

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR SIGN WAIVER SW-18-04 (ORDINANCE 2018-0450)

SEPTEMBER 5, 2018

Location: 4950 Richard Street
Between University Boulevard (SR 109) West and
Wesch Boulevard

Real Estate Number: 153050-0005

Waiver Sought: Increase the number of signs from one (1) to four
(4)
Reduce minimum setback from ten (10) feet to five
(5) feet

Current Zoning District: Residential Medium Density-D (RMD-D)

Current Land Use Category: Medium Density Residential (MDR)

Planning District: 3-Southeast

Applicant /Agent: Curtis L. Hart
Hart Resources, LLC
8051 Tara Lane
Jacksonville, Florida 32216

Owner: Lions Head, LTD
437 Monroe Street E, Suite #100
Jacksonville, FL 32202

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2018-0450 (SW-18-04)** seeks to reduce the required minimum setback from ten (10) feet to zero (0) feet and increase the number of allowed signs from one (1) to four (4). The applicant plans to replace the four (4) pylon signs, which are mostly situated around the perimeter of the subject parcel (see **Figures A**).

Situated on a 9.82-acre lot, the subject property currently contains several apartment style buildings constructed in 1973. The need for the waiver stems from violation, **2018-5024813**, which details how the four (4) signs were replaced without sign permits and without adhering to setback

requirements.

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 in that nearby free-standing signs are a similar distance from the 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?*

No. the result of the sign waiver will not detract from the specific intent of the zoning ordinance, in that the four (4) existing pylon signs are unable to conform to required setbacks due to the layout of the subject parcel and its close proximity to the right-of-way. The situation is unique to the subject property and would not promote the existence of any other non-conforming signs in the area.

- (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 proposed signage will replace the original signs—with no increase in height or area, and will not be injurious to the rights of others.

- (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. Rather, preserving the four (4) non-illuminated pylon signs at their designated locations would have a positive effect on vehicular flow within the 9.82-acre site and along the Richard Street corridor.

- (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 in that the signage has traditionally existed at this location without causing any adverse effects. Instead, staff finds granting of this waiver will increase safety by ensuring sufficient visibility along Richard Street and increase efficient maneuverability throughout the subject property.

- (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 locations. The current orientation of the vehicle use area (VUA) and the limited landscaping curbs (see **Figure C**), significantly restricts where free-standing signs can be installed—with the only option being that the applicant construct terminal islands and placing them there.

- (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. Additionally, the request is prefaced using the minimum setback necessary to obtain a reasonable communication of the apartment complex's message.

- (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?*

Yes, the request is the result of cited violation, **2018-5024813**, which, according to the report summary, contends that the signs were installed by Signs Now, an unlicensed sign company. Nonetheless, after being made aware of the zoning violation, the property

management made an expeditious effort to bring the subject site into conformance by filing for the sign waiver on June 28, 2018.

- (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 this waiver will allow the owner to replace the signs, promote positive vehicular flow, and provide efficient ingress and egress within the subject site.

- (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 the signs in their specified locations significantly outweigh the benefits of complying with the strict letter. Moreover, when considering the rigid limitations of the existing site and the need for directional signage, a substantial burden is imposed in order to relocate the sign within the required setbacks.

