

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT****APPLICATION FOR SIGN WAIVER SW-17-04****JUNE 8, 2017**

***Location:*** 9875 Atlantic Boulevard; at the northeast corner of Atlantic Boulevard and Library Road

***Real Estate Number:*** 004911 0000

***Waiver Sought:*** Reduce minimum distance between signs from two-hundred (200') feet to one-hundred and eighty-five (185') feet

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

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

***Planning District:*** Greater Arlington/Beaches – District 2

***City Council Representative:*** The Honorable Joyce Morgan, District 1

***Applicant /Agent:*** Custome Graphics & Sign Designs  
230 Industrial Loop South  
Orange Park, FL 32073

***Owner:*** TJT Investments, Inc.  
9875 Atlantic Boulevard  
Jacksonville, FL 32225

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Sign Waiver **Ordinance 2017-0328 (SW-17-04)** seeks to allow for a reduction in the minimum distance between two commercial business pylon/pole signs from two-hundred (200') feet to one-hundred and eighty-five feet (185') feet on a 5.92 acre site located at the northeast corner of Atlantic Boulevard and Library Road. The site is within a Commercial Community General-2 (CCG-2) zoning district and a Community General Commercial (CGC) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. This request is due to the applicant's plans to replace and relocate the existing pylon/pole sign adjacent to an existing driveway from the east side of the driveway to the west side. It is the testimony of the applicant that the relocation of this

sign will allow for better visibility and safety for customers attempting to access the property. Placing the proposed new sign two hundred (200') feet from the existing sign would result in the signs placement in the center of the driveway.

### **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 Planning Commission 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. There are many existing signs similar to what currently exists and is proposed for the subject site; which is located along the Atlantic Boulevard commercial corridor. The effect of the sign waiver will be compatible with existing contiguous signage and consistent with the general character of the area. The site is located along an intensely commercialized node where similar sign structures, while on separate properties, are closer together than 180' and some encroach into the existing right of way. Given the development pattern along this historically commercial corridor, a relaxation of the Code to allow for the proposed reduction in setback between signs for the proposed improvements is consistent with the general character of the area. Additionally, the approval of this sign waiver will improve visibility for drivers as they enter the property.

- (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. This waiver would allow the relocation of an existing sign that will improve visibility at the intersection. The placement of the existing sign has a significant impact on the visibility of drivers as they turn onto the property from Atlantic

Boulevard. The intent of the zoning ordinance as it relates to this request is to discourage and not have signage that interferes with site, distance, and/or intersection visibility and to discourage signage that is overly large and inconsistent with the adjoining community. The requested reduction between existing signs does/will not detract from the specific intent of the zoning code as it relates to safety or compatibility with existing development and signage. The intent of the ordinance is to promote aesthetically pleasing signage with great deference to adjoining properties, the general character of the area and the streetscape. The sign is of a size and scale that's consistent with signage in the area and is aesthetically compatible with the use that it will identify. Approval of this waiver will not promote the continued proliferation of signage, nor does it interfere with site distance or intersection visibility. The owner proposes to update the existing pole/pylon sign on this commercial parcel that faces Lane Ave. and Commonwealth Ave. S. and is consistent with other signage found in the surrounding area. Given the proposed new location of the sign in relationship to the established developed pattern of the area, staff has determined that the requested reduction between signs does not detract from the specific intent of the zoning ordinance as it relates to compatibility.

- (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 approval of this sign waiver will not alter the aesthetic character of the area surrounding the site, nor will it injure the rights of others by granting more signage rights to the applicant than are otherwise afforded to adjoining property owners along the Atlantic Boulevard corridor.

- (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. The existing location of the sign does create a visual impediment for traffic and the proposed reduction in distance seeks to minimize this impact. The size and of the existing sign is similar to other signs in the area. The sign will be facing a busy roadway corridor and will not have a negative effect on any residential zoning districts.

- (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 have a detrimental effect on vehicular or pedestrian traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows, or other effects, when taking into account existing uses and zoning in the vicinity. It does not create or contribute to visual obstructions'

along this corridor and does not limit vehicular access to the site. Approval of this waiver will benefit the public welfare by eliminating a visual impediment of the existing sign area and location, and providing improvements that benefit the aesthetics of the surrounding area.

- (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 previously developed for vehicular sales. The strict enforcement of the regulation would require the sign to be located in the center of an intersection of in its current location which creates a visual impediment to traffic turning into the property. Given the existing conditions of the site, the proposed improvements make the strict letter of the distance regulation unduly burdensome on the applicant and unsafe for the public.

- (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 improve the visibility and safety of traffic entering into the property.

