

Date Submitted:	12/2/2022
Date Filed:	12/29/22

Application Number:	SW-22-09
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:	CN	Current Land Use Category:	CGC
Council District:	1	Planning District:	2
Previous Zoning Applications Filed (provide application numbers): none found			
Applicable Section of Ordinance Code: (1) General Criteria (2)			
Notice of Violation(s): none found			
Neighborhood Associations: Greater Arlington B, Free 4Life Foundation, Old Arlington, Inc, Revitalize Arlington, Inc			
Overlay: none			
LUZ Public Hearing Date:		City Council Public Hearing Date:	
Number of Signs to Post:	2	Amount of Fee:	\$1341. Zoning Asst. Initials: DIR

PROPERTY INFORMATION	
1. Complete Property Address: 8804 Lone Star Rd	2. Real Estate Number: 121217-0000
3. Land Area (Acres): .39	4. Date Lot was Recorded:
5. Property Located Between Streets: Lone Star Rd and Mill Creek Rd	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 _____ to _____ (not to exceed maximum square feet allowed)
- Allow for illumination or change from _____ external to _____ internal lighting
- Reduce minimum setback from 10 feet to 3 feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted?

Essa Khazal

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: Essa Khazal	11. E-mail:
12. Address (including city, state, zip): 8804 Lone Star Road Jacksonville, FL 32211	13. Preferred Telephone:

APPLICANT'S INFORMATION (if different from owner)

14. Name: Colleen Collins Petroimage	15. E-mail: Colleen@Petrogroupfl.com
16. Address (including city, state, zip): 6432 SE 115th LN Bellevue, FL 34420	17. Preferred Telephone: 352.304.5500

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.

8804 Lone Star Rd Jacksonville, FL 32211

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?

The sign will be compatible with existing signage zoning and consistent with the general character of the area. The sign proposed is a stand single pole sign system to display national fuel brand and fuel pricing.

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 layout of this specific property prohibits installation of pole sign in any other location, it would cause obstruction in a parking lot.

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?

The approval of this waiver would not diminish property values in any negative way.

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?

The waiver approval would prevent detrimental effect on vehicular traffic and parking conditions.

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 waiver is not detrimental to the 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?

The sign did meet 10' setback requirements in 1997, then road was widened, and a section of the property was reduced, and changed the sign setback. The existing pole is set back approx. 11' from the north property line, 12' from the east property line and 9' from the property line northeast corner property line. The sign cabinets are setback approx. 6' from the north property line, 7' from the east property line and 3' from the property line. The sign sites right on the edge of the parking lot and moving it in further into the property would cause a major issue with parking lot traffic and access to the fueling dispensers.

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?

The request is not based on the desire to reduce cost.

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?

This request is not the result of a violation.

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?

This request will no affect trees in any way.

10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?

No, strict compliance would prevent the site from having a price sign to display fuel cost.

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.

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: _____

Signature: _____

Applicant or Agent (if different than owner)

Print name: Colleen Collins

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

EXHIBIT A - Property Ownership Affidavit

Date: 02/17/2023

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location:
8804 Lone Star Rd

To Whom it May Concern:

I Essa Khazal hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for 8804 Lone Star Rd submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:


By 
Print Name: Essa Khazal

By _____
Print Name: _____
Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

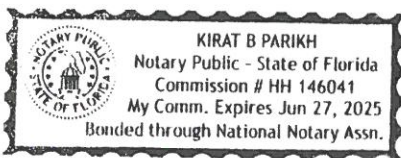
**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 17th day of FEBRUARY 2023 by ESSA KHAZAL, who is personally known to me or who has produced _____ as identification and who took an oath.


(Signature of NOTARY PUBLIC)

K. B. Parikh

(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: 06/27/2025

EXHIBIT B - Agent Authorization Affidavit- Property Owner

Date: 02/17/2023

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202


Re: Agent Authorization for the following site location: 8804 Lone Star Rd

To Whom it May Concern:

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 Colleen Collins to act as agent to file application(s) for Sign Waiver 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.