SUPPLEMENTARY INFORMATION

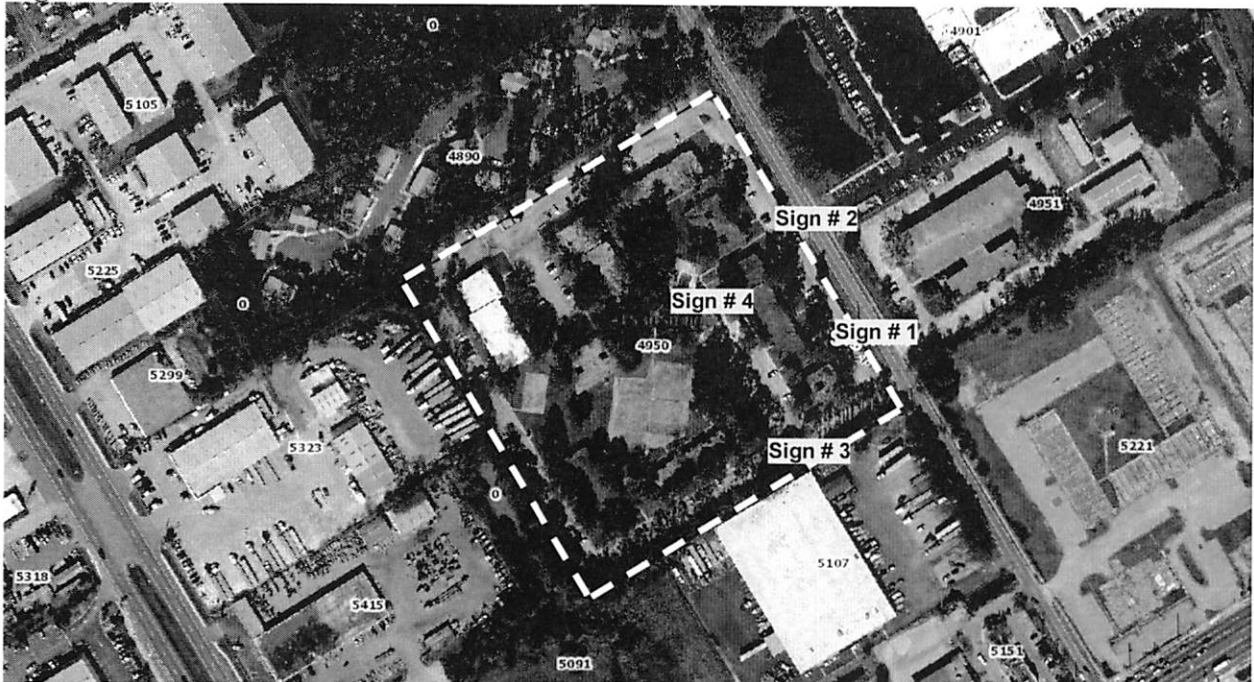
Upon visual inspection of the subject property on **August 8, 2018**, by the Planning and Development Department, the Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-18-04 (Ordinance 2018-0450) be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 8/13/18

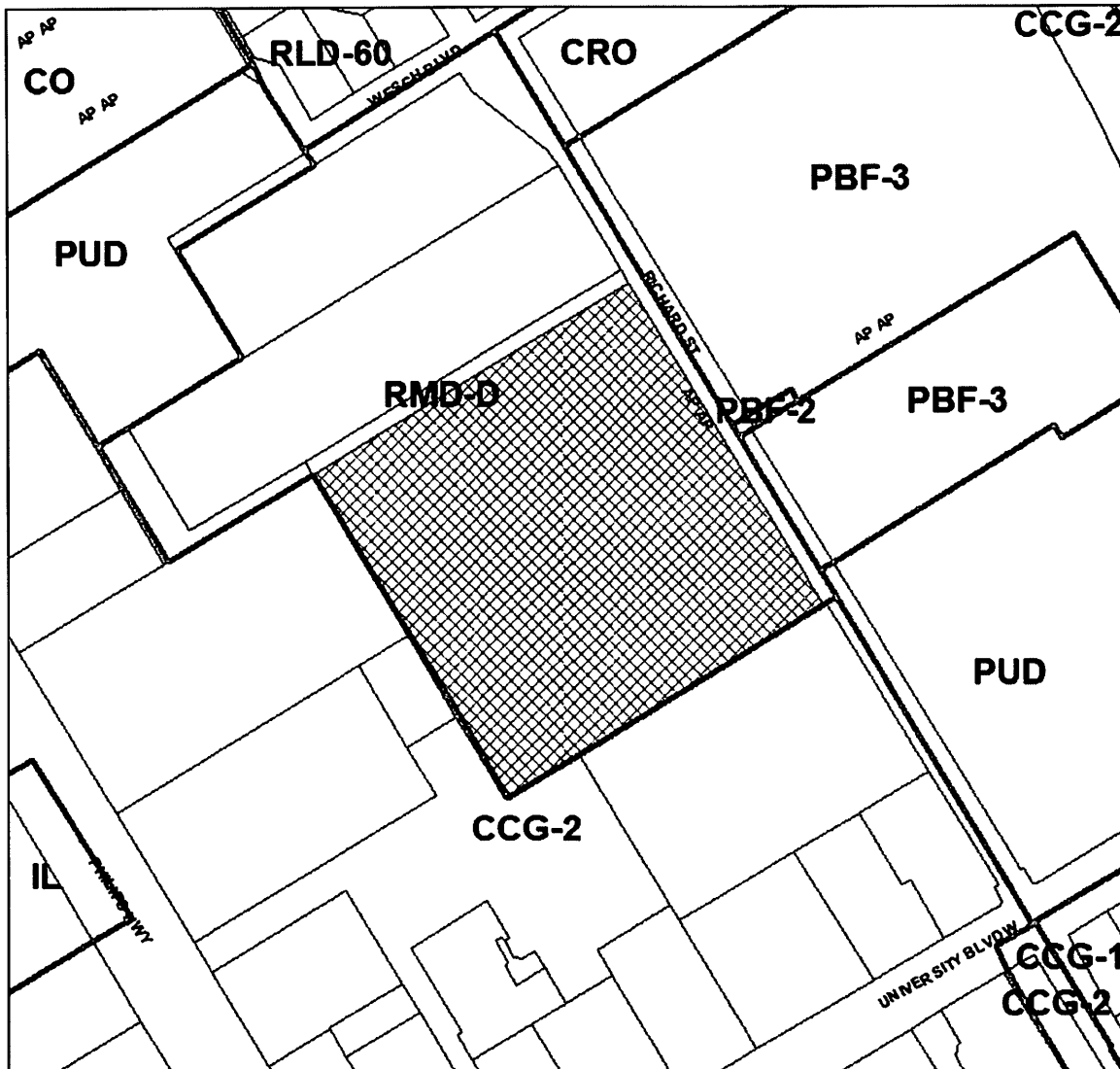
Aerial view of the subject site and proposed sign location, facing north.

Figure B:



Source: Planning & Development Dept, 8/8/18

View of Richard Street and one of the subject site's signs, facing southeast.

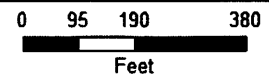
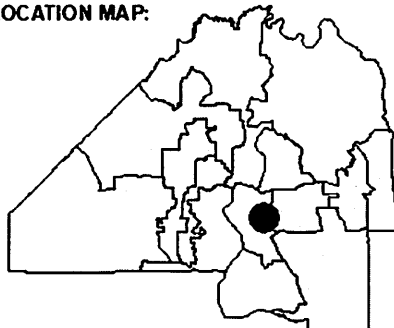


REQUEST SOUGHT:

**INCREASE NUMBER OF SIGNS
FROM 1 TO 4**

**REDUCE MINIMUM SETBACK
FROM 10' TO 0'**

LOCATION MAP:



COUNCIL DISTRICT:

5

APPLICATION NUMBER

SW-18-04

PAGE 1 OF 1

Date Submitted:	6/28/2018
Date Filed:	7/3/18

Application Number:	SW-18-04
Public Hearing:	

Application for Sign Waiver
City of Jacksonville, Florida
Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District:	RMDD	Current Land Use Category: MDR
Council District:	5	Planning District: 3
Previous Zoning Applications Filed (provide application numbers): none		
Applicable Section of Ordinance Code: 656.1310		
Notice of Violation(s): #2018-5024813		
Neighborhood Associations: Greater Englewood		
Overlay: none		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 3	Amount of Fee: \$1301.	Zoning Asst. Initials: eir

