

Introduced and amended by the Land Use and Zoning Committee:

ORDINANCE 2023-329

AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
REQUIRED ROAD FRONTAGE APPLICATION WRF-23-07,
FOR PROPERTY LOCATED IN COUNCIL DISTRICT 1 AT 0
MERRILL ROAD, BETWEEN MERRILL ROAD AND WESTWICK
LANE (R.E. NO. 120735-0050), AS DESCRIBED
HEREIN, OWNED BY LAKEFRONT CHURCH PROPERTY LLC,
REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
REQUIREMENTS FROM 64 FEET TO ZERO FEET IN
CURRENT ZONING DISTRICT PUBLIC BUILDINGS AND
FACILITIES-2 (PBF-2), AS DEFINED AND CLASSIFIED
UNDER THE ZONING CODE; PROVIDING FOR
DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a waiver of minimum road frontage,
On File with the City Council Legislative Services Division, was
filed by Patrick Krechowski, Esq., on behalf of the owner of property
located in Council District 1 at 0 Merrill Road, between Merrill Road
and Westwick Lane (R.E. No. 120735-0050) (the "Subject Property"),
requesting to reduce the minimum road frontage from 64 feet to zero
feet in current Zoning District Public Buildings and Facilities-2
(PBF-2); and

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

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

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

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

23 **Section 1. Adoption of Findings and Conclusions.** The
24 Council has reviewed the record of proceedings and the Staff Report
25 of the Planning and Development Department and held a public hearing
26 concerning Application for Waiver of Minimum Required Road Frontage
27 WRF-23-07. Based upon the competent, substantial evidence contained
28 in the record, the Council hereby determines that the requested waiver
29 of road frontage meets the criteria for granting a waiver contained
30 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-23-07 is
31 hereby approved.

1 **Section 2. Owner and Description.** The Subject Property is
2 owned by Lakefront Church Property LLC, and is legally described in
3 **Exhibit 1**, dated February 27, 2023, and graphically depicted in
4 **Revised Exhibit 2**, both of which are attached hereto. A graphic
5 depiction of the easement is attached hereto as **Revised Exhibit 3**.
6 The applicant is Patrick Krechowski, Esq., One Independent Drive,
7 Suite 1800, Jacksonville, Florida 32202; (904) 348-6877.

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

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

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Caroline Fulton

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