

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR SIGN WAIVER ORDINANCE 2020-137 / SW-2020-02**

**APRIL 7, 2020**

***Location:*** 12311 San Jose Boulevard (SR 13)  
Between Marbon Road and Marbon Estates Lane  
East

***Real Estate Number:*** 158180-0000

***Waiver Sought:*** Increase wall sign area from 32 square feet to 40 square feet

***Current Zoning District:*** Commercial Office (CO)

***Current Land Use Category:*** Residential Professional Institutional (RPI)

***Planning District:*** 3-Southeast

***Applicant/Agent:*** Matthew Chmura  
Alliance Permitting  
3202 River Road  
Green Cove Springs, Florida 32043

***Owner:*** Ascension St. Vincent’s  
12311 San Jose Boulevard  
Jacksonville, Florida 32259

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Sign Waiver **Ordinance 2020-137 (SW-20-02)** seeks to increase the sign area from 32 square feet to 40 square feet. The applicant intends to replace the existing wall sign with a new wall sign as part of a rebranding of St. Vincent’s Hospital.

Situated on a 1.01 acre lot, the subject property contains a one-story medical office building. The CO Zoning District allows an externally or internally illuminated wall sign not to exceed 32 square feet.

### 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. Directly south of the subject property begins the CCG-1 Zoning District, which allows significantly larger signs. The buildings across San Jose Blvd are zoned PUD, which allows wall signs that do not exceed 10% of the wall area. Using this measurement, the subject property would allow a 55 square foot wall sign.

- (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. Approval of the sign waiver will not promote the continued existence of non-conforming signs in the area. First, the Department has no knowledge of any other non-conforming signs and second, other businesses in the area are currently allowed wall signs that meet the Zoning Code, but are larger than the current request.

- (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 sign will replace the original wall sign, 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. Considering that San Jose Boulevard is classified as a Principal Arterial along a commercial corridor, it is unlikely that the replacing the wall sign will create objectionable light, glare or other effects additional to what already exists in the area.

- (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. The sign will be placed on the building wall which will not block the sightlines of vehicular drivers entering or exiting the 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?*

No, the subject property does exhibit specific physical limitations that limit the size of the proposed wall sign.

- (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. Staff finds no evidence the request is not based on a desire to reduce the costs associated with compliance.

- (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 request is not the result of any cited violation.

- (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?*

No. Staff has no evidence the proposed request accomplish a result in the public interest nor that it will further the preservation of any natural resources.

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

No. Strict compliance with the sign regulations may result in a lower cost if the waiver is denied, in that a smaller sign would be installed resulting in less material.

#### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on March 6, 2020, by the Planning and Development Department, the Notice of Public Hearing signs **were** posted.

