

Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report; Resolution 2022-52
AutoZone Sign Variance V-2022-01

PREPARED BY: Jim Fleischmann

September 8, 2022

SUBJECT: Resolution 2022-52 - Increase in the size of the Primary Wall Sign face of the AutoZone vehicle parts store located in Pod A of Groves Town Center above the maximum allowed by the Town Code.

1. BACKGROUND/HISTORY

History: The Town Council approved a Site Plan for Pod A of Groves Town Center on November 6, 2018 which included a Wawa gas/convenience store, Chase Bank and Aldi grocery. The initial Site Plan was amended on May 3, 2022 to include a Wawa gas/convenience store, AutoZone vehicle parts store and Aldi grocery.

Issue Statement: The Applicant has requested that the sign face of AutoZone building wall sign be increased, as follows: Primary Sign facing Southern Boulevard: From a ULDC maximum of 36 square feet to 74 sq. ft.

Issue Resolution: Per 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 in Section 150-020 is met. In order to recommend approval of the proposed variance, the Town Council should find that the application meets each of the five criteria.

2. CURRENT ACTIVITY

The Planning and Zoning Board (PZB), at its meeting on August 25, 2022 recommended approval of the AutoZone Sign Variance Application V-2022-01 by a 4 – 0 vote.

Based upon the PZB report titled: "Agenda Item Staff Summary Variance Application V-2022-01" dated August 25, 2022, Staff finds that the Applicant has demonstrated that each of the five review criteria in ULDC Section 150-020 has been satisfied and therefore recommends approval of Resolution 2022-52.

3. ATTACHMENTS

1. Resolution 2022-52
2. Planning and Zoning Board Staff Report dated August 25, 2022

4. RECOMMENDED ACTION: Approval of Resolution 2022-52, as recommended by PZB and Staff.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-52

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE AUTOZONE SIGN VARIANCE, FOR LAND OWNED BY BW SOUTHERN BINKS, LLC, CONSISTING OF 0.76 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to variances from land development regulations for development on property within the Town; and

WHEREAS, the Council, pursuant to Section 150-010 (Authority) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) is granted the authority to permit a variance to the provisions of the ULDC related to: (1) height; (2) yards; (3) parking and loading; (4) landscaping and buffers; (5) separation of uses; (6) plot coverage; and/or (7) such other provisions of the Code which do not specifically prohibit such requests; and

WHEREAS, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the ULDC have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of August 25, 2022 recommended approval of the AutoZone Variance Application V--2022-01; and

WHEREAS, the AutoZone. Application V-2022-01, was presented to the Town Council at a quasi-judicial public hearing conducted on September 8, 2022; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, the ULDC requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

Section 1. Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the analysis and findings of the Planning and Zoning Board report entitled “Agenda Item Staff Summary Variance Application V-2022-01:” dated August 25, 2022 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

- 1. V-2022-01 is a request to increase the square footage of the Primary Wall Sign facing Southern Boulevard from a ULDC maximum of 36 sq. ft. to 74 sq. ft.; and.
- 2. V-2022-01, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Sections 150-010(B) and 150-010(C).
- 3. The Applicant has demonstrated, by competent substantial evidence ,based upon responses to the criteria of Section 150-020 (Considerations for variances) of the Town of Loxahatchee Groves land development regulations, that V-2022-01 meets the stated criteria and is not contrary to the public interest.

Section 3. The Town Council of the Town of Loxahatchee Groves hereby approves the AutoZone Variance Application V-2022-01 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof.

