

AD FINAL ORDERS



April 5, 2019

BEFORE THE ZONING
ADMINISTRATOR, PLANNING AND
DEVELOPMENT DEPARTMENT OF THE
CITY OF JACKSONVILLE, FLORIDA

APPLICATION: **AD-19-15**

In re: The Zoning Administrative Deviation
Application of:

HIGHLAND SQUARE SC LLC

**ORDER APPROVING APPLICATION FOR ZONING
ADMINISTRATIVE DEVIATION AD-19-15**

This matter came to be heard upon the Application for Zoning Administrative Deviation filed by Highland Square SC, LLC, the owner of that certain real property located at 900 Dunn Avenue. In accordance with Section 656.109 of the Zoning Code, the owner seeks permission to a) reduce the perimeter landscape buffer area between the vehicle use area, and the abutting property along the north property boundary line from 5 feet to zero, b) reduce the perimeter landscape buffer area between the vehicle use area, and the abutting property along the west property boundary line from 5 feet to zero, c) decrease the minimum driveway width to the adjacent parcel along the west property boundary line from 24 to 22.5 feet, d) eliminate the requirement for landscape terminal islands along the north property boundary line and e) increase the maximum number of driveways to the adjoining lots from 4 to 5 driveways. The property is located in the CCG-1 zoning district.

At the noticed public hearing on April 5, 2019, the agent, Mark Shelton appeared in support of the application. Susan Solomon also appeared. Having duly considered all the testimony and documentary evidence presented at the public hearing, the Zoning

Administrator of the Planning and Development Department of the City of Jacksonville, Florida, hereby makes findings of fact and conclusions of law, which along with the staff report and application are attached hereto as **Exhibit "A"**.

Now, therefore, it is **DETERMINED** as follows:

1. The application for Zoning Administrative Deviation **AD-19-15** is hereby **APPROVED**.
2. The approval granted herein shall not be construed as an exemption from all other applicable City, State or Federal laws, requirements, permits or approvals.
3. The approval granted herein shall not interfere with or abrogate or annul any easement, covenant or other agreement between any parties. In the event that the provisions of this Order impose a greater restriction upon the use, structures or development of the property than are imposed or required by other ordinances, rules, and regulations or by easements, covenants or agreements, the provisions of this Order shall control.
4. The Administrative Deviation granted herein shall **not** be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Administrative Deviation is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws.

Issuance of this Administrative Deviation does not approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.

5. Failure to exercise the deviation herein granted by commencement of the use or action herein approved within one (1) year of the effective date of this Order shall render this Order invalid and all rights arising therefrom shall terminate.


This Order shall become effective fifteen (15) days after the date of execution unless appealed pursuant to Section 656.109(j) of the Zoning Code.

Dated this 15TH day of April, 2019.

FORM APPROVED


Cherry Shaw Pollock
Assistant General Counsel


Sean Kelly, Zoning Administrator
Planning and Development Department


William Killingsworth, Director
Planning and Development Department

Copies:
Highland Square SC, LLC
c/o Baer Asset Management Company
300 Avenue of the Champions, Ste. 140
Palm Beach Gardens, FL 33418
Owner

Mark W. Shelton, AICP
12740 Gran Bay Parkway, Ste. 2350
Jacksonville, FL 32258
Agent

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Planning and Development Department

Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202

22 March 2019

MEMORANDUM

TO: Sean Kelly, Zoning Administrator
FROM: Bruce Lewis, City Planner Supervisor
SUBJECT: AD-19-15 / 1044 Dunn Avenue / Real Estate Number: 044149-0500

Scope:

Applicant seeks the following relief:

- Sec. 656.1214 (d): Delete the required number of terminal island/trees along the north property line/Dunn Avenue.
- Sec. 656.1215 (a)(1): Reduce the required landscape buffer between vehicle use area along Dunn Avenue from 10 feet per linear feet of frontage / 5 feet minimum width to zero feet per linear feet of frontage and zero feet minimum width.
- Sec. 656.1215 (a)(2): Delete the required number of shrubs along north property line/Dunn Avenue.
- Sec. 656.1215 (a)(3): Delete the required number of trees along north property line/Dunn Avenue.
- Sec. 656.1215 (b)(1): Reduce the required perimeter landscape buffer area between vehicle use area and abutting property along the west property boundary from 5 feet minimum width required to zero feet.
- Sec. 656.1215 (b)(2): Delete the required number of trees along the west property boundary.
- Sec. 656.1215 (e): Decrease the required minimum width of the driveway to adjoining west property line from 24 feet to 22.5 feet.

