

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-18-E**

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; WAIVER SUBJECT TO
16 CONDITION; PROVIDING A DISCLAIMER THAT THE
17 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
18 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN 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 Troy W. Albers, the owner of property located in Council
24 District 9 at 0 Seaboard Avenue and 5929 Seaboard Avenue, between
25 110th Street and Bryner Drive (R.E. Nos. 103180-0000 and 103183-0000)
26 (Subject Property), requesting to reduce the minimum road frontage
27 from 35 feet to 0 feet for four lots in Zoning District Residential
28 Medium Density-D (RMD-D); and

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

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

31 **Section 2. Waiver Approved Subject to Condition.** This

1 waiver is approved subject to the following condition.

2 (1) The applicant shall provide a visible address for the
3 Subject Property along 110th Street.

4 **Section 3. Owner and Description.** The Subject Property is
5 owned by Troy W. Albers, and is legally described in **Exhibit 1**, dated
6 November 25, 2019, and graphically depicted in **Exhibit 2, attached**
7 **hereto.** The applicant is Southern Impression Homes, Inc., 5711
8 Richard Street, Suite 1, Jacksonville, Florida 32216; (904) 476-6989.

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

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

28 **Section 6. Effective Date.** The enactment of this Ordinance
29 shall be deemed to constitute a quasi-judicial action of the City
30 Council and shall become effective upon signature by the Council
31 President and Council Secretary. Failure to exercise the waiver, if

1 herein granted, by the commencement of the use or action herein
2 approved within one year of the effective date of this legislation
3 shall render this waiver invalid and all rights arising therefrom
4 shall terminate.

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6 Form Approved:

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8 /s/ Shannon K. Eller

9 Office of General Counsel

10 Legislation Prepared By: Arimus Wells

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