

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-16-02

MAY 3, 2016

Location: 8255 Dix Ellis Trail,
between Prominence Parkway & Interstate 95

Real Estate Number(s): 152683-0100

Waiver Sought: Reduce Minimum Setback from 10 feet to 0 feet
for two existing signs, one along Dix Ellis Trail,
one along Interstate 95

Current Zoning District: Planned Unit Development – (PUD 1974-0982)

Current Land Use Category: Community/ General Commercial (CGC)

Planning District: Southeast, District 3

Planning Commissioner: Daniel Blanchard

City Council Representative: The Honorable Danny Becton, District 11

Agent: Ken Bringle
263 Edgewood Avenue South
Jacksonville, FL 32254

Owner: Rakesh Patel
7757 Wildwood Way
Jacksonville, FL 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver Ordinance 2016-0207 (SW-16-02) seeks to reduce the setback for two signs from 10 feet to 0 feet along both the I-95 right of way, and the Dix Ellis Trail right of way. Both signs are existing signs, located on the property of a small hotel. The hotel has changed ownership in the last two years. The signs are currently non-conforming in their current locations. The hotel is located in a PUD zoning district, approved in 1974. The hotel was built in 1982. The current owner would like to reface the existing signs, and would like the signs to remain where they are. As noted on the site plan, and as shown in the

aerial, the signs are located inside the landscaped areas on the perimeter of the Vehicle Use Area (VUA) and the site is almost fully occupied by building and parking.

NOTICE TO OWNER / AGENT

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1310 of the Ordinance Code defines a sign as “a painting, structure or device which is placed, erected, or constructed or maintained on or in the ground, or on or outside of an enclosed building or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of displaying information, advertisement or attraction of the attention of persons, including posters, pictures, pictorial or reading matter and a letter, word, model, device or representation used in the nature of an advertisement, announcement, attraction or direction”.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.1310(a)(i) through (x), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the Council shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

- (i) *Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?*

Yes. The area is dominated by hotels, offices and restaurants. All of these entities have pylon signs similar in height and design. There are several that are positioned similarly to these signs, close to the rights of ways on which they face, though it is not clear if they are nonconforming in nature or not. Specifically, the signs located adjacent to the Interstate 95 right of way. These signs are in keeping with the scale and style of the surrounding signs, and general commercial character of the area.

- (ii) *Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?*

No. While there is one sign located similarly close to the I-95 right of way, the site is currently vacant, and the sign is unused. It is also not clear if this sign is nonconforming in nature or not. Beyond this neighboring sign, the remainders of the signs in the immediate vicinity appear to be conforming.

- (iii) *Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same?*

No. The signs have existed for over 30 years, and approval of this application would not change the existing conditions for the area. It is not anticipated that approval of this application would affect property values, nor is it likely that approval of this application will interfere with the rights of the adjoining property owners.

- (iv) *Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity?*

No. To the contrary, were the signs to be relocated to meet the required 10 foot setback, the signs would then be located within the Vehicle Use Area (VUA), or the VUA's drive aisles. There are no violations noted related to the signs, so it is not anticipated that the continued use of these signs will have an objectionable impact on the surrounding property, or vehicular traffic.

- (v) *Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?*

No. It is not anticipated that allowing these existing signs to continue to stand would result in any negative impact on health, life safety or welfare, nor would they create any nuisances.

- (vi) *Does the subject property exhibit specific physical limitations or characteristics, which could be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?*

Yes. As mentioned above, the site is fully developed, and the signs are located within the perimeter landscaped area. Relocating the signs would place them within the Vehicle Use Area, and would either impede traffic circulation around the site, or remove several of the required parking spaces.

- (vii) *Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?*

No. While there would be significant cost involved in the relocation of these signs, the relocation of these signs would have a larger negative impact on the parking area and public access. The cost savings are not the exclusive reason for the application. Leaving the signs in their current location is the minimum necessary request to allow the applicant to continue to use these signs. They are conforming to all other zoning code requirements.

- (viii) *Is the request the result of violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicants acquiring the property, not being a*

direct result of the actions of the current owner?

No. There are no noted violations for this property related to these signs, or their location.

- (ix) *Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees?*

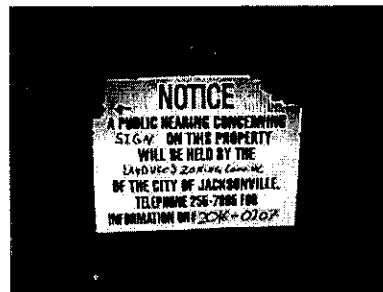
Yes. The relocation of these signs would impact the existing number of required parking spaces, as well as potentially change the traffic circulation pattern for the property. Leaving the signs in their current location is in the public interest.

