

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-15-007

DECEMBER 1, 2015

Location: 4610 San Juan Avenue
Between Roosevelt Boulevard
and Blanding Boulevard

Real Estate Number: 093777-0000

Waiver Sought: Reduce minimum sign setback
from ten feet to zero feet

Current Zoning: Community Commercial General-2 (CCG-2)

Current Land Use Category: Commercial General Community (CGC)

Planning District: Southwest, District 4

Planning Commissioner: Chris Hagan

City Council Representative: The Honorable Jim Love, District 14

Owner: John M Parr
JMP Jax, LLC
2753 Algonquin Avenue
Jacksonville, Florida 32210

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Sign Waiver Ordinance 2015-0725 (SW-15-007) seeks to allow for a reduction of the minimum setback requirement from ten feet to one foot for an existing pylon sign. Photographs of the sign are included in the application.

There is no evidence of a governmental right-of-way taking since platting as an 80 feet right-of-way in 1914. The site was developed with a restaurant (formerly Cotton's Barbeque) in 1961. It appears that the sign pylons are original, but the sign cabinet and electric lighting was subsequently replaced; it appears that such work was performed under permit No. 07921 issued

the October 16, 1980. Ordinance 1993-00174 amended Sec. 656.719-Non-conforming Signs to make all signs that are less than ten feet from the public right-of-way legally non-conforming. Consequently this sign is required to be brought into compliance whenever ownership of the property is transferred at any time subsequent to March 11, 1987. According to the Duval County Property Appraiser records ownership of the property has been transferred between legal entities multiple times since that date, and therefore is required to be brought into compliance or to seek relief through this Application for Sign Waiver.

Sec. 326.201(c) "Signs and Outdoor Display Structures" requires that "No part of a sign shall be closer than five feet to an electric, telephone or other utility pole or line." It appears that an overhead fiber optic line co-located with overhead electric power currently lies less than one foot from the cabinet.

NOTICE TO OWNER / AGENT

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1302 of the Ordinance Code defines a sign as "a painting, structure, projected image, or device which is placed, erected, or constructed or maintained on or in the ground or water, or on or outside of an enclosed building, boat, ship, vessel or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of display, 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) and Section 656.133(c), Ordinance Code, an Application for Sign Waiver shall be evaluated in relation to the spirit and intent of the Zoning Code, considering the following criteria as applicable:

- 1. The effect of the sign waiver is 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. The site is within a CCG-2 Zoning District and the CGC functional land use classification as defined by the Future Land Use Map Series (FLUMs) contained within the Future Land Use Element (FLUE) as adopted by the 2030 Comprehensive Plan. A review of past applications for a sign waiver along San Juan Avenue finds that a similar request for setback from ten feet to zero feet was issued at 4818 San Juan Avenue as SW-2004-13.

Otherwise, there are no other similar requests; to the contrary, the Goodyear store across the street from the subject location recently reduced their sign area and relocated their sign further interior to the site in order to bring it into closer compliance. The surrounding

uses are on small parcels so the cumulative effect of a large proliferation of sign encroachments will contribute toward a blighting influence in the neighborhood.

2. *The result will not detract from the specific intent of the Zoning Code by promoting the continued existence of nonconforming signs that exist in the vicinity;*

No. The intent of the zoning ordinance as it relates to this request is to not have signage that interferes with site distance visibility and to promote signage that is consistent with the character of the adjoining community. In this instance most of surrounding properties are small scale commercial and institutional uses that would be adversely impacted by cumulative effect of the proliferation of excess encroaching signage, due to resultant visual clutter, the competition for driver attention, and other intrusive impacts.

3. *The effect of the proposed waiver will not diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the same;*

Yes. The proposed sign location is set immediately adjacent to the roadway and is located on a small parcel. The cumulative impact is similar requests would negatively alter the aesthetic character of the area. Most other non-conforming businesses in the area have already brought their properties into compliance at some time in the past.

4. *The waiver will not have a detrimental effect on vehicular or pedestrian 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;*

Yes. The sign will be visually obtrusive. The surrounding properties are small and are developed for commercial and institutional uses that would be negatively impacted by this request.

5. *The proposed waiver will not be detrimental to the public health, safety or welfare, and will not result in additional public expense, creation of nuisances, or cause conflict with any other applicable law;*

No. Staff has reviewed the request and the proposed sign type in relationship to the development of the site. Due to the layout of the site and character of the area, staff has determined that there are numerous other locations on the property where a conforming sign can meet the identification needs of the business and be within the requirements of the Zoning Code.

