

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2021-541 (WRF-21-09)

SEPTEMBER 21, 2021

Location: 8967 & 0 Philips Highway;
Between Sunbeam Road and Shad Road

Real Estate Number: 152580-0150; 152580-0350; 152580-0360

Waiver Sought: Reduce minimum required road frontage from 105 feet to 0 feet for 3 parcels

Present Zoning District: Industrial Light (IL)

Current Land Use Category: Light Industrial (LI)

Planning District: Southeast, District 3

Agent: Taylor Mejia
The Southern Group
208 N Laura Street, Suite 710
Jacksonville, Florida 32202

Owner: Charles Mardant
8967 Philips Highway
Jacksonville Florida 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance-2021-541 (WRF-21-09)** seeks to reduce the minimum required road frontage from 105 feet to 0 feet to allow for three parcels with deficient road frontage to use an easement for access to Philips Highway. The properties are currently developed with several warehouses and located in the Industrial Light (IL) zoning district. The site totals approximately 2.65 acres. The three lots are owned by the same owner but use a property owned by a relative, Joyce Mardant to access Philips Highway.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term *waiver* means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers of Road Frontage are authorized to be granted by the City Council pursuant to the criteria set forth in Section 656.133(b) of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver for minimum required street frontage may be granted if the City Council makes a positive finding based on substantial, competent evidence that the application meets all of the following criteria:

- (i) *Are there practical or economic difficulties in carrying out the strict letter of the regulation?*

Yes. The property owner would have to purchase property RE# 152580-0100 and then combine the lots to demonstrate access to Philips Highway. The property owner does own several other property adjacent to these lots but due to the structures already on the properties, there would be no way to create a driveway to meet the requirements.

- (ii) *Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations)?*

No. The request does not have the effect of reducing the cost of development; rather, it will allow the applicant to access the property through an easement. The property meets all other development standards.

- (iii) *Will the proposed waiver substantially diminish property values in, or alter the essential character of the area surrounding the site and will the waiver substantially interfere with or injure the rights of others?*

No. Properties in the surrounding area either are owned by the applicant, developed with similar industrial uses, or are undevelopable wetlands. The request to access Philips Highway through a relative's property with an easement agreement will not diminish property values.

- (iv) *Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?*

Yes. The applicant has provided information about an easement across property RE# 152580-0100 that fronts Philips Highway.

- (v) *Will the proposed waiver be detrimental to the public health, safety or welfare, and result in additional expense, the creation of nuisances or conflict with any other applicable law?*

No. The easement will provide adequate access to the subject properties. There is no detriment to the public health, safety, or welfare, and the development will comply with all other requirements of the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 30, 2021, by the Planning and Development Department, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **WRF-21-09** be **APPROVED**.



