Zachariades	Nicole Jaeger
Eric Coffman	Matthew H. Scott	Rachael Bond Palmer

**Johns Glades West MXPDP
Justification Statement for Type 2 Variance and Development Order Amendment for Wall Signage**

Sweet Sensations of Uptown Boca, LLC (“Petitioner”) is the tenant of Glades 95th Owner, LLC in the +/- 37.26 acre property located at the southwest corner of Glades Road and 95th Avenue (“Property”), which is generally located on the south side of Glades Road approximately 1,500 ft. east of S State Road 7 in unincorporated Palm Beach County (“County”). The Property is comprised of three (3) parcels located within the Urban/Suburban Tier of Palm Beach County. The Property is designated MLU (CH / HR-8), Multiple Land Use (Commercial High / High Residential, 8 units per acre), on the County’s Future Land Use Map and is located within the MXPDP, Mixed Use Planned Development, zoning district. The Property is located in a predominantly urban context and is currently approved and under construction for a mixed use planned development containing eight (8) commercial buildings with gross floor area of 179,800 square feet and 10,730 square feet of outdoor seating, seven (7) residential buildings including 456 dwelling units, and two (2) structured parking garages.

PROJECT HISTORY

On April 26, 2017 the Board of County Commissioners (“BCC”) adopted Ordinance No. 2017-014, which amended the Future Land Use Atlas (“FLUA”) designation of the Property from LR-3, Low Residential, 3 units per acre, to MLU CH, HR-8, Multiple Land Use with Commercial High and High Residential, 8 units per acre. Subsequently, on May 25, 2017 the BCC approved Resolution R-2017-0692, which approved an Official Zoning Map Amendment from the AR, Agricultural Residential, zoning district to the MXPDP, Mixed Use Planned Development, zoning district. In addition, on May 25, 2017 the BCC approved Resolutions R-2017-0693, Resolution R-2017-0694, Resolution R-2017-0695, and Resolution R-2017-0696, which approved a Requested Use to allow a Type I Restaurant with Drive-Thru in Building C6, a Requested Use to allow a Type 1 Restaurant with Drive-Thru in Building C7, a Requested Use to allow a Theater Performance Venue in Building C3 and a Requested Use to allow Workforce Housing Density Bonus in excess of 30%, respectively. Further, the County’s Zoning Commission approved Resolution ZR-2017-013 on April 6, 2017, which approved a Type 2 Variance to allow a reduction of the front setback for Building C5.

Following the original approval, on February 7, 2019 the Zoning Commission approved Resolution ZR-2019-005 to allow a reduced front (north) setback for Buildings C6 and C8, and elimination of the foundation plantings required on the side facades (north and south) of Building C3. On February 28, 2019 the BCC approved Resolutions R-2019-0253, R-2019-0254, R-2019-0255, and R-2019-0256, abandoning Resolution R-2017-0693 to eliminate the previously approved Type 1 Restaurant with Drive Thru use in Building C6, and allowing a Development Order Amendment to reconfigure the site plan, add square footage, add and delete uses, and modify conditions of approval. The approved plan is provided below for your reference. On October 22, 2020, the Zoning Commission approved Resolution ZR-2020-041 for a Type 2 Variance to increase maximum wall sign area. On January 7, 2021, the Development Review Officer (DRO) approved a site plan modification and master sign plan modification to add projecting sign allowance information, direction sign details and locations, and information to finalize sign variance approval.

The purpose and intent of the prior approvals was to establish more appropriate FLU and Zoning District designations and use approvals in order to permit development of a specialty mixed use development and serve the growing needs of the western Boca Raton community. The approved development is intended to accommodate future residential development that is horizontally integrated with specialty restaurant, retail and entertainment uses (e.g. boutique Movie Theater) that do not currently exist in the vicinity. The Project has completed construction of the residential component and is almost finished with interior buildout construction for the commercial components. Many of the commercial spaces are nearing completion and turnover to tenants.