6. *The subject property exhibits specific physical limitations or characteristics, which are unique to the site, and would make imposition of the strict letter of the regulation unduly burdensome;*

No. The sign location is in conflict with existing overhead utility lines contrary to the requirements of Sec. 326.201(c) "Signs and Outdoor Display Structures" that requires that "No part of a sign shall be closer than five feet to an electric, telephone or other utility pole or line." It appears that an overhead fiber optic line co-located with overhead electric power and currently lies less than one foot from the sign cabinet.

The intent of the setback requirement from utility lines is to accommodate sway and slack in the line during hot weather, and when installing and maintaining, and also to provide safe working clearance for crews working on the line.

7. *The request is not 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.*

To the contrary, the request is solely for the purpose of reducing the costs associated with compliance with Ordinance 1993-00174 amending Sec. 656.719, and Part 13 of the zoning code. There is ample space to install a sign at various other locations on the property, and along San Juan Avenue that would serve the purpose of business identity and visibility, while complying with the Zoning Code.

8. *If the request is the result of a violation that has existed for a considerable length of time without receiving a citation, whether the violation that exists a result of construction that occurred prior to the applicant's acquisition of the property, and not being a direct result of the actions of the current owner.*

Yes. The request is the result of an existing violation. Despite numerous calls for enforcement over the past 15 years (CARE No. 2000-34134, 2003-86293, 2010-171196, 2013-5013973, 2015-233188, etc.) the code requirements were not enforced, apparently under the perception that the sign had become non-conforming through governmental taking. However, there is no evidence of a governmental right-of-way taking since original platting in 1914.

The property was platted as Lots 1 and 2 of Block 80 Lake Side Park (and also re-plat of Lake Side Park dated July 8, 1914) along 64th Street having an 80 feet right-of-way. 64th Street was renamed San Juan Avenue by Ordinance No. U-91 (Bill No. U-138) approved April 7, 1930. State of Florida, State Road Department, Right of Way work plans dated October 26, 1968, Sec. No. (72500-2602) 72017 also indicate an existing 80 feet right-of-way, and apparently there was no taking of additional right-of-way for construction.

9. *The request accomplishes a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees...*

No. The location of the sign will conflict with utilities, clutter driver visibility, negatively impact the aesthetic quality of the area, and is contrary to the spirit and intent of the Zoning Code as described at Sec. 656.1301.

10. Strict compliance with the regulation will create a substantial financial burden when considering the cost of compliance.

No. Compliance with the regulation remove the sign from conflict with JEA utilities and has been exemplified by other similarly impacted businesses in the area..

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on November 20, 2015 by the Planning and Development Department the required Notice of Public Hearing sign was **NOT** posted. The owner was notified and photographic evidence of reposting of notice signs with signed affidavit was provided to the Department on November 23, 2015.

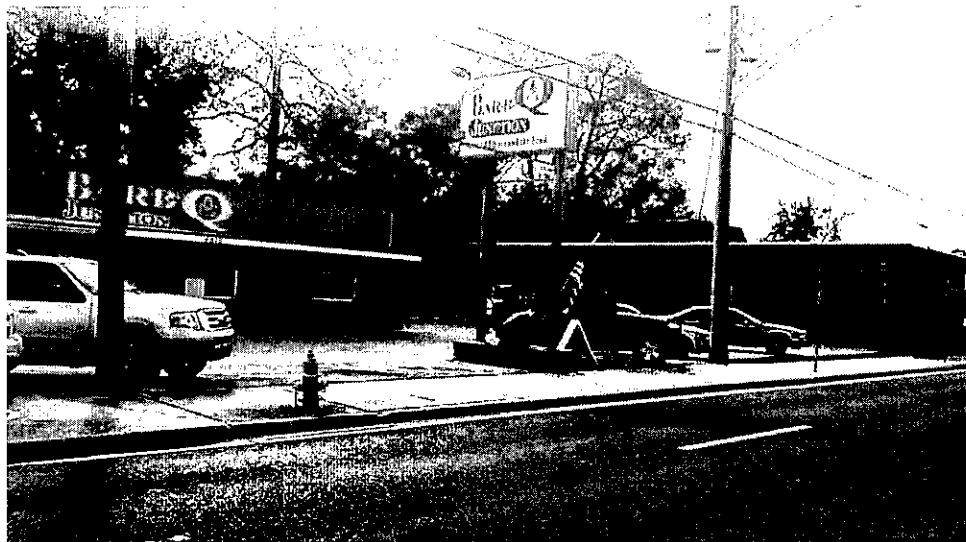


Figure 1. Subject property viewed looking southwest from San Juan Avenue showing no notice signs posted and sign location.



