

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



**ZONING COMMISSION VARIANCE  
STAFF REPORT  
09/16/2013**

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV-2013- 01620 (Franklin Academy - Boynton)	<b>(V1)</b> Table 8.G.2.C - Entrance Sign Standards - entitled "Maximum sign height"	Maximum sign height of 8 feet	Sign height of 19.5 feet	Sign height increase of 11.5 feet
	<b>(V2)</b> Table 8.G.2.C - Entrance Sign Standards - entitled "Maximum sign face area per sign"	Maximum sign face area of 60 square feet	Sign face area of 66 square feet	Sign face area increase of 6 square feet
LOCATION:	0.75 miles north of Gateway Boulevard on the northeast corner of Knollwood Road and Old Military Trail			
SITUS ADDRESS:	7882 S Military Trail Boynton Beach 33436 7890 Old Military Trail Boynton Beach 33436			
AGENT NAME & ADDRESS:	Wendy Tuma Urban Design Kilday Studios 477 S Rosemary Ave West Palm Beach FL 33401			
OWNER NAME & ADDRESS:	CA Miami 7788 OMT, LLC 2000 Avenue Of The Stars, 11th Floor Los Angeles CA 90067			
PCN:	00-42-45-12-05-015-0010; 0020; 0030			
ZONING DISTRICT:	Single-Family Residential (RS)			
BCC DISTRICT:	03			
PROJECT MANAGER:	Joyce Lawrence, Site Planner II			
LEGAL AD:	<b>ZV-2013-01620 Title:</b> Resolution approving a Type II Variance application of CA Miami 7788 OMT LLC by Urban Design Kilday Studios, Agent. <b>Request:</b> to allow an increase in height and sign face area for an entrance sign <b>General Location:</b> Northeast corner of Military Trail and Knollwood Road and just north of Gateway Boulevard. <b>(FRANKLIN ACADEMY - BOYNTON) (2005-00589)</b>			
LAND USE:	Medium Residential (MR-5)	S/T/R: 12-45-42		
CONTROL #:	2005-00589			
LOT AREA:	9.93 acres +/-			
LOT DIMENSIONS:	695.87' x 625.29'			
CONFORMITY OF LOT:	Yes	CONFORMITY OF ELEMENT:	Proposed - Not Constructed	
TYPE OF ELEMENT:	Ground Mounted Entrance Sign	ELEMENT SIZE:	19.5 Feet in height 66 SF Sign Face Area	
BUILDING PERMIT	N/A	NOTICE OF	N/A	

#:		VIOLATION:	
CONSTRUCTION STATUS:	Under Construction		
APPLICANT REQUEST:	To allow an increase in height and sign face area for a Ground Mounted Entrance Sign.		

**STAFF RECOMMENDATION:** Staff recommends **denial** of the requests, based upon the following application of the standards enumerated in Article 2, Section 2.B.3.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission who may authorize a variance.

Should the Zoning Commission recommend approval of the Type II Variance, it should be subject to the Conditions of Approval as indicated in Exhibit C, or as determined by the Zoning Commission.

**STAFF SUMMARY**

Proposed is a Type II Variance for the Franklin Academy - Boynton Charter School facility. The 9.94-acre parcel was approved by the Board of County Commissioners on August 12, 2012 to allow a Rezoning and a Class A Conditional Use for a School, Elementary or Secondary to serve 1,340 students.

The Unified Land Development Code (ULDC) Article 8 requires a maximum sign height of 8 feet and maximum sign face area (SFA) of 60 square feet. The applicant is requesting a Type II Variance to allow for an 11.5 foot variance from the height requirements and a 6 square foot SFA variance to allow a 19.5 foot high sign with 66 square foot SFA to allow a sign designed as an archway over the entrance driveway of the school. A total of 129 parking spaces will be provided and access to the site will remain from Old Military and Military Trail.

**Previous Approvals**

On September 24, 2007, the BCC approved through Resolution R-97-1619, an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District and through R-2007-1620, a Class A Conditional Use approval to allow a Townhouse (52 units) development.

On August 23, 2012 the BCC approved a Development Order Abandonment to abandon Resolution R-2007-1620; an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District; a Development Order Amendment to reconfigure the Site Plan to add land area and add an access point; and a Class A Conditional Use to allow an Elementary or Secondary School, (Charter School).

