

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

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

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

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

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

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

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

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

30 **Section 1. Adoption of Findings and Conclusions.** The
31 Council has considered the recommendation of the Land Use and Zoning

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

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

1 Planning and Development Department:

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

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

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

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

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

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

21 Therefore, administrative deviation Application AD-22-70 is
22 hereby **approved**, subject to the following condition:

23 (1) The uncomplimentary use buffer screening shall be 100%
24 opaque.

25 **Section 2. Owner and Description.** The Subject Property is
26 owned by Triple Net Equities, Inc. and is legally described in **Exhibit**
27 **1**, dated August 11, 2022, and graphically depicted in **Exhibit 2**, both
28 attached hereto. The applicant is Steve Diebenow, Esq., One
29 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)
30 807-8214.

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