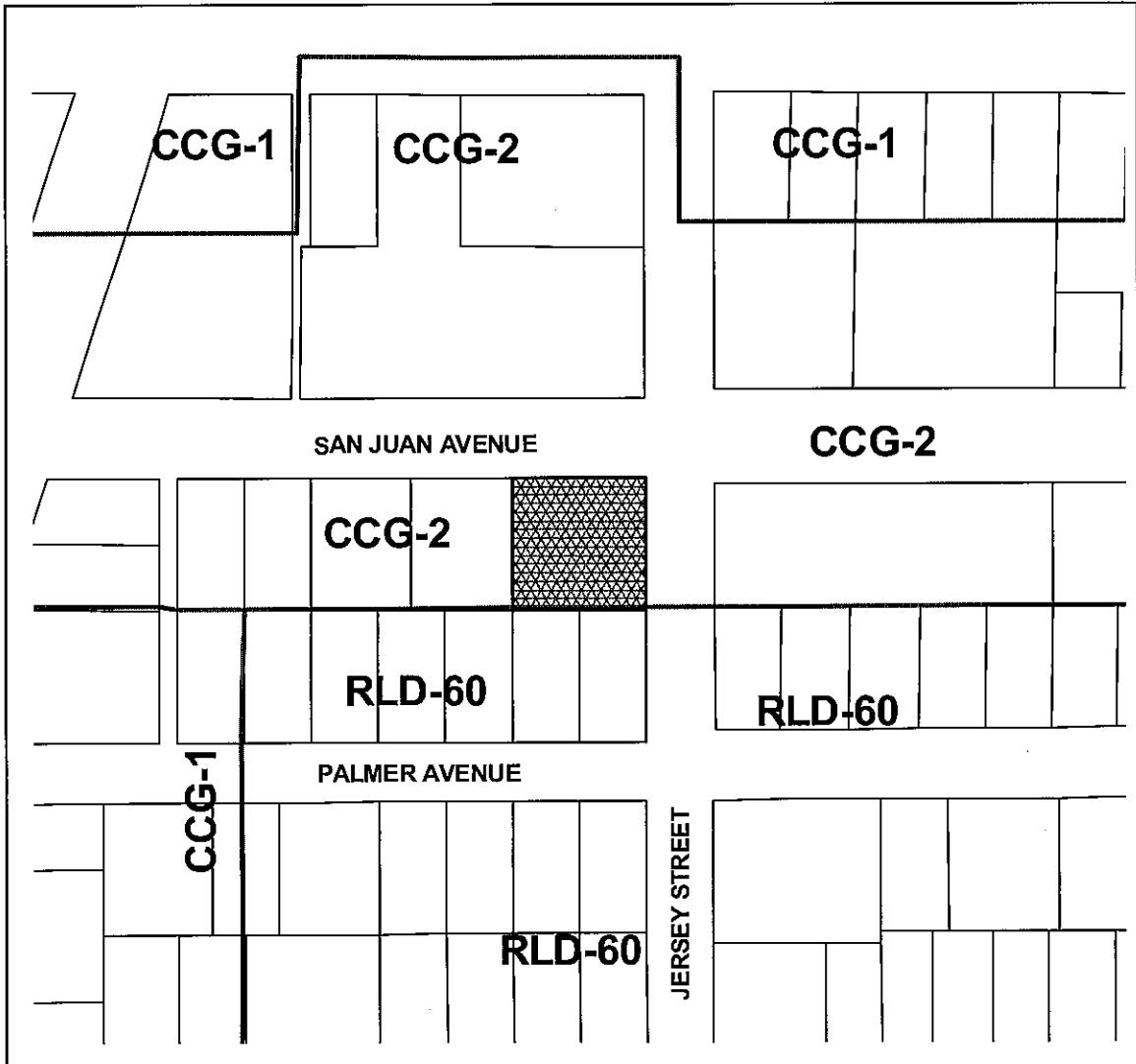
Figure 2. Sign viewed looking up showing proximity to utility lines.



Figure 3. Subject property showing viewed looking west from Jersey Street son November 23rd showing notice sign posted.

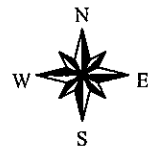
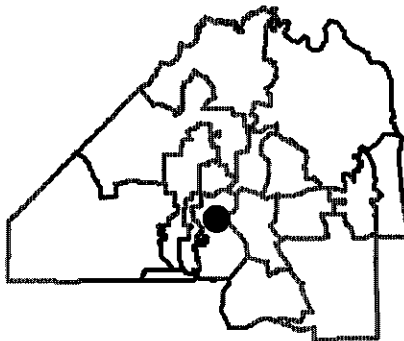
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver **SW-15-007** be **DENIED**.