**Compatibility with Surrounding Land Uses**

NORTH:

FLU Designation: Medium Residential (MR-5)  
 Zoning District: Single-Family Residential District (RS)  
 Supporting: Residential (Control No 96-071, The Colony PUD)

SOUTH:

FLU Designation: Medium Residential (MR-5)  
 Zoning District: Agricultural Residential District (AR)  
 Supporting: Residential

EAST:

FLU Designation: Medium Residential (MR-5)  
 Zoning District: Residential Planned Unit Development District (PUD)  
 Supporting: Residential (City of Boynton Beach)

WEST:

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)  
 Zoning District: General Commercial District (CG)  
 Supporting: Commercial

## Summary of Table 8.G.2.C Entrance Sign Standards

**VI and V2:** Table - Entrance Sign Standards - entitled " for Maximum sign height and sign face area for an entrance sign.

The requests are for 2 Type II Variances from Table 8.G.2.C, Entrance Sign Standards, to allow an increase in the maximum sign height and sign face area for an entrance sign. The Unified Land Development Code (ULDC) Article 8 requires a maximum sign height of 8 feet (+11.5) and maximum SFA of 60 square feet (+6). The applicant is requesting to deviate from Code requirements to allow an increase in the maximum sign height to 19.5 feet (+11.5) and SFA to 60 square feet (+6).

The purpose and intent of Article 8 is to establish standards for the placement and use of signs and other advertising consistent with State of Florida and Federal law. These standards are designed to protect the health and safety of Palm Beach County and to assist in the promotion of tourism, business and industry.

### ANALYSIS OF ARTICLE 2, SECTION 2.B.3.E VARIANCE STANDARDS

**1. 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 zoning district:**

**V1 - V2 NO.:** No special conditions or circumstances exist that are peculiar to the parcel of land and not to other developments within the same Zoning District. On August 23, 2012, the applicant received an approval for a Development Order Amendment to reconfigure the Site Plan to add land area and add an access point; and a Class A Conditional Use to allow an Elementary or Secondary School, (Charter School). At time of review and approvals, the applicant provided a Master Sign Plan with the application. However, this was only for wall signage. Pursuant to the Code, Article 1.1.2.M.22, Master Sign Plan, the definition is: "*for the purposes of Article 8, a coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.*"

The applicant was aware of the Master Sign Plan requirements during the prior approvals. The applicant states in the Justification Statement that this is not the first time that a similar request to deviate from Code requirements was made outside of the Palm Beach County Jurisdiction. However, because a variance was approved in another jurisdiction, does not mean that there are special conditions for the land, building or structure. The use is not unique. Schools are approved in the County with signs meeting the Code requirements and the applicant can redesign the sign to comply with Code requirements. The non-residential use is not uncommon in a residential Zoning District. The issue of compatibility was discussed when the project was approved by the BCC and signs must be compatible and fit into the neighborhood.

The ULDC Article 8 allows a maximum sign height of 8 feet and maximum SFA of 60 square feet. The applicant is requesting a Type II Variance to allow for an 11.5 foot variance from the height requirements and a 6 square foot SFA variance. The sign is 19.5 foot high with 66 square foot SFA and is designed as an archway over the entrance driveway of the school. The applicant's request cannot be supported as there are alternative sign design options.

**2. Special circumstances and conditions do not result from the actions of the applicant:**

**V1 - V2 NO.:** No special circumstances or conditions exist. The Preliminary Site Plan was modified on August 23, 2012 as previously stated in standard 1 with a Master Sign Plan provided. The Variance requests are a result of the actions by the applicant as there are alternative sign design options. The sign can be designed to comply with Code requirements by constructing a sign that meet the maximum 8 foot height and maximum SFA of 60 square feet.

**3. Granting the variance shall not confer upon the applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:**

**V1 - V2 NO.:** Schools are a common use within residentially zoned properties. Granting this variance will confer a special privilege not allowed by the Code and not available to other parcels of land. There are alternative sign design options to comply with Code requirements that meet the maximum 8 foot height with maximum 60 square feet of SFA.

