

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-245**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION
6 APPLICATION AD-24-11, FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 14 AT 7320 103RD STREET, BETWEEN
8 REDSTONE DRIVE AND FIRESTONE ROAD (R.E. NO.
9 014518-0000), AS DESCRIBED HEREIN, OWNED BY
10 BURGER KING COMPANY LLC, REQUESTING TO REDUCE
11 THE PERIMETER LANDSCAPE BUFFER AREA BETWEEN
12 VEHICLE USE AREA AND ABUTTING PROPERTY ALONG THE
13 EAST BOUNDARY FROM FIVE FEET TO ZERO FEET IN
14 ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-1
15 (CCG-1), AS DEFINED AND CLASSIFIED UNDER THE
16 ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND
17 CONCLUSIONS OF THE LAND USE AND ZONING
18 COMMITTEE; PROVIDING FOR DISTRIBUTION;
19 PROVIDING AN EFFECTIVE DATE.
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21 **WHEREAS**, an application for an administrative deviation, **On**
22 **File** with the City Council Legislative Services Division, was filed
23 by John J. Stoeckel, P.E., on behalf of the owner of property located
24 in Council District 14 at 7320 103rd Street, between Redstone Drive
25 and Firestone Road (R.E. No. 014518-0000) (the "Subject Property"),
26 requesting to reduce the perimeter landscape buffer area between
27 vehicle use area and abutting property along the east boundary from
28 five feet to zero feet in current Zoning District Commercial
29 Community/General-1 (CCG-1); and

30 **WHEREAS**, the Planning and Development Department has
31 considered the application and all attachments thereto and has

1 rendered an advisory recommendation; and

2 **WHEREAS,** the Land Use and Zoning Committee, after due notice
3 held a public hearing and having duly considered both the testimonial
4 and documentary evidence presented at the public hearing, has made
5 its recommendation to the Council; now therefore

6 **BE IT ORDAINED** by the Council of the City of Jacksonville:

7 **Section 1. Adoption of Findings and Conclusions.** The
8 Council has considered the recommendation of the Land Use and Zoning
9 Committee and reviewed the Staff Report of the Planning and
10 Development Department concerning administrative deviation
11 Application AD-24-11, which requests to reduce the perimeter
12 landscape buffer area between vehicle use area and abutting property
13 along the east boundary from five feet to zero feet. Based upon the
14 competent, substantial evidence contained in the record, the Council
15 hereby determines that the requested administrative deviation meets
16 each of the following criteria required to grant the request pursuant
17 to Section 656.109(h), *Ordinance Code*, as specifically identified in
18 the Staff Report of the Planning and Development Department:

19 (1) There are practical or economic difficulties in carrying out
20 the strict letter of the regulation;

21 (2) The request is not based exclusively upon a desire to reduce
22 the cost of developing the site, but would accomplish some result
23 that is in the public interest, such as, for example, furthering the
24 preservation of natural resources by saving a tree or trees;

25 (3) The proposed deviation will not substantially diminish
26 property values in, nor alter the essential character of, the area
27 surrounding the site and will not substantially interfere with or
28 injure the rights of others whose property would be affected by the
29 deviation;

30 (4) The proposed deviation will not be detrimental to the public
31 health, safety or welfare, result in additional public expense, the

1 creation of nuisances, or conflict with any other applicable law;

2 (5) The proposed deviation has been recommended by a City
3 landscape architect, if the deviation is to reduce required
4 landscaping; and

5 (6) The effect of the proposed deviation is in harmony with the
6 spirit and intent of the Zoning Code.

7 Therefore, administrative deviation Application AD-24-11 is
8 hereby approved.

9 **Section 2. Owner and Description.** The Subject Property is
10 owned by Burger King Company LLC, and is described in **Exhibit 1**,
11 dated September 29, 2023, and graphically depicted in **Exhibit 2**, both
12 attached hereto. The applicant is John J. Stoeckel, P.E., MJ Stokes
13 Consulting, LLC, 9872 Montague Street, Tampa, Florida 33626; (607)
14 725-3269.

15 **Section 3. Distribution by Legislative Services.**
16 Legislative Services is hereby directed to mail a copy of this
17 legislation, as enacted, to the applicant and any other parties to
18 this matter who testified before the Land Use and Zoning Committee
19 or otherwise filed a qualifying written statement as defined in
20 Section 656.140(c), *Ordinance Code*.

21 **Section 4. Effective Date.** The enactment of this Ordinance
22 shall be deemed to constitute a quasi-judicial action of the City
23 Council and shall become effective upon signature by the Council
24 President and Council Secretary.

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26 Form Approved:

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28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Caroline Fulton

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