

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-641**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-19-21, LOCATED
7 IN COUNCIL DISTRICT 8 AT 8569 OLD PLANK ROAD,
8 BETWEEN BULLS BAY HIGHWAY AND MARIETTA MEADOWS
9 DRIVE (R.E. NO. 006216-0140) AS DESCRIBED
10 HEREIN, OWNED BY SANDRA EZELL AND RUSSELL HUGH
11 BROOKE, REQUESTING TO REDUCE THE MINIMUM ROAD
12 FRONTAGE REQUIREMENTS FROM 80 FEET TO 50 FEET
13 IN ZONING DISTRICT RESIDENTIAL RURAL-ACRE (RR-
14 ACRE), AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE; PROVIDING A DISCLAIMER THAT THE
16 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED
17 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
18 LAWS; PROVIDING AN EFFECTIVE DATE.
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20 **WHEREAS**, an application for a waiver of minimum road frontage,
21 **On File** with the City Council Legislative Services Division, was
22 filed by Sandra Ezell and Russell Hugh Brooke, the owners of
23 property located in Council District 8 at 8569 Old Plank Road,
24 between Bulls Bay Highway and Marietta Meadows Drive (R.E. No.
25 006216-0140) (Subject Property), requesting to reduce the minimum
26 road frontage from 80 feet to 50 feet in Zoning District
27 Residential Rural-Acre (RR-Acre); and

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

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice

1 held a public hearing and having duly considered both the
2 testimonial and documentary evidence presented at the public
3 hearing, has made its recommendation to the Council; and

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

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

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

31 **Section 2. Owner and Description.** The Subject Property is

1 owned by Sandra Ezell and Russell Hugh Brooke, and is legally
2 described in the **Legal Description**, dated August 27, 2019, and
3 graphically depicted in the **Subject Property Map**, both **On File**.
4 The agent is Sandra Ezell, 8569 Old Plank Road, Jacksonville,
5 Florida 32220; (904) 221-6232.

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

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

12 **Section 4. Disclaimer.** The waiver of road frontage

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

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

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

1 therefrom shall terminate.

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3 Form Approved:

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5 /s/ Shannon K. Eller

6 Office of General Counsel

7 Legislation Prepared By: Connie Patterson

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