

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR SIGN WAIVER SW-21-07 (ORDINANCE 2021-0580)

OCTOBER 5, 2021

Location: 9820 Hutchinson Park Drive between Lantern Street
and I-295

Real Estate Number: 120798-0580

Waiver Sought: Reduce minimum sign setback from 10 feet to 2
feet

Current Zoning District: Planned Unit Development (PUD 2003-1376)

Current Land Use Category: Mixed Use (MU)

Planning District: Greater Arlington/Beaches, District 2

Applicant /Agent: Tracey Diehl
6487 Hilliard Drive
Canal Winchester, Ohio 43110

Owner: St. Vincent's Health System, Inc.
2 Shircliff Way, Suite 600
Jacksonville, Florida 32204

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2021-0580 (SW-21-07)** seeks to permit a reduction in the required minimum setback from the property line abutting Monument Road for a new ground sign from 10 feet to 2 feet. The subject property is an out-parcel located in the Kendall Town Center near the corner of Monument Road and Tredinick Parkway. The parcel is approximately 1.62 acres.

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 proposed sign is consistent with the sign regulations in the PUD. This area along Monument Road is generally commercial uses with a few multi-family developments. Although the request will not meet the setback requirements of the zoning code, it will be compatible with the contiguous signage and general character in the area.

- (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 proposed sign waiver would not detract from the specific intent of the zoning ordinance. The PUD sign regulations requires significantly smaller signs than the standard commercial zoning allows. Allowing the waiver would not set a precedent for other 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 proposed sign will conform to the sign regulations in the PUD and the waiver will not negatively affect the aesthetic character of the area surrounding the site.

- (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 as it will be located near the center of the property and away from any point of egress/ingress of the parcel .

- (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.

- (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. There is a location on the subject property where the sign can be located which will meet the required 10 foot setback. However adjacent property, also owned by Ascension/St. Vincent, has an existing ground sign which would block the proposed sign. The only location where the proposed sign can be seen will require the reduced setback.

- (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 due to the request being for a new ground sign.

- (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 violations. The sign has not yet been constructed and the outcome of this application will determine the future located of the signage.

- (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?***

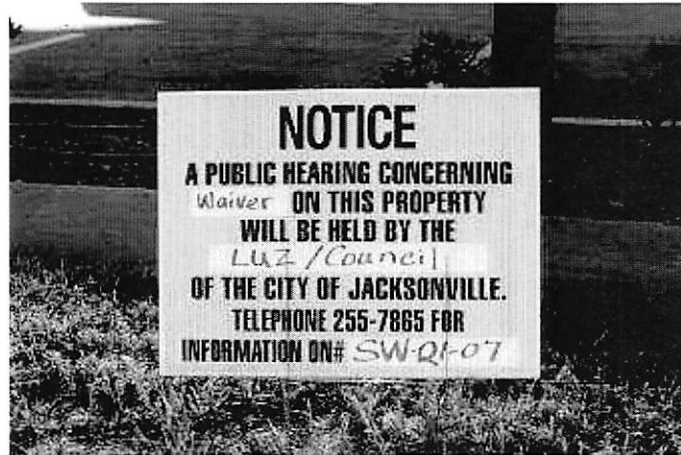
Yes. The location of the sign will be of the public's best interest to identify an emergency medical facility.

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

No. Strict compliance with the regulation would not create a financial burden on the property owner when considering the cost of compliance. The relocation of the sign to the proposed location, but meeting the 10 foot setback would have the same relative cost as locating the sign 2 feet from the property line.

