



Agenda Item # R - 3

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE PETITION OF TACO BELL BY AGENT, ED BROWN OF BROADWAY SIGN & LIGHTING AND APPROVAL OF VARIANCE ORDER NO. VC 09-06 TO PROVIDE FOR A VARIANCE TO THE SIGN CODE TO PERMIT A MENU PRICING SIGN TO EXCEED THE DIMENSIONAL REQUIREMENTS FOR MENU PRICING SIGNS AS ESTABLISHED IN SECTION 20-60 (3) e., FOR PROPERTY LOCATED NORTH OF SOUTHERN BLVD. AND 575 FEET WEST OF STATE RD. 7.**

**Issue:**

The applicant seeks a variance under Royal Palm Beach Code of Ordinances Sec. 20-60 (3) e. to allow a menu pricing sign at 54.42 square feet in area which measures 7.148 feet in height and 7.614 feet wide, where the Village Code permits the size of menu pricing sign to measure no more than 7 feet high and 7 feet wide. The proposed menu pricing sign will exceed the allowable height by two (2) inches and the width by eight (8) inches. An illustration of the proposed sign can be found in **Attachment B**.

The applicant contends that the proposed sign is one that is manufactured and supplied to all Taco Bell stores across the nation. The applicant goes on to state that in order to comply with Village Code the applicant would need to specifically design a new menu pricing sign and have to purchase custom menu board graphics; and that this would be cost prohibitive.

Staff is recommending approval of this sign variance since it generally satisfies the variance criteria to grant variances as set forth in 26-32 (f) (6). Specifically applicant has reduced the overall sign square footage so to minimize the variance request, the variance will be in harmony with the general intent and purpose of the requirements for menu pricing signs, and given the sign's location this sign will not be readily visible from adjacent properties. (for the sign location see **Attachment C**)

**Motion:**

Approval of petition 92-06 (E) (SVAR) thru the adoption of VC 09-06.

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Initiator:	Village Manager Approval	Agenda Date	Village Council Action
Senior Planner Planning and Zoning Division		12-17-2009	

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

**CASE NO. VC-09-06**

**IN RE: Taco Bell, by Broadway Sign and Lighting**

**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 General Commercial (CG) 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 seeks a **Variance** from Royal Palm Beach Code of Ordinances Sec. 20-60 (3) e. to allow a menu pricing sign at 54.42 square feet in area which measures 7.148 feet in height and 7.614 feet wide, where the Village Code permits the size of menu pricing signs which measure no more than 7 feet high and 7 feet wide.
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 depicted in the plans attached hereto as Exhibit B and located on Exhibit C.
5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:

The application for **Variance**, Case No. **VC-09-06**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit the following: a menu pricing sign at 54.42 square feet in area which measures 7.148 feet in height and 7.614 feet wide, where the Village Code permits the size of menu pricing signs which measure no more than 7 feet high and 7 feet wide,

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 17th day of December, 2009.**

\_\_\_\_\_  
Mayor David A. Lodwick  
Village of Royal Palm Beach

Attest:

\_\_\_\_\_  
Diane DiSanto, Village Clerk

Exhibit A  
Legal Description  
Taco Bell  
92-06 (E) (SVAR)  
Variance Order VC-09-06