REQUEST SOUGHT:

REDUCE SET BACK
FROM 10 FT. TO 0 FT.



0 100 Feet

COUNCIL DISTRICT:

14

APPLICATION NUMBER:

SW-2015-0007

Paul Davis

APPLICATION FOR SIGN WAIVER

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.

Ordinance Number: 2015-725
Application Number: SW- 15-07
Notice of Violation: yes

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

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

1. Date Submitted: 9/29/15	2. Date Filed: 10/07/15	3. Current Zoning District(s): CCG2	4. Future Land Use Ma Category (FLUMs): C6C	5. Applicable Section of Ordinance Code: 656.1303 (i)
-----------------------------------	--------------------------------	--	--	--

6. LUZ Public Hearing Date: 12/1/15	7. City Council Public Hearing Date: 11/24/15
8. Neighborhood Association (If Applicable): _____	
9. Number of Signs To Be Posted: 2	

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: 4610 SAN JUAN AVENUE	13. Between Streets: SAN JUAN AVE and JERSEY ST.
11. Real Estate Number: 093777-0000	
12. Date lot was recorded: 7-12-2011	

14. Application being sought.

____ Increase maximum height of sign from ____ to ____ ft. (Not to Exceed 20% or 5 ft. in height, whichever is less.)

____ Increase maximum size of sign from ____ SF to ____ SF (Maximum request 25% or 10 Sq. Ft., whichever is less).

____ Increase number of signs from ____ to ____ (Not to exceed maximum square feet allowed).

____ Allow for illumination or change from ____ external to ____ internal lighting:

Reduce minimum set back from 10 ft. to 0 ft. (Less than 1 ft. may be granted administratively).

15. In whose name will the waiver be granted? JMP JAX LLC

Is transferability being requested? Yes: No:

16. Land Area (1/100 Acres):
.33057 acre

17. Utility Services Provider
Well: No City Water: Yes
Septic Tank: No City Sewer: Yes

**** NOTICE TO OWNER/AGENT/APPLICANT ****

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, 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."

Section 656.1310(a)(i) through (x), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City 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:

13. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the waiver and to meet the criteria set forth below may result in a denial).

1. 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, it will be compatible.

2. 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 result will not detract from the specific intent of the zoning code.

3. 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 waiver will not diminish property values or cause any negative conditions in the neighborhood.

4. 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 will not have a detrimental effect due to the way the sign is located on the property.

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?

No. The waiver will have no effect to public health, safety or welfare.

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 properties existing parking area moving the main ID sign would be unduly burdensome.

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 is not based exclusively upon a desire to reduce costs.
Yes. The request is the minimum necessary to provide main ID signage.

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?

Yes. The sign has been in place since 1961 and met all codes at that time. The violation is a result of the widening of San Juan Avenue.

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? No.

10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance? Yes. Compliance with the regulation would create a financial burden and increasing the sign would limit the business main ID sign exposure. The building to the west was built to the property line and blocks the view of the sign until you are closer to the property.

11. 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.

___ Site

___ Site Plan as required per instructions. (All copies on 8 1/2" x 11" and 2 copies on 11" x 17" or larger)

___ Letter of Authorization for Agent is required if any person other than the property owner makes the application

___ Legal description may be either lot and block, including book and page numbers, or metes and bounds description 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

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: John M. Parr

Name: _____

Address: 2753 ALGONQUIN AVE

Address: _____

City: Jacksonville

City: _____

State: FL Zip: 32210

State: _____ Zip: _____

Email: MPsvash@BellSouth.net

Email: _____

Daytime Telephone: (904) 838-0629

Daytime Telephone: _____



SIGNATURE OF OWNER(S)

SIGNATURE OF AUTHORIZED AGENT(S)

The Agent's letter of authorization must be attached if application is not signed by the owner of record

EXHIBIT A

Property Ownership Affidavit

Date: 9-28-2015

City of Jacksonville

City Council / Planning and Development Department
117 West Duval Street, 4th Floor / Ed Ball Building, 214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, John M. Parr hereby certify that I am

the Owner of the property described in the attached legal description, **Exhibit 1** in

connection with filing application(s) for _____

_____ submitted to the Jacksonville Planning and

Development Department.

[Signature]
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 24 day of

September (month), 2015 (year) by

John M. Parr who is personally known to me or has

produced _____ as identification.