Observations:

The subject property was constructed as a fast food restaurant in 2006. The applicant seeks to renovate the property and requests relief from the minimum parking requirement of 16 spaces on site and landscape requirements of Part 12 listed above. Existing site configuration does not otherwise permit adherence to the parking and landscape requirements of the Zoning Code.


Strict application of the Code will severely limit the flexibility of site configuration and vehicle use. The proposed redevelopment and improvements to the site's overall parking, vehicular circulation and accessibility, outweigh the requirement to provide perimeter landscaping.

The proposed site plan is being prepared under a common scheme of development and with similar uses on both sides of the parcel division line. The request, if approved, will significantly facilitate internal and cross parcel access.

Recommendation:

As a City Planning Supervisor of the City of Jacksonville, I understand the request contained in Application AD-19-15 and forward my opinion to the Zoning Administrator via this memo.

For the reasons cited above and others, I recommend that the request be **APPROVED**.

Signature: 

AD-19-15

LOCATION: 1044 Dunn Avenue (SR 104)
Between Briar Cliff Road and Monaco Drive

REAL ESTATE NUMBER: 044149-0500

DEVIATION SOUGHT:

1. Reduce the perimeter landscape buffer area between vehicle use area and abutting property along the north property boundary from 5 feet minimum width required to 0 feet.
2. Reduce the perimeter landscape buffer area between vehicle use area and abutting property along the west property boundary from 5 feet minimum width required to 0 feet.
3. Decrease the minimum driveway width to adjacent parcel along WPL from 24 feet required to 22.5 feet.
4. Eliminate requirement for landscape terminal islands along north property line.
5. Increase maximum number of driveways to adjoining lots from 4 to 5.

PRESENT ZONING: CCG-1

CURRENT LAND USE: CGC

PLANNING DISTRICT: 6

COUNCIL DISTRICT: 8

SIGNS POSTED: 13

OWNER:

Richard Baer
Highland Square SC LLC
300 Avenue of The Champions
Suite 140, Palm Beach Gardens FL.

AGENT:

Mark W. Shelton, AICP
12740 Gran Bay Parkway West, Suite
2350 Jacksonville, Florida. 32258

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood? -</p>	<p><u>Recommendation:</u> Similar. The subject property is currently built to the design of the site plan provided, and is located within a larger commercial shopping complex. The applicant is seeking to create their own lot to break away from the common ownership of the entire shopping center, while maintaining the current traffic circulation and landscaping that exists on site today.</p> <p><u>Findings: Adopt staff recommendation</u></p>
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<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u> Yes. There are both practical and economic difficulty in that to accomplish the required landscaping the entire parcel would need to be redesigned to account for it. This would mean changing the traffic circulation that is currently on site today, which has not caused any reported citations or incidents as of March 18, 2019.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>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.</p>	<p><u>Recommendation:</u> Yes. The request is not based exclusively upon a desire to reduce the cost of developing the site, and will accomplish a result that is in the public's best interest by allowing the site to remain in the same condition as it has been since 2006.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>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...</p>	<p><u>Recommendation:</u> Yes. The proposed deviation will not diminish property values, alter the essential character of the area, and will not interfere or injure the rights of others. As aforementioned the lot will remain the same as it has been since 2006.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>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...</p>	<p><u>Recommendation:</u> Yes. 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.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p><u>Recommendation:</u> Yes. The proposed deviation is in harmony and spirit of the Zoning Code.</p> <p><u>Findings: Adopt staff recommendation</u></p>

7. The City landscape architect (has/has not) recommended the proposed deviation.	The City landscape architect has reviewed the requested deviations and has recommend approval. <u>Findings: Adopt findings of City landscape architect</u>
8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.	N/A

PLANNER RECOMMENDATION: Approve

DATE OF REPORT: April 5, 2019

ZONING ADMINISTRATORS DECISION: Approve

DATE: April 5, 2019



Aerial View

Source: JaxGIS
Date: March 19, 2019



Upon visual inspection by the assigned City Planner on March 19, 2019 the required public hearing signs were posted

Source: Planning and Development Department
Date: March 21, 2019



View of the Subject Property.

