

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2023-0329 (WRF-23-07)

August 8, 2023

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| <i>Location:</i> | 0 Merrill Road, between Southside Boulevard and Townsend Boulevard |
| <i>Real Estate Number(s):</i> | 120735-0050 |
| <i>Waiver Sought:</i> | Reduce Minimum Required Road Frontage from 32 Feet to 0 Feet |
| <i>Present Zoning:</i> | Public Buildings and Facilities-2 (PBF-2) |
| <i>Proposed Zoning District:</i> | Residential Medium Density-A (RMD-A) |
| <i>Current Land Use Category:</i> | Medium Density Residential (MDR) |
| <i>Planning District:</i> | Greater Arlington/Beaches, District 2 |
| <i>Owner:</i> | Ilya Soroka 4455 Kelnepa Drive Jacksonville, Florida 32207 |
| <i>Applicant:</i> | Patrick Krechowski, Esq. 1 Independent Drive, Suite 1800 Jacksonville, Florida 32202 |
| <i>Staff Recommendation:</i> | APPROVE |

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2023-0329 (WRF-23-07)** seeks to reduce the required minimum road frontage from 32 feet to 0 feet for a single-family dwelling. There is a companion rezoning application, Ordinance 2023-0328, seeking to rezone the subject property from Public Buildings and Facilities-2 (PBF-2) to Residential Medium Density-A (RMD-A).

This Application went to the Renew Arlington CRA Advisory Board meeting on July 19th, 2023, where they unanimously recommended denial for the Waiver of Road Frontage application and the companion Conventional Rezoning application (2023-0328).

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 but has zero feet of road frontage as it shares an access easement. The economic difficulty is the owner would need to construct an approved road for the 32 feet required 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 a single-family dwelling 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?*

Yes. The subject property has an easement agreement with the parcel from the north that gives access from Merrill Road, a minor arterial roadway.

- (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 **June 6, 2023**, by the Planning and Development Department, the required Notice of Public Hearing signs were 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 2023-0329 (WRF-23-07)** be **APPROVED**.



View of Subject Property.



