



145 NW CENTRAL PARK PLAZA  
SUITE 200  
PORT ST. LUCIE, FLORIDA 34986

(772) 873-5910  
FAX: (772) 873-3110  
NOREEN.DREYER@RUDEN.COM

April 7, 2010

*VIA E-MAIL & US MAIL*

Board of Zoning Appeals  
City of Port St. Lucie  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984

Re: Zoning Appeal 10-4, Appeal of Planning & Zoning Board Variance Denial  
Walgreen's at Eastport Plaza, P10-013

Dear Honorable Board Members:

This letter is written on behalf of our client Regency Centers Corporation ("Regency"), in support of its appeal of the Planning & Zoning Board's denial of its request for a variance to allow three (3) letters in each of two façade signs for the new Walgreen's store at Eastport Plaza to exceed the 24" maximum letter size. Because of the script style of the store's name, the "W", the "I" and the "g" each exceed by a few inches the 24" limitation for letter size. As shown in the attached exhibit, the actual letter height of the "W" is proposed to be 29 9/16 inches, the height of the "I" to be 25 7/16 inches and the height of the "g" to be 27 5/16 inches. The remaining letters are 18 15/16 inches.

At its meeting of March 2, 2010, the Planning & Zoning Board denied the variance by a vote of four (4) in favor of the variance and three (3) opposed. A vote of approval of five (5) members is required to grant the variance and thus the variance was denied. We respectfully believe that the criteria for granting the variance has been met and that this Board should agree with a majority of the Planning & Zoning Board members and grant Regency's variance request. The complete application and justification statement are provided in the back up for the appeal.

We would like to highlight the following points in support of this appeal:

- The requested variance is necessitated because the Walgreen's sign consists of script lettering, which results in the initial "W" being taller and the tails of the "I" and "g" extending below the other letters. The style of the sign is universally used by Walgreen's and is immediately identifiable to the public. Thus, changing

RM:7317305:1

to block letters or another style which might better accommodate the strict standards of the code is not a reasonable option.

- Total signage, even if the variance is granted, would be less than the maximum permitted for the building.
- The new Walgreen's store is a replacement of the existing Walgreen's store in East Port Plaza and is part of the overall redevelopment of the Plaza. The requested sign for the new free-standing building is smaller than the sign for the existing store in the center.
- As indicated in the staff report, the requested variance is very minor and will not be injurious to the neighborhood nor detrimental to the public welfare.
- The application for the variance was submitted prior to the first reading of the Ordinance recently amending the sign code.
- Similar variances have been granted for many drug stores, including an identical sign which was unanimously approved for the Walgreen's store at Gatlin Boulevard.
- The signs are compatible with the size of the store, and will allow motorists along US1 to identify the store when traveling along US1 in this commercial area of the City.

Based on the foregoing and on Regency's complete application, we believe that it has been demonstrated that each of the criteria for granting a variance has been met and respectfully request that the Board of Zoning Appeals grant the requested variance.

Sincerely,



Noreen S. Dreyer

NSD/pw  
Enclosure

cc: Daniel Holbrook, Director Planning & Zoning  
Pam E. Hakim, Assistant City Attorney  
Asa Harris, Regency Centers  
Jon Lapointe, PE,

RM:7317305:1

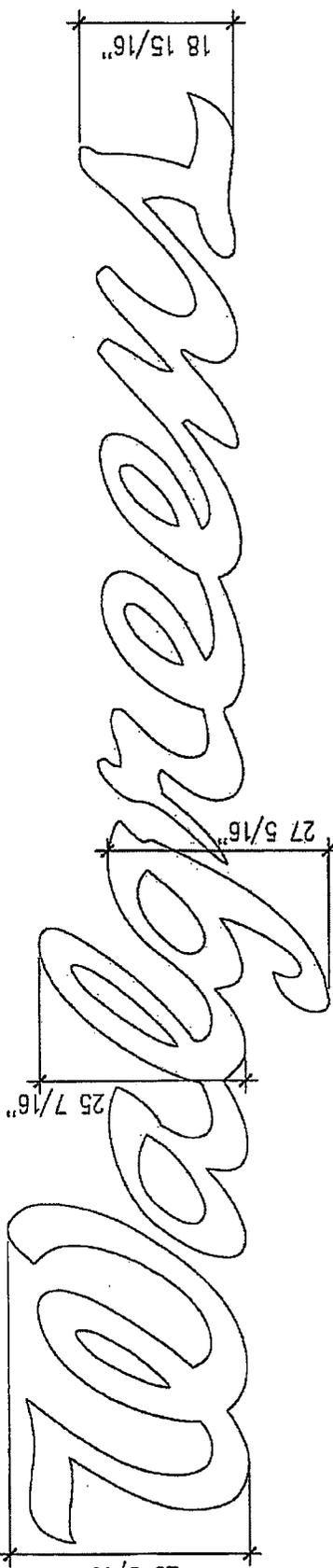
14'-11 3/4"

25 7/16"

29 9/16"

27 5/16"

18 15/16"



PROJECT NO.:  
DATE:

**ATWELL**  
Land Development & Real Estate  
Power & Energy  
Telecommunications  
Infrastructure & Transportation  
Environmental & Solid Waste  
Water & Natural Resources

4810 EISENHOWER BLVD  
SUITE 200, TAMPA, FL 33634  
CERTIFICATE OF AUTHORIZATION #59204  
18 / 7108

DR:  
CAD: FILE:

FIGURE



# CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE

.....  
A CITY FOR ALL AGES

March 12, 2010

CERTIFIED MAIL

Atwell, LLC  
4610 Eisenhower Blvd.  
Suite 200  
Tampa, Fl 33634

Attn: John Laporte, P.E.

**RE: ZONING APPEAL 10-4**, Appeal the decision of the Planning & Zoning Board of March 2, 2010, denying a variance request to allow three letters in each of the two facade signs to exceed the 24" maximum letter size permitted, as outlined in the Citywide Design Standards, Regency Centers/Walgreen's At Eastport Plaza, P10-013

Please consider this notice of Public Hearing before the City Council serving as Board of Zoning Appeals to be held on **Monday, April 12, 2010, at 6:30 p.m.** or as closely thereafter as business permits, at the Port. St. Lucie Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Any back-up material you wish to have put into the packet should be in the City Clerk's office by 12:00 noon on Wednesday, April 7, 2010.

If you should have any questions, please do not hesitate to contact me at 871-5259.

Sincerely,

Patricia M. Garthwaite,  
Assistant City Clerk

cc: Daniel Holbrook, Director Planning & Zoning  
Pam E. Hakim, Assistant City Attorney

COUPRE01

St. Lucie News Tribune  
Legal Advertising  
Proof of Publication to:

Karen A. Phillips, City Clerk  
City Hall Plaza  
121 SW Port St. Lucie Blvd.  
Port St. Lucie, FL 34984

**NOTICE OF PUBLIC HEARING**

The City Council of the City of Port St. Lucie serving as the Board of Zoning Appeals will consider an appeal on April 12, 2010, at 6:30 p.m., or as closely thereafter as business permits, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida, as follows:

Zoning Appeal #10-4  
Legal Description: Second Replat Port St. Lucie Section 67, Parcel 7  
Location: East side of US 1 between Walton Road and Village Green Drive  
Action Sought: Appeal the decision of the Planning & Zoning Board of March 2, 2010, to deny granting a request for a variance to the City's Design Standards by allowing three letters in each of the two façade signs to exceed the 24" maximum letter size permitted, P10-013  
Appellant: Agent: John Lapointe, P.E., Atwell, LLC, 4610 Eisenhower Blvd., Suite 200, Tampa, Fl 33634

Copies of the above appeal documents are available in the City Clerk's office for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. Interested parties may appear at the meeting and be heard with respect to the appeal.

No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

Karen A. Phillips, CMC  
City Clerk

PUBLISH: March 25, 2010

**Regency Centers, LP**  
 DBA East Port Plaza  
 One Independent Drive, Suite 114  
 Jacksonville FL 32202

WACHOVIA BANK N.A.  
 JACKSONVILLE, FL 32202

00045926

63-1012  
 632

DATE	AMOUNT
03/03/10	\$*****150.00

PAY

ONE HUNDRED FIFTY AND 00/100\*\*\*\*\*

DOLLARS

PAY TO THE ORDER OF  
 CITY OF PORT ST LUCIE  
 121 SW PORT ST LUCIE BLVD  
 PORT ST LUCIE FL 34984

*Merton E. Stein, Jr.*

⑈00045926⑈ ⑆063210125⑆ 2079940012608⑈

**RECEIPT**



**CITY OF PORT ST. LUCIE**  
**CITY CLERK'S OFFICE**  
 121 SW Port St. Lucie Blvd. Port St. Lucie, FL 34984  
 (772) 871-5157

1943

DATE 3/11/10

RECEIVED FROM Regency Centers, LP \$ 150.00

One Hundred Fifty & 00/100 DOLLARS

FOR Zoning Appeal 10-4

AMOUNT OF ACCOUNT		
THIS PAYMENT		
BALANCE DUE		

- CASH
- CHECK
- M.O.

BY Pat Garbowski

**THANK YOU**

**NOTICE OF MEETING**

**NOTICE OF PUBLIC HEARING**

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Zoning Appeal #10-4

Legal Description: Second Replat Port St. Lucie Section 67, Parcel 7

Location: East side of US 1 between Walton Road and Village Green Drive

Action Sought: Appeal the decision of the Planning & Zoning Board of March 2, 2010, to deny granting a request for a variance to the City's Design Standards by allowing three letters in each of the two facade signs to exceed the 24" maximum letter size permitted, P10-013

Appellant: Agent: John Lapointe, P.E., Atwell, LLC, 4610 Eisenhower Blvd., Suite 200, Tampa, FL 33634

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Karen A. Phillips, CMC  
City Clerk

Publish: March 25, 2010

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ATWELL, LLC  
4610 EISENHOWER BLVD  
SUITE 200  
TAMPA, FL 33634

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature    Agent

B. Received by (Printed Name)  Addressee  
Elizabeth Velez 3-16-10

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type
- Certified Mail
  - Registered
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7009 0960 0000 7885 2535  
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

10255-02-M-1540

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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**OFFICIAL USE**

Postage	\$	Postmark Here
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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To  
ATWELL, LLC  
Street, Apt. No.,  
or PO Box No. 4610 EISENHOWER BLVD. SUITE 200  
City, State, ZIP+4  
TAMPA, FL 33634

PS Form 3800, August 2006 See Reverse for Instructions

5552 5992 0000 0960 5002



4610 Eisenhower Blvd  
Suite 200  
Tampa, FL 33634  
813.888.9500 Tel  
813.884.4288 Fax  
www.atwell-group.com

March 9, 2010

Ms. Pat M. Garthwaite, CMC., Assistant City Clerk  
City of Port St. Lucie  
Clerks Office  
City Hall Building A  
121 SW Port St. Lucie Blvd.  
Port St. Lucie, Florida 34984

**RE: Application for Sign Variance Appeal to the Zoning Board of Appeals  
Walgreen's at East Port Plaza  
Applicant: Regency Centers, Inc.**

Dear Ms. Garthwaite:

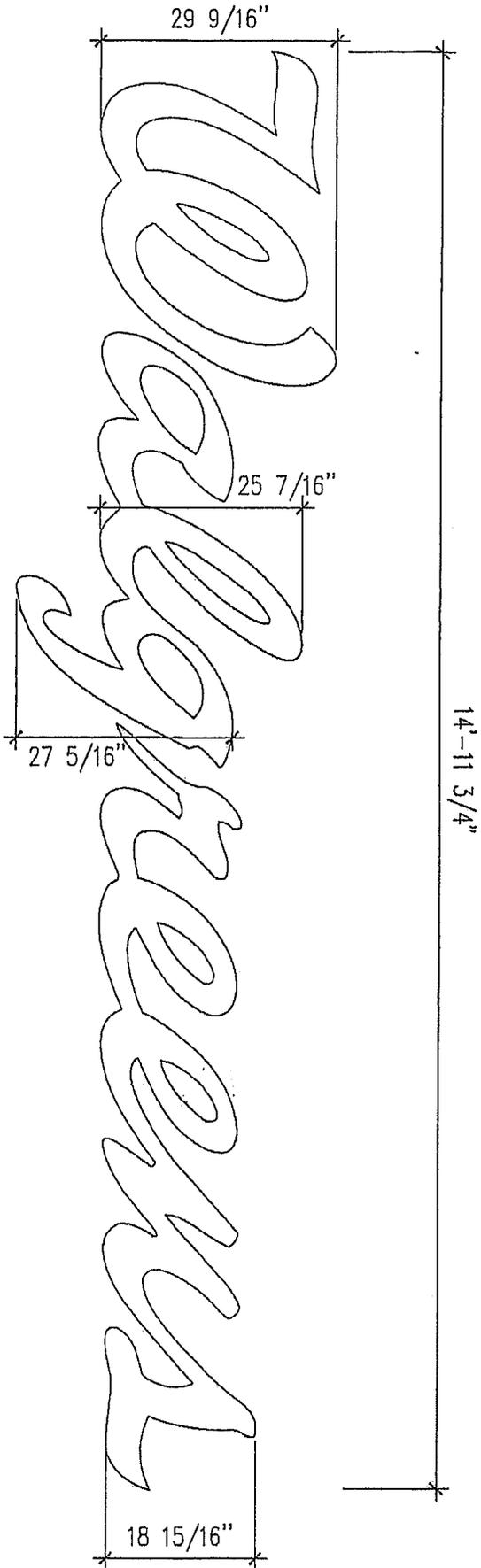
On behalf of our client, Regency Centers, please accept this letter as our request to appeal our application for a sign variance from the City of Port St. Lucie (City) Design Standards regarding the height of building signage lettering to the zoning board of appeals. We are requesting a variance from the "Maximum 24 inch letter height" allowed by the City's Design Standards. To clarify our request, we the approval of this variance would allow the *W* of the *Walgreen's* script wall signs to exceed by 5 9/16", the *l* to exceed by 5 7/16" and the *g* to exceed 3 5/16" above the 24" maximum, see attached exhibit. The remainder of the sign plan conforms to the City requirements. We believe this minor deviation from the design standards can be met with approval. Greater deviations from the 24" maximum letter height are existing and have been approved and permitted throughout the City.

If you would like further clarification or have any questions, please do not hesitate to call me 813-523-7462.

Sincerely,  
Atwell, LLC

John Lapointe, P.E.  
Team Leader  
Land Development Services

cc: Asa Harris, Regency Centers



PROJECT NO.:  
DATE:

FIGURE

DR:  
CAD FILE:



**ATWELL**  
 866.260.4200 | [www.atwell.com](http://www.atwell.com)  
 OFFICES IN ALABAMA, ARIZONA, CALIFORNIA, FLORIDA, GEORGIA, ILLINOIS, INDIANA, IOWA, KANSAS, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, NEBRASKA, NEVADA, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, SOUTH CAROLINA, TEXAS, VIRGINIA, WISCONSIN, WYOMING

4810 BISHOP-OWEN BLVD  
 SUITE 200, TAMPA, FL 33634  
 CERTIFICATE OF AUTHORIZATION #25204  
 LB #7105

Land Development & Real Estate  
 Power & Energy  
 Telecommunications  
 Infrastructure & Transportation  
 Environmental & Solid Waste  
 Water & Natural Resources



# City of Port St. Lucie

## Planning and Zoning Department Memorandum

**TO:** PLANNING AND ZONING BOARD - MEETING OF MARCH 2, 2010

**FROM:** JOHN FINIZIO, PLANNER *J.F.*

**RE:** VARIANCE APPLICATION (PROJECT NO. P10-013)  
WALGREEN'S AT EASTPORT PLAZA

**DATE:** FEBRUARY 16, 2010

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**APPLICANT:** John Lapointe (Atwell LLC). The authorization letter is attached to the staff report.

**OWNER:** Regency Centers.

**LOCATION:** East side of US 1 between Walton Rd. and Village Green Dr.

**LEGAL DESCRIPTION:** Second Replat Port St. Lucie Section 67, Parcel 7.

**SIZE:** 1.59 acres, or 69,331 square feet.

**EXISTING ZONING:** CG (General Commercial).

**EXISTING USE:** A new Walgreen's Pharmacy is currently under construction.

**REQUESTED VARIANCE:** To allow three letters, in each of two façade signs, to exceed the 24" maximum letter size permitted as outlined in the Citywide Design Standards. The applicant is proposing that the letters "W", "I", and "g" be 30" in height.

**SURROUNDING USES:** North = CG (General Commercial) zoning, with an office building. South and East = CG (General Commercial) zoning, with a shopping center and restaurants. West = US 1, beyond is GU (General Use) zoning, with an FPL transfer station.

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### **IMPACTS AND FINDINGS:**

Compatibility with variance criteria:

- 1) 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.

Applicant: "For convenience and visibility most new pharmacy buildings are situated on commercial outlots along major arterial roads. Due to the typical size and orientation of these newer buildings and the mix of services stand alone pharmacies provide, the size of the lettering for signage is unusual to these buildings and may not be applicable to other lands, structures, or buildings in the same zoning district that may be located between other roads directly adjacent to residential uses. The sign code does not adequately address script signage in this case."

Staff: There are no special conditions and/or circumstances peculiar to this site that warrants special consideration for having the letter size on its façade signs to exceed the requirement of the Design Standards. The Citywide Design Standards limits the letter height on tenant signs attached to a building (façade signs) to be between a minimum 9" and a maximum 24"; therefore the need for this variance is a direct result of action from the applicant. Neither the Sign Code nor the Design Standards address script signage since there is no restriction on the type of font that is used.

- 2) That the special conditions and circumstances do not result from any action of the applicant.

Applicant: "Special conditions and circumstances exist which are unusual to the land and building. Walgreen's chose an commercial outlot for a typical site. Walgreen's typically uses script lettering for their wall signage. A hardship results from the code not allowing capital letters 6 inches above the maximum 24 inches. This restricts the majority of letters to less than 12 inches when a script sign uses a 12" capital letter or hanging lower case letter. The general intent of the Code is to allow consideration of what is proportionate to the building. Calculations indicate that the total allowable building signage area can not exceed 197 square feet. Total signage area for this building is 167.72 square feet and with the variance, sign face lettering is 8% less than the 75% allowable. Other Walgreen's and CVS pharmacies have been approved for similar requests, please see attached photos."

Staff: Any special conditions and/or circumstances are a direct result from the action of the applicant. The applicant has the choice of using all 24" letters, or any combination of letters ranging in height from 9" to 24", which would conform to the Design Standards. There is nothing in the Design Standards that addresses whether signage is proportionate to the building.

- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.

Applicant: "It has been common for the City to issue certificates of occupancy for other buildings with signage lettering greater than the 24 inches allowed by the City's Design Standards. In most cases, the signage is reviewed and approved when calculations show that the signage is proportionate to the building, visible from the arterial road and not a detriment to the public welfare. In most cases letters greater than 24 inches are approved. Other pharmacy variances have been approved."

Staff: Staff is ensuring conformance with the Citywide Design Standards, Tenant Signs Attached to a Building, "Use a minimum 9" and a maximum 24" letter height." Therefore, granting this variance will indeed confer on the applicant a special privilege that would be denied by other lands, buildings, or structures in the area.

Sam's Club (P05-234), Wal-Mart (P05-212), and Ross Stores (P07-228, DD's Discounts) were all approved for a variance to exceed letter height. The special conditions and circumstances similar to these sites is these buildings are all set back a considerable distance from the main road, a situation that is not shared by the applicant.

Granting this variance would confer a special privilege on this applicant, however similar variances for size of letters have been granted in the past. Please see the 'Other' section at the end of this staff report for more information.

- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

Applicant: "It is not uncommon for the City to permit larger letter sizes on similar buildings in order to maintain consistency in proportion with the building. Other such buildings of similar size exist throughout the City. Many of those buildings have been granted the privilege of a variance to allow letters above the maximum 24 inch letter height allowed by the City's Design Standards. A literal interpretation of the provisions of the City's regulations would deprive the applicant of rights commonly allowed to similar buildings. The Walgreen's sign as proposed has been approved on other buildings."

Staff: Literal interpretation of the provisions of the Design Standards would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, and would not work unnecessary and undue hardship on the applicant. However, the variance requested is minor in nature and other variances of this type have been granted in the past.

- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Applicant: "The requested 6" variance for 3 letters within the standard Walgreen's façade sign will make a reasonable use of the land and building

possible. With approval of this variance, the sign plan still conforms to City requirements. With the variance, total building signage area does not exceed 197 square feet. The minimum variance is being requested in order to not place the building signage in non-conformance with the City's requirements for the other aspects of the unified sign plan for the building. Out of 9 letters in the name Walgreen's, only 3 will extend beyond the required 24 inch height due to the script design of the sign."

Staff: Denying this variance will not hinder the reasonable use of the land, building, or structure. However, the variance the applicant is requesting consisting of a 6" variance for one letter (W) and a 3" variance for two other letters (l and g), is minor in nature.

- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant: "A literal interpretation would be contrary to that which is currently permitted and not in harmony with the general intent and purpose of the chapter since previous approvals of this type of variance are proven to not be injurious to the area involved or otherwise detrimental to the public welfare."

Staff: The granting of this variance would not be in harmony with the intent or purpose of the Citywide Design Standards; however, it is not injurious to the area involved or otherwise detrimental to the public welfare.

- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

Applicant: We will agree to conditions of approval if appropriate.

Staff: If the variance is granted, no additional conditions or safeguards are required.

**OTHER:** The following projects are a list of sign variances that were granted for greater than permitted letter height.

P08-235 – Walgreens @ Gatlin Blvd. Variance/Sign Application. The requested variance was to allow three letters in each façade sign to exceed the 24" maximum letter size; the "W" 30" and the "l" and "g", 27". This variance request was approved unanimously.

P07-228 – Ross Stores, Inc. Variance/Sign Application. As the variance pertains to the letter height, the applicant requested a letter height of 72" for the sign 'DD's', and 27" for the sign 'DISCOUNTS'. The Board unanimously approved the variance allowing the letter height for 'DD's' to be 72". However, the letters for 'DISCOUNTS' were not approved for 27".

P05-234 – Sam’s Club – Gatlin Blvd. Variance/Sign Application. As the variance pertains to letter height, the applicant requested that the Sam’s Club sign consist of letters that were 3.2’ tall. This variance request was approved unanimously.

P05-212 – Wal-Mart – Gatlin Blvd. Variance/Sign Application. As the variance pertains to letter height, the applicant requested that the Wal-Mart sign consist of letters that were 5’ high. This variance request was approved unanimously.

P04-550 – CVS Pharmacy (Eckerds) Variance/Sign Application. As the variance pertains to letter height, the applicant requested that the two (2) CVS façade signs consist of letters that were 36” high. This variance request was approved unanimously.

**RELATED PROJECTS:**

P09-093 – Walgreens @ Eastport Plaza Major Site Plan Application. This site plan established the 14,740 square foot Walgreens Pharmacy with drive-through facilities located within Eastport Plaza. This application was approved by City Council on November 9, 2009.

P09-027 – Walgreens @ Eastport Plaza Special Exception Use Application. The special exception was to allow a drive-through facility in the CG (General Commercial) zoning district. This application was approved by City Council on June 22, 2009.

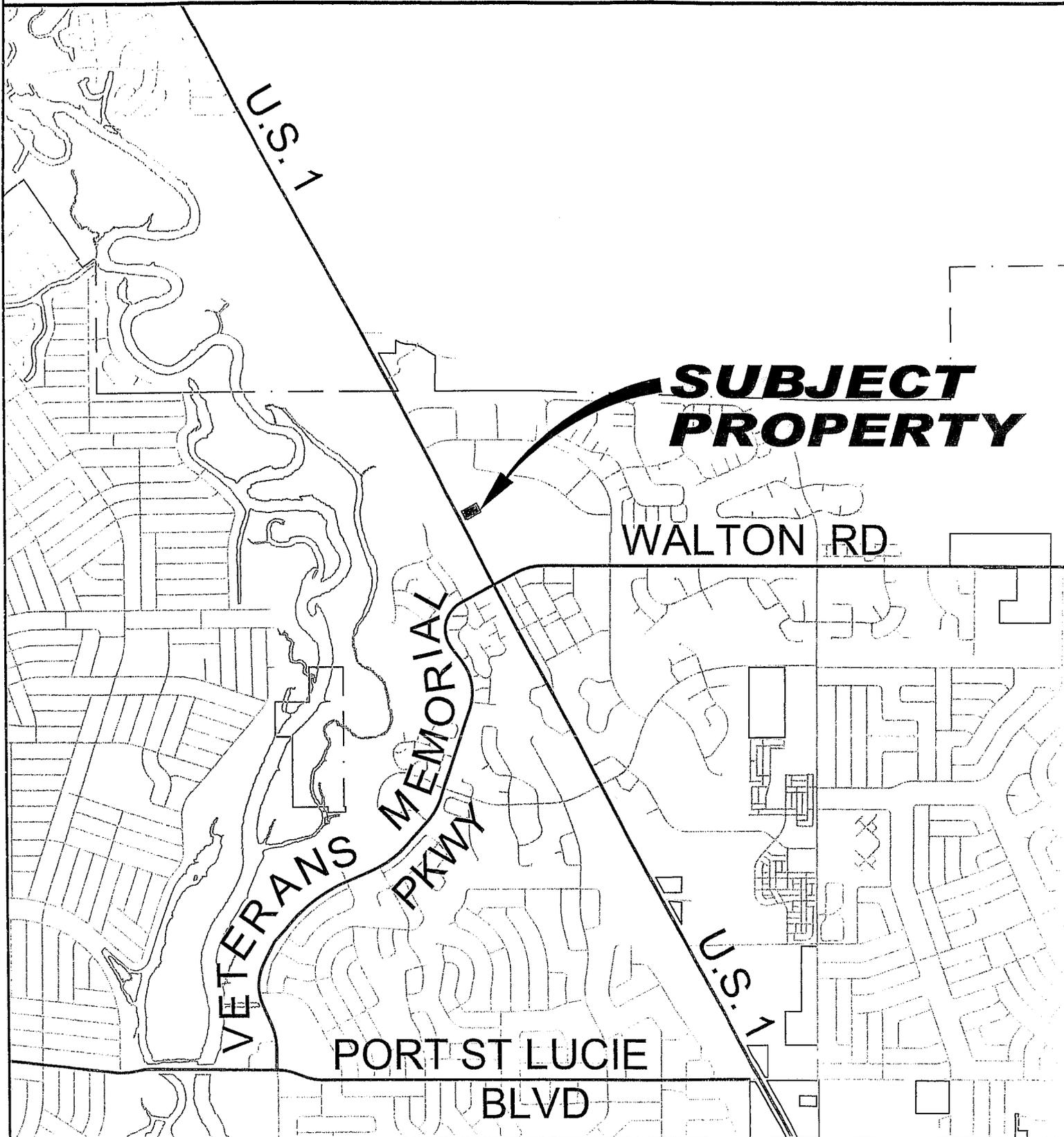
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**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff finds the request to be inconsistent with variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends denial.

***(NOTE TO APPLICANT: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk’s office and must be submitted within 15 days after the Planning and Zoning Board hearing).***

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS, Division of M.I.S.