**4. 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 zoning district, and would work an unnecessary and undue hardship:**

**V1 - V2 NO.:** The literal interpretation of the code would not create an unnecessary and undue hardship on the applicant as there are alternative site design options. The sign can be designed to comply with Code requirements by constructing a sign that meet the maximum 8 foot height and maximum SFA of 60 square feet. Additionally the new building, with wall signage is visible from Old Military and new Military Roads.

**5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

**V1 - V2 NO.:** The granting of the variance is not the minimum variance necessary to make reasonable use of the parcel of land. On December 19, 2012, the applicant received an approval for a Type II Variance from the Zoning Commission to allow an exception from the prohibition of a new educational facility within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of one half of the runway. On August 23, 2012, the applicant also received as part of the approvals, a Development Order Amendment to reconfigure the Site Plan to add land area and add an access point; and a Class A Conditional Use to allow an Elementary or Secondary School, (Charter School). At time of the review and approval the applicant had provided a required Master Sign Plan and was aware of Code requirements for the sign.

The Variance requests are as a result of the actions by the applicant as there are alternative site design options. The sign can be designed to comply with Code requirements to meet the maximum 8 foot height and maximum SFA of 60 square feet.

**6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**V1 - V2 NO.:** The granting of the variance will not be consistent with the purposes, goals and objectives of the Plan and the Code. On August 23, 2012, the applicant received an approval for a Development Order Amendment to reconfigure the Site Plan to add land area and add an access point; and a Class A Conditional Use to allow an Elementary or Secondary School, (Charter School). At time of review and approval the applicant had provided a Master Sign Plan with this approval.

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

**V1 - V2 NO.:** The granting of the variance will be injurious to the area involved or otherwise detrimental to the public welfare consistent with the purposes, goals and objectives of the Plan and the Code. On August 23, 2012, the applicant received an approval for a Development Order Amendment to reconfigure the Site Plan to add land area and add an access point; and a Class A Conditional Use to allow an Elementary or Secondary School, (Charter School). At time of review and approval the applicant had provided a Master Sign Plan with this approval that was in compliance with the ULDC.

## ZONING COMMISSION CONDITIONS

### EXHIBIT C

Type II Variance - Standalone

### VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Master Sign Plan - Variance Exhibit dated June 19, 2013. Only minor modifications by Zoning Commission or Development Review Officer shall be permitted provided the changes are consistent with this Plan. (ONGOING: ZONING - Zoning)

2. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ABN/Z/DOA/CA-2012-00696. (ONGOING: MONITORING - 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. (BLDG PERMIT: BLDG - Zoning)

4. 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 Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

5. 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; 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)