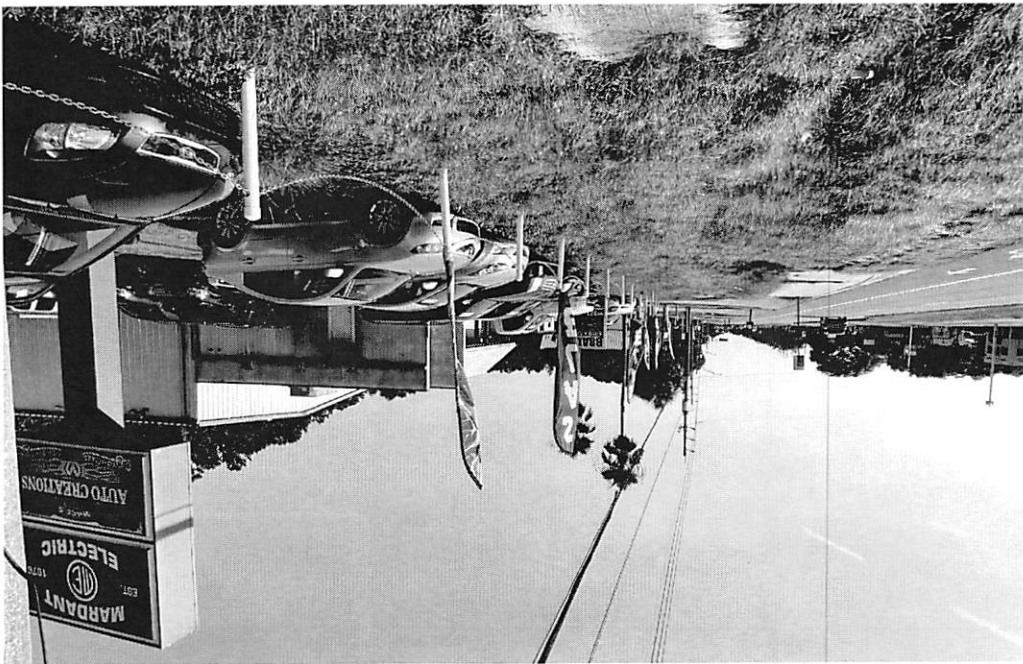
Easement to access Philips Highway

Source: Staff, Planning and Development Department
Date: August 31, 2021



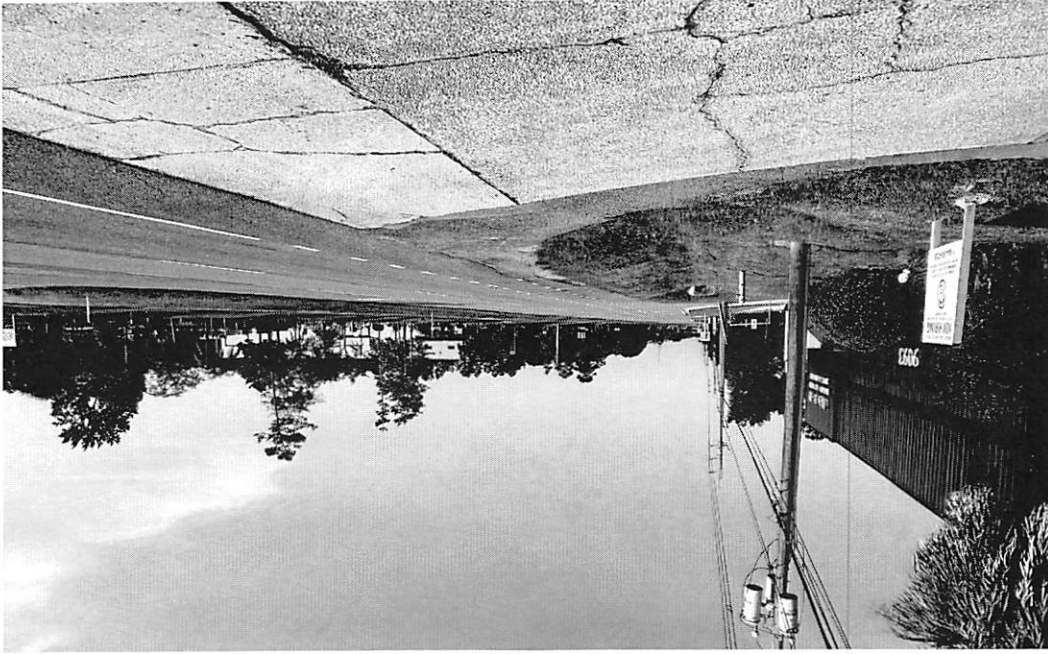
Subject Properties

Source: Staff, Planning and Development Department
Date: August 30, 2021



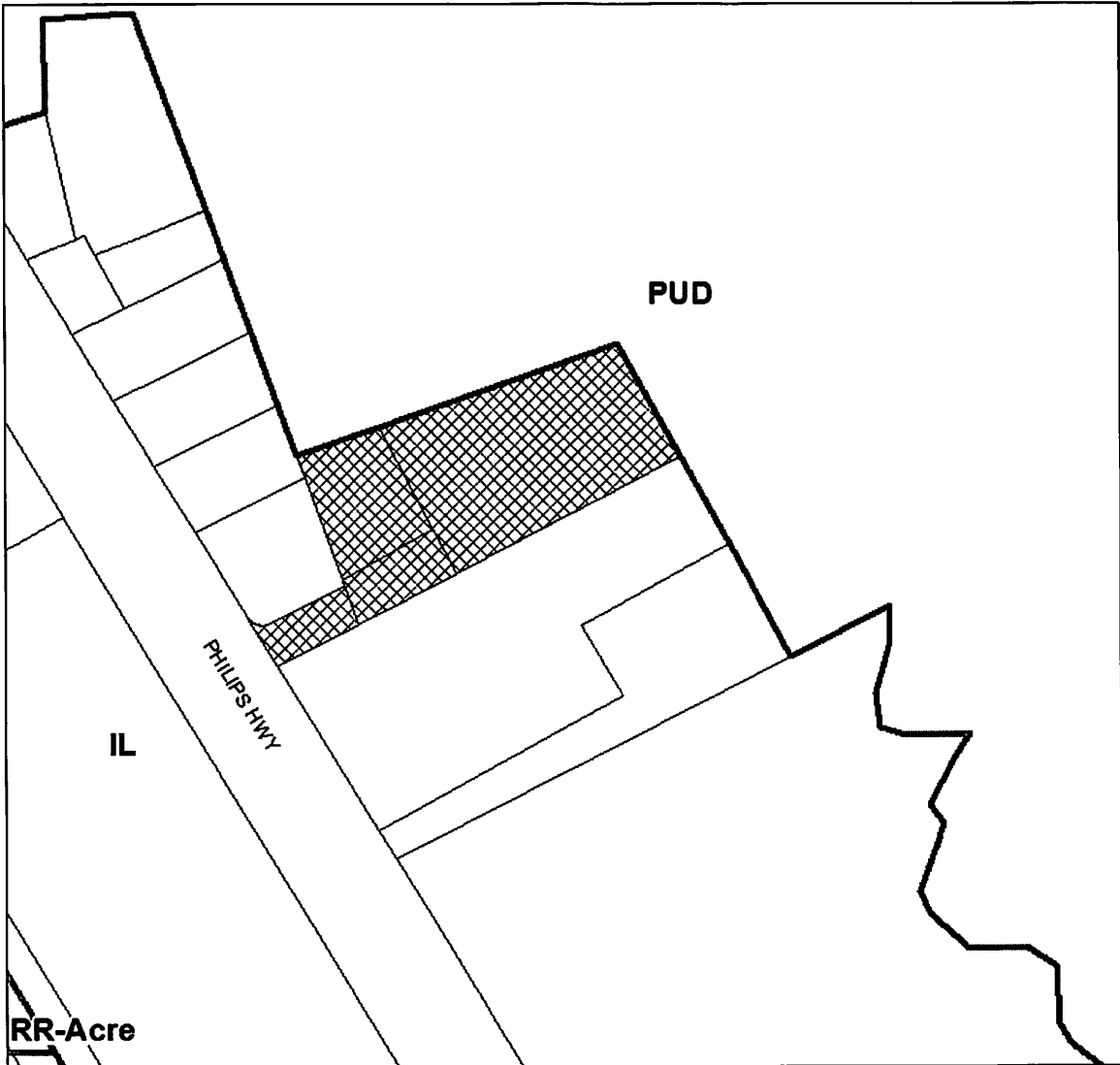
Properties along Phillips Highway (facing North)

