

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**  
**APPLICATION FOR SIGN WAIVER ORDINANCE 2024-317/SW-24-05**

**JUNE 6, 2024**

***Location:*** 10951 Old St. Augustine Road

***Real Estate Number:*** 155665-0000

***Waiver Sought:*** Reduce minimum setback from 10 feet to 2 feet

***Current Zoning District:*** Planned Unit Development (PUD 2022-0151)

***Current Land Use Category:*** Neighborhood Commercial (NC)

***Planning District:*** 3-Southeast

***Council District:*** 6

***Applicant/Agent:*** Taylor Sign & Design Inc  
4162 St. Augustine Road  
Middleburg, Florida 32207

***Owner:*** Alisha & Pooja LLC  
7545 Centurion Parkway, Suite 204  
Jacksonville, Florida 32256

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

**GENERAL INFORMATION**

Application for Sign Waiver **Ordinance 2024-317 (SW-24-05)** seeks to reduce the minimum setback from 10 feet to 2 feet. A proposed Dunkin Donuts is seeking to develop on the site, but the location of the sign is hindered by several factors including a JEA Force Main that runs under the northern portion of the site which limits the development of the entire site. The applicant is seeking to place the sign near the entrance of the driveway, but due to site constraints, the sign could not be placed farther into the site. The sign will be located 2 feet from the pedestrian right of way, however, there is a 10-foot space between the pedestrian right of way and Old St. Augustine Road. It is not anticipated that there would be any visibility hindrance caused by the sign and vehicle traffic.

## 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 desired waivers will 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.

- (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 approved sign(s) will be comparable to the sign for the shopping plaza directly across Old St Augustine Road from the subject site which does not appear to meet the standard 10 foot requirement.

- (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 proposed sign is part of the development of a vacant piece of land, the proposed project would likely improve property values of the surrounding sites so therefore, the rights of others will not be negatively affected.

- (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, or result in the creation of objectionable or excessive light, glare, shadows, or other effects, given the large amount of space between the two public right of ways.

- (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?*

The proposed waiver will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions. The proposed waiver will not be detrimental to the public welfare in that the sign does not create or contribute to any visual obstruction. Although the sign will be 2 feet from the property line, the driveway will extend into the right-of-way space for 10 feet before intersecting the roadway which will provide cars entering and existing ample space to see around the sign.

- (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 northern portion of the site has a JEA Force main that runs underground. The applicant stated that they attempted to get a hold harmless for this area from JEA, but were unable. The result of this restrained the overall development and made finding a spot for the sign to meet the strict letter of the regulation difficult.

- (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. Staff finds no evidence that the request is 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 violation.

- (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 installation of this sign will improve the visibility of/for this site. A public benefit is that the use will be more identifiable with new monument signage.

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

No. Strict compliance with the sign regulations would not create a substantial financial burden.

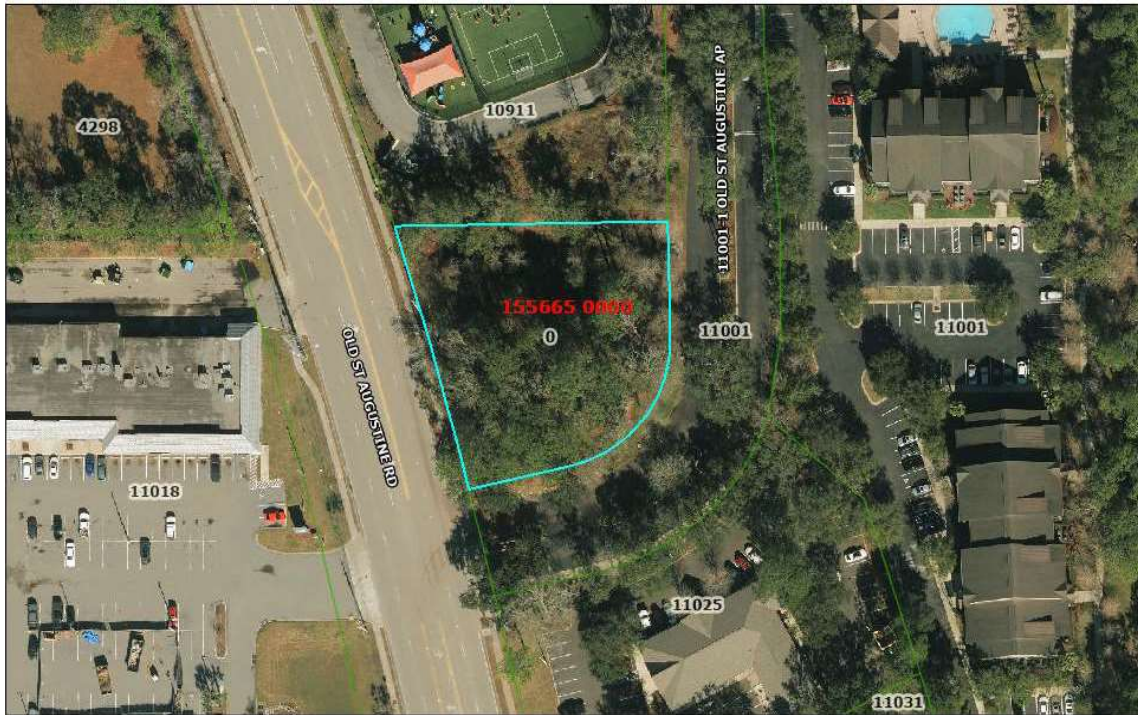
### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on May 28, 2024 by the Planning and Development Department, 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 Ordinance **2024-317 / SW-24-05** be **APPROVED**.



