

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE
ORDINANCE 2017-0038 (WRF-17-03)
MARCH 7, 2017

Location: 12005 Rosetta Road
Between Halsema Road South and Charolais Road

Real Estate Number: 001923-0020

Waiver Sought: Reduce minimum required road frontage from 160 feet to 127.75 feet for development of two single-family homes on the same parcel.

Present Zoning District: Rural Residential-Acre (RR-Acre)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southwest, District 4

Planning Commissioner: Daniel Blanchard

City Council Representative: The Honorable Doyle Carter, District 12

Owner: Joel Arreguin
8505 Moncrief Road West
Jacksonville, Florida 32219

Agent: Fynlanden Arreguin
12005 Rosetta Road
Jacksonville, Florida 32221

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage Ordinance 2017-0038 (WRF-17-03) seeks to reduce the minimum required road frontage from 160 feet to 127.75 feet to permit the development of a second single-family dwelling behind the existing mobile home. The site consists of 1.54 acres of land. Companion Application Ordinance 2017-0037 (AD-17-06) seeks to reduce the minimum required lot area from 2-acres required to 1.54 acres available; staff recommends approval of that request. The existing mobile home was built in 1978. The site is located in the "Suburban" development area.

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(d) 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. There are practical and economic challenges in meeting the regulation of required road frontage. The property already has a mobile home situated on it. This property is located at the end of a dead end road. The property to the west does not have adequate road frontage for their single family dwelling, so to acquire land from that property is not feasible. Charolais Road, depicted to line the eastern side of the property has been identified as a 30 foot right of way that was approved as a private road in 1985, which is not maintained by the City, according to The Department of Public Works.

- (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)?*

No. Grant of the request would allow for two residences on 1.54 acres in the RR-Acre zoning district. The parcel is designated for Low Density Residential land use by the 2030 Comprehensive Plan: Future Land Use Element. All surrounding properties in the area zoned RR-Acre comply with the one acre requirement, however many of them do not meet the road frontage requirement and only a few have filed and approved applications. There are also several properties along Rosetta zoned RLD-90 that are approximately half an acre, which less road frontage than RR-Acre.

The Code of Subdivision Regulations requires a formal review for partitioning of a parcel into three or more lots. No subdivision is contemplated with this request.

- (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. Section 656.137 of the City of Jacksonville Code of Ordinances requires notice to all property owners holding property within 350 feet of the subject property. This waiver

allows the applicant to create two single-family residences in the RR-Acre zoning district. The RR-Acre zoning district has a minimum lot area of one acre. To achieve compliance with this code the applicant has filed a companion Administrative Deviation for relief from 2 Acres to 1.54-acres (AD-17-06).

The essential character of the area is affected by the size, use and development pattern of the property relative to the size of surrounding properties. The lot, upon approval, will be divided in half resulting in two lots approximately 0.77-acres each, which is smaller than the surrounding RR-Acre lots but larger than the RLD-90 lots on the same street.

The building permit process will ensure that whatever structures are erected comply with the minimum requirements of the Zoning Code (Part 4) for aesthetic quality and with all applicable provisions of the Florida Building Code for public health, safety and welfare.

- (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?*

Yes. Upon approval, the newly created lot will have to demonstrate an effective easement for adequate vehicular access to Rosetta Road, a public street. Emergency services, code enforcement officers, solid waste collection, and utility providers will have direct access.

- (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?*

No. The proposed waiver will not be detrimental to the public health, safety, or welfare. This waiver of road frontage is consistent with other properties located on the east end of Rosetta Road. The applicant has indicated that the property is on well and septic which will not cause any more expense or nuisance to the area.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the property on January 10, 2017 and the required notice sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2017-0038 (WRF-15-06) be **APPROVED**.



Aerial view of site.



Subject Property with existing mobile home.

