REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-15-03

AUGUST 4, 2015

Location: 11663 and 11665 Ft. Caroline Road; on the west

side of Ft. Caroline Road between Jean Ribault

Court and Harbour Cove Drive South

Real Estate Number(s): 160663-0020

Waiver Sought: Allow for an increase in the size of a sign for an

assembly/institutional use from 50 square feet to 60 square feet; allow for internal illumination;

and reduction in setback from 25' to 0'

Current Zoning District: Residential Rural-Acre (RR-Acre)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Greater Arlington - 2

City Council Representative: The Honorable Al Ferraro, District 2

Agent: L. Charles Mann

165 Arlington Road Jacksonville, FL 32211

Owner: Holy Spirit Parish of Jacksonville

11625 Old St Augustine Road

Jacksonville, FL 32258

Staff Recommendation: APPROVE WITH CONDITIONS

GENERAL INFORMATION

Application for Sign Waiver Ordinance 2015-0415 (SW-15-03) seeks to allow for an increase in the size of a sign for an assembly/institutional use (Holy Spirit Parish of Jacksonville church/school) from 50 square feet to 60 square feet; to allow for internal illumination of the sign; and a reduction in setback from 25' to 0'. The proposed sign for this church that has been a part of the community for over 40 years will replace the existing main entrance monument sign that was approved by Zoning Variance 1994-26 and constructed in 1994. The property contains 11.39± acres of land and is located in the Rural Residential-Acre (RR-Acre) Zoning District, on the west side of Ft. Caroline Road between McCormick

and Monument Roads. This is a heavily traveled corridor of Ft Caroline Rd, classified as a "collector" roadway.

The applicable portion of the Zoning Code for this request is Section 656.1303 (b)(3) which states that:

One nonilluminated or externally illuminated monument sign not exceeding one square foot in area for each five linear feet of street frontage, per street, to a maximum of 50 square feet, provided the signs are located no closer than 200 feet apart, as measured by a straight line between such signs, and further provided that the sign(s) are located on a street classified as a collector street or higher, and the following performance standards and development criteria are met:

- (i) The sign shall be located no closer than 100 feet from a principal residential structure located in a residential zoning district and may not be located in a required front yard;
- (ii) The sign must be a sign, not exceeding 12 feet in height;
- (iii) Illumination associated with the sign must be external, provided that the source of such illumination shall be designed, installed and maintained in a manner which prevents any glare or light from shining onto residentially used property.

Per Part 13 of the Zoning Code, internal lighting is not allowed, the proposed size is too large, and the requested setback is 0 feet from the ROW. The requested setback relief from 25' to 0' is because it is located within a residential Zoning District which states that "signage shall not be located within a required yard". The internal lighting feature for the proposed sign would consist of a 23 sq. ft. dark-tronics monochrome (black/gray/white) electronic message board placed within the middle of the structure; below the Church logo and name, and above the listed daily mass schedule.

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 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:

(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?

No. While the proposed sign meets some of the requirements per Part 13 of the Zoning Code, internal lighting is not allowed, the proposed size is too large, and the requested setback is 0 feet from the ROW.

The proposed sign would be more compatible with the existing contiguous residential subdivision signage and consistent with the general character of the area if the size were limited to the maximum allowed per the Zoning Code at 50 square feet and a minimum setback of at least ten (10') feet. The church is proposing a new sign roughly twice the size as the existing sign and somewhat closer to the ROW than it sits now. The proposed sign is similar in nature to that of other churches and uses found in the surrounding area, but is seeking too much relief regarding its size and setback.

The proposed internal illumination of the sign is appropriate due to the size of the parcel, the location/orientation of the sign, and the existing buffers afforded to nearby residential development and surrounding uses. Staff does recommend that the request be approved with conditions that the sign shall not exceed 50 square feet in size and shall provide a minimum 10 foot setback from the Ft Caroline Road right-of-way.

Compliance with minimum setback requirements from the right-of-way would not place this sign excessively far away from the roadway and would ensure the sign does not create or promote any visual or vehicular obstruction within the public right-of-way.

(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?

The intent of the ordinance is to promote aesthetically pleasing signage with great deference to adjoining properties, the general character of the area and the streetscape. The sign, if approved as conditioned, is of a size and scale that's consistent with signage in the area and is aesthetically compatible with the use that it will identify. Approval of this waiver without conditions will set a precedent for nonconforming signage.

