

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-686-E**

5 AN ORDINANCE APPROVING ADMINISTRATIVE
6 DEVIATION APPLICATION AD-19-53, LOCATED IN
7 COUNCIL DISTRICT 5 AT 5707 UNIVERSITY
8 BOULEVARD WEST, BETWEEN UNIVERSITY BOULEVARD
9 WEST AND BARNES ROAD SOUTH (R.E. NO. 152621-
10 0020) AS DESCRIBED HEREIN, OWNED BY ZEAVY,
11 LLC, REQUESTING TO REDUCE THE SIGHT TRIANGLE
12 SETBACK, INCREASE THE DISTANCE FROM THE
13 VEHICLE USE AREA TO THE NEAREST TREE, REDUCE
14 THE LANDSCAPE BUFFER BETWEEN THE VEHICLE USE
15 AREA ALONG ALL PROPERTY LINES, AND REDUCE THE
16 NUMBER OF TREES ALONG THE NORTH, EAST, AND
17 WEST PROPERTY LINES, IN ZONING DISTRICT CCG-1
18 (COMMERCIAL COMMUNITY/GENERAL-1), AS DEFINED
19 AND CLASSIFIED UNDER THE ZONING CODE;
20 CERTIFICATION REQUIRED FOR SATISFACTION OF
21 CONDITION(S); PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** administrative deviation Application AD-19-53, **On**
24 **File** with the City Council Legislative Services Division, was filed
25 by Zeavy, LLC, the owner of property located in Council District 5
26 at 5707 University Boulevard West, between University Boulevard
27 West and Barnes Road South (R.E. No. 152621-0020) (Subject
28 Property), requesting to reduce the sight triangle setback,
29 increase the distance from the vehicle use area to the nearest
30 tree, reduce the landscape buffer between the vehicle use area

1 along all property lines, and reduce the number of trees along the
2 north, east, and west property lines, in Zoning District CCG-1
3 (Commercial Community/General-1); and

4 **WHEREAS,** the Planning and Development Department has
5 considered the application and all attachments thereto and has
6 rendered an advisory recommendation; and

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

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

12 **Section 1. Adoption of Findings and Conclusions.** The
13 Council has considered the recommendation of the Land Use and
14 Zoning Committee and reviewed the Staff Report of the Planning and
15 Development Department concerning administrative deviation
16 Application AD-19-53. Based upon the competent, substantial
17 evidence contained in the record, the Council hereby determines
18 that the requested administrative deviation meets each of the
19 following criteria required to grant the request pursuant to
20 Section 656.109(h), *Ordinance Code*:

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

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

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

1 deviation;

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

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

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

11 Therefore, administrative deviation Application AD-19-53 is
12 hereby **approved**.

13 **Section 2. Certification.** Should a condition be placed
14 upon the approval of this administrative deviation, then prior to
15 requesting a final building inspection or occupying the facility in
16 any manner, the lead horizontal and lead vertical design
17 professionals shall submit to the Planning and Development
18 Department separate certification letters confirming that all
19 horizontal and vertical components of the development have been
20 substantially completed, and all conditions to the development
21 order have been satisfied. This condition shall apply to both
22 phased and non-phased developments.

23 **Section 3. Owner and Description.** The Subject Property is
24 owned by Zeavy, LLC, and is described in **Exhibit 1**, dated September
25 10, 2019, and graphically depicted in **Exhibit 2**, both **attached**
26 **hereto**.

27 **Section 4. Distribution by Legislative Services.**
28 Legislative Services is hereby directed to mail a copy of this
29 legislation, as enacted, to the applicant and any other parties to
30 this matter who testified before the Land Use and Zoning Committee
31 or otherwise filed a qualifying written statement as defined in

1 Section 656.140(c), *Ordinance Code*.

2 **Section 5. Effective Date.** The enactment of this
3 Ordinance shall be deemed to constitute a quasi-judicial action of
4 the City Council and shall become effective upon signature by the
5 Council President and Council Secretary. Failure to exercise the
6 administrative deviation, if herein granted, by the commencement of
7 the use or action herein approved within one year of the effective
8 date of this legislation shall render this administrative deviation
9 invalid and all rights arising therefrom shall terminate.

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11 Form Approved:

12
13 /s/ Shannon K. Eller

14 Office of General Counsel

15 Legislation Prepared By: Erin Abney

16 GC-#1305070-v1-AD-19-53