REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2023-129 (WRF-22-33)

APRIL 4, 2023

Location: 0 Tresca Road at the terminus of Tresca Road or the

terminus of Atrium Way

Real Estate Number(s): 162879-1020

Waiver Sought: Reduce Minimum Required Road Frontage from 48

Feet to 23.7 Feet

Present Zoning: Residential Medium Density-D (RMD-D)

Current Land Use Category: Medium Density Residential (MDR)

Planning District: Greater Arlington/Beaches, District 2

Owner: Demetree Taylor Partnership

P.O. Box 47050

Jacksonville, Florida 32247

Applicant: Southern Impression Homes, LLC

Evan Greenfield

5711 Richard Street, Suite 1 Jacksonville, Florida 32216

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage Ordinance 2023-129 (WRF-22-33) seeks to reduce the required minimum road frontage from 48 feet to 23.7 feet for one quadplex residence. Although the parcel is addressed on Tresca Road, the access will be from Atrium Road.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term waiver means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section

656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers of Road Frontage are granted by the City Council pursuant to the criteria set forth in Section 656.133 of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver for minimum required street frontage may be granted if the City Council makes a positive finding based on substantial, competent evidence that the application meets all of the following criteria:

(i) Are there practical or economic difficulties in carrying out the strict letter of the regulation?

Yes. The subject parcel meets the minimum lot area and width of the zoning district; it has 23.7 feet of frontage on Atrium Way, a public maintained right of way. The economic difficulty is the owner would need to construct an approved road for the remaining 24.3 feet to meet the minimum road frontage.

(ii) Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations)?

No. The waiver of road frontage, if granted, will reduce the cost of constructing a City approved road to the owner. The request will not circumvent the requirements of Chapter 654 Subdivision Regulations. .

(iii) Will the proposed waiver substantially diminish property values in, or alter the essential character of, the area surrounding the site and will the waiver substantially interfere with or injure the rights of others?

No. While the proposed waiver will allow the property owner to construct one quad-plex building on a lot that meets the minimum standards of the zoning district, the lot will not meet the road frontage requirement. Approval of the waiver will not diminish property values or alter the character of the area surrounding the subject parcel.

(iv) Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?

Not Applicable. The lot has 23.7 feet of frontage on Atrium Way, which is a public maintained right of way.

(v) Will the proposed waiver be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law?

No. The Planning and Development Department does not have any concerns that the waiver will create a public health, safety, and welfare.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on March 21, 2023 by the Planning and Development Department, the required Notice of Public Hearing sign <u>was</u> posted.