APPLICATION REQUEST

At this time, Petitioner is working to ensure that the commercial spaces include aesthetically appropriate signage that creates a sense of place and adds unique qualities to the overall development. Building C3 is unusual within the retail environment in that it provides 2 stories for customer oriented commercial uses, along with +/-1,400 square foot commercial space in Building C3 that is currently occupied by a Sloan’s ice cream shop. As mentioned, Resolution ZR-2020-041 amended the development’s Master Sign Plan to allow a maximum of 1.2 square feet of wall signage for every linear foot of wall to which the sign is attached. The increase in wall sign area allows for a maximum wall signage of 274 square feet of wall sign area for the east side of Building C3, inclusive of 72 square feet for the Sloan’s Homemade Ice Cream

commercial space. The standard code allows a maximum of 103 square feet along the south facades of Building C3 with the application of the allowable 20% channel letter bonus, and allows a maximum of 137 square feet along the west façade of Building C3 with the application of the allowable 20% channel letter bonus. However, the practical application of signage in this manner results in ill-placed signage that does not serve the purpose of commercial signage to provide visibility and promote safe wayfinding for customers. Further, the application of code-allowed signage prohibits the Sloan’s business from providing additional signage that is in good taste and creates a sense of place with unique artistic design and cheery colors that distinguish Sloan’s Handmade Ice Cream from other competitors.

At this time, Petitioner respectfully requests approval of the following Type 2 Variance to allow the allowable sign area for the south and west facades to be placed on the east (front) façade of Building C3 in order to enhance the business’ visibility, promote high quality design, create a sense of place with unique artistic design and vibrant colors, and ensure economic vitality within the Project:

- **Type 2 Variance to allow wall sign area for Building C3 as follows:**
 - **485 square feet of wall sign area for front (east) side of Building C3 (274 square feet allowed by code with channel letter bonus plus 137 square foot allocation from west façade and 73 square foot allocation from south façade)**
 - **30 square feet of wall sign area for side (south) façade of Building C3 (73 square foot reduction of wall sign area allowed on south facade from 103 square foot maximum allowed by code with channel letter bonus);**
 - **0 square feet of wall sign area for rear (west) side façade of Building C3 (137 square foot reduction of wall sign area allowed on west side from 137 square foot maximum allowed by code with channel letter bonus)**

The location of the proposed Sloan’s sign included in the Type 2 Variance request is shown below. The rendering is looking west from Glades Road.



In conjunction with the variance request, it is also necessary to modify Condition 7.a. of the conditions of approval for Resolution ZR-2020-041 to remove the northern 60 feet of the east side of Building C3 from the condition.

ZR-2020-041 VARIANCE

7. Wall signage for Buildings C1 through C8, as identified on the Preliminary Site Plan dated May 4,2020, shall be limited as follows:
- a. Maximum 1.2 sq. ft. (per l.f.) of sign area along the north side of Buildings C1, C2 and C4; ~~east side of Building C3;~~ and, south side of Buildings C5, C6, C7 and C8. A minimum of 75 percent of the sign area shall consist of channel lettering;
 - b. Maximum 1.0 sq. ft. (per l.f.) of sign area along the north side of Buildings C3, C5, C6, C7 and C8; and, east side of Buildings C4 and C7. A minimum of 75 percent of the sign area shall consist of channel lettering;
 - c. Maximum 0.75 sq. ft. (per l.f.) of sign area along the east side of Buildings C5, C6 and C8; and, west side of Buildings C5, C6, C7 and C8. A minimum of 75 percent of the sign area shall consist of channel lettering; and,
 - d. All remaining sides not specified herein or granted variance approval through a separate application shall comply with the ULDC.

The requested sign area for the wall sign is consistent and compatible with the design of the building and will appear proportionate and aesthetically pleasing when applied to the two-story structure.

TYPE 2 VARIANCE STANDARDS

Pursuant to ULDC Section 2.B.7.E.6, Petitioner will demonstrate below for the Variance Request that: a) special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; b) special circumstances and conditions do not result from the actions of Petitioner; c) granting the variance shall not confer upon Petitioner any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district; d) literal interpretation and enforcement

of the terms and provisions of the ULDC would deprive Petitioner of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; e) granting the Variance Request is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure; f) granting the Variance Request will be consistent with the purposes, goals, objectives and policies of the Plan and this Code; and, g) granting the Variance Request will not be injurious to the area involved or otherwise detrimental to the public welfare.

a) Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district.