- (x) *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

Yes. The signs and their supporting structures have been in place since the construction of the hotel. The cost would be excessive to relocate these signs into the Vehicle Use Area, especially the taller of the two signs, located along the I-95 right of way.

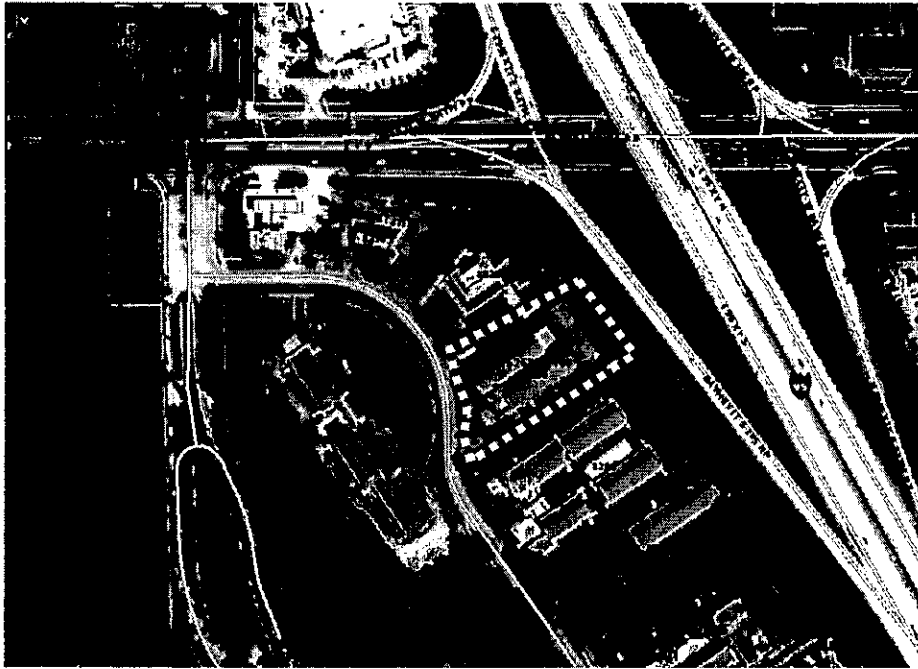
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 6, 2016 by the Planning and Development Department, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-16-02 be **APPROVED**.



