

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-392**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION
6 APPLICATION AD-22-42, FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICTS 2 AND 7 AT 0 NEW BERLIN ROAD
8 AND 953 NEW BERLIN ROAD, BETWEEN NEW BERLIN ROAD
9 AND STARRATT ROAD (R.E. NOS. 106953-0105 AND
10 106665-0000), AS DESCRIBED HEREIN, OWNED BY
11 CHETS CREEK NORTHSIDE, LLC AND CHETS CREEK
12 STARRATT, LLC, REQUESTING TO REDUCE THE MINIMUM
13 NUMBER OF OFF-STREET PARKING SPACES FROM 436 TO
14 376 AND TO DECREASE THE MINIMUM NUMBER OF
15 LOADING SPACES FROM 7 TO 0 FOR TWO LOTS IN ZONING
16 DISTRICTS PLANNED UNIT DEVELOPMENT (PUD) (2006-
17 867-E), COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)
18 AND COMMERCIAL NEIGHBORHOOD (CN), AS DEFINED AND
19 CLASSIFIED UNDER THE ZONING CODE; ADOPTING
20 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND
21 USE AND ZONING COMMITTEE; PROVIDING FOR
22 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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24 **WHEREAS**, an application for an administrative deviation, **On File**
25 with the City Council Legislative Services Division, was filed by
26 Cyndy Trimmer, Esq., on behalf of the owners of property located in
27 Council Districts 2 and 7 at 0 New Berlin Road and 953 New Berlin
28 Road, between New Berlin Road and Starratt Road (R.E. Nos. 106953-
29 0105 and 106665-0000) (the "Subject Property"), requesting to reduce
30 the minimum number of off-street parking spaces from 436 to 376 and
31 to decrease the minimum number of loading spaces from 7 to 0 for two

1 lots, in Zoning Districts Planned Unit Development (PUD) (2006-867-
2 E), Commercial Community/General-1 (CCG-1) and Commercial
3 Neighborhood (CN); and

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

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

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

12 **Section 1. Adoption of Findings and Conclusions.** The
13 Council has considered the recommendation of the Land Use and Zoning
14 Committee and reviewed the Staff Report of the Planning and
15 Development Department concerning administrative deviation
16 Application AD-22-42, which requests to reduce the minimum number of
17 off-street parking spaces from 436 to 376 and to decrease the minimum
18 number of loading spaces from 7 to 0 for two lots. Based upon the
19 competent, substantial evidence contained in the record, the Council
20 hereby determines that the requested administrative deviation meets
21 each of the following criteria required to grant the request pursuant
22 to Section 656.109(h), *Ordinance Code*, as specifically identified in
23 the Staff Report of the Planning and Development Department:

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

26 (2) The request is not based exclusively upon a desire to reduce
27 the cost of developing the site, but would accomplish some result
28 that is in the public interest, such as, for example, furthering the
29 preservation of natural resources by saving a tree 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 public
5 health, safety or welfare, result in additional public expense, the
6 creation of nuisances, or conflict with any other applicable law;

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

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

12 Therefore, administrative deviation Application AD-22-42 is
13 hereby **approved**.

14 **Section 2. Owner and Description.** The Subject Property is
15 owned by Chets Creek Northside, LLC and Chets Creek Starratt, LLC and
16 is described in **Exhibit 1**, dated March 25, 2022, and graphically
17 depicted in **Exhibit 2**, both **attached hereto**. The applicant is Cyndy
18 Trimmer, Esq., 1 Independent Drive, Suite 1200, Jacksonville, Florida
19 32202; (904) 807-0185.

20 **Section 3. Distribution by Legislative Services.**
21 Legislative Services is hereby directed to mail a copy of this
22 legislation, as enacted, to the applicant and any other parties to
23 this matter who testified before the Land Use and Zoning Committee
24 or otherwise filed a qualifying written statement as defined in
25 Section 656.140(c), *Ordinance Code*.

26 **Section 4. Effective Date.** The enactment of this Ordinance
27 shall be deemed to constitute a quasi-judicial action of the City
28 Council and shall become effective upon signature by the Council
29 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: Erin Abney

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