

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

4 **ORDINANCE 2019-515**

5 AN ORDINANCE APPROVING ADMINISTRATIVE
6 DEVIATION APPLICATION AD-19-2399, LOCATED IN
7 COUNCIL DISTRICT 14 AT 1502 DANCY STREET,
8 BETWEEN PARK STREET AND ELOISE STREET (R.E.
9 NO. 091732-0000) AS DESCRIBED HEREIN, OWNED BY
10 WILSON-NOVEMBER PROPERTIES, LLC, REQUESTING TO
11 REDUCE THE DRIVEWAY WIDTH FROM 24 FEET TO 16
12 FEET; TO REDUCE THE SETBACK FROM 20 FEET TO
13 4.5 FEET ALONG THE SOUTH PROPERTY LINE; TO
14 REDUCE THE UNCOMPLEMENTARY LAND USE BUFFER
15 ADJACENT TO A SINGLE FAMILY DWELLING FROM 10
16 FEET TO 5 FEET; TO REDUCE TREE PLANTING
17 REQUIREMENTS IN THE BUFFER AND INCREASE TREE
18 SPACING; TO REDUCE TREE PLANTING REQUIREMENTS
19 ON PARK STREET; TO REDUCE TREE PLANTING
20 REQUIREMENTS ON ELOISE STREET; AND TO REDUCE
21 THE REQUIRED FRONT YARD ON PARK STREET FROM 20
22 FEET TO 0 FEET (RAISED COVER DECK), IN CURRENT
23 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
31 filed by Wilson-November Properties, LLC, the owner of property

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

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

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

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

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

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

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

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

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

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

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

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

29 Therefore, administrative deviation Application AD-19-2399 is
30 hereby **approved**.

31 **Section 2. Certification.** Should a condition be placed

1 upon the approval of this administrative deviation, then prior to
2 requesting a final building inspection or occupying the facility in
3 any manner, the lead horizontal and lead vertical design
4 professionals shall submit to the Planning and Development
5 Department separate certification letters confirming that all
6 horizontal and vertical components of the development have been
7 substantially completed, and all conditions to the development
8 order have been satisfied. This condition shall apply to both
9 phased and non-phased developments.

10 **Section 3. Owner and Description.** The Subject Property is
11 owned by Wilson-November Properties, LLC, and is described in
12 **Exhibit 1**, dated July 9, 2019, and graphically depicted in **Exhibit**
13 **2**, both **attached hereto**.

14 **Section 4. Distribution by Legislative Services.**
15 Legislative Services is hereby directed to mail a copy of this
16 legislation, as enacted, to the applicant and any other parties to
17 this matter who testified before the Land Use and Zoning Committee
18 or otherwise filed a qualifying written statement as defined in
19 Section 656.140(c), *Ordinance Code*.

20 **Section 5. Effective Date.** The enactment of this
21 Ordinance shall be deemed to constitute a quasi-judicial action of
22 the City Council and shall become effective upon signature by the
23 Council President and Council Secretary. Failure to exercise the
24 administrative deviation, if herein granted, by the commencement of
25 the use or action herein approved within one year of the effective
26 date of this legislation shall render this administrative deviation
27 invalid and all rights arising therefrom shall terminate.

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Connie Patterson

6 GC-#1293538-v1-AD-2399