PROPERTY INFORMATION	
1. Complete Property Address: 4950 RICHARD ST, JACKSONVILLE FL 32207	2. Real Estate Number: 153050-0005
3. Land Area (Acres): 9.82	4. Date Lot was Recorded:
5. Property Located Between Streets: University Blvd West & Wesch Blvd	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>

7. Waiver Sought:

- Increase maximum height of sign from _____ to _____ feet (maximum request 20% or 5 ft. in height, whichever is less). *Note – Per Section 656.1310, no waiver shall be granted which would permit a sign in excess of 40 feet in height in any zoning district.
- Increase maximum size of sign from _____ sq. ft. to _____ sq. ft. (maximum request 25% or 10 sq. ft., whichever is less)
- Increase number of signs from 1 to 4 (not to exceed maximum square feet allowed)
- Allow for illumination or change from _____ external to _____ internal lighting
- Reduce minimum setback from 10 feet to 0 feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted?

LIONS HEAD LTD

9. Is transferability requested? *If approved, the waiver is transferred with the property.*

Yes

No

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

10. Name:

LIONS HEAD LTD

11. E-mail:

adamsondukeprop@yahoo.com

12. Address (including city, state, zip):

437 E. MONROE ST. #100
JACKSONVILLE, FL 32202

13. Preferred Telephone:

904-234-1414

APPLICANT'S INFORMATION (if different from owner)

14. Name: CURTIS HART / Hart Resources

15. E-mail:

curtishart@hartresources.net

16. Address (including city, state, zip):

8051 Tara Lane
JACKSONVILLE, FL 32216

17. Preferred Telephone:

904-993-5008

CRITERIA

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, 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."*

Section 656.133(c)1 through 10, 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:

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?*
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?*
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?*
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?*
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?*
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?*
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?*
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 applicant's acquiring the property, not being a direct result of the actions of the current owner?*
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?*
10. *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

18. Given the above definition of a "sign" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

Please see Attached Paper.

Pursuant to the provisions of Section 656.133(c) of the Zoning Code, we propose that the sign waiver for Lions Head LTD (Lions Head Apartments) meets, to the extent applicable, the following criteria:

- 1) The sign waiver will be compatible with the existing contiguous signage and zoning and is consistent with the general character of the area. The owner has The signs have been in place on the property for more than thirty years. The property has a total of four signs. One sign at each entrance measuring 46" x 48" (two entrances). Additionally, the property has one sign with the property layout (directional sign) for JFRD (measuring 48" x 60") and one interior sign at the management office (measuring 46" x 48"). The owner was cited for none conforming signs when the owner replaced the then existing ^{old} signs with new and updated signs that are the exact same size as the previous ones.
- 2) The waiver would not result in the detracting of the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs in the vicinity.
- 3) The sign waiver would not affect the surrounding area negatively or diminish property values. These signs have been in existence for over thirty years and were just updated.
- 4) The waiver would not have a detrimental effect on vehicular traffic or parking conditions. The signs are non-illuminated and simply there to identify the apartment complex.
- 5) The proposed waiver would not be detrimental to the public health, safety or welfare or result in additional public expense, creation of nuisances, or cause conflict with any other applicable law.
- 6) The property is located on almost 10 acres with 11 buildings onsite and two entrances. With so many buildings and two entrances, abiding by the current code regarding signage would be burdensome to the owner.
- 7) The requested sign waiver is not requested based on a desire to reduce costs associated with compliance but it is the minimum necessary to obtain reasonable signage for this property.
- 8) The requested waiver is a result of a violation that has existed for over thirty years without receiving a citation. The citation occurred due to the owner updating the old, worn out signs with new ones that were the exact size.
- 9) The compelling public interest is accomplished due to JFRD using the directional signs should a need arise in the complex.
- 10) Strict compliance with the regulation would create a substantial financial burden.

(150)
(150)

46"

AUTHORIZATION

Please review your application. No application will be accepted until all of 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 City Council. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

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.

