

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR SIGN WAIVER SW-22-02 (ORDINANCE 2022-0558)****SEPTEMBER 9, 2022**

Location: 5676 West University Boulevard (SR 109)
South corner of Barnes Road and University
Boulevard

Real Estate Number: 152729 0000

Waiver Sought: Reduce minimum setback from ten (10) feet to zero
(0) feet

Current Zoning District: Commercial Community/General-1 (CCG-1)

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

Planning District: 3 – Southeast

Applicant /Agent: Raymond Pollitt
Aluminum Plus
750 E. International Speedway Boulevard
Deland, FL 32724

Owner: Lalumfland University LLC
11 Brickell Avenue, Suite 2715
Miami, FL 33131

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2022-0558 (SW-22-02)** seeks to permit a reduction in the required minimum setback from the property line for an existing pylon signs from 10 feet to 0 feet. The site is within a Commercial Community General-1 (CCG-1) zoning district and has 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.

The 0.52± acre property is located at the corner of University Boulevard West and Barnes Road South and is developed as a gas station/convenience store with one pylon sign. The property was constructed in 1965 with the gas station and pylon sign, which have remained in their current location since construction. The property owner wishes to change the sign face for the pylon sign

which is resulting in the need for the existing sign to come into compliance with the current zoning code or seek a sign waiver.

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. The effect of the sign waiver will be compatible with the existing contiguous zoning and general character of the area in that other signs along University Boulevard do not appear to meet setback regulations for the zoning district. Staff finds the reduction in setback requirements minimal compared to existing signs in 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. The intent of the zoning ordinance is to have signage that does not interfere with visibility, but promotes signage that is consistent with that found in the surrounding area. The Applicant will not be making any changes to the current sign existing on the property but due to making changes to the sign face property is required to bring the sign into compliance. 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 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 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 traditionally existed at this location without causing any adverse effects. Instead, staff finds granting of this waiver will maintain safety by ensuring sufficient visibility along the University Boulevard corridor.

- (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 subject property does exhibit specific physical limitations that restrict the setback of the sign location from the road. The current orientation of the subject parcel in relation to University Boulevard and Barnes Road significantly restricts where signage can be installed. Moving the sign to meet the 10 foot setback would interfere with traffic and maneuverability within the parking lot of the subject property.

- (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.

(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 signs have been existing on the property for years with no violations but due to the redevelopment of the property and the need for a sign face change the owner is required to bring the signs into compliance.

(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 will further the public interest as it recognizes the original signs locations as well as assures that the safety and interests of the public and the property owner are protected. Granting the waiver allows the owner to continue using the signs in their original locations and applicant will not make any changes to the sign.

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

Yes. While the goal of the Zoning Code is not to promote the continued existence of nonconforming signs, maintaining a sign in the specified location significantly outweighs the benefits of complying with the strict letter. A substantial burden is imposed in order to relocate the sign within the required setbacks.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **August 11, 2022**, by the Planning and Development Department, the Notice of Public Hearing signs **was not** posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-22-02 (**Ordinance 2022-0558**) be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 08/11/2022

Aerial view of the subject site and proposed sign location, facing north.

Figure B:



Source: Planning & Development Dept, 08/11/2022

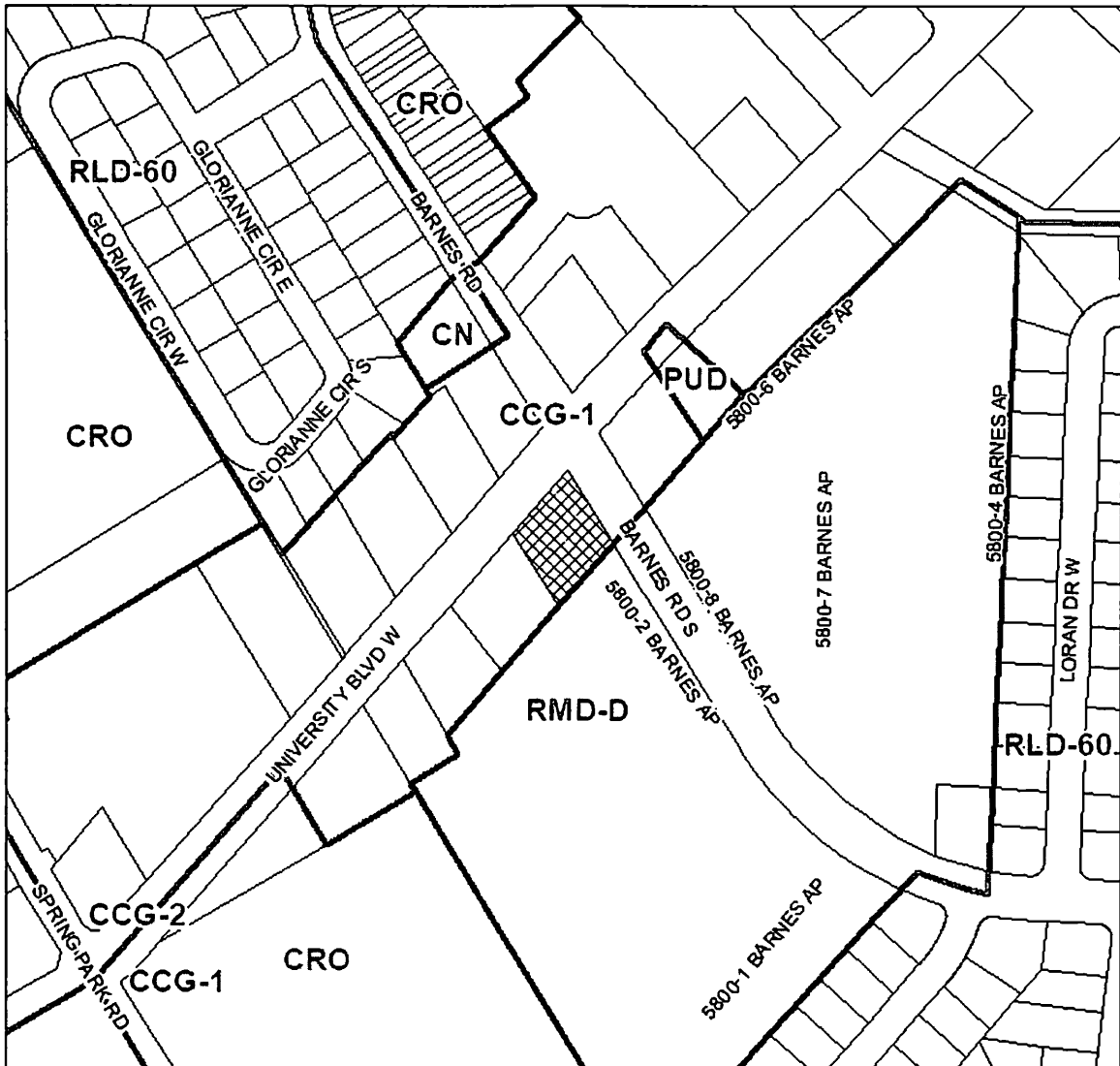
View of the current sign on the subject property.

Figure C:



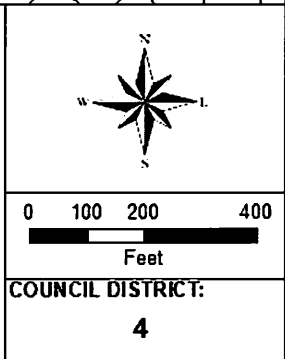
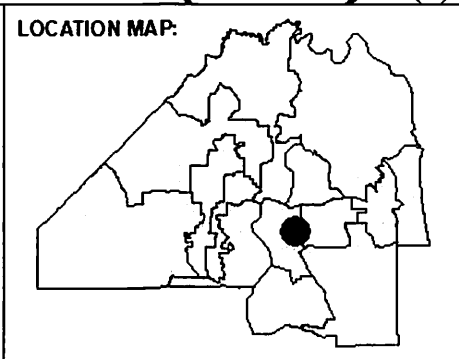
Source: Planning & Development Dept, 08/11/2022

View of neighboring property/sign, located within the setback, north of the subject property.



REQUEST SOUGHT:

**REDUCE MINIMUM SETBACK
FROM 10 FEET TO 0 FEET**



COUNCIL DISTRICT:

4

TRACKING NUMBER

SW-22-02

EXHIBIT 2
PAGE 1 OF 1

Date Submitted:	4-25
Date Filed:	4-28

Application Number:	SW-22-02
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:	CGC	Current Land Use Category: CCG-1
Council District:	4	Planning District: 3
Previous Zoning Applications Filed (provide application numbers): NONE		
Applicable Section of Ordinance Code: 656.1303(c)(3)i(2)		
Notice of Violation(s):		
Neighborhood Associations: NONE		
Overlay: N/A		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post:	Amount of Fee: 1313.00	Zoning Asst. Initials: [Signature]

PROPERTY INFORMATION	
1. Complete Property Address: 5676 W. UNIVERSITY BLVD., JACKSONVILLE, FL	2. Real Estate Number: 152729-0000
3. Land Area (Acres): 22,477 SF	4. Date Lot was Recorded: 1965
5. Property Located Between Streets: BARNES & UNIVERSITY BLVD.	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input 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 0 feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted?
LALUMFLAND UNIVERSITY LLC

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: LALUMFLAND UNIVERSITY LLC	11. E-mail: APLUS@ALUMINUMPLUS.COM
12. Address (including city, state, zip): 11 BRICKELL AVE STE 2715 MIAMI, FL 33131	13. Preferred Telephone: 386-734-2864

APPLICANT'S INFORMATION (if different from owner)

14. Name: RAYMOND SCOTT POLLITT/ALUMINUM PLUS	15. E-mail: APLUS@ALUMINUMPLUS.COM
16. Address (including city, state, zip): 750 E. INTERNATIONAL SPDWY. BLVD. DELAND, FL 32724	17. Preferred Telephone: 386-734-2864

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.

This sign waiver is being sought by the property owner due to the fact that the current price sign does not meet the current setback required by City of Jacksonville Code of Ordinances.

The last face change approved by the City of Jacksonville was approved in 2000 and at that time, was existing at the current setback. All other elements of the sign code have been adhered to with size and area. (Permit approved in 2000 - S-00-15571-000)

1. Granting this waiver will not not impact the location or the general character of the area.
2. The result would not detract from the intent of the zoning ordinance within this vicinity.
3. The sign waiver will not diminish the value of the property or those properties in the surrounding area
4. The existing sign will meet criteria for all other signage elements such as ground clearance and size and not have a detrimental effect on vehicular traffic.
5. The sign waiver will not have an effect to public health, safety or welfare.
6. If the sign was to be moved it would place a burden on the property due to the fact the placement would be located in a traffic area
7. This request is due to the limitations of existing area for sign placement
8. We are not aware of any current violations with the exception of current setback of existing signage.
9. This request allows for the utilization of the existing signage and to distract from further construction on this site.
10. If compliance we required, access to the property would become limited due to the required placement of the sign.

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		

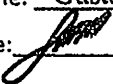
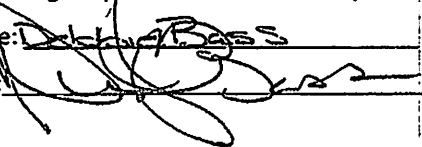
NOTE: City Council may, as a condition of the waiver, specify a time period within which the sign structure shall be required to conform to the requirements of the City's sign regulations.

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>Gustavo Rabello</u> Signature: </p>	<p>Applicant or Agent (if different than owner) Print name: <u>Dickinson</u> Signature: </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

