

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-676**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-22-24, FOR  
7 PROPERTY LOCATED IN COUNCIL DISTRICT 9 AT 4817  
8 KINGSBURY STREET, BETWEEN KINGSBURY STREET AND  
9 ATTLEBORO STREET (R.E. NO. 062553-0000), AS  
10 DESCRIBED HEREIN, OWNED BY BCEL 5A, LLC,  
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE  
12 REQUIREMENTS FROM 48 FEET TO 25 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 Hunter Faulkner on behalf of the owner of property located  
23 in Council District 9 at 4817 Kingsbury Street, between Kingsbury  
24 Street and Attleboro Street (R.E. No. 062553-0000) (the "Subject  
25 Property"), requesting to reduce the minimum road frontage from 48  
26 feet to 25 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); (3)  
11 the proposed waiver will not substantially diminish property values  
12 in, nor alter the essential character of, the area surrounding the  
13 site and will not substantially interfere with or injure the rights  
14 of others whose property would be affected by the waiver; (4) there  
15 is a valid and effective easement for adequate vehicular access  
16 connected to a public street which is maintained by the City or an  
17 approved private street; and (5) the proposed waiver will not be  
18 detrimental to the public health, safety or welfare, result in  
19 additional expense, the creation of nuisances or conflict with any  
20 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-22-24. 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-22-24 is hereby approved.

30 **Section 2. Owner and Description.** The Subject Property is  
31 owned by BCEL 5A, LLC and is legally described in **Exhibit 1**, dated

1 January 10, 2017, and graphically depicted in **Exhibit 2**, both of  
2 which are attached hereto. The applicant is Hunter Faulkner, 1  
3 Independent Drive, Suite 1400, Jacksonville, Florida 32202; (904)  
4 389-0050.

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: Erin Abney

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