LEGAL DESCRIPTION OF TACO BELL PROPERTY

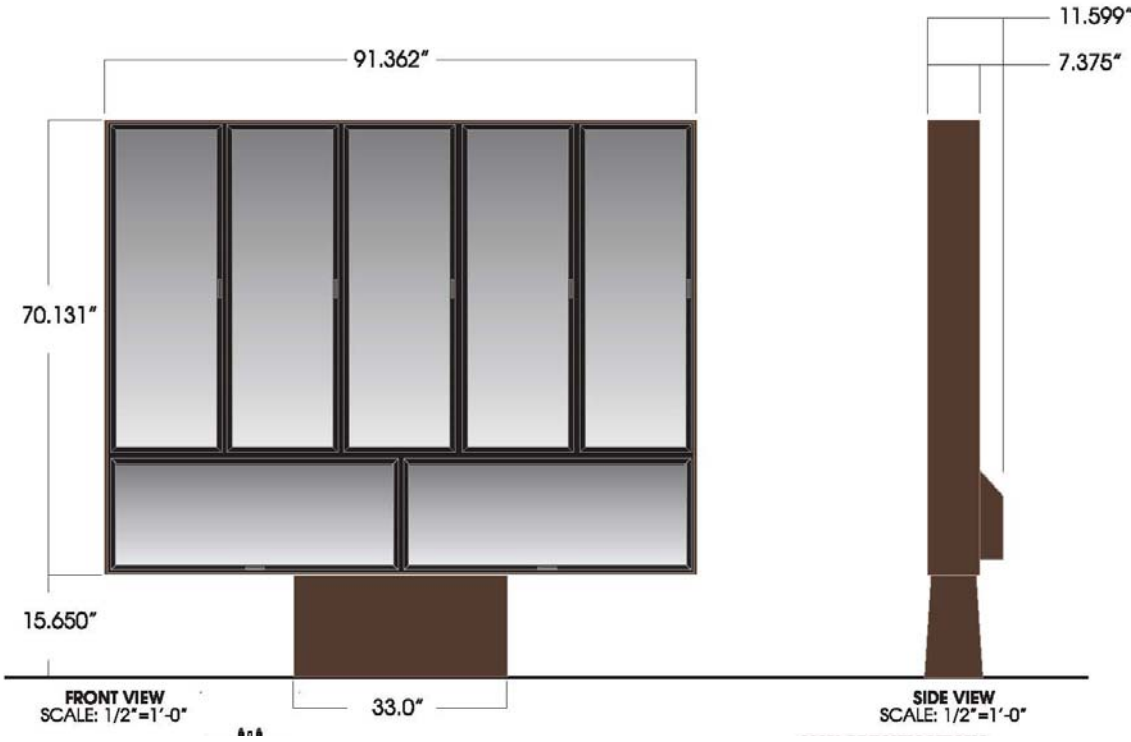
The East 200 feet of the West 400 feet of the South 425 feet of the East one-half (1/2) of Tract 7, Block 9, Palm Beach Farms Company Plat Number 3, as recorded in Plat Book 2 at page 45, Public Records of Palm Beach County, Florida.

LESS that portion as deeded to the State of Florida Department of Transportation for State Road 80, as more particularly describes as follows:

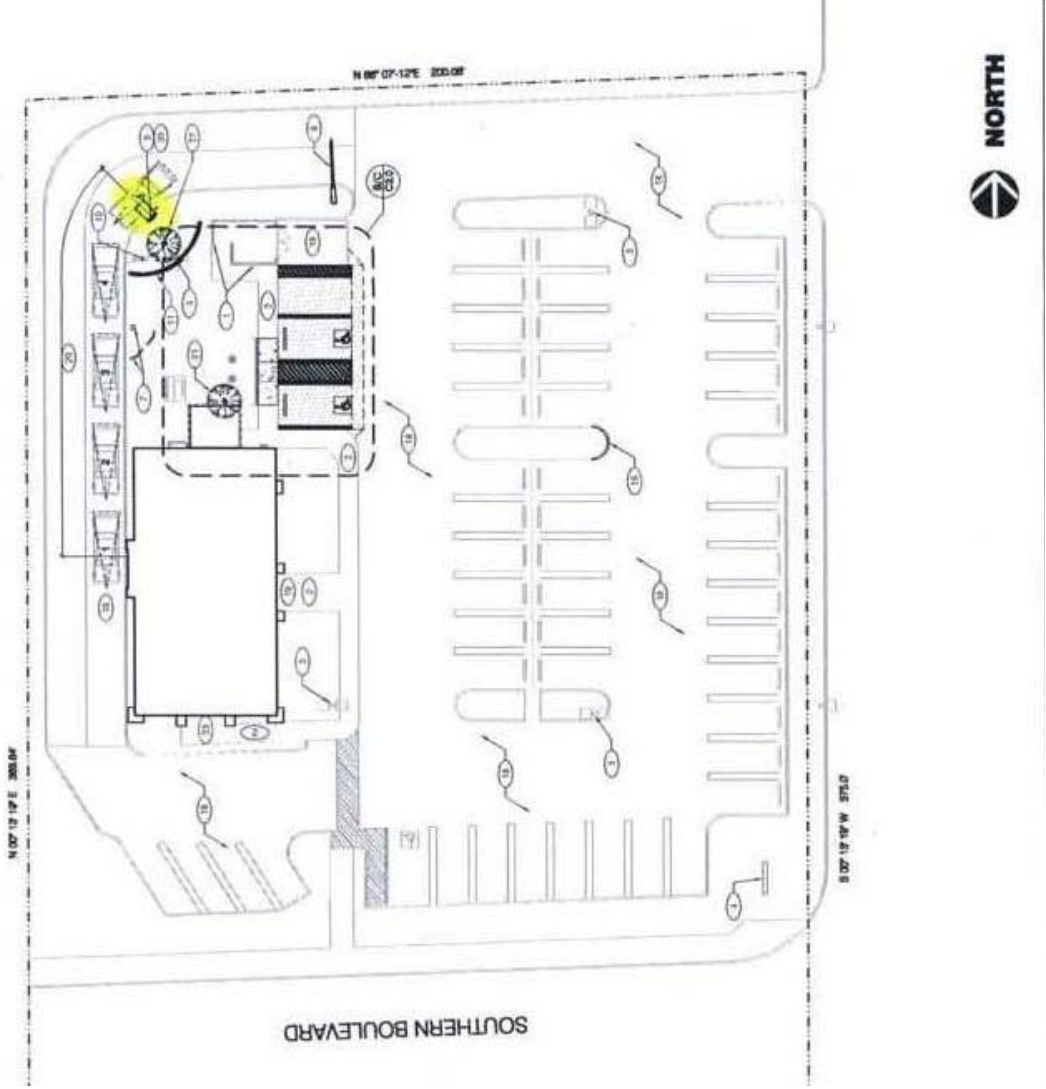
That part of the East 200 feet of the West 400 feet of the South 425 feet of the East 1/2 of Tract 7 in Block 9 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2 at pages 45 to 54 of the Public Records of Palm Beach County, Florida, said part being more particularly describes as follows:

