

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE****ORDINANCE 2016-0529 (WRF-16-11)****SEPTEMBER 20, 2016**

Location: 1145 Old Ridge Road,
between Pebble Ridge Drive and Old Ridge Road

Real Estate Number(s): 004671-0030

Waiver Sought: Reduce Minimum Required Road Frontage from 72
Feet to 0 Feet

Present Zoning: Residential Low Density-90 (RLD-90)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Northwest (5)

City Council Representative: The Honorable Katrina Brown, District 8

Owner: Edwin Capps
1458 Cathy Tripp Lane
Jacksonville, Florida 32220

Staff Recommendation: DENY

GENERAL INFORMATION

The application for a Waiver of Minimum Required Road Frontage, **Ordinance 2016-0529 (WRF-16-11)**, seeks to reduce the minimum required road frontage for the property at 1145 Old Ridge Road from 72 feet to 0 feet. The property is within the Residential Low Density-90 (RLD-90) Zoning District and Low Density Residential (LDR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the *2030 Comprehensive Plan*. The site is 0.54 of an acre and is served by well water and septic system. The currently undeveloped parcel was created in 2001 and is a triangular shape. The property does not adjoin any public road; the applicant has stated that the property has access to Pebble Ridge Drive via a private roadway easement but no authorization granting access has been provided to the Planning and Development Department as of the writing of this report. The access easement is named Old Ridge Road and is marked by a

sign stating that the road is “not designed or built to city standards. Drive slow. Use at your own risk.”

The subject site fronts the back edge of a single-family residential subdivision where lot sizes are generally between 0.5 of an acre to 1 acre and are of a more traditional rectangular shape. The site lies approximately 2,500 feet north of Old Plank Road, a 2-lane collector roadway, and the general area surrounding the property is categorized by rural single-family lots. This property is adjacent to single family homes to the south, west, east, and north although the lot sizes vary significantly in size from the northwest (rural lots) to the southeast (residential subdivision). Lots to the north and west are between 10 and 30 acres and are primarily zoned Rural Residential-Acre (RR-Acre). The property is located near Outlying Field Whitehouse and is in their restricted lighting zone, military notice zone, military school regulatory zone, 150 feet height restriction zone, and 75 decibel noise contour which means sound attenuation should be used in structures built on this site.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term *waiver* means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers of Road Frontage are authorized to be granted by the City Council pursuant to the criteria set forth in Section 656.133(b) of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver for minimum required street frontage may be granted if the City Council makes a positive finding based on substantial, competent evidence that the application meets all of the following criteria:

- (i) *Are there practical or economic difficulties in carrying out the strict letter of the regulation?*

Yes. The parcel is essentially land-locked with no access to a public right-of-way. It does not adjoin any public road and cannot connect to a public right of way without acquiring adjacent properties or building an approved private road. The private access easement that connects to the site is not built to city standards. The applicant has stated that the property has access to Pebble Ridge Drive via this private roadway easement but no authorization granting access has been provided to the Planning and Development Department as of the writing of this report.

- (ii) *Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations)?*

Yes. The applicant's request appears to be an attempt to provide access to an unconventionally-shaped and uniquely-situated lot without purchasing additional land to create a valid and conforming lot.

- (iii) *Will the proposed waiver substantially diminish property values in, or alter the essential character of, the area surrounding the site and will the waiver substantially interfere with or injure the rights of others?*

No. The applicant seeks to provide access to a lot which fronts a private roadway easement. Large, developed rural residential lots (10+ acres) are currently accessed via this easement. The subject site would presumably be accessed by this easement; if the proposed waiver is granted, access to the site remains unchanged. The character of the area would not be altered.

- (iv) *Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?*

No. Vehicular access is provided to Pebble Ridge Drive, a public road, via an easement. However, this easement may not be valid and effective as it has not been built to city standards and may not be adequate for the provision of city services.

