



A NEW DAY.

# City of Jacksonville, Florida

*Donna Deegan, Mayor*

Planning and Development Department  
214 N. Hogan St., Suite 300  
Jacksonville, FL 32202  
(904) 630-CITY  
Jacksonville.gov

January 23, 2025

The Honorable Randy White  
The Honorable Kevin Carrico, LUZ Chair  
And Members of the City Council  
City Hall  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report  
Ordinance No.: 2024-0978**

Dear Honorable Council President White, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve w/ Conditions**

- 1. The property shall install a bicycle rack with at least four bicycle parking spaces.**
- 2. The property shall plant two trees along the eastern property line with at least one of the trees being a shade tree per the landscape architect's memorandum dated December 3, 2024.**

Planning Commission Recommendation: **Approve w/ Conditions**

- 1. The property shall install a bicycle rack with at least four bicycle parking spaces.**
- 2. The property shall plant two trees along the eastern property line with at least one of the trees being a shade tree per the landscape architect's memorandum dated December 3, 2024.**

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: **8-0**

Mark McGowan, Chair Aye

Tina Meskel, Vice Chair	Aye
Mon'e Holder, Secretary	Aye
Lamonte Carter	Aye
Amy Fu	Aye
Charles Garrison	Aye
Julius Harden	Aye
Ali Marar	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



**Erin L. Abney, MPA**

Chief, Current Planning Division  
Planning & Development Department  
214 North Hogan Street, 3<sup>rd</sup> Floor  
Jacksonville, FL 32202  
(904) 255-7817; EAbney@coj.net

**2024-0978/AD-24-78**

**LOCATION:** 757 King Street  
Between Dellwood Avenue and Ernest Street

**REAL ESTATE NUMBER:** 064906-0000

**DEVIATIONS SOUGHT:**

1. **Sec. 656.312:** Reduce required front yard from 20 feet to 5 feet.
2. **Sec. 656.312:** Reduce the required minimum lot area from 7,500 square feet to 5,000 square feet.
3. **Sec. 656.604:** Reduce the minimum number of off-street parking spaces from 11 to 0.
4. **Sec. 656.608:** Reduce the minimum number of bicycle parking spaces from 4 to 0.
5. **Sec. 656.1216:** Reduce the uncomplimentary land use buffer width between the northern boundary line and the adjacent property from 10 feet to 5 feet.
6. **Sec. 656.1216:** Reduce the required trees in the uncomplimentary land use buffer along the north property boundary from 4 to 1 and along the east property boundary from 2 to 0.

**PRESENT ZONING:** RMD-B

**CURRENT LAND USE:** MDR

**PROPOSED ZONING:** CN

**PROPOSED LAND USE:** NC

**PLANNING DISTRICT:** 5

**COUNCIL DISTRICT:** 7    **SIGNS POSTED:** 2

**OWNER:**

Movgen King 2, LLC  
1973 De La Pena Avenue  
Santa Clara, California 95050

**AGENT:**

Cyndy Trimmer, Esq.  
Driver, McAfee, Hawthorne, and  
Diebenow, PLLC  
1 Independent Drive, Suite 1200  
Jacksonville, Florida 32202

**STANDARDS, CRITERIA AND FINDINGS**

<b>1. Is this situation unique or similar to other properties in the neighborhood? -</b>	<b><u>Recommendation:</u></b> Unique. The subject site is located on a 0.12-acre parcel in an RMD-B Zoning District but seeks to rezone to CN, see 2024-0977. There is also a companion application to change the land use category from MDR to NC, see 2024-0976.  The site's previous legal, non-conforming status did not require on-site parking, however, because the use ceased for more
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	<p>than six months, Sec. 656.399.13 of the Zoning Code requires the lot be brought into conformance before reopening, creating the need for the requested deviation.</p> <p>According to Sec. 656.1216 of the Zoning Code, a 10-foot, landscaped buffer between residential districts or uses is required of properties zoned or used for commercial purposes. The landscaped buffer consists of ground cover, a 6-foot, 85% visually opaque barrier and one tree every 25 feet, with half of those trees being shade trees.</p> <p>Sec. 656.312 of the Code requires lots in CN district to be 7,500 square feet. Additionally, where the lot is adjacent to a residential district, it must follow the same front yard setback as the residential district, which is 20 feet.</p> <p>Sec. 656.604 of the Code requires 3 parking spaces for each 1,000 square feet of gross floor area for commercial uses, and 2 parking spaces for each two-bedroom apartment.</p> <p>Sec. 656.608 of the Code requires a minimum of 2 parking spaces for commercial uses, and a minimum of 2 parking spaces for multi-family dwellings.</p> <p><b><u>Findings:</u></b></p>
<p><b>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</b></p>	<p><b><u>Recommendation:</u></b> The applicant seeks to bring a multi-family residence vertically integrated with a commercial use into conformance with the Zoning Code. Since the contributing structure, has existed since 1927 and lies within both the Riverside/Avondale Zoning Overlay and Riverside-Avondale Historical District, the requirement to provide parking on site without relief would render the majority of the building useless.</p>

