

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

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; WAIVER SUBJECT TO CONDITION;
16 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
18 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
19 EFFECTIVE DATE.
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21 **WHEREAS**, an application for a waiver of minimum road frontage,
22 **On File** with the City Council Legislative Services Division, was
23 filed by Sandra Ezell and Russell Hugh Brooke, the owners of
24 property located in Council District 8 at 8569 Old Plank Road,
25 between Bulls Bay Highway and Marietta Meadows Drive (R.E. No.
26 006216-0140) (Subject Property), requesting to reduce the minimum
27 road frontage from 80 feet to 50 feet in Zoning District
28 Residential Rural-Acre (RR-Acre); and

29 **WHEREAS**, the Planning and Development Department has
30 considered the application and all attachments thereto and has

1 rendered an advisory recommendation; and

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

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

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

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

1 hereby **approved**.

2 **Section 2. Waiver Approved Subject to Condition.** This
3 waiver is approved subject to the following condition.

4 (1) The lot created on the northern portion of the current
5 lot shall be addressed off Harrison Street.

6 **Section 3. Owner and Description.** The Subject Property is
7 owned by Sandra Ezell and Russell Hugh Brooke, and is legally
8 described in the **Legal Description**, dated August 27, 2019, and
9 graphically depicted in the **Subject Property Map**, both **On File**.
10 The agent is Sandra Ezell, 8569 Old Plank Road, Jacksonville,
11 Florida 32220; (904) 221-6232.

12 **Section 4. Distribution by Legislative Services.**
13 Legislative Services is hereby directed to mail a copy of this
14 legislation, as enacted, to the applicant and any other parties to
15 this matter who testified before the Land Use and Zoning Committee
16 or otherwise filed a qualifying written statement as defined in
17 Section 656.140(c), *Ordinance Code*.

18 **Section 5. Disclaimer.** The waiver of road frontage
19 granted herein shall **not** be construed as an exemption from any
20 other applicable local, state, or federal laws, regulations,
21 requirements, permits or approvals. All other applicable local,
22 state or federal permits or approvals shall be obtained before
23 commencement of the development or use and issuance of this waiver
24 of road frontage is based upon acknowledgement, representation and
25 confirmation made by the applicant(s), owner(s), developer(s)
26 and/or any authorized agent(s) or designee(s) that the subject
27 business, development and/or use will be operated in strict
28 compliance with all laws. Issuance of this waiver of road frontage
29 does **not** approve, promote or condone any practice or act that is
30 prohibited or restricted by any federal, state or local laws.

31 **Section 6. Effective Date.** The enactment of this

1 Ordinance shall be deemed to constitute a quasi-judicial action of
2 the City Council and shall become effective upon signature by the
3 Council President and Council Secretary. Failure to exercise the
4 waiver, if herein granted, by the commencement of the use or action
5 herein approved within one year of the effective date of this
6 legislation shall render this waiver invalid and all rights arising
7 therefrom shall terminate.

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9 Form Approved:

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11 /s/ Shannon K. Eller

12 Office of General Counsel

13 Legislation Prepared By: Connie Patterson

14 GC-#1313376-v1-2019-641-E