Special conditions and circumstances exist which are peculiar to the Property and are not applicable to other lands, structures, or buildings in the same zoning district. The Variance Request entails allowing relocation of wall signage from the low-visibility facades (south and west) in order to allow appropriate signage for the two-story east façade of Building C3 in a way that provides proportionate signage and adds an artistic element to the building in line with the distinctive colors and vibrancy of Sloan’s Handmade Ice Cream’s advertising. The proposed signage will not be inferior in quality or design, will ensure economic viability of the business, and will benefit the community by creating an aesthetically pleasing environment. As detailed above, Resolution ZR-2020-041 amended the development’s Master Sign Plan to allow a maximum of 1.2 square feet of wall signage for every linear foot of wall to which the sign is attached. The relocation of wall sign area allows for a maximum wall signage of 485 square feet for the two-story Building C3 commercial space.

It is important to note that the Project is the first of its kind as the only MXPDP that has been approved and built within the County and is therefore inherently unique. As an MXPDP the Project provides high-quality building design with a more urban aesthetic. Unlike most of the buildings in the immediate area that provide single story retail and have flat front facades, the subject structure has two (2) customer-serving stories and two (2) four (4) – foot wide columns in front of the entrance doors that are connected by an awning. Therefore, unlike traditional one-story box-structures, signage is needed for two (2) stories of retail tenant and cannot be placed on the front façade for the Sloan’s portion of the building in a horizontal configuration. This was the reasoning behind placing the existing Sloan’s wall sign on the south column. Adding a wall sign to the north column will create a more symmetrical look as the north column is currently bare. The addition of an ice cream cone sculptural element with no additional sign copy promotes good design and adds to the vibrancy of the shopping center.

Considering the unique MXPDP zoning and resulting urbanized design combined with the artistic nature and lack of sign copy on the proposed wall signage, there are special conditions and circumstances that are peculiar to the Property, which are not applicable to other parcels of land, structures or buildings in the County. As such, Petitioner respectfully requests approval of the Variance Request.

b) Special circumstances and conditions do not result from the actions of Petitioner.

The special conditions and circumstances noted above do not result from the actions of the Petitioner. The special conditions and circumstances relate to the unique design necessitated by the MXPDP zoning district that was created and established by the County. The MXPDP zoning was created by the County to address increased demand for mixed use communities with amenities that are more urbanized and walkable in nature. The nature, scale and architectural design of the Project is a direct result of the MXPDP zoning and the County’s need for more compact and urbanized development patterns and a growing community desire for more walkable amenities. Petitioner did not create the market need and trend for the MXPDP zoning that resulted in the Project’s urbanized design and orientation. As such, the special circumstances and conditions noted above do not result from the actions of the Petitioner.

c) Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

Granting this Variance will not confer on the Petitioner any special privilege that is denied to other properties within the MXPDP zoning district. This Project is the first and only MXPDP that has been approved and built within the County, and as such is unique in its need. Given the unique nature of the MXPDP district and the architectural design necessitated to fulfill its purpose, the County would review any similarities and provide the same consideration should another property be developed for substantial commercial/retail uses in this innovative manner under the MXPDP zoning. Therefore, the granting of the variance will not give the Petitioner any special privilege denied by the Plan and the ULDC to other parcels of land in the immediate area and to other parcels of land in the MXPDP district.

d) Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.

