

Introduced by the Land Use and Zoning Committee:

**ORDINANCE 2023-329-W**

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 32 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 32 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 **Exhibit 2**, both of which are attached hereto. A graphic depiction  
5 of the easement is attached hereto as **Exhibit 3**. The applicant is  
6 Patrick Krechowski, Esq., One Independent Drive, Suite 1800,  
7 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

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.

4  
5 Form Approved:

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7           /s/ Shannon Eller          

8 Office of General Counsel

9 Legislation Prepared By: Caroline Fulton

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