

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-515-E**

5 AN ORDINANCE APPROVING, WITH CONDITION,
6 ADMINISTRATIVE DEVIATION APPLICATION AD-19-
7 2399, LOCATED IN COUNCIL DISTRICT 14 AT 1502
8 DANCY STREET, BETWEEN PARK STREET AND ELOISE
9 STREET (R.E. NO. 091732-0000) AS DESCRIBED
10 HEREIN, OWNED BY WILSON-NOVEMBER PROPERTIES,
11 LLC, REQUESTING TO REDUCE THE DRIVEWAY WIDTH
12 FROM 24 FEET TO 16 FEET; TO REDUCE THE SETBACK
13 FROM 20 FEET TO 4.5 FEET ALONG THE SOUTH
14 PROPERTY LINE; TO REDUCE THE UNCOMPLEMENTARY
15 LAND USE BUFFER ADJACENT TO A SINGLE FAMILY
16 DWELLING FROM 10 FEET TO 5 FEET; TO REDUCE
17 TREE PLANTING REQUIREMENTS IN THE BUFFER AND
18 INCREASE TREE SPACING; TO REDUCE TREE PLANTING
19 REQUIREMENTS ON PARK STREET; TO REDUCE TREE
20 PLANTING REQUIREMENTS ON ELOISE STREET; AND TO
21 REDUCE THE REQUIRED FRONT YARD ON PARK STREET
22 FROM 20 FEET TO 0 FEET (RAISED COVER DECK), IN
23 CURRENT ZONING DISTRICT CO (COMMERCIAL
24 OFFICE)/PROPOSED ZONING DISTRICT CN
25 (COMMERCIAL NEIGHBORHOOD), AS DEFINED AND
26 CLASSIFIED UNDER THE ZONING CODE;
27 CERTIFICATION REQUIRED FOR SATISFACTION OF
28 CONDITION(S); PROVIDING AN EFFECTIVE DATE.

29
30 **WHEREAS**, an application for an administrative deviation was

1 filed by Wilson-November Properties, LLC, the owner of property
2 located in Council District 14 at 1502 Dancy Street, between Park
3 Street and Eloise Street (R.E. No. 091732-0000) (Subject Property),
4 requesting to reduce the driveway width from 24 feet to 16 feet; to
5 reduce the setback from 20 feet to 4.5 feet along the south
6 property line; to reduce the uncomplementary land use buffer
7 adjacent to a single family dwelling from 10 feet to 5 feet; to
8 reduce tree planting requirements in the buffer and increase tree
9 spacing; to reduce tree planting requirements on Park Street; to
10 reduce tree planting requirements on Eloise Street; and to reduce
11 the required front yard on Park Street from 20 feet to 0 feet
12 (raised cover deck), in current Zoning District CO (Commercial
13 Office)/proposed Zoning District CN (Commercial Neighborhood); and

14 **WHEREAS**, the Planning and Development Department has
15 considered the application and all attachments thereto and has
16 rendered an advisory recommendation; and

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

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

22 **Section 1. Adoption of Findings and Conclusions.** The
23 Council has considered the recommendation of the Land Use and
24 Zoning Committee and reviewed the Staff Report of the Planning and
25 Development Department concerning administrative deviation
26 Application AD-19-2399, which requests to reduce the driveway width
27 from 24 feet to 16 feet; to reduce the setback from 20 feet to 4.5
28 feet along the south property line; to reduce the uncomplementary
29 land use buffer adjacent to a single family dwelling from 10 feet
30 to 5 feet; to reduce tree planting requirements in the buffer and
31 increase tree spacing; to reduce tree planting requirements on Park

1 Street; to reduce tree planting requirements on Eloise Street; and
2 to reduce the required front yard on Park Street from 20 feet to 0
3 feet (raised cover deck), as more particularly described in the
4 Staff Report of the Planning and Development Department. Based
5 upon the competent, substantial evidence contained in the record,
6 the Council hereby determines that the requested administrative
7 deviation meets each of the following criteria required to grant
8 the request pursuant to Section 656.109(h), *Ordinance Code*:

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

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

16 (3) The proposed deviation will not substantially diminish
17 property values in, nor alter the essential character of, the area
18 surrounding the site and will not substantially interfere with or
19 injure the rights of others whose property would be affected by the
20 deviation;

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

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

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

30 Therefore, administrative deviation Application AD-19-2399 is
31 hereby **approved, with condition.**

1 **Section 2. Administrative Deviation Approved Subject to**
2 **Condition.** This administrative deviation is approved subject to the
3 following condition, and such condition may only be amended through
4 a rezoning.

5 (1) The development shall comply with the Historic
6 Preservation Commission Final Order for COA-19-22324.

7 **Section 3. Certification.** Should a condition be placed
8 upon the approval of this administrative deviation, then prior to
9 requesting a final building inspection or occupying the facility in
10 any manner, the lead horizontal and lead vertical design
11 professionals shall submit to the Planning and Development
12 Department separate certification letters confirming that all
13 horizontal and vertical components of the development have been
14 substantially completed, and all conditions to the development
15 order have been satisfied. This condition shall apply to both
16 phased and non-phased developments.

17 **Section 4. Owner and Description.** The Subject Property is
18 owned by Wilson-November Properties, LLC, and is described in
19 **Exhibit 1**, dated July 9, 2019, and graphically depicted in **Exhibit**
20 **2**, both **attached hereto**.

21 **Section 5. Distribution by Legislative Services.**
22 Legislative Services is hereby directed to mail a copy of this
23 legislation, as enacted, to the applicant and any other parties to
24 this matter who testified before the Land Use and Zoning Committee
25 or otherwise filed a qualifying written statement as defined in
26 Section 656.140(c), *Ordinance Code*.

27 **Section 6. Effective Date.** The enactment of this
28 Ordinance shall be deemed to constitute a quasi-judicial action of
29 the City Council and shall become effective upon signature by the
30 Council President and Council Secretary. Failure to exercise the
31 administrative deviation, if herein granted, by the commencement of

1 the use or action herein approved within one year of the effective
2 date of this legislation shall render this administrative deviation
3 invalid and all rights arising therefrom shall terminate.

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5 Form Approved:

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7 /s/ Shannon K. Eller

8 Office of General Counsel

9 Legislation Prepared By: Connie Patterson

10 GC-#1304225-v1-2019-515-E