- (v) *Will the proposed waiver be detrimental to the public health, safety or welfare, and result in additional expense, the creation of nuisances or conflict with any other applicable law?*

Yes. City services such as garbage, recycling and yard waste may not have access to the property. If approved, the waiver is likely to create a nuisance situation for residents in the area with regards to the provision of these city services. Further, because the private roadway easement is not built to city standards, fire and rescue vehicles may not be able to access the property in emergency situations, creating a detrimental situation to the public health, safety, and welfare.

SUPPLEMENTARY INFORMATION

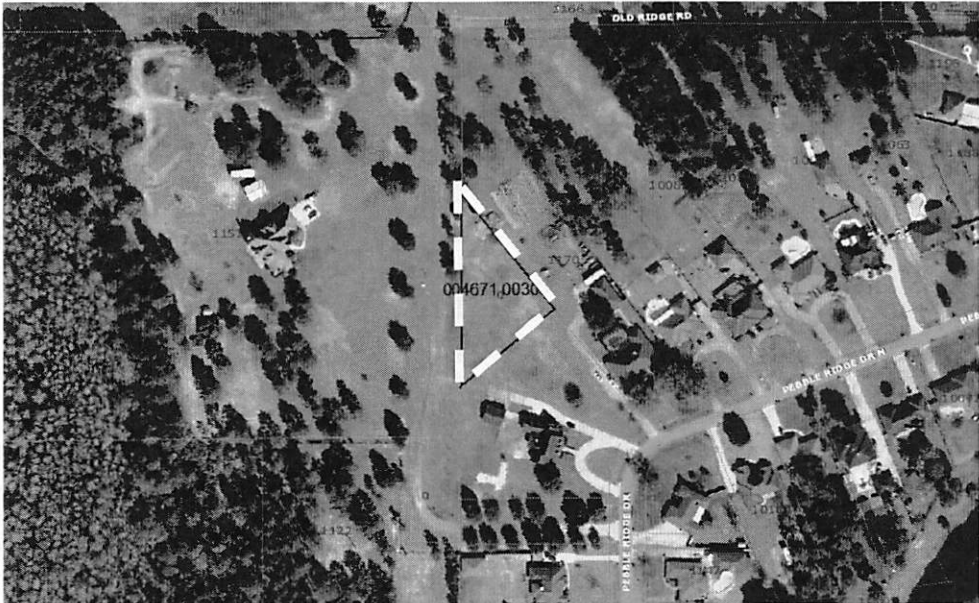
Upon visual inspection of the subject property on September 7, 2016 by the Planning and Development Department the required Notice of Public Hearing sign was **not** posted along a public right of way. It appeared that the applicant improperly posted the sign on the subject site, facing the private roadway. Staff requested that the applicant relocate the notice sign along the public right of way, and the applicant provided photographs depicting the relocated sign.



*Source: Applicant
Date: September 12, 2016*

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the Application for Waiver of Minimum Required Road Frontage **Ordinance 2016-0529 / WRF-16-11** be **DENIED**.



*Aerial view of property
Source: Planning and Development Department Staff
Date: September 7, 2016*



*View of easement entrance on Pebble Ridge Drive
Source: Planning and Development Department Staff
Date: September 7, 2016*



