

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-115**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-22-04, LOCATED IN
7 COUNCIL DISTRICT 3 AT 0 CHEYNE ROAD, BETWEEN
8 GERONA DRIVE WEST AND MACAPA ROAD (R.E. NO.
9 166801-0000), AS DESCRIBED HEREIN, OWNED BY
10 JAMES W. BRINKLEY AND JUDITH L. BRINKLEY,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 48 FEET TO 0 FEET IN ZONING
13 DISTRICT RESIDENTIAL LOW DENSITY-60 (RLD-60), AS
14 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 Ana Plaku and Neuljan Kore on behalf of the owners of
23 property located in Council District 3 at 0 Cheyne Road, between
24 Gerona Drive West and Macapa Road (R.E. No. 166801-0000) (the "Subject
25 Property"), requesting to reduce the minimum road frontage from 48
26 feet to 0 feet in Zoning District Residential Low Density-60 (RLD-
27 60); 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),
11 *Ordinance Code*; (3) the proposed waiver will not substantially
12 diminish property values in, nor alter the essential character of,
13 the area surrounding the site and will not substantially interfere
14 with or injure the rights of others whose property would be affected
15 by the waiver; (4) there is a valid and effective easement for
16 adequate vehicular access connected to a public street which is
17 maintained by the City or an approved private street; and (5) the
18 proposed waiver will not be detrimental to the public health, safety
19 or welfare, result in additional expense, the creation of nuisances
20 or conflict with any 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 road frontage WRF-22-04. Based
26 upon the competent, substantial evidence contained in the record, the
27 Council hereby determines that the requested waiver of road frontage
28 meets the criteria for granting a waiver contained in Chapter 656,
29 *Ordinance Code*. Therefore, Application WRF-22-04 is hereby **approved**.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by James W. Brinkley and Judith L. Brinkley, and is legally

1 described in **Exhibit 1**, dated January 14, 2022, and graphically
2 depicted in **Exhibit 2**, both **attached hereto**. The applicants are Ana
3 Plaku and Neuljan Kore, 8120 Summergate Court, Jacksonville, Florida
4 32256; (904) 888-5983.

5 **Section 3. Distribution by Legislative Services.**

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

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

24 **Section 5. Effective Date.** The enactment of this Ordinance
25 shall be deemed to constitute a quasi-judicial action of the City
26 Council and shall become effective upon signature by the Council
27 President and Council Secretary. Failure to exercise the waiver, if
28 herein granted, by the commencement of the use or action herein
29 approved within one (1) year of the effective date of this legislation
30 shall render this waiver invalid and all rights arising therefrom
31 shall terminate.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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