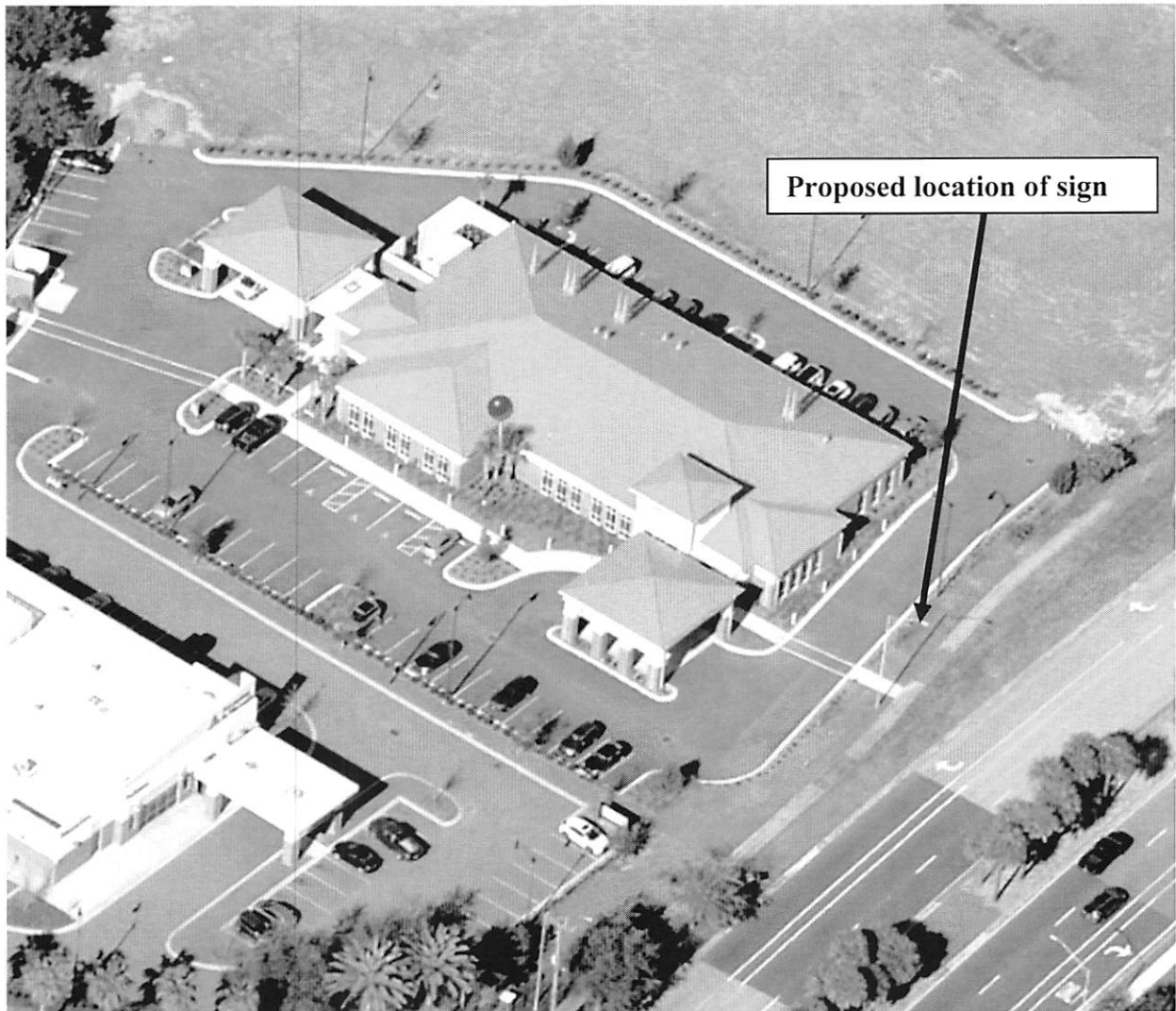
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 24, 2021 by the Planning and Development Department, the required Notice of Public Hearing signs **were** posted.