If Owner is Individual:

If Owner is Corporate Entity:*

By 
Print Name: Essa Khazal

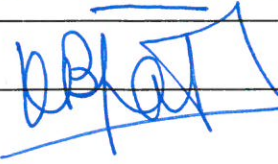
Print Corporate Name:

By _____
Print Name: _____
Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

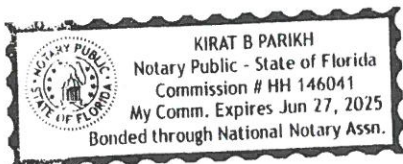
**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 17th day of FEBRUARY ~~2014~~ ²⁰²³, by ESSA KHAZAL, who is personally known to me or who has produced _____ as identification and who took an oath.


(Signature of NOTARY PUBLIC)

K. B. Parikh

(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: 06/27/2025

This instrument was prepared by
and when recorded, return to:
Richard K. Britton, Attorney At Law
Cooke & Meux, P.A.
501 Riverside Avenue, Suite 903
Jacksonville, FL 32202

10 03 9734

CORPORATE WARRANTY DEED

THIS INDENTURE, made this 26th day of May 2010, by THE PANTRY, INC., a Delaware corporation, successor by merger to Lil' Champ Food Stores, Inc., successor by merger to Huntley's Jiffy Stores, Inc., whose address is 305 Gregson Drive, Cary, North Carolina 27511-6496 ("Grantor"), and ESSA KHAZAL, a married person & SAMIR KHAZAL, a married person, whose address is 9452 Kells Rd, Jacksonville, FL _____, (collectively referred to as "Grantee"). 32257

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars and other valuable considerations, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, their successors and assigns forever, the following described parcel of land situate lying and being in the County of Duval, State of Florida, to wit:

The East 35.9 feet of Lot 38 and all of Lot 39, Block 17, Arlingwood Unit Three, according to the plat thereof recorded in Plat Book 26, page 62, of the current public records of Duval County, Florida, being more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 39; thence South 01 degrees 29 minutes 40 seconds East, 160.00 feet; thence South 88 degrees 07 minutes 50 seconds West, 84.10 feet; thence North 63 degrees 43 minutes 20 seconds West, 40.57 feet; thence North 01 degrees 29 minutes 40 seconds West, 140.86 feet; thence North 88 degrees 07 minutes 50 seconds East 120.02 feet to the POINT OF BEGINNING, less and except part in Official Records Book 10659, page 372.

SUBJECT to the following:

1. Real estate taxes for the current year and subsequent years;
2. Easements, covenants, conditions, restrictions and reservations of record, reference to which shall not operate to reimpose same;
3. Matters which a current survey or careful inspection of the property and any improvements thereon would reveal;
4. Laws, codes, rules and regulations of any governmental authority having jurisdiction over the property.

The subject property is not the homestead property of the grantor.

Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the day and year first above written.

Signed, sealed and delivered in our presence:

THE PANTRY, INC., a Delaware corporation

Lee Hawkinson

Sign Name Lee Hawkinson

Print Name

Rachel R. Solomon

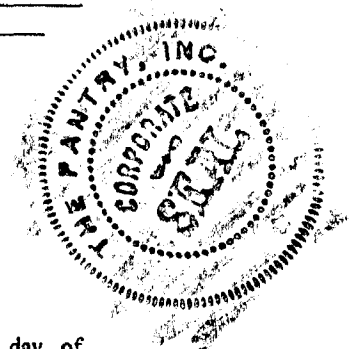
Sign Name Rachel R. Solomon

Print Name

By: *Brian Schenk*

Name: Brian Schenk

Title: Vice President



STATE OF North Carolina
COUNTY OF Wake

The foregoing instrument was acknowledged before me this 25 day of May, 2010, by Brian Schenk, the Vice President of The Pantry, Inc., a Delaware corporation.



