

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-674**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-21-29, FOR
7 PROPERTY LOCATED IN COUNCIL DISTRICT 6 AT 0
8 FLYNN ROAD, BETWEEN FLYNN ROAD AND CODY DRIVE
9 (R.E. NO. 105920-0050), AS DESCRIBED HEREIN,
10 OWNED BY W. W. ANDERSON, ALSO KNOWN AS WILLIAM
11 W. ANDERSON, REQUESTING TO REDUCE THE MINIMUM
12 ROAD FRONTAGE REQUIREMENTS FROM 160 FEET TO 68
13 FEET FOR ONE LOT (PROPOSED TO BE DIVIDED INTO
14 TWO LOTS) IN ZONING DISTRICT RESIDENTIAL LOW
15 DENSITY-100B (RLD-100B), AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR
17 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
18 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
19 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
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22 **WHEREAS**, an application for a waiver of minimum road frontage,
23 **On File** with the City Council Legislative Services Division, was
24 filed by Alex Fink of Brink Realty LLC on behalf of the owner of
25 property located in Council District 6 at 0 Flynn Road, between Flynn
26 Road and Cody Drive (R.E. No. 105920-0050) (the "Subject Property"),
27 requesting to reduce the minimum road frontage from 160 feet to 68
28 feet for one lot (proposed to be divided into two lots) in Zoning
29 District Residential Low Density-100B (RLD-100B); and

30 **WHEREAS**, the Planning and Development Department has considered
31 the application and all attachments thereto and has rendered an

1 advisory recommendation; and

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

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

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

24 **Section 1. Adoption of Findings and Conclusions.** The
25 Council has reviewed the record of proceedings and the Staff Report
26 of the Planning and Development Department and held a public hearing
27 concerning application for waiver of road frontage WRF-21-29. Based
28 upon the competent, substantial evidence contained in the record, the
29 Council hereby determines that the requested waiver of road frontage
30 meets the criteria for granting a waiver contained in Chapter 656,
31 *Ordinance Code*. Therefore, Application WRF-21-29 is hereby approved.

1 **Section 2. Owner and Description.** The Subject Property is
2 owned by W. W. Anderson, also known as William W. Anderson, and is
3 legally described in **Exhibit 1**, dated June 30, 2021, and graphically
4 depicted in **Exhibit 2**, both of which are attached hereto. A graphic
5 depiction of the easement is attached hereto as **Exhibit 3**. The
6 applicant is Alex Fink of Brink Realty LLC, 797 Blanding Boulevard,
7 Orange Park, Florida 32065; (407) 373-3883.

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

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

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

1 approved within one (1) year of the effective date of this legislation
2 shall render this waiver invalid and all rights arising therefrom
3 shall terminate.

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5 Form Approved:

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7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared By: Bruce Lewis

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