

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR SIGN WAIVER SW-23-04 (ORDINANCE 2023-0265)****JUNE 6, 2023**

Location: 6099 Youngerman Circle

Real Estate Number: 100705-0300

Waiver Sought: 1.) Increase the maximum height of a sign from 50 feet to 65 feet
2.) Reduce Minimum Setback from 10 feet to 0 feet

Current Zoning District: Planned Unit Development (PUD 2007-0224)

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

Planning District: Southwest, 4

Owner: Sunstar OrangePark Inc
27 Tharp Lane
Marlboro, New Jersey 07746

Agent: General Sign Service Corp
1940 Spearing Street
Jacksonville, Florida. 32206

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2023-0265 (SW-23-04)** seeks to increase the maximum height of a sign from 50 feet to 65 feet, and reduce the minimum setback for a sign from 10 feet to 0 feet for an existing sign location. The subject site is an existing Red Roof Inn located on Youngerman Circle at the interchange of Interstate 295 and Blanding Boulevard. The existing site was built in 1982 and at the time met the City sign code. Between the times the sign was built and today the Interchange with Blanding Boulevard has expanded significantly to account for large amounts of traffic. The expansion of the interchange has caused the existing sign location to become non-conforming.

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. Other signs with similar characteristics are located nearby along I-295 and at the Interchange with Blanding Boulevard..

- (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 owner is replacing the existing sign cabinet at the same location. Given the existing location of the sign and the expansion of the interchange, 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 sign are already existing in its location.

- (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 would ensure that the sign will have a positive effect on vehicular traffic and parking conditions on site today. Without the waiver the parking lot and traffic pattern would have to be altered so the sign could meet the 10 foot setback.

- (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.

- (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 limit the setback of the sign location from the road. The signs location previously met setbacks by city code when established in 1982. The FDOT since this time has redesigned the interchange with Blanding Boulevard and encroached into the subject site which makes the imposition of the strict letter of the regulation an unduly burdensome for the 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 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. The sign for the Hotel has been in its location since 1982.

- (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 sign location 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 sign in its original location.

- (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 would be imposed in order to relocate the sign within the required setbacks.

SUPPLEMENTARY INFORMATION

The applicant provided documentation and photo proof to the Planning and Development Department on **May 23, 2023** that the Notice of Public Hearing signs **were not** posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver **SW-23-03 (Ordinance 2023-0264)** be **APPROVED**.



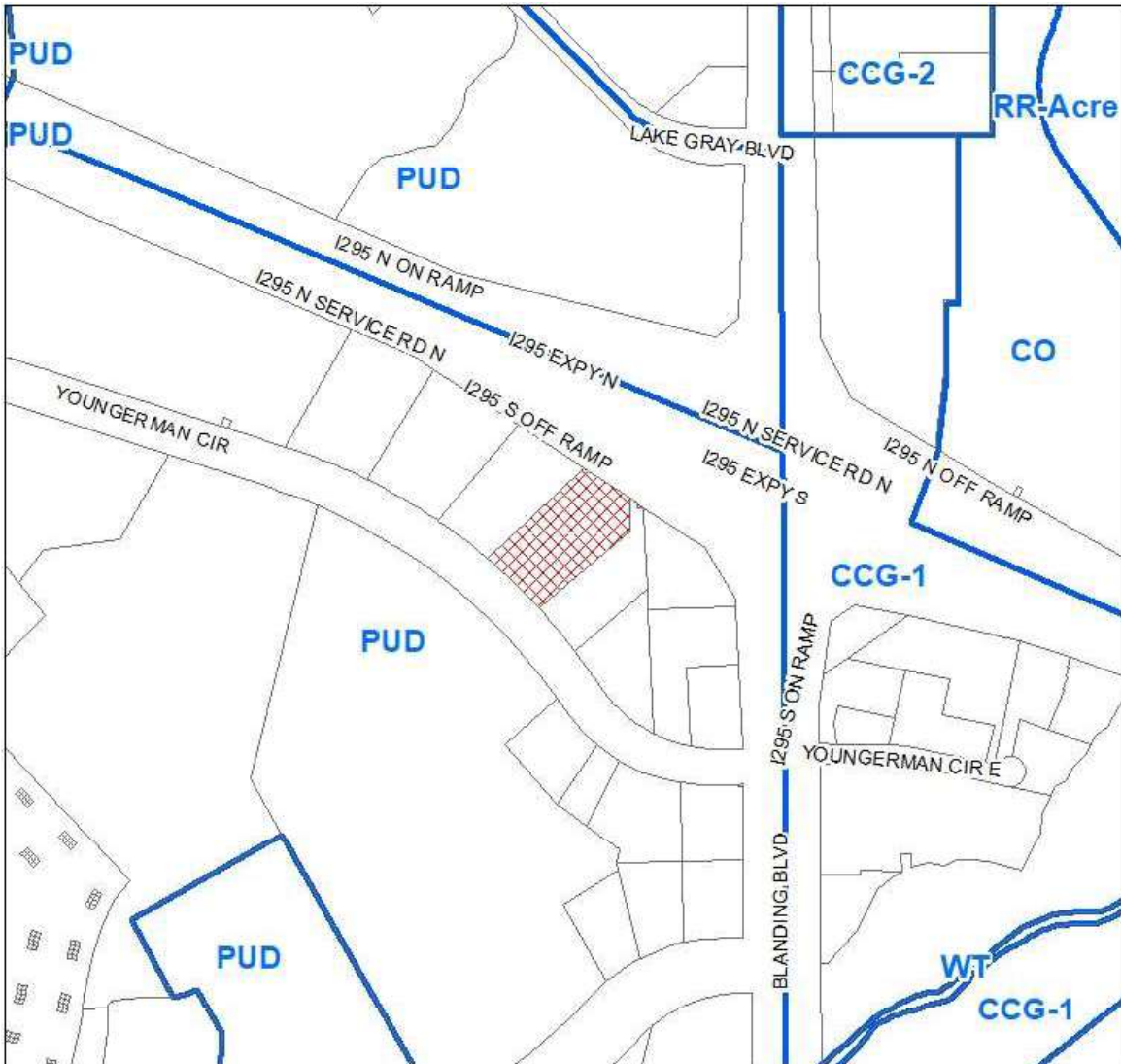
Aerial view of subject property

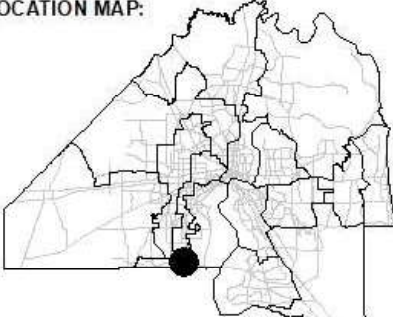

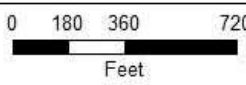


View of the existing sign



View of the neighboring sign



<p>REQUEST SOUGHT:</p> <p>INCREASE MAXIMUM HEIGHT OF SIGN FROM 50 TO 65 FEET</p> <p>REDUCE MINIMUM SETBACK FROM 10 FEET TO 0 FEET</p>	<p>LOCATION MAP:</p> 	  <p>COUNCIL DISTRICT: 14</p>
	<p>TRACKING NUMBER SW-23-04</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Legal Map