

1 Introduced by the Land Use and Zoning Committee and amended on the
2 Floor of Council:

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5 **ORDINANCE 2022-676-E**

6 AN ORDINANCE DENYING THE WAIVER OF MINIMUM ROAD
7 FRONTAGE APPLICATION WRF-22-24, FOR PROPERTY
8 LOCATED IN COUNCIL DISTRICT 9 AT 4823 KINGSBURY
9 STREET, BETWEEN KINGSBURY STREET AND ATTLEBORO
10 STREET (R.E. NO. 062553-0000), AS DESCRIBED
11 HEREIN, OWNED BY BCEL 5A, LLC, REQUESTING TO
12 REDUCE THE MINIMUM ROAD FRONTAGE REQUIREMENTS
13 FROM 48 FEET TO 25 FEET IN ZONING DISTRICT
14 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS DEFINED
15 AND CLASSIFIED UNDER THE ZONING CODE; PROVIDING
16 FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.
17

18 **WHEREAS**, an application for a waiver of minimum road frontage,
19 **On File** with the City Council Legislative Services Division, was
20 filed by Hunter Faulkner on behalf of the owner of property located
21 in Council District 9 at 4823 Kingsbury Street, between Kingsbury
22 Street and Attleboro Street (R.E. No. 062553-0000) (the "Subject
23 Property"), requesting to reduce the minimum road frontage from 48
24 feet to 25 feet in Zoning District Residential Low Density-60 (RLD-
25 60); and

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

29 **WHEREAS**, the Land Use and Zoning Committee, after due notice
30 held a public hearing and having duly considered both the testimonial
31 and documentary evidence presented at the public hearing, has made

1 its recommendation to the Council; and

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

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

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

31 **Section 2. Owner and Description.** The Subject Property is

1 owned by BCEL 5A, LLC and is legally described in **Exhibit 1**, dated
2 January 10, 2017, and graphically depicted in **Exhibit 2**, both of
3 which are attached hereto. The applicant is Hunter Faulkner, 1
4 Independent Drive, Suite 1400, Jacksonville, Florida 32202; (904)
5 389-0050.

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. Effective Date.** The enactment of this Ordinance

13 shall be deemed to constitute a quasi-judicial action of the City
14 Council and shall become effective upon signature by the Council
15 President and Council Secretary.

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17 Form Approved:

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19 /s/ Mary E. Staffopoulos

20 Office of General Counsel

21 Legislation Prepared By: Erin Abney

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