- (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 existing sign is in compliance with existing signage regulations but the placement recreates a visual barrier that reduces safety for the general population.

- (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 existing signage exists in a location that impedes the visibility of traffic accessing the property. The proposed relocation of the sign to the west, along the opposite side of an existing intersection, significantly improves visibility for drivers and pedestrians and improves safety.

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

No. The existing sign is currently in compliance with sign regulations and can remain or be updated as desired by the property owner. However, by granting of this waiver, the safety and welfare of the general public is improved due to the improvement to

the sight triangle and visibility when accessing the property from Atlantic Boulevard.

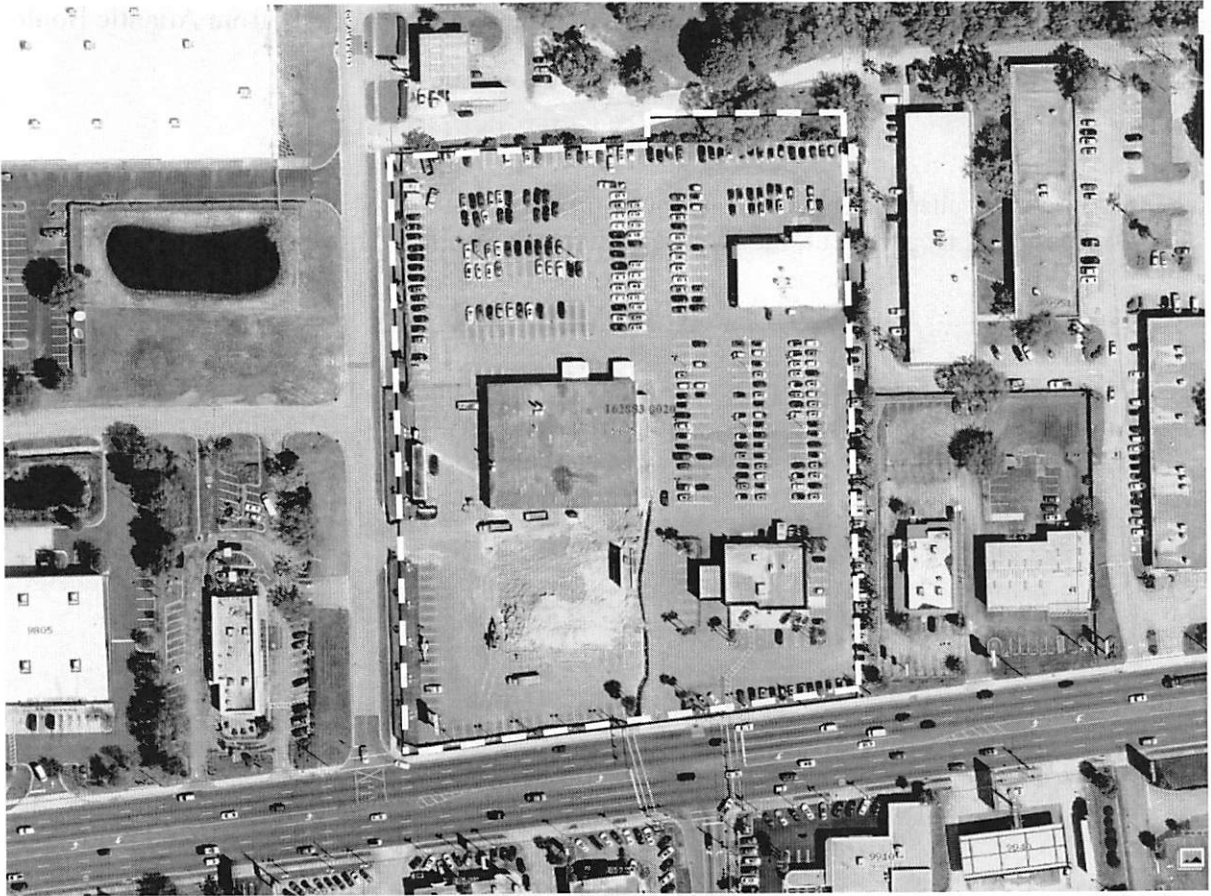
### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 10, 2017 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-17-04 (**Ordinance 2017-0328**) be **APPROVED**.





*Aerial*

Source: Planning and Development Department  
Date: 03.30.17



*Subject Property*

Source: Staff, Planning and Development Department  
Date: 05.05.17



*Subject Property looking west*

Source: Staff, Planning and Development Department  
Date: 05.05.17



*Existing sign to shift to opposite side of driveway*  
Source: Staff, Planning and Development Department  
Date: 05.05.17





*Subject Property looking East*  
Source: Google StreetView  
Date: 05.05.17

