

1 Introduced by the Land Use and Zoning Committee:

4 **ORDINANCE 2020-395-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-20-09, LOCATED
7 IN COUNCIL DISTRICT 8 AT 0 EPPERSON AVENUE,
8 BETWEEN EDGEWOOD AVENUE WEST AND LUEDERS
9 AVENUE (R.E. NO. 024217-0020) AS DESCRIBED
10 HEREIN, OWNED BY WILDCAT PROPERTIES OF N.E.
11 FLORIDA, LLC, REQUESTING TO REDUCE THE MINIMUM
12 ROAD FRONTAGE REQUIREMENTS FROM 48 FEET TO
13 30.01 FEET ON TWO LOTS IN ZONING DISTRICT
14 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
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 Wildcat Properties of N.E. Florida, LLC, the owner of
24 property located in Council District 8 at 0 Epperson Avenue,
25 between Edgewood Avenue West and Lueders Avenue (R.E. No. 024217-
26 0020) (Subject Property), requesting to reduce the minimum road
27 frontage from 48 feet to 30.01 feet on two lots in Zoning District
28 Residential Low Density-60 (RLD-60); and

29 **WHEREAS**, the Planning and Development Department has
30 considered the application and all attachments thereto and has
31 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
3 testimonial and documentary evidence presented at the public
4 hearing, has made its recommendation to the Council; and

5 **WHEREAS**, taking into consideration the above recommendations
6 and all other evidence entered into the record and testimony taken
7 at the public hearings, the Council finds that: (1) there are
8 practical or economic difficulties in carrying out the strict
9 letter of the regulation; (2) the request is not based exclusively
10 upon the desire to reduce the cost of developing the site or to
11 circumvent the requirements of Chapter 654 (Code of Subdivision
12 Regulations); (3) the proposed waiver will not substantially
13 diminish property values in, nor alter the essential character of,
14 the area surrounding the site and will not substantially interfere
15 with or injure the rights of others whose property would be
16 affected by the waiver; (4) there is a valid and effective easement
17 for adequate vehicular access connected to a public street which is
18 maintained by the City or an approved private street; and (5) the
19 proposed waiver will not be detrimental to the public health,
20 safety or welfare, result in additional expense, the creation of
21 nuisances or conflict with any 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
26 hearing concerning application for waiver of road frontage WRF-20-
27 09. Based upon the competent, substantial evidence contained in
28 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-20-09 is
31 hereby **approved**.

1 **Section 2. Owner and Description.** The Subject Property is
2 owned by Wildcat Properties of N.E. Florida, LLC, and is legally
3 described in the **Exhibit 1** dated June 11, 2020, and graphically
4 depicted in **Exhibit 2, attached hereto.** The agent is Anthony S.
5 Sessions, 1965 Glenfield Crossing Court, St. Augustine, Florida
6 32092; (904) 608-4691.

7 **Section 3. Distribution by Legislative Services.**
8 Legislative Services is hereby directed to mail a copy of this
9 legislation, as enacted, to the applicant and any other parties to
10 this matter who testified before the Land Use and Zoning Committee
11 or otherwise filed a qualifying written statement as defined in
12 Section 656.140(c), *Ordinance Code.*

13 **Section 4. Disclaimer.** The waiver of road frontage
14 granted herein shall **not** be construed as an exemption from any
15 other applicable local, state, or federal laws, regulations,
16 requirements, permits or approvals. All other applicable local,
17 state or federal permits or approvals shall be obtained before
18 commencement of the development or use and issuance of this waiver
19 of road frontage is based upon acknowledgement, representation and
20 confirmation made by the applicant(s), owner(s), developer(s)
21 and/or any authorized agent(s) or designee(s) that the subject
22 business, development and/or use will be operated in strict
23 compliance with all laws. Issuance of this waiver of road frontage
24 does **not** approve, promote or condone any practice or act that is
25 prohibited or restricted by any federal, state or local laws.

26 **Section 5. Effective Date.** The enactment of this
27 Ordinance shall be deemed to constitute a quasi-judicial action of
28 the City Council and shall become effective upon signature by the
29 Council President and Council Secretary. Failure to exercise the
30 waiver, if herein granted, by the commencement of the use or action
31 herein approved within one year of the effective date of this

1 legislation shall render this waiver invalid and all rights arising
2 therefrom shall terminate.

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4 Form Approved:

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6 /s/ Shannon K. Eller

7 Office of General Counsel

8 Legislation Prepared By: Bruce Lewis

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