Section 4. This approval is subject to Section 150-030 (Time limits) of the Town of Loxahatchee Groves Unified Land Development Code and other provisions requiring that development commence in a timely manner.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 7. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Danowski, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marge Herzog, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 8th day of September 2022.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor Laura Danowski

Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Town Attorney

Council Member Marianne Miles

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EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2022-xx:

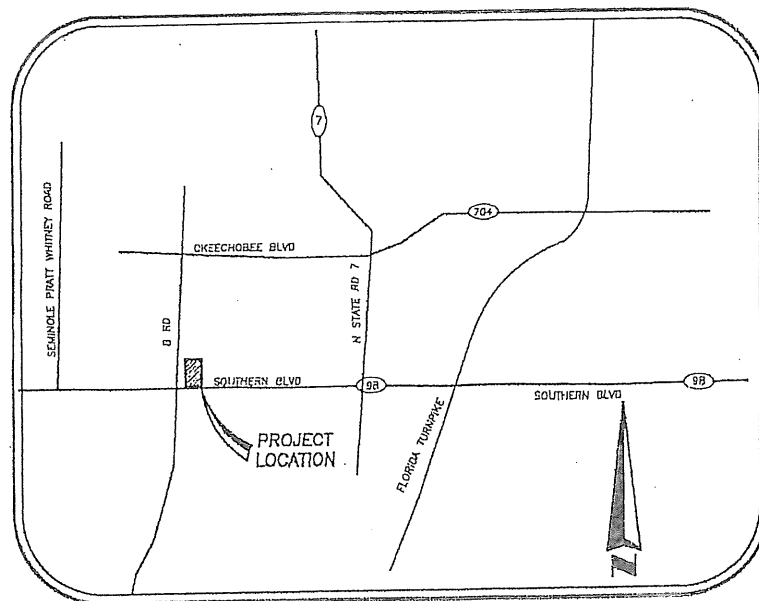
GROVES TOWN CENTER PUD POD A (LESS OR 32355 P 1078 AND OR 32629 P 433) OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

AND

**GROVES TOWN CENTER PUD TR LB3 (LESS OR 32355 P 1078 AND OR 32629 P 433) OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
K/A LSSNDSCAPE BUFFER AND DRAINAGE**

Parcel Control Numbers: 41-41-43-31-12-001-0020 and 41-41-43-31-12-012-0032.

LOCATION MAP



**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
August 25, 2022**

AGENDA ITEM STAFF SUMMARY: VARIANCE APPLICATION VA-2022-01

A. DESCRIPTION OF THE PROPERTY

Project Name: AutoZone Sign Variance Application VA-22-01 (Groves Town Center Pod A)

Agent: Jones Sign Company Permitting Coordinator Staff (Kerri Sabol, Permit Coordinator).

Applicants: AutoZone, Inc.

Owners: BW Southern Binks, LLC

Parcel Control Number (PCN): 41-41-43-31-12--001-0020 and 41-41-43-31-12--012-0032

Project Location: Southern Boulevard. East of the northeast Corner of Southern Boulevard and "B" Road. .

Size of Property: 0.76 acres.

FLU Map Designation: Commercial Low (CL).portion of the Groves Town Center Multiple Land Use designation.

Zoning Map Designation: Multiple Land Use Planned Unit Development (MLU/PUD)

Existing Use: Palm Beach County Property Appraiser (PAPA) Use Code – 1000 Vacant Commercial.

B. APPROVAL HISTORY

The Subject Site, located on the north side of Southern Boulevard east of "B" Road in Loxahatchee Groves, is a portion of the 6.79 acre Pod A of the 90 acre "Groves Town Center" which was assigned a Multiple Land Use (MLU) future land use designation by the Town for the purpose of implementing a mixed-use development concept consisting of the following three land uses: Commercial Low (CL), Commercial Low Office (CL-O), and Institutional (INST). Subsequent to the MLU approval, the Groves Town Center parcel was assigned an MLU/PUD zoning approval, including a Conceptual Master Plan.

The Town Council approved a Site Plan for Pod A of Groves Town Center on November 6, 2018 which included a Wawa gas/convenience store, Chase Bank and Aldi grocery. The initial Site Plan was amended on May 3, 2022 to include a Wawa gas/convenience store, AutoZone vehicle parts store and Aldi grocery.

C. APPLICATION REQUEST

The Applicant has requested a variance from ULDC Section 90-040(B) (3) (a) *Individual building as outparcel or stand-alone building* to allow for an increase in the maximum square footage of the building wall sign.

The Applicant has requested that the sign face of AutoZone building wall sign be increased from a maximum of 36 square feet to 74 sq. ft. facing Southern Boulevard; a sign face variance of 38 sq. ft. or 106%. Refer to Exhibits 1 and 2 for proposed sign design.

D. STAFF REVIEW

The requested variance is to allow a building within a multi-tenant center (i.e. Pod A – Wawa/AutoZone/Aldi) to exceed the maximum sign-face area for the allowed primary wall sign. Per ULDC Section 90-040(B) (3) b., the sign-face maximum is 36 sq. ft. for the Primary Sign. The Applicant has proposed 74 sq. ft. to be permitted.

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 a wall sign 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 Aldi grocery parcel has been subdivided within Pod A and is operational; however, it is not in violation of ULDC provisions.

Brief descriptions of abutting properties are presented in the following table. Southern Boulevard, followed by the C-51 Canal right-of-way, borders the Subject Site to the south and vacant parcels within the Groves Town Center mixed-use planned development, border the Subject Site on the north, west and east.

Inventory of Abutting Properties

Direction	Description
North	Vacant – Pod "C" of Groves Town Center
South	Southern Boulevard followed by C-51 Canal
East	Built – Aldi Grocery
West	Vacant – Pod "B" of Groves Town Center (approved Wawa)

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 setback of the building from Southern Boulevard limits visibility from the road. The sign code allows 36 sq. ft. of signage. The limited size would be a detriment to customers trying to locate the store from Southern Boulevard and allow them to prepare safely to turn into the development.

Staff Analysis: Applicant states that the Property is located on Southern Boulevard which functions as a freeway with a considerable traffic volume moving at high speeds. Further, Southern Boulevard is being built-out as a 6-lane, divided Principal Arterial highway.

In addition, during the site plan review process, the Applicant agreed to provide a 25-foot buffer, including a landscaped berm, as opposed to the code-required 15-foot buffer along Southern Boulevard creating additional distance from the travel lanes to the building.

Staff concludes that the widening of Southern Boulevard and additional buffer depth and berm height along Southern Boulevard creates special conditions and circumstances related to visibility and safety considerations. The size and location of signage can assist in addressing these issues. On this basis, Staff concludes that Criterion 1 has been satisfied.

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 Auto Zone's standard trademark sign and needed to identify the location of the store from Southern Boulevard. It will be consistent with the proposed use, the building architecture, and the surrounding commercial uses.

Staff Analysis: The hardship is determined to consist of the lack of adequate visibility and related safety concerns created by the Southern Boulevard expansion in relation to the ULDC maximum wall sign size of 36 sq. ft. It is stated in Condition 1 that the variance, if approved, will ensure safer traffic circulation.

The Southern Boulevard expansion and enhanced landscaping during the site plan approval process) have created a hardship in relation to safety considerations of the current maximum size wall sign. As a result, the hardship

was not self-created. On this basis, Staff concludes that Criterion 2 has been satisfied.

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 allowed signage, per code, would not allow customers to clearly identify the location due to the distance from Southern Boulevard and could hinder the success of the AutoZone store. A larger sign is in keeping with AutoZone's trademark signage and proportionate to the frontage of the proposed building.

Staff Analysis:

The issues of safety and visibility are addressed in Criteria 1 and 2. Primary Sign variances (Tractor Supply and Publix in Loxahatchee Groves Commons and Aldi in Groves Town Center) were granted for essentially the same justification (i.e. visibility from Southern Boulevard and safety). Publix, Tractor Supply and Aldi were granted Primary Sign variances approving wall signs of 74 sq. ft. on the frontage facing Southern Boulevard.

Based upon the above analysis, denial of the proposed variances would deprive the Applicant of the same rights enjoyed by properties in the same (i.e. Pod A Commercial Low) zoning district facing Southern Boulevard. On this basis, Staff concludes that Criterion 3 has been satisfied.

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: With the approval of the proposed variance, the tenant will be able to install signage that is typical of the advertising of the surrounding businesses. The proposed size is AutoZone's standard size for this building frontage and will provide customer awareness.

Staff Analysis: The Applicant stated that larger building signs are needed to provide visibility for customers to ensure safe and efficient navigation to the store. Building signs with an area of 36 and feet would not be as visible to vehicles traveling along Southern Boulevard and would appear disproportionate with the scale of the building. The Applicant has proposed variances similar in scale to those granted at Publix, Tractor Supply and Aldi.

The Applicant's proposal, coupled with the variances approved for Publix, Tractor Supply and Aldi, have established size criteria for wall signs on buildings fronting on Southern Boulevard within multiple-tenant Groves Town Center. On this basis, Staff concludes that Criterion 4 has been satisfied.

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: The increase in sign size will allow visibility for AutoZone from Southern Boulevard. With approval, the new sign will obtain all required engineering, as well as permits, fees, and inspections in order to affect the health, safety and general welfare of visitors and those working at the store.

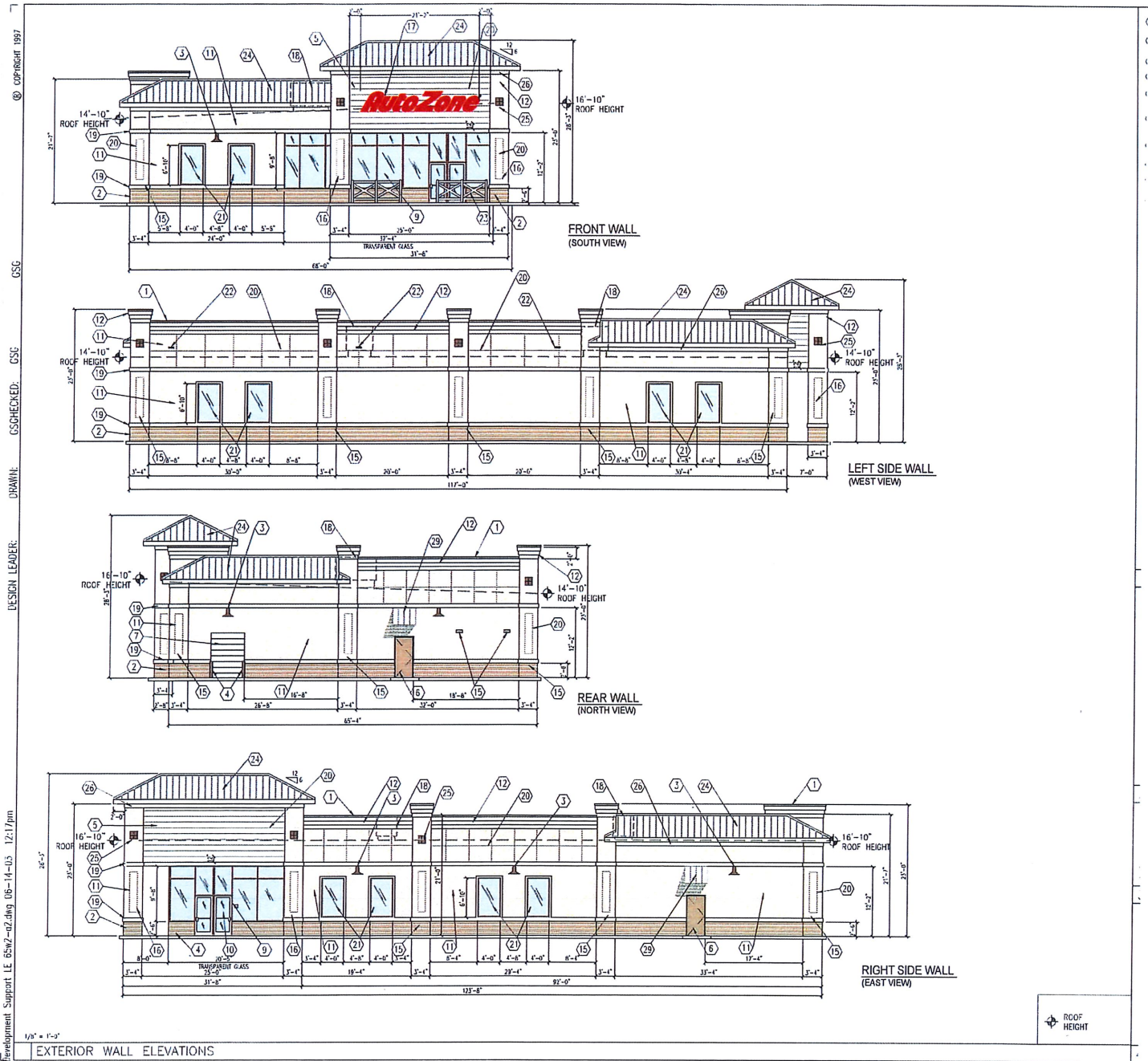
Staff Analysis: Per Section 40-010(a) of the Town's Land Development Code, the purpose and intent of a Planned Unit Development (PUD) zoning district is to provide creative solutions to implement Town planning directives. Groves Town Center has been designed in accordance with the design guidelines of an MUPD development. As such, proposed signage should be designed to effectively and safely advertise adjacent properties from abutting roadways understanding their function and design. Granting the Variance Request will be in harmony with the general intent and purpose of the Code and will not be injurious to the surrounding area or public welfare.