Aerial

Source: City of Jacksonville Planning & Development Department

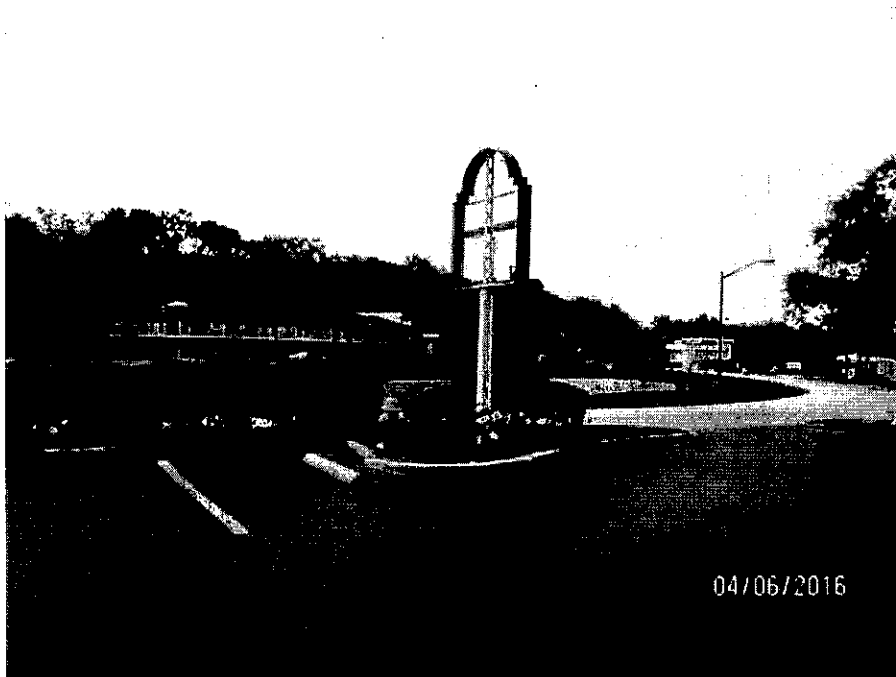
Date: April 6, 2016



Subject Property

Source: City of Jacksonville Planning & Development Department

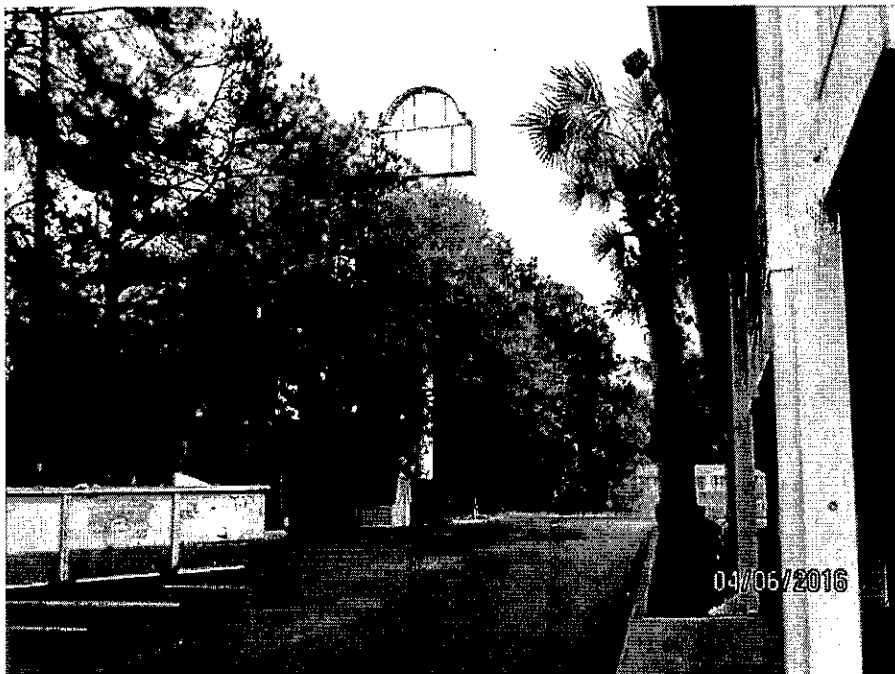
Date: April 6, 2016



Dix Ellis Trail sign, located within the 10 foot setback

Source: City of Jacksonville Planning & Development Department

Date: April 6, 2016



I-95 right of way sign, located within the 10 foot setback

Source: City of Jacksonville Planning & Development Department

Date: April 6, 2016



Sign on adjacent property to the north, facing the I-95 right of way

Source: City of Jacksonville Planning & Development Department

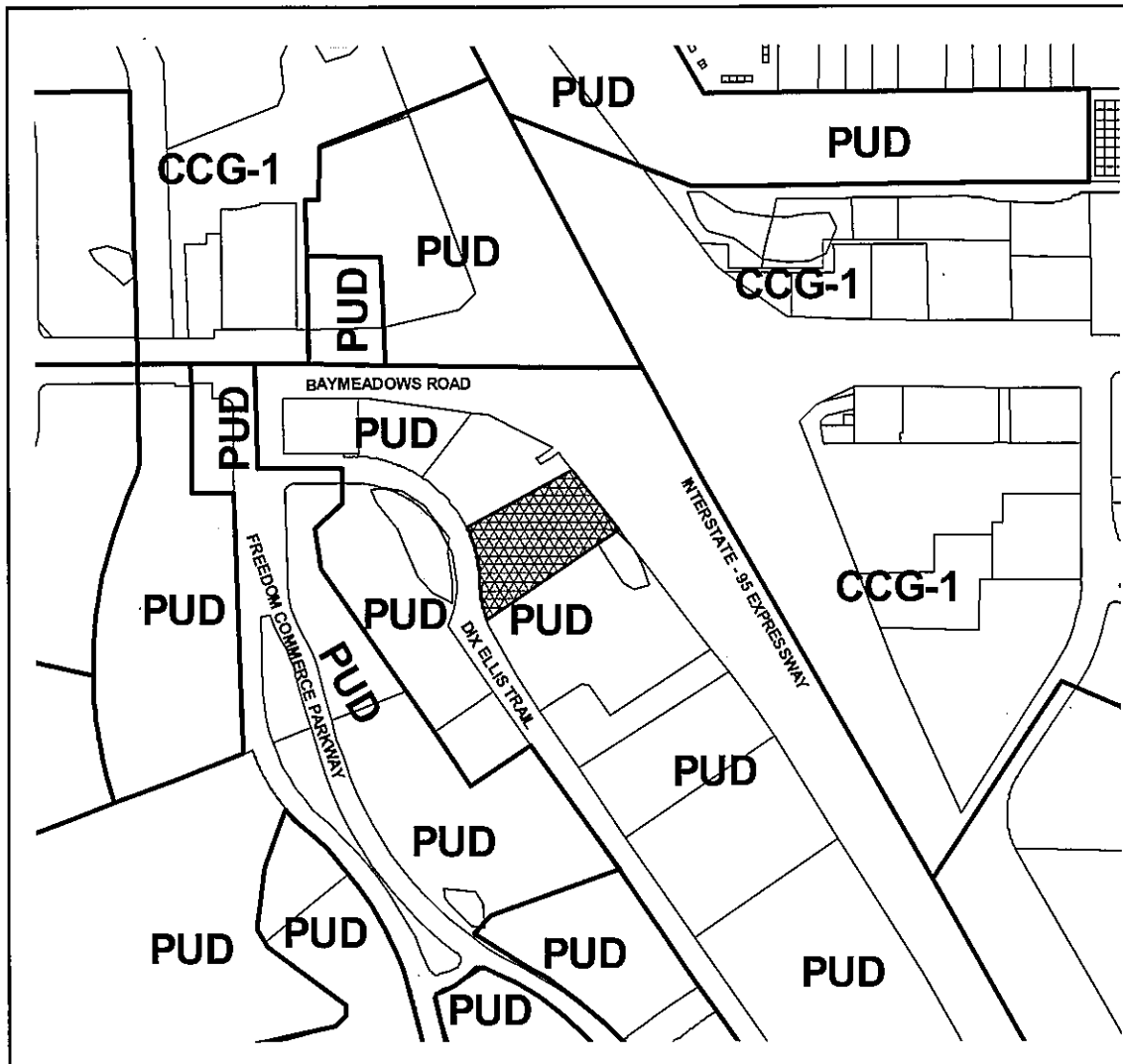
Date: April 6, 2016



Hotel located across Dix Ellis Trail

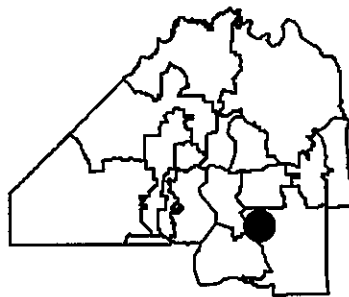
Source: City of Jacksonville Planning & Development Department

Date: April 6, 2016



REQUEST SOUGHT:

REDUCE SIGN SETBACK
FROM 10 FT. TO 0 FT.



0 100 Feet

COUNCIL DISTRICT:

11

APPLICATION NUMBER:

SW-2016-0002

Exhibit 2

APPLICATION FOR SIGN WAIVER

This application must be typed or printed in black and submitted in person with three (3) other copies for a total of four (4) copies.

Ordinance Number:
Application Number: SW-16-02
Notice of Violation:

Planning and Development Department,
 Zoning Section
 Ed Ball Building
 214 North Hogan Street, 2nd Floor
 Jacksonville, Florida 32202