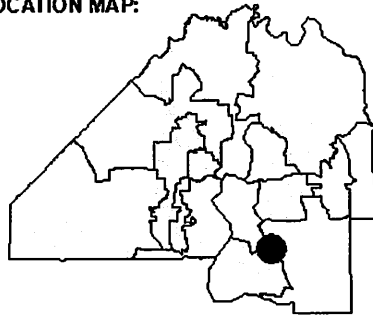
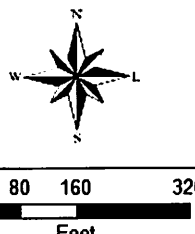
Source: Staff, Planning and Development Department
Date: August 30, 2021



Properties along Phillips Highway (facing South)

Source: Staff, Planning and Development Department
Date: August 30, 2021



<p>REQUEST SOUGHT:</p> <p>REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 105' TO 0 FEET (3 PARCELS)</p>	<p>LOCATION MAP:</p>  <p>TRACKING NUMBER WRF-21-09</p>	 <p>COUNCIL DISTRICT: 11</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>
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Date Submitted: 5/25/21
Date Filed: 5/25/21 6.16.21

Application Number: WRF-21-09
Public Hearing: 09/21/2021

Application for Waiver of Minimum Required Road Frontage

City of Jacksonville, Florida
Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District: IL	Current Land Use Category: L1	
Council District: 11	Planning District: 3	
Previous Zoning Applications Filed (provide application numbers): none found		
Applicable Section of Ordinance Code: 656.407		
Notice of Violation(s): none found		
Neighborhood Associations: none		
Overlay: none		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee: \$1229.	Zoning Asst. Initials: CIR

PROPERTY INFORMATION	
1. Complete Property Address: 8967 AND 0 PHILIPS HIGHWAY, JACKSONVILLE FL, 32256	2. Real Estate Number: 152580-0150, 152580-0350, AND 152580-0360
3. Land Area (Acres): 2.65	4. Date Lot was Recorded: 1992
5. Property Located Between Streets: FREEDOM CROSSING TRAIL AND I-95	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from <u>35-105'</u> feet to <u>0</u> feet. (3 PARCELS)	
8. In whose name will the Waiver be granted? CHARLES MARDANT	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: CHARLES MARDANT	10. E-mail: cgmardant@mardantelectrical.com
11. Address (including city, state, zip): 8967 PHILIPS HIGHWAY, JACKSONVILLE FL, 32256	12. Preferred Telephone: (904) 363-0200

APPLICANT'S INFORMATION (if different from owner)	
13. Name: Taylor Mejia	14. E-mail: mejia@thesoutherngroup.com
15. Address (including city, state, zip): 208 N Laura Street, Suite 710, Jacksonville, FL 32202	16. Preferred Telephone: (904) 425-8765

CRITERIA
<p>Section 656.101(l), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."</p> <p>Section 656.133(d)1 through 5, Ordinance Code, provides that, with respect to action upon Applications for Waivers, the City Council shall grant a waiver for reduction of the minimum requirements for road frontage, if the Council makes a positive finding based upon substantial, competent evidence that the application meets all of the following five (5) criteria:</p> <ul style="list-style-type: none"> <i>i. There are practical or economic difficulties in carrying out the strict letter of the regulation;</i> <i>ii. The request is not based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations);</i> <i>iii. The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver;</i> <i>iv. There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City or approved private street;</i> <i>v. The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law.</i>

17. Given the above definition of a "waiver" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

The application requests a road frontage waiver for three contiguous, commonly owned parcels. Based upon the criteria, there are practical difficulties in carrying out the strict letter of the regulation. The subject properties seeking the waiver do not currently border Philips Highway and therefore require a waiver from the 35 foot road frontage requirement. There are numerous commonly owned parcels between Philips Highway and the subject parcels that are connected by a privately owned road (also under the same owner).

The proposed waiver is not being requested to reduce the cost of developing the site. The proposed waiver will not decrease the value of the property or be detrimental to public health. There is an effective easement for vehicular access that is privately owned and described in the legal description for RE # 152580-0150.

