

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-17-02

February 22, 2017

Location: 11323 Beach Boulevard
between St Johns Bluff Road and Cortez Road

Real Estate Number(s): 163516-0000

Waiver Sought: Reduce minimum setback from the right of way
from 10 feet to 3 feet

Current Zoning District: Commercial/Community General-2 (CCG-2)

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

Planning District: Greater Arlington/Beaches – 2

City Council Representative: The Honorable Scott Wilson, District 4

Agent: Howell Ruehl
5300 Shad Road
Jacksonville, FL 32257

Owner: Kroy Crofoot
1527 Ridgewood Avenue
Holly Hill, FL 32117

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver Ordinance 2017-0011 (SW-17-02) seeks to reduce the setback from a right of way, from 10 feet to 3 feet. The proposed sign is on Beach Boulevard, which is classified as a Principal Arterial roadway. The proposed pole sign would be erected in the same location as the existing pole sign with a manual message board. There were no permits in the BID indicating when the original sign was constructed. This site was developed in 1986 from a vacant lot. The site is approximately 0.52 acres, and is located in the Commercial/Community General-2 (CCG-2) Zoning District. With the addition of the City owned landscape buffers, drainage ditch, electrical easement, and sidewalk, which lay alongside Beach Boulevard the proposed sign, would be nearly fifty (50) feet from the pavement.

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 sign will be located three (3) feet from the property line and approximately fifty (50) feet from the pavement of Beach Boulevard. The existing sign is currently located in a landscape buffer on the Westside of the property. The signage is in a similar location as the commercial signage along Beach Boulevard, located in the CCG-2 Zoning District, to the east, west and south. The size of the sign is consistent with others in the area and is allowed in the CCG-2 Zoning District by right.

- (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. The intent of the zoning ordinance as it relates to this request is to not have signage that interferes with site distance visibility or utilities, and to promote signage that is consistent with the character of the adjoining community. In this instance most of surrounding properties are similar in scale and use that will not result in the expansion of excess non-conforming signage.

- (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 existing sign has been at this same location for over 25 years. The sign is over 500 feet away from the closest residential home which would not negatively affect their rights as property owners. The sign does not interfere with rights of others, and it is not anticipated that the location of this sign will have any negative impacts on the

surrounding area, as it is replacing an existing sign. The subject property is located along a major commercial thoroughfare, Beach Boulevard which has similar sized signs. This sign is almost identical to the existing sign.

- (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. Although the sign will be three (3) feet from the property line, the actual distance to the travel lanes of the street is roughly fifty (50) feet. The location of the sign does not impede the ability of a motorist from sightlines of Beach Boulevard while leaving the access point into oncoming traffic or pedestrians. The proposed sign is going to be installed in the existing signs currently location.

- (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. The proposed waiver will not create any conditions that would be distinctly different from the signs located along Beach Boulevard currently. It is unlikely the continued use of this sign in this location will have any detrimental effect on the public health, safety or wellbeing. With the removal of the manual message board the proposed sign will become less distracting to drivers than the existing one.

- (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. The property is located within and part of a major commercial corridor, and was developed in 1986. The location of the proposed sign was determined on the location of an existing sign. Strict enforcement of the regulation would require the sign to be set back further from the property line and roadway, greatly reducing the visibility of the sign. Placing the sign at the required ten (10) foot setback would place the sign behind the existing building at the subject property and the AT&T building to the west, making the sign dysfunction and illegible coming from either the east or west on Beach Boulevard. Given the existing conditions of the site, the proposed improvements make the strict letter of the distance regulation unduly burdensome on the applicant.

- (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. The request is not based upon a desire to reduce the costs associated with compliance, but rather the strict enforcement of the regulation would severely limit the visual impact of the sign and reduce the existing tenants advertising space. While the

location of the sign is close to the ROW, it's separated from the roadway's edge of pavement by at least fifty (50) feet. If required to be moved, the sign would be behind the existing building at the subject property and the AT&T building to the west, making the sign illegible and dysfunction coming from either the east or west on Beach Boulevard.

- (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. The request is not a result of an existing violation. This is for a newly constructed sign which is awaiting a decision before being constructed.

- (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 request does provide for an aesthetic enhancement, which is in the public interest. The site is fully developed, and the sign is an upgrade to the previous sign that was in place at this location over 25 years ago. The new sign will be removing the existing manual message board.

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

Yes. The location of the proposed sign was used for over twenty-five years for a pole sign with a manual message board, which is prepped and wired for the new proposed sign to be installed. Placing the sign at the required ten (10) foot setback would require relocating the electrical and disturbing the existing landscape buffer.