PZ2008.DWG

VARIANCE  
PARCEL 7  
SECOND REPLAT OF SECTION 67

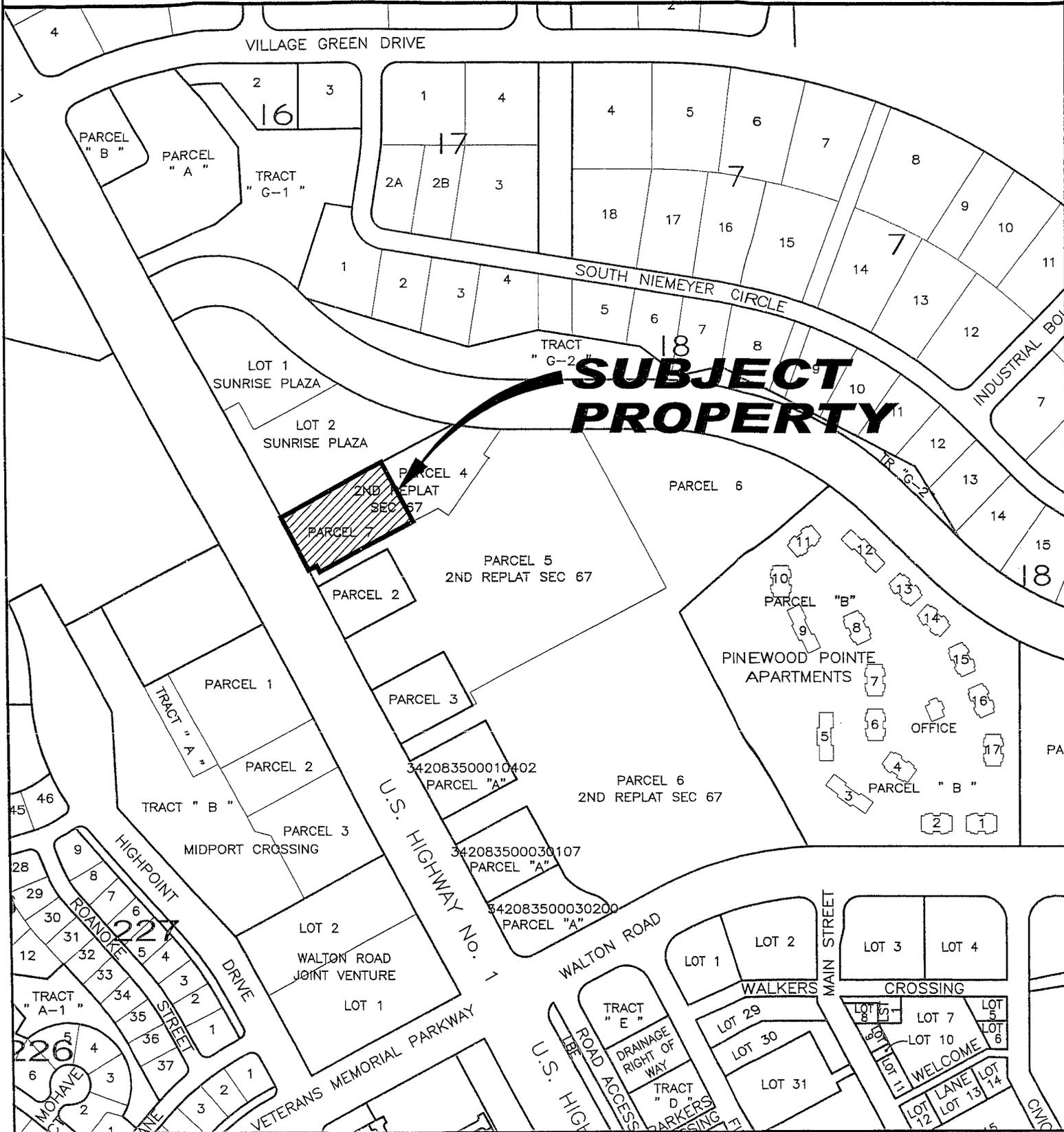
DATE: 1/29/10

APPLICATION NUMBER:  
P10-013

CADD FILE NAME:  
P10-013L

SCALE: 1" = .5 MI

# SITE LOCATION



**SUBJECT  
PROPERTY**



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS, Division of M.I.S.

PZ2008.DWG

VARIANCE  
PARCEL 7  
SECOND REPLAT OF SECTION 67

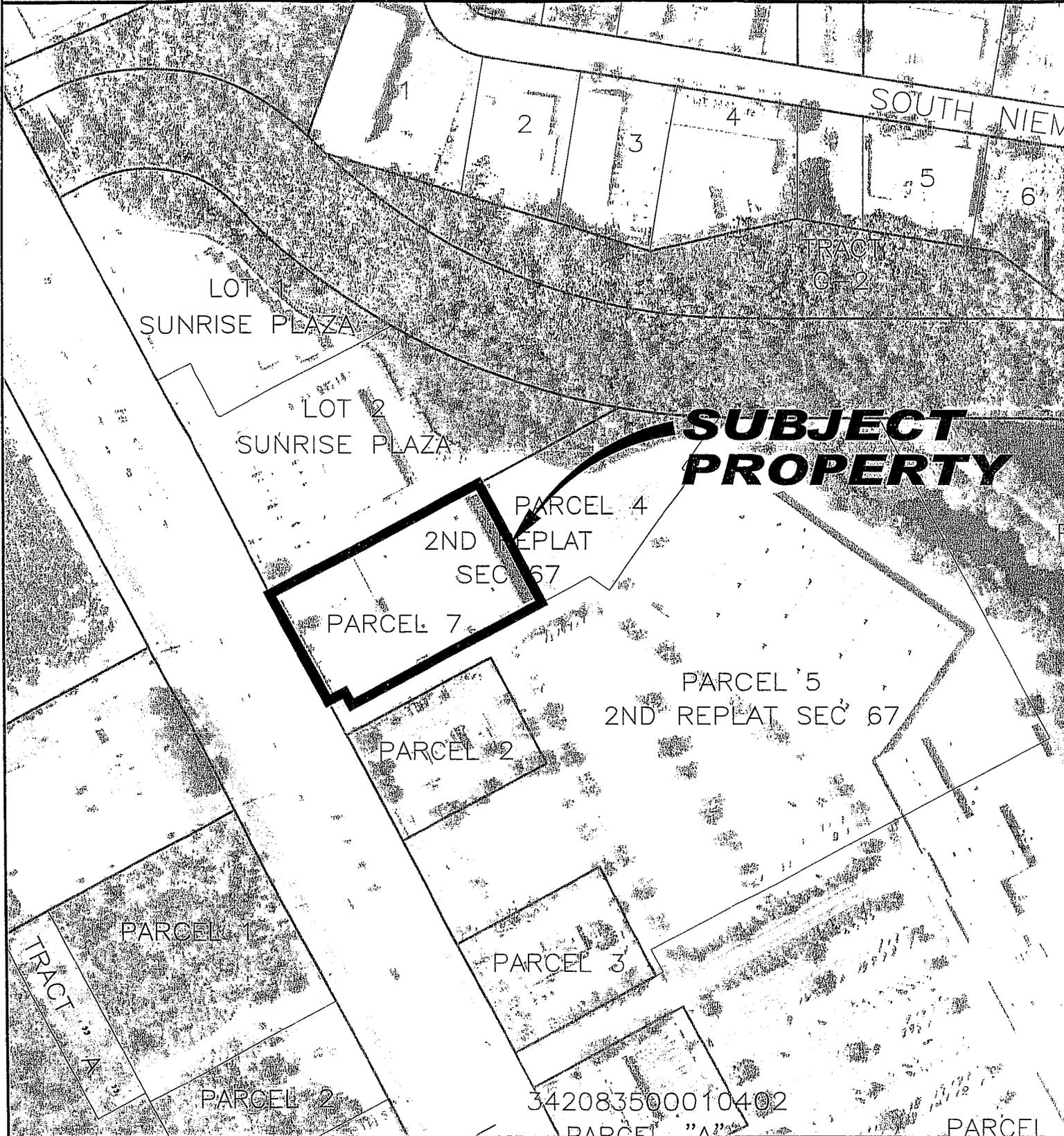
DATE: 1/29/10

APPLICATION NUMBER:  
P10-013

CADD FILE NAME:  
P10-013M

SCALE: 1" = 400'

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS, Division of M.I.S. PZ2008.DWG

VARIANCE

PARCEL 7

SECOND REPLAT OF SECTION 67

AERIAL JAN 2009

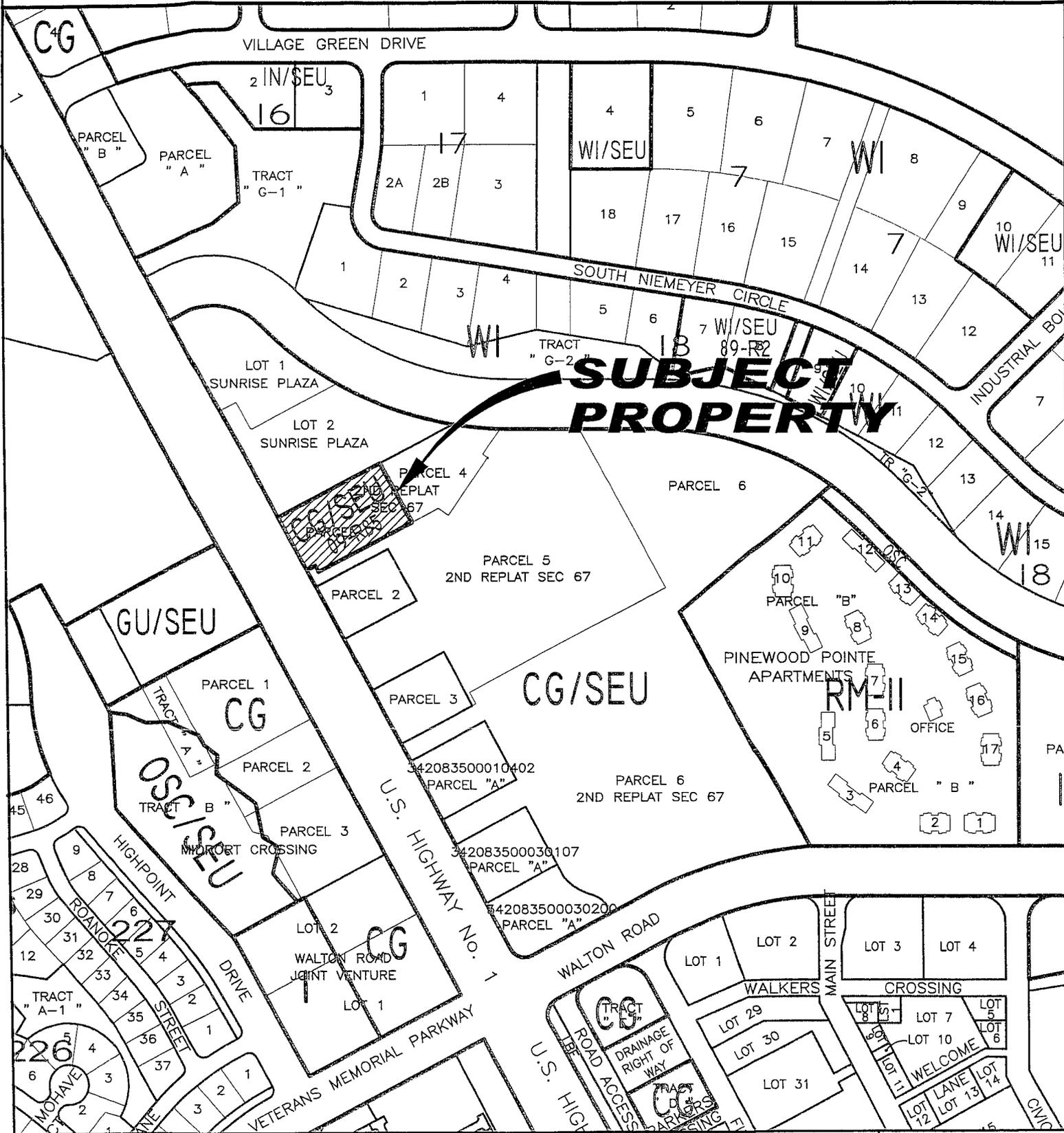
DATE: 1/29/10

APPLICATION NUMBER:  
P10-013

CADD FILE NAME:  
P10-013A

SCALE: 1"=200'

# EXISTING ZONING



**SUBJECT PROPERTY**



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
GIS, Division of M.I.S. PZ2008.DWG

VARIANCE  
PARCEL 7  
SECOND REPLAT OF SECTION 67

DATE: 1/29/10  
APPLICATION NUMBER:  
P10-013  
CADD FILE NAME:  
P10-013M  
SCALE: 1"=400'

**VARIANCE APPLICATION**

**CITY OF PORT ST. LUCIE**  
Planning & Zoning Department  
121 SW Port St. Lucie Blvd.  
Port St. Lucie, Florida 34984  
(772)871-5212 FAX: (772)871-5124

**FOR OFFICE USE ONLY**

Planning Dept P10-013  
Fee (Nonrefundable)\$ 1,635.00  
Receipt # 10233

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie. Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), a copy of recent survey and a statement addressing each of the attached criteria.**

**PROPERTY OWNER:**

Name: Reagency Centers  
Address: 1 Independent Drive Suite 1A, Jacksonville, FL 32202  
Telephone No. 904-598-7634 (Contact: Asa Harris) Fax No. 904-355-3937

**APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):**

Name: Atwell, LLC Contact: John Lapointe  
Address: 4610 Eisenhower Blvd, Suite 200, Tampa, FL 33634  
Telephone No. 813-888-9500 Fax No. 813-884-4288

**RECEIVED**  
**JAN 28 2010**  
PLANNING DEPARTMENT  
CITY OF PORT ST. LUCIE

**SUBJECT PROPERTY:**

Legal Description: Parcel 7 of "Second Replat of East Port Plaza" as recorded in PB 62 PG 36-37 of the Public Record of Port St. Lucie County, FL (OR 62-36.37)  
Parcel I.D. Number: \_\_\_\_\_  
Address: 9100 S. US Hwy #1  
Current Zoning Classification CG (Commercial General)

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

We request a variance from the City's Design Standards regarding building signage. Specifically, a variance from the "Maximum 24 in. letter height" allowed for three letters in each of two Walgreens script signs ("Tenant Signs") attached to the building. The request is for a variance to allow 6 more inches for the letters W, I, and a. The height of the three letters will be 27" to 30" (6" more than the 24" max. allowed by the City). The rest of the "Unified Sign Plan" conforms to City requirements. The 9 remaining letters are 20" high. The length of each of the two signs is 14' - 11 3/4". The area covered by the two signs is 49.86 s.f. each and complies with City Code. Sign face lettering is 8% less than the 75% allowed. Total signage area (all signs attached to this building) is 167.72 s.f. Calculations with City Staff indicated that total allowable signage area cannot exceed 197 s.f. The 167.72 s.f. of signage is allowable in proportion to the building.