AUTHORIZATION

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

I hereby certify that I have read and understand the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Owner(s) Print name: _____ Signature: _____	Applicant or Agent (if different than owner) Print name: <u>Taylor Mejia</u> Signature: <u>Taylor Mejia</u>
Owner(s) Print name: _____ Signature: _____	<i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i>

SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to:

Planning and Development Department, Zoning Section
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202
(904) 255-8300

Exhibit 1

RE #152580-0360

PART OF THE F.P. SANCHEZ GRANT, SECTION 53, TOWNSHIP 3 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF PHILIPS HIGHWAY (A 150.0 FOOT RIGHT OF WAY) WITH THE WESTERLY LINE OF THE F.P. SANCHEZ GRANT, SECTION 52; THENCE SOUTH 32 DEGREES 33' 00" EAST, 544.18 FEET, ALONG THE NORTHEASTERLY LINE OF SAID PHILIPS HIGHWAY, TO THE POINT OF CURVE OF A CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.0 FEET; THENCE AROUND AND ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 85 DEGREES 26' 37" AN ARC DISTANCE OF 37.43 FEET (CHORD BEARING AND DISTANCE OF SOUTH 75 DEGREES 26' 37" EAST, 34.03 FEET) TO ITS POINT OF TANGENCY; THENCE NORTH 61 DEGREES 39' 45" EAST, 125.77 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 21 DEGREES 10' 10" WEST, 184.1 FEET; THENCE NORTH 68 DEGREES 04' 42" EAST, 127.43 FEET; THENCE SOUTH 27 DEGREES 33' 46" EAST, 168.44 FEET; THENCE SOUTH 61 DEGREES 39' 45" WEST, 147.32 FEET, TO THE POINT OF BEGINNING.

CONTAINING 24,134.32 SQUARE FEET AND/OR 0,554 ACRES

RE #152580-0350

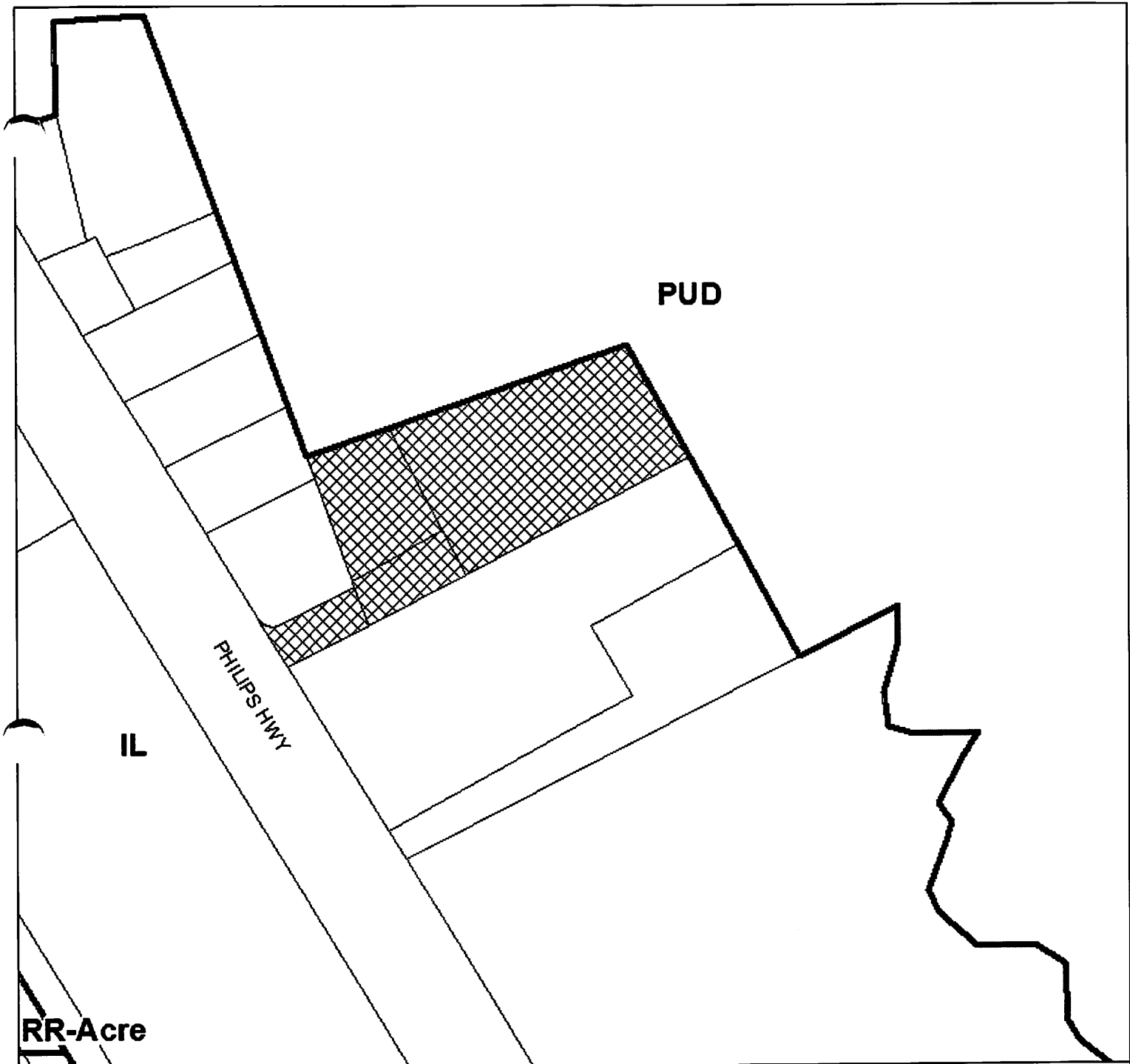
PART OF THE F.P. SANCHEZ GRANT, SECTION 53, TOWNSHIP 3 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF PHILIPS HIGHWAY (A 150.0 FOOT RIGHT OF WAY) WITH THE WESTERLY LINE OF THE F.P. SANCHEZ GRANT, SECTION 53; THENCE SOUTH 32 DEGREES 33' 00" EAST 627.57 FEET ALONG THE NORTHEASTERLY LINE OF SAID PHILIPS HIGHWAY; THENCE NORTH 61 DEGREES 39' 45" EAST, 291.09 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 61 DEGREES 39' 45" EAST, 370.7FEET; THENCE NORTH 32 DEGREES 33' 00" WEST, 189.16 FEET; THENCE SOUTH 68 DEGREES 04' 42" WEST, 355.95 FEET; THENCE SOUTH 27 DEGREES 33' 46" EAST, 228.45 FEET, TO THE POINT OF THE BEGINNING.