Owner(s)

Print name: T. Braxton Adamsen

Signature: [Signature]

President of Dulco Properties, Inc

Applicant or Agent (if different than owner)

Print name: CURTIS L HULT

Signature: [Signature]

**An agent authorization letter is required if the application is made by any person other than the property owner.*

Owner(s)

Print name: _____

Signature: _____

SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to:

Planning and Development Department, Zoning Section

214 North Hogan Street, 2nd Floor

Jacksonville, Florida 32202

(904) 255-8300

ATTACHMENTS

The following attachments must accompany each copy of the application.

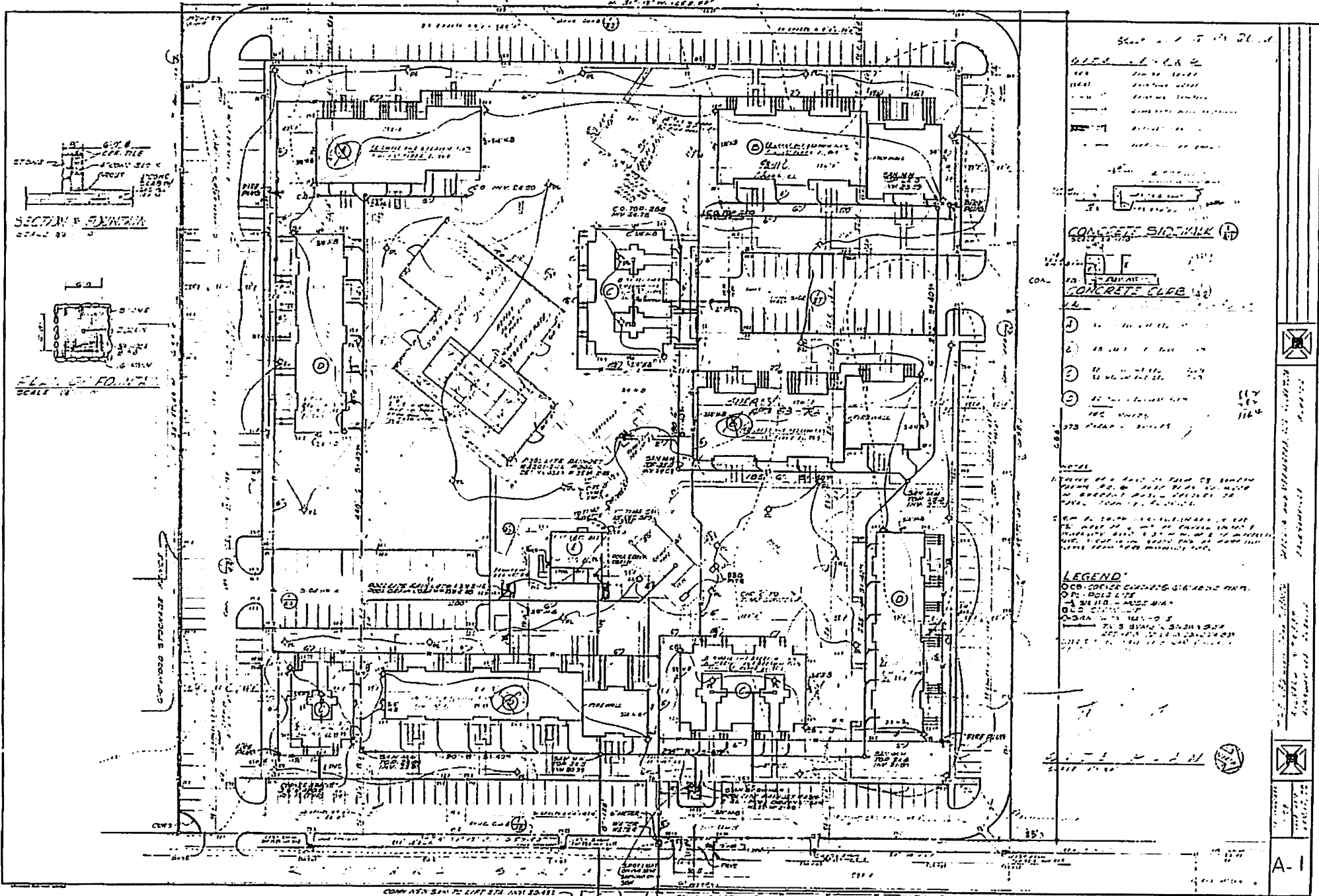
- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof of property ownership – may be print-out of property appraiser record card if individual owner, http://apps.coj.net/pao_propertySearch/Basic/Search.aspx, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- 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 (2) 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.

