



TO: Members of the City of Fort Pierce Board of Adjustment

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Vennis Gilmore, Planning Analyst

RE: **Application for Variance**
Dak Digital - Variance to increase the height of a proposed digital billboard and to reduce the minimum distance requirement of more than one off-premise sign
2711 S. US Highway 1

DATE: November 27, 2018

STAFF REPORT

Owners: ELO Real Estate Holdings, LLC
6420 S. US Highway 1
Port St. Lucie, FL. 34952

Applicant: Dak Digital
701 NW Federal Highway, Suite 403
Stuart, FL. 34994

Requested Action: The request seeks to install a digital billboard at the above-mentioned property. The proposal is to erect an electronic billboard sign measuring 36 ft. The site plan included as part of the variance application details the proposal with regards to Section 15-6.C. Fort Pierce sign code. A variance is required to address the proposed height of the sign being 35 ft. whereby Sec. 15-6. - Regulation. Subsection (c)(4) requires a maximum height of 25 feet. Additionally, Subsection (c)(5) b. requires a minimum distance between any two off-premises signs of five thousand feet where both signs are more than one hundred square feet in off-premise sign area. The proposed off-premises sign will be located 2,815 ft. away from an existing off-premises billboard sign located on the corner of US Highway 1 and Edwards Road.

Location: 2496 Edwards Road

Parcel ID(s): 2422-602-0239-000-4, 2499-607-0001-000-2 & 2422-607-0004-000-3

Current Zoning: C-3, General Commercial Zone

Future Land Use: GC, General Commercial

Total Acreage: approx. 1.64 acres

Staff Analysis:

Variance Request

In accordance with Article VIII of Section 22 of the City Code, a variance is required to address the proposed height of the sign being 35 ft. whereby Sec. 15-6. – Regulation. Subsection (c)(4) requires a maximum height of 25 feet. Additionally, Subsection (c)(5) b. requires a minimum distance between any two off-premises signs of five thousand feet where both signs are more than one hundred square feet in off-premise sign area. The proposed off-premises sign will be located 2,815 ft. away from an existing off-premises billboard sign located on the corner of US Highway 1 and Edwards Road.

Existing Conditions

The subject 1.64 acre site located on S. US Highway 1; just west of S. US Highway 1; between Roselyn Avenue and Wisteria Avenue. The subject site is currently home to a two-story commercial building. The 2,560 square foot commercial building was constructed in 1946 and currently operates as a used car dealership.

Proposal

The property owner is requesting the Board of Adjustment approve a variance to deviate from Sections 15-6 (c)(4) and 15-6 (c)(5) in order to construct the proposed digital billboard at the above-mentioned property.

The request seeks to install a digital billboard at the above-mentioned property. The proposal is to erect an electronic billboard sign measuring 36 ft. The site plan included as part of the variance application details the proposal with regards to Section 15-6.C. Fort Pierce sign code. A variance is required to address the proposed height of the sign being 35 ft. whereby Sec. 15-6. – Regulation. Subsection (c)(4) requires a maximum height of 25 feet. Additionally, Subsection (c)(5) b. requires a minimum distance between any two off-premises signs of five thousand feet where both signs are more than one hundred square feet in off-premise sign area. The proposed off-premises sign will be located 2,815 ft. away from an existing off-premises billboard sign located on the corner of US Highway 1 and Edwards Road. Locating an additional off-premises billboard sign on the subject property will satisfy the purpose and intent of Sec. 15-2. Sign Code.

The proposed off-premises sign will not detract from the existing appearance of surrounding properties in this predominant commercially established area adjacent to US Highway 1. The proposed signage is considered to be at scale and distance from existing billboard signage, sufficient to avoid a proliferation of signage in this area of Fort Pierce. The separation proposed achieves a distance in compliance with the Florida Department of Transportation, the State of Florida, and St. Lucie County minimum separation distance of 1,500 feet requirement.

The traveling public would be hard pressed to determine the separation of this board from the board to the south at Edwards Road. The construction of the digital billboard will enhance the welfare of the residents of the City of Fort Pierce as well as visitors by providing instant access to public service announcements; such as amber alerts, silver alerts, and hurricane evacuations. Planning staff does not support the variance requesting a height increase of 10 feet.

Variance Criteria

The following criteria are specified in Section 22-108 of the City Code, which must be satisfied in order for a variance to be granted:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
3. The literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant;
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicant; in the attached application and supporting documents have provided a response to the criteria.

The applicant maintains that the variance is not detrimental to the neighbors.

Property Owner Response

A total of twenty-two (22) notifications were mailed to abutting property owners. As of the preparation of this memorandum, no responses have been received. An updated recording of responses will be provided to the Board at the hearing.

Staff Recommendation

The recommendation of Planning Staff is to:

- Grant **approval** of the requested variance for the proposed the 2,185-foot reduction in the minimum distance of off-premise signs; based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 22-108.
- Planning staff does not support the 10-foot height variance; therefore recommending **denial** of the request for a sign at 35 feet tall.