CONTAINING 75,427.1 SQUARE FEET AND/OR 1,7316 ACRES.

RE# 152580-0150 - 60.0 FOOT EASTMENT FOR INGRESS AND EGRESS

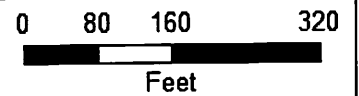
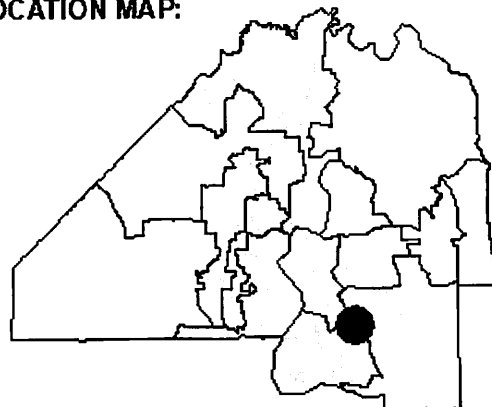
PART OF THE F.P. SANCHEZ GRANT, SSECTION 53, TOWNSHIP 3 SOUTH, RANGE 27 EAST, DUVAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF PHILIPS HIGHWAY (A 150.00 FOOT RIGHT OF WAY) WITH THE WESTERLY LINE OF SAID SECTION 53; THENCE SOUTH 32 DEGREES 33' 00" EAST, 544.18 FEET, ALONG THE NORTHEASTERLY LINE OF SAID PHILIPS HIGHWAY, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 32 DEGREES 33' 00" EAST, 83.39 FEET, ALONG THE NORTHEASTERLY LINE OF SAID PHILIPS HIGHWAY; THENCE NORTH 61 DEGREES 39' 45" EAST, 291.09 FEET; THENCE NORTH 27 DEGREES 33' 46" WEST, 60.01 FEET; THENCE SOUTH 61 DEGREES 39' 45" WEST, 273.09 FEET, TO THE POINT OF CURVE OF A CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.0 FEET; THENCE AROUND AND ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 85 DEGREES 47' 15", AN ARC DISTANCE OF 37.43 FEET (CHORD BEARING AND DISTANCE OF NORTH 75 DEGREES 26' 37" WEST, 34.03 FEET) TO THE POINT OF BEGINNING



REQUEST SOUGHT:

REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 105' TO 0 FEET (3 PARCELS)

LOCATION MAP:



COUNCIL DISTRICT:

11

TRACKING NUMBER

WRF-21-09

**EXHIBIT 2
PAGE 1 OF 1**

EXHIBIT B

Agent Authorization - Individual

Date: 6/7/2021

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location in Jacksonville, Florida:
Address: 8967 Philips Hwy, Jacksonville FL, 32256 RE#(s): 152580 0350

To Whom it May Concern:

You are hereby advised that Joyce Mardant, as owner of 8967 Philips Hwy, hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers The Southern Group (Chris Hagan and Taylor Mejia) to act as agent to file application(s) for Road Frontage Waiver for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

By Joyce G Mardant
Print Name: Joyce G MARDANT



RENEE S. PUSTAY
Commission # GG 162825
Expires November 26, 2021
Bonded Thru Budget Notary Services

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 8th day of June, 2021, by Joyce G. Mardant, who is personally known to me or who has produced _____ as identification and who took an oath.

