

1 Introduced and amended by the Land Use and Zoning Committee and amended
2 on the Floor of Council:

3
4
5 **RESOLUTION 2019-279-A**

6 A RESOLUTION DENYING AN APPEAL FILED BY SUSAN
7 ARNSTEIN, MURRAY (LAD) F. HAWKINS, III, ETHEL
8 (EDDI) PARSONS, AND ROBERTA S. THOMAS, PURSUANT
9 TO SECTION 656.141, *ORDINANCE CODE*, APPEALING THE
10 FINAL ORDER ISSUED BY THE PLANNING COMMISSION
11 APPROVING ZONING EXCEPTION APPLICATION E-19-13
12 FOR AN AUTOMOBILE STORAGE YARD, BUS AND TRACTOR
13 STORAGE, AND BUILDING TRADES CONTRACTOR WITH
14 OUTDOOR STORAGE AT 5918 COMMERCE STREET (COUNCIL
15 DISTRICT 1); ADOPTING RECOMMENDED FINDINGS AND
16 CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE;
17 APPROVING ZONING EXCEPTION APPLICATION E-19-13,
18 SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE
19 DATE.

20
21 **WHEREAS**, Michael Anania applied to the Planning Commission for a
22 Zoning Exception to allow an automobile storage yard, bus and tractor
23 storage, and building trades contractor with outdoor storage at 5918
24 Commerce Street (Application E-19-13), in Council District 1, in the
25 Commercial Community/General-2 (CCG-2) Zoning District; and

26 **WHEREAS**, the Planning Commission approved Application E-19-13 by
27 Final Order dated March 21, 2019; and

28 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*, Susan
29 Arnstein, Murray (Lad) F. Hawkins, III, on behalf of Greater Arlington
30 Civic Council, Inc., Ethel (Eddi) Parsons, and Roberta S. Thomas filed

1 a notice of appeal; and

2 **WHEREAS**, such appeal was timely filed and the appellants have
3 standing to appeal; now, therefore

4 **BE IT RESOLVED** by the Council of the City of Jacksonville:

5 **Section 1. Adoption of recommended findings and conclusions.**

6 The Council has reviewed the record of proceedings, which is **On**
7 **File** with the City Council Legislative Services Division and the
8 Planning and Development Department, and has considered the recommended
9 findings and conclusions of the Land Use and Zoning Committee. The
10 recommended findings and conclusions of the Land Use and Zoning
11 Committee are hereby adopted and this Resolution is the final action of
12 the Council. Based on the competent substantial evidence in the record
13 of proceedings, including the Planning and Development Department Staff
14 Report, the Appeal is denied, the Planning Commission Final Order
15 approving Zoning Exception Application E-19-13 is upheld, except as
16 modified herein, and Zoning Exception Application E-19-13 is approved,
17 subject to the following conditions:

18 (1) A minimum 5 foot setback from all the property lines for a
19 landscape and fence buffer shall be provided.

20 (2) At the setback line, the applicant shall install a wood
21 fence that is 95% opaque.

22 (3) On the right-of-way side of the fence, the applicant shall
23 install one evergreen tree (3 inch caliper and 12 feet in height) every
24 25 feet on center, or, if the trees are Live Oaks, every 40 feet on
25 center. The applicant shall have two (2) years from the commencement
26 of the first use permitted by Zoning Exception Application E-19-13 to
27 comply with this condition.

28 (4) An evergreen hedge shall be provided in the buffer, and
29 shall be 2.5 feet in height at the time of planting. The applicant
30 shall have two (2) years from the commencement of the first use
31 permitted by Zoning Exception Application E-19-13 to comply with this

1 condition.

2 (5) Prior to issuance of a Certificate of Use, a site plan shall
3 be submitted showing the required parking for the existing building at
4 5918 Commerce Street.

5 **Section 2. Effective Date.** The adoption of this
6 Resolution shall be deemed to constitute a quasi-judicial action of the
7 City Council and shall become effective upon signature by the Council
8 President and Council Secretary.

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10 Form Approved:

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12 /s/ Shannon K. Eller

13 Office of General Counsel

14 Legislation Prepared by: Shannon K. Eller

15 GC-#1287194-v1-2019-279-A