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-7865.
TO BE COMPLETED BY PLANNING AND DEVELOPMENT DEPARTMENT ONLY

1. Date Submitted: <u>12-15-15</u>	2. Date Filed: <u>3-2-16</u>	3. Current Zoning District(s): <u>PUO</u> <u>1974-982</u>	4. Future Land Use Ma Category (FLUMs): <u>CFC</u>	5. Applicable Section of Ordinance Code:
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6. LUZ Public Hearing Date: ___/___/___ 7. City Council Public Hearing Date: ___/___/___

8. Neighborhood Association (If Applicable): _____

9. Number of Signs To Be Posted: 1 \$1154.00

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>8255</u> <u>Dix ELLIS TRAIL</u>	13. Between Streets: <u>Freedom Commerce</u> and <u>Dix Ellis Trail</u>
11. Real Estate Number: <u>152683-0100</u>	
12. Date lot was recorded: <u>2/6/2014</u>	
14. Application being sought:	
_____, increase maximum height of sign from _____ to _____ ft. (Not to Exceed 20% or 5 ft. in height, whichever is less).	
_____, Increase maximum size of sign from _____ SF to _____ SF (Maximum request 25% or 10 Sq. Ft., whichever is less).	
_____, Increase number of signs from _____ to _____ (Not to exceed maximum square feet allowed).	
_____, Allow for illumination or change from _____ external to _____ internal lighting:	
<input checked="" type="checkbox"/> Reduce minimum set back from <u>10</u> ft. to <u>0</u> ft. (Less than 1 ft. may be granted administratively).	