Commence at the Southeast corner of Section 36, Township 43 South, Range 41, East; thence North 01° 34' 02" East along the East line of said Section 36, a distance of 1445.96 feet to the Baseline of Survey for State Road 80; thence North 88° 37' 42" West along said Baseline of Survey for State Road 80 a distance of 915.66 feet; thence North 01° 22' 18" East, a distance of 110.00 feet; thence South 88° 37' 42" East, a distance of 2.84 feet to the POINT OF BEGINNING; thence continue South 88° 37' 42" East, a distance of 200.08 feet; thence South 00° 13' 19" East, a distance of 50.18 feet; thence South 88° 07' 12" West, a distance of 173.41 feet; thence North 88° 37' 42" West, a distance of 25.68 feet; thence North 00° 13' 19" West, a distance of 60.02 feet to the POINT OF BEGINNING.

**Exhibit B**  
**Sign Detail**  
**Taco Bell**  
**92-06 (E) (SVAR)**  
**Variance Order VC-09-06**



**Exhibit C  
Sign Location  
Taco Bell  
92-06 (E) (SVAR)  
Variance Order VC-09-06**





# Village of Royal Palm Beach - Staff Report

## I. General Data:

Project Name: Taco Bell

Application: 92-06 (E) (SVAR) (Ord. No. VC-09-06)

Applicant/Owner: Anthony & Josephine Tepedino  
81 Parrot PL  
Brooklyn, NY 11228-33609

Agent: Broadway Sign & Lighting  
1717 SW 1<sup>st</sup> Way, Suite 8  
Deerfield Beach, Florida 33441

Request: Approval of a variance from the Village Code Sec. 20-60 (3) e. regarding menu board signs to permit a menu pricing sign with a maximum 7.148 inches in height and 7.614 feet in width. The site is located north of Southern Blvd. and 575 feet west of State Rd. 7.

Hearings: Planning and Zoning Commission: August 12, 2008  
Village Council: August 21, 2008

Recommendation: Approval

## II. Site Data:

Site Area: 1.0 ± acres

Property Control Numbers: 72-42-43-27-05-009-0075

Existing Land Use: Restaurant

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	Village Shoppes	Commercial (COM)	General Commercial (CG)
South	Lowes Shopping Center	Commercial (COM)	General Commercial (CG)
East	Christ Fellowship Church	Commercial (COM)	General Commercial (CG)
West	Rubin Property	Commercial (COM)	General Commercial (CG)