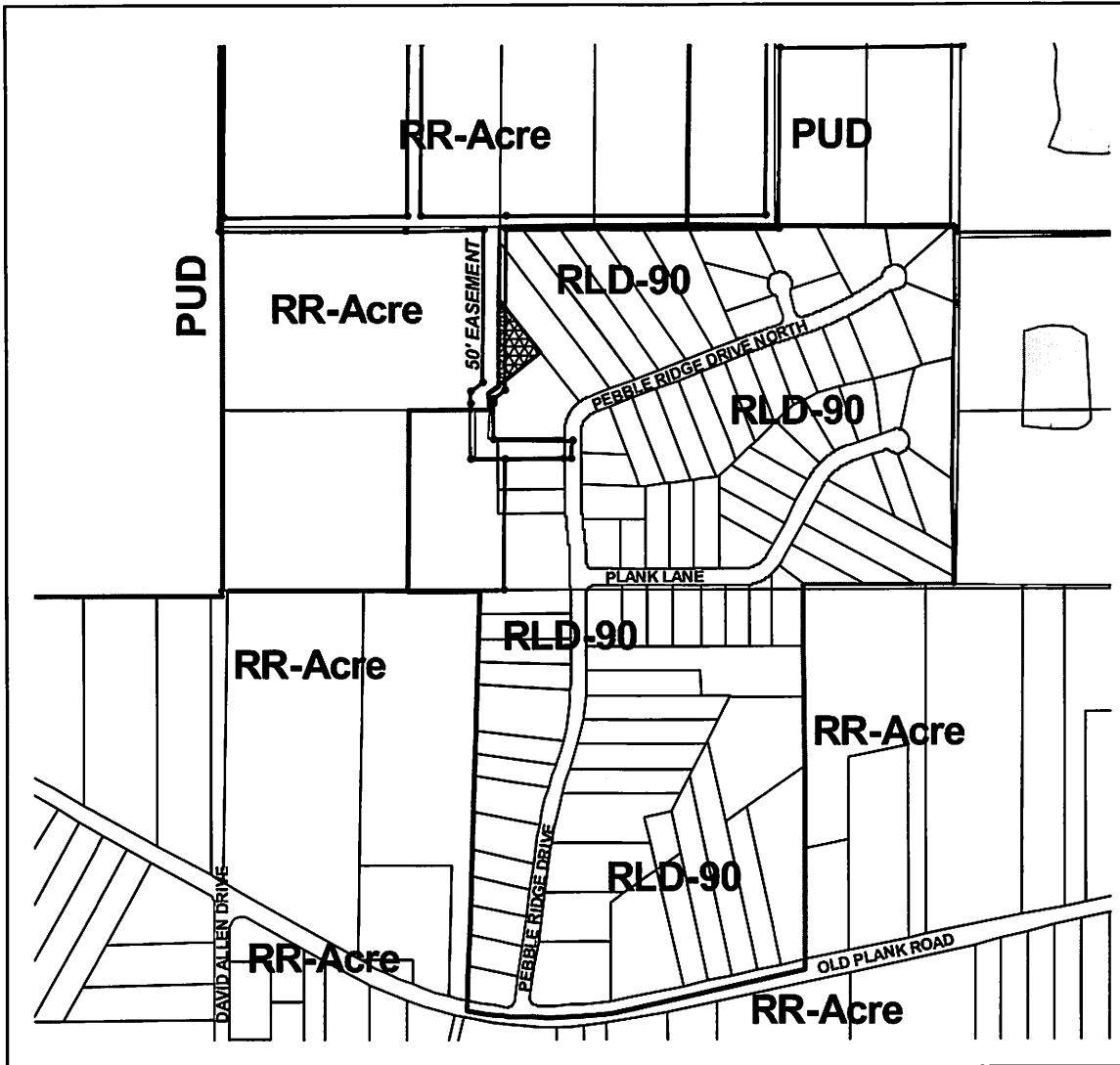
*View of surrounding neighborhood, northeast of easement entrance
Source: Planning and Development Department Staff
Date: September 7, 2016*

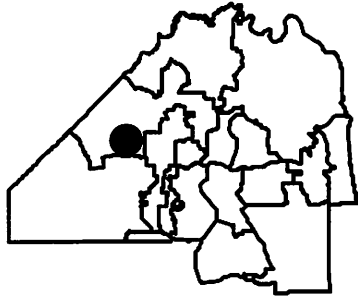
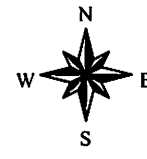


*View of easement entrance from Pebble Ridge Drive, facing south
Source: Planning and Development Department Staff
Date: September 7, 2016*



*Sign posted at entrance of private roadway easement
Source: Planning and Development Department Staff
Date: September 7, 2016*



<p>REQUEST SOUGHT:</p> <p>REDUCE ROAD FRONTAGE FROM 72 FT. TO 0 FT.</p>	 <p>APPLICATION NUMBER: WRF-2016-0011</p>	 <p>0100 Feet</p> <p>COUNCIL DISTRICT: 08</p> <p>Exhibit 2</p>
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APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

Application No. WRF- 16-11
Set for Public Hearing on:
Notice of Violation:

This application must be typed or printed in black ink and submitted in person with three (3) other copies, for a total of four (4) copies.
Jacksonville,

Planning and Development Department
Zoning Section
Ed Ball Building
214 North Hogan Street, 2nd Floor
Florida 32202

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8300.