[Signature]  
Signature of Applicant

John LAPOINTE, P.E.  
Hand Print Name

1/27/10  
Date

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.  
H:\PZ\SHARED\APPLCTN\VAR\APPL (07/29/04)

## VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the following criteria in **§ 158.295 (C ) 1-7** and **consider your responses to the following when making a determination/**

(1) Please explain special conditions and circumstances that 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.

For convenience and visibility most new pharmacy building are situated on commercial outlots along major arterial roads. Due to the typical size and orientation of these newer buildings and the mix of services stand alone pharmacies provide, the size of the lettering for signage is unusual to these buildings and may not be applicable to other lands, structures, or buildings in the same zoning district that may be located between other roads directly adjacent to residential uses. The sign code does not adequately address script signage in this case.

(2) Please explain these conditions and circumstances result from actions by the applicant.

Special conditions and circumstances exist which are unusual to the land and building. Walgreen's chose an commercial outlot for a typical site. Walgreen's typically uses script lettering for their wall signage. A hardship results from the code not allowing capital letters 6 inches above the maximum 24 inches. This restricts the majority of letters to less than 12 inches when a script sign uses a 12" capital letter or hanging lower case letter. The general intent of the Code is to allow consideration of what is proportionate to the building. Calculations indicate that the total allowable building signage area can not exceed 197 square feet. Total signage area for this building is 167.72 square feet and with the variance, sign face lettering is 8% less than the 75% allowable. Other Walgreen's and CVS pharmacies have been approved for similar requests, please see attached photos.

(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.

It has been common for the City to issue certificates of occupancy for other buildings with signage lettering greater than the 24 inches allowed by the City's Design Standards. In most cases, the signage is reviewed and approved when calculations show that the signage is proportionate to the building, visible from the arterial road and not a detriment to the public welfare. In most cases letters greater than 24 inches are approved. Other pharmacy variances have been approved.

(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

It is not uncommon for the City to permit larger letter sizes on similar buildings in order to maintain consistency in proportion with the building. Other such buildings of similar size exist throughout the City. Many of those buildings have been granted the privilege of a variance to allow letters above the maximum 24 inch letter height allowed by the City's Design Standards. A literal interpretation of the provisions of the City's regulations would deprive the applicant of rights commonly allowed to similar buildings. The Walgreen's sign as proposed has been approved on other buildings.

(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.

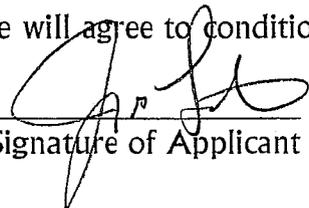
The requested 6" variance for 3 letters within the standard Walgreens façade sign will make a reasonable use of the land and building possible. With approval of this variance, the sign plan still confirms to City requirements. With the variance, total building signage area does not exceed 197 square feet. The minimum variance is being requested in order to not place the building signage in non-conformance with the City's requirements for the other aspects of the unified sign plan for the building. Out of 9 letters in the name Walgreen's, only 3 will extend beyond the required 24 inch height due to the script design of the sign.

(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

A literal interpretation would be contrary to that which is currently permitted and not in harmony with the general intent and purpose of the chapter since previous approvals of this type of variance are proven not be injurious to the area involved or otherwise detrimental to the public welfare.

(7) Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

We will agree to conditions of approval if appropriate.

  
Signature of Applicant

JOHN LAPIONTE, PE  
Print Name

1/27/10  
Date

January 25, 2010

To Whom It May Concern:

Regency Centers, L.P. does hereby authorize John Lapointe (Atwell, LLC) to represent Regency Centers, L.P. in any and all matters pertaining to variance application for property located in City of Port St. Lucie County, Florida, legally described as:

PARCEL 7, SECOND REPLAT PORT ST. LUCIE SECTION SIXTY SEVEN, AS RECORDED IN PLAT BOOK 62, PAGES 36 AND 37 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

This authorization shall continue throughout the review of the applications and issuance of related state and local government development orders and final action on the applications.

REGENCY CENTERS, L.P.



Paul Maxwell, VP Investments

STATE OF FLORIDA

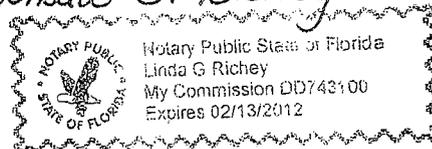
COUNTY OF Duval

Subscribed and sworn to before me this 26th day of JANUARY, 2010 by Paul Maxwell, V.P., who is personally known to me or has produced PERSONALLY KNOWN identification.



Notary Public – State of Florida

Linda G. Richey



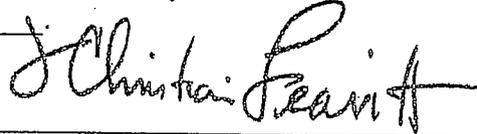
REGENCY CENTERS CORPORATION

Secretary's Certificate  
Relating to  
Regency Centers, L.P.

The undersigned, J. Christian Leavitt, the duly appointed Senior Vice President, Secretary and Treasurer of Regency Centers Corporation ("Regency"), hereby certifies as follows:

1. Regency is the sole general partner of Regency Centers, L.P., a Delaware limited partnership ("RCLP").
2. Attached hereto as Exhibit A is a true, complete and correct copy of resolutions duly adopted by the Board of Directors of Regency and such resolutions have not been amended, rescinded or modified and remain in full force and effect.
3. The individuals listed on Exhibit B attached hereto have been duly elected to the offices of Regency set forth beside their respective names, have been duly qualified for, and as of the date hereof are holding the offices set forth opposite their respective names, with authority to execute documents on behalf of Regency for itself and in its capacity as general partner of RCLP.

IN WITNESS WHEREOF, I have signed this Secretary's Certificate and set the seal of the Corporation as of 10/01/2009



J. Christian Leavitt  
Senior Vice President, Secretary and Treasurer

EXHIBIT A

**REGENCY CENTERS CORPORATION**  
**Resolutions of the Board of Directors**

WHEREAS, the Corporation is engaged, through its operating partnership, Regency Centers, L.P. ("RCLP"), in the business of developing and managing grocery anchored neighborhood shopping centers and, in connection with the day-to-day conduct of its business, is required from time to time to execute and deliver certificates, deeds, mortgages, contracts, leases, reports and other instruments;

IT IS THEREFORE

RESOLVED, that the President, any Managing Director or any Vice President is hereby authorized to execute and deliver, on behalf of the Corporation, for itself and as general partner of RCLP, any certificates, deeds, mortgages, contracts, leases, reports and other instruments as may be required in the day-to-day conduct of the Corporation's business and the execution of any instrument by the Corporation, for itself and as general partner of RCLP, by any of the foregoing officers shall be conclusive evidence, as to third parties, of his or her authority to act on behalf of the Corporation, for itself and as general partner of RCLP.

# Company Officer Detail Report

Regency Centers

Effective Date

10/01/2009



Name	Title	Location
Argalas, Barry E.	Sr. V.P. - Natl Acquisiton/Dis	Jacksonville, FL
Badstubner, Jeffrey A.	V. P. - Regional Officer	Walnut Creek, CA
Beckwith, Paul D.	V. P. - Construction	Vienna, VA
Booth, Matthew J.	V. P. - Regional Officer	Denver, CO
Brackenridge, William S.	V. P. - Acquisitions/Disp	Dallas, TX
Brettingen, Anne	V. P. - Investment Services	Vienna, VA
Bucy, Richard E.	Sr. V.P. - Investments	Los Angeles, CA
Chandler, Dan M.	Managing Director	Los Angeles, CA
Chess, Taylor O.	Sr. V.P. - Investments	Vienna, VA
Colucci, John M.	V. P. - National Operations	Dallas, TX
Couch, Andrew D.	V. P. - Investments	Boston, MA
Delatour, John S.	Managing Dir Nat'l Ops/Leasing	Dallas, TX
DeVore, Diane M.	V. P. - Investment Services	Jacksonville, FL
Fiala, Mary L.	Vice Chairman/COO	Jacksonville, FL
Fleming, Tom K.	V. P. - Investments	Jacksonville, FL
Fraser, Brian M.	V. P. - People Services	Jacksonville, FL
Fritzer, Steve W.	V. P. - Investments	Houston, TX
Hayes, John P.	V. P. - Construction	Los Angeles, CA
Heinemann, Jack E.	V. P. - Construction	Jacksonville, FL
Hofheimer, Norman A.	Sr. V.P. - Retailer Services	Jacksonville, FL
Hricko, John R.	V. P. - Regional Officer	Philadelphia, PA
Jinks, Linda D.	V. P. - Controller-Operations	Jacksonville, FL
Johnson, Bruce M.	Executive Vice President/CFO	Jacksonville, FL
Kantor, Whitney B.	V. P. - Marketing/Mkt Research	Jacksonville, FL
Kinsella, Michael R.	Sr. V.P. - Operations	Tampa, FL
Knoedler, Peter J.	Sr. V.P. - Investments	Walnut Creek, CA
Koleszar, Andre N.	V. P. - Regional Officer	Atlanta, GA
Krejs, Patrick P.	Sr. V.P. - Operations	Dallas, TX
Kroner, Frank R.	V. P. - Information Technology	Jacksonville, FL
Leavitt, J C.	Sr. V.P. - Finance & Treasurer	Jacksonville, FL
Leftwich, Snowden M.	Sr. V.P. - Investments	Denver, CO
Leonard, Michael D.	V. P. - Investments	Irvine, CA
Li, Eric Y.	V. P. - Regional Officer	Los Angeles, CA
Loubet, Paul A.	V. P. - Investments	Irvine, CA
Mas, Michael J.	V. P. - Joint Ventures	Jacksonville, FL
Maxwell, Paul C.	V. P. - Investments	Jacksonville, FL
Miller, Kathy D.	V. P. - Tax	Jacksonville, FL
Palmer, Lisa	Sr. V.P. - Capital Markets	Jacksonville, FL
Pape, Jeffrey R.	V. P. - investments	Atlanta, GA
Parks, Bradley A.	V. P. - Investment Services	Dallas, TX
Paul, Thomas C.	V. P. - Internal Audit	Jacksonville, FL
Paulk, Celia R.	V. P. - Corporate Accounting	Jacksonville, FL
Peternell, Mark A.	V. P. - Sustainability	Denver, CO
Pharr, John H.	Sr. V.P. - Leasing	Jacksonville, FL
Prigge, Scott R.	Sr. V.P. - Natl. Property Ops	Atlanta, GA
Qualls, Bruce R.	V. P. - Investments	Walnut Creek, CA
Ramey, H C.	Sr. V.P. - Investments	Portland, OR
Roth, Alan T.	Sr. V.P. - Operations	Vienna, VA
Sadowsky, Gregg R.	V. P. - Regional Officer	San Diego, CA
Shaffer, Douglas W.	Sr. V.P. - Operations	Walnut Creek, CA
Shelton, Jamie C.	V. P. - Real Estate Accounting	Jacksonville, FL
Shoemaker, Randle P.	V. P. - Legal	Jacksonville, FL
Smith, Brian M.	President/CIO	Jacksonville, FL
Smith, Martin K.	V. P. - Construction	Dallas, TX
Spooner, Joshua J.	V. P. - Investments	Jupiter, FL
Stedham, Don E.	V. P. - Investments	Vienna, VA
Stein, Martin E.	Chairman / CEO	Jacksonville, FL
Sutphin, Richard W.	V. P. - Regional Officer	Vienna, VA
Thompson, James D.	Managing Director Investments	Jacksonville, FL
Wei, Peggy	V. P. - Investment Services	Los Angeles, CA
Wibbenmeyer, Nicholas A.	V. P. - Regional Officer	Chicago, IL
Widmayer, Christopher A.	V. P. - Investments	Raleigh, NC
Wilson, Scott L.	V. P. - Construction	Walnut Creek, CA

This instrument prepared by  
after recording return to: *First American Title (E)*  
James E. L. Seay, Esquire *Wentworth Park, FL*  
Maguire, Voorhis & Wells, P.A.  
Two South Orange Avenue  
Orlando, Florida 32801

\* Doc Assump: \$ 0.00  
\* Doc Tax : \$ 103632.90  
\* Int Tax : \$ 0.00

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

### WARRANTY DEED

THIS WARRANTY DEED, made and entered into as of the 25<sup>th</sup> day of April, 1997, by **PDI ST. LUCIE I LIMITED PARTNERSHIP**, a limited partnership existing under the laws of Ohio, whose mailing address is c/o Pizzuti Development Inc., 250 East Broad Street, Suite 1900, Columbus, Ohio 43215, (hereinafter referred to as "Grantor"), to **REGENCY CENTERS, INC.**, a corporation existing under the laws of Florida, whose post office address is 121 West Forsyth Street, Suite 200, Jacksonville, Florida 32202, (hereinafter referred to as "Grantee"),

### WITNESSETH:

THAT, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which is acknowledged by Grantor, Grantor hereby grants, bargains, sells, conveys and confirms unto Grantee all that certain real property and the improvements thereon (hereinafter collectively referred to as "the Real Property") in St. Lucie County, Florida, more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS  
REFERENCE INCORPORATED HEREIN**

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same unto Grantee in fee simple, forever.

AND Grantor hereby covenants with Grantee: (1) that Grantor is lawfully seized of the Real Property in fee simple; (2) that Grantor has good right and lawful authority to sell and convey the Real Property; (3) that Grantor hereby fully warrants the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever; and (4) that the Real Property is free of all encumbrances except taxes accruing subsequent to December 31, 1996, and those matters set forth on Exhibit "B" attached to this Warranty Deed and incorporated herein by this reference.