Jennifer R. Grecco
(Notary Signature)



JENNIFER R. GRECCO
MY COMMISSION # EE 362243
EXPIRES: January 2, 2017
Bonded Through Budget Notary Services

ORDINANCE

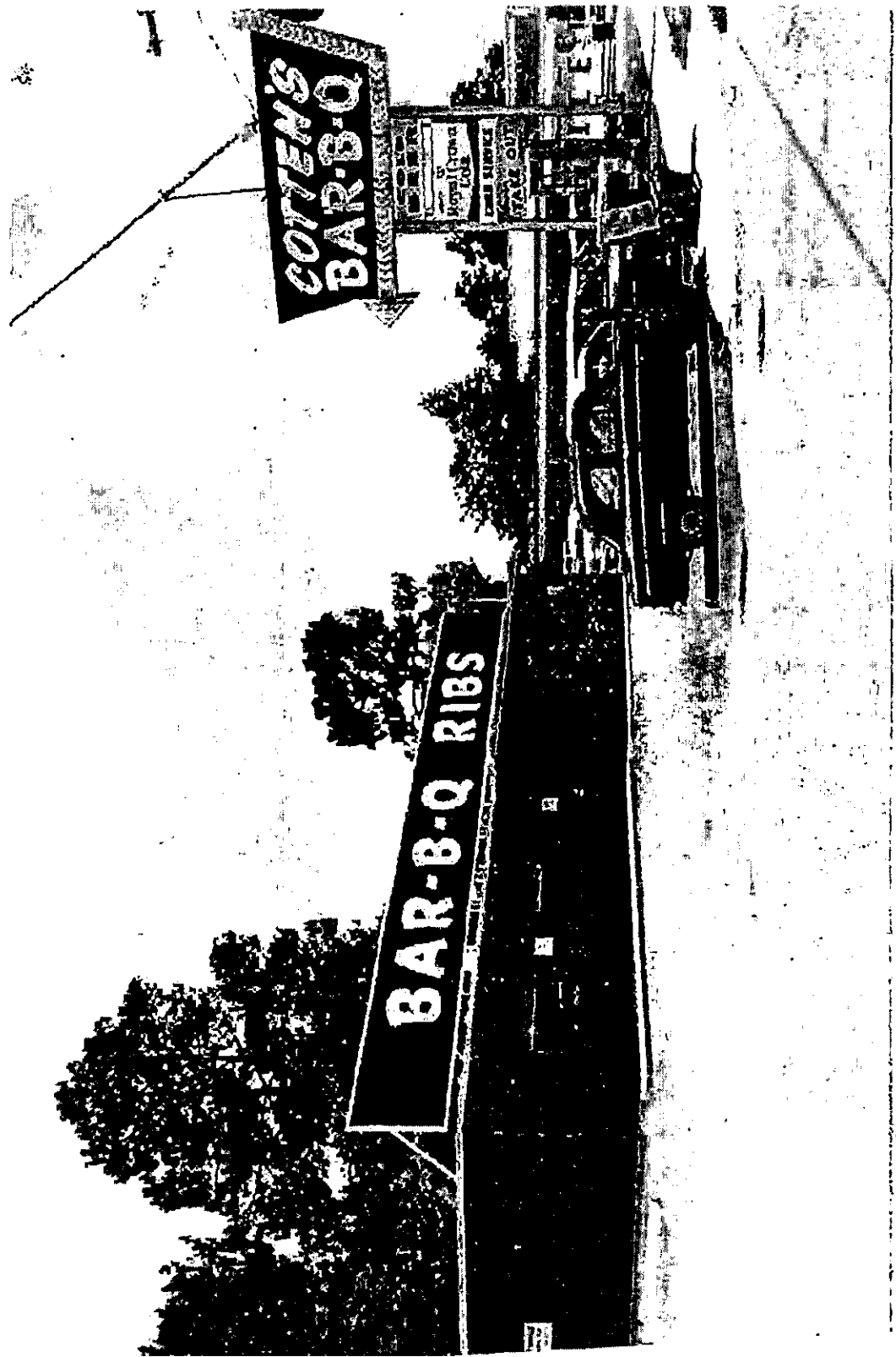
Legal Description

Lots 1 and 18, Block 80, Replat of Lakeside Park,
according to plat recorded in Plat Book 6,
page 44, current public records of Duval County,
Florida.