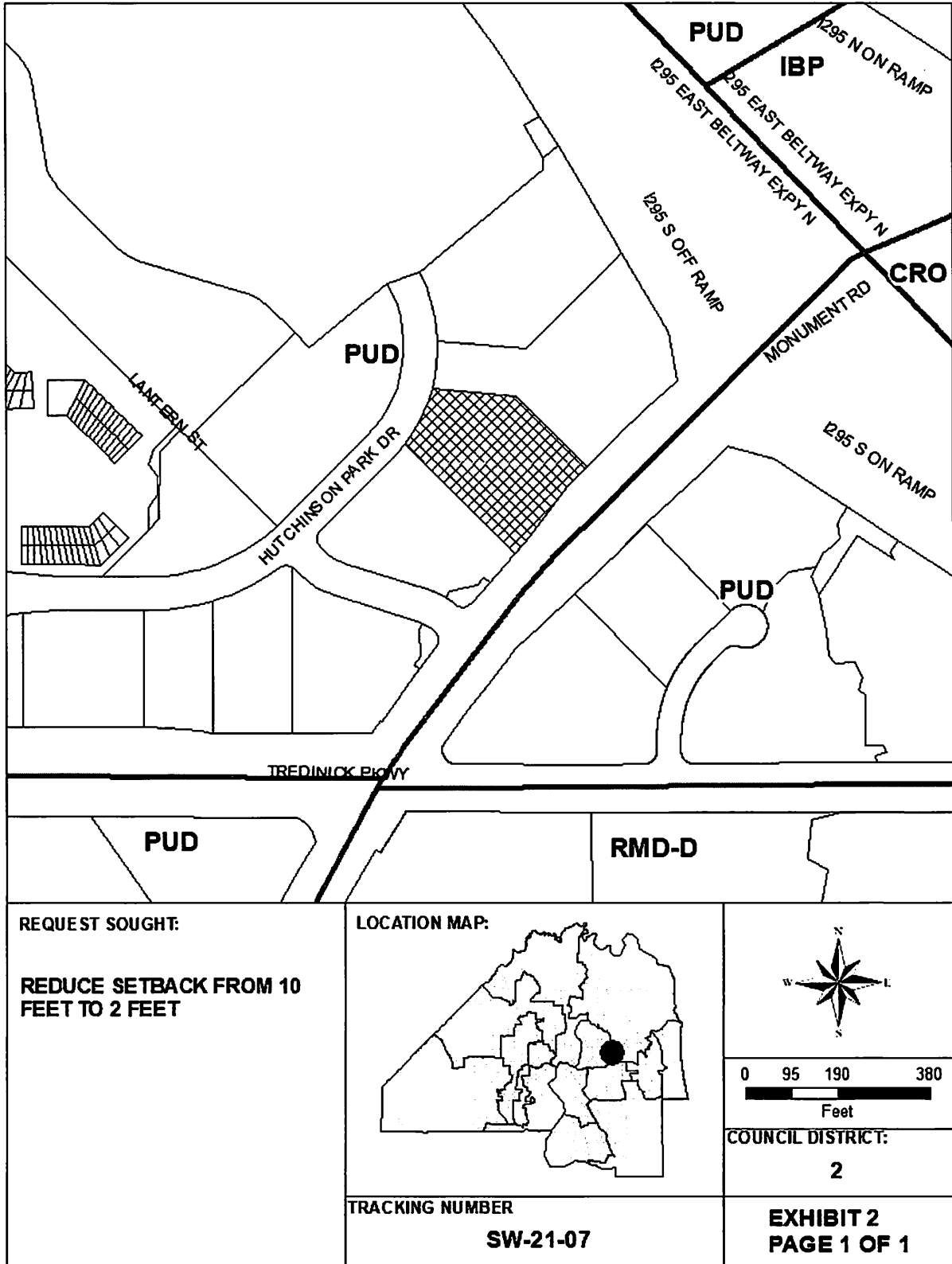


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver **SW-21-07 (Ordinance 2021-0580)** be **APPROVE**.



Aerial view of subject property.