Date: January 10, 2017

Source: COJ Planning & Development Department



One of several mobile homes on property to the South of Subject Property (911 Halsema Road)

Date: January 10, 2017

Source: COJ Planning & Development Department



**Driveway leading to Single Family home
to the west of the Subject Property (11927 Rosetta Road)**

Date: January 10, 2017

Source: COJ Planning & Development Department



**Fenced area leading to properties to the east of subject property.
Dead end of Rosetta Road**

Date: January 10, 2017

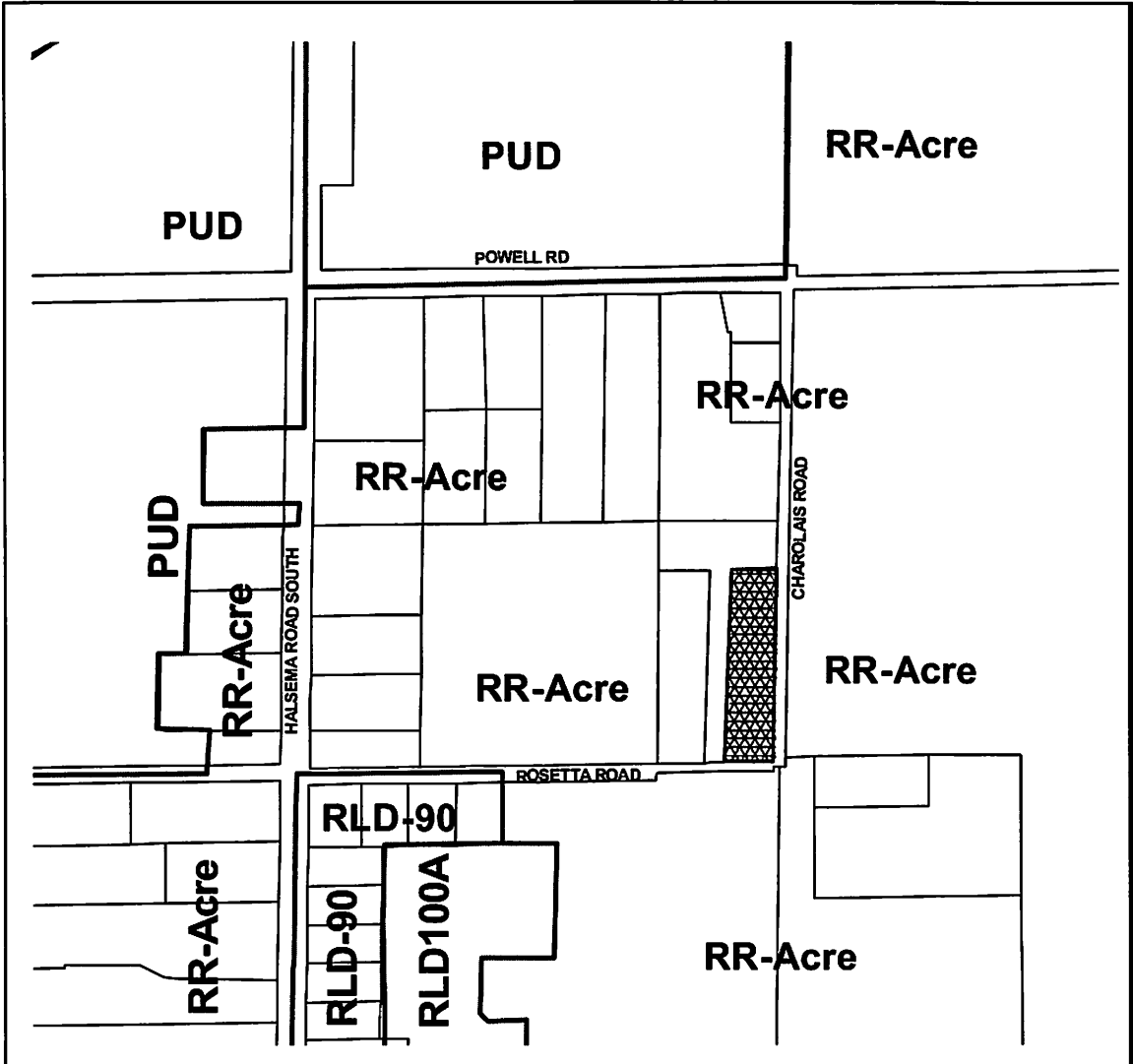
Source: COJ Planning & Development Department