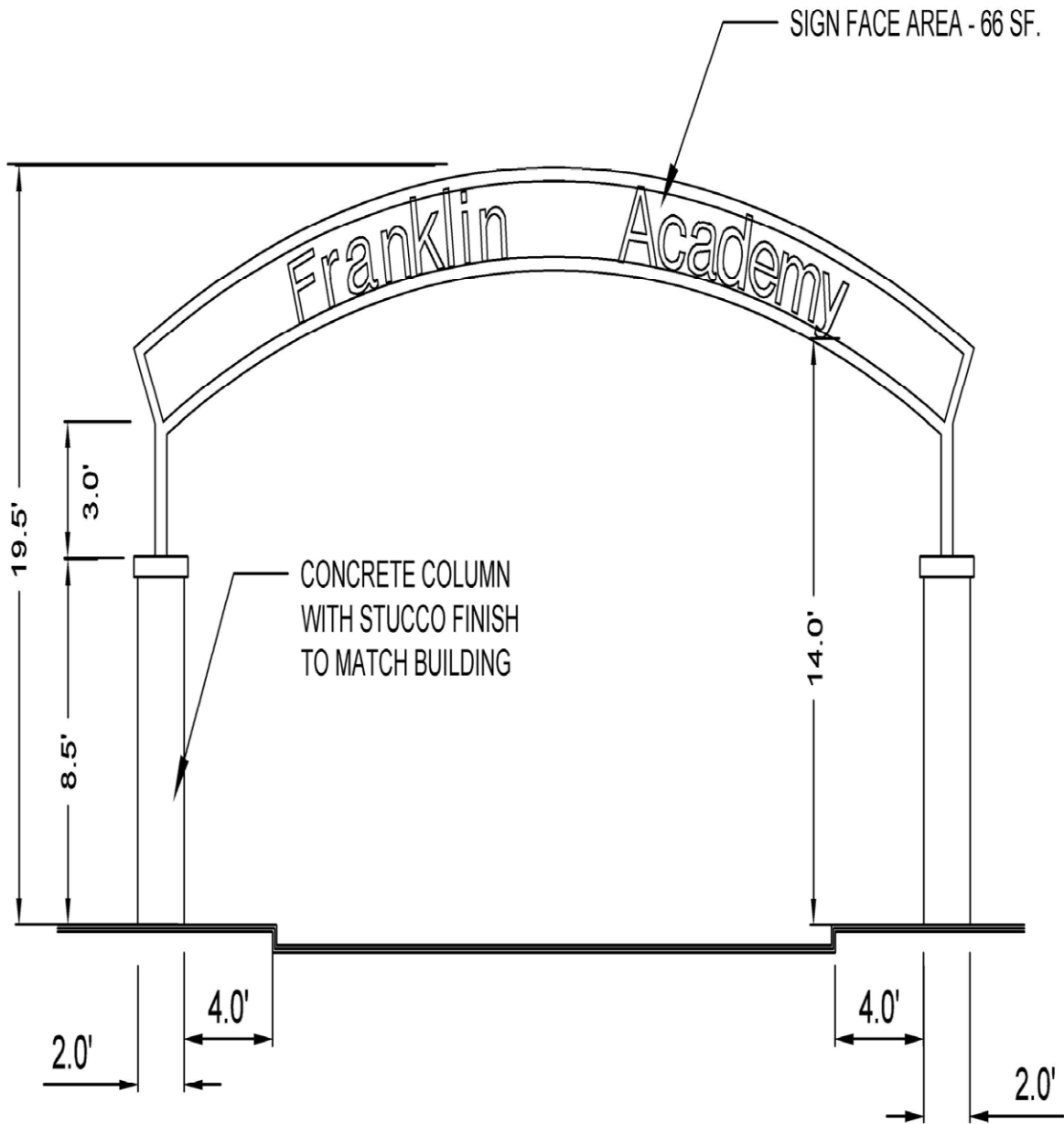








Figure 4 - Entry Sign Detail



**ARCHITECTURAL FEATURE FOCAL POINT: Scale: NTS**  
**ENTRANCE SIGN**

**Exhibit D: Disclosure**

**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 Bari Cooper Sherman, 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 [] Vice President \_\_\_\_\_ [position - e.g., president, partner, trustee] of CA MIAMI 7788 OMT 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.
2. Affiant's address is: CA Miami 7788 OMT LLC  
2000 Avenue of the Stars, 11th Floor  
Los Angeles, CA 90067
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.

**S**



**EXHIBIT "A"**

PARCEL A

A PORTION OF TRACT 15, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONSISTING OF A PARCEL OF LAND 132 X 660 FEET FROM THE NORTHERN BOUNDARY OF TRACT 15 IN THE SOUTHEAST 1/4 OF SECTION 12, DESCRIBED AS RUNNING EAST FROM THE CENTER LINE OF OLD MILITARY TRAIL (A/K/A OLD SR 200), SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 12, 660 FEET; THENCE SOUTH 132 FEET; THENCE WEST 660 FEET; THENCE NORTH 132 FEET, ALONG THE CENTERLINE OF OLD MILITARY TRAIL TO CLOSE; AS SET FORTH IN DEED BOOK 1018, PAGE 145, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS;

LESS AND EXCEPT:

THAT PORTION CONVEYED TO THE STATE OF FLORIDA BY VIRTUE OF THAT QUIT CLAIM DEED RECORDED IN DEED BOOK 909, PAGE 208 FOR RIGHT OF WAY OF MILITARY TRAIL (SR 809);

AND ALSO LESS AND EXCEPT:

THAT PORTION VESTED TO PALM BEACH COUNTY BY VIRTUE OF THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5969, PAGE 1908 UNDER CASE NO. CL-89-308-AI;

AND ALSO LESS AND EXCEPT:

THAT PORTION LYING WITHIN 15 FEET OF THE CENTER LINE OF OLD MILITARY TRAIL, SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 12.