(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 waiver, if approved as conditioned, will not diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, nor will it interfere with or injure the rights of others whose property would be

affected by the same. Illumination of the sign in this instance will promote the public safety and welfare because it will allow the message of the sign to be viewable from a greater distance, reducing the risk caused by cars slowing down to read the sign when approaching and thereby decreasing the likelihood of accidents. The proposed sign will not interfere with sight lines or visibility by vehicles or pedestrians and is architecturally compatible with the building. The proposed replacement sign should have the same or a greater setback as the existing one, but it will be easier to see and read given the increase in size and technology being used with it.

(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 proposed waiver will have no detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects.

(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?

Yes. The proposed reduction in setback will conflict with part 656.1218 of the Zoning Code. If approved as conditioned, the sign will not have an adverse effect on the public health, safety or welfare. The applicant is requesting the waiver to ensure the property's exposure and visibility to the site remain. Any increase in required setback from the location of the existing sign will be countered by the increase in size of the new sign; and because of the relatively small size of the illuminated part of the sign (23 sq. ft.) and setbacks from adjacent properties, it will not result in light intrusion onto adjoining properties 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 applicant has not provided any evidence of a hardship which requires a larger sign or a reduction in setback. A twelve foot tall, 50 square feet sign could be placed in another location that is allowed by the Zoning Code without seeking this waiver; however the request for internal illumination and a reduction in setback would require approval. With that being said, the sign as it exists today and the proposed sign that would replace it is dignified and reflects the sanctity of the Holy Spirit Parish of Jacksonville Catholic Church. The request for illumination aids in clearly identifying the church, benefiting the public health, safety and welfare. Imposition of the strict letter of the regulation is unduly burdensome in this case, because the limitations on types, location and the illumination of signs placed in Residential zoning districts by Part 13 of the Zoning Code does not take into account individual property locations and their surrounding uses or the area's pattern of

development. The sign site is located along a corridor surrounded by residential uses and subdivision identification signage.

(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. This request is prepared at additional cost to the owner, however, the message to be communicated by this site identification sign can be otherwise adequately communicated meeting the minimum set-back requirements as allowed in the Zoning Code. The existing sign sits roughly 25 feet away from the roadway's edge of pavement and provides about 5-10 feet of setback from the property line.

If approved with a minimum ten foot setback requirement, the sign will still allow the church to reasonably communicate their message for church/school or community functions. This request to obtain reasonable identification and communication of messages is not based exclusively upon a desire to reduce the costs associated with compliance. If approved, the result of this waiver will be an additional cost to the applicant to construct a new sign, while removing an existing legal non-conforming sign; and in turn bringing the entire site into compliance via the waiver.

(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 proposed sign will be replacing the existing sign that was built in 1994 after being approved by Variance 1994-26.

(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?

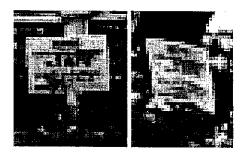
Yes. The request will accomplish several compelling public interests. Approval of this waiver will provide for a larger sign and the internal illumination of a sign, which, in this instance will promote the public safety and welfare because it will allow the message of the sign to be viewable from a greater distance than if it were non-illuminated or externally illuminated. Therefore, the likelihood of cars slowing down to read the sign when approaching the church is lessened, and thereby decreasing the likelihood of vehicular traffic back-ups or accidents.

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

No. The request is not based upon a desire to reduce costs of compliance.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on July 20, 2015 by the Planning and Development Department, the required 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-15-03 be APPROVED with the following CONDITIONS:

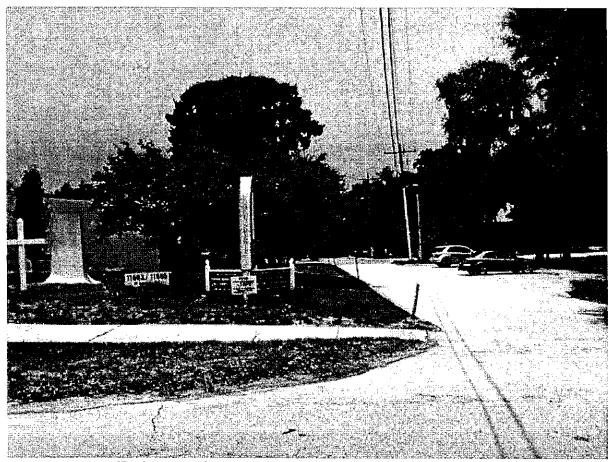
- 1. The sign shall not exceed 50 square feet in area.
- 2. The sign shall have a minimum 10 foot setback from the Ft Caroline Road right-of-way.