Aerial View



View of the Subject Property

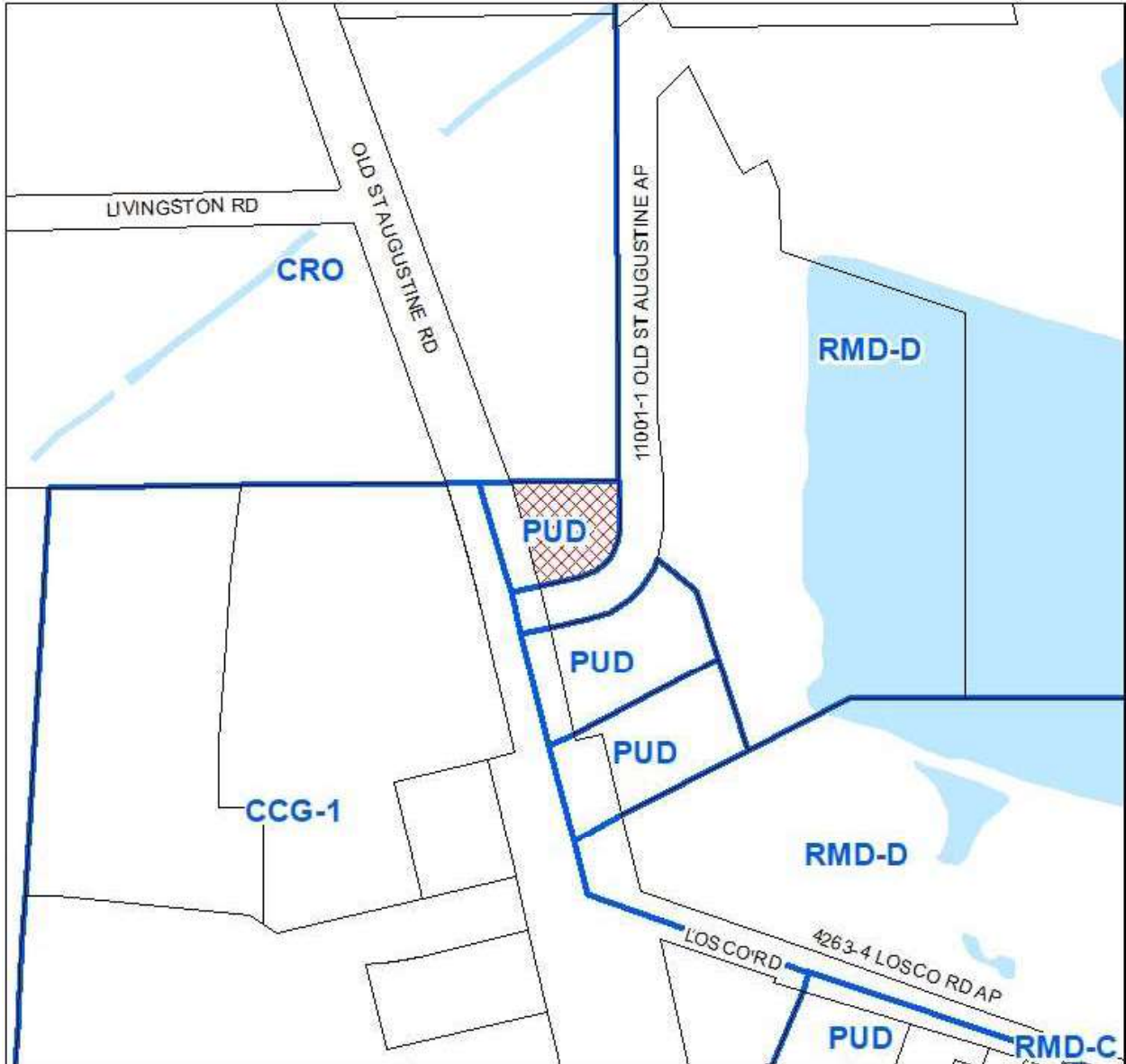




View of the neighboring properties sign south of the subject site similar to the request



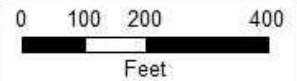
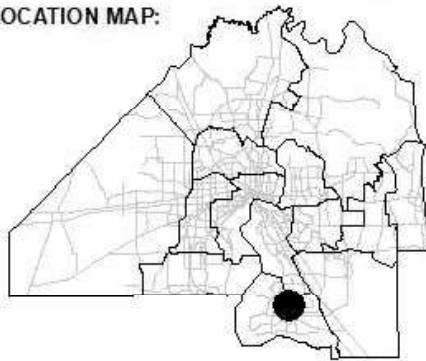
View of the monument sign across Old St. Augustine Road.



REQUEST SOUGHT:

**REDUCE MINIMUM  
SETBACK FROM 10 FEET  
TO 2 FEET**

LOCATION MAP:



COUNCIL DISTRICT:

**6**

TRACKING NUMBER

**SW-24-05**

**EXHIBIT 2  
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