



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5
 Public Hearing Date: December 10, 2020
 Case No. and Project Name: VAR-20-64-1, Community Health Centers Inc.
 Owners: Four Corners Medical Partners LLC
 Applicant: Kenneth Soday
 Requested Action: Variance to Land Development Regulations (LDR) Section 11.02.03.A(2), to allow for a wall sign with eighty (80) square feet of copy area to be installed without corresponding right-of-way frontage.
 Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 2.72 +/- acres
 Location: 509 Cagan View Road, in the Clermont area.
 Alternate Key No.: 3912747
 Future Land Use: Cagans Crossing
 Current Zoning District: Planned Unit Development (PUD) – in accordance with Ordinance #2017-22
 Flood Zone: "X"
 Joint Planning Area (JPA) / ISBA: N/A
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Cagans Crossing	PUD	Commercial	General Retail
South	Cagans Crossing	PUD	Commercial	Medical Service
East	Cagans Crossing	PUD	Commercial	Medical Service
West	Cagans Crossing	PUD	Commercial	Fast Food Restaurant and Consumer Services

Summary of Request.

The subject property, identified as Alternate Key Number 3912747, contains 2.72 +/- acres, is zoned Planned Unit Development (PUD) in accordance with Ordinance #2017-22, and designated with Cagans Crossing Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is currently developed with a 25,000-square foot community health center, an associated parking lot, and signage, as depicted on the plot plan (Attachment "A").

The Applicant has requested a variance to LDR Section 11.02.03.A(2), to allow for a wall sign with eighty (80) square feet of copy area to be installed without corresponding right-of-way frontage. The proposed wall sign will be on the rear of the building and not facing a roadway – LDR Section 11.02.03.A(2) states that "Wall Signs are permitted with a total of one (1) square foot of Sign Copy Area for signage allowed for each linear foot of right-of-way frontage, up to one hundred and fifty (150) square feet. Single-occupancy businesses with multiple frontage may be permitted an additional sign area of one (1) square foot for each linear foot of secondary building frontage, up to one hundred and fifty (150) square feet; provided that the same or similar facade treatment is used on both front and side." Because the code only allows one square-foot per secondary frontage, and the façade with the proposed sign does not have road frontage, a wall sign would not be permitted in this location. The applicant has indicated that the façade treatment will be the same, and has provided specifications for the proposed wall sign (Attachment "B").

Staff Analysis.

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the code, LDR Chapter 11.00.00 is to provide signage regulations to preserve scenic, economic, and aesthetic values including the special character and attractiveness of Lake County communities.

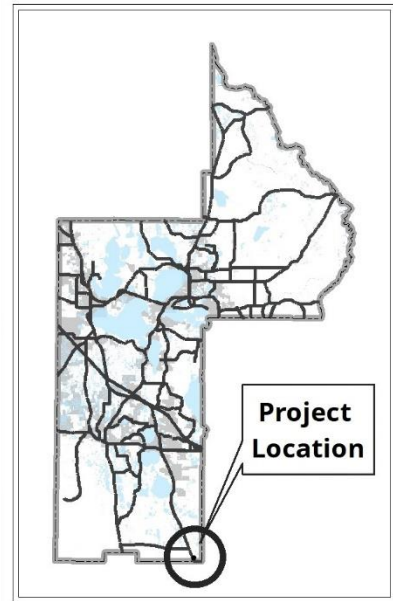
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means, *"There is no other means of achieving the purpose of the LDR in this instance. The sign in question fit within the allowable footage for the property, but did not fit the part of not having a frontage road. We were allowed a monument sign on the primary frontage of the property which we chose not to use, as we had to shift focus to a secondary road monument to insure [sic] some visibility on Cagan View Road. We will certainly consider shifting that footage/sign to be replaced by the sign on the rear of the building."*