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. The Applicant has demonstrated how approval of the Variance will maintain compatibility with commercial development along Southern Boulevard and further enhance the safety of motorists. On this basis, Staff concludes that Criterion 5 has been satisfied.

E. STAFF RECOMMENDATION

The Applicant has made valid observations regarding visibility, safety and wall sign approvals in commercial projects along Southern Boulevard. It is concluded that the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020, as required by code, has been met. Based upon this conclusion, Staff recommends approval of Variance Application VA- 22-01 to increase the size of the Primary Wall sign to a maximum of 74 sq. ft., as illustrated on Exhibits 1 and 2.

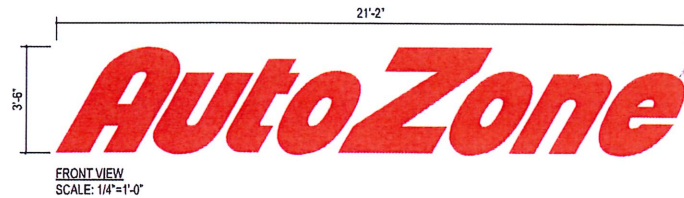
EXHIBIT 1 – PROPOSED COLOR ELEVATIONS



CE	PROTOTYPE SIZE 7N2	DATE 09/20/19	REVISIONS	Prepared AutoZone STORE DEVELOPMENT For: Store No. 5999 SOUTHERN BLVD & 'B' ROAD LOXAHATCHEE GROVE, FL 33470	AUTOZONE STORES LLC 123 South Front St, 3rd Floor Memphis, Tennessee 38103 TEL: (901) 495-8701 FAX: (901) 495-8969
			1.		
			2.		
			3.		
			4.		
			SCALE: 1/8" = 1'-0"		

