

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-18**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-20-31, LOCATED IN
7 COUNCIL DISTRICT 9 AT 0 SEABOARD AVENUE AND 5929
8 SEABOARD AVENUE, BETWEEN 110TH STREET AND BRYNER
9 DRIVE (R.E. NOS. 103180-0000 AND 103183-0000) AS
10 DESCRIBED HEREIN, OWNED BY TROY W. ALBERS,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 35 FEET TO 0 FEET FOR FOUR
13 LOTS IN ZONING DISTRICT RESIDENTIAL MEDIUM
14 DENSITY-D (RMD-D), AS DEFINED AND CLASSIFIED
15 UNDER THE ZONING CODE; PROVIDING A DISCLAIMER
16 THAT THE WAIVER GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
19

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 Troy W. Albers, the owner of property located in Council
23 District 9 at 0 Seaboard Avenue and 5929 Seaboard Avenue, between
24 110th Street and Bryner Drive (R.E. Nos. 103180-0000 and 103183-0000)
25 (Subject Property), requesting to reduce the minimum road frontage
26 from 35 feet to 0 feet for four lots in Zoning District Residential
27 Medium Density-D (RMD-D); and

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

4 **WHEREAS**, taking into consideration the above recommendations and
5 all other evidence entered into the record and testimony taken at the
6 public hearings, the Council finds that: (1) there are practical or
7 economic difficulties in carrying out the strict letter of the
8 regulation; (2) the request is not based exclusively upon the desire
9 to reduce the cost of developing the site or to circumvent the
10 requirements of Chapter 654 (Code of Subdivision Regulations); (3)
11 the proposed waiver will not substantially diminish property values
12 in, nor alter the essential character of, the area surrounding the
13 site and will not substantially interfere with or injure the rights
14 of others whose property would be affected by the waiver; (4) there
15 is a valid and effective easement for adequate vehicular access
16 connected to a public street which is maintained by the City or an
17 approved private street; and (5) the proposed waiver will not be
18 detrimental to the public health, safety or welfare, result in
19 additional expense, the creation of nuisances or conflict with any
20 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 hearing
25 concerning application for waiver of road frontage WRF-20-31. Based
26 upon the competent, substantial evidence contained in the record, the
27 Council hereby determines that the requested waiver of road frontage
28 meets the criteria for granting a waiver contained in Chapter 656,
29 *Ordinance Code*. Therefore, Application WRF-20-31 is hereby **approved**.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by Troy W. Albers, and is legally described in **Exhibit 1**, dated

1 November 25, 2019, and graphically depicted in **Exhibit 2, attached**
2 **hereto.** The applicant is Southern Impression Homes, Inc., 5711
3 Richard Street, Suite 1, Jacksonville, Florida 32216; (904) 476-6989.

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 otherwise filed a qualifying written statement as defined in
9 Section 656.140(c), *Ordinance Code.*

10 **Section 4. Disclaimer.** The waiver of road frontage granted

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

23 **Section 5. Effective Date.** The enactment of this Ordinance

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

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Arimus Wells

6 GC-#1407540-v1-WRF-20-31.docx