Rear Pylon Existing on Edge of Property
Front Pylon Existing if moved would be in Drive area
Reduce Setback on FRT + Rear Sign

15. In whose name will the waiver be granted? SPT Hotel LLC
Is transferability being requested? Yes: No:

16. Land Area(1/100 Acres): 7.71 Acres

17. Utility Services Provider
Well: City Water:
Septic Tank: City Sewer:

**** NOTICE TO OWNER/AGENT/APPLICANT ****

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Section 656.1310(a)(i) through (x), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City Council shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

18. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the waiver and to meet the criteria set forth below may result in a denial).

1. Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area? Yes, Area is commercial with same type Businesses

2. Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity? This will not detract from zoning ordinance

3. Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same. NO, Surrounding Properties are similar + Commercial

4. Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity? NO, Traffic + Parking would be affected if moved from current location.

5. Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?

NO, will not conflict.

6. Does the subject property exhibit specific physical limitations or characteristics, which would be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?

these signs are positioned in the where if moved would eliminate parking spaces or effect Drive patterns in front of Building which would effect public safety in Drive area

7. Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?

NO, It makes more sense to leave where signs have been since the 1980's when installed.

8. Is the request the result of a violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicants acquiring the property, not being a direct result of the actions of the current owner?

No violation I am aware of and this property was recently acquired with signs installed prior.

9. Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees? ~~NO~~ NO.

10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance? yes, To move would cost considerable.

19. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

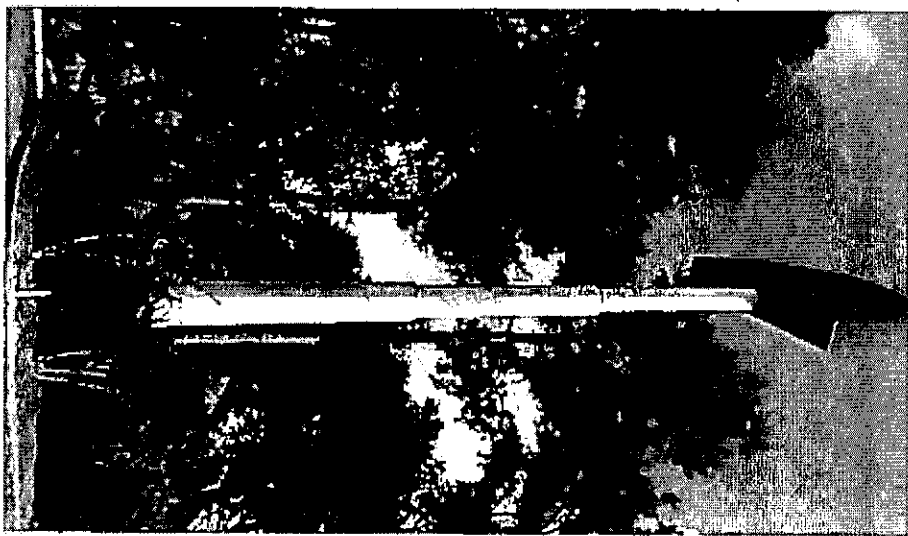
Survey

Site Plan as required per instructions. (All copies on 8 1/2 x 11 and 2 copies on 11 x 17 or larger)

Letter of Authorization for Agent is required if any person other than the property owner makes the application.

Legal description may be either lot and block, including book and page numbers, or metes and bounds descriptions; and either shall include real estate assessment number(s) of the subject property.

Photographs of sign structure showing nonconforming nature and physical impediments to compliance



