

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-22-07 (ORDINANCE 2022-712)

NOVEMBER 1, 2022

Location: 1050 US Hwy 301 South

Real Estate Number: 000959-0100

Waiver Sought: Reduce sign setback from 10 feet to 5 feet

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: Southwest, District 4

Applicant /Agent: Stephen Kemp
Kemp Signs & Service, Inc.
1740 Hill Avenue
West Palm Beach Florida 33407

Owner: Pilot Travel Centers, LLC
P.O. Box 54470
Lexington Kentuck 40555

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2022-712 (SW-22-07)** seeks to permit a reduction in the required minimum setback from the property line abutting US Highway 301 for an existing pylon sign from 10 feet to 5 feet. The 4.55 acre property is located on US Highway 301, south of I-10 and is developed as a Pilot Travel Center with gas station/convenience store/truck stop. The property was constructed in 2001.

The site has two signs, one on the northern property line that is approximately 50 feet in height and 200 sq. ft. in area, which meets the Zoning Code Sign Regulations. There is a second smaller sign approximately 20 feet in height and 90 sq. ft. in area that has been upgraded under permit # S-20-283650. The owner used the same footer, which is too close to the right of way and necessitates the need for a waiver to be in compliance.

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), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City Council in considering a proposed sign waiver shall determine whether the proposed waiver is in harmony with the spirit and intent of the Zoning Code, considering 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?***

No. The effect of the sign waiver will not be compatible with the existing contiguous zoning and general character of the area. The nearby free-standing signs appear to meet the required setback from the right-of-way. Many of the signs along US 301 have been existing for several years and this request for a setback reduction would create signage out of character for the general 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?***

Yes. The intent of the zoning ordinance is to have signage that does not interfere with visibility, and promotes signage that is consistent with that found in the surrounding area. Given the location of the sign in relationship to the established developed pattern of the area, Staff has determined that the requested reduction in setback distance will 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 effect of the proposed sign waiver is unlikely to diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, in that the signs are already existing.

- (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 waiver is unlikely to have a detrimental effect on vehicular traffic or parking conditions as it has been existing for several years with no issues. Due to the applicant not making any changes to the existing sign location it is therefore also unlikely to create objectionable light, glare or other effects to what already exists in the area.

- (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 is unlikely to be detrimental to the public health, safety, or welfare in that the signage has remained in its current location since being constructed without issues.

- (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?***

No. The subject property does not exhibit specific physical limitations that limit the setback of the sign location from the road. The sign can be relocated farther south along US 301 to an area that will meet the setback. The existing sign cannot be moved back from the existing location as it will impede the drive

- (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?***

Yes. The request is based on a desire to reduce the costs associated with compliance. To bring the existing sign into compliance will require relocating the sign and footer to another location on the site.

- (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 the result of any cited violations. The sign manufacturer installed a modernized sign on an existing footer. The sign appears to have been on the property since 2007. There has been no construction which has infringed upon the right of way which would make the sign non-complaint.

- (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?*

No. The request does not further the public interest. The sign location is in a landscape island that has a few shrubs.

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

No. The goal of the Zoning Code is not to promote the continued existence of nonconforming signs. There will be a cost associated with moving the existing sign to a location which meets the Zoning Code, whether that burden is substantial is debatable.