PARCEL B

TRACT 15 IN THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, ACCORDING TO THE AMENDED PLAT OF MARY A. LYMAN, ET AL. RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

LESS AND EXCEPT:

A PARCEL OF LAND 132 X 660 FEET FROM THE NORTHERN BOUNDARY OF SAID TRACT 15 IN THE SOUTHEAST 1/4 OF SECTION 12, DESCRIBED AS RUNNING EAST FROM THE CENTER LINE OF OLD MILITARY TRAIL (A/K/A OLD SR 200), SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 12, 660 FEET; THENCE SOUTH 132 FEET; THENCE WEST 660 FEET; THENCE NORTH 132 FEET, ALONG THE CENTERLINE OF OLD MILITARY TRAIL TO CLOSE; AS SET FORTH IN DEED BOOK 1018, PAGE 145, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS;

AND ALSO LESS AND EXCEPT:

THE SOUTH 25 FEET OF SAID TRACT 15 ABUTTING AND LYING NORTH OF THE PLATTED 15 FOOT ROAD RIGHT OF WAY SHOWN ON THE AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET AL., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

AND ALSO LESS AND EXCEPT:

**EXHIBIT "A"**

THAT PORTION LYING WITHIN 33 FEET OF THE CENTER LINE OF OLD MILITARY TRAIL; SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12.

SAID PARCELS A AND B TOGETHER ALSO KNOWN AS:

A PORTION OF TRACT 15 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AMENDED PLAT OF MARY A. LYMAN ET AL, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 15, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF COLONY AT BOYNTON BEACH, AS RECORDED IN PLAT BOOK 83, PAGES 111 THROUGH 115 OF SAID PUBLIC RECORDS; THENCE S.03°59'26"W. ALONG THE EAST LINE OF SAID TRACT 15, SAID LINE ALSO BEING THE WEST LINE OF FOREST MANOR PLAT 4, AS RECORDED IN PLAT BOOK 73, PAGES 194 THROUGH 199 OF SAID PUBLIC RECORDS, A DISTANCE OF 625.29 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-20, AS RECORDED IN DEED BOOK 43, PAGE 461 OF SAID PUBLIC RECORDS; THENCE N.89°53'22"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 695.87 FEET; THENCE N.04°39'08"E. ALONG A LINE 18.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 15, A DISTANCE OF 492.36 FEET; THENCE S.89°59'24"W., A DISTANCE OF 18.06 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 15; THENCE N.04°39'08"E. ALONG SAID WEST LINE, A DISTANCE OF 39.04 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809), AS RECORDED IN OFFICIAL RECORD BOOK 5689, PAGE 1908 OF SAID PUBLIC RECORDS, AND THE POINT OF CURVE OF A NON TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1,969.86 FEET (A RADIAL LINE FROM SAID POINT BEARS N.73°04'38"W.); THENCE NORTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 02°47'50", A DISTANCE OF 96.17 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 15, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID COLONY AT BOYNTON WEST; THENCE N.89°59'24"E. ALONG THE NORTH LINE OF SAID TRACT 15, AND SOUTH LINE OF SAID COLONY AT BOYNTON WEST, A DISTANCE OF 688.60 FEET TO THE POINT OF BEGINNING.



**Exhibit E: Justification Statement**

**FRANKLIN ACADEMY - BOYNTON**

Type II Stand Alone Variance

**JUSTIFICATION STATEMENT**

Control Number: 2005-00589

Application Number: TBD

Submitted: June 19, 2013



Urban Planning and Design  
Landscape Architecture  
Communication Graphics

**REQUEST:**

On behalf of the property owner/applicant, CA Miami 7788 OMT LLC, Urban Design Kilday Studios hereby submits this request for a Type II Stand Alone variance for the Franklin Academy - Boynton Public Charter School. Specifically, the applicant is requesting variances to the following:

- Article 8, Table 8.G.2.C – Entrance Sign Standards, Maximum Height
- Article 8, Table 8.G.2.C – Entrance Sign Standards, Maximum Sign Face Area Per Sign

**PROJECT BACKGROUND:**

The 9.93-acre site is zoned Single-Family Residential (RS) with a Class A Conditional Use approval for an elementary and secondary school and has a future land use (FLU) designation of MR-5. The site is located in the Urban/Suburban Tier of the Palm Beach County Managed Growth Tier System and is located within the West Boynton Area Community Plan. The site is also located within the future annexation area of the City of Boynton Beach. The parcel control numbers for the project are 00-42-45-12-05-015-0010, 00-42-45-12-05-015-0020 and 00-42-45-12-05-015-0030.