REQUEST SOUGHT:

REDUCE SETBACK FROM 10 FEET TO 2 FEET

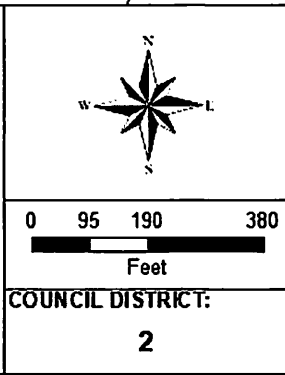
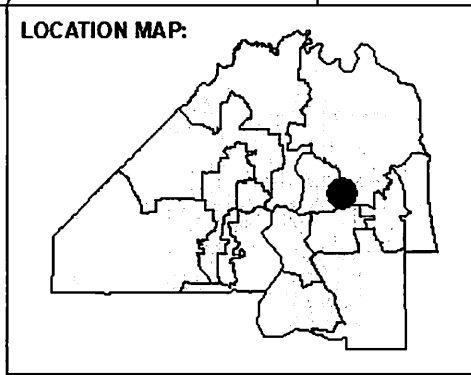


EXHIBIT 2
PAGE 1 OF 1

Date Submitted:	6/30/21
Date Filed:	7/15/21

Application Number:	SW-21-07
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:	PUD (2013-1376)	Current Land Use Category:	MU
Council District:	2	Planning District:	PD2
Previous Zoning Applications Filed (provide application numbers):			
∅			
Applicable Section of Ordinance Code:			
Reduce setback:			
Notice of Violation(s):			
Neighborhood Associations: Greater Arlington			
Overlay: ∅			
LUZ Public Hearing Date:		City Council Public Hearing Date:	
Number of Signs to Post:	2	Amount of Fee:	1173
		Zoning Asst. Initials:	Rm

PROPERTY INFORMATION	
1. Complete Property Address: 9820 HUTCHINSON PARK DRIVE	2. Real Estate Number: 120798-0580
3. Land Area (Acres): 70548	4. Date Lot was Recorded: 10/25/2019
5. Property Located Between Streets: HUTCHINSON PARK DRIVE, LANTERN ST, MONUMENT ROAD	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 2 feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted?
ASCENSION ST. VINCENTS HEALTH SYSTEM 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: ST VINCENTS HEALTH SYSTEM INC.	11. E-mail: AWARRICK@AGI.NET
12. Address (including city, state, zip): 2 SCHIRCLIFF WAY SUITE 600 JACKSONVILLE FL 32204	13. Preferred Telephone: 800-877-7868 X 3268

APPLICANT'S INFORMATION (if different from owner)

14. Name: TRACEY DIEHL, EXPEDITE THE DIEHL LLC	15. E-mail: TRACEY@EXPEDITETHEDIEHL.COM
16. Address (including city, state, zip): 6487 HILLIARD DRIVE CANAL WINCHESTER OH 43110	17. Preferred Telephone: 614-828-8215

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.

SEE ATTACHED

JUSTIFICATION

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 proposed is consistent with what the sign ordinance allows. This is for a setback waiver to allow for a sign to be placed in this current location it's absolutely necessary. This is a health care service and being able to identify this service is essential to the persons that may be in need of medical care.

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?

The waiver would not result in a detract from the intent of the ordinance. The waiver would allow a sign to be placed in an area where there is a need for a sign to identify a medical service.

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?

There will not be a negative impact on property values. This sign is consistent with the sign type and size that is allowed, it is also complimentary to the area. Lack of signage could cause confusion amongst motorist that are trying to find this hospital service.

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 sign waiver would not have a detrimental effect on traffic, parking, or nearby properties. It would not block lighting or cause shadowing.

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?

This is a waiver for a sign that contributes to the health and welfare of the community. It is necessary for those that are in search of medical care to identify their destination.

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 property fronts on multiple roadways, there are multiple elevations. The ambulance drive thru lane occupies a portion of the land along the frontage that prevents the sign from meeting the setback requirement. The proposed sign would be placed along the roadway to identify this medical service in an area where it needs to be out of the lane of parking lot traffic.

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?

There is no other way to place a sign along this frontage and the sign is necessary. There is no alternative for this location. The alternatives have already been considered, this is reduced to a single faced sign as a result of discussions with staff. This setback waiver is necessary at their recommendation it is the minimum necessary to accomplish this.