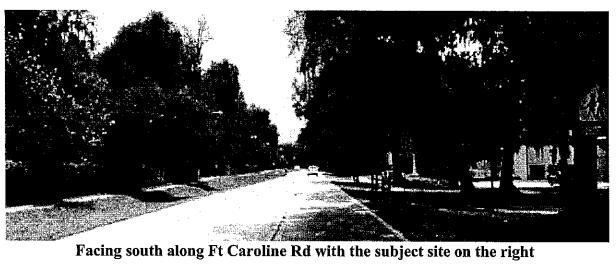
Aerial view of the subject site facing north



Facing north along Ft Caroline Rd with the subject site/sign ahead on the left

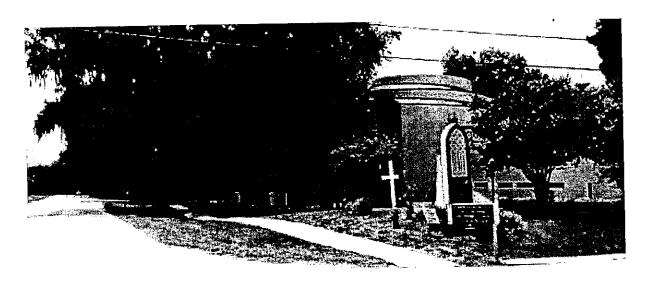


Facing west from Ft Caroline Rd at the subject site/sign





Facing south along Ft Caroline Rd with the subject site on the right



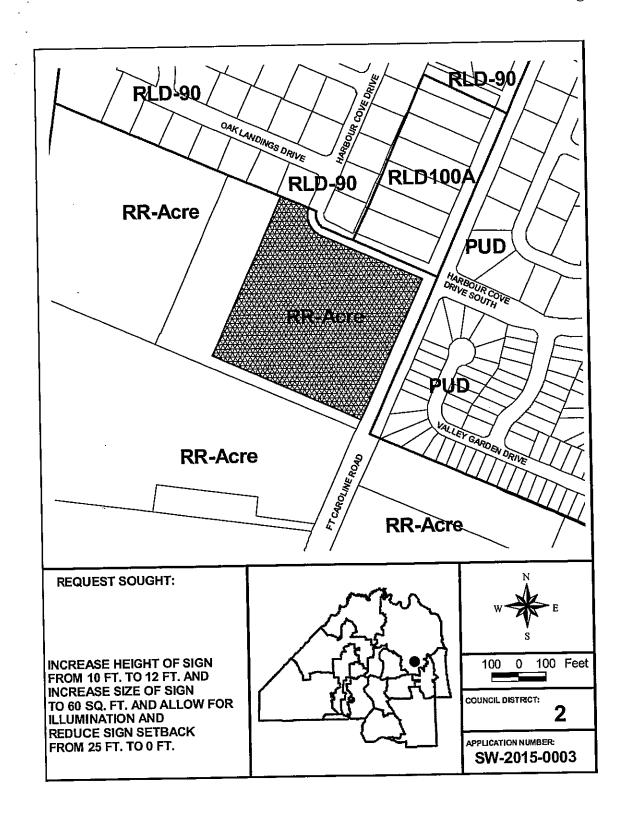
Facing south along Ft Caroline Rd with the subject site/sign on the right



Existing subdivision identification sign to the north of the subject site



Existing subdivision identification sign to the east of the subject site



APPLICATION FOR SIGN WAIVER

1. Date Submitted:

This application must be typed or printed in black and submitted in person with three (3) other copies for a total of four (4) copies.

2. Date Filed:

Ordinance Number:	
Application Number: SW- 15-03	
Notice of Violation:	

4. Future Land Use | 5. Applicable

Planning and Development Department, **Zoning Section Ed Ball Building** 214 North Hogan Street, 2ndFloor Jacksonville, Florida 32202

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-7865. TO BE COMPLETED BY PLANNING AND DEVELOPMENT DEPARTMENT ONLY

3. Current Zoning

4-21-15	5-11-15	RT		Category (FLUMs):	Section of Ordinance Code:	
6. LUZ Public Hearing Date: 8. Neighborhood Association 9. Number of Signs To Be Po	(If Applicable):	7. City	/ Council Put	olic Hearing Date:		
	TO BE COMPLI	ETED BY	APPLIC	ANT		
10. Complete Property Ad FT CAROLiwe II 11. Real Estate Number:	2d Jay Fla 3 160663-002 6=1-1783	2225	13. Betwee	en Streets: Jean Arbour Cor	Ribautt CT e DR. W.	
Increase maximum height of sign from 10 to 12 ft. (Not to Exceed 20% or 5 ft. in height, whichever is less.). Increase maximum size of sign from SF to 60 SF (Maximum request 25% or 10 Sq. Ft.,						
whichever is less).						
					I	