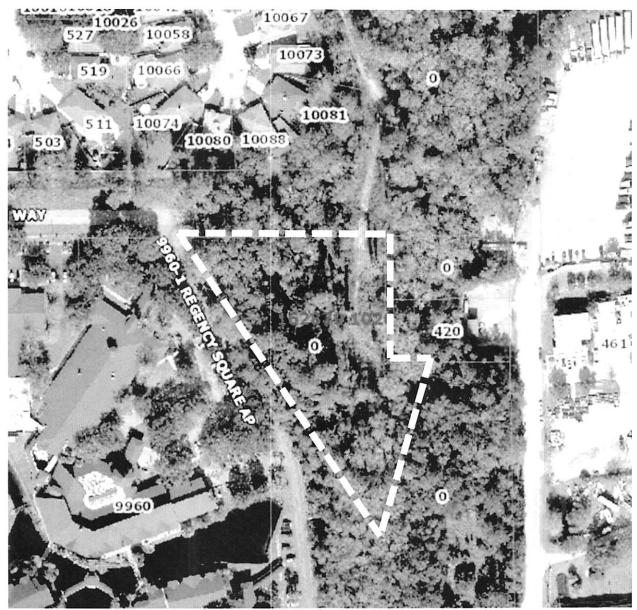


RECOMMENDATION

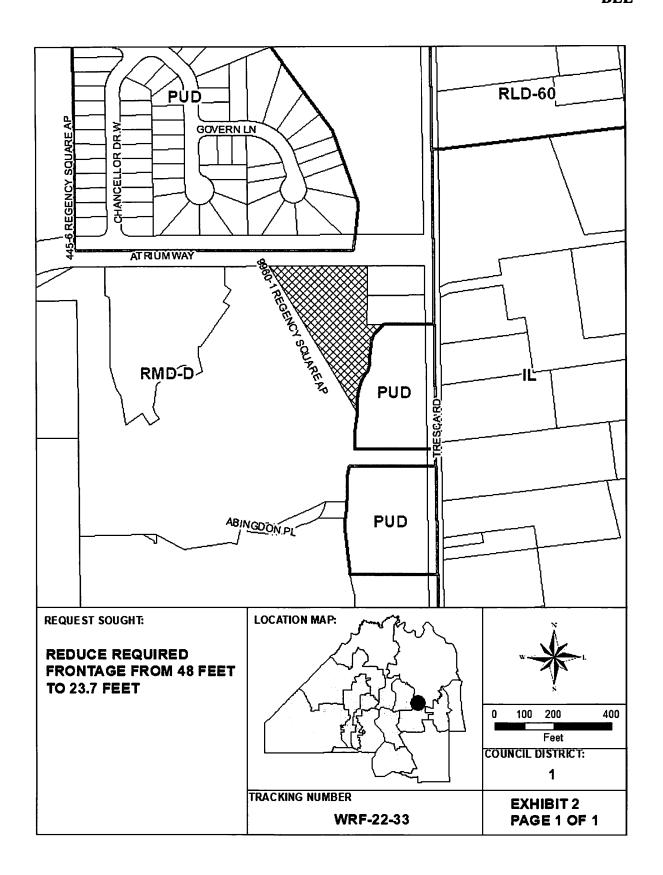
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2023-129 (WRF-22-33) be APPROVED.



Access to site from Atrium Road



Aerial view of subject property



Date Submitte	d: 11.29.22
Date Filed:	18/22
9	7

Application Numb	er:(1)RF-22-3	
Public Hearing:		

Application for Waiver of Minimum Required Road Frontage

City of Jacksonville, Florida **Planning and Development Department**

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

	For Officia	Use Only	
Current Zoning District: RMD-D		Current Land Use	e Category: MDR
Council District:		Planning District	
Previous Zoning Applications Filed (p.	rovide application		ne found
Applicable Section of Ordinance Code	:: 56.133		1,000.0
Notice of Violation(s):			
Neighborhood Associations: Ope Overlay:	NTER ARI	ingtent Co.	nm of EHET AR/ington, Sup
LUZ Public Hearing Date:		City Council Pub	ic Hearing Date:
Number of Signs to Post:	Amount of Fee	1,350,00	Zoning Asst. Initials: 95.
PROPERTY INFORMATION			
Complete Property Address: Tresca Road		2. Real Estate No. 162879-	
3. Land Area (Acres): 2.12	AND THE PROPERTY OF THE PROPER	4. Date Lot was 1975	Recorded:
5. Property Located Between Streets Atrium Way and Tresca Road	:	6. Utility Service City Water / City Well / Septic	
7. Waiver Sought: Reduce Required Minimum Road Fro	ontage from	Bfeet to	23.7 _{feet.}
8. In whose name will the Waiver be	granted? SOL	ithern Imp	ression Homes LLC

Page 1 of 5

9. Name: Demetree Taylor Partnership	10. E-mail:
11. Address (including city, state, zip): PO Box 47050 Jacksonville FL 32247	12. Preferred Telephone:

APPLICANT'S INFORMATION (if different from	owner)
13. Name: Southern Impression Homes LLC	14. E-mail: evan.greenfield@sihomesfl.com
15. Address (including city, state, zip): 5711 Richard Street, Suite 1 Jacksonville, FL 32216	16. Preferred Telephone: 904-945-0485

CRITERIA

Section 656.101(I), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."

Section 656.133(d)1 through 5, Ordinance Code, provides that, with respect to action upon Applications for Waivers, the City Council shall grant a waiver for reduction of the minimum requirements for road frontage, if the Council makes a positive finding based upon substantial, competent evidence that the application meets all of the following five (5) criteria:

- There are practical or economic difficulties in carrying out the strict letter of the regulation; i.
- The request is not based exclusively upon the desire to reduce the cost of developing the site ii. or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations);
- The proposed waiver will not substantially diminish property values in, nor alter the essential iii. character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver;
- There is a valid and effective easement for adequate vehicular access connected to a public iv. street which is maintained by the City or approved private street;
- The proposed waiver will not be detrimental to the public health, safety or welfare, result in V. additional expense, the creation of nuisances or conflict with any other applicable law.