For Official Use Only				
1. Date Submitted: <u>7/13/16</u>	2. Date Filed: <u>7/15/16</u>	3. Current Zoning District(s): <u>RD-90</u>	4. Future Land Use Map Category (FLUMs) <u>LDR</u>	5. Applicable Section of Ordinance Code: <u>656.133(6)</u>
6. LUZ Public Hearing Date: ___/___/___		7. City Council Public Hearing Date: ___/___/___		
8. Neighborhood Association <u>White House Civic Assoc.</u>				
9. Number of Signs to be Posted <u>1</u>				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>1145 Old Ridge Rd</u>	13. Between Streets: <u>Pebble Ridge Drive</u> and <u>ACCESS EASEMENT (SEE SURVEY)</u>
11. Real Estate Number: <u>004671-0030</u>	
12. Date lot was recorded: <u>7/5/95</u>	
14. Waiver Sought: <u>Mini. Road Frontage</u> Reduce Required Minimum Road Frontage from <u>72</u> ft feet to <u>0</u> feet.	
15. In whose name will the exception be granted? <u>RICKIE MAYS</u>	
16. Land Area (1/100 Acres): <u>0.571 AC</u>	
17. Utility Services Provider Well: <input checked="" type="checkbox"/> Septic: <input checked="" type="checkbox"/> City Water: _____ City Sewer: _____	

* * * NOTICE TO OWNER/AGENT * * *

Section 656.101(i), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage requirements, pursuant to Section 656.407, Ordinance Code, Section 656.133 (b) 1 through 5, Ordinance Code, provides that with respect to action upon applications for Waivers, the City Council shall grant a waiver for reduction of the minimum requirements for road frontage, if the Council makes a positive finding based upon substantial, competent evidence that the application meets all of the following five (5) criteria:

18. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth below may result in a denial).

(i) There are practical or economic difficulties in carrying out the strict letter of the regulation;

The parcel is land locked but has access to an existing Access Easement

(ii) The request is not based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations);

It is not. The existing condition has the parcel accessing an existing Access Easement

(iii) The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver;

It will not. The proposed development will be consistent with the surrounding area

(iv) There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City or approved private street;

There is an existing access easement

(v) The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law.

It will not. The parcel is accessing an existing Access Easement

19. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

Survey (as required by the Current Planning Section)

Site Plan as required per instructions. (2 copies on 8 1/2 x 11 and 2 copies on 11 x 17 or larger)

Letter of Authorization for Agent/Applicant is required if application is made by any person other than the property owner.

Legal description, may be either lot and block or metes and bounds, including real estate assessment number(s) of the subject property

Proof of valid and effective easement for access to the property.

***** NOTICE TO OWNER / AGENT *****

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Division, Planning and Development Department, Ed Ball Building, 214 North Hogan Street Suite 300, Jacksonville, Florida 32202, (904) 255-7800 **PRIOR TO THE HEARING.**

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

FILING FEES		NOTIFICATION COSTS:	
RESIDENTIAL DISTRICTS.....	\$1,073.00	\$7.00 PER ADDRESSEE	
NON-RESIDENTIAL DISTRICTS.....	\$1,091.00	ADVERTISING COSTS:	
		BILLED TO OWNER /AGENT	

***** Applications filed to correct existing zoning violations are subject to a double fee. *****

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

PLEASE PRINT:

Name and address of Owner(s)

Name: EDWIN CAPPS

Address: 1458 KATHYTRIPPLANE

City: JAX, FL

State: FL Zip: 32220

Email: _____

Daytime Telephone: 904 9838-0403

[Signature]
SIGNATURE OF OWNER(S) SIGN

Name and address of Authorized Agent(s)

Name: RICKIE L MAYS

Address: 1147 PEBBIE RIDGE DR.