Rosetta Road, leading to subject property

Date: 01/10/2017

Source: COJ Planning and Development Department



<p>REQUEST SOUGHT:</p> <p>REDUCE ROAD FRONTAGE FROM 160 FT. TO 127.75 FT.</p>	<p>APPLICATION NUMBER: WRF-2017-0003</p>	<p>0 80 Feet</p> <p>COUNCIL DISTRICT: 12</p> <p>EXHIBIT 2</p>
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Patterson, Connie

From: Hazen, Monroe
Sent: Tuesday, January 10, 2017 4:22 PM
To: Patterson, Connie
Subject: RE: Road Status- Charolais RD

It is in fact an old 30' platted R/W from Jacksonville Farms (15' on the west) and Jacksonville Heights (15' on the east). There is an existing dirt road in the R/W that we do not maintain however, in 1985 (prior to current standards) the road was accepted as an approved private road. Hopefully, this will help clarify matters.

Monroe

W. Monroe Hazen, PLS, City Surveyor
Manager - Topographical Survey Section
Department of Public Works
214 N. Hogan St., Room 1078
Jacksonville, FL 32202
Office (904) 255-8732
Fax (904) 255-8129
E-mail hazen@coj.net

From: Patterson, Connie
Sent: Tuesday, January 10, 2017 10:43 AM
To: Hazen, Monroe
Subject: Road Status- Charolais RD

Hi Monroe,

I'm Connie Patterson, I'm a *fairly* new planner in current planning. I'm working on a waiver of road frontage application and I have a question about one of the roads in the area. The RE# is 001923-0020. The road I have a question about is the one to the east of the property labeled as Charolais RD. I talked to my supervisor about it and he thinks it is an unopen city right of way. If you could give me any information on that road it would be appreciated.

Thank you,
Connie Patterson
City of Jacksonville
City Planner I
Current Planning
Planning & Development Department
214 N Hogan Street Suite 300
Jacksonville, FL 32202

COMPANION APPLICATION / WRF-17-03
AD17-06

1,238.00

**APPLICATION FOR
 WAIVER OF MINIMUM
 REQUIRED ROAD
 FRONTAGE**

Application No. WRF-17-03

Set for Public Hearing on:

Notice of Violation:

This application must be typed or printed in black ink and submitted with three (3) copies, providing for a total of four (4) complete applications with all required attachments, to:

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

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

For Official Use Only

1. Date Submitted: <u>12-13-16</u>	2. Date Filed: <u>12/27/16</u>	3. Current Zoning District(s): <u>RR</u>	4. Future Land Use Map (FLUM) Category: <u>LDR</u>	5. Applicable Section of Ordinance Code: <u>656.407</u>
6. LUZ Public Hearing Date: <u> </u> / <u> </u> / <u> </u>		7. City Council Public Hearing Date: <u> </u> / <u> </u> / <u> </u>		
8. Neighborhood Association <u>None</u>				
9. Number of Signs to be Posted <u> </u> / <u> </u>				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>12005 ROSETTA RD</u>	13. Between Streets: <u>HAISEMA RD S</u>
11. Real Estate Number: <u>001923-0020</u>	and <u>DEAD END</u>
12. Date lot was recorded: <u> </u>	
14. Waiver Sought: Reduce Required Minimum Road Frontage from <u>160</u> feet to <u>127.75</u> feet.	
15. In whose name will the Waiver be granted? <u>JOEL AGUILAR</u>	
16. Land Area (1/100 Acres): <u>1.54</u>	
17. Utility Services Provider	
Well: <u>X</u> Septic: <u>X</u> City Water: <u> </u> City Sewer: <u> </u>	

RECEIVED

JAN 09 2017

Office of General Counsel

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

Section 656.101(l), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."

