

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-129-E**

5 AN ORDINANCE APPROVING WAIVER OF MINIMUM
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-22-33,
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 1 AT 0
8 TRESCA ROAD, BETWEEN ATRIUM WAY AND ATLANTIC
9 BOULEVARD (R.E. NO. 162879-1020), AS DESCRIBED
10 HEREIN, OWNED BY DEMETREE-TAYLOR PARTNERSHIP,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 48 FEET TO 23.7 FEET IN ZONING
13 DISTRICT RESIDENTIAL MEDIUM DENSITY-D (RMD-D),
14 AS 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 Wyman Duggan, Esq., on behalf of the owner of property
23 located in Council District 1 at 0 Tresca Road, between Atrium Way
24 and Atlantic Boulevard (R.E. No. 162879-1020) (the "Subject
25 Property"), requesting to reduce the minimum road frontage from 48
26 feet to 23.7 feet in Zoning District Residential Medium Density-D
27 (RMD-D); 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 Minimum Required Road Frontage
26 WRF-22-33. Based upon the competent, substantial evidence contained
27 in the record, the Council hereby determines that the requested waiver
28 of road frontage meets the criteria for granting a waiver contained
29 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-22-33 is
30 hereby approved.

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

1 owned by Demetree-Taylor Partnership and is legally described in
2 **Exhibit 1**, dated June 30, 2021, and graphically depicted in **Exhibit**
3 **2**, both of which are attached hereto. The applicant is Southern
4 Impression Homes LLC, 5711 Richard Street, Suite 1, Jacksonville,
5 Florida 32216; (904) 945-0485.

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

1 shall terminate.

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3 Form Approved:

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5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation Prepared By: Bruce Lewis

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