



Agenda Item # ÜÄH

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 19-043 (SVAR), AN APPLICATION BY RD ROYAL PALM BEACH, LLC, IS REQUESTING A SIGN VARIANCE FROM SECTION 20-56(2) TO ALLOW FOR AN INCREASE IN THE MAXIMUM HEIGHT OF THE SIGN STRUCTURE TO 21 FEET WHERE THE VILLAGE CODE ALLOWS A MAXIMUM OF SEVEN (7) FEET, TO ALLOW A SECOND ENTRANCE SIGN ON THE TOWER FEATURE, AND TO ALLOW A REDUCED SETBACK OF 8.75 FEET WHERE THE VILLAGE CODE REQUIRES 10 FEET FOR A PARCEL LOCATED AT 10900 TOWN CIRCLE.

Issue:

The Applicant is requesting a Sign Variance to Village Code Section 20-56 (2) to allow the following:

- Increase in the maximum height of the sign structure to 21' where the Village Code allows a maximum of seven (7) feet (please refer to **Attachment A** for an illustration of the height of the sign);
- To allow a second entrance sign on the tower feature (please refer to **Attachment B** for an illustration of this sign); and
- To allow a reduced setback of 8.75 feet where the Village Code requires 10 feet (please refer to **Attachment C** for an illustration of the location and setback of the sign).

Village Code Section 26-32 (f) (6) *Variances* sets for the Criteria for granting Sign Variances and they are as follows:

- That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;
- Special conditions do not result from the actions of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, buildings or structures in the same zoning district;

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- That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, buildings or structures in the same zoning district;
- That a literal interpretation of the provisions of this division would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this division and would work unnecessary and undue hardship on the applicant;
- That the grant of the variance will be in harmony with the general intent and purpose of this division; and
- That such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.

The sign structure has a tower attached to the sign which is 21 feet in height. The actual monument portion of the sign structure would be 10.5 feet in height if the tower was not attached to the sign structure. Village Code Section 20-1 *Definitions*. defines sign area as follows: “The area of a freestanding or hanging sign shall include the entire area within and enclosed by the exterior perimeter of all cabinets or modules within a single, continuous figure, including but not limited to, all written copy, logos, symbols, decorative embellishments and border or roof treatments. This shall include all open areas within said perimeters and all space separating said cabinets or modules. Only one (1) face (the largest) of any double-faced sign shall be counted in calculating sign area.” The Applicant contends that a larger monument sign is necessary due to the unique circumstance of the property being setback approximately 200 feet from the closest point of the adjacent Southern Boulevard right-of-way. The property is setback 200 feet from Southern Boulevard due to the location of the C-51 canal being located between the roadway and the property. The Applicant asserts that other similar residential developments located throughout the Village of Royal Palm Beach also have taller signs than permitted by Village Code.

Regarding the variance for the second sign on the tower the applicant contends that the primary entrance sign is oriented to the east and can't be seen by eastbound traffic from Southern Boulevard. The Applicant also asserts that the additional sign on the tower is oriented to the north and high enough to be visible from Southern Boulevard regardless of the direction of travel.

The Applicant is also seeking a variance to allow for the tower element to encroach approximately 1.25 feet into the required 10 foot setback from the north property line. The Applicant constructed the sign before obtaining a building permit. The Applicant contends that the setback variance is justified by the tower being located 210 feet from the right-of-way of Southern Boulevard. The Applicant also states that this is the minimum variance necessary to allow suitable project signage.

Staff is recommending **Denial** of the variance request. Staff feels as though the criteria for granting these variance requests have not been met since the Applicant constructed

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the sign and tower before obtaining a proper permit, so at this point it would be difficult to move; and that the granting of the variance request will confer on the Applicant special privileges that are denied to other lands, buildings or structures similarly situated.

Although Staff is recommending denial, it is worth noting that if this Multi-Family development were part of the larger Planned Development a variance to the height would not be required. Planned Developments allow for varying the sign regulations without the need for a variance. In, addition the tower and other features of the sign which exceed seven (7) feet in height are ornamental in nature. Since the tower structure has already been constructed, the only option available to meet the required setback would be to demolish the tower and reconstruct it with the proper setback.

In regard to the additional signage on the tower feature, Village Staff does not believe that the applicant has proven the need for the additional sign on the tower element and that it would confer special privileges not granted to similarly situated properties.