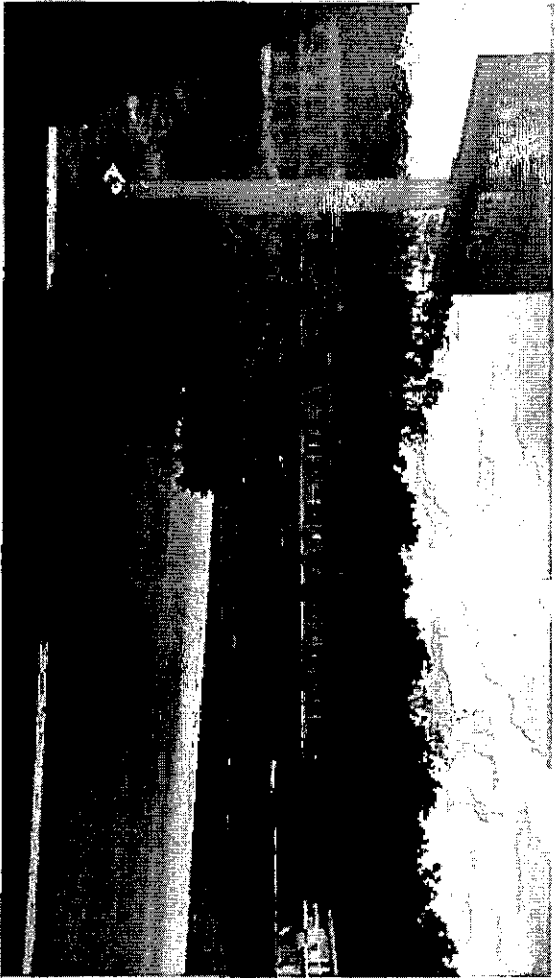
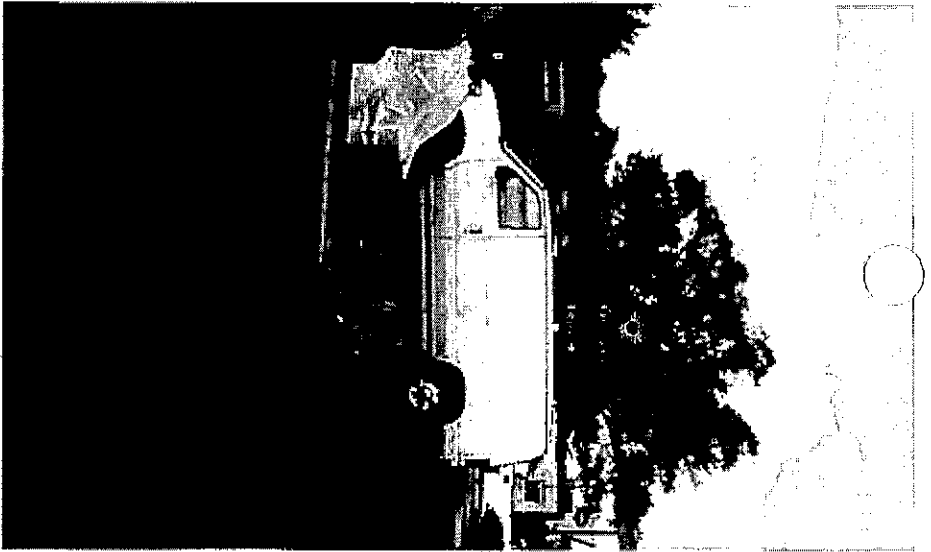
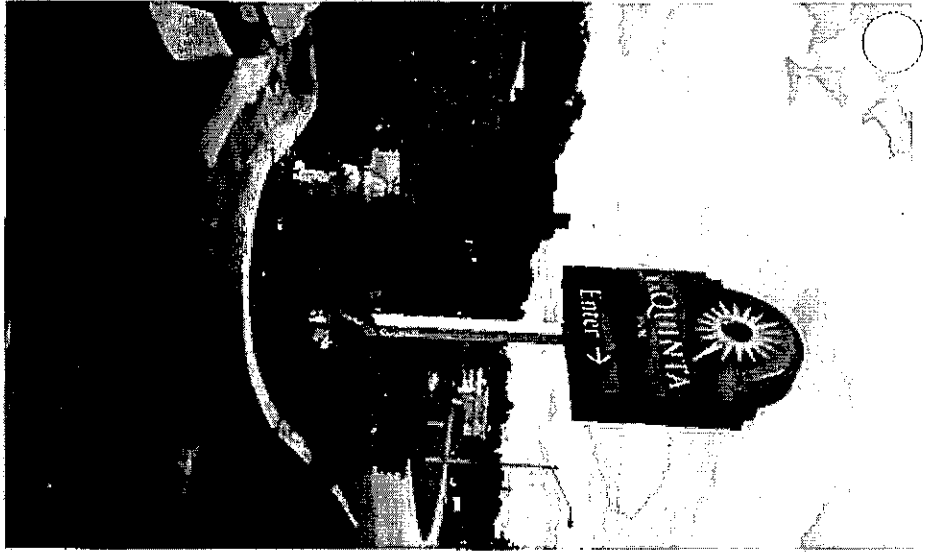




