

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2023-413-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-23-50 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 12 AT 620 CHAFFEE ROAD SOUTH,
8 BETWEEN INTERSTATE 10 EXPRESSWAY AND CRYSTAL
9 SPRINGS ROAD (R.E. NO. 001848-0000 (PORTION)),
10 AS DESCRIBED HEREIN, OWNED BY FIRST COAST
11 ENERGY, L.L.P., REQUESTING PERMANENT OR
12 RESTRICTED OUTSIDE SALE AND SERVICE MEETING THE
13 PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA
14 SET FORTH IN CHAPTER 656 (ZONING CODE), PART 4
15 (SUPPLEMENTARY REGULATIONS), SUBPART A
16 (PERFORMANCE STANDARDS AND DEVELOPMENT
17 CRITERIA), IN CURRENT ZONING DISTRICTS
18 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) AND
19 RESIDENTIAL MEDIUM DENSITY-MH (RMD-MH), AS
20 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
21 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
22 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
23 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

24
25 **WHEREAS**, an application for a zoning exception, **On File** with the
26 City Council Legislative Services Division, was filed by Steve
27 Diebenow, Esq. on behalf of the owner of property located in Council
28 District 12 at 620 Chaffee Road South, between Interstate 10
29 Expressway and Crystal Springs Road (R.E. No. 001848-0000 (portion))
30 (the "Subject Property"), requesting permanent or restricted outside
31 sale and service meeting the Performance Standards and Development

1 Criteria set forth in Chapter 656 (Zoning Code), Part 4 (Supplementary
2 Regulations), Subpart A (Performance Standards and Development
3 Criteria), in current Zoning Districts Commercial Community/General-
4 1 (CCG-1) and Residential Medium Density-MH (RMD-MH); and

5 **WHEREAS**, the Planning and Development Department has considered
6 the application and all attachments thereto and has rendered an
7 advisory recommendation; and

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

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

13 **Section 1. Adoption of Findings and Conclusions.** The
14 Council has considered the recommendation of the Land Use and Zoning
15 Committee and reviewed the Staff Report of the Planning and
16 Development Department concerning application for zoning exception
17 E-23-50, which requests permanent or restricted outside sale and
18 service meeting the Performance Standards and Development Criteria
19 set forth in Chapter 656 (Zoning Code), Part 4 (Supplementary
20 Regulations), Subpart A (Performance Standards and Development
21 Criteria). Based upon the competent, substantial evidence contained
22 in the record, the Council hereby determines that the requested zoning
23 exception meets each of the following criteria required to grant the
24 request pursuant to Section 656.131(c), *Ordinance Code*, as
25 specifically identified in the Staff Report of the Planning and
26 Development Department:

27 (1) Will be consistent with the Comprehensive Plan, including
28 any subsequent plan adopted by the Council pursuant thereto;

29 (2) Will be compatible with the existing contiguous uses or
30 zoning and compatible with the general character of the area,
31 considering population density, design, scale and orientation of

1 structures to the area, property values, and existing similar uses
2 or zoning;

3 (3) Will not have an environmental impact inconsistent with the
4 health, safety and welfare of the community;

5 (4) Will not have a detrimental effect on vehicular or pedestrian
6 traffic, or parking conditions, and will not result in the generation
7 or creation of traffic inconsistent with the health, safety and
8 welfare of the community;

9 (5) Will not have a detrimental effect on the future development
10 of contiguous properties or the general area, according to the
11 Comprehensive Plan, including any subsequent amendment to the plan
12 adopted by the Council;

13 (6) Will not result in the creation of objectionable or
14 excessive noise, lights, vibrations, fumes, odors, dust or physical
15 activities, taking into account existing uses or zoning in the
16 vicinity;

17 (7) Will not overburden existing public services and facilities;

18 (8) Will be sufficiently accessible to permit entry onto the
19 property by fire, police, rescue and other services; and

20 (9) Will be consistent with the definition of a zoning
21 exception, and will meet the standards and criteria of the zoning
22 classification in which such use is proposed to be located, and all
23 other requirements for such particular use set forth elsewhere in the
24 Zoning Code, or otherwise adopted by the Planning Commission or
25 Council.

26 Therefore, zoning exception application E-23-50 is hereby
27 approved.

28 **Section 2. Owner and Description.** The Subject Property is
29 owned by First Coast Energy, L.L.P., and is described in **Exhibit 1**,
30 dated May 11, 2023, and graphically depicted in **Exhibit 2**, both
31 attached hereto. The applicant is Steve Diebenow, Esq., One

1 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)
2 301-1269.

3 **Section 3. Distribution by Legislative Services.**

4 Legislative Services is hereby directed to mail a copy of this
5 legislation, as enacted, to the applicant and any other parties to
6 this matter who testified before the Land Use and Zoning Committee
7 or otherwise filed a qualifying written statement as defined in
8 Section 656.140(c), *Ordinance Code*.

9 **Section 4. Effective Date.** The enactment of this Ordinance

10 shall be deemed to constitute a quasi-judicial action of the City
11 Council and shall become effective upon signature by the Council
12 President and Council Secretary. Failure to exercise the zoning
13 exception, if herein granted, by the commencement of the use or action
14 herein approved within one (1) year of the effective date of this
15 legislation shall render this zoning exception invalid and all rights
16 arising therefrom shall terminate.

17
18 Form Approved:

19
20 _____
21 /s/ Shannon K. Eller

22 Office of General Counsel

23 Legislation Prepared By: Kaysie Cox

GC-#1578507-v1-2023-413_(Z-4947).docx