Wherever used herein, the terms "Grantor" and "Grantee" shall be deemed to include all of the parties to this Warranty Deed and the successors and assigns of each corporation and each partnership. The singular shall be deemed to include the plural, and vice versa, where the context so permits.

IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed by its partner hereunto duly authorized as of the day and year first above written.

JoAnne Holman, Clerk of the Circuit Court - St. Lucie County  
File Number: 1548104 OR BOOK 1073 PAGE 2084  
Recorded: 04-28-97 03:41 P.M.

Signed, sealed and delivered  
in the presence of:

PDI ST. LUCIE I LIMITED  
PARTNERSHIP, an Ohio limited  
partnership

*Nova S. Witte*  
Signature  
Print Name: Nova S. Witte

By: PIZZUTI DEVELOPMENT INC.,  
an Ohio corporation  
General Partner

*Kellie L. Silvis*  
Signature  
Print Name: Kellie L. Silvis

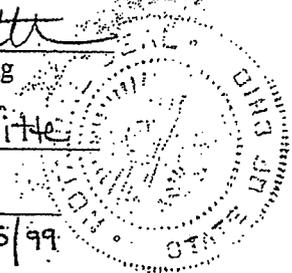
By: *[Signature]*  
Richard E. Daley  
Executive Vice President

STATE OF OHIO            )  
  ) SS:  
COUNTY OF FRANKLIN )

The foregoing instrument was acknowledged before me this 17 day of April, 1997, by Richard C. Daley, Executive Vice President of PIZZUTI DEVELOPMENT INC., the general partner on behalf of PDI ST. LUCIE I LIMITED PARTNERSHIP, an Ohio limited partnership. [ ] He is personally known to me [ ] or has produced \_\_\_\_\_ as identification.

Notary Stamp

*Nova S. Witte*  
Signature of Person Taking  
Acknowledgment  
Print Name: Nova S. Witte  
Title: Notary Public  
Serial No. (if any) \_\_\_\_\_  
Commission Expires: 12/5/99



PROPERTY APPRAISER'S  
PARCEL I.D. NO. 3420-840-0001-000/6

NOVA S. WITTE  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES DEC. 5, 1999

EXHIBIT A

Parcel 5 and Parcel 6; First Replat of Port St. Lucie, Section 67, Plat Book 30, Page 20, Public Records of St. Lucie County, Florida,

and

a portion of Parcel 4, First Replat of Port St. Lucie, Section 67, according to the Plat thereof, recorded in Plat Book 30, Page 20 of the Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commence at a permanent reference monument (PRM) stamped PRM LS 2791, said point being on the Easterly right-of-way of U.S. Highway No. 1 at the Northerly line of Parcel 2 as shown on said Plat, thence along the said Easterly right-of-way of U.S. Highway No. 1 and along the Westerly platted line of Parcel 5 of said Plat, an assumed bearing N 27°55'33" W a distance of 238.75 feet to a line common to Parcel 4 and Parcel 5 of said Plat; thence N 62°04'27" E along said line a distance of 326.50 feet to the point of beginning of the herein described parcel; thence along a line common to Parcel 4 and Parcel 5 of said Plat the following six courses:

1. S 27°55'33" E a distance of 202.58 feet;
2. N 62°04'27" E a distance of 112.11 feet;
3. S 54°28'24" E a distance of 36.49 feet;
4. N 35°31'36" E a distance of 212.03 feet;
5. N 54°28'24" W a distance of 17.54 feet;
6. N 35°31'36" E a distance of 94.15 feet to a point on a 1055.00 feet radius curve concave to the North having a central angle of 45°43'04";

thence Westerly along said curve subtending an angle of 08°08'23" (along chord bearing N 84°24'37" W, chord distance 149.75 feet) a distance of 149.88 feet to the intersection of the Easterly prolongation of the line common to Parcel 4 and Parcel 5 of said Plat; thence departing said curve along said line S 62°04'27" W a distance of 269.62 feet to the point of beginning.

TOGETHER WITH the rights and interests appurtenant to the Parcels described above and which are stated in the following:

- A. Declaration of Easements, Covenants and Restrictions recorded in Official Records Book 560, Page 695, Public Records of St. Lucie County, Florida.
- B. Cross Easement Agreement with Mobil Oil co., recorded in Official Records Book 600, Page 1666, Public Records of St. Lucie County, Florida.

EXHIBIT A (continued)

- C. Declaration of Easement, Covenants and Restrictions recorded in Official Records Book 602, Page 1214; and as Amended by that certain Amended and Restated Declaration of Easements as recorded in Official Records Book 665, Page 182, both of Public Records of St. Lucie County, Florida.
- D. Declaration of Covenants and Restrictions as contained in Official Records Book 783, Page 1271, Public Records of St. Lucie County, Florida.
- E. Second Declaration of Easements as described in Official Records Book 797, Page 2900, Public Records of St. Lucie County, Florida.
- F. Grant and Declaration of Easement recorded July 2, 1992 in Official Records Book 797, Page 2912, Public Records of St. Lucie County, Florida.

OR BOOK 1073 PAGE 2087

EXHIBIT B

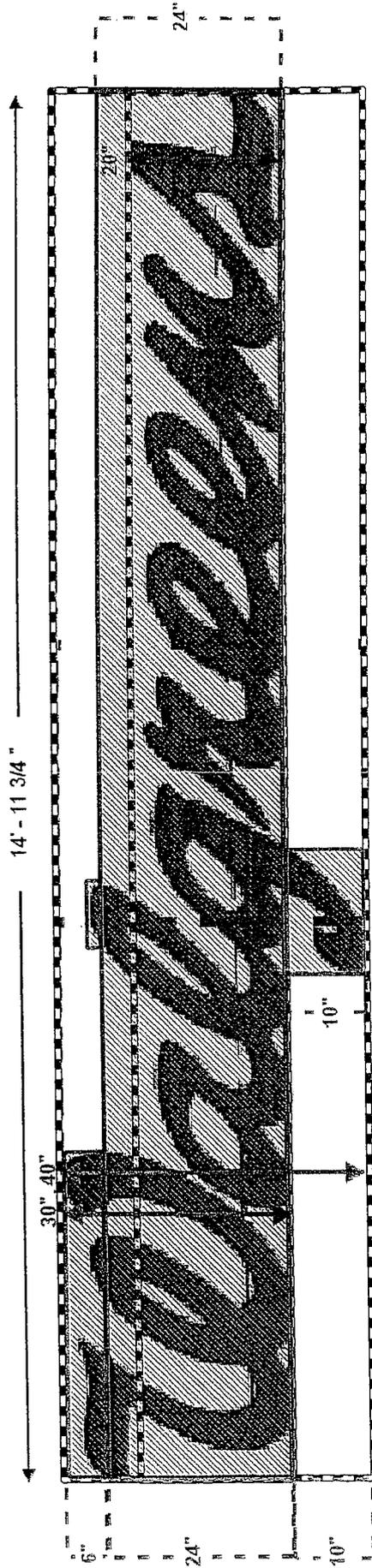
PERMITTED EXCEPTIONS

- A. Taxes for the year 1997 and subsequent years.
- B. Restrictions, Reservations and Easements, as set forth and reserved on plat of subdivision as shown in Plat Book 30, Page 20, Public Records of St. Lucie County, Florida.
- C. Terms, Conditions, Covenants, Restrictions and Easements and Development of Regional Impact Scheduling Agreement referred to in recorded Warranty Deed recorded in Official Records Book 515, Page 1880, Public Records of St. Lucie County, Florida.
- D. Terms, Conditions, Covenants and Restrictions of Memorandum of Lease and Lease referred to in said Memorandum recorded in Official Records Book 532, Page 1801, and as Subordinated in Official Records Book 578, Page 231, and as Amended in Official Records Book 586, Page 1602, all of Public Records of St. Lucie County, Florida.
- E. Declaration of Easements, Covenants and Restrictions recorded in Official Records Book 560, Page 695, Public Records of St. Lucie County, Florida.
- F. Easement Agreement granted to Florida Power & Light Co. recorded November 17, 1987 in Official Records Book 564, Page 2580, Public Records of St. Lucie County, Florida.
- G. Right-of-Way Easement in favor of Southern Bell recorded December 4, 1987 in Official Records Book 566, Page 2446, Public Records of St. Lucie County, Florida.
- H. Easement Agreement granted to Florida Power & Light Co. recorded May 20, 1965 in Official Records Book 118, Page 332, Public Records of St. Lucie County, Florida.
- I. All matters as set forth in Plat Book 1, Page 35, Public Records of St. Lucie County, Florida.
- J. Cross Easement Agreement with Mobil Oil co., recorded in Official Records Book 600, Page 1666, Public Records of St. Lucie County, Florida.
- K. Declaration of Easement, Covenants and Restrictions recorded in Official Records Book 602, Page 1214; and as Amended by that certain Amended Declaration of Easements as recorded in Official Records Book 665, Page 182, both of Public Records of St. Lucie County, Florida.
- L. Rights of Publix Supermarkets, Inc., as tenant only, under that lease recorded in Official Records Book 516, Page 1940;

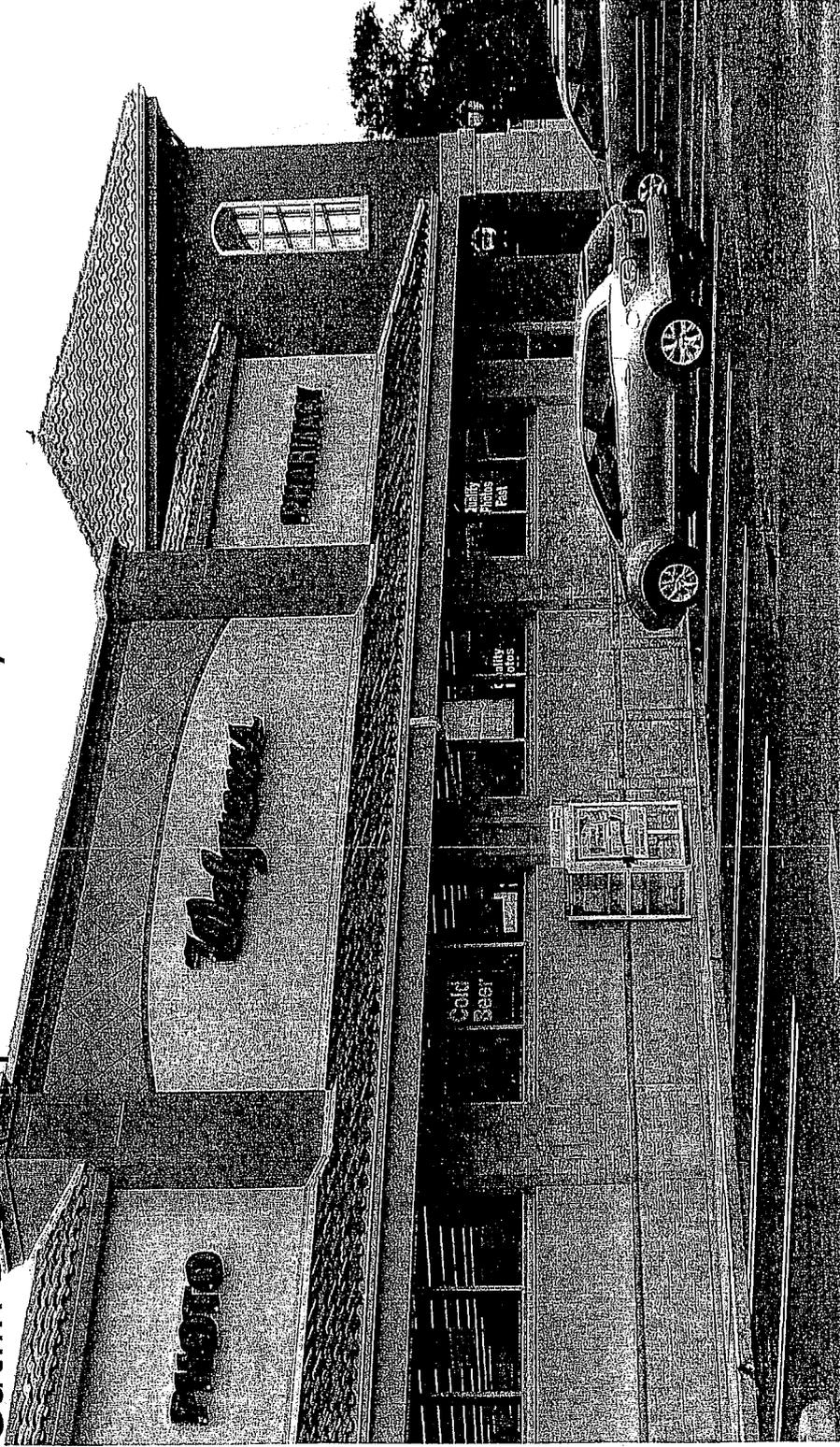
- and Subordination, Non-Disturbance and Attornment Agreement recorded in Official Records Book 602, Page 1279; and as Amended by Addendum in Official Records Book 603, Page 1392, all of Public Records of St. Lucie County, Florida.
- M. Rights of Leaseholders and/or Tenants, under unrecorded Attornment, Subordination Agreements, or Lease Agreements, as Tenants only.
- N. Restrictive Covenant as contained in instrument recorded in 800, Page 2001, Public Records of St. Lucie County, Florida.
- O. Developers Water and Sewer Construction Agreement with St. Lucie County, recorded in Official Records Book 750, Page 965, Public Records of St. Lucie County, Florida.
- P. Declaration of Covenants and Restrictions as contained in Official Records Book 783, Page 1271, Public Records of St. Lucie County, Florida.
- Q. Easement Deed in favor of St. Lucie County as described in Official Records Book 757, Page 855, Public Records of St. Lucie County, Florida.
- R. Memorandum of Lease by and between PDI St. Lucie I Limited Partnership, an Ohio Limited Partnership and the Cato Corporation recorded in Official Records Book 785, Page 50, Public Records of St. Lucie County, Florida.
- S. Grant of Non-Exclusive Easement/Restrictive Covenant by and between PDI St. Lucie I Limited Partnership, an Ohio Limited Partnership and Fast Food Enterprises No. 2, a Florida General Partnership, recorded in Official Records Book 783, Page 1282, Public Records of St. Lucie County, Florida.
- T. Second Declaration of Easements as described in Official Records Book 797, Page 2900, Public Records of St. Lucie County, Florida.
- U. Memorandum of Use Restrictions as contained in Official Records Book 783, Page 1288, Public Records of St. Lucie County, Florida.
- V. Grant and Declaration of Easement recorded July 2, 1992 in Official Records Book 797, Page 2912, Public Records of St. Lucie County, Florida.
- W. Restriction contained in Warranty Deed recorded March 31, 1988, in Official Records Book 580, Page 2218, Public Records of St. Lucie County, Florida.