MID 1960'S AFFEC
SAN JUAN AVENUE

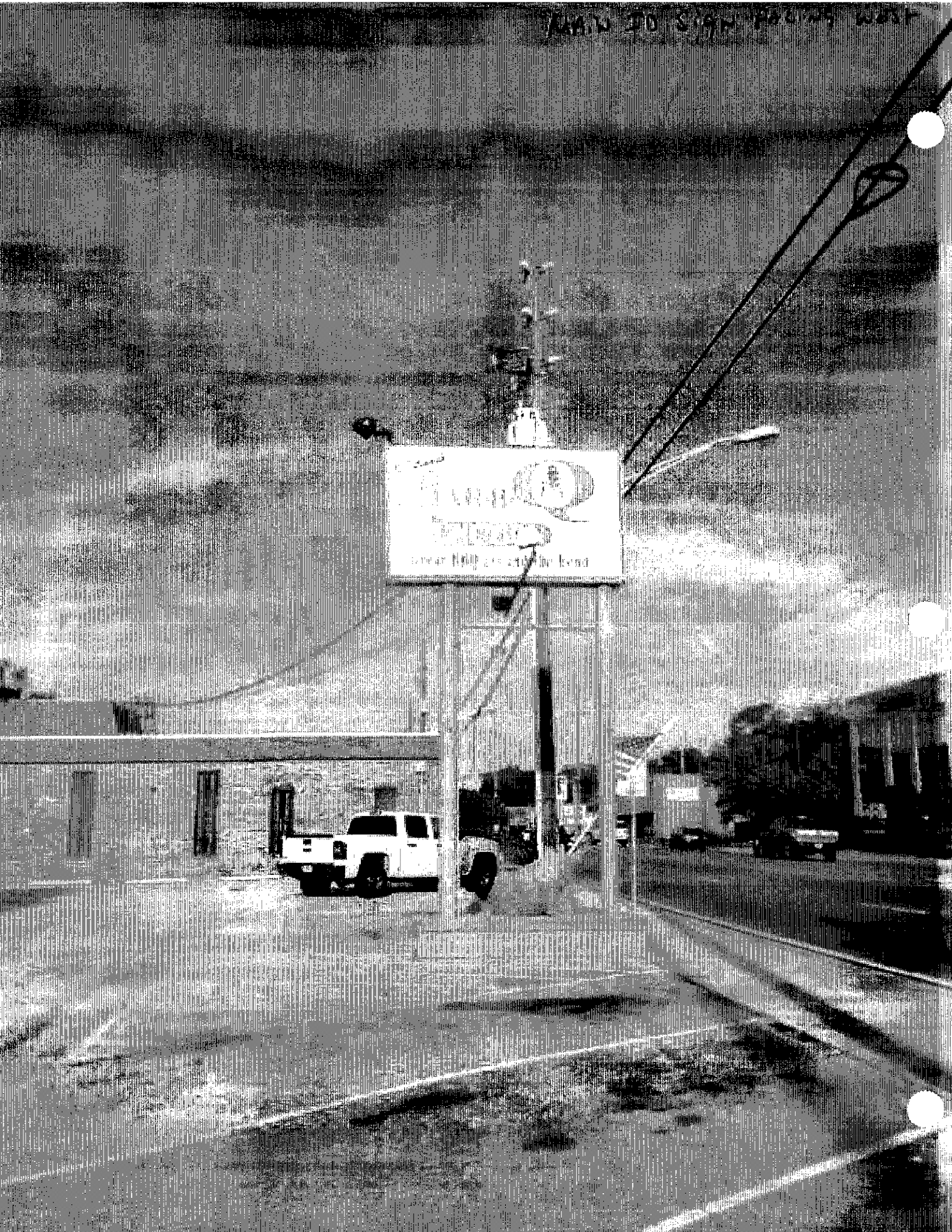
WAS WIDENED

← ORIGINAL SIGN



PLAN TO SIGN PROPER WAY

WALSH'S
WALSH'S
WALSH'S



**MAP SHOWING BOUNDARY SURVEY OF
LOTS 1 & 18 BLOCK 80 AS SHOWN ON MAP OF
REPLAT OF PART OF LAKE SIDE PARK**

AS RECORDED IN PLAT 900 PART 11 OF THE PUBLIC RECORDS OF DUAL COUNTY, FLORIDA
CERTIFIED FOR 4/20/2000

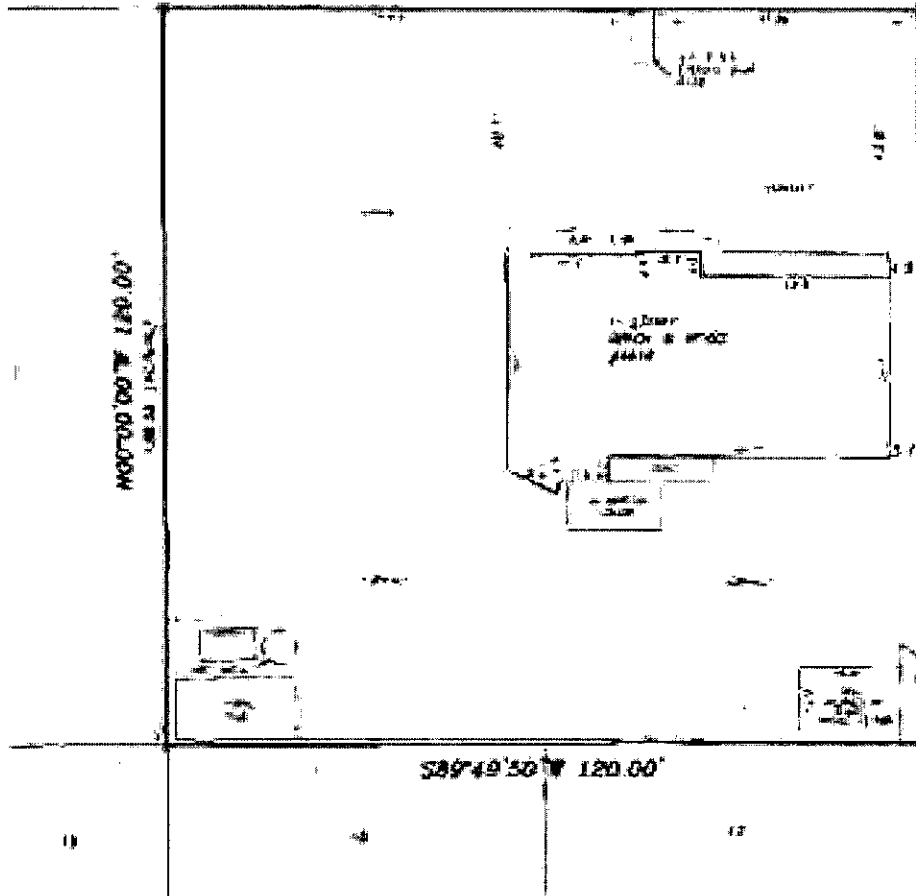
SAN JUAN AVE.
(100' W.M.)

S89°54'38" E 120.00'

S00°00'00" W 120.00'

S00°00'00" W 120.00'

JERSEY STREET
(100' W.M.)



S89°49'50" W 120.00'

RECORDED IN PLAT 900 PART 11 OF THE PUBLIC RECORDS OF DUAL COUNTY, FLORIDA
CERTIFIED FOR 4/20/2000

ALL DIMENSIONS SHOWN IN FEET