Literal interpretation and enforcement of the terms and provisions of the ULDC and the latest approved Master Sign

Plan would deprive the Petitioner of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship. This Project is required to have a Master Sign Plan, which limits wall signage to 1 square foot per linear foot of building façade; however, based on the latest approved variances to the Master Sign Plan, the Project is permitted to provide a maximum of 1.2 square feet of wall signage per linear foot of the east building façade for Building C3. Although additional square footage was allocated to the Project, as described above, special conditions and circumstances apply to this specific building that limits sign visibility along the south and west facades and creates the need to re-allocate the signage allowed for those façade to the two-story east façade that requires additional signage to identify each tenant in the two-story building and allow the existing tenant, Sloan's Handmade Ice Cream, to add signature design elements that allow the business to stand out to its patrons and create a unique sense of place in the County. The space is designed such that it is appropriate to allow the maximum 515 square feet of signage permitted under the ULDC for the east, west, and south facades to be allocated with 485 square feet allowed on the east façade and 30 square feet on the south façade. It is essential for high-quality building design and the economic viability of the tenant that proper signage is provided along the front façade and that the bright and vibrant character of Sloan's Handmade Ice Cream is expressed through various design elements.

e) Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

The Variance Request is the minimum necessary to achieve affective visibility to the patrons of future 2nd story tenants and Sloan's Handmade Ice Cream, create a more symmetrical and aesthetically pleasing design, and add artistic character to the space that is in line with other Sloan's Handmade Ice Cream stores. Appropriate, tasteful, and effective signage is also crucial to the long-term economic viability and longevity of the Project. The Variance Request has been limited to only Building C-3 and utilizes the option available under an Alternative Sign Plan to allocate signage that would be permitted elsewhere to be allocated to the subject facade. Approval of the Variance Request is vital to the long-term viability of the Project, creation of a unique sense of plans, and the potential as a well-planned destination serving the community and is the minimum variance that will ultimately make possible the reasonable use of the Property.

f) Granting the variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code.

Granting this Variance Request is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and the ULDC. The Project is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use. The proposed signage for which the Variance is requested is necessary for exposure, urban feel, artistic character, and creating a sense of place. As an innovative, pedestrian-oriented community amenity in conformity with the increasing need for urbanized development, the front façade is designed to provide signage and design elements that stand out and are contribute to the overall uniqueness and attractiveness of the development. As such, it would be detrimental to the practicality of the Project to provide lesser and ill-fitting signage options given the unique design of the Project. Also, the Project is consistent with Policy 2.2.c of the PBC Comprehensive Plan, which requires the ULDC to be consistent with appropriate elements of the PBC Comprehensive Plan including compatibility with adjacent future land uses. Accordingly, the proposed wall signage has been designed to maintain compatibility with adjacent uses and to keep the Variance at the minimum necessary in order to meet the needs of the Project's tenants and users. Further, Policy 1.2-b of the Plan mandates that the County support sustainable urban development, including infill redevelopment. Granting the requested Variance will ensure viability of this Project which has utilized sustainable urban development and infill redevelopment of the Property to deliver the goods and services required by the surrounding community, consistent with Policy 1.2-b. Considering the foregoing, approval of the requested Variance is vital to the viability of the Project, which is consistent with the County Comprehensive Plan and ULDC.

g) Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting the Variance Request will not be injurious to the area involved or otherwise detrimental to the public welfare. The Project's proposed signage has been designed such that the residential component and adjacent properties will not be impacted. The additional signage will add an artistic element to the building that is in line with the distinctive colors and vibrancy of Sloan's Handmade Ice Cream's advertising. The proposed signage will not be inferior in quality or design, will ensure economic viability of the business, and will benefit the community by creating an aesthetically pleasing environment.

Further, the proposed signage will remain subject to the County's requirements related to separation between signs, vertical separation between the sign and the roofline, and horizontal separation between the sign and the wall edge, thus ensuring that the maximum sign size will fit well within the building façade upon which it is placed, as shown on the excerpts from the proposed Sign Package. As such, granting the Variance will not be injurious to the area involved or public welfare, but rather it will ensure that the Project is a valuable community asset that will enhance the area, create a sense of place, and benefit the welfare of the community.