FILING FEES

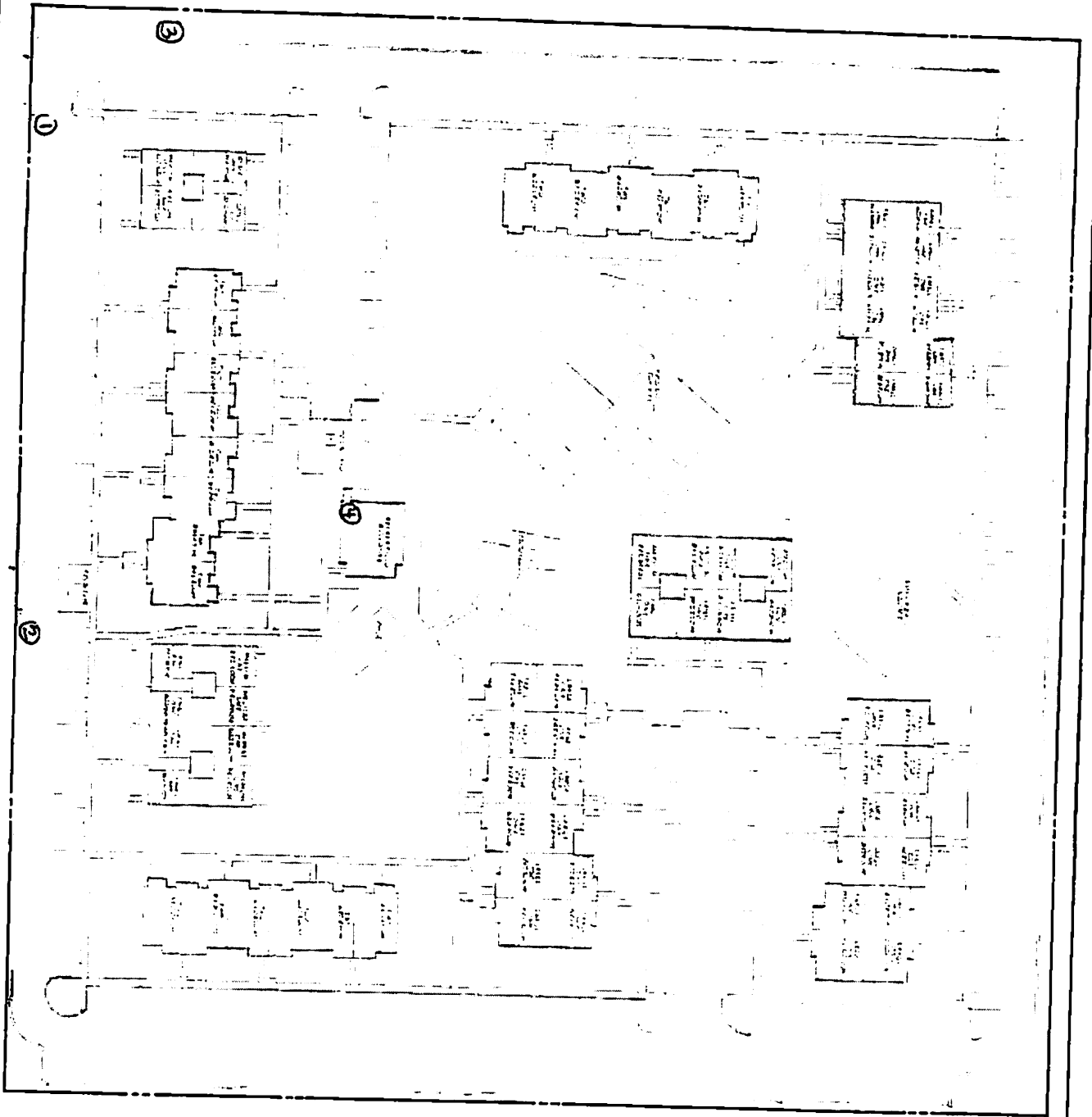
*Applications filed to correct existing zoning violations are subject to a double fee.

