

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

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; WAIVER SUBJECT TO CONDITION;
18 PROVIDING FOR DISTRIBUTION; PROVIDING A
19 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL
20 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; PROVIDING AN 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

1 **WHEREAS**, the Planning and Development Department has considered
2 the application and all attachments thereto and has rendered an
3 advisory recommendation; and

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

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

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

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

1 meets the criteria for granting a waiver contained in Chapter 656,
2 *Ordinance Code*. Therefore, Application WRF-22-08 is hereby **approved**.

3 **Section 2. Waiver Approved Subject to Condition.** This
4 Waiver is approved subject to the following condition:

5 (1) The applicant or its successor shall be required to connect
6 any residential dwelling units constructed on the Subject Property
7 to City water at the time of development of the Subject Property.

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

15 **Section 4. Distribution by Legislative Services.**
16 Legislative Services is hereby directed to mail a copy of this
17 legislation, as enacted, to the applicant and any other parties to
18 this matter who testified before the Land Use and Zoning Committee
19 or otherwise filed a qualifying written statement as defined in
20 Section 656.140(c), *Ordinance Code*.

21 **Section 5. Disclaimer.** The waiver of road frontage granted
22 herein shall **not** be construed as an exemption from any other
23 applicable local, state, or federal laws, regulations, requirements,
24 permits or approvals. All other applicable local, state or federal
25 permits or approvals shall be obtained before commencement of the
26 development or use and issuance of this waiver of road frontage is
27 based upon acknowledgement, representation and confirmation made by
28 the applicant(s), owner(s), developer(s) and/or any authorized
29 agent(s) or designee(s) that the subject business, development and/or
30 use will be operated in strict compliance with all laws. Issuance of
31 this waiver of road frontage does **not** approve, promote or condone any

1 practice or act that is prohibited or restricted by any federal,
2 state or local laws.

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

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12 Form Approved:

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14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation Prepared By: Kaysie Cox

17 GC-#1506355-v1-2022-202-E