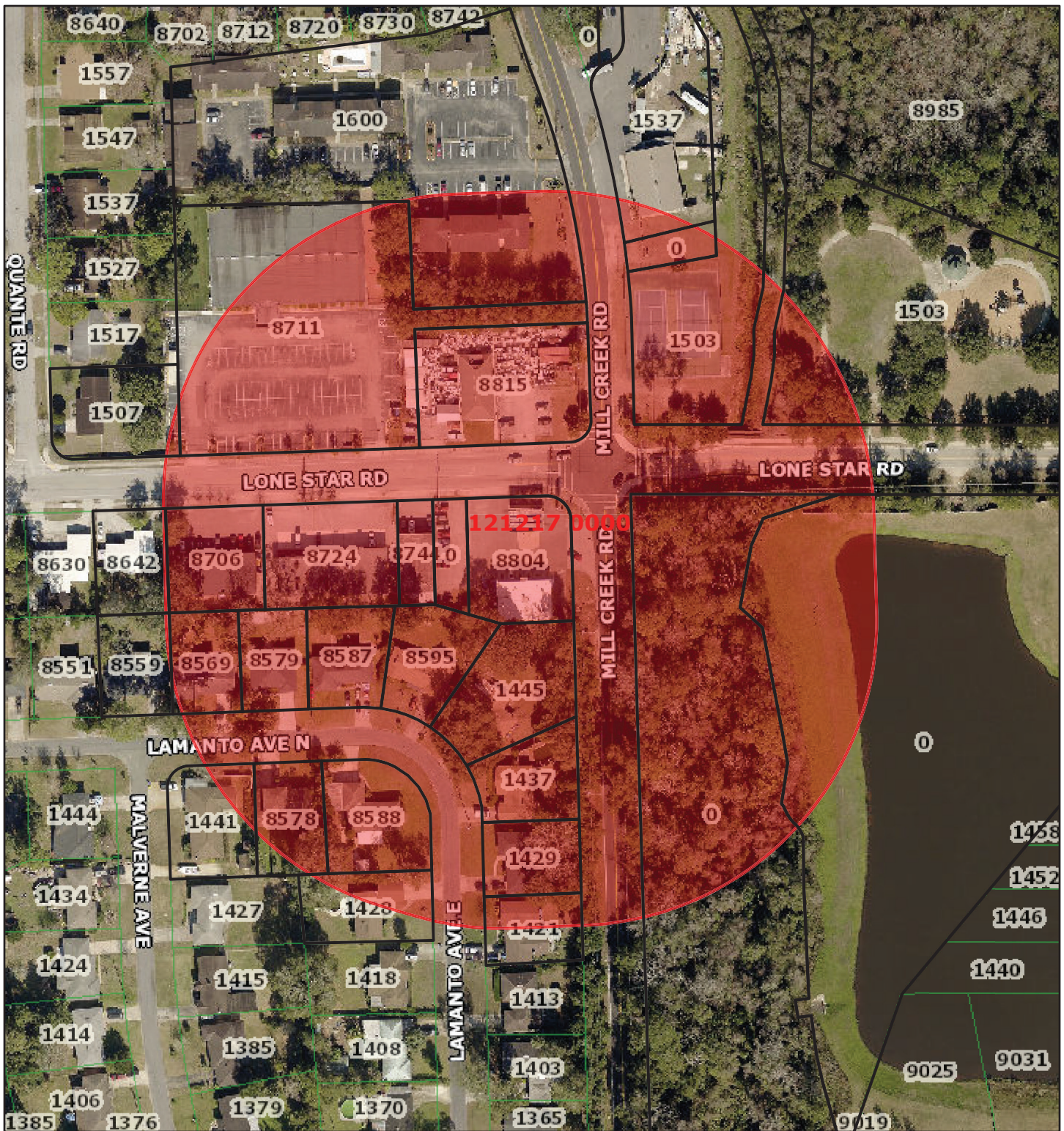
Rachel R. Solomon

Rachel R. Solomon
Notary Public in and for the County and State aforesaid

My commission expires: 10-19-10

Personally known or produced Identification _____

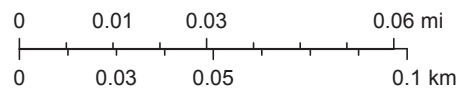
Land Development Review



February 3, 2023

 Parcels

1:2,257



RE	LNAME2	LNAME1	MAIL_ADDR1	MAIL_ADDR2	MAIL_ADDR3	MAIL_CITY	MAIL_STATE	MAIL_ZIP
121196 0000	120 E 56TH STREET LLC		20 DELCARMINE ST STE 101			WAKEFIELD	MA	01880
121376 0020	1600 MILL CREEK ROAD LLC		952 MAPLETON TER			JACKSONVILLE	FL	32207
120738 0000	AYRAPETOV LEVON ARZUYEVI		3906 CONGA ST			JACKSONVILLE	FL	32217
121188 0000	BARTLEY CLIFFORD L JR		1421 LAMANTO AVE E			JACKSONVILLE	FL	32211-9511
121195 0000	BLAKE-SWARTZ MEGAN		5709 BUSCH DR			MAJIBU	CA	90265
121191 0000	CANNON CLAYBORNE NEIL		1445 LAMANTO AVE E			JACKSONVILLE	FL	32211-9511
120738 0020	CITY OF JACKSONVILLE		C/O CITY REAL ESTATE DIV	214 N HOGAN ST 10TH FL		JACKSONVILLE	FL	32202
120737 0000	CITY OF JACKSONVILLE		C/O CITY REAL ESTATE	214 N HOGAN ST 10TH FLOOR		JACKSONVILLE	FL	32202
121190 0000	CLEATON FRANK A JR		1930 OLD CREEK LN			MAITLAND	FL	32751-4976
121225 0000	FLOWE JEFFREY ET AL		1441 MALVERNE AVE			JACKSONVILLE	FL	32211
121192 0000	FREE4LIFE FOUNDATION, INC	WENCHELL AURELIAN	5454 ARLINGTON EXPY			JACKSONVILLE	FL	32211
	GARCIA ELIA		8595 N LAMANTO AVE			JACKSONVILLE	FL	32211