2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

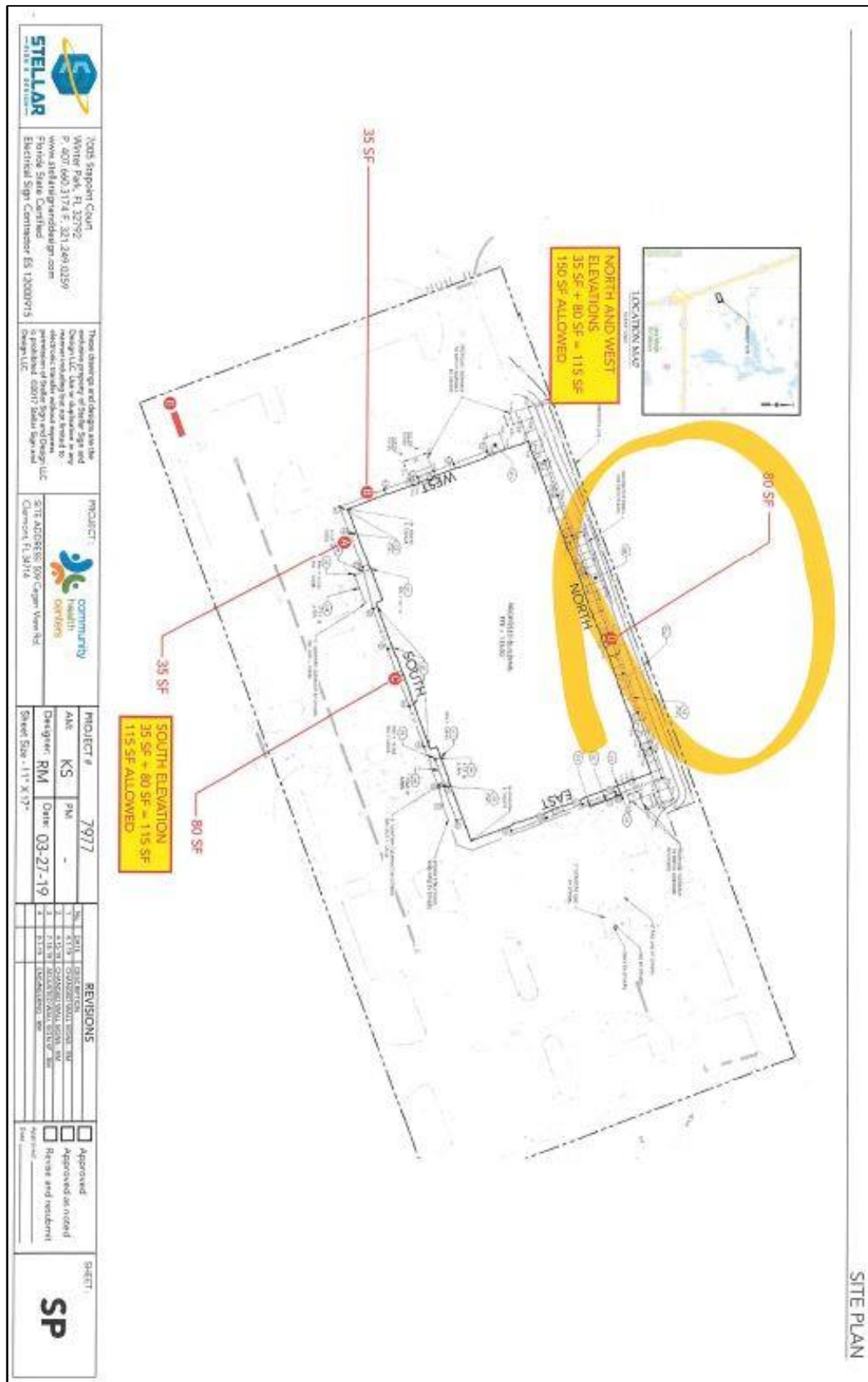
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The following statement is an excerpt for the document submitted by the Applicant as proof of a hardship (Attachment "C"), *"Community Health Centers provides low cost health care to the citizens of Lake County through 6 care centers around the county, with this, their largest center, being the flagship. The sign plan submitted for this center utilized the allowable, aggregate square footage for signage, and distributed it around the building to insure [sic] optimum visibility and recognition of the facility. When the sign plan was submitted for permitting, the sign on the rear of the building was rejected. The reason being that the code suggested that since there was no 'right of way' frontage on this side of the building, there could not be a sign there. This particular sign was probably the most important of them all, as it faces a large parking lot of 'Super Center' with the potential of thousands of people in need of affordable health care. We felt that the removal of that sign was incorrect, and unnecessary as we believe that to be very restrictive."*

Map of Subject Property



Attachment "A" – Plot Plan



7005 Stripport Court
 Winter Park, FL 32792
 P: 407 600 3174 F: 321 249 0259
 www.stellarengineering.com
 Florida State Certified
 Electrical Sign Contractor ES 12000915

These drawings and designs are the
 property of Stellar Engineering LLC. They are not to be
 reproduced, stored in a retrieval system, or
 transmitted in any form or by any means,
 electronic, mechanical, photocopying, recording,
 or by any information storage and retrieval
 system, without the prior written permission
 of Stellar Engineering LLC.