Section 656.133(d) 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 waiver 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;
NO

(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);
NO

(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;
NO

(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;
NO

(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.
NO

19. Attachments – One (1) 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 two (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)

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: Joel Arroyo

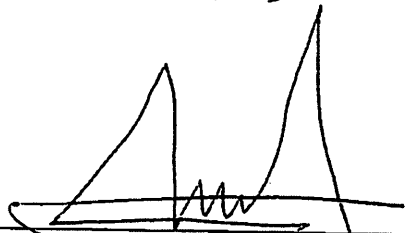
Address: 505 Moncrief Rd

City: Jacksonville

State: FL Zip: 32219

Email: _____

Daytime Telephone: (904) 545-5670


SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: Fynlandea Arroyo

Address: 12005 Rosett Rd

City: Jacksonville

State: FL Zip: 32221

Email: _____

Daytime Telephone: (920) 737-8957


SIGNATURE OF AUTHORIZED AGENT(S)

The Agent's letter of authorization must be attached if application is not signed by the owner of record.

Property Ownership Affidavit - Individual

Date: 12/13/16

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: 12025 Rosetta Rd RE#(s): _____

To Whom it May Concern:

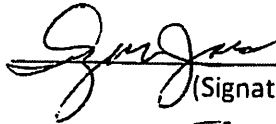
I Joel Arreguin hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for _____ submitted to the Jacksonville Planning and Development Department.

By _____

Print Name: Joel Arreguin

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 13 day of December 2016, by Joel Arreguin Agilar, who is personally known to me or who has produced IEDL as identification and who took an oath.



(Signature of NOTARY PUBLIC)

IZORA T. JONES
Notary Public, State of Florida
My Comm. Expires 10/24/2020
Commission No. GG41464



(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires: 10-24-2020

Agent Authorization

Date: 12/13/16

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:

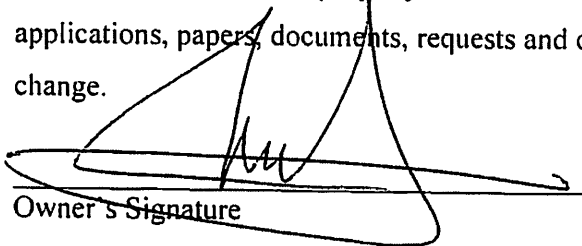
12005 Rosetta Rd Jacksonville FL 32221

To Whom It May Concern:

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

Fynlander Arreguin to act as agent to

file application(s) for Joel Arreguin
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.


Owner's Signature


STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 13 day of

December (month), 2016 (year) by

Joel Arreguin-Aguilar, who is personally known to me or has

produced FL DL as identification.


(Notary Signature)