DEVELOPMENT ORDER AMENDMENT STANDARDS

This proposal meets the following standards set forth in Section 2.B.7.C of the County’s Unified Land Development Code (“ULDC”) for a DOA.

a) Consistency with the Plan

Approval of the DOA is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. As noted above, the Property is designated MLU (CH/8) on the County’s Future Land Use Map. The existing MXPD zoning district is a permitted zoning district for properties with an MLU (CH/8) future land use designation. Further, the MXPD zoning is an appropriate zoning district for the Property given its accessibility to major transportation networks, high visibility along Glades Road, and opportunities to promote a mix of uses which meet community needs. Moreover, the allowance of mixed-uses per MXPD zoning is highly suitable for the Property, as it is located adjacent to existing commercial and civic uses, as well as medium density residential, high density residential and other mixed-use developments. The proposed DOA will allow Petitioner to meet the needs of specialty commercial uses that were envisioned by the approval of the current land use and zoning designations.

b) Consistency with the Code

The DOA complies with the applicable standards and provisions of the County ULDC for use, layout, function, and general development characteristics.

c) Compatibility with Surrounding Uses

The DOA is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the Property. The surrounding uses vary yet are consistent and compatible with the proposed development program. The following is a summary of the uses surrounding the Property.

7. ADJACENT PROPERTIES						
Identify surrounding Future Land Use and Zoning District. Include existing/approved square footage or number of dwelling units, type of units and density.						
Adjacent Property	FLU Designatio	Zoning District	Existing Use	Approved Use	Control No.	Resolution No
N O R T H	MR-5	RS	Residential Library	Residential Library	1982-00174	R-2000-0579 R-1990-0389
S O U T H	MR-5 LR-3	PUD RTS	Residential School	Residential School	1997-00056 1997-00114	R-1999-0977 R-2012-0778
E A S T	MR-5	RS	Residential	Residential	1983-00088	R-1984-0060
W E S T	CH/3	CG (SE PCD)	Shopping Center	Shopping Center	1990-00024	R-2016-0008

d) Design Minimizes Adverse Impact

The DOA provides compliant setbacks and buffers to property boundaries and orients itself towards the internal use areas, including plaza and outdoor dining spaces and vehicle use areas so as to ensure the development does not result in any adverse impact on the streetscape or surrounding uses.

e) Design Minimizes Environmental Impact

The DOA minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Furthermore, the Project is designed to comply with all County, State and federal environmental requirements.

f) Development Patterns

The proposed development provides for a logical and orderly development of the Property. The DOA integrates with other proposed non-residential uses in the approved MXPD so as to provide for an integrated development with a high level of accessibility and cross functionality.

Land uses immediately surrounding the Property are consistent with the proposed use and the proposal will contribute to establishing a consistent and well planned overall pattern of development in the area.

The proposed development promotes a logical development pattern by encouraging infill development and complements the surrounding communities by enhancing the area’s built environment.

g) Adequate Public Facilities

The DOA will not have an adverse effect on the ability of the County to provide adequate public facilities to the residents or businesses in the surrounding area. Please refer to the Traffic Statement and Drainage Statement that are included with this proposal.

h) Changed Conditions and Circumstances

The proposed DOA gives Petitioner the opportunity to provide the best possible tenant mix on the Property for the surrounding residents. The local area that was formerly associated with agricultural uses has evolved into a mix of residential and commercial developments with varying densities and intensities. The prior approval to rezone the Property to MXPDP acknowledged that the surrounding area has changed significantly and created the need for additional specialty retail, restaurant, and theater uses. At this time, the Project is developed and Petitioner is working with national retail tenants to provide the best possible tenancy and mix of uses within the Property to serve area residents and create a more livable community. The changing retail economy that has been trending toward online sales requires that brick-and-mortar stores, such as those proposed, provide shoppers an experience that they cannot get online. Additional signage is required in order to allow the creation of a unique and vibrant environment of the Property to provide such an experience to their customers. As such, changed conditions and circumstances create the need for this DOA. Further, the proposed DOA, combined with other non-residential uses proposed on the Property, represents a logical development pattern that compliments the surrounding community.

CONCLUSION

This Type 2 Variance and DOA application is consistent with the Goals and Objectives of The Plan and meets the applicable standards of the ULDC. Petitioner respectfully requests Type 2 Variance and DOA approval of the Project’s proposed two-story building wall signage and ice cream wall sign.