AREA OF 24" MAXIMUM LETTER HEIGHT ALLOWED BY CITY REGULATIONS

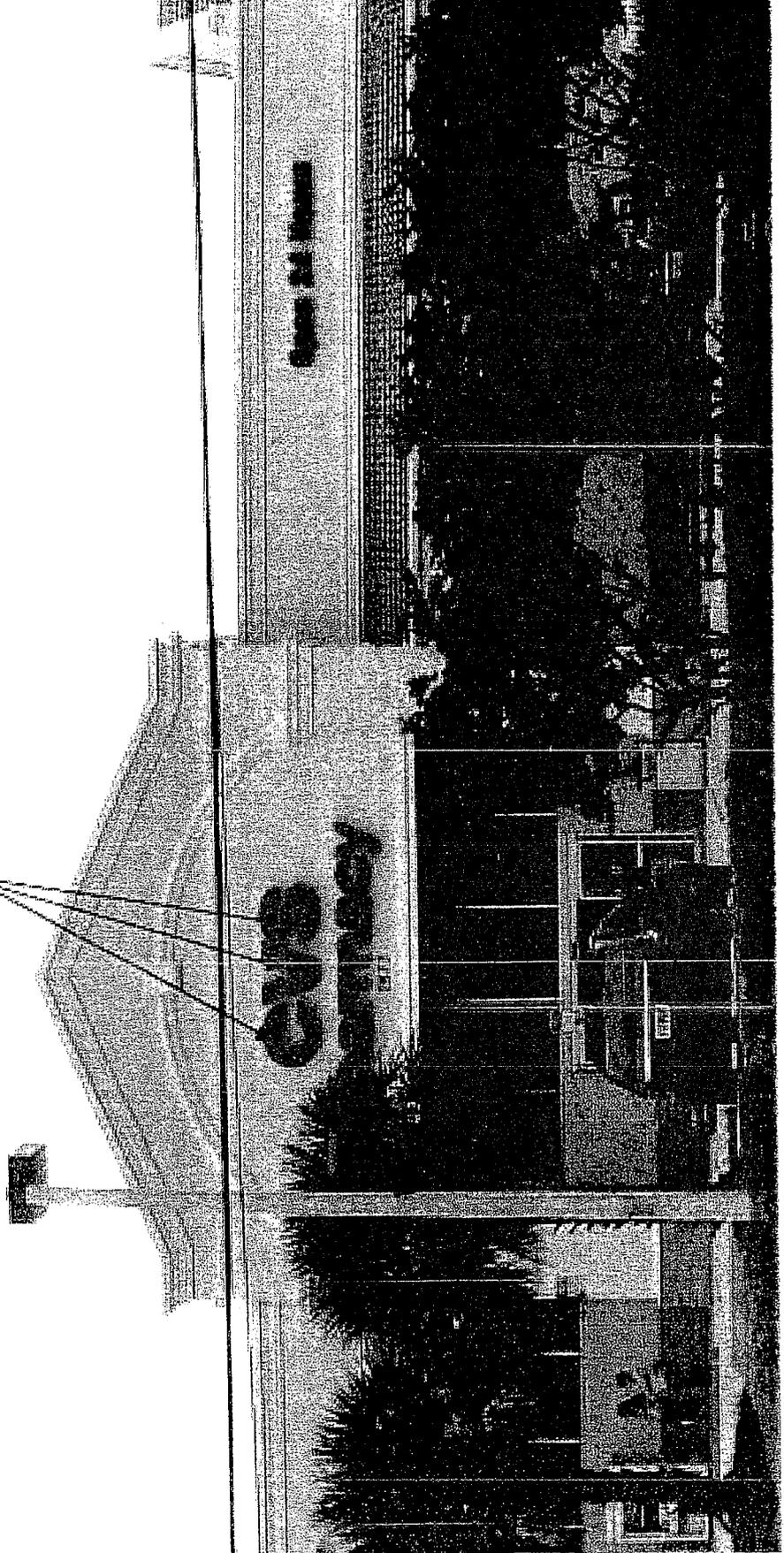
AREA FOR WHICH THE 16" VARIANCE IS BEING REQUESTED  
OUTSIDE OF THE 24" MAXIMUM LETTER HEIGHT AREA ALLOWED BY CITY REGULATIONS



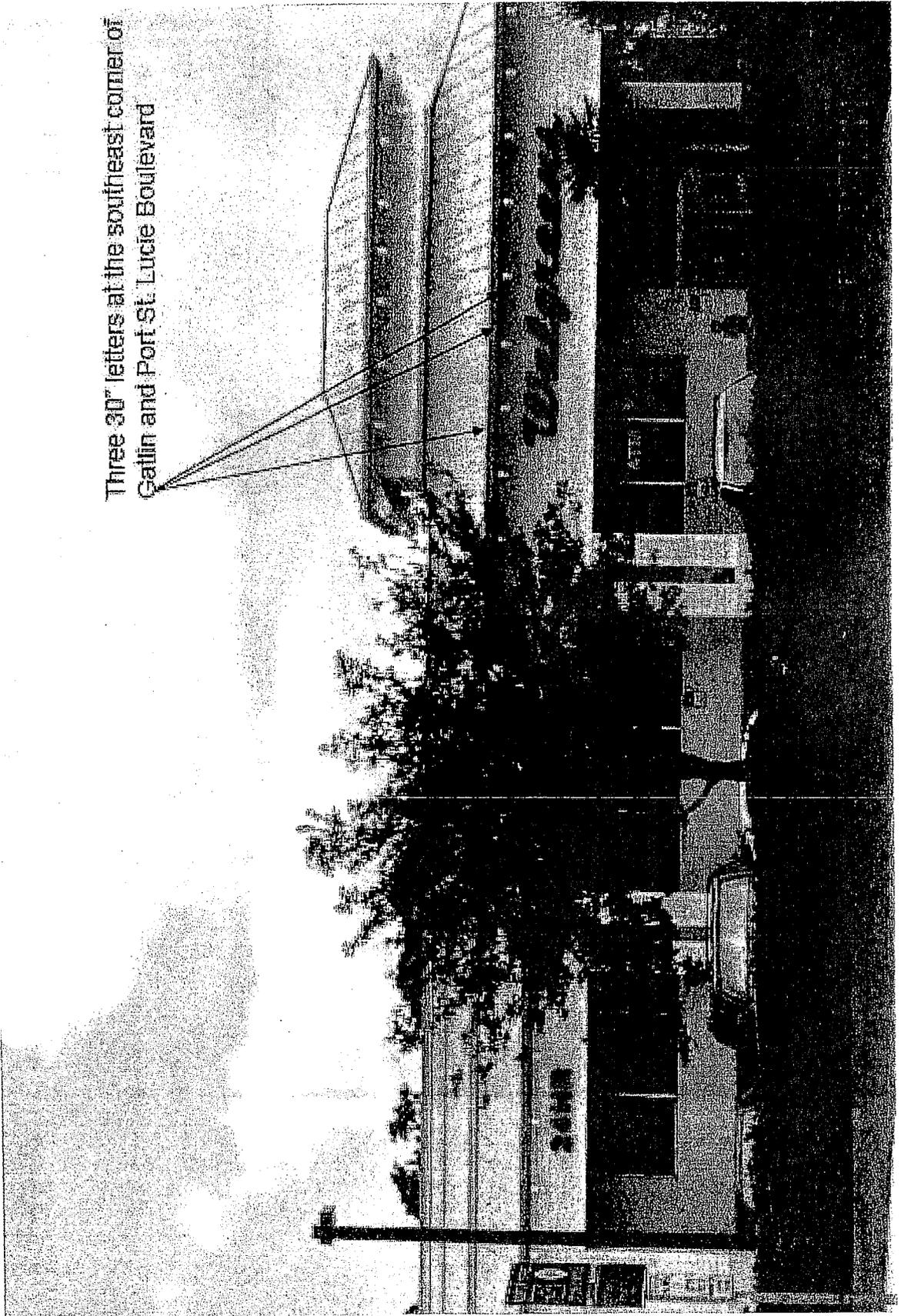
Gatlin Blvd (Approved Variance)



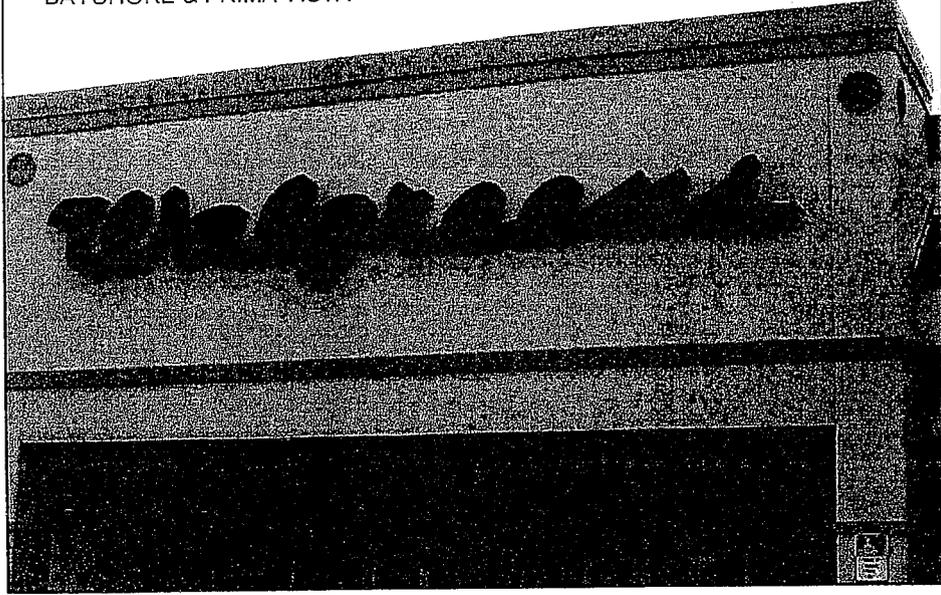
Three 36" letters permitted at the northeast corner of Gallin Blvd.  
and Port St. Lucie Blvd. (Approved by Variance P04-550)



Three 30" letters at the southeast corner of  
Gallin and Port St. Lucie Boulevard

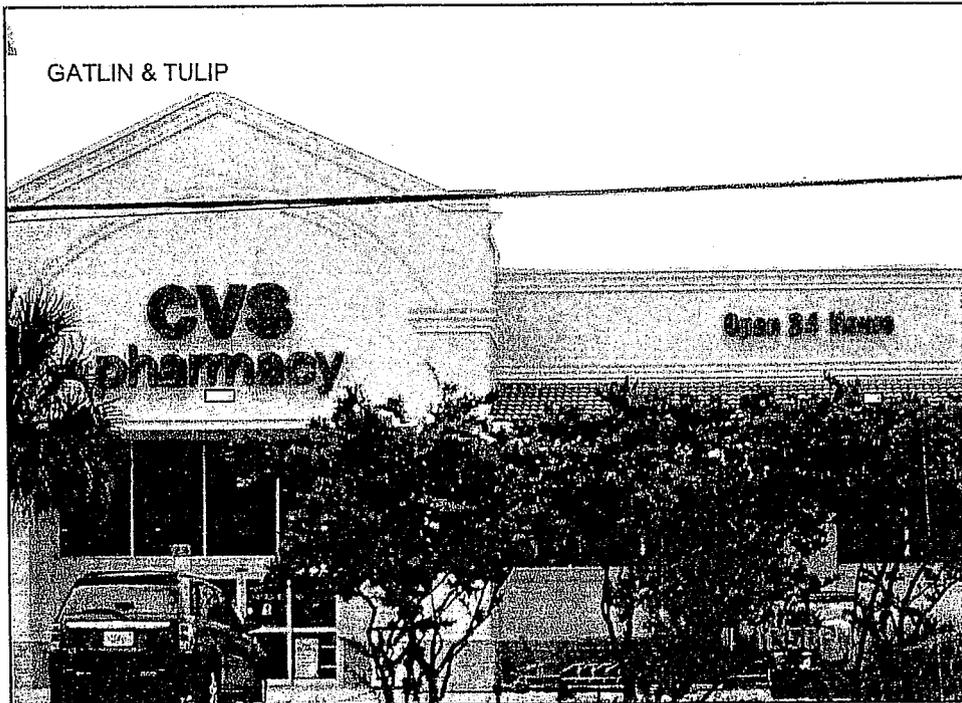


BAYSHORE & PRIMA VISTA



BAYSHORE & PRIMA VISTA





Mr. Rich **moved** to approve P09-165. Mr. Rooksberry **seconded** the motion, which **passed unanimously** by voice vote.

## 7. PUBLIC HEARINGS

Chairman Lillo stated, "The applicant or agent for the applicant must be present. If no representative is present for the application, it may be tabled to the following month's meeting. Anyone wishing to speak on any item may approach the podium after the issue has been opened for the public to comment. Each person wishing to speak may do so for not more than three minutes. Please state your name when you come to the podium. You may speak only once for each agenda item. Your comments and concerns are very welcome. However, we must maintain order and provide time for everyone."

