

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-656**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-21-11, LOCATED IN
7 COUNCIL DISTRICT 6 AT 13762 MANDARIN ROAD, 13766
8 MANDARIN ROAD AND 13768 MANDARIN ROAD, BETWEEN
9 PROVIDENCE HOLLOW LANE AND ORANGE PICKER ROAD
10 (R.E. NOS. 106000-0000, 106001-0000 AND 106001-
11 0010) AS DESCRIBED HEREIN, OWNED BY RICHARD
12 CAPLIN AND DANIELLE CAPLIN, REQUESTING TO REDUCE
13 THE MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 480
14 FEET TO 360 FEET IN ZONING DISTRICT RESIDENTIAL
15 LOW DENSITY-120 (RLD-120), AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE; PROVIDING A
17 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL
18 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
19 APPLICABLE LAWS; 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 Driver, McAfee, Hawthorne & Diebenow, PLLC, on behalf of the
24 owners of property located in Council District 6 at 13762 Mandarin
25 Road, 13766 Mandarin Road and 13768 Mandarin Road, between Providence
26 Hollow Lane and Orange Picker Road (R.E. Nos. 106000-0000, 106001-
27 0000 and 106001-0010) (the "Subject Property"), requesting to reduce
28 the minimum road frontage from 480 feet to 360 feet in Zoning District
29 Residential Low Density-120 (RLD-120); and

30 **WHEREAS**, the Planning and Development Department has considered
31 the application and all attachments thereto and has rendered an

1 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 testimonial
4 and documentary evidence presented at the public hearing, has made
5 its recommendation to the Council; and

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

1 **Section 2. Owner and Description.** The Subject Property is
2 owned by Richard Caplin and Danielle Caplin, and is legally described
3 in **Exhibit 1**, dated May 28, 2021, and graphically depicted in **Exhibit**
4 **2, attached hereto.** A graphic depiction of the easement is **attached**
5 **hereto** as **Exhibit 3.** The applicant is Driver, McAfee, Hawthorne &
6 Diebenow, PLLC, 1 Independent Drive, Suite 1200, Jacksonville,
7 Florida 32202; (904) 807-8213.

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

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

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

1 approved within one year of the effective date of this legislation
2 shall render this waiver invalid and all rights arising therefrom
3 shall terminate.

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5 Form Approved:

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7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared By: Bruce Lewis

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