<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

NOTE: City 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.



Survey



Site Plan

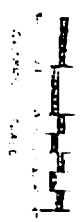


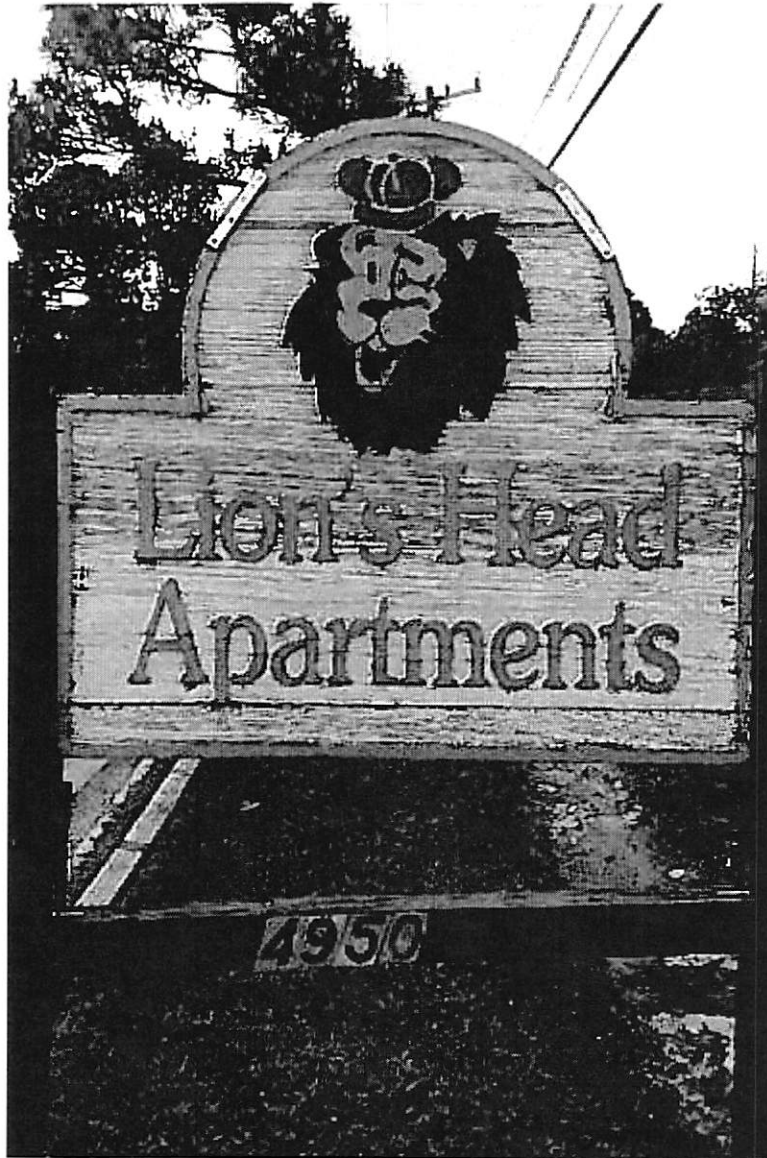
EXHIBIT 1

Legal Description

Farm 24, Bowden Farms Subdivision, according to the plat thereof as recorded in Plat Book 6 Page 91 of the current public records of Duval County, Florida.