Source: Planning and Development Department
Date: March 21, 2019



View of the proposed western property line located within the shared parking surface.

Source: Planning and Development Department
Date: March 21, 2019



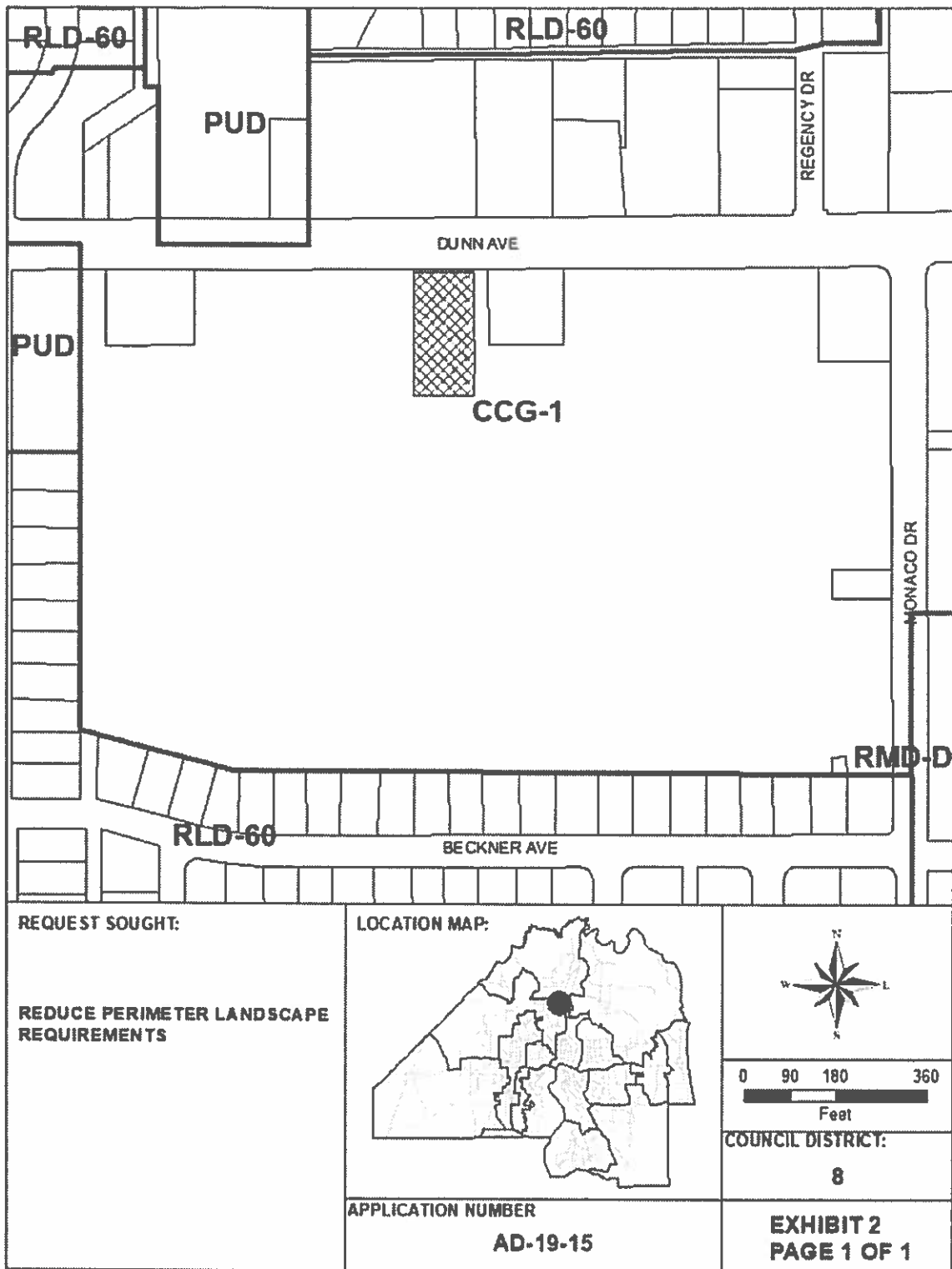
View of the proposed rear property line.

Source: Planning and Development Department
Date: March 21, 2019



View of the proposed eastern property line.