PROJECT:
 Community Health Centers
 509 Capri View Rd
 Clearwater, FL 34614

PROJECT # 7977
DATE K5 PM -
DESIGNER RM Date: 03-27-19
SHEET SIZE 11" X 17"

NO.	DATE	DESCRIPTION

Approved
 Approved as noted
 Revised and resubmitted
 Approved: _____
 Date: _____

SHEET
SP

Attachment "B" – Wall Sign Specifications

WALL SIGN

1 WALL SIGNAGE - 80 SF **CD**
SCALE: 1/2"=1'-0"

6" ELECTRICAL WHIP
1 1/2" X 2 1/2" ALUMINUM CHANNEL
1" ALUMINUM ANGLE INTERNAL FRAME
COUNTER SUNK FASTENERS
1 1/2" ALUMINUM FRAME
1/8" ALUMINUM ROUTED FACES
1/8" ALUMINUM BACKS
3/4" PUSH THROUGH TRANS
WHITE ACRYLIC
WHITE LEDS
LED POWER SUPPLY
MECHANICAL FASTENERS

2 SIDE VIEW
SCALE: NTS

STELLAR SIGN & DESIGN

7005 Stappoint Court
Winter Park, FL 32792
P: 407.660.3174 F: 321.249.0259
www.stellarsignanddesign.com
Florida State Certified
Electrical Sign Contractor ES 12000915

These drawings and designs are the exclusive property of Stellar Sign and Design LLC. Use or duplication in any manner including but not limited to electronic transfer without express permission of Stellar Sign and Design LLC is prohibited. ©2017 Stellar Sign and Design LLC.

PROJECT: community health centers

PROJECT # 7977

AV: KS PM -

Designer: RM Date 03-27-19

Sheet Size - 11' X 17'

REVISIONS		
No.	DATE	DESCRIPTION
1	4.1.19	CHANGE WALL SIZE - 80
2	4.1.19	CHANGE WALL SIZE - 80
3	4.1.19	CHANGE WALL SIZE - 80
4	4.1.19	ENGINEERING - RM

Approved
 Approved as noted
 Revise and resubmit

Approved: _____
Date: _____

SH-SHEET: **W**

ES Florida State Certified Electrical Sign Contractor ES 12000915

ALL ELECTRICAL COMPONENTS WILL BE UL LISTED AND APPROVED AS PER 2014 NEC CODE AND INSTALLED IN ACCORDANCE WITH THE 2014 NEC CODE. THE DRAWING SHALL BE DONE USING THE APPROPRIATE DESIGNATED TOOLS. ALL SIGNS ARE TO BE CONSTRUCTED AND INSTALLED IN ACCORDANCE WITH THE 2014 NEC CODE. ALL ELECTRICAL INSTALLATIONS SHALL BE PROVIDED PER NEC CODES AND CONTROLLED BY THE FIELD PHOTOCELL ALL WIRING SHALL BE INSTALLED IN ACCORDANCE WITH THE 2014 NEC CODE. ALL WIRING SHALL BE PROVIDED BY CUSTOMER WITHIN 50 FEET OF SIGN. ALL PRIMARY WIRING SHALL BE 4/0 THRU 2/0 AWG. THIS SIGN IS A UL LISTED ASSEMBLY PER NEC 605.3.

Attachment “C” – Statement of Hardship (page 1 of 2)

Substantial Hardship:

Community Health Centers provides low cost health care to the citizens of Lake County through 6 care centers around the county, with this, their largest center, being the flagship. The sign plan submitted for this center utilized the allowable, aggregate square footage for signage, and distributed it around the building to insure optimum visibility and recognition of the facility. When the sign plan was submitted for permitting, the sign on the rear of the building was rejected. The reason being that the code suggested that since there was no “right of way” frontage on this side of the building, there could not be a sign there. This particular sign was probably the most important of them all, as it faces a large parking lot of a “Super Center” with the potential of thousands of people in need affordable health care. We felt that the removal of that sign was incorrect, and unnecessary as we believe that to be very restrictive.

I have worked with sign codes throughout Florida for almost 30 years, and this is the first time I recall coming across anything like this. I checked the surrounding counties to see how they handle a situation like this. I found that all of the local codes would allow this sign. In fact, most require the sign to be permitted, but not count against allowable square footage. I thought, perhaps, this decision was in error, so I reached out to Mr. McClendon at the county for clarification. Here is his response:

Mr. Soday,

I apologize for the delayed response, however Michele did give you the correct information. A variance is required in this instance. I do understand the issue you brought up with regards to Orange County, as I issued sign permits for 5 years when I worked for their Zoning Department.