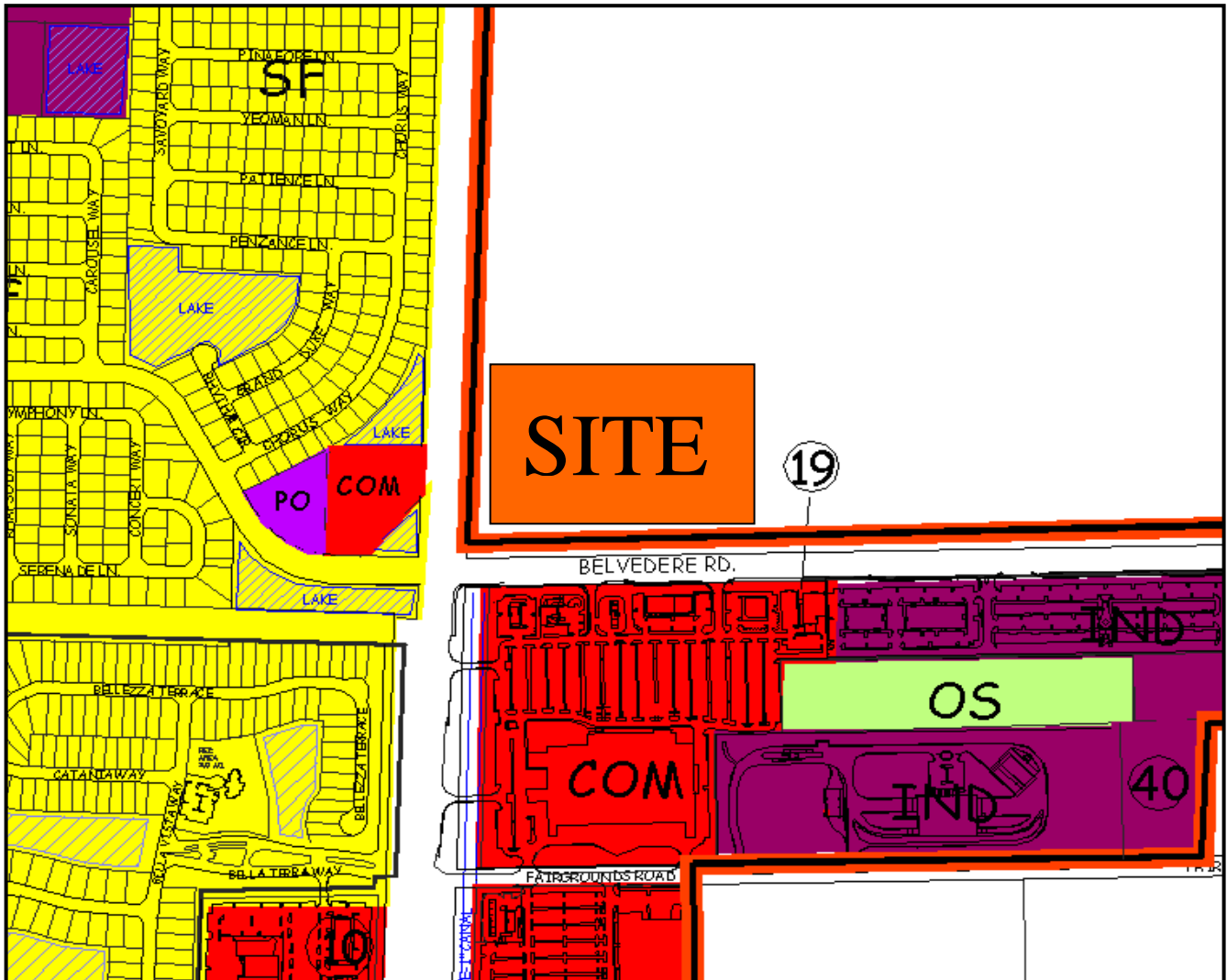


Figure 1: Location Map

### III. Intent of Petition:

The applicant seeks a variance under Royal Palm Beach Code of Ordinances Sec. 20-60 (3) e. to allow a menu pricing sign at 54.42 square feet in area which measures 7.148 feet in height and 7.614 feet wide, where the Village Code permits the size of menu pricing sign to measure no more than 7 feet high and 7 feet wide. The proposed menu pricing sign will exceed the allowable height by two (2) inches and the width by eight (8) inches. An illustration of the proposed sign can be found in **Attachment B**.