City: JACKSONVILLE

State: FLA. Zip: 32222

Email: RICKMAYS56@YAHOO.COM

Daytime Telephone: 904 860 6127

[Signature]
SIGNATURE OF AUTHORIZED AGENT(S)

SIGNATURE OF OWNER(S)

Letter of Authorization for Agent is required if application is made by any person other than the property owner. Also, a larger scale drawing may be required for commercially zoned property with an existing structure or otherwise as required by the Planning and Development Department's Zoning Section.

INSTRUCTIONS FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

An Application for Waiver of Minimum Required Road Frontage is filed with Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255-8300. All applications must be complete when filed. The following is a step by step guide to help persons interested in applying for the Waiver.

Items 1 thru 9

These blocks are for official use only and will be completed by the Zoning Section Staff.

Item 10 - Complete Property Address

Enter the physical address of the property. If the property has not been addresses, please inform the Current Planning Section.

Items 11 and 12 - Real Estate Number / Date lot was recorded

The real estate number(s), and the date that the lot was officially recorded as shown on the original deed for the parcel. Real estate numbers can best be obtained through the Property Appraiser's Office in the Claude Yates Building on 231 E. Forsyth Street, Room 270.

Item 13 - Intersecting Streets

Provide the names of the two streets closest to the property, not including the street on which ingress and egress will occur. Normally, these streets intersect the street on which the proposed development is located.

Item 14 - Waiver Sought

If unsure, please verify the requested reduction in road frontage corresponds with the requirements of the Zoning Code.

Item 15 - Name to whom the waiver will be granted.

The applicant must provide the name of the person for whom the waiver is to be granted. All waivers for reduction of the minimum required road frontage are automatically transferable unless otherwise ordered by the City Council.

Item 16 - Land Area (acres)

Total land area of the proposed site within 1/100 of an acre (i.e. 1.01 acres)

Item 17 - Utility Services Provider.

Identify type of services (i.e. well, septic, etc.)

Item 18 - Criteria

There are five (5) criteria used by the City Council to either approve, approve with condition or deny and Application for Waiver of Minimum Required Road Frontage. The owner / agent / applicant must provide answers and be prepared to explain how the specific request meets all applicable criteria, thereby providing substantial competent evidence to approve the proposed waiver.

Item 19 - Attachments An Application for Waiver of Minimum Required road Frontage must consist of four (4) complete sets of the application and all required attachments. All required attachments should be provided on 8 ½" x 11" paper, with the exception of two of the four application sets, which will include site plans at 11" x 17" or larger.

Property Ownership Affidavit - Individual

Date: 9-12-16

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:
Address: 1145 OLD RIDGE RD RE#(s): 004671-0030

To Whom it May Concern:

I EDWIN CAPPS hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for WAIVER OF ROAD FRONTAGE submitted to the Jacksonville Planning and Development Department.

By *Edwin Capps*
Print Name: Edwin Capps

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 12 day of Sept. 2016 by Edwin Capps, who is personally known to me or who has produced _____ as identification and who took an oath.

Diana L. Toth

(Signature of NOTARY PUBLIC)



Diana L. Toth
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF239996
Expires 6/11/2019

(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____

Agent Authorization

Date: April 13 2016

City of Jacksonville
City Council / Planning and Development Department
117 West Duval Street, 4th Floor / Ed Ball Building,
214 North Hogan Street, Suite 300, Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE# 004671-0030

Gentleman:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers

RICKIE L. MAYS

to act as agent to file application(s) for

WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

[Signature]
Owner's Signature

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 14 day of

April (month), 2016 (year) by

Rickie L Mays, who is personally known to me or has

produced Diana L. Toth as identification.

