

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-792-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-22-27, LOCATED IN
7 COUNCIL DISTRICT 7 AT 0 BERNARD ROAD, BETWEEN
8 BERNARD ROAD AND WADE ROAD (R.E. NO. 106220-0000
9 (PORTION)), AS DESCRIBED HEREIN, OWNED BY
10 CHESSED REALTY LLC, REQUESTING TO REDUCE THE
11 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 35 FEET
12 TO 0 FEET IN ZONING DISTRICT PLANNED UNIT
13 DEVELOPMENT (PUD) DISTRICT (1998-628-E), AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
15 PROVIDING FOR DISTRIBUTION; PROVIDING A
16 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL
17 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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20 **WHEREAS**, an application for a waiver of minimum road frontage,
21 **On File** with the City Council Legislative Services Division, was
22 filed by Michael Sittner, Esq., on behalf of the owner of property
23 located in Council District 7 at 0 Bernard Road, between Bernard Road
24 and Wade Road (R.E. No. 106220-0000) (the "Subject Property"),
25 requesting to reduce the minimum road frontage from 35 feet to 0 feet
26 in Zoning District Planned Unit Development (PUD) District (1998-628-
27 E); and

28 **WHEREAS**, the Planning and Development Department has considered
29 the application and all attachments thereto and has rendered an
30 advisory recommendation; and

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice

1 held a public hearing and having duly considered both the testimonial
2 and documentary evidence presented at the public hearing, has made
3 its recommendation to the Council; and

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

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

22 **Section 1. Adoption of Findings and Conclusions.** The
23 Council has reviewed the record of proceedings and the Staff Report
24 of the Planning and Development Department and held a public hearing
25 concerning application for waiver of road frontage WRF-22-27. Based
26 upon the competent, substantial evidence contained in the record, the
27 Council hereby determines that the requested waiver of road frontage
28 meets the criteria for granting a waiver contained in Chapter 656,
29 *Ordinance Code*. Therefore, Application WRF-22-27 is hereby **approved**.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by Chessed Realty LLC and is legally described in **Exhibit 1**,

1 dated March 23, 2022, and graphically depicted in **Exhibit 2**, both of
2 which are attached hereto. A graphic depiction of the easement is
3 attached hereto as **Exhibit 3**. The applicant is Michael Sittner,
4 Esq., 1 Independent Drive, Suite 1200, Jacksonville, Florida 32202;
5 (904) 807-8214.

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

7 Legislative Services is hereby directed to mail a copy of this
8 legislation, as enacted, to the applicant and any other parties to
9 this matter who testified before the Land Use and Zoning Committee
10 or otherwise filed a qualifying written statement as defined in
11 Section 656.140(c), *Ordinance Code*.

12 **Section 4. Disclaimer.** The waiver of road frontage granted

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

25 **Section 5. Effective Date.** The enactment of this Ordinance

26 shall be deemed to constitute a quasi-judicial action of the City
27 Council and shall become effective upon signature by the Council
28 President and Council Secretary. Failure to exercise the waiver, if
29 herein granted, by the commencement of the use or action herein
30 approved within one (1) year of the effective date of this legislation
31 shall render this waiver invalid and all rights arising therefrom