#### **RECOMMENDATION**

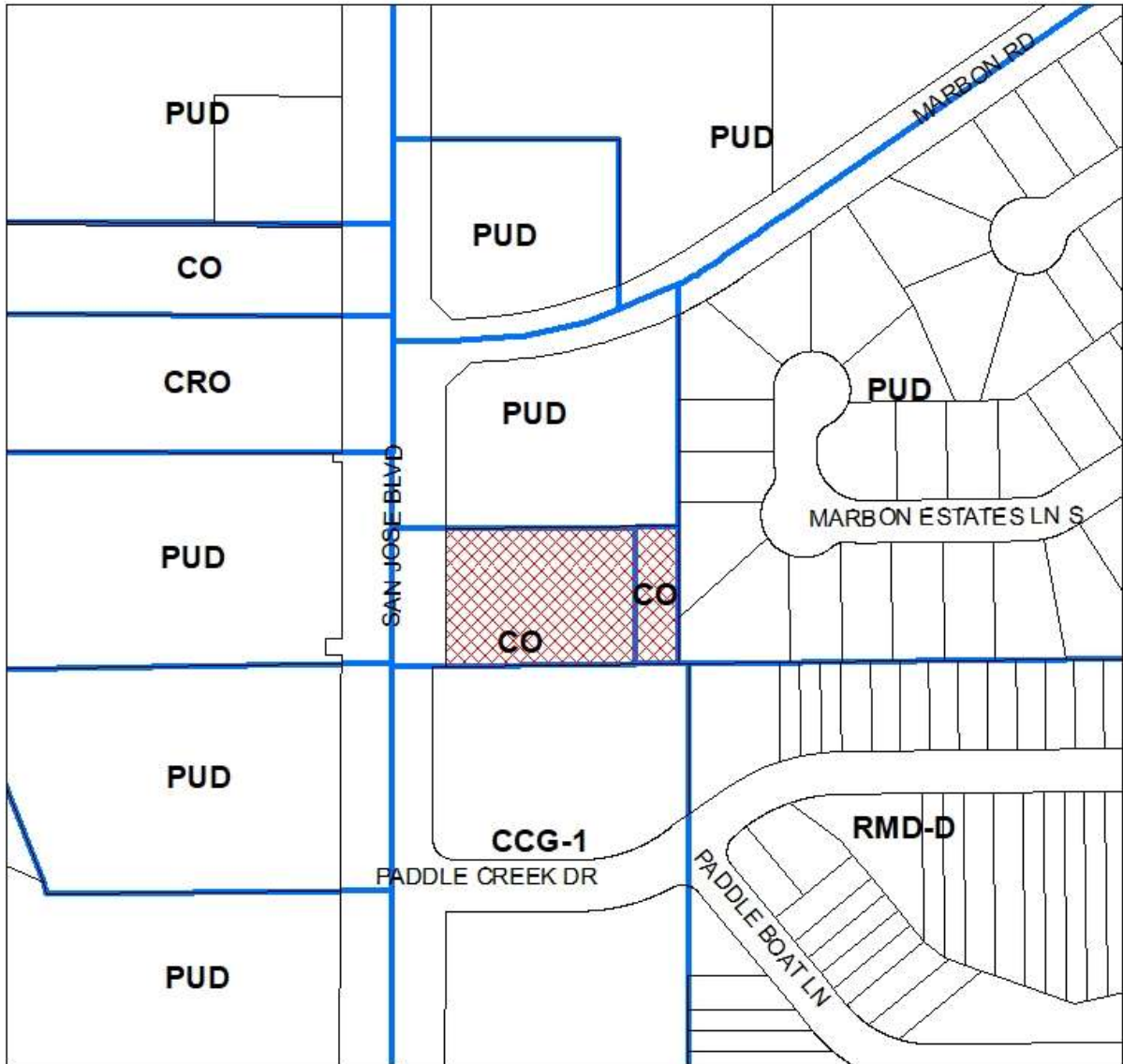
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver Ordinance **2020-137 / SW-2020-02** be **APPROVED**.



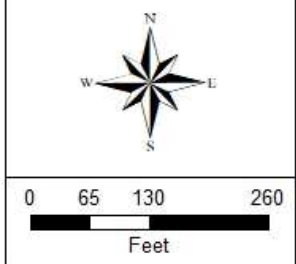
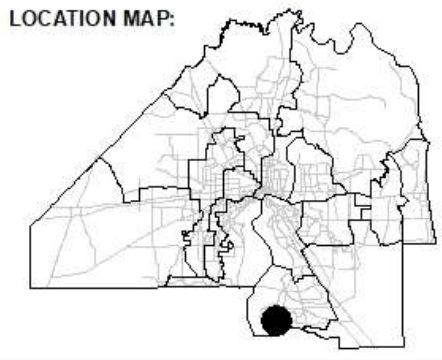
View of subject property and adjacent sign in the CCG-1 Zoning District.



View of subject property



REQUEST SOUGHT:  
  
REPLACING EXISTING WALL SIGN



COUNCIL DISTRICT:  
6

APPLICATION NUMBER  
SW-20-02

EXHIBIT 2  
PAGE 1 OF 1

Date Submitted:	1/24/2020
Date Filed:	2-5-2020

Application Number:	SW-20-02
Public Hearing:	

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

**RECEIVED**

**JAN 24 2020**

**ZONING SECTION**

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:	CO	Current Land Use Category: RPI
Council District:	6	Planning District: 3
Previous Zoning Applications Filed (provide application numbers): NONE		
Applicable Section of Ordinance Code: SIZE INCREASE / 696.1303 (c) (1) (i)		
Notice of Violation(s): N/A.		
Neighborhood Associations: OLDE MANDALAY / MANDARIN GARDEN / HANNOCK OAKS		
Overlay: N/A. HEAVEN TREE OWNERS ASSOC / SOUTH EAST		
LUZ Public Hearing Date:		City Council Public Hearing Date:
Number of Signs to Post:	1	Amount of Fee: 1467 - Zoning Asst. Initials: mt / mldm

PROPERTY INFORMATION	
1. Complete Property Address: 12311 SAN JOSE BLVD.	2. Real Estate Number: 158180-0000
3. Land Area (Acres): 1.01	4. Date Lot was Recorded: 1974
5. Property Located Between Streets: MARBON RD. AND MARBON ESTATES LNE	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 32 sq. ft. to 40 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 \_\_\_\_\_ feet to \_\_\_\_\_ feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted?  
ST VINCENT'S AMBULATORY CARE, INC.