(Notary Signature)



Diana L. Toth
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF238995

Michael Corrigan, Tax Collector
Duval County/City of Jacksonville
Comments - taxcollector@coj.net
Inquiries - (904)630-1916
www.coj.net/tc

Duval County, City Of Jacksonville
Michael Corrigan , Tax Collector
231 E. Forsyth Street
Jacksonville, FL 32202

General Collection Receipt

Date: 07/14/2016 Time: 11:53:03
Location: P08 Clerk: ZSP
Transaction 0455487

Date: 7/13/2016
Email: ConstanceP@coj.net

Rickie L May
Address: 1145 Old Ridge RD
Location: Invoice for property located at 1145 Old Ridge RD

Miscellaneous
Item: CR - CR375642
Receipt 0455487.0001-0001 1,178.00

Total Paid 1,178.00
CASH 1,178.00

Total Tendered 1,178.00

Item	SubsidNo	UserCode	Project	ProjectDtl	Grant	GrantDtl	DocNo	Amount
								1178.00

Paid By: RICKIE MAYS
Thank You

Total Due: \$1,178.00

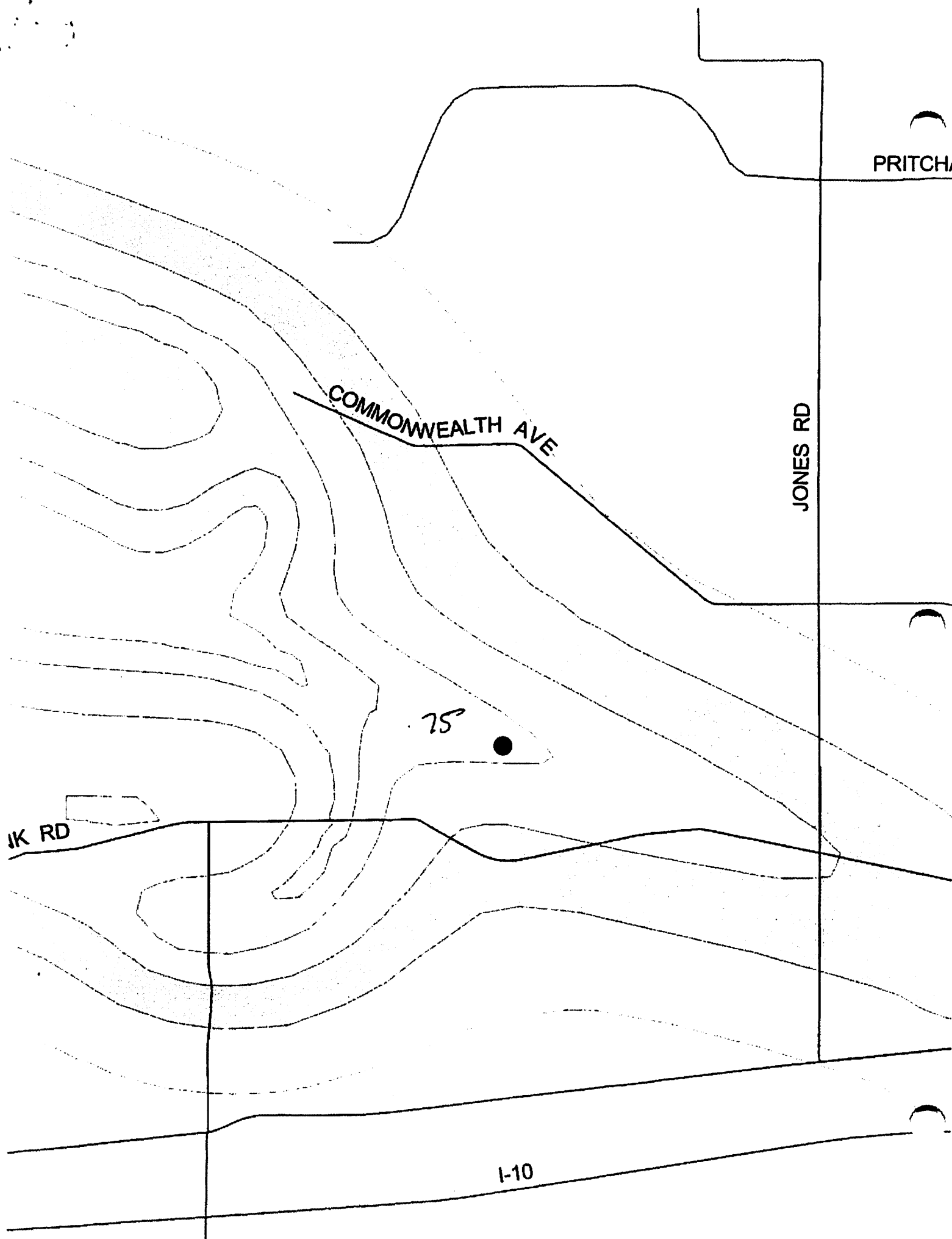
**Michael Corrigan , Tax Collector
General Collections Receipt
City of Jacksonville, Duval County**