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?

No.

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?

The request is to preserve the need for a lane that ambulance traffic will travel around a medical facility. The parking lot cannot be reconfigured. Nearby signs cannot be blocked. Sign clutter is not encouraged, all alternatives have been explored. This is the minimum variance necessary to accomplish a sign at this elevation street frontage.

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

The strict compliance would result in a burden for the person that is seeking life saving services and unable to find it because of the lack of a sign to identify their destination. The sign is necessary for this hospital location. The purpose of the Zoning Code shall be to promote the health, safety, morals and general welfare of the public, to regulate the use of land and buildings and to implement the Comprehensive Plan adopted pursuant to Chapter 650, Ordinance Code and F.S. Ch. 163, Pt. II The sign proposed is in keeping with the overall intent of the comprehensive plan, sign code and the intent of the Zoning Code as stated herein.

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.coi.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 ↗		

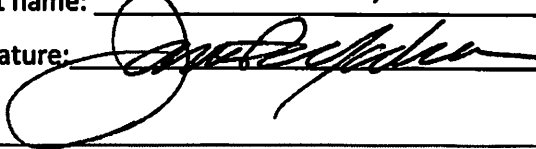
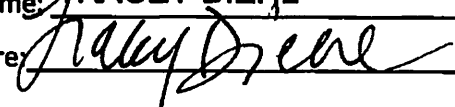
NOTE: City Council may, as a condition of the waiver, specify a time period within which the sign structure shall be required to conform to the requirements of the City’s sign regulations.

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: <u>James Machado, President</u> Signature: 	Applicant or Agent (if different than owner) Print name: <u>TRACEY DIEHL</u> Signature: 
Owner(s) Print name: _____ Signature: _____	<i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i>

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 1

Legal Description

LOT 10, AS SHOWN ON THE PLAT OF KENDALL TOWN, AS RECORDED IN PLAT BOOK S7, Pages 89, 89A THROUGH 89E, INCLUSIVE OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



ADDRESS

10101 161123
10101 161123
10101 161123
10101 161123

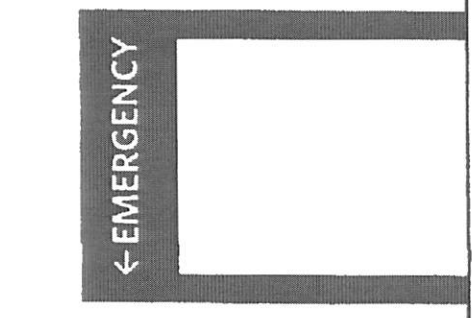
Project No.	
Client	
Contract No.	
Contract Name	
Contract Address	
Contract City	
Contract State	
Contract Zip	
Contract Phone	
Contract Fax	
Contract Email	
Contract Website	
Contract Other	