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: <u>DR. VICKIE PRINCE</u>	11. E-mail: <u>DRSIGNS@BELLSOUTH.NET</u>
12. Address (including city, state, zip): <u>12311 SAN JOSE BLVD JACKSONVILLE, FL 32259-3149</u>	13. Preferred Telephone: <u>(386) 252-5006 (386) 252-2777</u>

**APPLICANT'S INFORMATION (if different from owner)**

14. Name: <u>MATTHEW CHMURA</u>	15. E-mail: <u>MATTTC@ALLIANCEPERMITTING.COM</u>
16. Address (including city, state, zip): <u>3202 RIVER RD. GREEN COVE SPRINGS, FL 32043</u>	17. Preferred Telephone: <u>(904) 392-9841</u>

## 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.

1. Yes. The sign will be consistent with the general character of the area. The current sign on the property is a doctor's office (St Vincent's Primary Care). The proposed sign remains a doctor's office with a name change (Ascension St Vincent's).
2. No. The result will not detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity.
3. No. The proposed waiver will not diminish property values or negatively alter the aesthetic character of the area.
4. No. The waiver will not have a detrimental effect on vehicular traffic or parking. It will not result in the creation of objectionable or excessive light, glare, shadows, or other effects.
5. No. The waiver would not be detrimental to public health, safety, or welfare. It would not result in additional public expense, creation of nuisances, or cause conflict with any other applicable laws.
6. No. The property does 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. No. The request is not based exclusively upon a desire to reduce costs associated with compliance. The request is necessary to obtain a reasonable communication of the Medical Practice's message.
8. No. The request is not the result of any violation.
9. Yes. The request accomplishes a compelling public interest. Having a physician's medical practice in the community is a greater good. The requested waiver allows for better visibility for patients and the community in the seeking of medical care. It would provide better visibility for senior citizens searching for the facility.
10. No. Strict compliance with the regulation would not create a substantial financial burden when considering the cost of compliance.

**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](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 Planning Commission. 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.

<p><b>Owner(s)</b> Print name: <u>VICKIE PRINCE</u> Signature: <u><i>V. Prince</i></u></p>	<p><b>Applicant or Agent (if different than owner)</b> Print name: <u>MATTHEW CHMURA</u> Signature: <u><i>M. Chmura</i></u></p> <p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>
<p><b>Owner(s)</b> Print name: _____ Signature: _____</p>	

**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, 2<sup>nd</sup> Floor  
Jacksonville, Florida 32202  
(904) 255-8300

**EXHIBIT A**

**Property Ownership Affidavit - Individual**

Date: 1/6/2020

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 in Jacksonville, Florida:  
Address: 12311 SAN JOSE BLVD. RE#(s): 158180-0000

To Whom it May Concern:

I VICKIE PRINCE hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for SIGN WAIVER submitted to the Jacksonville Planning and Development Department.

By *V. Prince*

Print Name: VICKIE PRINCE

**STATE OF FLORIDA  
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 14 day of January 2020 by Vickie Prince, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

*Rochelle Le Daggett*  
(Signature of NOTARY PUBLIC)

Rochelle Daggett  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.  
My commission expires: \_\_\_\_\_



**EXHIBIT B**

**Agent Authorization - Corporation**

Date: 1/6/20

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

Re: Agent Authorization for the following site location in Jacksonville, Florida:  
Address: 12311 SAN JOSE BLVD RE#(s): 158180-0000

To Whom it May Concern:

You are hereby advised that VICKIE PRINCE, as a MEMBER of ST VINCENT'S AMBULATORY CARE, a corporation organized under the laws of the state of FLORIDA hereby authorizes and empowers ALLIANCE PERMITTING SERVICES, INC 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 as submitted to the Jacksonville Planning and Development Department.

