

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-23-10 (ORDINANCE 2023-792)

JANUARY 3, 2024

Location: 12645 Salina Drive between Beach Boulevard and Josslyn Lane

Real Estate Number: 167067-0435

Waiver Sought: Reduce sign setback from 10 feet to 7 feet, 8.5 inches feet

Current Zoning District: Planned Unit Development (PUD 2012-370-E)

Current Land Use Category: Residential Professional Institutional (RPI)
Community General Commercial (CGC)

Planning District: Greater Arlington/Beaches, District 2

Applicant /Agent: Reunion Jacksonville RE, LLC
P.O. Box 92129
Southlake Texas 76092

Owner: Josh Barth
Auld & White Constructors, LLC
4168 Southpoint Parkway, Suite 101
Jacksonville Florida 32216

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2023-792 (SW-23-10)** seeks to permit a reduction in the required minimum setback from the property line for a ground sign from 10 feet to 7 ft. 8.5 in. The 4.6 acre property fronts on Kernan Boulevard South however the sign is located on Salina Drive which is an access road for the PUD development. The footer for the sign was incorrectly constructed at the current setback, thus the need for the 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, Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City Council may grant a waiver if substantial competent evidence exists to support a positive finding based on 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. The PUD contains sign regulations and the proposed sign will meet those regulations for maximum height and 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 the PUD regulations. 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.

- (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. The sign will be outside the 25 foot sight triangle. It is not expected that the reduction of 2.6 feet will create any adverse impact to vehicular traffic, objectionable light, glare or other effects to

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 to reduce the setback is unlikely to be detrimental to the public health, safety, in the 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?***

No. The subject property does not exhibit specific physical limitations that limit the setback of the sign location from the road. The sign footer was incorrectly installed, thus the need for the waiver.

- (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 on 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. During the footer inspection, the City Inspector determined the footer did not meet the setback. The recourse for the applicant is to request the waiver or bring the footer 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?***

No. The request will not preserve trees or natural resources.

- (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 nonconforming signs, maintaining the proposed sign in the specified location significantly outweighs the benefits of complying with the strict letter. A substantial burden would be imposed in order to relocate the sign within the required setback.

SUPPLEMENTARY INFORMATION

The applicant provided documentation and photo proof to the Planning and Development Department on December 10, 2023 that the Notice of Public Hearing signs **were** posted.

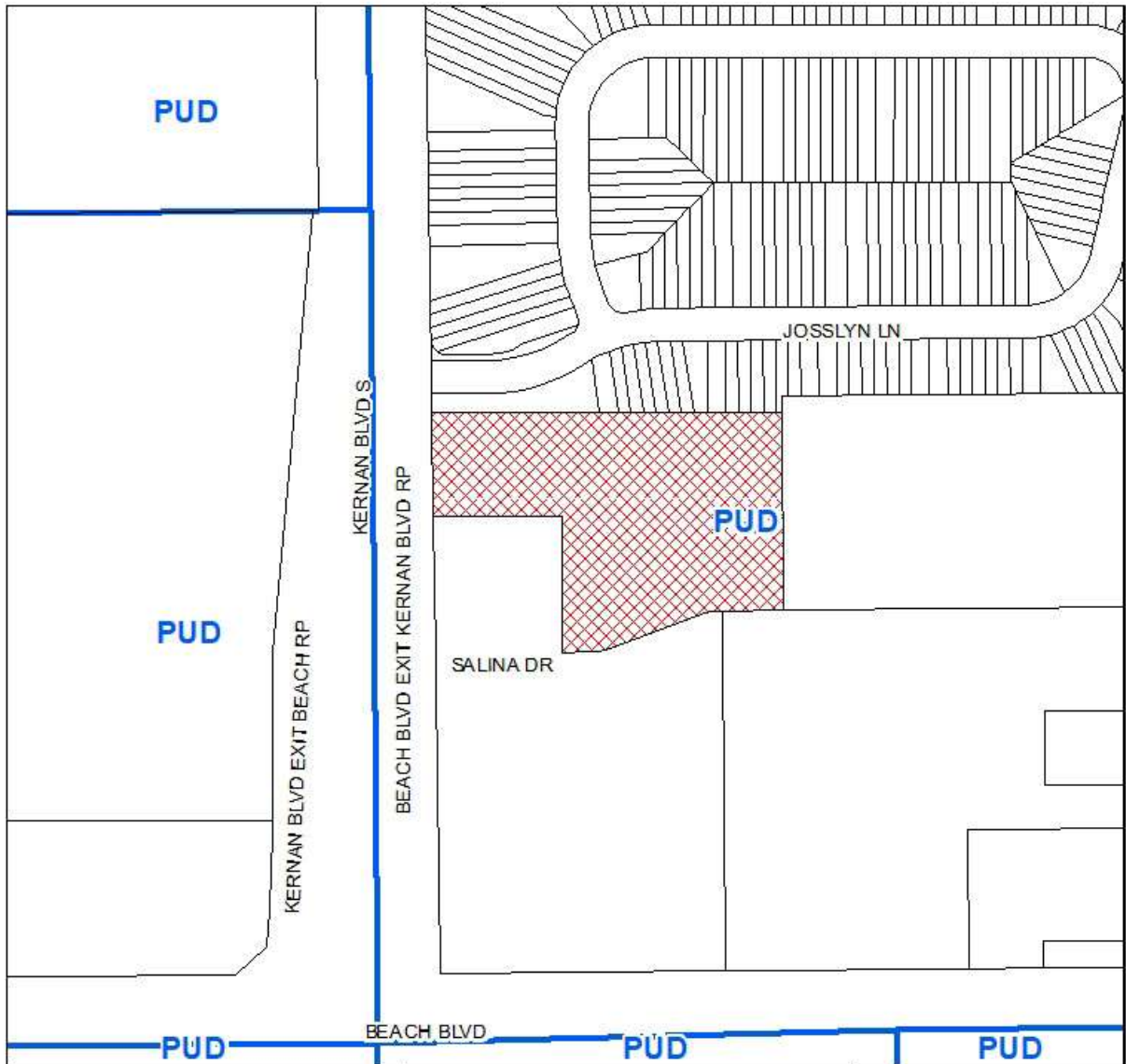


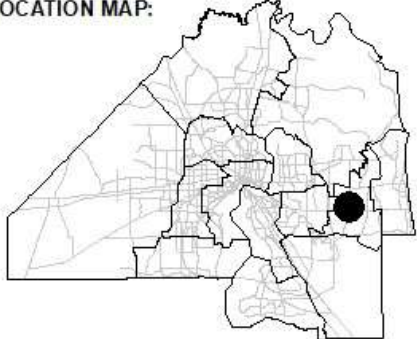
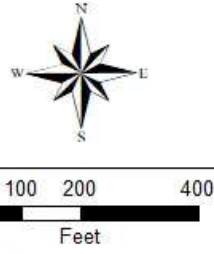
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-23-10 (Ordinance 2023-792) be **APPROVED**.



Aerial view of subject property



<p>REQUEST SOUGHT:</p> <p>REDUCE MINIMUM SETBACK FROM 10 FEET TO 7 FEET 8.5 INCHES</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT: 3</p>
<p>ORDINANCE NUMBER ORD-2023-0792</p>	<p>TRACKING NUMBER SW-23-10</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>