Recommended Action:

Staff is recommending Denial of Application No. 19-043 (SVAR) (VC-19-07).

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**Attachment A
Height of the Sign
Southern Boulevard Properties Phase 1 North
19-043 (SVAR)
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The height of the sign is 21 feet.

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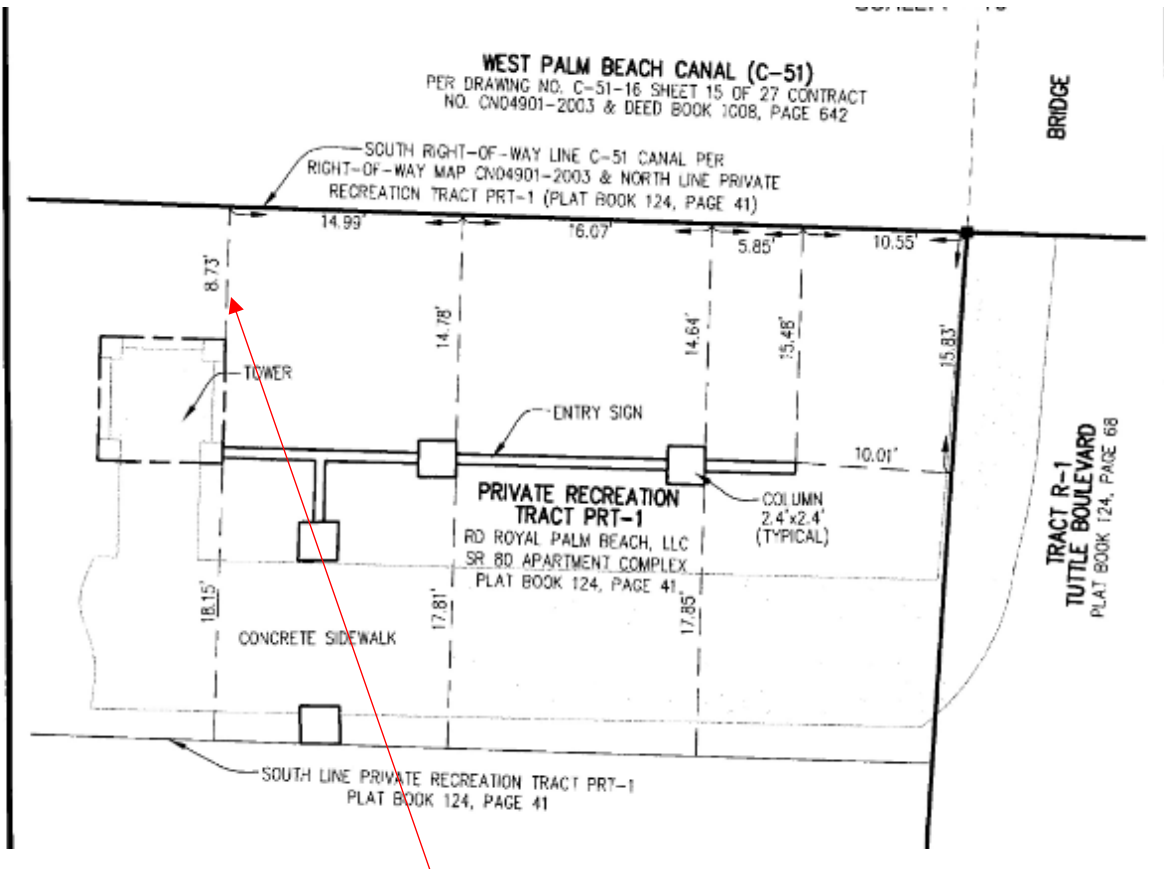
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**Attachment C
Sign on Tower
Southern Boulevard Properties Phase 1 North
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Southern Boulevard



The setback for the sign is 8.75 feet from the north property adjacent to the C-51 Canal and Southern Boulevard.

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**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF ROYAL PALM BEACH
SIGN VARIANCE**

CASE NO. VC-19-07

**IN RE:Application No. 19-043(SVAR) – Town Southern - Related Group
@ 10900 Town Circle**

Legal Description:

Attached as Exhibit “A”

ORDER APPROVING APPLICATION

This cause came to be heard upon the above application and the Royal Palm Beach Village Council having considered the evidence presented by the applicant and other interested persons at a hearing called and properly noticed, and the Royal Palm Beach Village Council being otherwise advised.