17. Given the above definition of a "waiver" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

Parcel #162879-1020 (the "Property") is zoned RMD-D. The applicant's plan of development contemplates 4 multifamily dwelling units in one quadplex building. The Property is located at the terminus of Atrium Way, a public road. Based on the sixty foot minimum lot width in the RMD-D zoning district, the minimum required frontage for the Property is 48 feet. As shown on the attached survey, the Property has 23.7 feet of frontage on Atrium Way. Accordingly, this application seeks to reduce the road frontage for the proposed development on the Property from 48 feet to 23.7 feet. In support thereof, the applicant states the following:

(i) There are practical or economic difficulties in carrying out the strict letter of the regulation;

The Property is located at the terminus of the Atrium Way paving. In addition, as shown on the attached survey, a metal guardrail is located 17.3 feet to the east of the paved terminus, athwart the unpaved public right-of-way. Accordingly, it is physically impossible for the Property to have the minimum required frontage of 48 feet on an approved public or private road.

- (ii) The request is not based exclusively upon a desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654;
- The cost of developing the site is increased by the need to seek this waiver, given the attendant engineering and legal fees incurred in connection therewith. There is no desire to circumvent the requirements of Chapter 654, Atrium Way simply ends in front of the Property.
- (iii) The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver;

The proposed development is consistent with the 2030 Comprehensive Plan; furthers the goals, objectives and policies of the 2030 Comprehensive Plan; and does not conflict with any portion of the City's land development regulations other than the 24.3 foot waiver request herein. Granting the waiver will have no impact on surrounding property values or area character, or interfere with the rights of others.

- (iv) There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City; and
- No easement will be necessary; as shown on the site plan, the Property has direct access to Atrium Way with sufficient space for a driveway.
- (v) The proposed waiver will not be detrimental to the public health, safety, or welfare, result in additional expense, the creation of nuisances, or conflict with any other applicable law;

It will not; see responses to criteria (i)-(iv). 5293792v1

ATT	ACHMENTS
The	following attachments must accompany each copy of the application.
\checkmark	Survey
1	Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
V	Property Ownership Affidavit (Exhibit A)
V	Agent Authorization if application is made by any person other than the property owner (Exhibit B)
1	Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
1	Proof of property ownership – may be print-out of property appraiser record card if individual
	owner, http://apps.coj.net/pao propertySearch/Basic/Search.aspx, or print-out of entry from the
	Florida Department of State Division of Corporations if a corporate owner,
	http://search.sunbiz.org/Inquiry/CorporationSearch/ByName.
M/A	Proof of valid and effective easement for access to the property.

FILING FEES *Applications filed to correct existing 20	oning violations are subject t	o a double fee.
Base Fee	Public Notices	Advertisement
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

AUTHORIZATION

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

I hereby certify that I have read and understand the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Owner(s)	Applicant or Agent (if different than owner)
Print name: Demetree Taylor Partnership	Print name: Wyman Duggan
Signature:	Signature: MZ Dunge
	*An agent authorization letter is required if the application is made by any person other than the
Owner(s)	property owner.
Print name:	
Signature:	
1	

SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

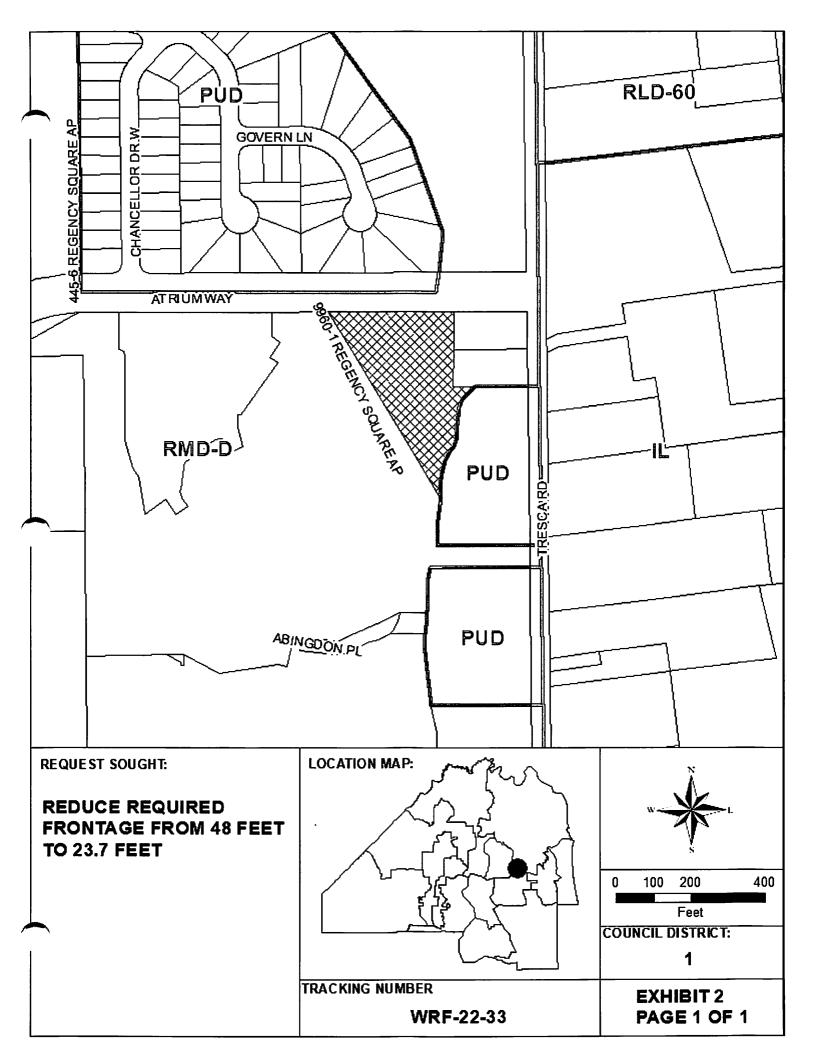
Submit applications to:

Planning and Development Department, Zoning Section 214 North Hogan Street, 2nd Floor Jacksonville, Florida 32202 (904) 255-8300

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Legal Description Exhibit 1 June 30, 2021

THE LANDS DESCRIBED AS PARCEL "A" AS RECORDED IN OFFICIAL RECORDS BOOK 5798, PAGE 42 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, LESS AND EXCEPT THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5869, PAGE 1750, CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, ALL LYING IN PART OF GOVERNMENT LOTS 6 AND 15, SECTION 18, TOWNSHIP 2 SOUTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA.



Property Ownership Affidavit

Date: November 11, 2022

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location: 162879-1020 – 0 Tresca Road, Jacksonville, Florida 32225

To whom it may concern:

I hereby certify that DEMETREE-TAYLOR PARTNERSHIP, a Florida general partnership, is the Owner of the property described in the attached legal description, **Exhibit A** in connection with filing of an application for a waiver of road frontage to the City of Jacksonville Planning and Development Department. The Owner is a Florida general partnership and evidence illustrating that the signatory is an authorized representative of Owner is attached as **Exhibit B**.

DEMETREE-TAYLOR
PARTNERSHIP, a Florida general

partnership

Jack C. Demetree, Jr., Authorized Signatory

STATE OF FLORIDA COUNTY OF DUVAL

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence or online notarization this <u>!!</u> day of November, 2022, by Jack C. Demetree, Jr., Authorized Signatory for DEMETREE-TAYLOR PARTNERSHIP, a Florida general partnership, on behalf of said entity, who is personally known to me; or who has produced Florida Driver's License; or who has produced as identification.

Notary Public

Cathy Jo Swift
Notary Public, State of Florida
My Commission Expires January 28, 2023
Commission No. GG 294028

ACTION BY WRITTEN CONSENT OF THE PARTNERS OF DEMETREE-TAYLOR PARTNERSHIP

The undersigned, being all of the partners of DEMETREE-TAYLOR PARTNERSHIP, a Florida general partnership (the "Partnership"), acting by written consent pursuant to the Florida Revised Uniform Partnership Act and the Partnership Agreement of the Partnership, do hereby authorize, approve and consent to the following resolutions:

WHEREAS, the Partnership owns certain assets, including but not limited to that real property more particularly described on Exhibit A attached hereto (the "Property"); and

WHEREAS, the partners of the Partnership deem it to be in the best interests of the Partnership to enter into certain real estate transactions pursuant to which the Partnership will sell, convey and transfer the Property in furtherance of the complete liquidation of the Partnership (collectively, the "Transactions"); and

WHEREAS, the Partners deem it to be advisable and in the best interests of the Partnership to consent, authorize and ratify the Transactions.