Legal Description

MAP SHOWING BOUNDARY SURVEY OF

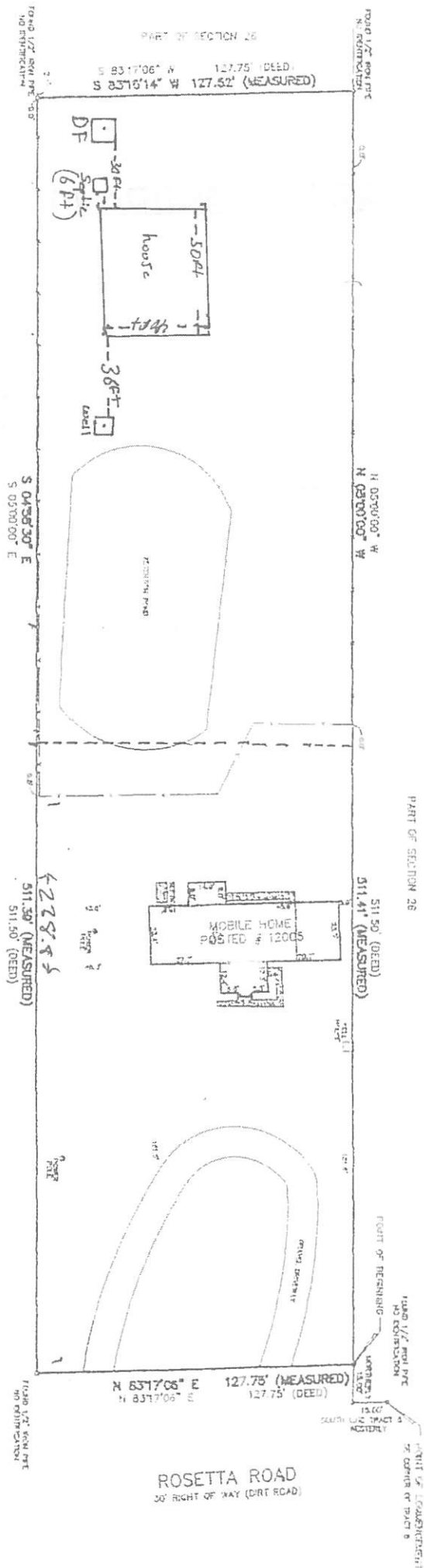
A PART OF TRACT 8 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 24 EAST, AS SHOWN ON MAP OF JACKSONVILLE FARMS, AS RECORDED IN PLAT BOOK 4, PAGE 2 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 8; THENCE WESTERLY AND ALONG THE SOUTH LINE OF SAID TRACT 8, 15.0 FEET; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID TRACT 8, 15.0 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE NORTHERLY AND PARALLEL WITH THE SAID EAST LINE, 511.50 FEET; THENCE WESTERLY AND PARALLEL WITH THE SAID SOUTH LINE OF TRACT 8, 127.75 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE SAID EAST LINE OF TRACT 8, 511.50 FEET; THENCE EASTERLY AND PARALLEL WITH THE SAID SOUTH LINE OF TRACT, 127.75 FEET TO THE POINT OF BEGINNING. CONTAINING 1.50 ACRES, MORE OR LESS.

MAP SHOWING BOUNDARY SURVEY OF

A PART OF TRACT 8 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 24 EAST AS SHOWN ON MAP OF JACKSONVILLE FARMS, AS RECORDED IN PLAT BOOK 4, PAGE 2 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 8; THENCE WESTERLY AND ALONG THE SOUTH LINE OF SAID TRACT 8, 15.0 FEET; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID TRACT 8, 15.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY AND PARALLEL WITH THE SAID EAST LINE, 511.50 FEET; THENCE WESTERLY AND PARALLEL WITH THE SAID SOUTH LINE OF TRACT 8, 127.75 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE SAID EAST LINE OF TRACT 8, 511.50 FEET; THENCE EASTERLY AND PARALLEL WITH THE SAID SOUTH LINE OF TRACT 127.75 FEET TO THE POINT OF BEGINNING, CONTAINING 1.50 ACRES, MORE OR LESS.



JOEL BARNET STEWA

JOB # 4860 DATE OF FIELD SURVEY: 06-19-98 DISK # ZIP 10 SCALE: 1" = 60'

AVON SURVEYING INC.
 LICENSED BUSINESS # 6702
 921 Pentastar Place, Suite 1
 Jacksonville, Florida 32204
 (Phone) 904-354-1141
 (Fax) 904-354-1255