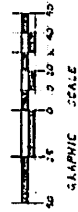
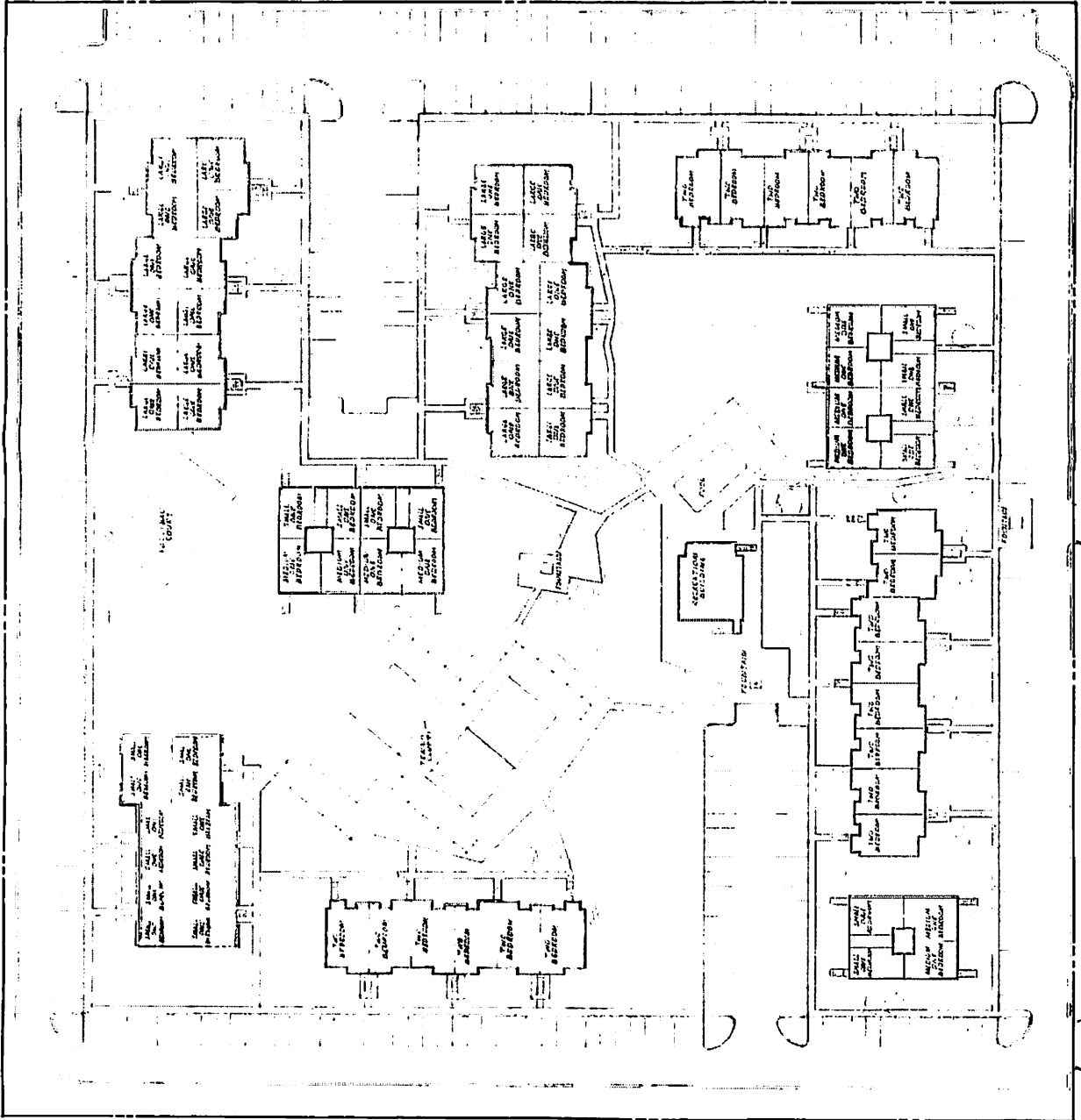
NEW SIGN



OLD SIGNS



Directional Sign



Site Plan

