

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-860**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION  
6 APPLICATION AD-22-70, FOR PROPERTY LOCATED IN  
7 COUNCIL DISTRICT 14 AT 4261 ROOSEVELT BOULEVARD,  
8 4457 BEVERLY AVENUE AND 4461 BEVERLY AVENUE,  
9 BETWEEN ROOSEVELT BOULEVARD AND BEVERLY AVENUE  
10 (R.E. NOS. 069239-0000, 069243-0000 AND 069244-  
11 0000), AS DESCRIBED HEREIN, OWNED BY TRIPLE NET  
12 EQUITIES, INC., REQUESTING TO: (1) INCREASE THE  
13 MAXIMUM NUMBER OF OFF-STREET COMPACT PARKING  
14 SPACES FROM 30% TO 52%, (2) REDUCE SETBACK FOR  
15 ANY IMPROVEMENTS OTHER THAN LANDSCAPING, VISUAL  
16 SCREENING OR RETENTION FROM A MINIMUM OF 15 FEET  
17 TO FOUR FEET, (3) DECREASE MINIMUM NUMBER OF  
18 LOADING SPACES FROM TWO TO ZERO; (4) REDUCE THE  
19 DUMPSTER SETBACK ALONG THE SOUTH PROPERTY  
20 BOUNDARY FROM FIVE FEET TO ZERO FEET, (5) REDUCE  
21 THE MINIMUM WIDTH OF DRIVEWAYS FROM 24 FEET TO  
22 20 FEET, (6) REDUCE VEHICLE USE AREA INTERIOR  
23 LANDSCAPE FROM 1,330 SQUARE FEET TO 220 SQUARE  
24 FEET, (7) REDUCE THE LANDSCAPE BUFFER BETWEEN  
25 VEHICLE USE AREA ALONG ROOSEVELT BOULEVARD,  
26 MELROSE AVENUE AND BEVERLY AVENUE FROM TEN FEET  
27 PER LINEAR FEET OF FRONTAGE AND FIVE FEET  
28 MINIMUM WIDTH REQUIRED TO THREE FEET PER LINEAR  
29 FEET OF FRONTAGE AND ONE FOOT MINIMUM WIDTH, (8)  
30 REDUCE THE PERIMETER LANDSCAPE BUFFER AREA  
31 BETWEEN VEHICLE USE AREA AND ABUTTING PROPERTY

1 ALONG THE NORTH PROPERTY BOUNDARY FROM FIVE FEET  
2 MINIMUM WIDTH REQUIRED TO ZERO FEET, (9)  
3 DECREASE THE MINIMUM WIDTH OF DRIVEWAY ACCESS  
4 FROM 24 FEET REQUIRED TO 20 FEET, (10) DECREASE  
5 THE MINIMUM WIDTH OF DRIVEWAY ACCESS TO  
6 ADJOINING PROPERTY ALONG THE NORTH PROPERTY  
7 BOUNDARY FROM 24 FEET REQUIRED TO 20 FEET, (11)  
8 REDUCE THE UNCOMPLIMENTARY LAND USE BUFFER WIDTH  
9 ALONG THE EAST PROPERTY BOUNDARY FROM TEN FEET  
10 WIDE REQUIRED TO FOUR FEET, AND (12) REDUCE THE  
11 UNCOMPLIMENTARY LAND USE BUFFER TREES ALONG THE  
12 EAST PROPERTY BOUNDARY FROM 12 REQUIRED TO ZERO  
13 TREES, IN COMMERCIAL COMMUNITY/GENERAL-1 (CCG-  
14 1) DISTRICT AND PLANNED UNIT DEVELOPMENT (PUD)  
15 DISTRICT (2005-564-E), AS DEFINED AND CLASSIFIED  
16 UNDER THE ZONING CODE; ADOPTING RECOMMENDED  
17 FINDINGS AND CONCLUSIONS OF THE LAND USE AND  
18 ZONING COMMITTEE; PROVIDING FOR DISTRIBUTION;  
19 PROVIDING AN EFFECTIVE DATE.

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21 **WHEREAS**, an application for an administrative deviation, **On File**  
22 with the City Council Legislative Services Division, was filed by  
23 Steve Diebenow, Esq., on behalf of the owner of property located in  
24 Council District 14 at 4261 Roosevelt Boulevard, 4457 Beverly Avenue  
25 and 4461 Beverly Avenue, between Roosevelt Boulevard and Beverly  
26 Avenue (R.E. Nos. 069239-0000, 069243-0000 and 069244-0000) (the  
27 "Subject Property"), requesting to: (1) increase the maximum number  
28 of off-street compact parking spaces from 30% to 52%; (2) reduce  
29 setback for any improvements other than landscaping, visual screening  
30 or retention in the CCG-1 Zoning District from a residential zoning  
31 district from a minimum of 15 feet to four feet; (3) decrease minimum

