

1 Introduced, substituted and amended by the Land Use and Zoning
2 Committee:

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4
5 **ORDINANCE 2022-313-E**

6 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
7 ROAD FRONTAGE APPLICATION WRF-22-16, LOCATED IN
8 COUNCIL DISTRICT 2 AT 0 FORT GEORGE ROAD,
9 BETWEEN FORT GEORGE ROAD AND HECKSCHER DRIVE
10 (R.E. NO. 168206-0020), AS DESCRIBED HEREIN,
11 OWNED BY DONALD C. HOLMES AND KAREN C. HOLMES,
12 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
13 REQUIREMENTS FROM 80 FEET TO 0 FEET IN ZONING
14 DISTRICTS RESIDENTIAL LOW DENSITY-100A (RLD-
15 100A), RESIDENTIAL RURAL-ACRE (RR-ACRE) AND
16 CONSERVATION (CSV), AS DEFINED AND CLASSIFIED
17 UNDER THE ZONING CODE; PROVIDING FOR
18 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
19 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
20 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.

22
23 **WHEREAS**, an application for a waiver of minimum road frontage,
24 **On File** with the City Council Legislative Services Division, was
25 filed by Vitina Pellot and Elaina Chmura on behalf of the owners of
26 property located in Council District 2 at 0 Fort George Road, between
27 Fort George Road and Heckscher Drive (R.E. No. 168206-0020) (the
28 "Subject Property"), requesting to reduce the minimum road frontage
29 from 80 feet to 0 feet in Zoning Districts Residential Low Density-
30 100A (RLD-100A), Residential Rural-Acre (RR-Acre) and Conservation
31 (CSV); and

1 **WHEREAS**, the Planning and Development Department has considered
2 the application and all attachments thereto and has rendered an
3 advisory recommendation; and

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

8 **WHEREAS**, taking into consideration the above recommendations and
9 all other evidence entered into the record and testimony taken at the
10 public hearings, the Council finds that: (1) there are practical or
11 economic difficulties in carrying out the strict letter of the
12 regulation; (2) the request is not based exclusively upon the desire
13 to reduce the cost of developing the site or to circumvent the
14 requirements of Chapter 654 (Code of Subdivision Regulations); (3)
15 the proposed waiver will not substantially diminish property values
16 in, nor alter the essential character of, the area surrounding the
17 site and will not substantially interfere with or injure the rights
18 of others whose property would be affected by the waiver; (4) there
19 is a valid and effective easement for adequate vehicular access
20 connected to a public street which is maintained by the City or an
21 approved private street; and (5) the proposed waiver will not be
22 detrimental to the public health, safety or welfare, result in
23 additional expense, the creation of nuisances or conflict with any
24 other applicable law; now, therefore

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

26 **Section 1. Adoption of Findings and Conclusions.** The
27 Council has reviewed the record of proceedings and the Staff Report
28 of the Planning and Development Department and held a public hearing
29 concerning application for waiver of road frontage WRF-22-16. Based
30 upon the competent, substantial evidence contained in the record, the
31 Council hereby determines that the requested waiver of road frontage

1 meets the criteria for granting a waiver contained in Chapter 656,
2 *Ordinance Code*. Therefore, Application WRF-22-16 is hereby **approved**.

3 **Section 2. Owner and Description.** The Subject Property is
4 owned by Donald C. Holmes and Karen C. Holmes and is legally described
5 in **Exhibit 1** dated January 23, 2022, and graphically depicted in
6 **Exhibit 2**, both of which are attached hereto. A copy and depiction
7 of the easement providing access to the Subject Property are attached
8 hereto as **Revised Exhibit 3**. The applicants are Vitina Pellot and
9 Elaina Chmura, 14701 Philips Highway, Jacksonville, Florida 32256;
10 (904) 441-0850.

11 **Section 3. Distribution by Legislative Services.**
12 Legislative Services is hereby directed to mail a copy of this
13 legislation, as enacted, to the applicant and any other parties to
14 this matter who testified before the Land Use and Zoning Committee
15 or otherwise filed a qualifying written statement as defined in
16 Section 656.140(c), *Ordinance Code*.

17 **Section 4. Disclaimer.** The waiver of road frontage granted
18 herein shall **not** be construed as an exemption from any other
19 applicable local, state, or federal laws, regulations, requirements,
20 permits or approvals. All other applicable local, state or federal
21 permits or approvals shall be obtained before commencement of the
22 development or use and issuance of this waiver of road frontage is
23 based upon acknowledgement, representation and confirmation made by
24 the applicant(s), owner(s), developer(s) and/or any authorized
25 agent(s) or designee(s) that the subject business, development and/or
26 use will be operated in strict compliance with all laws. Issuance of
27 this waiver of road frontage does **not** approve, promote or condone any
28 practice or act that is prohibited or restricted by any federal,
29 state or local laws.

30 **Section 5. Effective Date.** The enactment of this Ordinance
31 shall be deemed to constitute a quasi-judicial action of the City

1 Council and shall become effective upon signature by the Council
2 President and Council Secretary. Failure to exercise the waiver, if
3 herein granted, by the commencement of the use or action herein
4 approved within one (1) year of the effective date of this legislation
5 shall render this waiver invalid and all rights arising therefrom
6 shall terminate.

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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: Bruce Lewis

13 GC-#1525634-v1-2022-313-E