Renee S. Pustay
(Signature of NOTARY PUBLIC)

Renee S. Pustay
(Printed name of NOTARY PUBLIC)

State of Florida Large
Notary Seal

EXHIBIT B

Agent Authorization - Individual

Date: 4/28/2021

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location in Jacksonville, Florida:
Address: 8967 Phillips Hwy, Jacksonville FL, 32256 RE#(s): 152580 0350, 152580 0360, 152580 0150

To Whom it May Concern:

You are hereby advised that Charles G Mardant, as owner of 8967 Phillips Hwy, hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers The Southern Group (Chris Hagan and Taylor Mejia) to act as agent to file application(s) for Road Frontage Waiver for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

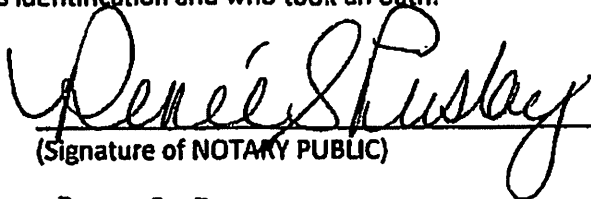
By 
Print Name: Charles G. Mardant



RENEE S. PUSTAY
Commission # GG 182025
Expires November 26, 2021
Bonded thru Budget Notary Services

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 29th day of April 2021, by Charles G. Mardant, who is personally known to me or who has produced as identification and who took an oath.


(Signature of NOTARY PUBLIC)

Renee S. Pustay
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: 11/26/21

EXHIBIT A

Property Ownership Affidavit - Individual

Date: 6/7/2021

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:
Address: 8967 Philips Hwy, Jacksonville FL, 32256 RE#(s): 152580 0350

To Whom it May Concern:

I Joyce Mardant hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Road Frontage Waiver submitted to the Jacksonville Planning and Development Department.

By Joyce G. Mardant
Print Name: Joyce G MARDANT



RENEE S. PUSTAY
Commission # GG 162825
Expires November 26, 2021
Bonded Through Budget Notary Services

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 8th day of June 2021 by Joyce G. Mardant, who is personally known to me or who has produced _____ as identification and who took an oath.

Renee S. Pustay
(Signature of NOTARY PUBLIC)

Renee S. Pustay
(Printed name of NOTARY PUBLIC)

State of Florida at Large
My commission expires: 11/26/21

EXHIBIT B

Agent Authorization - Individual

Date: 6/7/2021

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location in Jacksonville, Florida:

Address: 8967 Phillips Hwy, Jacksonville FL, 32256 RE#(s): 152580 0350

To Whom it May Concern:

You are hereby advised that Joyce Mardant, as owner of 8967 Phillips Hwy, hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers The Southern Group (Chris Hagan and Taylor Mejia) to act as agent to file application(s) for Road Frontage Waiver for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

By Joyce G. Mardant
Print Name: Joyce G. MARDANT



RENEE S. PUSTAY
Commission # GG 162825
Expires November 26, 2021
Funded Thru Budget Notary Services

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 8th day of June 2021,
by Joyce G. Mardant, who is personally known to me or who has produced
_____ as identification and who took an oath.

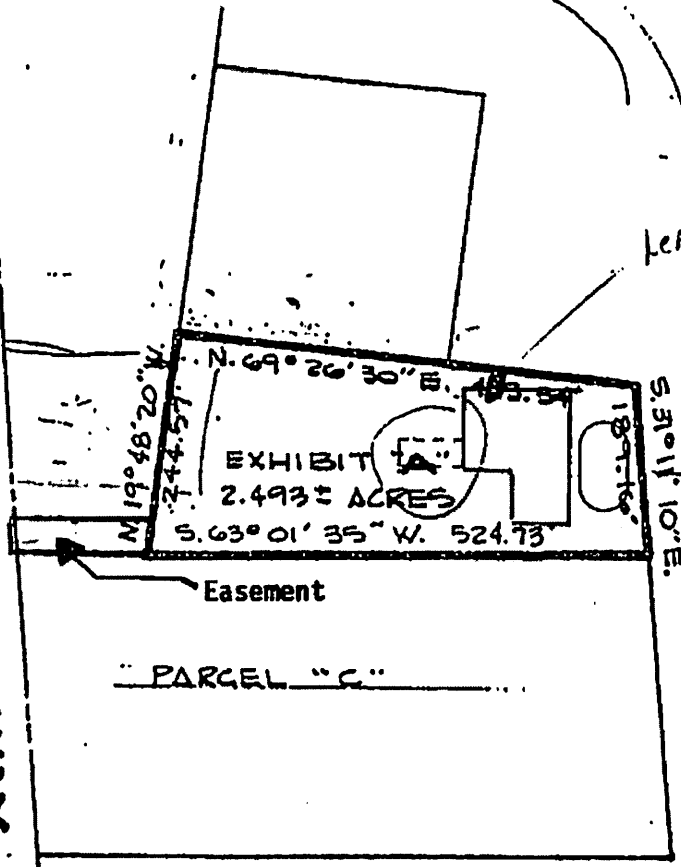
Renee S. Pustay
(Signature of NOTARY PUBLIC)

Renee S. Pustay
(Printed name of NOTARY PUBLIC)