(signature) *V. Prince*  
(print name) VICKIE PRINCE

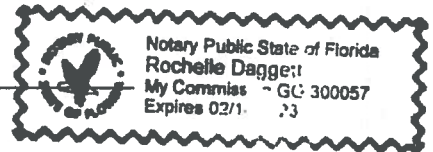
**STATE OF FLORIDA  
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 14 day of January 2020 by Vickie Prince as owner/member of ST Vincents Ambulatory, a \_\_\_\_\_ corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

*Rochelle Daggett*  
(Signature of NOTARY PUBLIC)

Rochelle Daggett  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.  
My commission expires: \_\_\_\_\_



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## EXHIBIT 1

### Legal Description

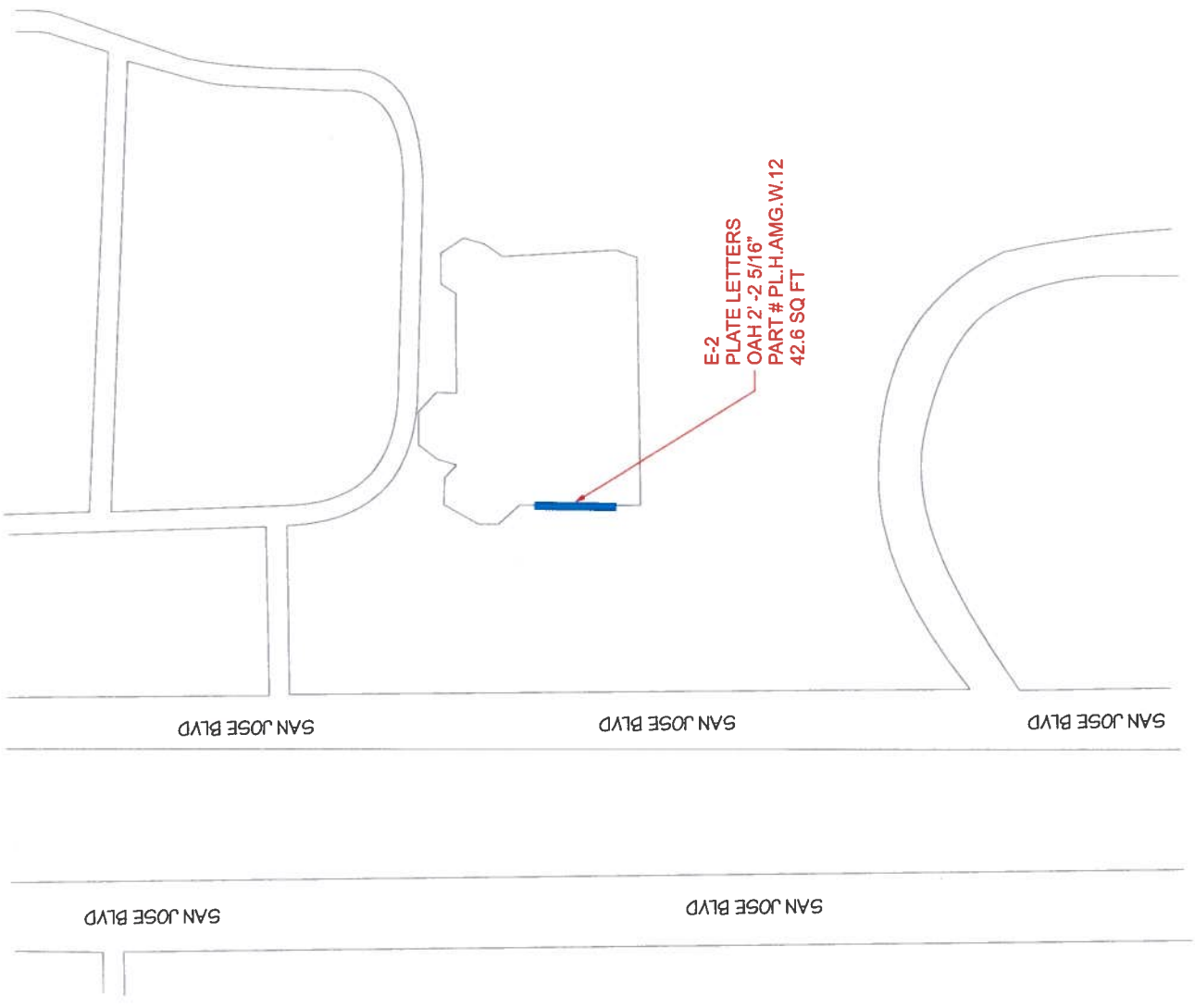
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A parcel of land situated in Government Lot 7, Section 18, Township 4 South, Range 27 East, Duval County, Florida, said parcel being more particularly described as follows:

Begin at the intersection of the southerly line of said Section 18 with the easterly right-of-way line of San Jose Boulevard (State Road No. 13, a 120 foot right-of-way as now established); thence on said east line North 00 degrees 11 minutes 18 seconds East, 340.92 feet; thence continue on said east line North 43 degrees 33 minutes 42 seconds East, 13.76 feet to the southerly right-of-way line of Marbon Road (a 60 foot right-of-way as now established); thence on said southerly right-of-way line South 89 degrees 49 minutes 35 seconds East, 0.53 feet; thence continuing on said southerly right-of-way line and on the arc of a curve concave northwesterly and having a radius of 604.40 feet, run in a northeasterly direction, an arc length of 279.60 feet, said arc being subtended by a chord bearing and distance of North 76 degrees 55 minutes 17 seconds East, 277.11 feet; thence South 00 degrees 11 minutes 18 seconds West, 410.45 feet to the south line of Section 18; thence on said south line South 89 degrees 21 minutes 22 seconds West, 279.72 feet to the Point of Beginning.

**LESS AND EXCEPT REAL ESTATE NUMBER 158180-0000**





12311 SAN JOSE BLVD  
 JACKSONVILLE, FL 32223

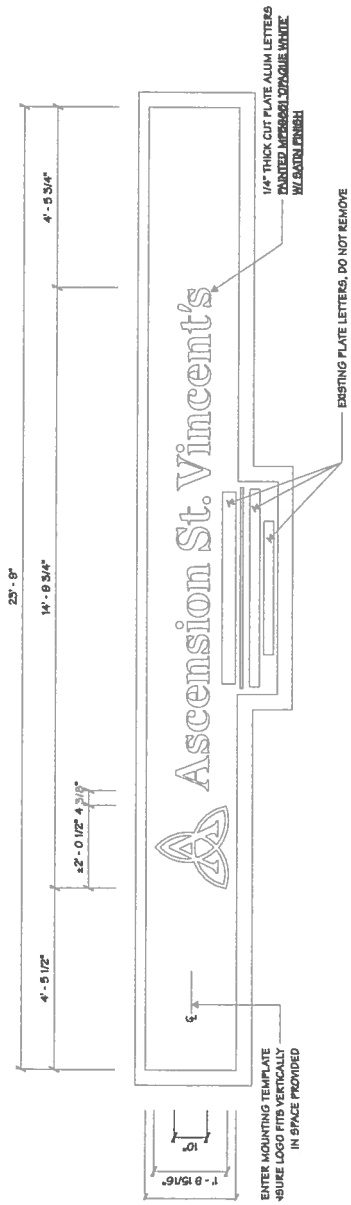
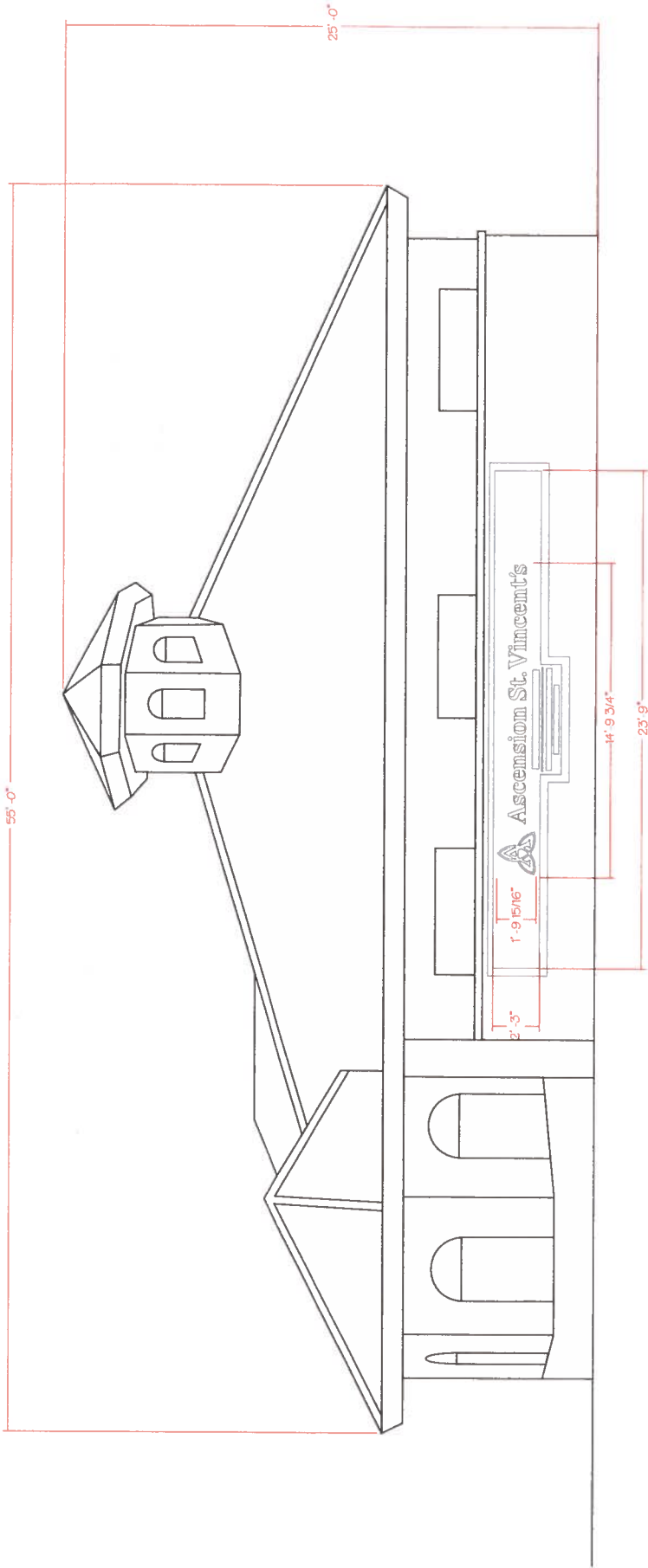


