

1 The Land Use and Zoning Committee offers the following substitute to
2 File No. 2022-313:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2022-313**

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

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

1 100A (RLD-100A), Residential Rural-Acre (RR-Acre) and Conservation
2 (CSV); and

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

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

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

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

28 **Section 1. Adoption of Findings and Conclusions.** The
29 Council has reviewed the record of proceedings and the Staff Report
30 of the Planning and Development Department and held a public hearing
31 concerning application for waiver of road frontage WRF-22-16. Based

1 upon the competent, substantial evidence contained in the record, the
2 Council hereby determines that the requested waiver of road frontage
3 meets the criteria for granting a waiver contained in Chapter 656,
4 *Ordinance Code*. Therefore, Application WRF-22-16 is hereby **approved**.

5 **Section 2. Owner and Description.** The Subject Property is
6 owned by Donald C. Holmes and Karen C. Holmes and is legally described
7 in **Exhibit 1** dated January 23, 2022, and graphically depicted in
8 **Exhibit 2**, both of which are attached hereto. A depiction of the
9 easement providing access to the Subject Property is attached hereto
10 as **Exhibit 3**. The applicants are Vitina Pellot and Elaina Chmura,
11 14701 Philips Highway, Jacksonville, Florida 32256; (904) 441-0850.

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

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

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

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

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9 Form Approved:

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11 /s/ Mary E. Staffopoulos

12 Office of General Counsel

13 Legislation Prepared By: Bruce Lewis

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