NOW THEREFORE, the following resolutions are unanimously adopted:

RESOLVED, that the Partnership approves, ratifies, and affirms its intent to enter into the Transactions, as well as to take any action or steps in furtherance of the Transactions; and

RESOLVED FURTHER, that Jay C. Demetree, Jr., is hereby authorized and appointed, as agent of the Partnership (an "Authorized Person"), and is authorized and empowered to execute and deliver any agreements, documents or items in respect of the Transactions in the name and on behalf of the Partnership with such additions, deletions or changes therein as the Authorized Person executing the same shall approve; and

RESOLVED FURTHER, that Jay C. Demetree, Jr., is hereby authorized and appointed, as agent of the Partnership (an "Authorized Person"), and is authorized and empowered to execute and deliver any agreements, documents, or items in respect of the Transactions, (including but not limited any documents necessary to process any governmental approvals (federal, state or local, land use, zoning, regulatory or otherwise) needed for or in association with the Transactions), in the name and on behalf of the Partnership with such additions, deletions or changes therein as the Authorized Person executing the same shall approve;

RESOLVED FURTHER, that the Partnership be, and hereby is, authorized and empowered to perform all of its obligations and carry out any activities in respect of the Transactions; and

RESOLVED FURTHER, that, all acts and deeds of the partners of the Partnership heretofore performed on behalf of the Partnership in negotiating, entering into, executing, performing, carrying out, or otherwise pertaining to the arrangements and intentions authorized by these resolutions are hereby ratified, approved, confirmed and declared binding on the Partnership;

RESOLVED FURTHER, that this Action By Written Consent be filed with the Partnership records reflecting the action taken; and

RESOLVED FURTHER, that this Action by Written Consent may be executed in any number of counterparts, by facsimile, PDF or otherwise, with the same effect as if all of the partners had signed the same document, and all counterparts shall be construed together and shall constitute one written consent.

(THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK;

SIGNATURES APPEAR ON THE FOLLOWING PAGES

IN WITNESS WHEREOF, the undersigned partners of DEMETREE-TAYLOR PARTNERSHIP have executed this Action By Written Consent as of this 10th day of November, 2022.

PARTNERS:

- DocuSigned by:

J. C. Demetree, Jr.

Jack C. Demetree, Jr., as Successor Co-Trustee of the Jack C. Demetree GST Non-Exempt Marital Trust

-DocuSigned by:

con a liter

Cynthia Ann Hallsten, on behalf of, and as authorized representative of Robert Forest Taylor, Patricia Ann Taylor, and Barbara Ann Taylor

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More Information
ontact Us | Parcel Tax Record | GIS Map | Map this property on Google Maps | City Fees Record

Agent Authorization

Date: November 11, 2022

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location: 162879-1020 – 0 Tresca Road, Jacksonville, Florida 32225

To whom it may concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit A attached hereto. Said owner hereby authorizes and empowers Rogers Towers, P.A., to act as agent to file the application(s) for waiver of road frontage for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change. The owner is a Florida general partnership and evidence illustrating that the signatory is an authorized representative of Owner is attached as Exhibit B.

DEMETREE-TAYLOR

PARTNERSHIP, a Florida general

partnership

Jack C. Demetree, Jr., Authorized Signatory

STATE OF FLORIDA COUNTY OF DUVAL

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence or online notarization this \(\frac{1}{2} \) day of November, 2022, by Jack C. Demetree, Jr., Authorized Signatory for DEMETREE-TAYLOR PARTNERSHIP, a Florida general partnership, on behalf of said entity, who is personally known to me; or who has produced as identification.

Notary Public

Cathy Jo Swift
Notary Public, State of Florida
My Commission Expires January 28, 2023
Commission No. GG 294028

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