### IV. History:

The site is located north of Southern Blvd. and 575 feet west of State Rd. 7. The property received Site plan and Special Exception approval to allow a Taco Bell Restaurant, on December 19, 1991, through the adoption of Resolution No. 92-01. The site then received Site Plan Modification approval on July 16, 1992 through the adoption of Resolution No. 91-31, to allow cross access to Village Shoppes. A Modification to Council Imposed Conditions

was approved on January 16, 2003 through the adoption of Resolution 92-01 which allow the elimination of the requirement for the berm along Southern Blvd.

**V. Analysis:**

The applicant seeks a variance under Royal Palm Beach Code of Ordinances Sec. 20-60 (3) e. to allow a menu pricing sign at 54.42 square feet in area which measures 7.148 feet in height and 7.614 feet wide, where the Village Code permits the size of menu pricing sign to measure no more than 7 feet high and 7 feet wide. The proposed menu pricing sign will exceed the allowable height by two (2) inches and the width by eight (8) inches. An illustration of the proposed sign can be found in **Attachment B**.

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**VII. Staff Recommendation:**

Approval of petition 92-06 (E) (SVAR) thru the adoption of VC 09-06.

**Attachment A  
Legal Description  
Taco Bell  
92-06 (E) (SVAR)  
Variance Order VC-09-06**

LEGAL DESCRIPTION OF TACO BELL PROPERTY

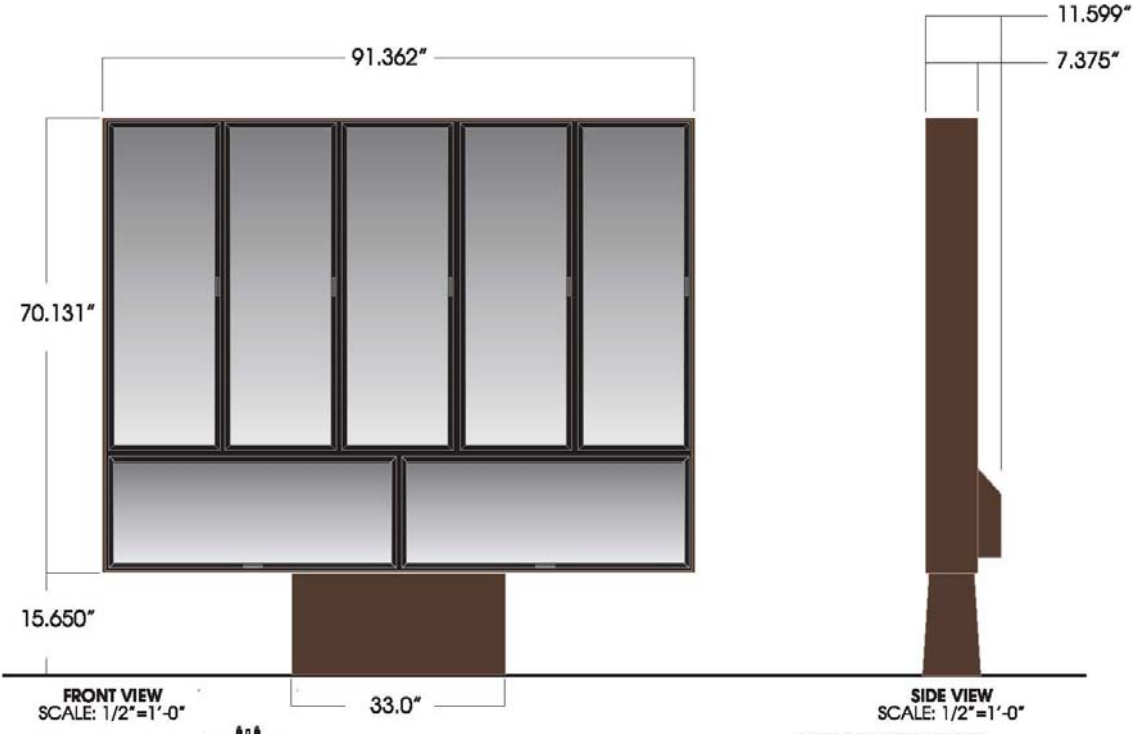
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**Attachment B  
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Taco Bell  
92-06 (E) (SVAR)  
Variance Order VC-09-06**



Attachment C  
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