DATE: 10/11/11

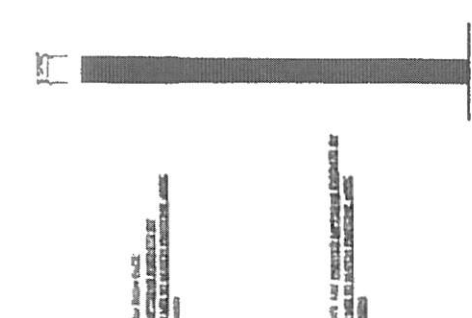
PROJECT: PP-CUST

NOTE: 1. MUST BE MOUNTED IN CALCULATED BOX

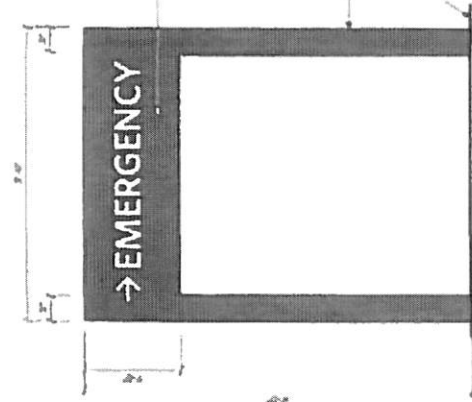
LOCATION: 10101 161123



FRONT ELEVATION
P.1.1 C



SIDE VIEW
P.1.1 C



REAR ELEVATION
P.1.1 C

DATE: 10/11/11

PROJECT: PP-CUST

DATE: 10/11/11

PROJECT: PP-CUST

DATE: 10/11/11

PROJECT: PP-CUST

DATE: 10/11/11

PROJECT: PP-CUST

DATE: 10/11/11

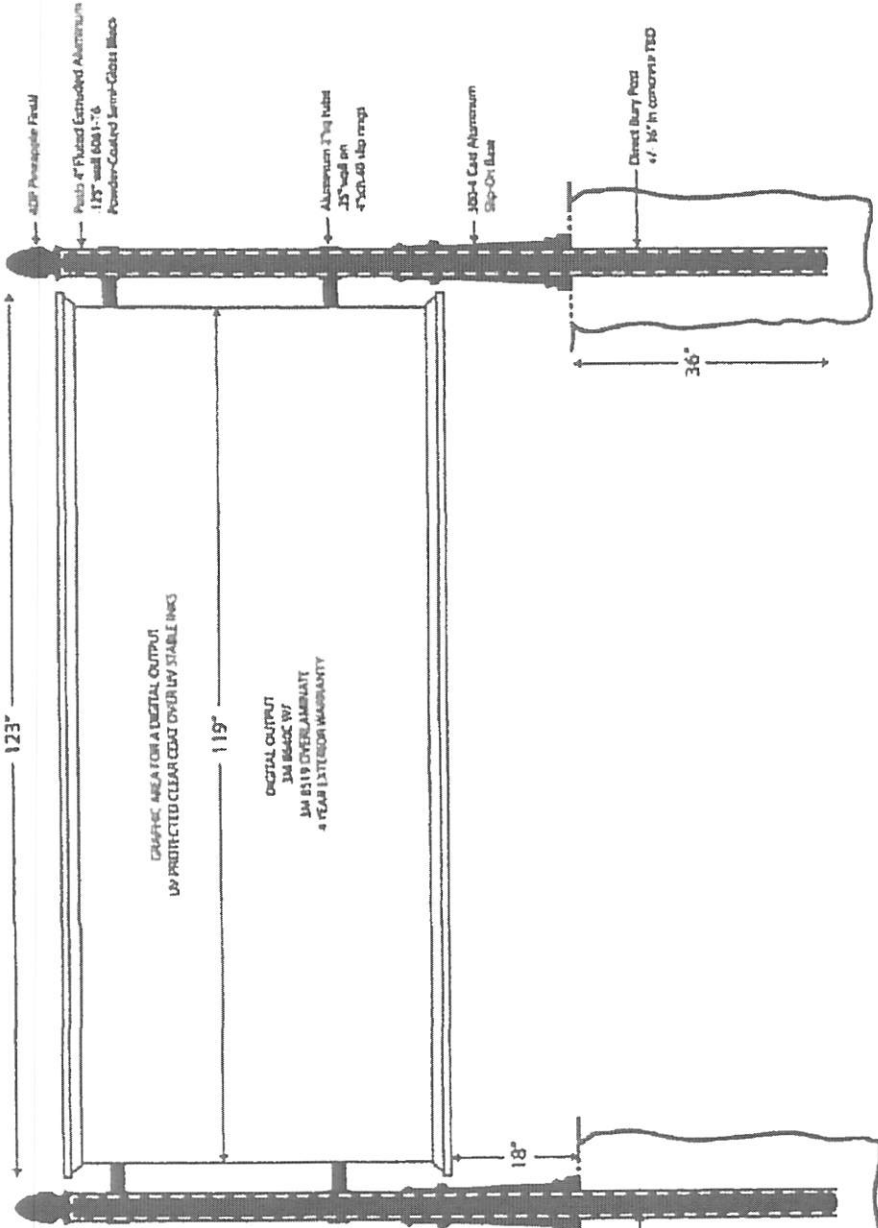
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DATE: 10/11/11