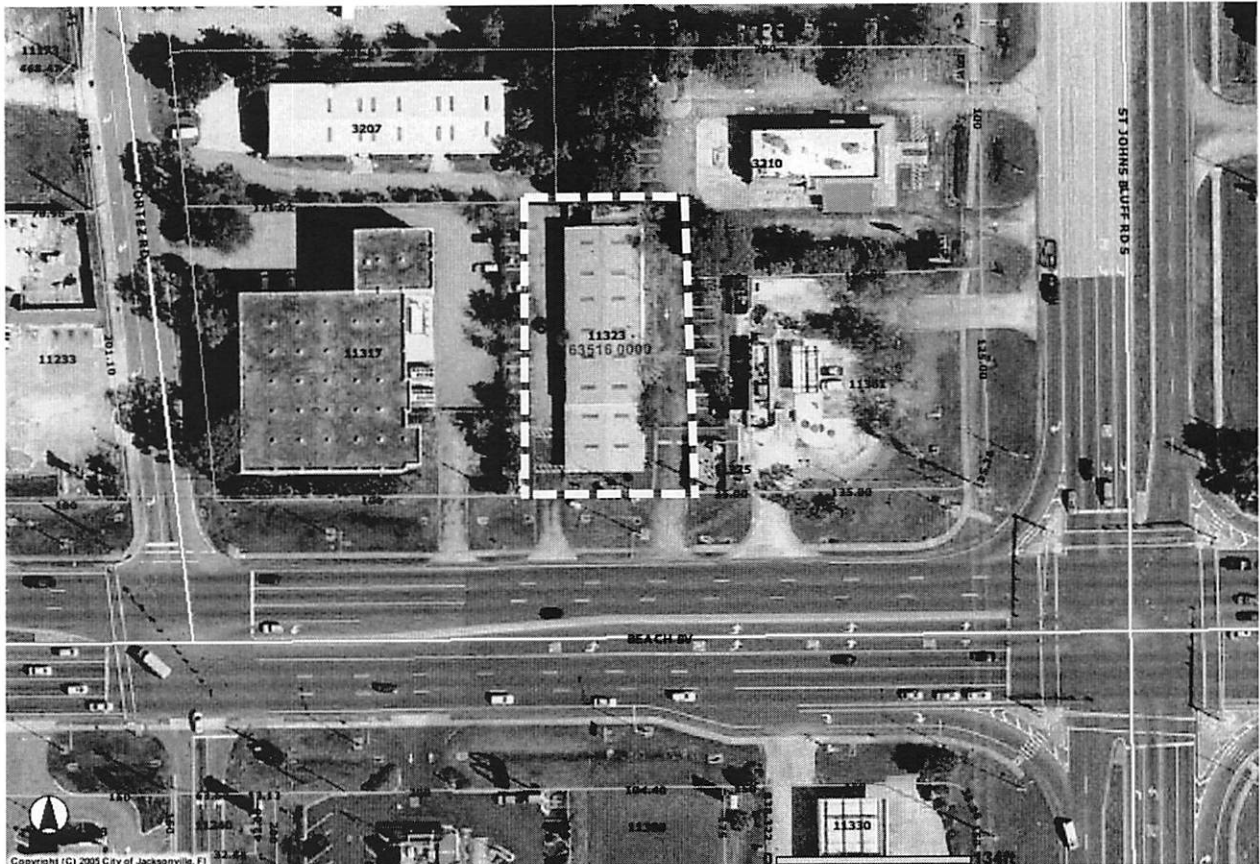
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 10, 2017 by the Planning and Development Department, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-17-02 be APPROVED.



Aerial



Proposed site of sign

*Source: City of Jacksonville Planning & Development Department
Date: January 10, 2017*



Subject Property

*Source: City of Jacksonville Planning & Development Department
Date: January 10, 2017*



Beach Boulevard heading west.

*Source: City of Jacksonville Planning & Development Department
Date: January 10, 2017*



Restaurant/Shopping Center (11310 Beach Boulevard): Property located south of subject property

*Source: City of Jacksonville Planning & Development Department
Date: January 10, 2017*



Restaurant/Club (3210 St Johns Bluff Road): Property located north of subject property

*Source: City of Jacksonville Planning & Development Department
Date: January 3, 2017*



**Warehouse owned by the same owners of subject property (3207 Cortez Road):
Property located north of subject property**

*Source: City of Jacksonville Planning & Development Department
Date: January 3, 2017*

