

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2019-320-E

AN ORDINANCE APPROVING THE WAIVER OF MINIMUM ROAD FRONTAGE APPLICATION WRF-19-09, LOCATED IN COUNCIL DISTRICT 6 AT 12032 OLD ST. AUGUSTINE ROAD, BETWEEN SPARKMAN ROAD AND SILVER SADDLE DRIVE (R.E. NO. 158066-0005) AS DESCRIBED HEREIN, OWNED BY KUTYLO KAZIMIERZ, REQUESTING TO REDUCE THE REQUIRED MINIMUM ROAD FRONTAGE FROM 72 FEET TO 65 FEET IN ZONING DISTRICT RESIDENTIAL LOW DENSITY-90 (RLD-90), AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE; 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 Kutylko Kazimierz, the owner of property located in Council District 6 at 12032 Old St. Augustine Road, between Sparkman Road and Silver Saddle Drive (R.E. No. 158066-0005) (Subject Property), requesting to reduce the minimum road frontage from 72 feet to 65 feet, in Zoning District Residential Low Density-90 (RLD-90); and

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

WHEREAS, the Land Use and Zoning Committee, after due notice, held a public hearing and having duly considered both the

1 testimonial and documentary evidence presented at the public
2 hearing, has made its recommendation to the Council; and

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

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

21 **Section 1. Adoption of Findings and Conclusions.** The
22 Council has reviewed the record of proceedings and the Staff Report
23 of the Planning and Development Department and held a public
24 hearing concerning waiver of road frontage Application WRF-19-09.
25 Based upon the competent, substantial evidence contained in the
26 record, the Council hereby determines that the requested waiver
27 meets the criteria for granting a waiver contained in Chapter 656,
28 *Ordinance Code*. Therefore, waiver of road frontage Application WRF-
29 19-09 is hereby **approved**.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by Kutylko Kazimierz, and is legally described in **Exhibit 1**,

1 **attached hereto**, dated April 16, 2019, and graphically depicted in
2 **Exhibit 2, attached hereto**. The agent is Kutyllo Kazimierz, 12351
3 Tracy Ann Road, Jacksonville, Florida 32223; (904) 838-1039.

4 **Section 3. Distribution by Legislative Services.**

5 Legislative Services is hereby directed to mail a copy of this
6 legislation, as enacted, to the applicant and any other parties to
7 this matter who testified before the Land Use and Zoning Committee
8 or the Council, or otherwise filed a qualifying written statement
9 as defined in Section 656.140(c), *Ordinance Code*.

10 **Section 4. Disclaimer.** The waiver granted herein shall

11 **not** be construed as an exemption from any other applicable local,
12 state, or federal laws, regulations, requirements, permits or
13 approvals. All other applicable local, state or federal permits or
14 approvals shall be obtained before commencement of the development
15 or use and issuance of this waiver is based upon acknowledgement,
16 representation and confirmation made by the applicant(s), owner(s),
17 developer(s) and/or any authorized agent(s) or designee(s) that the
18 subject business, development and/or use will be operated in strict
19 compliance with all laws. Issuance of this waiver does **not** approve,
20 promote or condone any practice or act that is prohibited or
21 restricted by any federal, state or local laws.

22 **Section 5. Effective Date.** The enactment of this

23 Ordinance shall be deemed to constitute a quasi-judicial action of
24 the City Council and shall become effective upon signature by the
25 Council President and Council Secretary. Failure to exercise the
26 waiver, if herein granted, by the commencement of the use or action
27 herein approved within one year of the effective date of this
28 Ordinance shall render this waiver invalid and all rights arising
29 therefrom shall terminate.
30
31

Form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Connor Corrigan

GC-#1277839-v1-WRF-19-09