	<p>It is not feasible to create a bigger lot, increase the yards, and provide more space between adjacent properties. Enforcing the strict letter of the regulation for those requests would constitute both practical and economic difficulties. However, planting two trees within the approximately 25 feet between the rear of the building and the adjacent property to the east will not constitute practical or economic difficulties beyond that of what is normal.</p> <p>The addition of a business in a vacant, historic structure is vital to the growth of a community. Staff supports the utilization and infill of an existing contributing structure within the Overlay.</p> <p><b><u>Findings:</u></b></p>
<p><b>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</b></p>	<p><b><u>Recommendation:</u></b> Requested deviations 1, 2, 3, and 5 are based on the existing conditions and size of the property, not the cost of developing the site. The contributing structure is not being altered, and apart from reopening the currently vacant commercial storefront, there are no plans for construction or development on the property. Development and construction on this site could disturb the historic and architectural character of the area. If approved, deviations 1, 2, 3, and 5 will allow for a business to open and serve the surrounding residential community, thus the above deviations are in the public's interest.</p> <p>Requested deviations 4 and 6, however, are based on the cost of developing the site. Considering the pending approval of the reduction in off-street parking spaces, a four-slip bicycle rack is reasonable given that the neighborhood is pedestrian and bike friendly. Planting the required two trees along the eastern property line as required by Sec. 656.1216 of the Code will not constitute extraordinary practical or</p>

	<p>economic difficulties beyond standard landscaping provisions. Upon an informal measurement by staff using a tape measure during a site visit, the Planners found that there is over 25 feet between the rear of the building and the eastern property line, which is ample space for the planting of trees.</p> <p>Deviations 4 and 6 in no way benefits the public nor furthers its interests-- they are simply a means to ease and reduce the cost of development.</p> <p><b><u>Findings:</u></b></p>
<p><b>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</b></p>	<p><b><u>Recommendation:</u></b> Contrary to proposed deviations 4 and 6, a buffer with two trees between the subject property and the adjacent residential properties will likely mitigate any potential disturbances. Proposed deviations 1, 2, 3, and 5 are not likely to substantially interfere with or injure the rights of others whose property would be affected by the deviation.</p> <p><b><u>Findings:</u></b></p>
<p><b>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</b></p>	<p><b><u>Recommendation:</u></b> The requested deviations 1, 2, 3, and 5 will be not detrimental to the public's health, safety or welfare, nor will it result in a public expense. The site has previously operated under the proposed use for years without issues. The requested reductions for the decrease in minimum lot area, and yards, off-street parking spaces are reasonable given that the constraints of the site.</p> <p>However, regarding the uncomplimentary land use buffer on the eastern property line, there is over 25 feet of space to plant the two trees required by Sec. 656.1216 of the Zoning Code. With only a 6-foot wood fence between the subject site and adjacent property, planting the required trees will create a sufficient buffer to prevent nuisance or disturbance to the adjacent, residential property.</p>

	<b><u>Findings:</u></b>
<p><b>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</b></p>	<p><b><u>Recommendation:</u></b> The intent of the Zoning Code is to promote the health and safety of the public, while allowing for deviations that are within the public's best interest. The effect of the proposed deviations 1, 2, 3, and 5 is in harmony with the spirit and intent of the Zoning Code. Contrarily, proposed deviations 4 and 6 are not in harmony with the spirit and intent of the Zoning Code as they are made to not out of practical or economic hardships, but to reduce the cost of developing the site. The effect will not benefit the public but rather potentially cause nuisance to the surrounding area.</p> <p><b><u>Findings:</u></b></p>
<p><b>7. The City landscape architect has recommended the proposed deviation <i>WITH A CONDITION</i>.</b></p>	<p><b><u>Recommendation:</u></b> The City landscape architect has recommended approval of the deviation <i>with</i> the condition of planting the two trees required by Sec. 656.1216 along the eastern property boundary as there is ample space.</p> <p><b><u>Findings:</u></b></p>
<p><b>8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.</b></p>	<p>N/A</p>

**DEPARTMENT RECOMMENDATION:** APPROVE *WITH* CONDITIONS:

1. The property shall install a bicycle rack with at least four bicycle parking spaces.
2. The property shall plant two trees along the eastern property line with at least one of the trees being a shade tree per the landscape architect's memorandum dated December 3, 2024.

**DATE OF REPORT:** January 23, 2025

Upon visual inspection by the City Planner on **December 9, 2024**, Staff found that the required Notice of Public Hearing Sign **was** posted: