

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

4 **ORDINANCE 2019-488-E**

5 AN ORDINANCE APPROVING ADMINISTRATIVE
6 DEVIATION APPLICATION Z-2387, LOCATED IN
7 COUNCIL DISTRICT 11 AT 14055 PHILIPS HIGHWAY,
8 BETWEEN RACE TRACK ROAD AND STATE ROAD 9B
9 (R.E. NO. 168124-0000) AS DESCRIBED HEREIN,
10 OWNED BY MASTERFIT GOLF TEACHING AND FITTING
11 ACADEMY, INC., REQUESTING TO REDUCE THE
12 MINIMUM NUMBER OF OFF-STREET PARKING SPACES
13 FROM 2 TO 1; TO DECREASE THE MINIMUM NUMBER OF
14 LOADING SPACES FROM 6 TO 0; AND TO DECREASE
15 THE MINIMUM NUMBER OF BICYCLE PARKING SPACES
16 FROM 2 TO 1, IN CURRENT ZONING DISTRICT CCG-1
17 (COMMERCIAL COMMUNITY/GENERAL-1)/PROPOSED
18 ZONING DISTRICT CRO (COMMERCIAL RESIDENTIAL
19 OFFICE), AS DEFINED AND CLASSIFIED UNDER THE
20 ZONING CODE; CERTIFICATION REQUIRED FOR
21 SATISFACTION OF CONDITION(S); PROVIDING AN
22 EFFECTIVE DATE.
23

24 **WHEREAS**, an application for an administrative deviation was
25 filed by Masterfit Golf Teaching and Fitting Academy, Inc., the
26 owner of property located in Council District 11 at 14055 Philips
27 Highway, between Race Track Road and State Road 9B (R.E. No.
28 168124-0000) (Subject Property), requesting to reduce the minimum
29 number of off-street parking spaces from 2 to 1; to decrease the
30 minimum number of loading spaces from 6 to 0; and to decrease the
31 minimum number of bicycle parking spaces from 2 to 1, in current

1 Zoning District CCG-1 (Commercial Community/General-1)/proposed
2 Zoning District CRO (Commercial Residential Office); and

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

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

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

11 **Section 1. Adoption of Findings and Conclusions.** The
12 Council has considered the recommendation of the Land Use and
13 Zoning Committee and reviewed the Staff Report of the Planning and
14 Development Department concerning administrative deviation
15 Application Z-2387, which requests to reduce the minimum number of
16 off-street parking spaces from 2 to 1; to decrease the minimum
17 number of loading spaces from 6 to 0; and to decrease the minimum
18 number of bicycle parking spaces from 2 to 1. Based upon the
19 competent, substantial evidence contained in the record, the
20 Council hereby determines that the requested administrative
21 deviation meets each of the following criteria required to grant
22 the request pursuant to Section 656.109(h), *Ordinance Code*:

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

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

30 (3) The proposed deviation will not substantially diminish
31 property values in, nor alter the essential character of, the area

1 surrounding the site and will not substantially interfere with or
2 injure the rights of others whose property would be affected by the
3 deviation;

4 (4) The proposed deviation will not be detrimental to the
5 public health, safety or welfare, result in additional public
6 expense, the creation of nuisances, or conflict with any other
7 applicable law;

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

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

13 Therefore, administrative deviation Application Z-2387 is
14 hereby **approved**.

15 **Section 2. Certification.** Should a condition be placed
16 upon the approval of this administrative deviation, then prior to
17 requesting a final building inspection or occupying the facility in
18 any manner, the lead horizontal and lead vertical design
19 professionals shall submit to the Planning and Development
20 Department separate certification letters confirming that all
21 horizontal and vertical components of the development have been
22 substantially completed, and all conditions to the development
23 order have been satisfied. This condition shall apply to both
24 phased and non-phased developments.

25 **Section 3. Owner and Description.** The Subject Property is
26 owned by Masterfit Golf Teaching and Fitting Academy, Inc., and is
27 described in **Exhibit 1**, dated June 13, 2019, and graphically
28 depicted in **Exhibit 2**, both **attached hereto**.

29 **Section 4. Distribution by Legislative Services.**
30 Legislative Services is hereby directed to mail a copy of this
31 legislation, as enacted, to the applicant and any other parties to

1 this matter who testified before the Land Use and Zoning Committee
2 or otherwise filed a qualifying written statement as defined in
3 Section 656.140(c), *Ordinance Code*.

4 **Section 5. Effective Date.** The enactment of this
5 Ordinance shall be deemed to constitute a quasi-judicial action of
6 the City Council and shall become effective upon signature by the
7 Council President and Council Secretary. Failure to exercise the
8 administrative deviation, if herein granted, by the commencement of
9 the use or action herein approved within one year of the effective
10 date of this legislation shall render this administrative deviation
11 invalid and all rights arising therefrom shall terminate.

12
13 Form Approved:

14
15 /s/ Shannon K. Eller

16 Office of General Counsel

17 Legislation Prepared By: Arimus Wells

18 GC-#1292874-v1-AD-2387_LS_COMP