The site is generally bounded by Old Military Trail and Military Trail to the west. On the west side of Old Military Trail is an existing commercial parcel with access and frontage on Military Trail. Beyond Military Trail is vacant property which is approved as an office building. To the north of the site is an existing zero-lot line residential community, Colony Lakes PUD. East of the site is existing residential single family homes located within the City of Boynton Beach. The LWDD L-20 canal abuts the south property line. Beyond the canal is a parcel zoned Agriculture Residential (AR).

Franklin Academy-Boynton received zoning approvals from the Palm Beach County Board of County Commissioners (BCC) on August 23, 2012 via Resolution Numbers R-2012-1166, R-2012-1167, R-2012-1168, and R-2012-1169. The BCC approved a Development Order Amendment, Development Order Abandonment, Rezoning and Class A Conditional Use to allow for a School, Elementary or

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LCC000035

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Secondary on a 9.94 acre parcel of land in the Single-Family Residential (RS) zoning district.

Franklin Academy-Boynton Charter School is an elementary and middle (K-8) charter public school which will serve the residents of Palm Beach County. The recently approved zoning and concurrency applications allow for a charter school to serve a maximum of 1,340 students. The development schedule anticipates the school being completed and open in August of 2013 for the 2013-2014 school year.

The Final Site Plan, Plat, Building Permit and Land Development applications were submitted for the Type II Concurrent Review Process on September 19, 2012. The Site Plan received Type II Off the Board approval at the Development Review Officer (DRO) Hearing on December 12, 2012. The Plat was recorded on March 19, 2013 in Plat Book 116, Pages 120-121 of the Official Records of Palm Beach County. The project is currently under construction.

**TYPE II VARIANCE**

The requested Type II Variance is as follows:

	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
1	Article 8, Table 8.G.2.C. Entrance Sign Standards	Maximum sign height of 8'.	Sign height of 19.5'	11.5' variance from height requirements
2	Article 8, Table 8.G.2.C. Entrance Sign Standards	Maximum sign face area of 60 SF per sign	66 SF sign face area	6 SF variance from sign face area requirements

**VARIANCE JUSTIFICATION:**

The applicant proposes to construct an entry arch that will serve as the entrance sign for the project, and is a signature element of the Franklin Academy. The Franklin Academy identifies itself as a distinguished and prestigious institution and the proposed signage is a signifier of its image. The



arch will feature the school's name in 2.5 foot high black metal letters and will have a minimum 15 foot high clearance, which meets the standard for emergency vehicle access. No monument sign is proposed at the school's entry. The arch is a unique feature that will signify arrival to the school and establish an identified boundary, as recommended by CPTED principles. Instead of a monument sign, which is used for a variety of land uses, incorporating the signage into the traditional entry arch reflects the special nature of the educational use. The arch sign will not require illumination and will be located within 100 feet from the school's entrance, in accordance with the ULDC.

The ULDC presently restricts entrance sign height to eight (8) feet when adjacent to a right-of-way that is less than 80 feet. The project entrance is from Old Military Trail, which has a right-of-way of 58 feet. The applicant requests relief from the height requirement as limiting the arch sign height to eight (8) feet would not allow appropriate clearances for vehicles to pass under, and would not create a dramatic sense of arrival and sense of place for the school.

The proposed sign face area is 66 SF, whereas the ULDC limits sign face area per sign to 60 SF. Therefore a variance for six (6) SF is requested. It is important to note that the applicant could be permitted two (2) entrance signs by Code, each of which could be 60 SF. Therefore the applicant is proposing significantly less total sign face area than could be permitted if two (2) signs were constructed.