		
	17. Utility Serv	rices Provider
16. Land Area(1/100 Acres): 11.39	Well:	City Water: JEA
	Septic Tank:	City Sewer: JEA
* * NOTICE TO OWNER		
Section 656.1310, Ordinance Code, sets forth procedure regulations. Section 656.1310 of the Ordinance Code de placed, erected, constructed or maintained on or in the object or structure or affixed or painted on or inside an displaying, information, advertisement or attraction of to pictorial or reading matter and a letter, word, model, de advertisement, announcement, attraction or direction." Section 656.1310(a)(i) through (x), Ordinance Code, pro Sign Waivers, the City Council shall grant a waiver only positive finding based on each of the following criteria as	efines a sign as "a page ground, or on or outs exterior window of a the attention of person evice or representation ovides that, with responsification of substantial compe	ainting, structure or device which is side of an enclosed building or other building for the purpose of ans, including posters, pictures, on used in the nature of an ect to action upon Applications for
18. Provide answers to the following questions pertaining sheet if necessary. (Please note that failure by the approximation and to meet the criteria set forth below may real. Will the effect of the sign waiver be compatible with consistent with the general character of the area consistent.	plicant to adequately result in a denial). th the existing conti	y substantiate the need for the guous signage or zoning and
the structures in the area? The sign waiver will be area. There are no Churches/Schools in the 600' of frontage on Ft. Caroline Rd. The subject	e compatible with vicinity of similar	the existing character of the size. We have approximately ted at least 200' from contiguous p
2. Would the result detract from the specific intent of existence of nonconforming signs that exist in the vicilis used for residential. There are no other inst		· · · · · · · · · · · · · · · · · · ·
		ntially interfere with or injure the
3. Could the effect of the proposed waiver diminish per character of the area surrounding the site, and could rights of others whose property would be affected by	the same. Do to th	
character of the area surrounding the site, and could	the same. Do to th	

light, glare, shadows or other effect.

	- X
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? The granting of the proposed waiver will no have a detrimental effect on public health, safety or welfare. It will not create additional public expense or nuisances.	
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? Yes, due to the width of the right of way (approximately 40' of space between the paying edge a	and our
property line and the heavy tree cover in the area. Signage is most important in locating the ch	nurch 4
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? No. The request minimum necessary to communicate on going information to the community regarding events a	school
church and school.	Tule
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 applicants acquiring the property, not being a direct result of the actions of the current owner? No. The other	
three (3) signs were grandfathered in to use.	
 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? Yes. By allowing the set back to be reducted for 10' required to 0'. There will not be a need to remove trees for visibility. 10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance? The cost would be approximately the same. Copy of sign attached for reference. 	
19. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.	
Survey	. •
· · · · · · · · · · · · · · · · · · ·	
X Site Plan as required per instructions. (All copies on 8 ½ x 11 and 2 copies on 11 x 17 or larger)	
_X_Letter of Authorization for Agent is required if any person other than the property owner makes the application.	
<u>x</u> Legal description may be either lot and block, including book and page numbers, or metes and bounds descriptions; and either shall include real estate assessment number(s) of the subject property.	
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 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.

x Proof of Ownership

(Note: the 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.)

*** NOTICE TO OWNER / AGENT ***

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all 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 Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Division of the Planning and Development Department, Ed Ball Building, 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202, (904) 255-7865, PRIOR TO THE HEARING.

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

FILING FEES

RESIDENTIAL DISTRICTS.....\$985.00

NON-RESIDENTIAL DISTRICTS...... \$1,009.00

NOTIFICATION COSTS: \$7.00 PER ADDRESSEE

ADVERTISING COSTS: BILLED TO OWNER /AGENT

*** Applications filed to correct existing zoning violations are subject to a double fee. ***

Warranty Beed

OFFICIAL RECORDS

(CORPORATE)

THIS INDENTURE, Made this

16th

day of November

. A. D. 19 66 BETWEEN

FULTON DEVELOPMENT CORPORATION, A Florida Corporation

a corporation organized and existing under the laws of the State of Florida of the County of Duval