You are not the first sign company to bring this to our attention. When we re-visit the sign code with the Board of County Commissioners in August, we intend to clear up this section of the LDRs.

TIM McCLENDON, AICP

Director

OFFICE OF PLANNING & ZONING

We decided at that time to hold off on the variance to give the county time to review and change that particular requirement. Over the next few months we inquired about the review, but the Virus got in the way. When we were finally able to get time with Mr. McClendon, he informed us that due to circumstances, the county was not able to review the code and act upon it. He suggested we move forward with the variance:

Mr. Zawadzki,

The Lake County sign code was not revisited this year. Given the current nature of events that have occurred since March, several other items have moved to the forefront and have re-prioritized staff time.

Attachment “C” – Statement of Hardship (page 2 of 2)

I would highly suggest applying for a variance for the signage issue. While I cannot guarantee the Board of Adjustment would grant the variance, every sign variance requested in the last 2 years has been approved on the consent agenda.

TIM McCLENDON, AICP

Director

OFFICE OF PLANNING & ZONING

Based on what we have found as far as how these signs are handled elsewhere, and the information received from Mr. McClendon, we are asking through this variance process that this sign be granted.

**Final Development Order
VAR-20-64-1
Community Health Centers Inc.**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kenneth Soday (the “Applicant”), on behalf of Four Corners Medical Partners LLC (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 11.02.03.A(2), to allow for a wall sign with eighty (80) square feet of copy area to be installed without corresponding right-of-way frontage; and

WHEREAS, the subject property consists of 2.72 +/- acres and is located at 509 Cagan View Road, in the Clermont area of unincorporated Lake County, in Sections 35 and 36, Township 24 South, Range 26 East, having Alternate Key Number 3912747, and more particularly described below; and

EXHIBIT “A” – LEGAL DESCRIPTION

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on December 10, 2020; and

WHEREAS, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on December 10, 2020, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that:

- Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-20-54-1, to allow for a wall sign with eighty (80) square feet of copy area to be installed without corresponding right-of-way frontage.
- Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

[Remainder of Page Left Intentionally Blank]

**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 10th day of December, 2020.
EFFECTIVE December 10, 2020.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 2020, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

EXHIBIT "A" – LEGAL DESCRIPTION

A PORTION OF SECTIONS 35 AND 36, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35, ALSO BEING THE SOUTHWEST CORNER OF THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE N00°33'46"W ALONG THE WEST LINE OF THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36, A DISTANCE OF 40.00 FEET TO A POINT; THENCE S89°36'03"W, A DISTANCE OF 29.06 FEET TO A POINT ON THE EAST LINE OF ROADWAY EASEMENT AREA, AS RECORDED IN OFFICIAL RECORDS BOOK 1773, PAGE 1015, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N00°23'56"W, ALONG SAID EAST LINE, A DISTANCE OF 12.13 FEET TO A POINT; THENCE S89°35'55"W, ALONG THE NORTH LINE OF SAID ROADWAY EASEMENT AREA, A DISTANCE OF 130.19 FEET TO A POINT ON THE EASTERLY LINE OF ROADWAY EASEMENT 1, AS RECORDED IN OFFICIAL RECORDS BOOK 2852, PAGE 1359, OF SAID PUBLIC RECORDS; THENCE N20°36'19"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 204.61 FEET TO THE POINT OF BEGINNING; THENCE N20°36'19"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 232.88 FEET TO A POINT; THENCE N69°23'38"E, ALONG THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2485, PAGE 1937, SAID PUBLIC RECORDS, A DISTANCE OF 508.45 FEET TO A POINT; THENCE S20°36'19"E, A DISTANCE OF 217.45 FEET TO A POINT; THENCE S11°47'26"E, A DISTANCE OF 18.28 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE, CONCAVE SOUTH, A DISTANCE OF 34.23 FEET, HAVING A RADIUS OF 222.50 FEET, CENTRAL ANGLE OF 08°48'53", CHORD BEARING OF S73°48'08"W AND A CHORD DISTANCE OF 34.20 FEET TO A POINT OF TANGENCY; THENCE S69°23'41"W, A DISTANCE OF 471.56 FEET TO THE POINT OF BEGINNING.