**AGI**

Project Title ASCENSION	Sign Type VARIOUS
SITE MAP / LAYOUT	Date 3.8.19
Drawn By	SITE ID# 7176

Drawing Revisions

Drawn By	Date	Change
A		
A		
A		
A		



Project Title ASCENSION	Sign Type VARIOUS
SITE MAP / LAYOUT	Date 10.17.19
Drawn By	SITE ID# 7176
Drawing Revisions	
Drawn By	Change



**Current sign**



Proposed sign



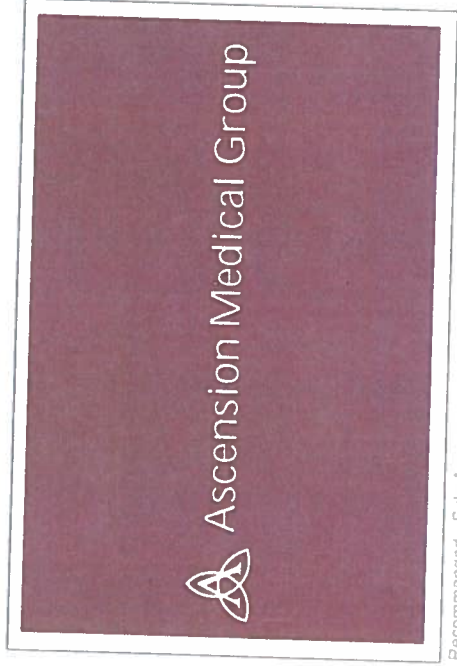
## Sign Recommendation

Sign	Dimensional letters: Plate letters
Type	Front of building facing the street
Location	Plate
Material	2'-0"
Size	19'-5"
Height	1'-3"
Color	Replace

27

E-;

1/4" F.C.O. ALUMINUM  
 13 3/4" P, 10 3/4" I  
 WHITE, STUD MOUNT



BUILDING 55' WIDE  
 9' 2" To Top CORNER

Recommended  
**NICAL SURVEY IS REQUIRED PRIOR TO SIGN MANUFACTURING**

Plate Letters  
 PLH-ANG-W-12

Fasteners Behind  
 None

2'-0" x 16"  
 19'-5" x 9"

Sign

Recommended