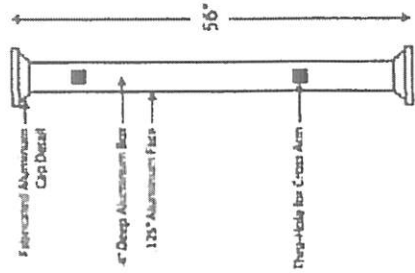


PLAN VIEW

FRONT ELEVATION



SIDE ELEVATION



Sleeve Post with 1/2" Sched Pipe 6061 T6

1/22/2020
EMERGENCY letters changed to 18"



Ascension St. Vincent's

Site Information:
Ascension St. Vincent's
Arlington

9820 Hutchinson Park Drive
Jacksonville, FL 32225
Street View

SRA Notes:

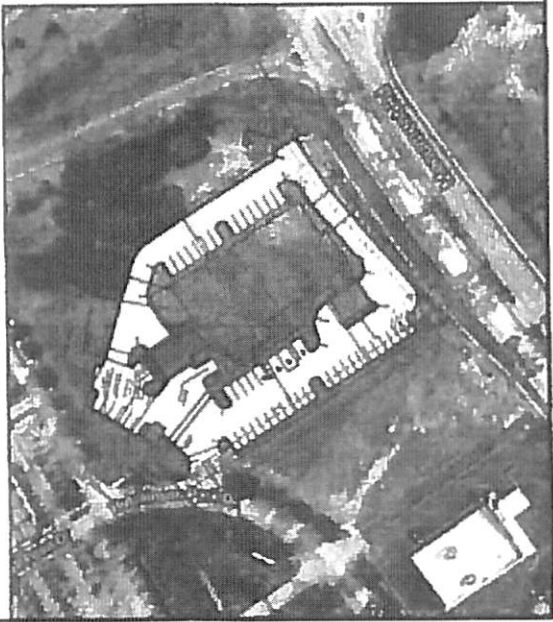
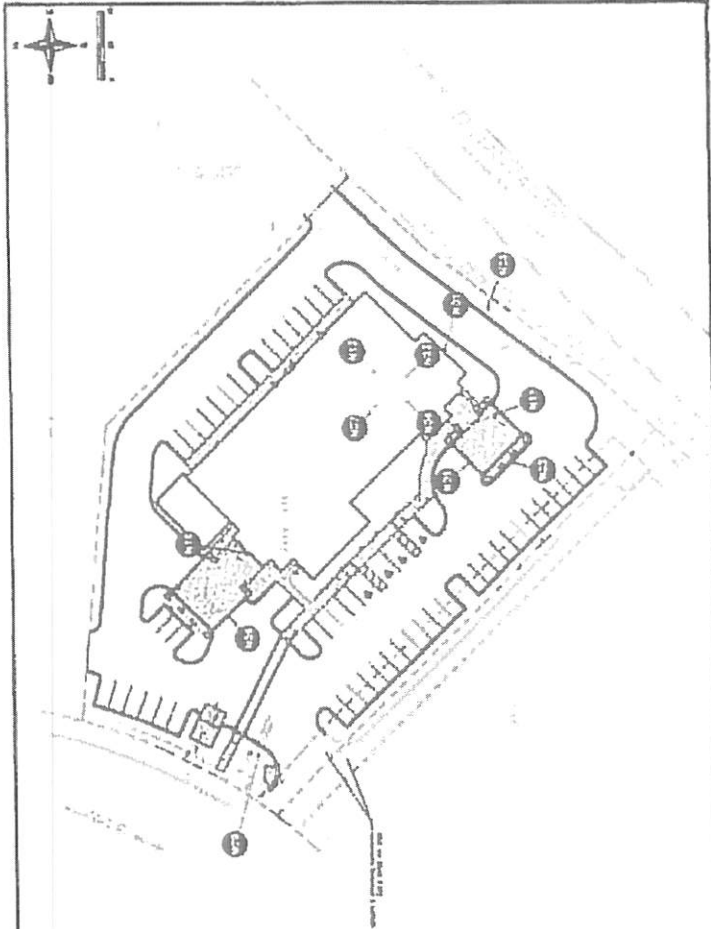
Approval