(Date of Acknowledgment)

SURVEY

PHILLIPS HIGHWAY
C.S. NO. 37

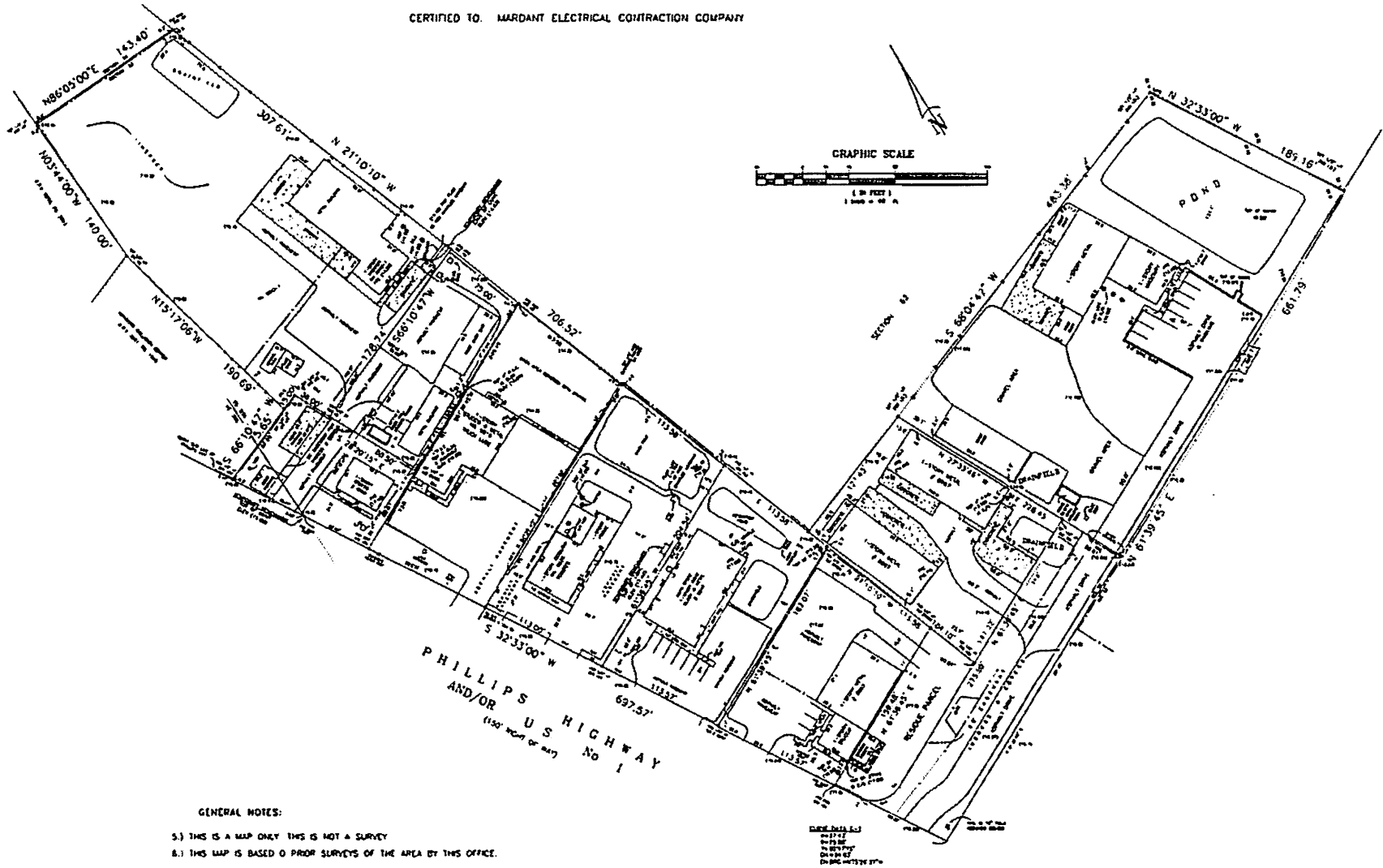


ADDENDUM

MAP SHOWING

PART OF SECTION 34, AND PART OF THE F.P. SANCHEO GRANT, SECTION 53,
AND PART OF THE JOHN SUMMERALL GRANT, SECTION 62,
TOWNSHIP 3 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA

CERTIFIED TO: MARDANT ELECTRICAL CONTRACTION COMPANY



GENERAL NOTES:

- 5.) THIS IS A MAP ONLY THIS IS NOT A SURVEY
- 6.) THIS MAP IS BASED ON PRIOR SURVEYS OF THE AREA BY THIS OFFICE.

