

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2024-243

AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION APPLICATION AD-24-10, FOR PROPERTY LOCATED IN COUNCIL DISTRICT 10 AT 7725 LEM TURNER ROAD AND 0 WAINWRIGHT COURT, BETWEEN EDGEWOOD AVENUE WEST AND OAKHURST AVENUE (R.E. NOS. 023685-0000 AND 024225-0000), AS DESCRIBED HEREIN, OWNED BY BURGER KING COMPANY LLC, REQUESTING TO: (1) REDUCE THE DUMPSTER SETBACK ALONG THE EAST BOUNDARY FROM FIVE FEET TO ZERO FEET, (2) REDUCE THE PERIMETER LANDSCAPE BUFFER AREA BETWEEN VEHICLE USE AREA AND ABUTTING PROPERTY ALONG THE NORTH BOUNDARY FROM FIVE FEET TO ZERO FEET, (3) REDUCE THE PERIMETER LANDSCAPE BUFFER AREA BETWEEN VEHICLE USE AREA AND ABUTTING PROPERTY ALONG THE SOUTH BOUNDARY FROM FIVE FEET TO ZERO FEET, AND (4) REDUCE THE UNCOMPLIMENTARY LAND USE BUFFER WIDTH ALONG THE NORTH PROPERTY BOUNDARY FROM TEN FEET TO ZERO FEET IN ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2), AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for an administrative deviation, **On File** with the City Council Legislative Services Division, was filed

1 by John J. Stoeckel, P.E., on behalf of the owner of property located
2 in Council District 10 at 7725 Lem Turner Road and 0 Wainwright Court,
3 between Edgewood Avenue West and Oakhurst Avenue (R.E. Nos.
4 023685-0000 and 024225-0000) (the "Subject Property"), requesting to:
5 (1) reduce the dumpster setback along the east boundary from five
6 feet to zero feet, (2) reduce the perimeter landscape buffer area
7 between vehicle use area and abutting property along the north
8 boundary from five feet to zero feet, (3) reduce the perimeter
9 landscape buffer area between vehicle use area and abutting property
10 along the south boundary from five feet to zero feet, and (4) reduce
11 the uncomplimentary land use buffer width along the north property
12 boundary from ten feet to zero feet, in current Zoning District
13 Commercial Community/General-2 (CCG-2); 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 testimonial
19 and documentary evidence presented at the public hearing, has made
20 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 Zoning
24 Committee and reviewed the Staff Report of the Planning and
25 Development Department concerning administrative deviation
26 Application AD-24-10, which requests to: (1) reduce the dumpster
27 setback along the east boundary from five feet to zero feet, (2)
28 reduce the perimeter landscape buffer area between vehicle use area
29 and abutting property along the north boundary from five feet to zero
30 feet, (3) reduce the perimeter landscape buffer area between vehicle
31 use area and abutting property along the south boundary from five

1 feet to zero feet, and (4) reduce the uncomplimentary land use buffer
2 width along the north property boundary from ten feet to zero feet.
3 Based upon the competent, substantial evidence contained in the
4 record, the Council hereby determines that the requested
5 administrative deviation meets each of the following criteria
6 required to grant the request pursuant to Section 656.109(h),
7 *Ordinance Code*, as specifically identified in the Staff Report of the
8 Planning and Development Department:

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

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

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

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

28 Therefore, administrative deviation Application AD-24-10 is
29 hereby approved.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by Burger King Company LLC, and is described in **Exhibit 1**,

1 dated July 27, 2023, and graphically depicted in **Exhibit 2**, both
2 attached hereto. The applicant is John J. Stoeckel, P.E., MJ Stokes
3 Consulting, LLC, 9872 Montague Street, Tampa, Florida 33626; (607)
4 725-3269.

5 **Section 3. Distribution by Legislative Services.**

6 Legislative Services is hereby directed to mail a copy of this
7 legislation, as enacted, to the applicant and any other parties to
8 this matter who testified before the Land Use and Zoning Committee
9 or otherwise filed a qualifying written statement as defined in
10 Section 656.140(c), *Ordinance Code*.

11 **Section 4. Effective Date.** The enactment of this Ordinance

12 shall be deemed to constitute a quasi-judicial action of the City
13 Council and shall become effective upon signature by the Council
14 President and Council Secretary.

15
16 Form Approved:

17
18 /s/ Mary E. Staffopoulos

19 Office of General Counsel

20 Legislation Prepared By: Caroline Fulton

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