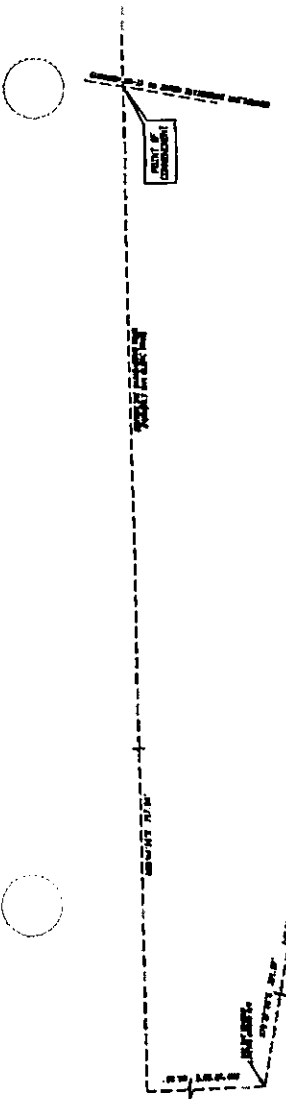
EXHIBIT A
(To Deed)

Legal Description

A tract of land, being a portion of the F. Richard Grant, Section 56, Township 3 South, Range 27 East, Jacksonville, Duval County, Florida, being more particularly described as follows:

For a point of reference, commence at the centerline intersection of Baymeadows Road (formerly San Clerc Road) and Interstate Route 95, and run South 89 degrees 44 minutes 01 seconds West, along said centerline of Baymeadows Road, a distance of 717.54 feet; run thence South 0 degrees 15 minutes 59 seconds East, a distance of 90.00 feet to a point in the Southerly right of way line of said Baymeadows Road, said point being the end of the limited access right of way of Interstate Route 95 and the Northeasterly corner of that certain property described in Official Records Volume 2799, page 698, Public Records of said County; run thence South 79 degrees 37 minutes 08 seconds East, along the Southwesterly right of way line of said Interstate Route 95, a distance of 321.57 feet to a point; run thence South 62 degrees 51 minutes 26 seconds East, continuing along said right of way line, a distance of 182.53 feet to a point; run thence South 60 degrees 42 minutes 46 seconds West, a distance of 48.49 feet to a point; run thence South 29 degrees 17 minutes 14 seconds East, a distance of 20.00 feet to a point; run thence North 60 degrees 42 minutes 46 seconds East, a distance of 51.51 feet to a point in the Southwesterly right of way line of said Interstate Route 95; run thence South 37 degrees 51 minutes 49 seconds East, along said right of way line, a distance of 59.60 feet to a point for point of beginning.

From the point of beginning thus described continue South 37 degrees 51 minutes 49 seconds East, along said right of way line, a distance of 203.25 feet; run thence South 55 degrees 29 minutes 37 seconds West, a distance of 430.47 feet to a point in the Northeasterly right of way line of a proposed road; run thence along said proposed right of way line and along the arc of a curve, concave Northeasterly and having a radius of 270.00 feet, a chord distance of 87.68 feet to a point of reverse curvature in said proposed right of way line, the bearing of the aforementioned chord being North 5 degrees 21 minutes 31 seconds West; run thence along said proposed right of way and along the arc of a curve, concave Southwesterly and having a radius of 330.00 feet, a chord distance of 60.17 feet to the Southeast corner of Dix Ellis Trail, as said right of way is described in the Public Records of said county, in Official Records Volume 4756, page 448, the bearing of the aforementioned chord being North 1 degrees 14 minutes 41 seconds West; run thence along the Easterly right of way line of said Dix Ellis Trail and along the arc of a curve, concave Southwesterly and having a radius of 330.00 feet, a chord distance of 81.39 feet to a point, the bearing of the aforementioned chord being North 13 degrees 33 minutes 32 seconds West; run thence North 55 degrees 29 minutes 37 seconds East, a distance of 313.71 feet to the point of beginning.