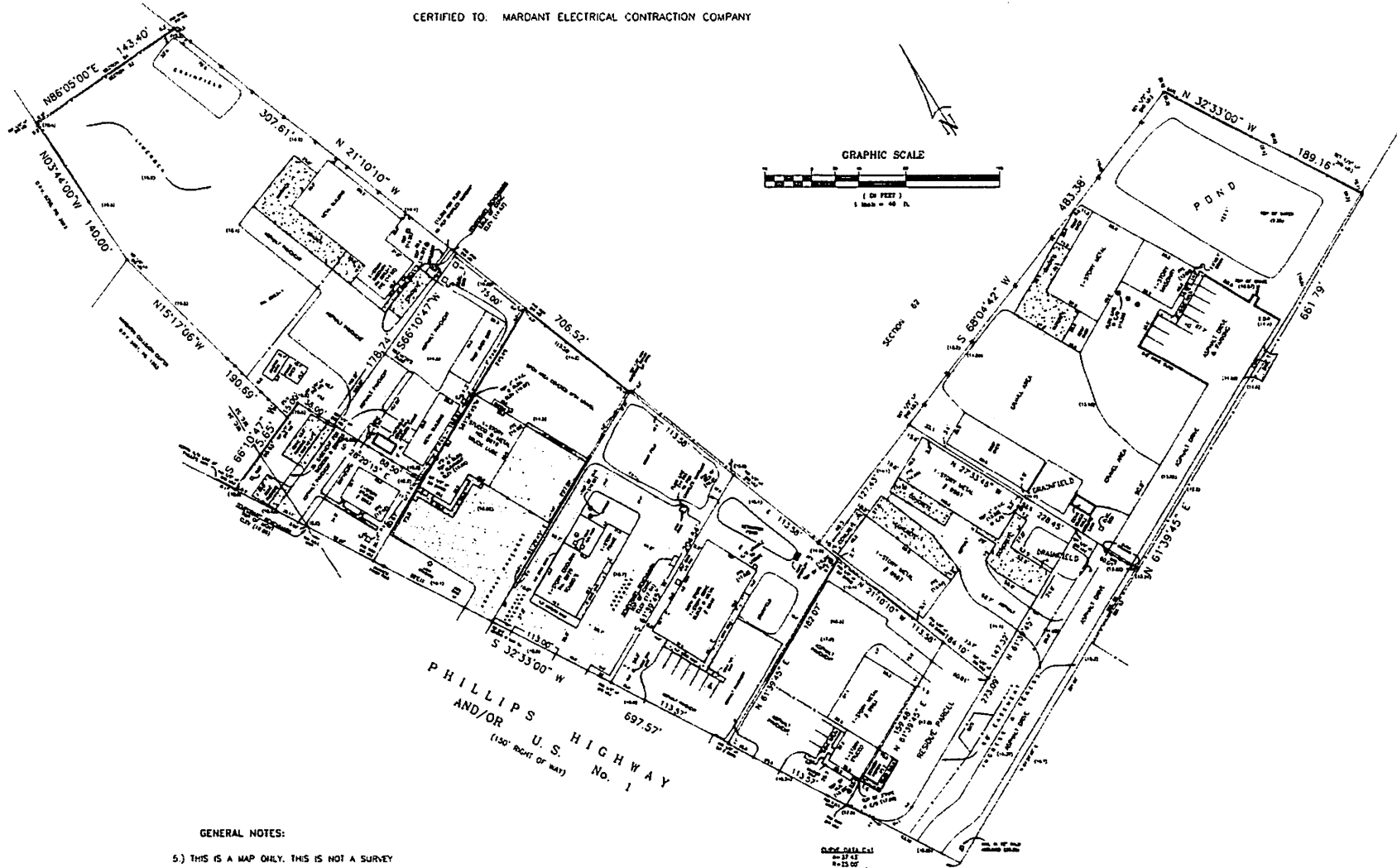
DATE: 11/11/11
BY: [Signature]
CHECKED BY: [Signature]
IN CHARGE: [Signature]

<p>LEGEND</p> <ul style="list-style-type: none"> 1. BOUNDARY 2. EASEMENT 3. CONVEYANCE 4. EASEMENT 5. EASEMENT 6. EASEMENT 	<p>ELLIS, CURTIS & KOOKER, INC. 1000 N. GULF BLVD. SUITE 200 ORLANDO, FLORIDA 32801 407.850.1111 www.elliscurtis.com</p> <p>ELLIS, CURTIS & KOOKER, INC. Surveyors Professional Seal</p>
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MAP SHOWING

PART OF SECTION 34, AND PART OF THE F.P. SANCHEO GRANT, SECTION 53,
AND PART OF THE JOHN SUMMERALL GRANT, SECTION 62,
TOWNSHIP 3 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA

CERTIFIED TO: MARDANT ELECTRICAL CONTRACTION COMPANY



GENERAL NOTES:

- 5.) THIS IS A MAP ONLY. THIS IS NOT A SURVEY
- 6.) THIS MAP IS BASED ON PRIOR SURVEYS OF THE AREA BY THIS OFFICE.

DATE: 04/11/01
BY: J.C. KOOKER
CHECKED: J.C. KOOKER
DATE: 04/11/01
DRAWN: J.C. KOOKER

LEGEND: D - DRAINAGE S - SURVEY P - POND R - ROAD L - LOT E - EASEMENT	ELLIS, CURTIS & KOOKER, INC. LAND SURVEYORS AND PLANNERS 1207 F. STREET TALLAHASSEE, FLORIDA 32301 TEL: 904-845-1111 FAX: 904-845-1112 WWW.ECKINC.COM
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