



## DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

**Project Name:** Palm Lakes Plaza

**Applicant:** Gina Penney, agent for Publix  
Supermarkets, Inc.

**Project Location:** 7210-7388 W Atlantic Blvd

**Hearing No.** 23-400058 (2023-386)

**Hearing Date:** February 6, 2024

**Board:** Board of Adjustment

---

### **I. RECOMMENDATION:**

### **APPROVAL**

### **II. SUMMARY:**

Applicant has requested permission to install 15 temporary banner signs during renovation of Palm Lakes Plaza. Section 40.706(Q)4 of the Unified Land Development Code (ULDC) generally prohibits banner signs. Section 40.706(G) of the ULDC limits each property to a maximum of five temporary signs of each type at any one time. Plaza tenants will remain open during renovations to the property, and will lose their current wall signs for a portion of the project. This waiver would allow those businesses to have some type of temporary wall signage during construction. Staff recommends approval of the proposed temporary banner signs until a certificate of occupancy has been issued for the new anchor tenant space because without the banners these plaza tenants would be temporarily deprived of signage.

### **III. ANALYSIS:**

The subject property is located within the following:

- Commercial land use category
- B-2 Community Business zoning district

The subject property is located at the southwest corner of Atlantic Boulevard and Rock Island Road.

### **ADJACENT ZONING & USES**

North: R-3                                      Low-rise residential condominium (across Atlantic Blvd)

South and West: R-3A                      Midrise residential condominium

East: B-2                                        Retail (across Rock Island Rd)

Applicant has requested permission to display 15 temporary banner signs on the subject property for six months while Palm Lakes Plaza undergoes renovation. This request is in conflict with two code provisions. Section 40.706(Q)4 of the ULDC prohibits banners, with certain exceptions for grand openings, promotional events, academic schools, and religious institutions. The exception for grand opening banners allows grand re-opening banners, but only if a business closes for at least 10 days, and the display period is limited to a maximum of 60 days. Applicant has indicated that there is no such planned closure for a number of the tenants in Palm Lakes Plaza. Section 40.706(G)1 of the ULDC limits each property to a maximum of five temporary signs of each type at any one time. The number

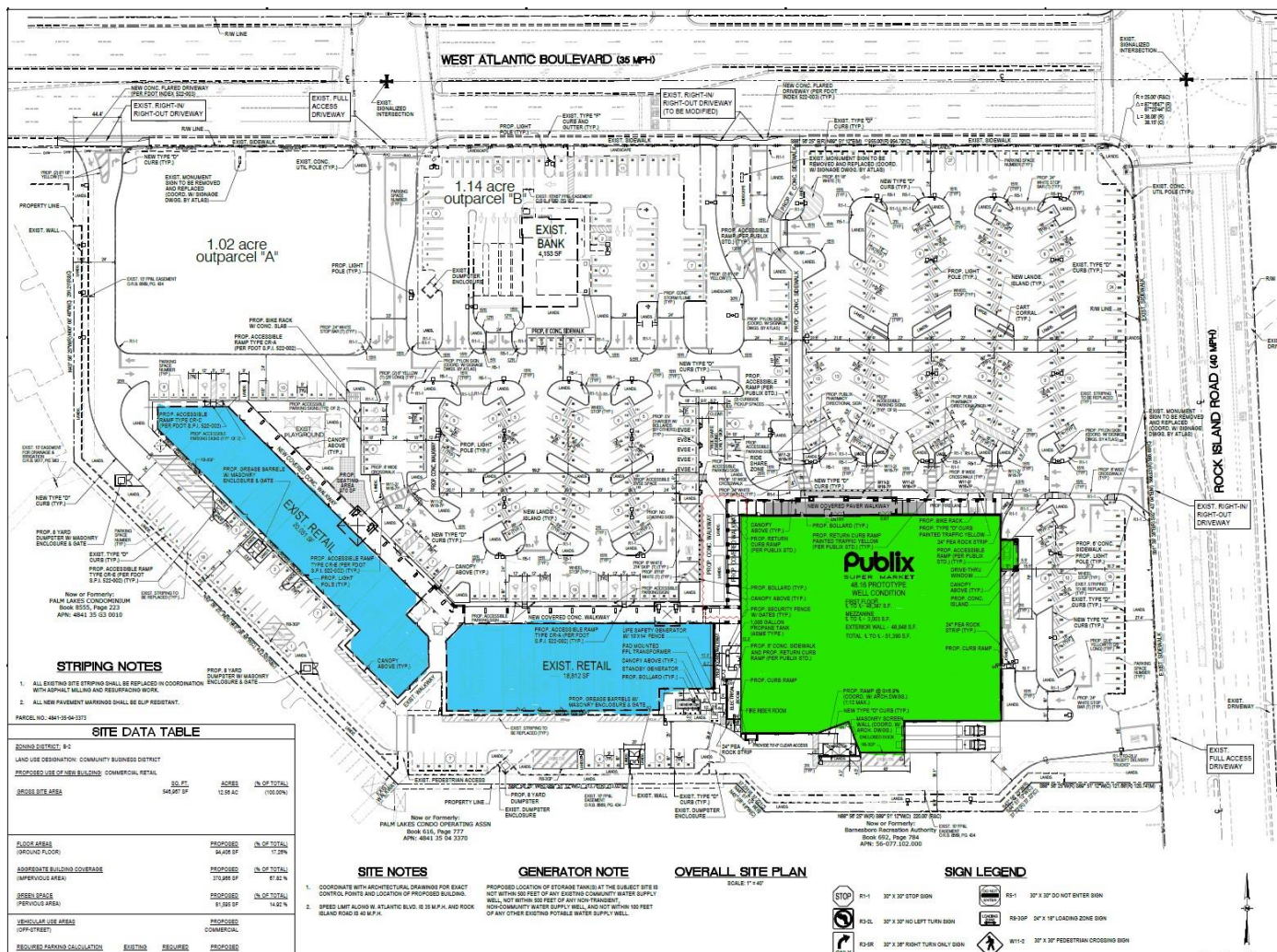
of tenants seeking temporary signage exceeds the limitation set forth in Section 40.706(G)1 of the ULDC.