COPY FROM 74.896.77 DRAWING FIRST 21 CHECK HERE ON LIST

DATE OF MAP 11/26/2013

CONTRIBUTION

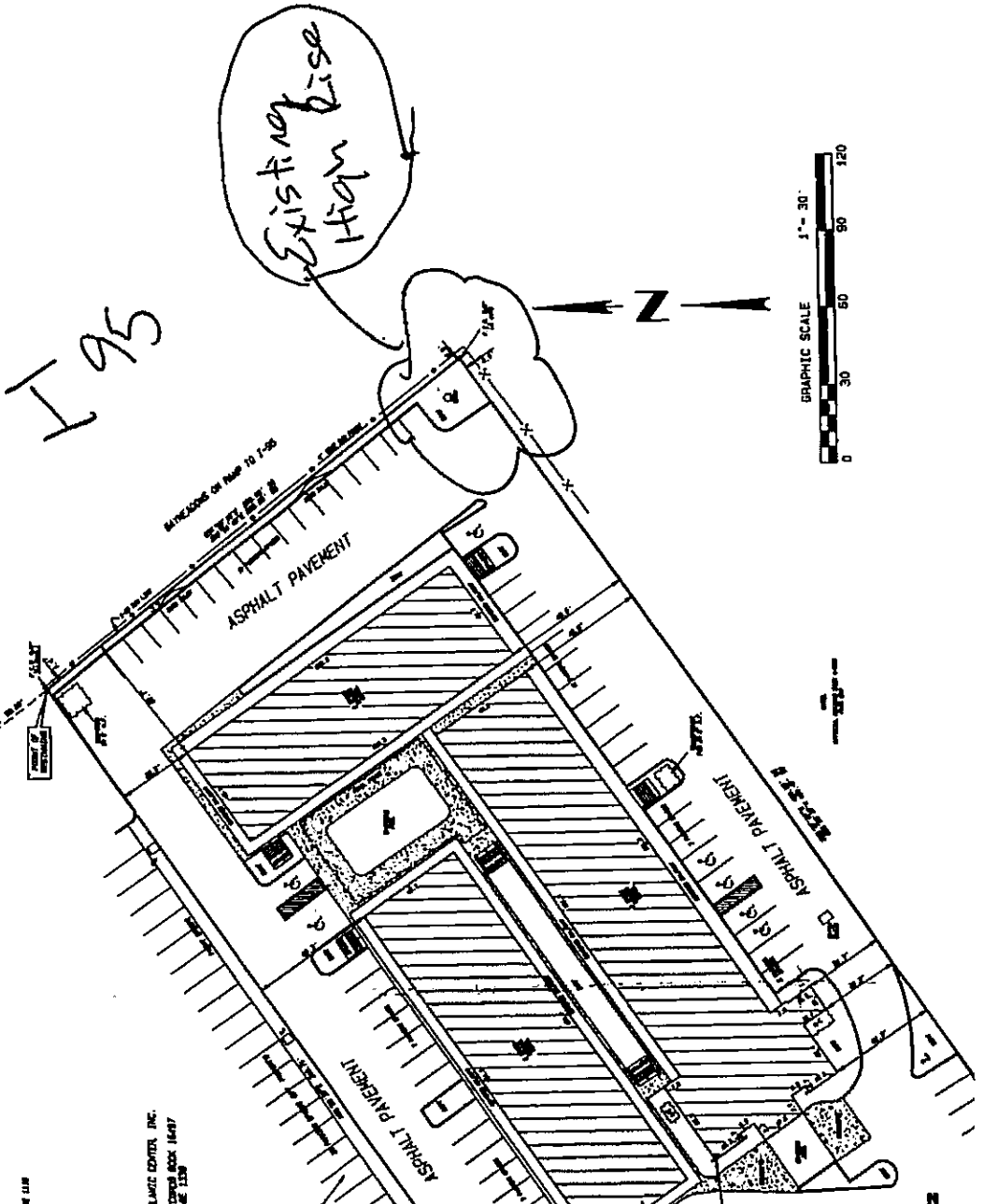
TO BIRLA JV. PROJECTS, LLC. A DELAWARE LIMITED LIABILITY COMPANY, LOCATED AT 3000 SOUTH 23RD STREET, MIAMI, FLORIDA 33135

THIS CONVEYANCE IS MADE WITH THE INTENTION THAT THE LAND IS TO BE USED AS A COMMERCIAL OFFICE BUILDING AND THAT THE PROPERTY DESCRIBED HEREIN ARE TO BE USED AS OFFICE BUILDINGS. THE FIELD WORK WAS COMPLETED ON 11/26/2013.

FROM T.S. & L.S. 88.117 AND 78.990. THE FIELD WORK WAS COMPLETED ON 11/26/2013.

BY THE CITY OF JACKSONVILLE

- 1 - THE CITY OF JACKSONVILLE HAS REVIEWED THE INSTRUMENT FOR CONFORMANCE WITH THE CITY CHARTER AND THE CITY COMMISSIONERS RESOLUTIONS AND HAS FOUND THE INSTRUMENT TO BE IN CONFORMANCE WITH THE CITY CHARTER AND THE CITY COMMISSIONERS RESOLUTIONS.
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STREET ADDRESS:
 605 OIL ELLIS TRAIL
 JACKSONVILLE, FLORIDA