Account No: CR375642 REZONING/VARIANCE/EXCEPTION
Name Rickie L May
Address 1145 Old Ridge RD
Description Invoice for property located at 1145 Old Ridge RD

Date: 7/13/2016

Total Due: \$1,178.00

	A	B	C	D	E	F
1	RE	LNAME	MAIL_ADDR1	MAIL_CITY	MAIL	MAIL_ZIP
2	004662 0600	BRANNAN RONALD E SR	1166 OLD RIDGE RD	JACKSONVILLE	FL	32220-1358
3	004671 0140	CAPPS EDWIN H	1155 CATHY TRIPP LN	JACKSONVILLE	FL	32220-1348
4	004671 0040	CARTER JAMES TERRY	10079 PEBBLE RIDGE DR N	JACKSONVILLE	FL	32220-1327
5	004671 0100	COCKMAN BILLY	1146 PEBBLE RIDGE DR	JACKSONVILLE	FL	32220-1358
6	004662 0700	GILLIAM DAVID W	1156 OLD RIDGE RD	JACKSONVILLE	FL	32220-1358
7	004671 0170	HATCHER GRANT B	208 TRACER AVE	JACKSONVILLE	FL	32220
8	004671 0132	HATCHER TRUST	1122 PEBBLE RIDGE DR	JACKSONVILLE	FL	32220-1358
9	004671 0010	JORDAN JONATHAN S	1170 PEBBLE RIDGE DR	JACKSONVILLE	FL	32220-1358
10	004671 0110	JOYNER NELLIE RUTH	1162 PEBBLE RIDGE DR	JACKSONVILLE	FL	32220-1358
11	004669 0000	REICHENBACH BENJAMIN R	534 PARK AV SUITE 1	ORANGE PARK	FL	32073
12	004685 5130	RIVERSIDE PRIMITIVE BAPTIST CHURCH	702 DELLWOOD AVE	JACKSONVILLE	FL	32204-3320
13	004685 5135	ROBINSON DONALD J	10104 PEBBLE RIDGE DR N	JACKSONVILLE	FL	32220-1377
14	004671 0020	SANDERS JAMES F III	10095 PEBBLE RIDGE DR N	JACKSONVILLE	FL	32220-1327
15	004671 0000	SARAH R COLGROVE PARTNERSHIP LTD	10087 PEBBLE RIDGE DR N	JACKSONVILLE	FL	32220-1327
16	004662 1000	SEYMOUR BRIAN ET AL	1152 OLD RIDGE RD	JACKSONVILLE	FL	32220-1358
17		Whitehouse Civic Association	550 Cathy Tripp LN	JACKSONVILLE	FL	32220
18		Northwest CPAC	6549 Kinlock DR	JACKSONVILLE	FL	32219