### A. P10-013 WALGREENS @ EASTPORT PLAZA - VARIANCE

Mr. Finizio stated, "The applicant is John Lapointe of Atwell LLC. The owner is Regency Centers. The property is located on the east side of US 1, between Walton Road and Village Green Drive. The size of the property is 1.59 acres. The existing zoning is CG (General Commercial). A new Walgreens is currently under construction. The requested variance is to allow three letters in each of the two façade signs to exceed the 24" maximum letter size permitted, as outlined in the Citywide Design Standards. The applicant is proposing that the letters 'W,' 'l', and 'g' be 30" in height. Staff finds that there are no special conditions or circumstances peculiar to this site that warrant special consideration for having the letter size on the façade signs exceed the requirements of the Citywide Design Standards. The Citywide Design Standards limit the letter height on tenant signs attached to a building to between 9 inches and 24 inches. Therefore, the need for this variance is a direct result of actions from the applicant. Neither the Sign Code nor the Citywide Design Standards address script signage, since there is no restriction on the type of font that is used. Any special conditions or circumstances are a direct result of the action of the applicant. The applicant has the choice of using all 24-inch letters or any combination of letters ranging in height from 9 inches to 24 inches, which would conform to the Citywide Design Standards. Staff is ensuring conformance with the Citywide Design Standards for tenant signs attached to a building. Therefore, granting this variance would confer on the applicant a special privilege that would be denied other lands, buildings, or structures in the area. Literal interpretation of the provisions of the Citywide Design Standards would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would not work

unnecessary and undue hardship on the applicant. Furthermore, denying this variance will not hinder the reasonable use of the land, building, or structure. However, the variance is minor in nature, and other variances of this type have been granted. The granting of this variance would not be in harmony with the intent and purpose of the Citywide Design Standards. However, it is not injurious to the area involved or otherwise detrimental to the public welfare. The Planning and Zoning Department staff finds this request to be inconsistent with the variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends denial."

Mr. Lesko asked, "Has the new Sign Code been adopted by the City Council?" Mr. Holbrook replied that the second reading will be on March 8. Mr. Lesko asked, "If it is adopted, will this comply with the new Code?" Mr. Finizio replied in the negative.

John Lapointe, Atwell LLC, said, "We do understand the literal interpretation of the Sign Code to be a maximum height of 24 inches. Our view is that the existing Walgreens uses script letters for their logo/trademark, unlike other drugstores. That creates an undue hardship on this location for a couple of reasons. The existing Walgreens in the Center has signage that is as large as or larger than our proposed sign. Other Walgreens in the City have been granted this variance. Signage is everything in the retail world. We took a reduction in the total square footage and did not make the majority of the letters 24 inches, with a larger variance for the 'W.' Our view is that this is minor in nature, and due to the logo/trademark requirements that don't allow those letters to be changed, the privilege isn't on use. The privilege is on the previously approved sites that will have a competitive advantage. The existing Walgreens in the Center already meets the signage; we don't see it as a privilege to maintain that. We feel it is a detriment to lose it."

Mr. Stermer said, "The existing Walgreens had to get a variance at some point for their sign." Mr. Lapointe noted that they would like that to go with the new store. Mr. Stermer continued, "I thought a variance stayed with the property." Mr. Holbrook advised, "It does stay with the property. East Port Plaza was reviewed, approved, and built prior to the City having design standards, where this regulation exists. Because this is a new project, it was reviewed under the Citywide Design Standards. The existing structure was built sometime in the 80's; the Citywide Design Standards were adopted in 1997." Mr. Stermer noted that they didn't have a variance.

Mr. Lesko said, "You're asking for a variance for three letters for three inches. Why is the Walgreens at Gatlin different from the Walgreens at East Port?" Mr. Lapointe said that it is the same. Mr. Lesko said, "For P08-235 we approved the 'W' at 30 inches, and the 'l' and the 'g' at 27 inches. Why are you asking for three inches more?" Asa Harris, Regency Centers, said that the height of the 'g' comes down below the 24-inch envelope. Mr. Lesko noted, "If this is a standard, it must be a typo that you asked for something that is three inches different. That's all." Mr. Harris said, "The three inches you're referring to is from the top of the 'g' to the line. The additional three inches is just a difference in the way it was measured. This will be the same as the sign at Gatlin."

Mr. Harris said, "The Sign Code doesn't speak to script, as staff mentioned. If we were to be held to the current Sign Code, the lettering would have to be about half the size of what would be allowed for standard block lettering. The visibility would be very difficult for people traveling past. For the total building, we aren't exceeding the total signage allowed." Mr. Stermer said, "For the best part of last year, the Sign Code Review Committee reviewed every sentence of the Code. Knowing that you had an application coming, did you present your concerns to the Committee?" Mr. Lapointe answered that they were not aware of it.

Chairman Lillo opened the Public Hearing. There being no comments, Chairman Lillo closed the Public Hearing. Mr. Stermer said, "The Sign Code Review Committee just recently scrutinized the Code. I know that signs have been approved with larger lettering, but the Committee didn't decide to change the size of lettering. For that reason, I can't support this."

Vice Chair Parks **moved** to deny P10-013, because it doesn't meet the past or the newly adopted Sign Code. Mr. Stermer **seconded** the motion, which **failed** by roll call vote, with Mr. Stermer, Vice Chair Parks, and Mr. Rich voting in favor, and Mr. Gardner, Mr. Lesko, Chairman Lillo, and Mr. Rooksberry voting against. Mr. Lesko **moved** to approve P10-013, since it is consistent with the other Walgreens in the City. Mr. Rooksberry **seconded** the motion, which **failed** by roll call vote, with Mr. Lesko, Chairman Lillo, Mr. Rooksberry, and Mr. Gardner voting in favor, and Mr. Stermer, Vice Chair Parks, and Mr. Rich voting against. Ms. Hakim advised that they can appeal to the City Council within fifteen days.

B. P09-106 BECKER ROAD COMMERCIAL PUD - REZONING



# REQUESTED SIGN

**PWH Architects**  
 3336 Grand Blvd., Suite 102  
 Holiday, Florida 34680  
 Ph. 727.815.3336  
 Fax 727.815.3337

## PROJECT TYPE

DRAWINGS/SPECIFICATIONS BY:  
 MALGREENS' CONSULTANT  
 LANDLORD'S CONSULTANT

CONSTRUCTION WORK BY: (UNLESS NOTED OTHERWISE)  
 MALGREENS' CONTRACTOR  
 LANDLORD'S CONTRACTOR (TURNKEY CONSTRUCTION)

STORE	BUILDING
NEW.....	NEW.....
REMODELING.....	EXISTING.....
RELOCATION.....	NEW SHELL ONLY
OTHER.....	

## SIGN AREA SUMMARY

WEST ELEVATION (141 S.F. PERMITTED)	
14'-11 3/4" 'MALGREENS' SCRIPT SIGN	49.94 S.F.
12" 'PHARMACY' IND. LETTER	8.5 S.F.
12" 'PHOTO' IND. LETTER	5.2 S.F.
12" '24 HOUR' IND. LETTER	4.1 S.F.
MORTAR & PESTLE GRAPHIC	35.0 S.F.
<b>TOTAL WEST ELEVATION:</b>	<b>102.74 S.F.</b>

SOUTH ELEVATION (197 S.F. PERMITTED)	
14'-11 3/4" 'MALGREENS' SCRIPT SIGN	49.94 S.F.
12" 'PHARMACY' IND. LETTER	8.5 S.F.
12" 'PHOTO' IND. LETTER	5.2 S.F.
12" '24 HOUR' IND. LETTER	4.1 S.F.
10" 'DRIVE THRU PHARMACY' IND. LETTER SIGN	12.6 S.F.
<b>TOTAL SOUTH ELEVATION:</b>	<b>80.34 S.F.</b>

EAST ELEVATION	
NO SIGNAGE	0.0 S.F.
<b>TOTAL EAST ELEVATION:</b>	<b>0.0 S.F.</b>

NORTH ELEVATION	
10" 'EXIT' IND. LETTER SIGN	2.1 S.F.
<b>TOTAL NORTH ELEVATION:</b>	<b>2.1 S.F.</b>
<b>TOTAL BUILDING SIGNAGE</b>	<b>185.18 S.F.</b>

SITE SIGN AREA (32 S.F. PERMITTED)	
PRIMARY I.D. PANEL: 1 x 26.86 S.F. = 26.86 S.F.	
<b>TOTAL SITE SIGNAGE</b>	<b>26.86 S.F.</b>
<b>TOTAL SIGNAGE AREA</b>	<b>212.06 S.F.</b>

NO.	DATE	DESCRIPTION
1	10.16.09	REVISED PER HGS & PERMIT REVIEW COMMENTS
2		

REVISIONS	
NO.	DATE

## CERTIFICATION AND SEAL

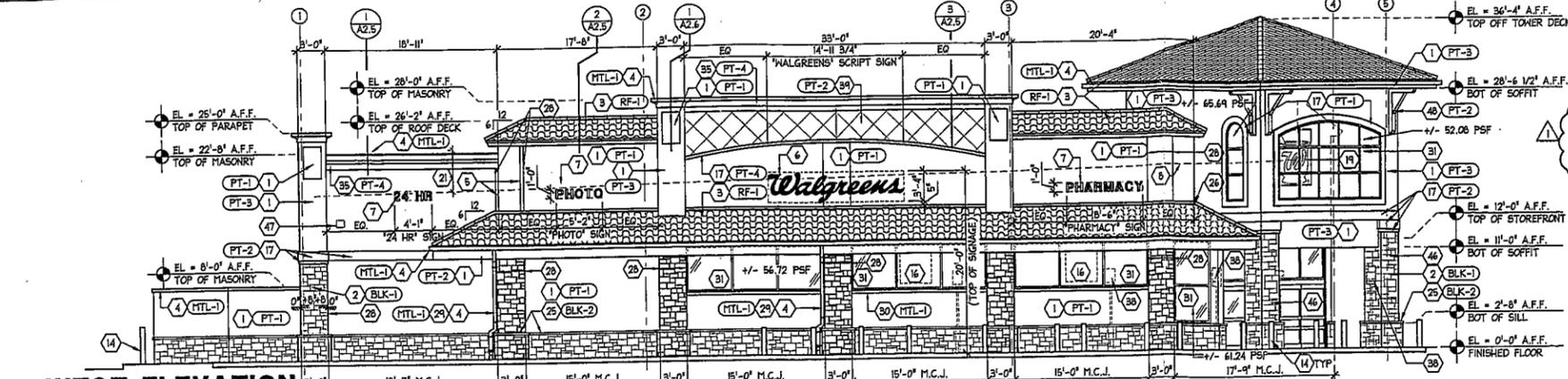
I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION HAS BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF FLORIDA AS SIGNIFIED BY MY HAND AND SEAL.

GUY F. FABER  
 FL LICENSE NO. AR000323

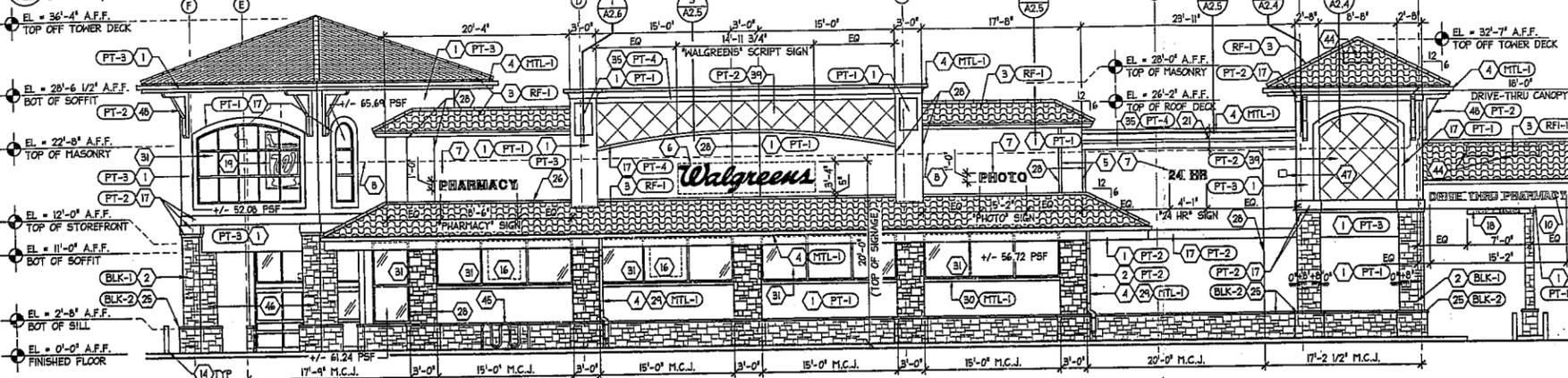
PROJECT NAME  
**STORE NO. 12302**  
**NEC of S. FEDERAL HWY & SE WALTON RD**  
**PORT ST. LUCIE, FLORIDA 34982**

DRAWING TITLE  
**EXTERIOR ELEVATIONS, DETAILS,**  
**SIGN DATA**

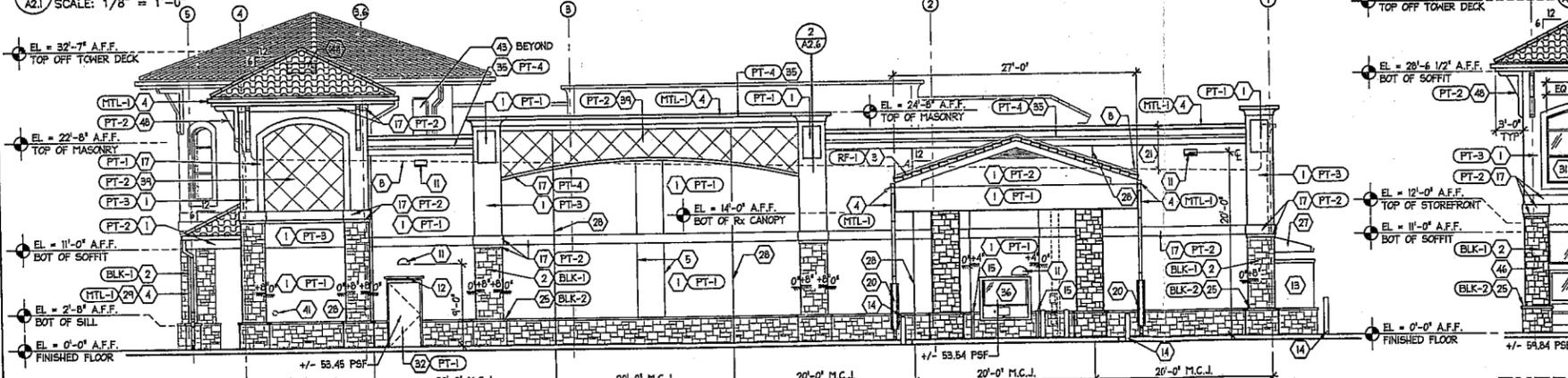
DATE:	01.08.09	MALGREENS STORE NO.	12302	DRAWING NO.	
DRAWN BY:	BF	SCALE:	AS NOTED	<b>A2.1</b>	
REVIEWED BY:	SK	RELEASED TO:	CONSTRUCTION	FBI PROJECT NO.	094