Aerial view of subject property

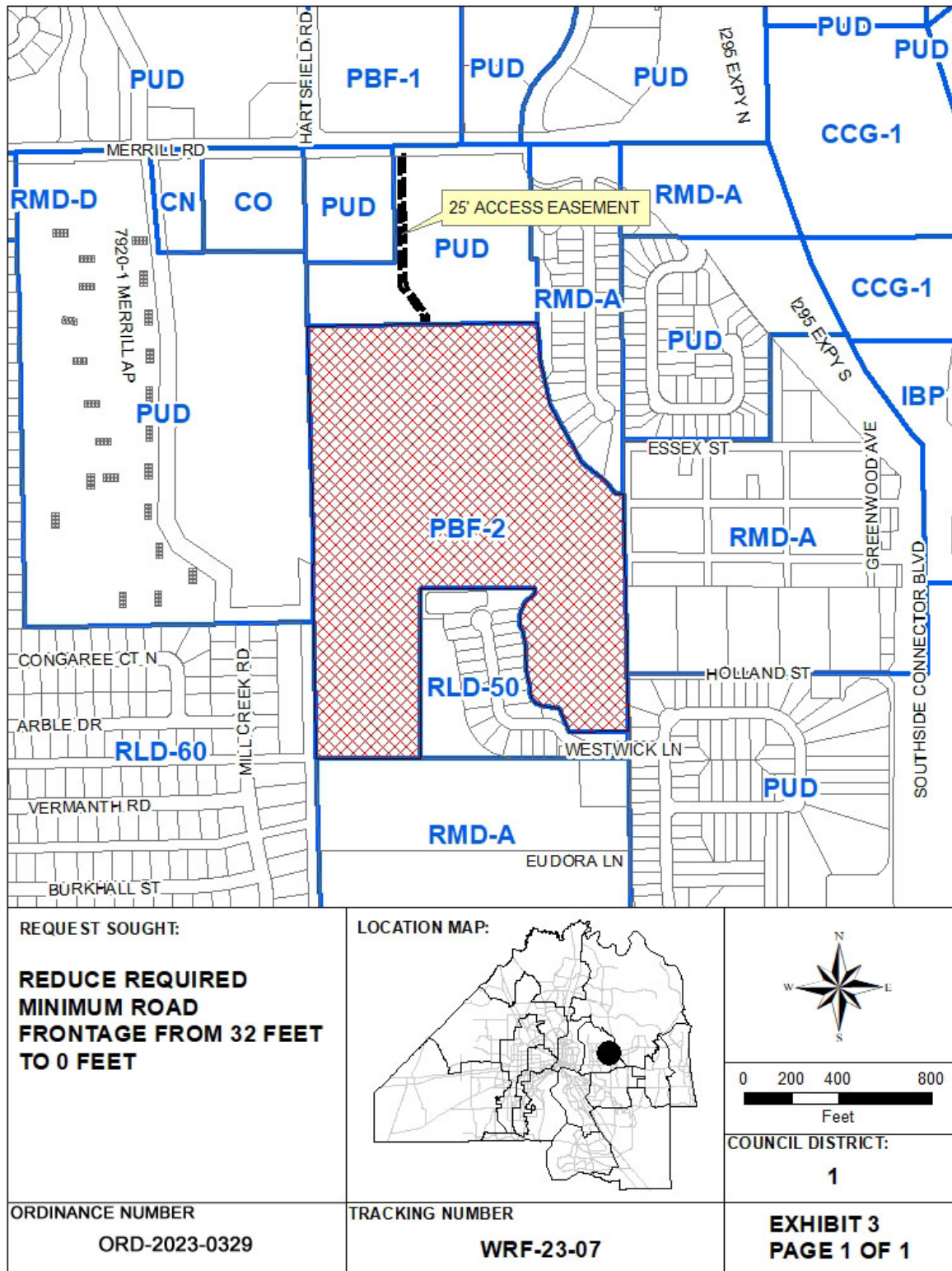
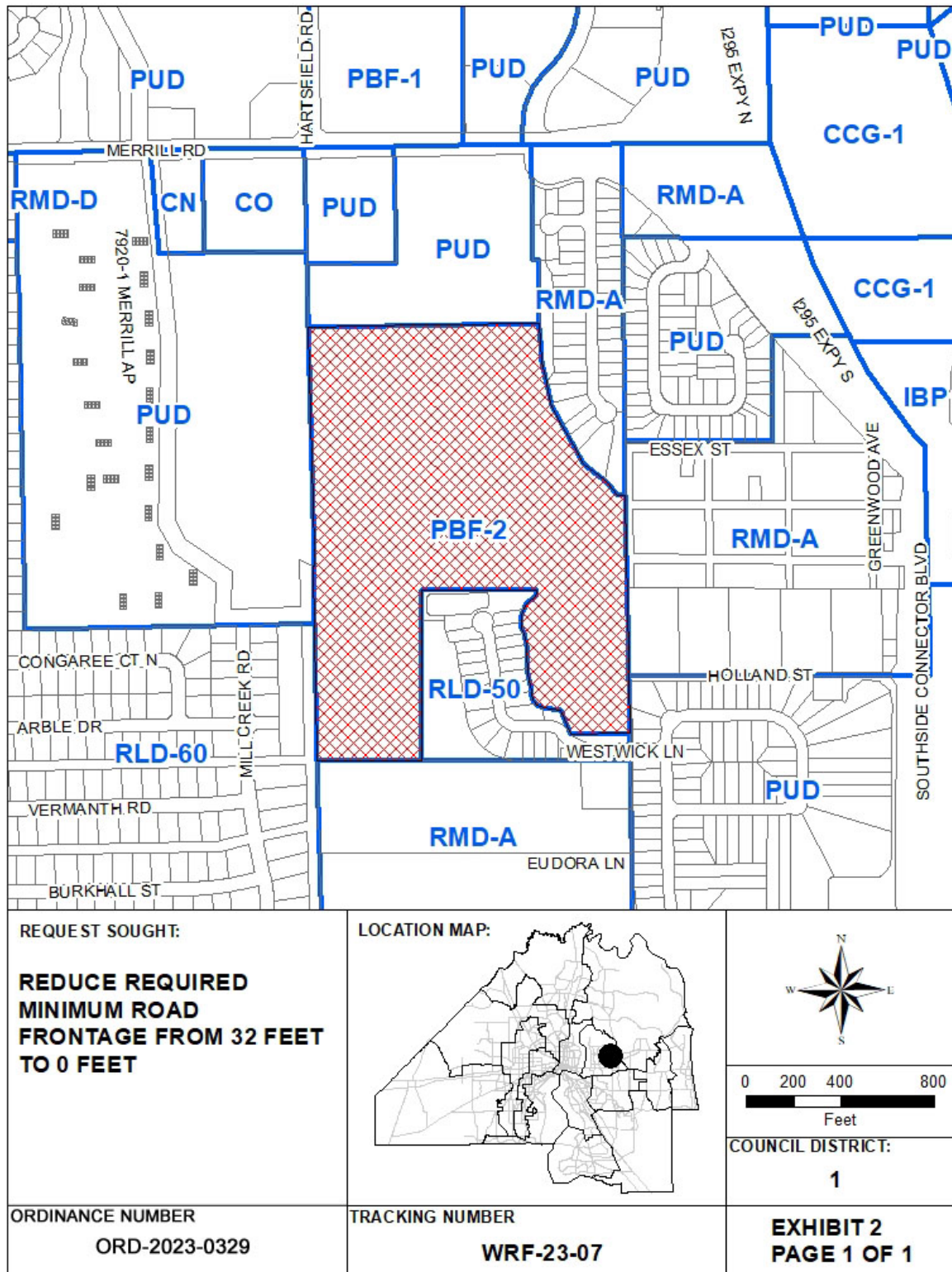


Exhibit 3



Legal Map