EXHIBIT 2 – PROPOSED DESIGN SPECIFICATIONS

42NS FACE LIT CHANNEL LETTERS w/o STRIPES (Qty 1) AZ1CL42-254-5LINT
 SQUARE FOOTAGE: 74 AZ1CL42-254-5LEXT

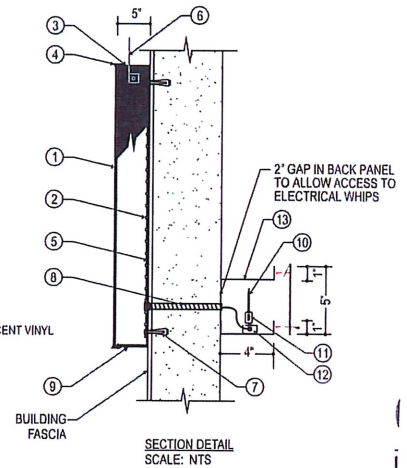


SPECIFICATIONS

- 3/16" THK PIGMENTED PLEXIGLAS RED 2662 AUTOZONE LETTERS
- AUTOZONE LETTERS INTERNALLY ILLUMINATED w/ GE TETRA MAX RED LED
- 5" PRE-FINISHED .040 BLACK/WHITE ALUMINUM RETURNS LETTER LOCKED & RIVETED TO BACK AND CAULKED / INSIDE OF LETTERS AND STRIPES TO BE WHITE
- 1" GLOSS BLACK JEWELITE TRIM FASTENED TO LETTERS w/ MINIMUM #8 SHEET METAL SCREWS PAINTED P-8 / SPACING SHALL NOT EXCEED 18" / NO FEWER THAN FOUR (4) SCREWS PER FACE
- WHITE/WHITE ACM BACKS LETTER LOCKED & RIVETED TO RETURN AND CAULKED
- WHITE ALUMINUM TAB w/ @ VINYL APPLIED FIRST SURFACE V-3
- AUTOZONE REQUIRED MOUNTING HARDWARE: TOGGLE BOLTS-EIFS WALLS OR MASONRY LAGS-CMUMASONRY WALLS / INSTALLER TO PROVIDE HARDWARE (REFER TO WALL SYSTEMS w/ APPROVED FASTENERS CHART)
- 1/2" FLEXIBLE CONDUIT / GREEN FIELD
- 1/4" DIA WEEP HOLES
- 120V - 20 AMP PRIMARY ELECTRICAL CONNECTIONS / TO BE MADE BY LICENSED ELECTRICAL CONTRACTORS
- ETL APPROVED ELECTRICAL SHUT OFF SWITCH
- TETRA POWER SUPPLY MOUNTED TO BOTTOM OF TRANSFORMER BOX
- INTERIOR RACEWAY AS NEEDED: 4" x 5"H x .063 WHT/WHT ALUMINUM BREAKFORMED INTERIOR TRANSFORMER BOX w/ REMOVABLE FACE / PAINTED P-7


COLORS/FINISHES

- P-7 SW 6091 RELIABLE WHITE
- P-8 GLOSS BLACK
- V-3 ARLON 143 POPPY RED HI PERF. TRANSLUCENT VINYL



NOTES

- ALL VISIBLE SCREW HEADS & POP RIVETS PAINTED P-8

<div>JONES SIGN</div> <div>Your Vision. Accomplished.</div> <div>WWW.JONESSIGN.COM</div>	JOB # 000000-R1	REV	DATE	BY	DESCRIPTION	<div></div>
	DATE: 00.00.0000	1	01-18-10	TS	RE-INSTALLED 2" PLEASANT HILLS, CA 91367, LETTERS AND STRIPES	
	DESIGNER: Jeneé Solka	2	02-14-20	TS	UPDATE V-3 CALLOUT FROM 20 TO 40/40/1 REMOVE VINYL & REPLACE W/VEL	
	SALES REP: XXX	3	02-03-00	TS	1/1/00	
	PROJ MGR: Sandy Mansfield	4	02-03-00	TS	1/1/00	
		5	02-03-00	TS	1/1/00	
		6	02-03-00	TS	1/1/00	
		7	02-03-00	TS	1/1/00	
		8	02-03-00	TS	1/1/00	
		9	02-03-00	TS	1/1/00	
		10	02-03-00	TS	1/1/00	

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of in any fashion. Use of this design or the salient elements of this design by JONES SIGN is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee that all colors and materials are illustrated for client's use.