The subject property is an existing shopping center owned and anchored by Publix Supermarkets, Inc. (“Publix”). The principal structure is currently 118,159 square feet in building area, and is situated on a 12.59-acre property. This property has an approved development permit for a plaza improvement. The Publix store and all tenant spaces east of it will be demolished, with a larger Publix rebuilt in this space. At the opposite end of this building approximately 21,717 square feet of existing tenant space will be demolished to create an outparcel at the northwest corner of the subject property for future development. The tenant spaces between the new Publix and outparcel will remain and undergo roof repairs and façade improvements. The parking area layout will also be improved with an updated layout.



[Subject Property – 2023 Aerial Photo]





[Subject Property – Pending Improvements]

The above image highlights the improved Publix location in green, and it highlights the tenant spaces to remain in blue. The request of this waiver application is to allow 15 banner signs to be displayed in the tenant areas (blue), for six months. All of the requested banners are proposed to be 24 sqft in area (3' x 8') and feature the unique colors and designs of each business to be displayed. The banners are requested to be installed on the mansard above each tenant space, and will serve as the primary form of business identification while improvements are underway for the tenant spaces.

Building Permit 22-3778 was issued October 17, 2023, and work has begun on the property. The following images show the proposal, as well as photos of the current condition of the property.





[Photo of Publix taken from Atlantic Blvd – 1/22/2024]





[Photo of demolition boundary – 1/22/2024]





[Photo of tenants to remain – 1/22/2024]





[Photo of tenants to remain – 1/22/2024]

Section 40.706(G)3a and b of the ULDC allow one contractor sign per roadway frontage and one announcing sign for the project, either freestanding or installed on a construction fence. Each of these signs are limited to 24 square feet in area. While this is a code compliant option, it is limited when considering the number of businesses in need of temporary signage on the subject property, and would take away an opportunity for the intended purposes of these signs, such as identifying the Publix improvement and the contractor(s) performing the work. Additionally, these options would not allow the sign to be installed on the building, where these banners have been requested.

Section 40.706(G)3c of the ULDC allows businesses to display a walkway (ground) sign as large as six square feet, and the sign must be displayed within 15 feet of the business entrance. The small size of this sign is scaled to pedestrians, and this option is limited due to the building's architecture which feature an arcade frontage with planters.

Section 40.706(H)1g of the ULDC allows windows signs to be installed. This could be an option, however, the window signs would be installed at a lower height, below the roofline. Similar to walkway

signs, window sign visibility is lower on properties such as this due to the arcade style frontage. The window signs would not be as visible as the temporary banners that have been requested.

Section 40.706(H)1r of the ULDC allows a property with 6 or more tenants to install poles in the parking field, along roadways for the purpose of installing temporary promotional banners. Palm Lakes Plaza might be able to install approximately 11 of these poles, but again, the signage would not be installed on the wall over the business, and each banner can be displayed for up to 30 days at a time. This would not alleviate the loss of wall signs for 15 tenants during the construction project.

While there are a number of temporary sign options available in the Code, none of them appear to be a good fit for this particular situation.

Section 40.706(S) of the ULDC provides three criteria that should be satisfied before the Board of Adjustment grants a sign waiver. Those criteria are as follows:

- (1) There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.

*The signage available to the plaza tenants that will remain open during this construction project does not permit temporary wall signage for a project of this nature.*

- (2) The granting of a waiver is not contrary to the intent of the sign code, the aesthetics of the area, or does not create a nuisance or adversely affect any neighboring properties.

*This sign waiver request is consistent with the intent of the Sign Code. Section 40.706(A) of the ULDC provides the intent and purpose of the City's sign regulations and has been copied below. Numbers 2 and 6 of this Section are meant to provide adequate signage opportunity to businesses within the City. Staff finds the design and temporary nature of these banners to be consistent with numbers 1, 3, 4 and 5 of this Section.*

- (3) Literal enforcement of this article would result in unreasonable and undue hardship upon the petitioner.

*A literal enforcement of these regulations would result in hardship because it would deny the businesses which are remaining open during plaza improvements a wall sign opportunity on their specific tenant premises. While Publix Supermarkets, Inc is the property owner and petitioner of this sign waiver application, the 15 plaza businesses represented in the application materials would incur the greatest hardship if a literal enforcement of the Code was implemented.*



**Section 40.706(A)**

**(A) Statement of purpose.**

The purpose of this article is to create the framework for a comprehensive and balanced system of sign control, thereby facilitating clear and attractive communication between people and their environment. It is the purpose of this article to control those signs which are intended to communicate to the general public and to authorize the use of signs which are:

- (1) Compatible with their surroundings.
- (2) Expressive of the identity of individual proprietors or of the community as a whole.
- (3) Legible under the circumstances in which they are seen.
- (4) Conducive to promoting traffic safety by preventing visual distraction.
- (5) Provide for the aesthetic appearance of the community and consistency with architecture.
- (6) Effectively and efficiently communicate the intent and nature of the city's business community.

Staff finds that this application satisfies the sign waiver criteria provided in Section 40.706(S) of the ULDC and recommends approval. While Applicant has requested six months to display the temporary banners, Staff recommends granting approval to display the temporary banners until such time as the Palm Lakes Plaza anchor tenant (Publix) receives a certificate of occupancy for the new store.



---

Andrew Pinney, AICP  
Senior Planner  
Development Services Department