1 number of loading spaces from two to zero; (4) reduce the dumpster  
2 setback along the south property boundary from five feet to zero  
3 feet; (5) reduce the minimum width of driveway from 24 feet to 20  
4 feet; (6) reduce vehicle use area interior landscape from 1,330 square  
5 feet to 220 square feet; (7) reduce the landscape buffer between  
6 vehicle use area along Roosevelt Boulevard, Melrose Avenue and Beverly  
7 Avenue from ten feet per linear foot of frontage and five feet minimum  
8 width required to three feet per linear foot of frontage and one foot  
9 minimum width; (8) reduce the perimeter landscape buffer area between  
10 vehicle use area and abutting property along the north property  
11 boundary from five feet minimum width required to zero feet; (9)  
12 decrease the minimum width of driveway access from 24 feet required  
13 to 20 feet; (10) decrease the minimum width of driveway access to  
14 adjoining property along the north property boundary from 24 feet  
15 required to 20 feet; (11) reduce the uncomplimentary land use buffer  
16 width along the east property boundary from ten feet wide required  
17 to four feet; and (12) reduce the uncomplimentary land use buffer  
18 trees along the east property boundary from 12 required to zero trees,  
19 in Commercial Community/General-1 (CCG-1) District and Planned Unit  
20 Development (PUD) District (2005-564-E); and

21 **WHEREAS**, the Planning and Development Department has considered  
22 the application and all attachments thereto and has rendered an  
23 advisory recommendation; and

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

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

29 **Section 1. Adoption of Findings and Conclusions.** The  
30 Council has considered the recommendation of the Land Use and Zoning  
31 Committee and reviewed the Staff Report of the Planning and

1 Development Department concerning administrative deviation  
2 Application AD-22-70, which requests to: (1) increase the maximum  
3 number of off-street compact parking spaces from 30% to 52%; (2)  
4 reduce setback for any improvements other than landscaping, visual  
5 screening or retention in the CCG-1 Zoning District from a residential  
6 zoning district from a minimum of 15 feet to four feet; (3) decrease  
7 minimum number of loading spaces from two to zero; (4) reduce the  
8 dumpster setback along the south property boundary from five feet to  
9 zero feet; (5) reduce the minimum width of driveway from 24 feet to  
10 20 feet; (6) reduce vehicle use area interior landscape from 1,330  
11 square feet to 220 square feet; (7) reduce the landscape buffer  
12 between vehicle use area along Roosevelt Boulevard, Melrose Avenue  
13 and Beverly Avenue from ten feet per linear foot of frontage and five  
14 feet minimum width required to three feet per linear foot of frontage  
15 and one foot minimum width; (8) reduce the perimeter landscape buffer  
16 area between vehicle use area and abutting property along the north  
17 property boundary from five feet minimum width required to zero feet;  
18 (9) decrease the minimum width of driveway access from 24 feet  
19 required to 20 feet; (10) decrease the minimum width of driveway  
20 access to adjoining property along the north property boundary from  
21 24 feet required to 20 feet; (11) reduce the uncomplimentary land use  
22 buffer width along the east property boundary from ten feet wide  
23 required to four feet; and (12) reduce the uncomplimentary land use  
24 buffer trees along the east property boundary from 12 required to  
25 zero trees, as more particularly described in such application.

26 Based upon the competent, substantial evidence contained in the  
27 record, the Council hereby determines that the requested  
28 administrative deviation meets each of the following criteria  
29 required to grant the request pursuant to Section 656.109(h),  
30 *Ordinance Code*, as specifically identified in the Staff Report of the  
31 Planning and Development Department:

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

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

7 (3) The proposed deviation will not substantially diminish  
8 property values in, nor alter the essential character of, the area  
9 surrounding the site and will not substantially interfere with or  
10 injure the rights of others whose property would be affected by the  
11 deviation;

12 (4) The proposed deviation will not be detrimental to the public  
13 health, safety or welfare, result in additional public expense, the  
14 creation of nuisances, or conflict with any other applicable law;

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

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

20 Therefore, administrative deviation Application AD-22-70 is  
21 hereby **approved**.

22 **Section 2. Owner and Description.** The Subject Property is  
23 owned by Triple Net Equities, Inc. and is legally described in **Exhibit**  
24 **1**, dated August 11, 2022, and graphically depicted in **Exhibit 2**, both  
25 attached hereto. The applicant is Steve Diebenow, Esq., One  
26 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)  
27 807-8214.

28 **Section 3. Distribution by Legislative Services.**  
29 Legislative Services is hereby directed to mail a copy of this  
30 Ordinance, as enacted, to the applicant and any other parties to this  
31 matter who testified before the Land Use and Zoning Committee or

1 otherwise filed a qualifying written statement as defined in Section  
2 656.140(c), *Ordinance Code*.

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

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8 Form Approved:

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10                     /s/ Mary E. Staffopoulos          

11 Office of General Counsel

12 Legislation Prepared By: Erin Abney

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