Source: Planning and Development Department
Date: March 21, 2019



Legal Map

Source: JaxGIS
Date: March 19, 2019

BEFORE THE ZONING
ADMINISTRATOR, PLANNING AND
DEVELOPMENT DEPARTMENT OF THE
CITY OF JACKSONVILLE, FLORIDA

APPLICATION: **AD-19-17**

In re: The Zoning Administrative Deviation
Application of:

PETER AND JILL DAME

**ORDER APPROVING APPLICATION FOR ZONING
ADMINISTRATIVE DEVIATION AD-19-17**

This matter came to be heard upon the Application for Zoning Administrative Deviation filed by Peter and Jill Dame, the owners of that certain real property located at 3532 Hedrick Street. In accordance with Section 656.109 of the Zoning Code, the owners seek permission to reduce the front yard setback from 20 to 4 feet along Talbot Avenue. The property is located in the RLD-60 zoning district.

At the noticed public hearing on April 5, 2019, the agent, Stacy Davis, appeared in support of the application, as well as the owners, Jill and Peter Dame. Having duly considered all the testimony and documentary evidence presented at the public hearing, the Zoning Administrator of the Planning and Development Department of the City of Jacksonville, Florida, hereby makes findings of fact and conclusions of law, which along with the staff report and application are attached hereto as **Exhibit "A"**.

Now, therefore, it is **DETERMINED** as follows:

1. The application for Zoning Administrative Deviation **AD-19-17** is hereby **APPROVED**.

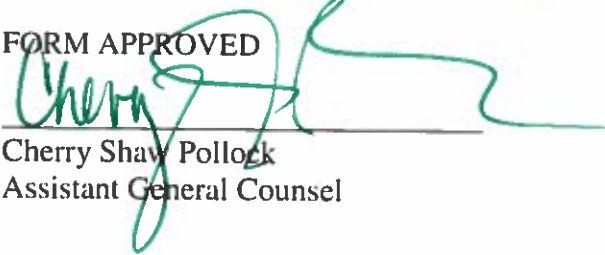
2. The approval granted herein shall not be construed as an exemption from all other applicable City, State or Federal laws, requirements, permits or approvals.
3. The approval granted herein shall not interfere with or abrogate or annul any easement, covenant or other agreement between any parties. In the event that the provisions of this Order impose a greater restriction upon the use, structures or development of the property than are imposed or required by other ordinances, rules, and regulations or by easements, covenants or agreements, the provisions of this Order shall control.
4. The Administrative Deviation granted herein shall **not** be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Administrative Deviation is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this Administrative Deviation does **not** approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.
5. Failure to exercise the deviation herein granted by commencement of the use or action herein approved within one (1) year of the effective date of this

Order shall render this Order invalid and all rights arising therefrom shall terminate.

This Order shall become effective fifteen (15) days after the date of execution unless appealed pursuant to Section 656.109(j) of the Zoning Code.

Dated this 15TH day of APRIL, 2019.

FORM APPROVED


Cherry Shaw Pollock
Assistant General Counsel


Sean Kelly, Zoning Administrator
Planning and Development Department


William Killingsworth, Director
Planning and Development Department

Copies:
Peter and Jill Dame
3532 Hedrick Street
Jacksonville, FL 32205
Owners

Stacy Davis
126 West Adams Street, Ste. 602
Jacksonville, FL 32202
Agent

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AD-19-17

LOCATION: 3532 Hedrick Street.
Between Talbot Avenue and Ribault Court

REAL ESTATE NUMBER: 078584-0000

DEVIATION SOUGHT:
1. Reduce Front Yard Setback from 20 feet to 4 feet along Talbot Avenue.

PRESENT ZONING: RLD-60 **CURRENT LAND USE:** LDR

PLANNING DISTRICT: 4 **COUNCIL DISTRICT:** 14 **SIGNS POSTED:** 3

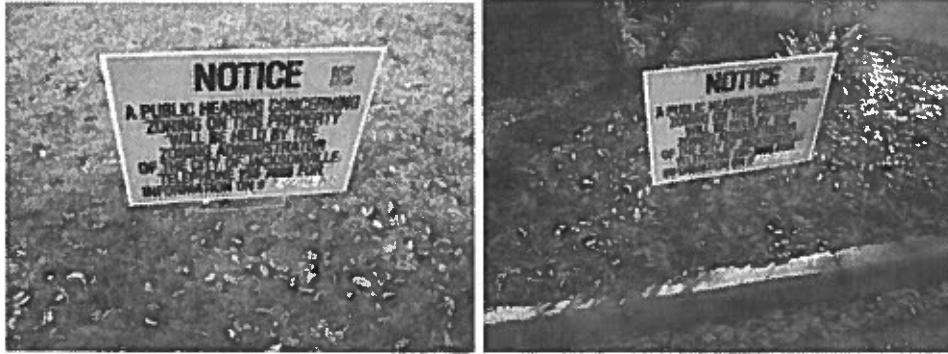
OWNER:
Peter Dame
3532 Hedrick Street
Jacksonville, Florida. 32205