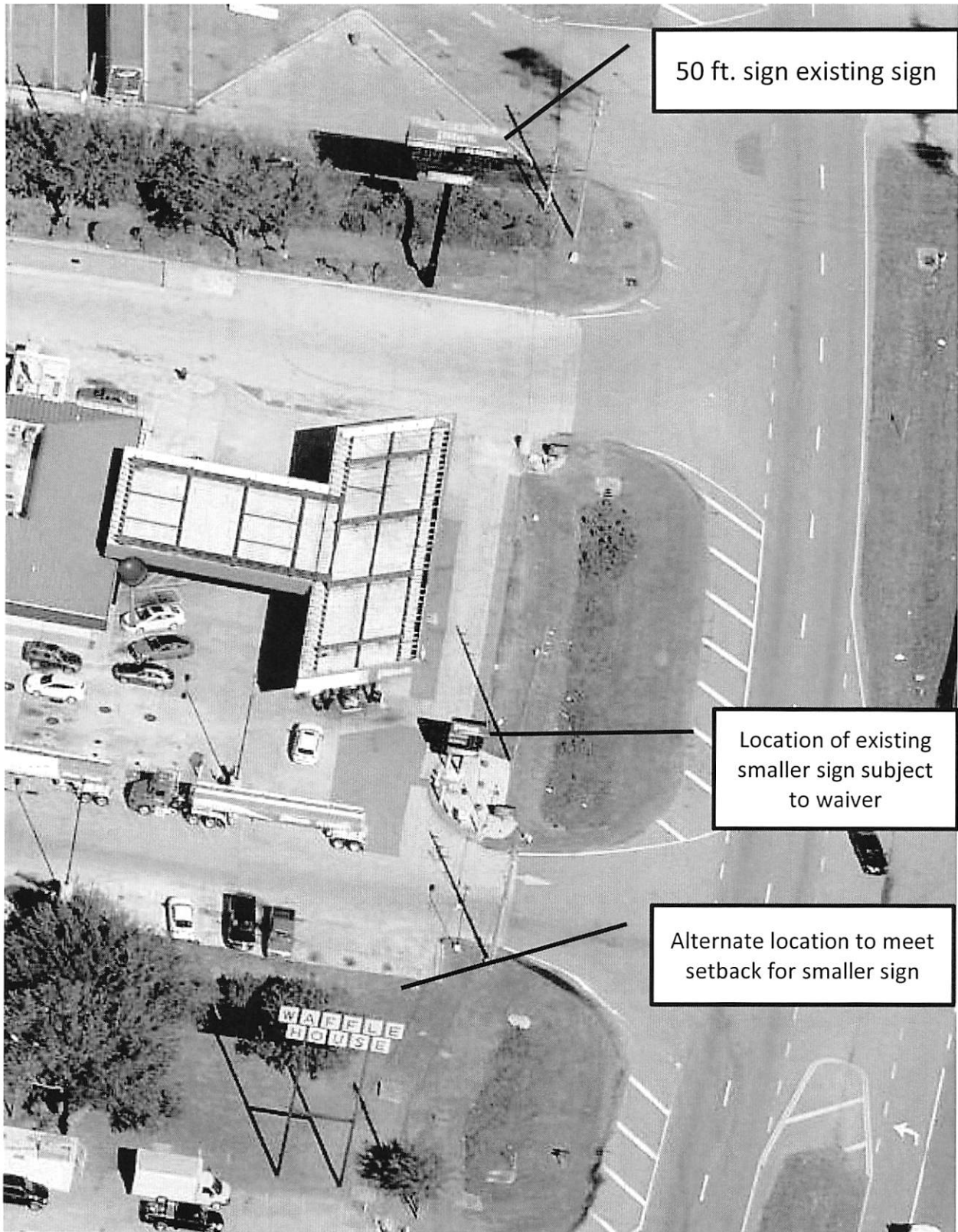
SUPPLEMENTARY INFORMATION

The applicant provided documentation and photo proof to the Planning and Development Department on **October 21, 2022** that the 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-22-07 (**Ordinance 2022-712**) be **DENIED**.