THEREUPON, the Village Council of the Village of Royal Palm Beach finds as follows:

1. The property which is the subject of said application is classified and zoned within the RM-18 – Multifamily Residential Zoning District by the Zoning Code of the Village of Royal Palm Beach and the zoning map made a part thereof by reference.
2. The applicant is seeking a **Variance** from the Village of Royal Palm Beach Code of Ordinances at Section 20-56(2) to increase in the maximum height of the sign structure to 21’ where the Village Code allows a maximum of seven (7) feet, to allow a second entrance sign on the tower feature, and to allow a reduced setback of 8.75 feet where the Village Code requires 10 feet.
3. Under the provisions of Sec. 20-148 of the Village Code of Ordinances, the Village Council has the right, power and authority to act upon the application herein made.
4. In the judgment of the Village Council, the public welfare will best be served by **APPROVING** the application as set forth in the attached Exhibit B.

5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:
6. The application for **Variance, VC-19-07**, with respect to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Section 20-56(2) to increase in the maximum height of the sign structure to 21' where the Village Code allows a maximum of seven (7) feet, to allow a second entrance sign on the tower feature, and to allow a reduced setback of 8.75 feet where the Village Code requires 10 feet is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

The applicant meets the following standards set forth in Section 26-32(f)(6). of the Village Code of Ordinances.

1. Special conditions and circumstances exist;
2. Special Circumstances are not the result of actions of the applicant;
3. No special privilege is conferred;
4. Literal interpretation would constitute an unnecessary and undue hardship;
5. Minimum variance;
6. Is in harmony with the Sign Code; and;
7. Will not be injurious to area or detrimental to the public welfare.

Done and ordered this 19th day of September, 2019.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Application No. 19-043(SVAR)
Town Southern – Related Group @ 10900 Town Circle

DESCRIPTION:

Legal Description

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; RUN THENCE ALONG THE WEST LINE OF SAID SECTION 36, N01°30'19"E A DISTANCE OF 142.27 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

RUN THENCE N01°30'19"E, A DISTANCE OF 1177.35 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL (C-51) SAID LINE BASED ON A LETTER FROM BLAIR LITTLEJOHN (COUNSEL TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT), TO JERALD CANTON ESQ. DATED NOVEMBER 29, 2000 (VERIFIED BY MEETING WITH SFWMD MARCH 2007); THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE, S83°44'24"E A DISTANCE OF 627.16 FEET; THENCE , CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, S01°30'19"W A DISTANCE OF 10.19 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL (C-51), SAID LINE AS SHOWN ON THE C-51 CANAL RIGHT-OF-WAY MAP CONTRACT NO. CN044901-2003; THENCE S88°52'41"E A DISTANCE OF 110.68 FEET TO A FOUND RIGHT-OF-WAY MONUMENT; THENCE CONTINUE ALONG SAID C-51 RIGHT-OF-WAY LINE S87°52'10"E A DISTANCE OF 859.86 FEET; THENCE LEAVING SAID C-51 RIGHT-OF-WAY LINE RUN S04°06'31"E A DISTANCE OF 85.04 FEET TO A POINT ON A LINE 85.00 FEET SOUTH OF AND PARALLEL TO THE C-51 RIGHT-OF-WAY LINE, THENCE ALONG SAID LINE RUN N87°52'10"W A DISTANCE OF 656.66 FEET TO A POINT ON THE EAST LINE OF THE EAST 310 FEET OF THE WEST 935 FEET OF THE WEST HALF OF THE SOUTHWEST ONE-QUARTER (1/4) OF SAID SECTION 36; THENCE LEAVING SAID C-51 CANAL RIGHT OF WAY LINE RUN S01°30'19"W ALONG A LINE BEING PARALLEL WITH THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 471.00 FEET; THENCE S88°59'05"E A DISTANCE OF 348.57 FEET; THENCE S04°44'26"W ALONG THAT

CERTAIN SPECIFICALLY DESCRIBED LINE MENTIONED IN OFFICIAL RECORDS BOOK 10159, PAGE 1304, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 550.90 FEET MORE OR LESS; THENCE N88°59'05"W ALONG A LINE PARALLEL WITH AND LYING 142.27 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 1252.51 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID HEREIN DESCRIBED PARCEL CONTAINING 29.86 ACRES MORE OR LESS.