, State of Florida

, party of the first part, and

JOSEPH P. HURLEY AS BISHOP OF THE DIOCESE OF ST. AUGUSTINE

of the County of St. John's , State of Florida WITNESSETH: that the said party of the first part, for and in consideration of the sum of of the second part,

in hand paid by the said part y of the second part, the receipt whereof is hereby Bcknowledged. has granted, bargained and sold to the said part y part, his successors and assigns forever, the following described land, situate, lying and being in the County of Duval , State of Florida, to wit:

> Lots 3 and 4, Block 13, CECILVILLE, according to plat thereof recorded in Plat Book 1, Page 54 of the former public records of Duval County, Florida, except that portion of said Lot 4, lying within the right of way of Ft. Caroline Road as now established together with the Easterly 1/2 of Lot 4, Block 18, Cecilville, as recorded in Plat Book 1, Page 54, of the former public records of Duval County, Florida; Said tract contains approximately 12 acres.



TATEOFF P.B. 190112

And the said party of the first part does hereby warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever,

: In Witness Whereof, the said party of the first part has caused this instrument to be executed in its name by its President and caused its Corporate Seal attested by its Secretary to be hereto affixed the day and year first above written.

ORPORATE SEAL)

Its/Secretary

Signed and Scaled in Our 1

STATE OF FEORIDA

COUNTY OF DUVAL FULTON DEVELOPMENT

Before me personally appeared Morris Goodman

O	R	D	N	A	N	CE	•

Legal Description

Lots 3 & 4, Block 13, Cecilville, according to Plat thereof recorded in Plat Book 1, Page 54 of the former public records of Duval County, Florida, except that portion of said Lot 4, lying within the right of way of Ft. Caroline Road as now established together with the Easterly 1/2 of Lot 4, Block 18, Cecilville, as recorded in Plat Book 1, Page 54, of the former public records of Duval County, Florida; Said tract contains approximately 12 acres.

11663 7. CARDVINK P.J.

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.

PLEASE PRINT:

Name and address of Owner(s)	Name and address of Authorized Agent(s)
Name: Holly Spirit Parish of Jax	Name: 1 Charles Mann
Address: 11625 Old St. Augustine Ro	Address: 165 Arlington Rd
City: Jacksonville	City: Jacksonville
State: Florida Zip: 32258	State: Florida Zip: 32211
Email:	Email: charliemann1@comcast.net
Daytime Telephone: 904-721-1546	Daytime Telephone:904-721-1546 x122
à.	
	J. Charles Man
SIGNATURE OF OWNER(S)	SIGNATURE OF AUTHORIZED AGENT(S) The Agent's letter of authorization must be attached if
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application is not signed by the owner of record

EXHIBIT B <u>Agent Authorization</u>

Date: 4-16-15
City of Jacksonville City Council / Planning and Development Department 117 West Duval Street, 4* Floor / Ed Ball Building, 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202
Re: Agent Authorization for the following site location:
1/663 Ft CARoline Rd
Gentleman:
You are hereby advised that the undersigned is the owner of the property described in
Exhibit 1 attached hereto. Said owner hereby authorizes and empowers
L. Charles Mann to act as
agent to file application(s) for
for the above referenced property and in connection with such authorization to file such
applications, papers, documents, requests and other matters necessary for such requested
change.
(Owner's Signature)
STATE OF FLORIDA Felipe J. Estévez as Bishop of the COUNTY OF DUVAL Diocese of St. Augustine
The foregoing affidavit was sworn and subscribed before me this 21st day of
april (month), 2015 (year) by Soline X. Estaver
who is personally known to me or has produced
identification.
JUDY T. PINSON (Notary Signature) MY COMMISSION & FF 075088 EXPIRES: March 16, 2018 Banded Thru Budget Notary Services

lop view Holy Spirit reverse letter 48" acrylics - white & red 39" x 80" 24 s/l 36" x 92" +/- daktronics monochrome x2 - 1/sided 34mm - Galaxy 2V Venus 1500 software 23 s/f 36" 144" die cut graphics 25" x 66" 12 s/f 35" 14" 59 square feet total copy space 96" 144" front/back - 144 × 144 × 27 **
aluminum@flarior illuminated monumen) including the columns and from
with daktronics dignar signs
we can paint this monument whatever colors you prefer but believe the colors
we're showing here will work best (3 variations of grey - specific numbers are
TBD based on your review of our color chart)
11663 and 11665 Fort Caroline Road - 32225

If this is correct and approved

kindly print-sign-date and fax or email this obcurrent fax, 904-637-0690

for production with no changes

This rendering has been prepared

for the following project client

and signege type