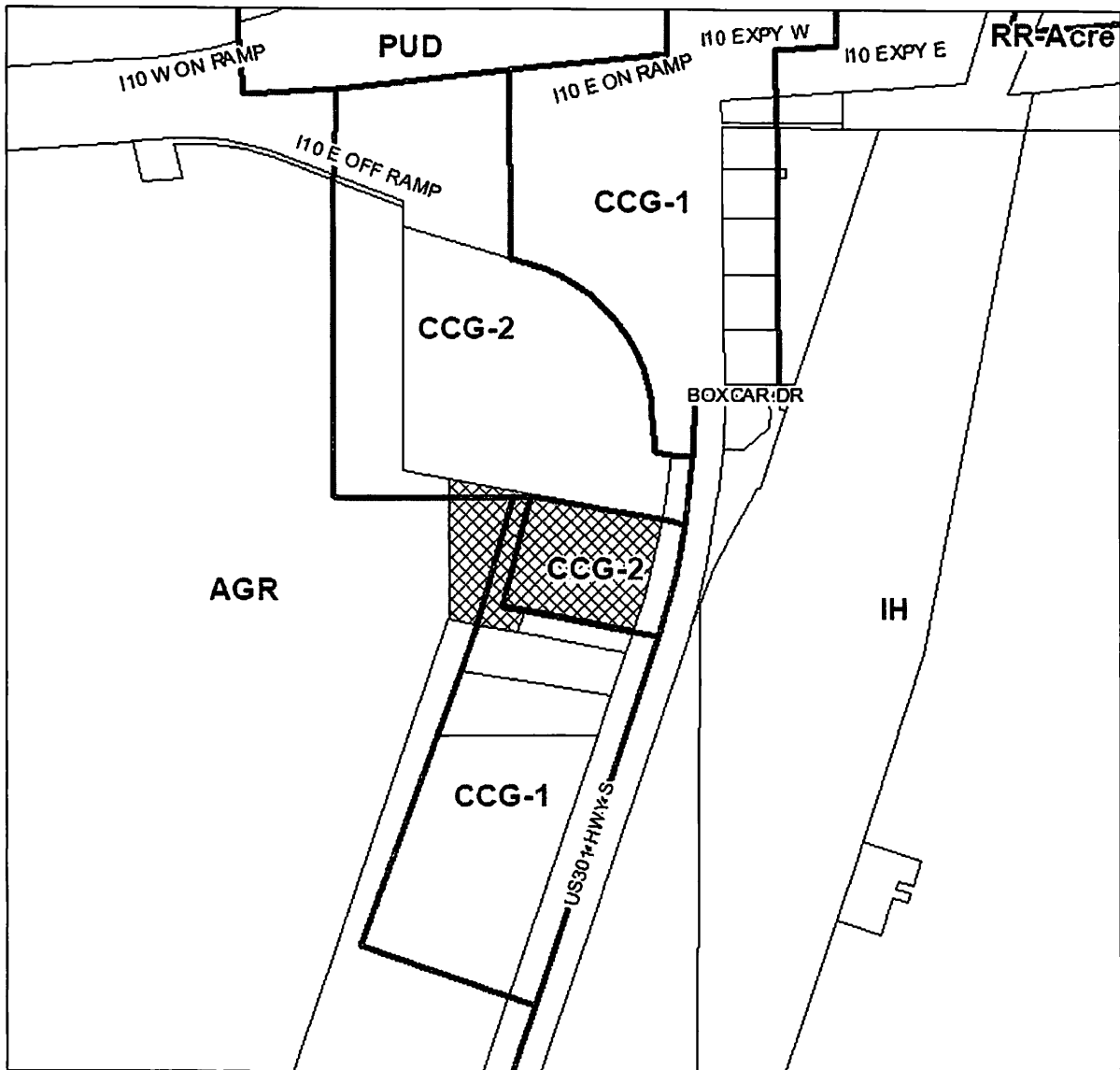


50 ft. sign existing sign

Location of existing smaller sign subject to waiver

Alternate location to meet setback for smaller sign

Aerial view of subject property



REQUEST SOUGHT:

REDUCE SETBACK FROM 10 TO 5 FEET

LOCATION MAP:

TRACKING NUMBER

SW-22-07

COUNCIL DISTRICT:

12

EXHIBIT 2

PAGE 1 OF 1

Date Submitted: 7-15
Date Filed:

Application Number: SW.22.7
Public Hearing:

Application for Sign Waiver
 City of Jacksonville, Florida
 Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District: CCG-2	Current Land Use Category: CGC	
Council District: 12	Planning District: 4	
Previous Zoning Applications Filed (provide application numbers): NONE		
Applicable Section of Ordinance Code: 656.1303(i)(2)		
Notice of Violation(s):		
Neighborhood Associations: N/A		
Overlay: N/A		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 2	Amount of Fee: \$1,243.00	Zoning Asst. Initials: DR

PROPERTY INFORMATION	
1. Complete Property Address: 1050 S US HWY 301, JACKSONVILLE, FL 32234	2. Real Estate Number: 000959-0100
3. Land Area (Acres): 4.55	4. Date Lot was Recorded: 2002
5. Property Located Between Streets: I-10 AND DEER CREEK ROAD	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>

7. Waiver Sought:

Increase maximum height of sign from _____ to _____ feet (maximum request 20% or 5 ft. in height, whichever is less). **Note – Per Section 656.1310, no waiver shall be granted which would permit a sign in excess of 40 feet in height in any zoning district.*

Increase maximum size of sign from _____ sq. ft. to _____ sq. ft. (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

Reduce minimum setback from 10 feet to 5 feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted?
PILOT