121194 0000	GREATER ARLINGTON/B	TIM KELLEY	2184 HEALTH GREEN PLS			JACKSONVILLE	FL	32246
121215 0000	JUDI CAMERON COLLINS		8579 LAMANTO AVE N			JACKSONVILLE	FL	32211
121215 0000	JUDI RAYMOND		33293 WIREGRASS WAY			CALLAHAN	FL	32011
121211 0000	JOYCE JOHN K TRUST		12632 OLD SAINT AUGUSTINE RD			JACKSONVILLE	FL	32258
121217 0000	KHAZAL ESSA		9452 KELLS RD			JACKSONVILLE	FL	32257
121376 0010	LONESTAR SCHOOL DEVELOPMENT LLC		6457 SUNSET DR			MIAMI	FL	33143
123028 2210	MILL CREEK AT KENDALL TOWN HOMEOWNERS ASSOCIATION		9440 PHILIPS HWY STE 7			JACKSONVILLE	FL	32256
123028 2205	MILL CREEK AT KENDALL TOWN HOMEOWNERS ASSOCIATION		6972 LAKE GLORIA BLVD			ORLANDO	FL	32809
121214 0000	MVD HAMBENG LLC		P O BOX 350515			JACKSONVILLE	FL	32235
121226 0000	OBRIEN KATHERINE BRADY		1716 EL CAMINO RD APT 1			JACKSONVILLE	FL	32216
	OLD ARLINGTON, INC	STEVE MATCHETT	P.O. BOX 15304			JACKSONVILLE	FL	32239
121383 0000	PASCAL COLLINS G		1507 QUANTE RD			JACKSONVILLE	FL	32211-5129
121212 0000	REVITALIZE ARLINGTON, INC	JOY HERVEY	9885 LONE STAR RD			JACKSONVILLE	FL	32211
121212 0000	RTG RENTALS LLC		2223 ATLANTIC BLVD			JACKSONVILLE	FL	32207
121227 0000	TAH 2017 1 BORROWER LLC		C/O TRICON AMERICAN HOMES LLC	1508 BROOKHOLLOW DR		SANTA ANA	CA	92705
121193 0000	VAYE STEPHEN WRIGHT ET AL		8587 LAMANTO AV			JACKSONVILLE	FL	32211
121228 0000	WOOD STEPHEN		1428 LAMANTO AVE E			JACKSONVILLE	FL	32211-6387
121189 0000	ZURKA CHERRY ELISE		1429 LAMANTO AVE E			JACKSONVILLE	FL	32211