DEPARTMENT	STATUS
FACILITIES	
MARKETING	
LEGAL	
SLT	

Site ID: FLJACKENDALL

Date: February 25, 2020

Exterior Site Map



Sign Recommendation

E08

Existing

Sign Type
 Quantity
 Location
 Illumination
 Approx. Size
 H
 W
 O&L
 HDG
 Comment

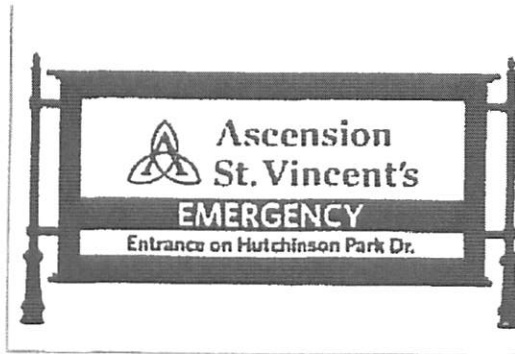
Artwork

Material

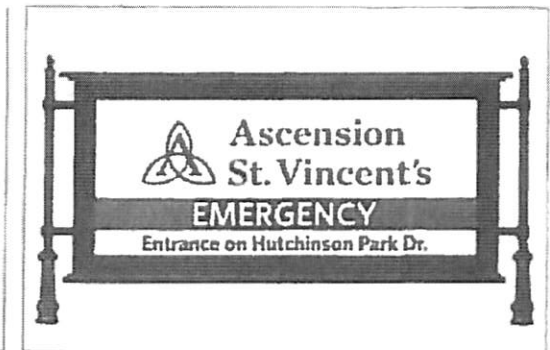
Recommended

TECHNICAL SURVEYS REQUIRED PRIOR TO SIGN MANUFACTURING

Sign Type: Custom Monument
 Sign Color: CUSTOM
 Quantity: 1
 Sign Material: Aluminum
 Sign Color: White
 Approx. Size:
 H:
 W:
 O&L:
 HDG:
 Comments:
 Final Comments:



Recommended

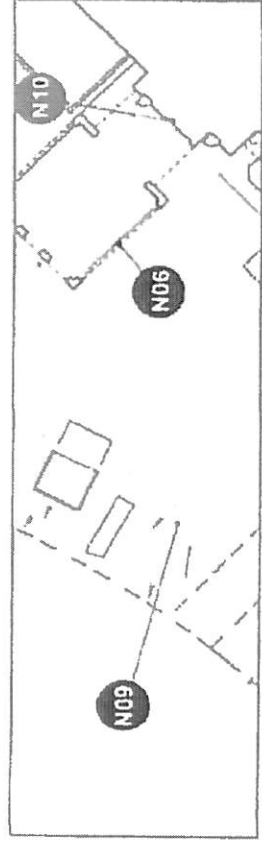


Close Up

Sign Recommendation

N09

Existing
 Sign Type None Existing
 Quantity
 Location
 Illumination
 Approval Status
 II
 W
 OAH
 1100
 Comment



Context

Action: Add New

Recommended
 Sign Type Freestanding Pole
 Sign Code ADIC (see CUS1176)
 Quantity 1
 Attachment Direct Mount
 Illumination None
 Approval Status
 II
 W
 OAH
 Comment: Sign is placed right outside vehicle for pedestrian movement

Technical Survey Not Required
 Code Compliance Yes



Recommended - Sign B



Recommended - Sign A