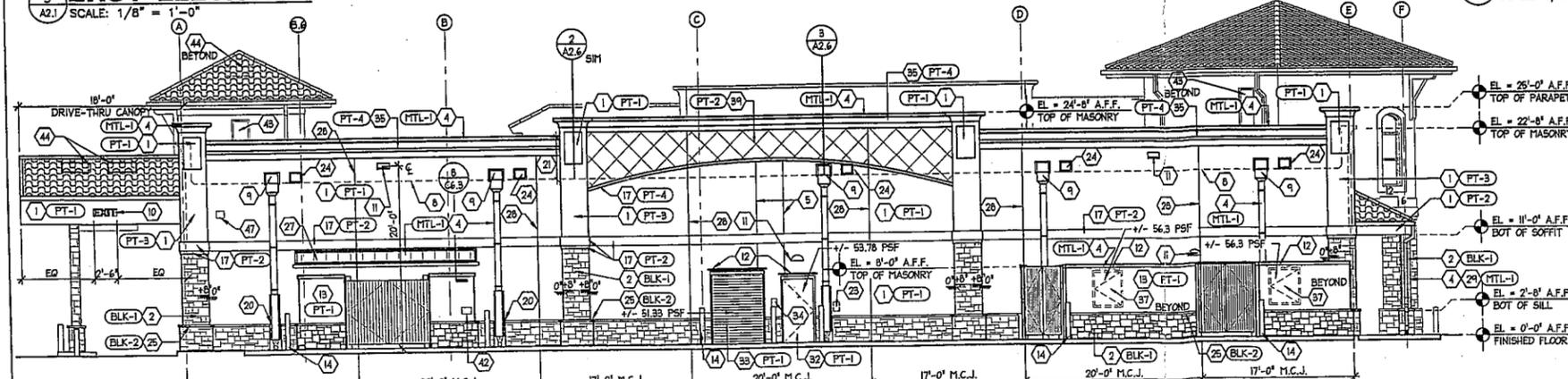
**1 WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"



**2 SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"



**3 EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"



**4 NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

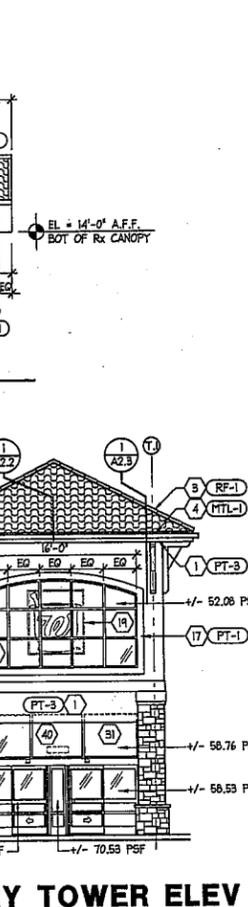
NOTE: ALL BUILDING MOUNTED SIGNAGE IS REVIEWED FOR LOCATION ONLY AND WILL REQUIRE A SEPARATE SIGN PERMIT PRIOR TO INSTALLATION.

BUILDING MOUNTED SIGNAGE IS NOT TO EXCEED 20'-0" A.F.F. TOP MOUNTING HEIGHT PER CITY DRB COMMENTS.

GLAZING FOR THIS STORE SHALL MEET IMPACT RESISTANCE REQUIREMENTS OF THE FLORIDA BUILDING CODE, 2007 EDITION WITH 2009 AMENDMENTS. REFER TO SPECIFICATION SECTIONS 0450 AND 0800 FOR REQUIREMENTS. THE CONTRACTOR SHALL SUBMIT TEST REPORTS FOR IMPACT GLAZING TO THE BUILDING DEPT. ADDITIONALLY, THE CONTRACTOR SHALL SUBMIT MFR. DATA FOR THE ALUM. STOREFRONT SYSTEM TO SHOW WIND PRESSURE TESTING AND ANCHORAGE DETAILS PRIOR TO INSTALLATION.

- ### EXTERIOR ELEVATIONS KEYED TO THE FOLLOWING KEYED NOTES APPLY TO SHEETS A2.1 AND A2.4. ALL NOTES MAY NOT APPEAR ON EVERY SHEET.
- EPS ACRYLIC FINISH COAT ON PORTLAND CEMENT BASE WITH MEDIUM DASH TEXTURE FINISH. SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
  - PRE-MANUFACTURED STONE BASE, SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
  - MONIER CONCRETE ROOF TILE FLORIDA, SPANISH 'S' SERIES, CHARLESTON BLEND ANTIQUE.
  - PRE-FINISHED SHEET METAL COPING, GUTTERS, AND DOWNSPOUTS. COLOR TO MATCH UNA-CLAD 'ALMOND'.
  - 3/4" x 3/4" PLASTER REVEAL BY FRY REGLET PSC-75-75 OR EQ.
  - RED 'MALGREENS' SCRIPT SIGN, INTERNALLY ILLUMINATED. SEE SHEET AS.2.
  - 'PHOTO', 'PHARMACY' & '24 HR' INDIVIDUAL LETTER SIGNS ARE TO BE ALIGNED W/ BASE OF SCRIPT SIGN. SEE DETAIL SHIT. AS.2.
  - ROOF LINE BEYOND.
  - PRE-FINISHED ALUM. SCUPPER LINER AND 1-1/4" x 1-1/4" LEADER HEAD. CONSTRUCT PER 'SHACNA' RECOMMENDATIONS. SEE DETAILS ON SHEET A1.3.
  - INDIVIDUAL LETTER SIGN. SEE DETAILS ON SHEET AS.2.
  - HALL-MOUNTED LIGHT, SEE ELECTRICAL DRAWINGS.
  - RAIN SHIELD.
  - TRASH COMPACTOR AND TOTE ENCLOSURES. SEE DTLS. ON C4.2.
  - PIPE BOLLARD, SEE SHIT. C4.2 FOR LOCATIONS, SEE BOLLARD DTLS. ON SHIT. C4.3.
  - FLEXIBLE DELINEATION POST, SEE SHEET A1.1.
  - HINDON SIGN. SEE SHEET AS.2.
  - EPS FINISH COAT WITH MEDIUM DASH TEXTURE FINISH OVER EPS TRIM, SEE EXTERIOR FINISH SCHEDULE. REFER TO HALL SECTIONS FOR SIZE DESCRIPTION.
  - 'CLEARANCE' SIGN. SEE DETAIL ON SHEET AS.2.
  - 'MALGREENS MORTAR & PESTLE ILLUMINATED MALL GRAPHIC BEYOND. SEE DETAIL ON SHEET AS.2.
  - STEEL PLATE (TO PROTECT DOWNSPOUT) BOLTED TO MASONRY. SEE DETAIL ON A2.6.
  - BACKS OF PARAPETS MUST BE FLASHED, DECK TO PARAPET CAP.
  - N/A.
  - HALL HYDRANT, COORD W/ PLUMB.
  - PRE-FINISHED ALUM. EMERGENCY OVERFLOW SCUPPER, 1'-0" X 1'-0" CONSTRUCT PER 'SHACNA' RECOMMENDATIONS. SEE DETAILS ON SHEET A1.3.
  - STONE SILL, SEE EXTERIOR FINISH SCHEDULE.
  - FLASHING AND COUNTER FLASHING.
  - JANNING, REFER TO DETAILS ON SHIT C4.3.
  - MASONRY CONTROL JOINT W/ BACKER ROD & SEALANT, COLOR TO MATCH ADJACENT MATERIAL.
  - DOWNSPOUT FROM CANOPY TO EXTEND UNDER SIDEWALK TIE INTO STORM SEWER SYSTEM.
  - PRE-FINISHED ALUMINUM SILL, COLOR TO MATCH STOREFRONT.
  - STOREFRONT GLAZING SYSTEM. REFER TO SPECIFICATIONS. SEE ALSO SHEET A4.3 FOR AUTOMATIC ENTRY DOOR REQUIREMENTS.
  - EXTERIOR STEEL DOOR, PAINT DOOR TO MATCH MALL.
  - STEEL OVERHEAD DOOR, PAINT DOOR TO MATCH MALL.
  - DOOR BELL, MOUNT AT 4'-0" A.F.F.
  - EPS FIN OVER 3-DIMENSIONAL EPS PARAPET CORNICE MOLDING. SEE EXTERIOR FINISH SCHEDULE FOR COLOR. SEE PARAPET DETAIL, SHEET A2.8 FOR SIZE DESCRIPTION.
  - DRIVE THRU WINDOW, SEE SHEET A4.4D.
  - COMPACTOR GAUZE SECURITY DOOR BEYOND. SEE DETAIL ON C4.3.
  - HANDICAP PARKING SIGN. SEE C4.3 AND A1.1.
  - EPS ACRYLIC FINISH COAT ON PORTLAND CEMENT BASE WITH MEDIUM DASH TEXTURE FINISH. SEE EXTERIOR FINISH SCHEDULE. USE 1/2" V-NOTCH SCORING PATTERN IN A 24" X 24" CROSS PATTERN CENTERED IN OPENING. SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
  - 6" HIGH BLACK STORE ADDRESS DECALS.
  - CONDUIT SLEEVE BEYOND, SEE 29VA.1.
  - FIRE DEPARTMENT CONNECTION (FDC), SEE FLOOR PLAN.
  - TOWER ACCESS DOOR BEYOND, SEE A1.3. PAINT TO MATCH ADJACENT MALL SURFACE.
  - MONIERLIFETILE 'ZEPHYR' ROOF VENT. COLOR TO MATCH ROOF TILE.
  - BIKE RACK LOCATION, SEE C4.3 & HGS SPECS.
  - FULL HEIGHT COLUMN AT TOWER FEATURE. REFER TO TOWER SECTION ON SHEET A2.3.
  - JUNCTION BOX.
  - POLYURETHANE DECORATIVE SUPPORT BRACKET WITH EPS FINISH. SEE A2.7 & FINISH SCHEDULE FOR COLOR.

**5 ENTRY TOWER ELEV**  
 SCALE: 1/8" = 1'-0"



**EXTERIOR FINISH SCHEDULE**

FINISH	DESCRIPTION
PT-1	BM No. OC-1 'NATURAL HICKER'
PT-2	BM No. HC-48 'BRADSTREET BEIGE'
PT-3	BM No. 244-40 'SERENGETI SAND'
PT-4	BM No. AC-33 'MEGA VERDE TAN'
RF-1	MONIERLIFETILE FLORIDA SERIES SPANISH 'S' COLOR MIS-CUTS/20 'CHARLESTON BLEND ANTIQUE'
BLK-1	CULTURED STONE FOSSIL REEF CORAL STONE No. CSV-354599
BLK-2	6" STONE SILL, COLOR TO MATCH CULTURED STONE SIGN COLOR 'BUCKSKIN'
MTL-1	METAL COPING, DOWNSPOUTS, GUTTERS & STANDING SEAM ROOF TO BE UNA-CLAD 'ALMOND'

## SIGN CODE SUMMARY

PERMIT OFFICIAL: JOAN WEISSMAN (772) 344-4325

**ALLOWABLE BLDG. SIGNAGE:**  
 - ALLOWABLE BLDG. SIGNAGE IS CALCULATED BY TAKING THE LINEAR FEET OF PRIMARY BLDG. FRONTAGE, SUBTRACT 20 THEN MULTIPLY BY 1.5. THEN ADD 32 S.F. THIS WILL GIVE THE TOTAL ALLOWED S.F., WHICH MAY NOT EXCEED 200 S.F. - TOP OF BUILDING MOUNTED SIGNAGE CAN BE NO HIGHER THAN 20'-0" A.F.F. PER CITY SIGNAGE GUIDELINES.

**GLASS TOWER SIGN:**  
 - NEON AND ILLUMINATED MALL GRAPHIC IS PERMISSIBLE AND IS CALCULATED IN TOTAL OVERALL SIGN SQUARE FOOTAGE CALCULATION.

**ALLOWABLE PRE-EXTENDING SIGNAGE:**  
 - ALLOWABLE S.F. AREA: NTE 32 S.F.  
 - SETBACKS: 5 FT. FROM ALL PROPERTY LINES, 10 FT. FROM R.O.W.  
 - ALLOWABLE HEIGHT: NTE 10 FT. O.A.H.  
 - READERSBOARDS: NO READERSBOARDS ARE ALLOWED.

**DIRECTIONAL SIGNAGE:**  
 - ALLOWABLE S.F. AREA: NTE 2 S.F.  
 - ALLOWABLE HEIGHT: NTE 4 FT. O.A.H.

**DIRECTIONAL SIGNAGE:**  
 - ALLOWABLE S.F. AREA: NTE 2 S.F.  
 - ALLOWABLE HEIGHT: NTE 4 FT. O.A.H.  
 - DRIVE THRU BLDG. SIGNS ARE NOT CONSIDERED DIRECTIONAL AND ARE NOT EXEMPT FROM AREA LIMITATIONS.