CERTIFICATE

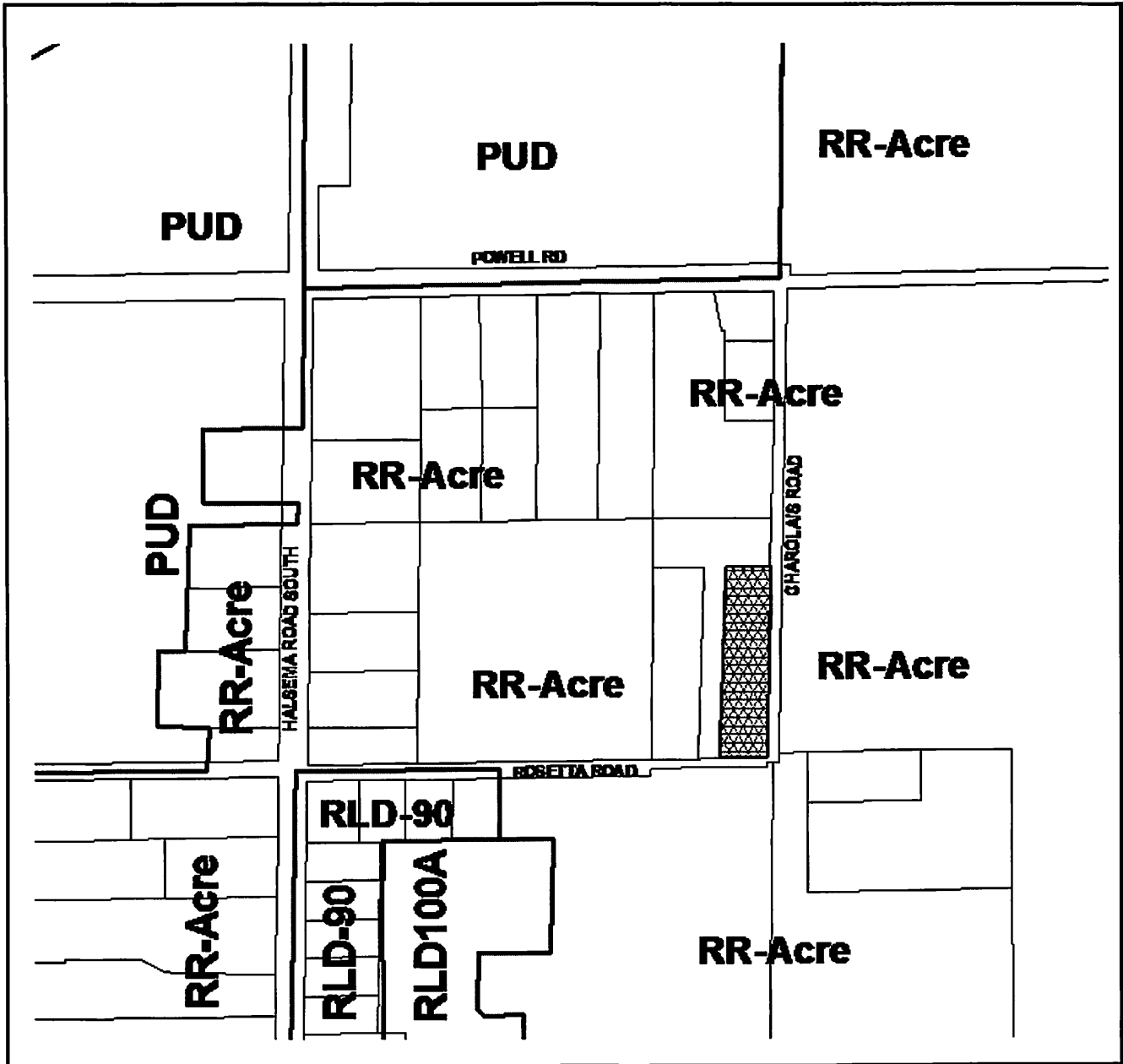
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.072, FLORIDA STATUTES.