AGENT:
Richard Dean Scott
R. Dean Scott, Architect, Inc.
126 West Adams Street. Suite 602
Jacksonville, Florida. 32202

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood? -</p>	<p><u>Recommendation:</u> The subject property has a unique lot design, as it is one of the few in the neighborhood that has street frontage on 3 sides. The request to reduce the front yard setback along Talbot Avenue is to allow for a proposed single story garage to be built with the entrance on the side of the house along Talbot Avenue.</p> <p>The front face of the structure faces Hedrick Street and currently sits 12.4 feet from the property line according to the survey provided by the applicant. Through lots at the end of neighborhood blocks are allowed to have 1 required front yard to be halved (currently the Hedrick Street yard). The applicant is also planning on reducing the current yard from 12.4 to 11.6 for the proposed garage, but is not required to obtain a deviation as it is not less than half of the 20 foot requirement.</p> <p><u>Findings: Adopt staff recommendation</u></p>
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<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u> Yes. Due to the unique layout of the lot with regards to the street frontages, it is seen as a practical difficulty for the applicant to meet the 20 foot setback to build the garage.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>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.</p>	<p><u>Recommendation:</u> Yes. The request is not based upon a desire to reduce the cost of developing the site, and the result will not result in any negative effects in the public's interest.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>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...</p>	<p><u>Recommendation:</u> Yes. The proposed deviation most likely will not have any effect on property values, nor alter the character of the surrounding area. The neighboring property, located at 1872 Ribault Court, has a reduced their front yard setback along Talbot Avenue down to 4 feet to build their garage as the applicant is seeking. The proposed garage will be consistent with the essential character of the area by maintaining a common setback with other structures in the neighborhood.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>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...</p>	<p><u>Recommendation:</u> Yes. The proposed setback reduction will not be detrimental to the public, health, safety, or welfare nor will it create and nuisances, or conflict with any other applicable laws. The overall design of the structure has been reviewed by the Jacksonville Historic Preservation Commission and has been granted a Certificate of Appropriateness (COA-19-21792).</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p><u>Recommendation:</u> Yes. The proposed deviation is in harmony and spirit of the Zoning Code.</p> <p><u>Findings: Adopt staff recommendation</u></p>



Upon visual inspection by the assigned City Planner on March 21, 2018 the required public hearing signs were posted

Source: Planning and Development Department

Date: March 21, 2019



View of the Subject Property.

Source: Planning and Development Department

Date: December 13, 2018



View of the proposed location of the garage, along with the neighboring structure in which the applicant seeks to align with.

Source: Planning and Development Department

Date: March 21, 2018



View of the neighboring property across Talbot Avenue from the Subject Property.

Source: Planning and Development Department

Date: March 21, 2018



View of the neighboring property across Ribault Court.

*Source: Planning and Development Department
Date: March 21, 2018*



View of the neighboring properties across Hedrick Street.

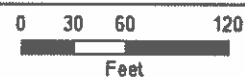
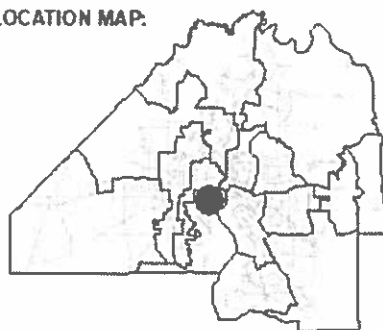
*Source: Planning and Development Department
Date: March 21, 2018*



REQUEST SOUGHT:

**REDUCE SIDE YARD SETBACK TO
4" TO MATCH ADJACENT
PROPERTY**

LOCATION MAP:



COUNCIL DISTRICT:

14

TRACKING NUMBER

AD-19-17

**EXHIBIT 2
PAGE 1 OF 1**

Legal Map

*Source: JaxGIS
Date: March 18, 2019*