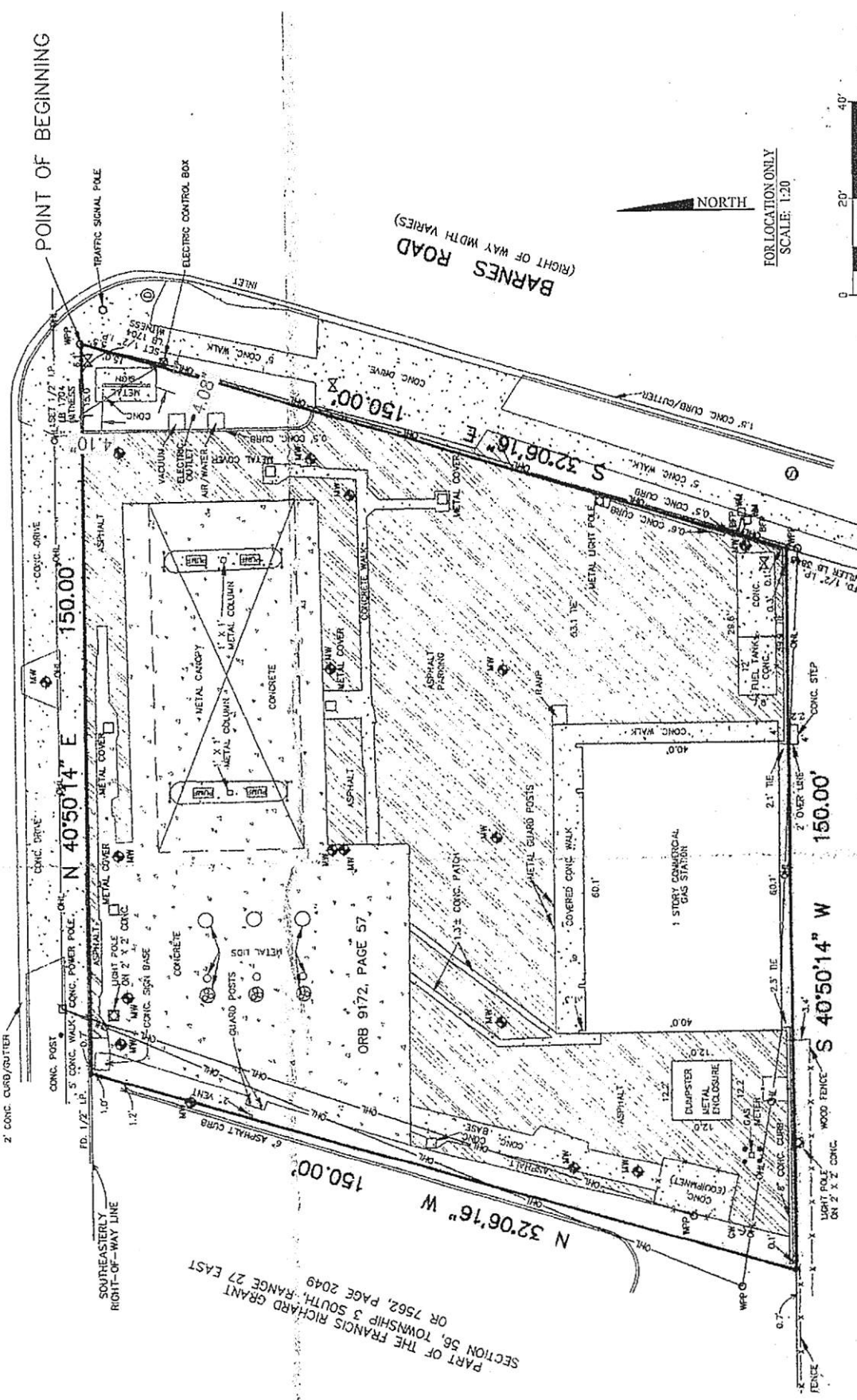
LEGAL DESCRIPTION
APRIL 26, 2022
EXHIBIT 1

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF
DUVAL, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

That certain piece, parcel or tract of land situate, lying and being a part of the Francis Richard Grant, Section 56, Township 3, South, Range 27 East, Duval County, Florida, and all being more particularly described as follows:

Beginning at the intersection of the Southeasterly right-of-way line of University Boulevard West (formerly Love Groce Road, a 90 foot right-of-way as now established) with the Southwesterly right-of-way line of Barnes Road (having a variable right-of-way width at this point); thence South $32^{\circ}06'16''$ East along said Southwesterly right-of-way line of Barnes Road, 150.00 feet; thence South $40^{\circ}50'14''$ West 150.0 feet; thence North $32^{\circ}06'16''$ West 150.0 feet to said Southeasterly right-of-way line of University Boulevard West; thence North $40^{\circ}50'14''$ East along said Southeasterly right-of-way of University Boulevard West, 150.0 feet to the Point of Beginning.

UNIVERSITY BOULEVARD WEST
 (30' RIGHT OF WAY)
 (FORMERLY LOVE GROVE ROAD)



BARNES ROAD
 (RIGHT OF WAY WIDTH VARIES)



FOR LOCATION ONLY
 SCALE: 1:20



PART OF THE FRANCIS RICHARD GRANT
 SECTION 56, TOWNSHIP 3 SOUTH, RANGE 27 EAST
 OR 7562, PAGE 2049

PART OF THE FRANCIS RICHARD GRANT
 SECTION 56, TOWNSHIP 3 SOUTH, RANGE 27 EAST
 OR 8829, PAGE 307



76

Regular

2.61

CAPTAIN

BILLIARD

76

76

3

Legend

5878



7 91918