9. Is transferability requested? *If approved, the waiver is transferred with the property.*

Yes

No

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

10. Name: PILOT TRAVEL CENTERS LLC	11. E-mail:
12. Address (including city, state, zip): PO BOX 54470 LEXINGTON, KY 40555	13. Preferred Telephone:

APPLICANT'S INFORMATION (if different from owner)

14. Name: KEMP SIGNS & SERVICE INC - STEPHEN M KEMP	15. E-mail: PERMITTING@KEMPSIGNS.NET
16. Address (including city, state, zip): 1740 HILL AVENUE WEST PALM BEACH, FL 33407	17. Preferred Telephone: 561-840-6382

CRITERIA

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1302 of the Ordinance Code defines a sign as *"a painting, structure, projected image or device which is placed, erected, constructed or maintained on or in the ground or water, or on or outside of an enclosed building, boat, ship, vessel or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of display, 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."*

Section 656.133(c)1 through 10, 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:

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?*
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?*
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?*
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?*
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?*
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?*
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?*
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 applicant's acquiring the property, not being a direct result of the actions of the current owner?*
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?*
10. *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

18. Given the above definition of a "sign" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

We are requesting a waiver as a result of a failed inspection due to set back requirements. This was an existing sign that we updated to brand standards. If we were to relocate the existing sign to meet the 10 ft set back requirement, it would put the sign next to the gas pumps. We must obtain waiver approval to complete final inspections and close out our permit.

ATTACHMENTS

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof of property ownership – may be print-out of property appraiser record card if individual owner, http://apps.coj.net/pao_propertySearch/Basic/Search.aspx, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- Photographs of sign structure showing nonconforming nature and physical impediments to compliance.
- If waiver is based on economic hardship, applicant must submit the following:
 - Two (2) estimates from licensed contractors stating the cost of bringing the sign structure into compliance; and
 - Any other information the applicant wished to have considered in connection to the waiver request.

FILING FEES

*Applications filed to correct existing zoning violations are subject to a double fee.

<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

NOTE: City Council may, as a condition of the waiver, specify a time period within which the sign structure shall be required to conform to the requirements of the City’s sign regulations.

AUTHORIZATION

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

I hereby certify that I have read and understand the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

<p>Owner(s) Print name: <u>Kristi Snyder</u> Signature: <u>Kristi Snyder</u></p>	<p>Applicant or Agent (if different than owner) Print name: <u>[Signature]</u> Signature: <u>STEPHEN M KEMP</u></p>
<p>Owner(s) Print name: _____ Signature: _____</p>	<p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>

SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to:
Planning and Development Department, Zoning Section
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202
(904) 255-8300

Legal Description

Parcel I

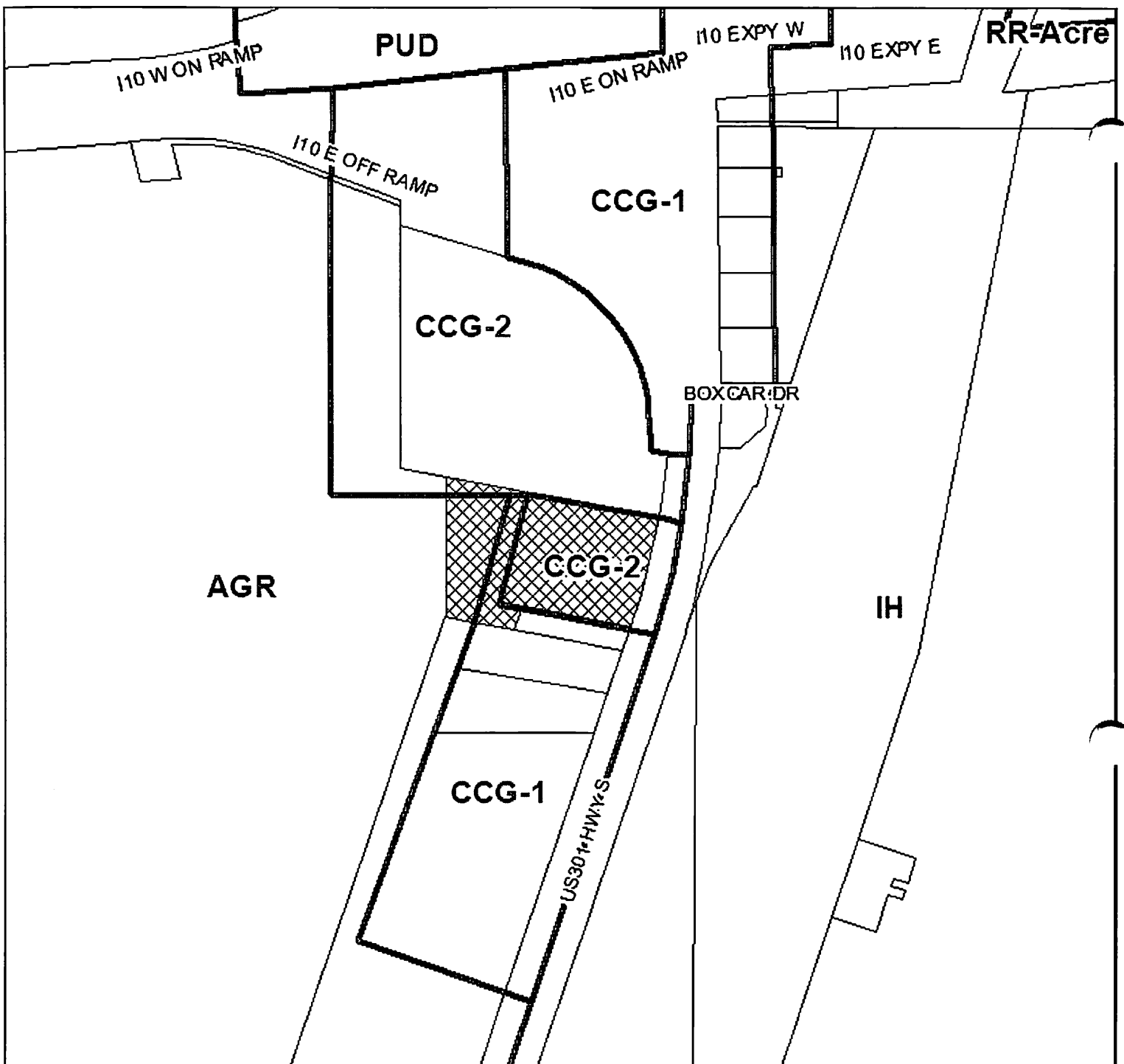
A part of the Northeast $\frac{1}{4}$ of Section 34, Township 2 South, Range 24 East, Duval County, Florida, more particularly described as follows:

Commence at the center line intersection of Interstate No. 10 and US No. 301; thence South $0^{\circ}40'05''$ East, 1,156.88 feet along the center line of said US No. 301 to the Point of Curve of a curve concave to the West and having a radius of 2,864.79 feet; thence around and along said curve a chord bearing and distance of South $8^{\circ}52'10''$ West, 949.35 feet to its Point of Tangency; thence North $71^{\circ}35'35''$ West, 136.0 feet to an iron on the West line of said US No. 301 and the Point of Beginning; thence South $18^{\circ}24'25''$ West, 26.41 feet along the Westerly line of said US No. 301 to an iron; thence North $79^{\circ}14'$ West, 480.0 feet to an iron; thence North $14^{\circ}38'21''$ East, 409.62 feet to an iron in the Southerly line of the lands described in Official Records Volume 2828, page 262 of the Current Public Records of said County; thence South $79^{\circ}14'$ East, 480.0 feet along the Southerly line of the last mentioned deed to an iron in the Westerly line of US No. 301, said iron being in a curve concave to the West and having a radius of 2,728.79 feet; thence around and along said curve a chord bearing and distance of South $14^{\circ}22'48''$ West, 383.27 feet to the Point of Beginning.

Parcel II

A part of the Northeast $\frac{1}{4}$ of Section 34, Township 2 South, Range 23 East, Duval County, Florida, more particularly described as follows:

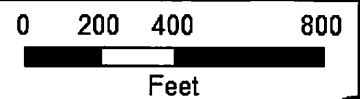
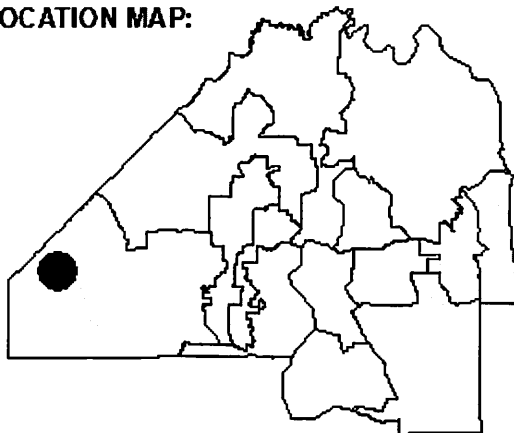
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REQUEST SOUGHT:

REDUCE SETBACK FROM 10 TO 5 FEET

LOCATION MAP:



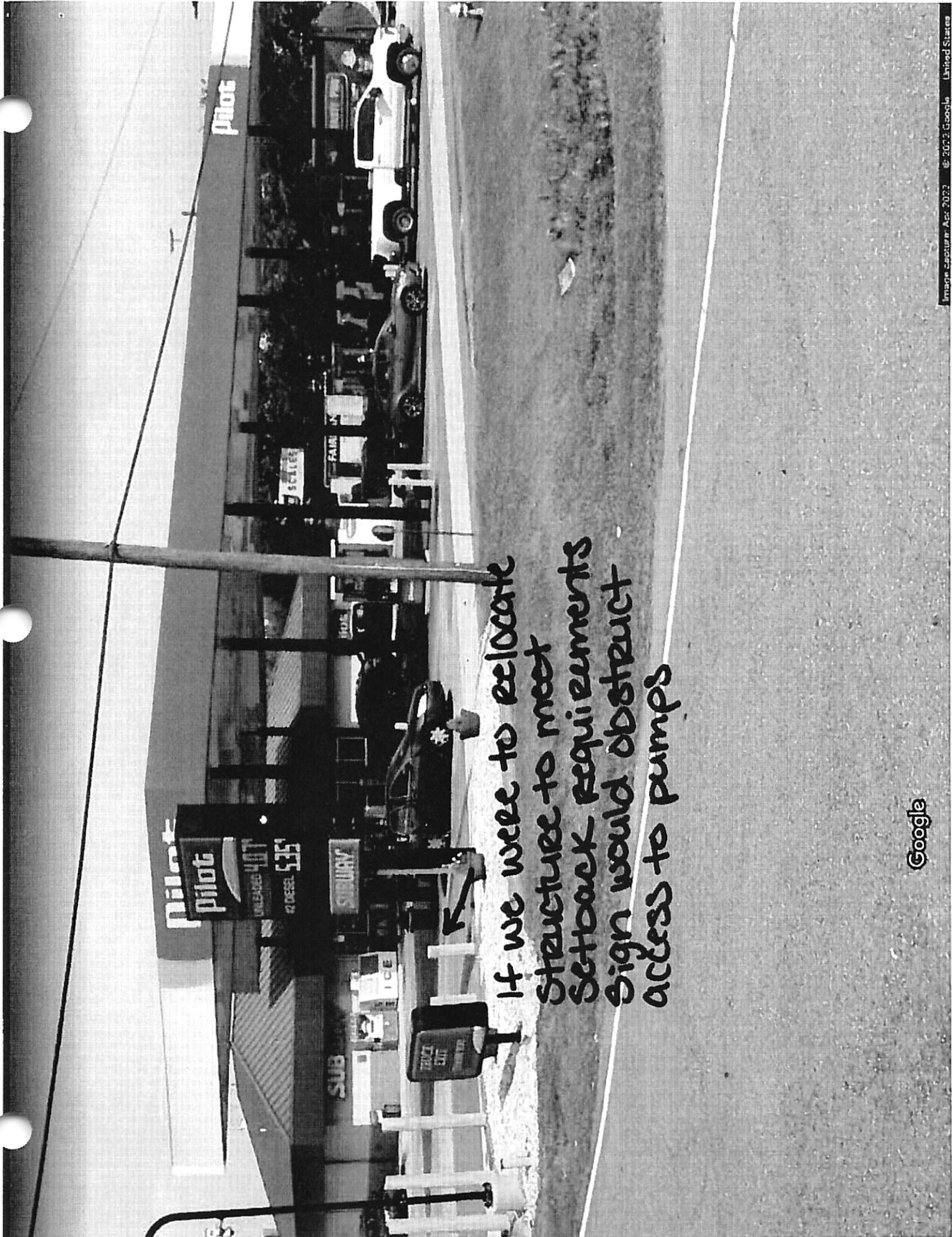
COUNCIL DISTRICT:

12

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SW-22-07

**EXHIBIT 2
PAGE 1 OF 1**



If we were to relocate
structure to meet
setback requirements
sign would obstruct
access to pumps