PRITCH

COMMONWEALTH AVE

JONES RD

IK RD

75

I-10

APZ2

APZ1

CZ

PRITCHARD RD

COMMONWEALTH AVE

JONES RD

BULLS BAY HWY

OLD PLANK RD

I-10

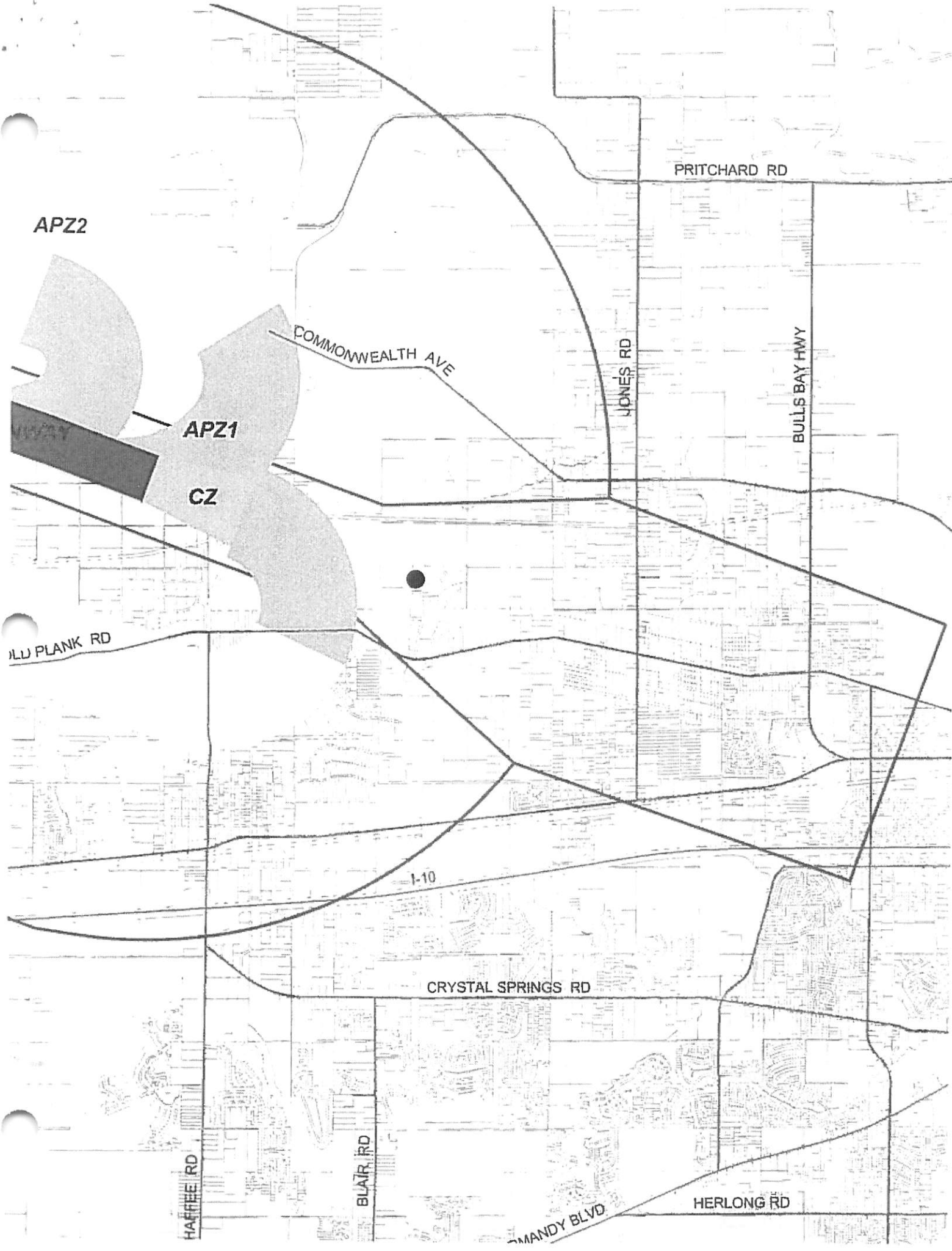
CRYSTAL SPRINGS RD

HARRIS RD

BLAIR RD

MANDY BLVD

HERLONG RD





SITE DATA
 EXISTING ZONING = RLD-90
 MAX LOT COVERAGE = 45 PERCENT
 PROPOSED LOT COVERAGE = 11 PERCENT
 52' BACKS
 FRONT = 70'
 SIDE = 5'
 REAR = 10'
 MAXIMUM STRUCTURE HEIGHT = 35'

