

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-701**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-21-16, LOCATED IN
7 COUNCIL DISTRICT 2 AT 0 WATERVILLE ROAD, BETWEEN
8 RED BASS DRIVE AND WATERVILLE ROAD (R.E. NO.
9 159665-0500) AS DESCRIBED HEREIN, OWNED BY
10 POWERHOUSE EQUITIES INC., REQUESTING TO REDUCE
11 THE MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 160
12 FEET TO 0 FEET IN ZONING DISTRICT RESIDENTIAL
13 RURAL-ACRE (RR-ACRE), AS DEFINED AND CLASSIFIED
14 UNDER THE ZONING CODE; PROVIDING A DISCLAIMER
15 THAT THE WAIVER GRANTED HEREIN SHALL NOT BE
16 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
17 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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19 **WHEREAS**, an application for a waiver of minimum road frontage,
20 **On File** with the City Council Office of Legislative Services, was
21 filed by Powerhouse Equities Inc., the owner of property located in
22 Council District 2 at 0 Waterville Road, between Red Bass Drive and
23 Waterville Road (R.E. No. 159665-0500) (the "Subject Property"),
24 requesting to reduce the minimum road frontage from 160 feet to 0
25 feet in Zoning District Residential Rural-Acre (RR-Acre); 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: (1) there are practical or
5 economic difficulties in carrying out the strict letter of the
6 regulation; (2) the request is not based exclusively upon the desire
7 to reduce the cost of developing the site or to circumvent the
8 requirements of Chapter 654 (Code of Subdivision Regulations); (3)
9 the proposed waiver will not substantially diminish property values
10 in, nor alter the essential character of, the area surrounding the
11 site and will not substantially interfere with or injure the rights
12 of others whose property would be affected by the waiver; (4) there
13 is a valid and effective easement for adequate vehicular access
14 connected to a public street which is maintained by the City or an
15 approved private street; and (5) the proposed waiver will not be
16 detrimental to the public health, safety or welfare, result in
17 additional expense, the creation of nuisances or conflict with any
18 other applicable law; now, therefore

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

20 **Section 1. Adoption of Findings and Conclusions.** The
21 Council has reviewed the record of proceedings and the Staff Report
22 of the Planning and Development Department and held a public hearing
23 concerning application for waiver of road frontage WRF-21-16. Based
24 upon the competent, substantial evidence contained in the record, the
25 Council hereby determines that the requested waiver of road frontage
26 meets the criteria for granting a waiver contained in Chapter 656,
27 *Ordinance Code*. Therefore, Application WRF-21-16 is hereby **approved**.

28 **Section 2. Owner and Description.** The Subject Property is
29 owned by Powerhouse Equities Inc., and is legally described in **Exhibit**
30 **1**, dated January 10, 2017, and graphically depicted in **Exhibit 2**,
31 **attached hereto**. A graphic depiction of the easement is **attached**

1 **hereto** as **Exhibit 3**. The applicant is Powerhouse Equities Inc., 411
2 Walnut Street, #13576, Green Cove Springs, Florida 32043; (787) 600-
3 9065.

4 **Section 3. Distribution by Legislative Services.** The Office
5 of Legislative Services is hereby directed to mail a copy of this
6 legislation, as enacted, to the applicant and any other parties to
7 this matter who testified before the Land Use and Zoning Committee
8 or otherwise filed a qualifying written statement as defined in
9 Section 656.140(c), *Ordinance Code*.

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

23 **Section 5. Effective Date.** The enactment of this Ordinance
24 shall be deemed to constitute a quasi-judicial action of the City
25 Council and shall become effective upon signature by the Council
26 President and Council Secretary. Failure to exercise the waiver, if
27 herein granted, by the commencement of the use or action herein
28 approved within one year of the effective date of this legislation
29 shall render this waiver invalid and all rights arising therefrom
30 shall terminate.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Connie Quinto

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