UNLESS OTHERWISE NOTED

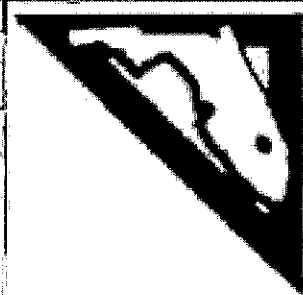
THE PROPERTY SHOWN HEREON APPEARS TO BE WITHIN FLOOD HAZARD ZONE... AS SHOWN FROM FLOOD
INSURANCE RATE MAP... FOR DUAL COUNTY, FLORIDA, DATED... AND
IS SHOWN AS A COURTESY ONLY AND DOES NOT CONSTITUTE A CERTIFICATION OF SALE.

TRI-STATE LAND SURVEYORS, INC

3875 WINING TERRACE NEBB JACKSONVILLE, FLORIDA 32217 (904) 580-1015

THIS SURVEY WAS MADE BY
MEASUREMENTS
AND CALCULATIONS
AND IS SUBJECT TO THE
REVISIONS AND AMENDMENTS
HEREON.
ALL DIMENSIONS SHOWN IN FEET
UNLESS OTHERWISE NOTED.
THIS SURVEY WAS MADE BY
MEASUREMENTS
AND CALCULATIONS
AND IS SUBJECT TO THE
REVISIONS AND AMENDMENTS
HEREON.

