

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-130**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-03,
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 8 AT
8 1221 NORTH CATHY TRIPP LANE AND 1229 NORTH CATHY
9 TRIPP LANE, BETWEEN WELL WATER ROAD AND REWIS
10 ROAD (R.E. NOS. 004685-0005 AND 004685-0010), AS
11 DESCRIBED HEREIN, OWNED BY ROBERT A. HOLTON, JR.
12 AND KIMBERLY H. HOLTON, AS CO-TRUSTEES OF THE
13 HOLTON FAMILY TRUST DATED APRIL 27, 2022, AND
14 JASON KEITH ATKINS AND JESSICA MARIE ATKINS,
15 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
16 REQUIREMENTS FROM 80 FEET TO 0 FEET FOR TWO LOTS
17 IN ZONING DISTRICT RESIDENTIAL RURAL-ACRE (RR-
18 ACRE), AS DEFINED AND CLASSIFIED UNDER THE
19 ZONING CODE; PROVIDING FOR DISTRIBUTION;
20 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 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 Robert A. Holton, Jr. and Kimberly H. Holton, as Co-Trustees
28 of the Holton Family Trust dated April 27, 2022, and Jason Keith
29 Atkins and Jessica Marie Atkins, owners of property located in Council
30 District 8 at 1221 North Cathy Tripp Lane and 1229 North Cathy Tripp
31 Lane, between Well Water Road and Rewis Road (R.E. Nos. 004685-0005

1 and 004685-0010) (the "Subject Property"), requesting to reduce the
2 minimum road frontage from 80 feet to 0 feet for two lots in Zoning
3 District Residential Rural-Acre (RR-Acre); and

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

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

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

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

29 **Section 1. Adoption of Findings and Conclusions.** The
30 Council has reviewed the record of proceedings and the Staff Report
31 of the Planning and Development Department and held a public hearing

1 concerning Application for Waiver of Minimum Required Road Frontage
2 WRF-23-03. Based upon the competent, substantial evidence contained
3 in the record, the Council hereby determines that the requested waiver
4 of road frontage meets the criteria for granting a waiver contained
5 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-23-03 is
6 hereby approved.

7 **Section 2. Owner and Description.** The Subject Property is
8 owned by Robert A. Holton, Jr. and Kimberly H. Holton, as Co-Trustees
9 of the Holton Family Trust dated April 27, 2022, and Jason Keith
10 Atkins and Jessica Marie Atkins, and is legally described in **Exhibit**
11 **1**, dated January 20, 2023, and graphically depicted in **Exhibit 2**,
12 both of which are attached hereto. A graphic depiction of the
13 easement is attached hereto as **Exhibit 3**. The applicants are the
14 owners, Kim Holton and Robert Holton, 1221 North Cathy Tripp Lane,
15 Jacksonville, Florida 32221; (904) 545-6604, and Jason Atkins and
16 Jessica Atkins, 1229 North Cathy Tripp Lane, Jacksonville, Florida
17 32221; (904) 631-1808.

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

24 **Section 4. Disclaimer.** The waiver of road frontage granted
25 herein shall **not** be construed as an exemption from any other
26 applicable local, state, or federal laws, regulations, requirements,
27 permits or approvals. All other applicable local, state or federal
28 permits or approvals shall be obtained before commencement of the
29 development or use and issuance of this waiver of road frontage is
30 based upon acknowledgement, representation and confirmation made by
31 the applicant(s), owner(s), developer(s) and/or any authorized

1 agent(s) or designee(s) that the subject business, development and/or
2 use will be operated in strict compliance with all laws. Issuance of
3 this waiver of road frontage does **not** approve, promote or condone any
4 practice or act that is prohibited or restricted by any federal,
5 state or local laws.

6 **Section 5. Effective Date.** The enactment of this Ordinance
7 shall be deemed to constitute a quasi-judicial action of the City
8 Council and shall become effective upon signature by the Council
9 President and Council Secretary. Failure to exercise the waiver, if
10 herein granted, by the commencement of the use or action herein
11 approved within one (1) year of the effective date of this legislation
12 shall render this waiver invalid and all rights arising therefrom
13 shall terminate.

14
15 Form Approved:

16
17 /s/ Mary E. Staffopoulos

18 Office of General Counsel

19 Legislation Prepared By: Bruce Lewis

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