

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2024-245**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION  
6 APPLICATION AD-24-11, FOR PROPERTY LOCATED IN  
7 COUNCIL DISTRICT 14 AT 7320 103<sup>RD</sup> STREET, BETWEEN  
8 REDSTONE DRIVE AND FIRESTONE ROAD (R.E. NO.  
9 014518-0000), AS DESCRIBED HEREIN, OWNED BY  
10 BURGER KING COMPANY LLC, REQUESTING TO REDUCE  
11 THE PERIMETER LANDSCAPE BUFFER AREA BETWEEN  
12 VEHICLE USE AREA AND ABUTTING PROPERTY ALONG THE  
13 EAST BOUNDARY FROM FIVE FEET TO ZERO FEET IN  
14 ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-1  
15 (CCG-1), AS DEFINED AND CLASSIFIED UNDER THE  
16 ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND  
17 CONCLUSIONS OF THE LAND USE AND ZONING  
18 COMMITTEE; PROVIDING FOR DISTRIBUTION;  
19 PROVIDING AN EFFECTIVE DATE.  
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21 **WHEREAS,** an application for an administrative deviation, **On**  
22 **File** with the City Council Legislative Services Division, was filed  
23 by John J. Stoeckel, P.E., on behalf of the owner of property located  
24 in Council District 14 at 7320 103<sup>rd</sup> Street, between Redstone Drive  
25 and Firestone Road (R.E. No. 014518-0000) (the "Subject Property"),  
26 requesting to reduce the perimeter landscape buffer area between  
27 vehicle use area and abutting property along the east boundary from  
28 five feet to zero feet in current Zoning District Commercial  
29 Community/General-1 (CCG-1); and

30 **WHEREAS,** the Planning and Development Department has  
31 considered the application and all attachments thereto and has

1 rendered an advisory recommendation; and

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

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

7       **Section 1. Adoption of Findings and Conclusions.** The  
8 Council has considered the recommendation of the Land Use and Zoning  
9 Committee and reviewed the Staff Report of the Planning and  
10 Development Department concerning administrative deviation  
11 Application AD-24-11, which requests to reduce the perimeter  
12 landscape buffer area between vehicle use area and abutting property  
13 along the east boundary from five feet to zero feet. Based upon the  
14 competent, substantial evidence contained in the record, the Council  
15 hereby determines that the requested administrative deviation meets  
16 each of the following criteria required to grant the request pursuant  
17 to Section 656.109(h), *Ordinance Code*, as specifically identified in  
18 the Staff Report of the Planning and Development Department:

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

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

25       (3) The proposed deviation will not substantially diminish  
26 property values in, nor alter the essential character of, the area  
27 surrounding the site and will not substantially interfere with or  
28 injure the rights of others whose property would be affected by the  
29 deviation;

30       (4) The proposed deviation will not be detrimental to the public  
31 health, safety or welfare, result in additional public expense, the

1 creation of nuisances, or conflict with any other applicable law;

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

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

7 Therefore, administrative deviation Application AD-24-11 is  
8 hereby approved.

9 **Section 2. Owner and Description.** The Subject Property is  
10 owned by Burger King Company LLC, and is described in **Exhibit 1**,  
11 dated September 29, 2023, and graphically depicted in **Exhibit 2**, both  
12 attached hereto. The applicant is John J. Stoeckel, P.E., MJ Stokes  
13 Consulting, LLC, 9872 Montague Street, Tampa, Florida 33626; (607)  
14 725-3269.

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

21 **Section 4. Effective Date.** The enactment of this Ordinance  
22 shall be deemed to constitute a quasi-judicial action of the City  
23 Council and shall become effective upon signature by the Council  
24 President and Council Secretary.

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26 Form Approved:

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28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Caroline Fulton

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