NEAREST CORNER ON WEST LINE AS SHOWN
THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP
NOT VALID WITHOUT THE SIGNATURE AND ONE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
THIS SURVEY WAS MADE IN ACCORDANCE WITH FLORIDA STATUTES AND WITHOUT
REGARD TO A FILE UNDER ABSTRACT OF TITLE ANALYSIS BEING RESEARCHED
SCALE 1" = 10'
FIELD WORK DONE 12/20/99
SIGNATURE DATE 1/20/00
STANLEY W. BRIDGEMAN, P.S.M. NO. 3214
FLORIDA LICENSED SURVEYOR AND MAPPER
STATE OF FLORIDA (S.P. 1887)



SITE PLAN
Scale 1"=20'-0"



SEPTEMBER 28, 2015

PROPERTY AREA: 1400 SF
LOT COVERAGE: 11.5%

SAN JUAN AVE

(Bo E/W)

120.00'

EXISTING SIGN

FRONT SETBACK - NONE

OFFICE BUILDING

120.00'

FRONT SETBACK - NONE

50'

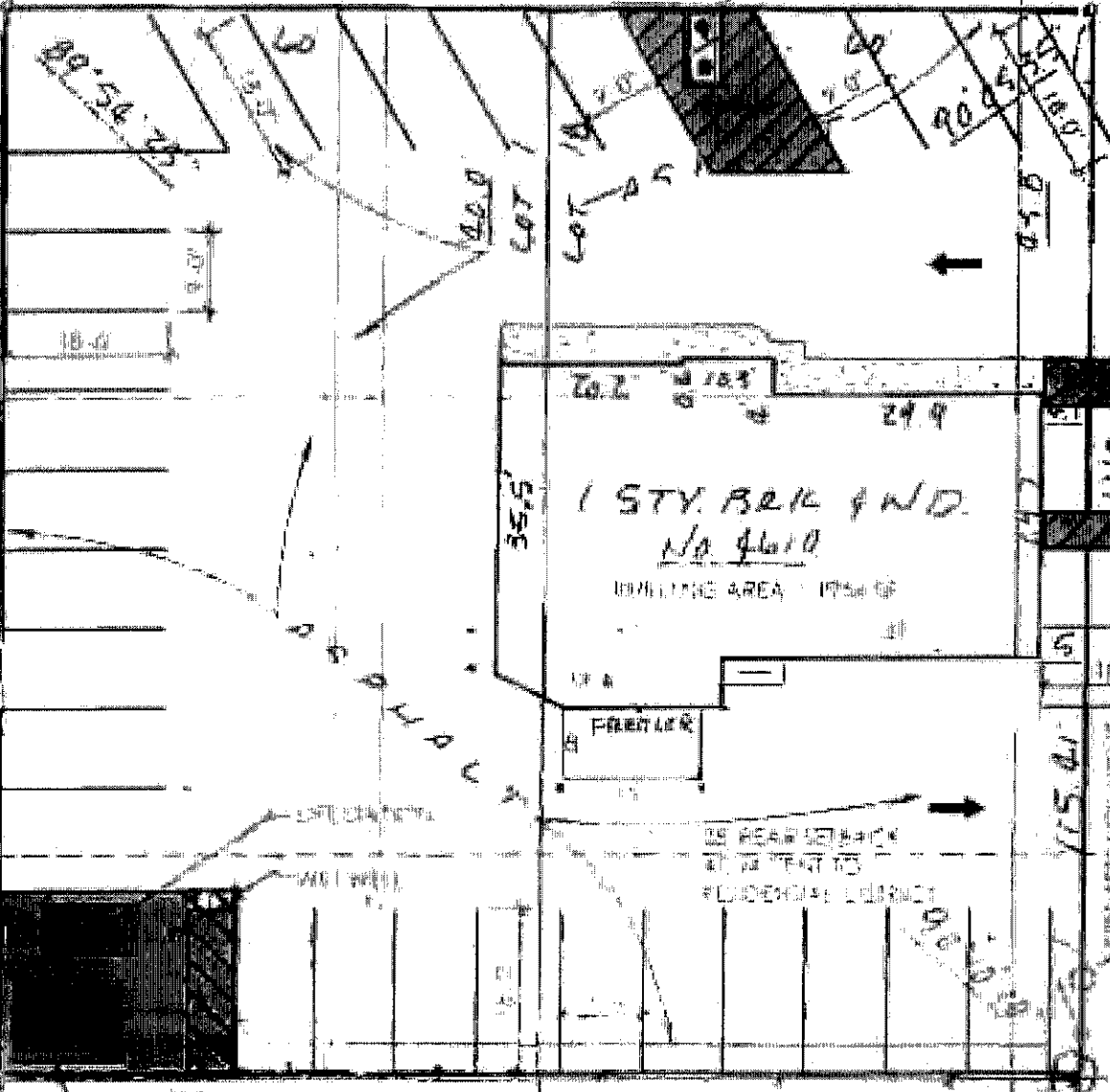
DUMPSTER ENCLOSURE

10

120.00'

FILE IN
ROOM

17



JEAN SEW (60' W) ST.

H/C
TRAILING

FRONT SETBACK - NONE

120.00'