

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-487**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-22-18, LOCATED IN
7 COUNCIL DISTRICT 5 AT 0 CLEAR CV, BETWEEN
8 NICHOLAS CIRCLE SOUTH AND NAIN ROAD (R.E. NO.
9 136250-0000), AS DESCRIBED HEREIN, OWNED BY
10 PIVOT REI HOMES JV, LLC, REQUESTING TO REDUCE
11 THE MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 35
12 FEET TO 0 FEET IN ZONING DISTRICT RESIDENTIAL
13 MEDIUM DENSITY-D (RMD-D), AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR
15 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
16 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
17 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 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 Cyndy Trimmer, Esq., on behalf of the owner of property
23 located in Council District 5 at 0 Clear CV, between Nicholas Circle
24 South and Nain Road (R.E. No. 136250-0000) (the "Subject Property"),
25 requesting to reduce the minimum road frontage from 35 feet to 0 feet
26 in Zoning District Residential Medium Density-D (RMD-D); and

27 **WHEREAS**, the Planning and Development Department has considered
28 the application and all attachments thereto and has rendered an
29 advisory recommendation; and

30 **WHEREAS**, the Land Use and Zoning Committee, after due notice
31 held a public hearing and having duly considered both the testimonial

1 and documentary evidence presented at the public hearing, has made
2 its recommendation to the Council; and

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

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

21 **Section 1. Adoption of Findings and Conclusions.** The
22 Council has reviewed the record of proceedings and the Staff Report
23 of the Planning and Development Department and held a public hearing
24 concerning application for waiver of road frontage WRF-22-18. Based
25 upon the competent, substantial evidence contained in the record, the
26 Council hereby determines that the requested waiver of road frontage
27 meets the criteria for granting a waiver contained in Chapter 656,
28 *Ordinance Code*. Therefore, Application WRF-22-18 is hereby **approved**.

29 **Section 2. Owner and Description.** The Subject Property is
30 owned by Pivot REI Homes JV, LLC, and is legally described in **Exhibit**
31 **1**, dated April 7, 2022, and graphically depicted in **Exhibit 2**, both

1 attached hereto. A graphic depiction of the easement providing access
2 to/from the Subject Property is attached hereto as **Exhibit 3**. The
3 applicant is Cyndy Trimmer, Esq., One Independent Drive, Suite 1200,
4 Jacksonville, Florida 32202; (904) 807-0185.

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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