

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **RESOLUTION 2022-203-A**

5 A RESOLUTION GRANTING THE APPEAL FILED BY FITOZ,  
6 LLC, OF THE FINAL ORDER ISSUED BY THE PLANNING  
7 COMMISSION DENYING APPLICATION FOR ZONING  
8 EXCEPTION E-22-01 AND THE COMPANION FINAL ORDER  
9 ISSUED BY THE PLANNING COMMISSION DENYING  
10 APPLICATION FOR ADMINISTRATIVE DEVIATION AD-22-  
11 01, ON 0.10± ACRES OF PROPERTY LOCATED AT 0  
12 HUBBARD STREET (R.E. NO. 071838-0000) IN THE  
13 COMMERCIAL COMMUNITY/GENERAL-SPRINGFIELD (CCG-  
14 S) ZONING DISTRICT, PURSUANT TO SECTION 656.141,  
15 *ORDINANCE CODE*; ADOPTING RECOMMENDED FINDINGS  
16 AND CONCLUSIONS OF THE LAND USE AND ZONING  
17 COMMITTEE; PROVIDING FOR NOTICE; PROVIDING AN  
18 EFFECTIVE DATE.  
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20 **WHEREAS**, Fitoz, LLC, applied to the Planning Commission for a  
21 Zoning Exception to permit development of two multi-family dwelling  
22 units (duplex) (E-22-01) and for a companion Administrative Deviation  
23 seeking to: (1) reduce the minimum number of off-street parking spaces  
24 from four spaces to two spaces; (2) reduce the side yard setback from  
25 15 feet to three feet along the north property line; and (3) reduce  
26 the distance between structures from six feet to 3.75 feet along the  
27 south property line (AD-22-01), on 0.10± acres of property located  
28 at 0 Hubbard Street (R.E. No. 071838-0000), in the Commercial  
29 Community/General-Springfield (CCG-S) Zoning District, and within the  
30 Springfield Historic District and Springfield Zoning Overlay; and

31 **WHEREAS**, the Planning Commission denied Application E-22-01 by

1 Final Order dated February 3, 2022; and

2 **WHEREAS**, the Planning Commission denied Application AD-22-01 by  
3 Final Order dated February 3, 2022; and

4 **WHEREAS**, on February 22, 2022, pursuant to Section 656.141,  
5 *Ordinance Code*, Fitoz, LLC filed a Notice of Appeal, appealing the  
6 Final Order denying E-22-01 and the Final Order denying AD-22-01; and

7 **WHEREAS**, such appeal was timely filed, and the appellant has  
8 standing to appeal; and

9 **WHEREAS**, notwithstanding the language in Council Rule  
10 2.102(a)(5) which provides that the Rules Committee shall consider  
11 all resolutions, this appeal is a quasi-judicial matter that is heard  
12 only by the Land Use and Zoning Committee as the committee of  
13 reference to the City Council for such matters pursuant to the  
14 procedures outlined in Section 656.142, *Ordinance Code*; now,  
15 therefore

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

17 **Section 1. Adoption of Recommended Findings and**  
18 **Conclusions.** The Council has reviewed the record of proceedings, **On**  
19 **File** in the City Council Legislative Services Division and the  
20 Planning and Development Department, and has considered the  
21 recommended findings and conclusions of the Land Use and Zoning  
22 Committee. The recommended findings and conclusions of the Land Use  
23 and Zoning Committee are hereby adopted. This Resolution is the  
24 final action of the Council. Based on the competent substantial  
25 evidence in the record of proceedings, including the Planning and  
26 Development Department Staff Reports, the appeal is granted. The  
27 Planning Commission Final Order denying Application E-22-01 and the  
28 Planning Commission Final Order denying companion Application AD-22-  
29 01 are overturned, and Applications E-22-01 and AD-22-01 are approved,  
30 subject to the conditions outlined herein. Pursuant to Section  
31 166.033, *Florida Statutes*, the Council hereby finds:

1 (1) This Resolution shall serve as written notice to the  
2 appellant/applicant, Fitoz, LLC.

3 (2) Based on the competent substantial evidence in the record  
4 of proceedings, Application E-22-01 meets, to the extent applicable,  
5 the standards and criteria for an Exception set forth in Section  
6 656.131(c), *Ordinance Code*, and is approved.

7 (3) Based on the competent and substantial evidence in the  
8 record of proceedings, Application AD-22-01 meets each of the criteria  
9 for an Administrative Deviation set forth in Section 656.109(h),  
10 *Ordinance Code*, and is approved.

11 (4) The Council's grant of this appeal, and its approval of  
12 Applications E-22-01 and AD-22-01, is subject to the following  
13 condition:

14 (a) Development of the property shall be subject to  
15 the Revised Site Plan dated February 24, 2022, **attached**  
16 **hereto** as **Exhibit 1**.

17 **Section 2. Notice.** Legislative Services is hereby directed  
18 to mail a copy of this Resolution, as adopted, to the  
19 appellant/applicant, and any other parties to this matter who  
20 testified before the Land Use and Zoning Committee, or otherwise  
21 filed a qualifying written statement as defined in Section 656.140(c),  
22 *Ordinance Code*.

23 **Section 3. Effective Date.** The adoption of this Resolution  
24 shall be deemed to constitute a quasi-judicial action of the City  
25 Council and shall become effective upon signature by the Council  
26 President and Council Secretary.

1 Form Approved:

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3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared by: Mary E. Staffopoulos

6 GC-#1495893-v1-2022-203-A