

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-202**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-22-08, LOCATED IN  
7 COUNCIL DISTRICT 5 AT 3572 BEDFORD ROAD, BETWEEN  
8 EMERSON STREET AND SPRING PARK ROAD (R.E. NO.  
9 127281-0400), AS DESCRIBED HEREIN, OWNED BY  
10 LAFER TRUST #12824, UNDER THE PROVISIONS OF A  
11 TRUST AGREEMENT DATED AUGUST 10, 2010 AND KNOWN  
12 AS LAFER TRUST #12824, RICHARD P. BRIGGS AS  
13 TRUSTEE, REQUESTING TO REDUCE THE MINIMUM ROAD  
14 FRONTAGE REQUIREMENTS FROM 32 FEET TO 15.5 FEET  
15 IN ZONING DISTRICT RESIDENTIAL MEDIUM DENSITY-A  
16 (RMD-A), AS DEFINED AND CLASSIFIED UNDER THE  
17 ZONING CODE; PROVIDING FOR DISTRIBUTION;  
18 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED  
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
21 EFFECTIVE DATE.  
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23 **WHEREAS**, an application for a waiver of minimum road frontage,  
24 **On File** with the City Council Legislative Services Division, was  
25 filed by BGRP Engineering Group LLC, on behalf of the owner of  
26 property located in Council District 5 at 36572 Bedford Road, between  
27 Emerson Street and Spring Park Road (R.E. No. 127281-0400) (the  
28 "Subject Property"), requesting to reduce the minimum road frontage  
29 from 32 feet to 15.5 feet in Zoning District Residential Medium  
30 Density-A (RMD-A); and

31 **WHEREAS**, the Planning and Development Department has considered

1 the application and all attachments thereto and has rendered an  
2 advisory recommendation; and

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

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

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

25 **Section 1. Adoption of Findings and Conclusions.** The  
26 Council has reviewed the record of proceedings and the Staff Report  
27 of the Planning and Development Department and held a public hearing  
28 concerning application for waiver of road frontage WRF-22-08. Based  
29 upon the competent, substantial evidence contained in the record, the  
30 Council hereby determines that the requested waiver of road frontage  
31 meets the criteria for granting a waiver contained in Chapter 656,

1 Ordinance Code. Therefore, Application WRF-22-08 is hereby **approved**.

2 **Section 2. Owner and Description.** The Subject Property is  
3 owned by the Lafer Trust #12824, under the provisions of a Trust  
4 Agreement dated August 10, 2010 and known as Lafer Trust #12824,  
5 Richard P. Briggs as Trustee, and is legally described in **Exhibit 1**,  
6 dated January 10, 2017, and graphically depicted in **Exhibit 2**, both  
7 of which are **attached hereto**. The applicant is BGRP Engineering Group  
8 LLC, P.O. Box 684, Crystal River, Florida 34423; (904) 368-6969.

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

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

28 **Section 5. Effective Date.** The enactment of this Ordinance  
29 shall be deemed to constitute a quasi-judicial action of the City  
30 Council and shall become effective upon signature by the Council  
31 President and Council Secretary. Failure to exercise the waiver, if

1 herein granted, by the commencement of the use or action herein  
2 approved within one (1) year of the effective date of this legislation  
3 shall render this waiver invalid and all rights arising therefrom  
4 shall terminate.

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6 Form Approved:

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8           /s/ Mary E. Staffopoulos          

9 Office of General Counsel

10 Legislation Prepared By: Kaysie Cox

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