As the applicant has been constructing numerous schools in South Florida, this is not the first instance in which the proposed signature entrance arch sign has not met the literal requirements of the applicable jurisdiction's zoning code. However, the applicant has successfully obtained relief from sign code limitations in the following local jurisdiction:

1. Palm Beach Gardens, Palm Beach County – Waiver approved by City Council for entry signage June 6, 2013 via resolution 28, 2013.

As evidenced by the issues the applicant has experienced in its signature sign failing to meet the strict interpretation of various jurisdictions' zoning codes and in the jurisdictions' willingness to grant relief, this type of sign has not been contemplated in said zoning codes. Furthermore, the sign is not anticipated to adversely impact the public health, safety or welfare and therefore the granting of a variance for relief from height requirements of the ULDC is justified.

**VARIANCE CRITERIA**

Section 2.B.3.E. of the Palm Beach County ULDC states that in order to authorize a variance, the Palm Beach County Zoning Commission shall and must find that the seven criteria listed below have been satisfied. The criteria for each variance request follows.

**1. 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 ZONING DISTRICT:**

**Variance 1 & 2:** A special circumstance exists in that the proposed use of a school is a civic use that will become an integral part of the community. This community service use warrants entry feature signage which makes a statement consistent with the importance of the use in the community. Furthermore, zoning restrictions that may be applicable for residential properties are not appropriate for the school use. Franklin Academy provides unique and high quality public education and brands itself with signifiers such as the archway entrance sign. The variance is necessary to promote the identification of the school, as well as to signify arrival.

**2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:**

**Variance 1 & 2:** The special circumstance is not the result of the actions of the applicant, but rather a result of the importance of the school use in the overall community. The restrictions on signage are imposed by the ULDC, which does not contemplate a sign type such as that proposed.

**3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:**

**Variance 1 & 2:** The granting of the variance will not confer any special privilege denied by the plan or the code to other parcels of land in the same zoning district. Should any other school require variances to code requirements, they may obtain said variance provided they adequately address the seven criteria contained herein on a project specific basis. Many jurisdictions already provide for signage allowances for schools that may not be available to other uses. For example, changeable copy electronic signs are frequently permitted for schools in many jurisdictions.

**4. 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 ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:**

**Variance 1 & 2:** The literal interpretation of the code would work an unnecessary and undue hardship on the applicant as their ability to include a signature element of the Franklin Academy would be impeded. As stated previously, electronic message signs are not uncommon at schools and the proposed entry sign is much less intrusive when compared to electronic signs permitted for schools in other local jurisdictions. The intent of the code is met as the public health and safety is address as the arch will allow for emergency vehicle access, and the sign face area proposed is less that the total allowed for two signs under the ULDC.

**5. GRANTING OF THE VARIANCE IN THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:**

**Variance 1 & 2:** The granting of the variance is the minimum variance necessary to make reasonable use of the building by providing entrance and identification signage that is a signature element of the Franklin Academy. Reducing the height of the proposed arch sign would impact visibility of the sign and could impact the ability of emergency vehicles to pass under it. The variance for the sign face area is the minimum necessary to provide for an evenly spaced sign, and is still under the amount allowed should two signs had been proposed.

**6. GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:**

**Variance 1 & 2:** The granting of the variance will be consistent with the purposes, goals and objectives of the plan and the code. The variance is consistent with the Institutional and Public Facilities Policy 2.2.8-a in that public facilities may be allowed within all future land use designations. Therefore uses or structures that are accessory to and consistent with a public facility should also be allowed within all future land use designations and the variance is not inconsistent with this policy. As such, the granting of the variance is not inconsistent with the Plan or the ULDC.

**7. THE GRANTING OF THIS VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:**

**Variance 1 & 2:** The variance to allow for the entry arch signage will not be detrimental to the public welfare. The increased signage will prove to the benefit of the public welfare as it will clearly identify the Franklin Academy entrance and provide direction, as well as signify the school's high standards of quality public

education. The height of the sign will also allow for emergency vehicle access to the school.

**It is the applicant's position that the variance request complies with the required variance criteria and respectfully requests approval of this application. The project manager at Urban Design Kilday Studios is Wendy Tuma and can be reached at 561-366-1100 with any requests for additional information.**

6

Franklin Academy - Boynton  
Type II Stand Alone Variance

June 19, 2013