Michael J. Meado
 MICHAEL J. MEADO
 REGISTERED SURVEYOR AND MAPPER # 4879 STATE OF FLORIDA

NOTES:
 1. BEARINGS ARE BASED ON THE DEED ASSUMED BEARING OF S EASTERLY BOUNDARY LINE OF SUBJECT PARCEL.
 2. BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN F.L.C. NATIONAL FLOOD INSURANCE MAP DATED AUGUST 15, 1989. COMM. 3. THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFIED.
 4. THIS SURVEY NOT VALID WITHOUT THE EMBOSSED SEAL OF THE CE

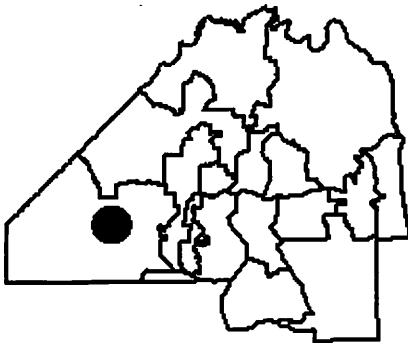
LEGEND:
 R = RADIUS
 L = LENGTH
 --- = FENCE
 --- = CONCRETE

LAND SURVEYS CONSTRUCTION SURVEYS SUBDIVISIONS



REQUEST SOUGHT:

REDUCE ROAD FRONTAGE FROM 160 FT. TO 127.75 FT.



0 80 Feet

COUNCIL DISTRICT:

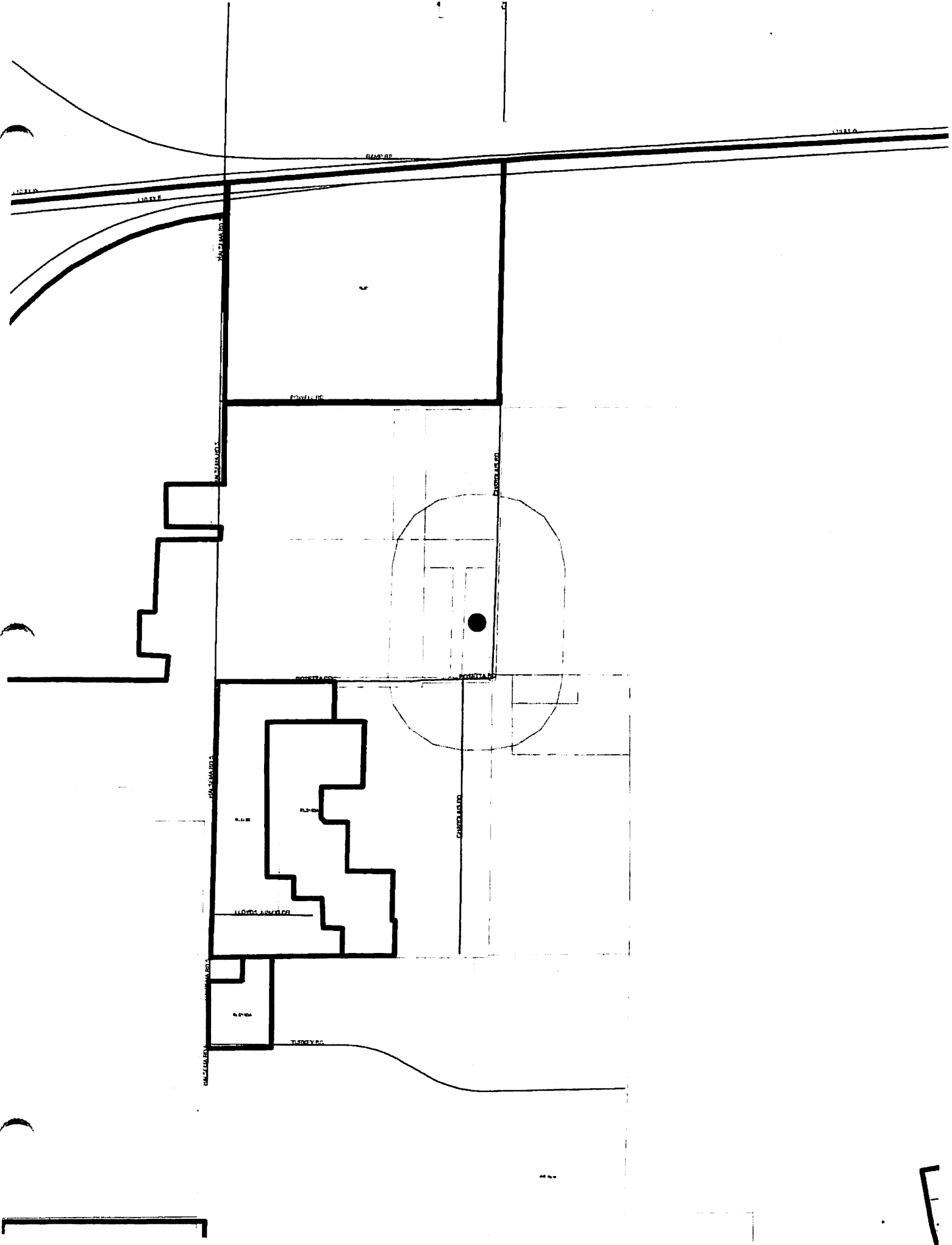
12

APPLICATION NUMBER:

WRF-2017-0003

EXHIBIT 2

	A	B	C	D	E	F	G	H	I
1	RE	LNAME	LNAME2	MAIL_ADDR1	MAIL_ADDR2	MAIL_ADDR3	MAIL_CITY	MAIL_STATE	MAIL_ZIP
2	001923 0020	AGUILAR JOEL ARREGUIN		12005 ROSETTA RD			JACKSONVILLE	FL	32221
3	001879 0050	BRANCH CAREY		11677 CARSON LAKE DR			JACKSONVILLE	FL	32221
4	001879 0000	LINDSEY JAMES R		11940 ROSETTA RD			JACKSONVILLE	FL	32221-1036
5	001927 0004	LLOYD ROSETTA		911 HALSEMA RD S			JACKSONVILLE	FL	32221-1019
6	001860 0020	PANTHER CREEK GOLF CLUB INC		PO BOX 23518			JACKSONVILLE	FL	32241-3518
7	001923 0000	PHILLIPPI JERRY ROBERT		11927 ROSETTA RD			JACKSONVILLE	FL	32221
8	001923 0010	PURVIS PERRY R		12033 ROSETTA RD			JACKSONVILLE	FL	32221-1037
9	001922 0500	STEWART WILLIAM W		833 HALSEMA RD S			JACKSONVILLE	FL	32221-1017
10	001879 0500	SUSHINSKIY ANATOLIY M		333 KEY WEST DR			JACKSONVILLE	FL	32225-6225
11	001915 0020	WEST JEANETTE N		12030 POWELL RD			JACKSONVILLE	FL	32221-1032
12	001918 0050	WEST MICHAEL D		12064 POWELL RD			JACKSONVILLE	FL	32221
13		Southwest CPAC		6616 Colby Hills			JACKSONVILLE	FL	32210



Printing :: CR394706

Page 1 of 1

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

General Collection Receipt

Account No: CR394706
 User: Harlow, Max
 REZONING/VARIANCE/EXCEPTION

Date: 12/19/2016
 Email: Mharlow@coj.net

Name: Joel Arreguin
 Address: 8505 Moncrief Rd W., Jacksonville FL 32219
 Description: Applications for Waiver of Minimum Required Road Frontage and Administrative Deviation at 12005 Rosetta Rd.

TransCode	IndexCode	SubObject	GLAcct	SubstNo	UserCode	Project	ProjectDt	Grant	GrantDt	DocNo	Amount
701	PDCU011	342504									2204.00

Michael Corrigan, Tax Collector
 Duval County/City of Jacksonville
 Comments - taxcollector@coj.net
 Inquiries - (904)630-1916
 www.coj.net/tc
 Date: 12/27/2016 Time: 10:53:16
 Location: P13 Clerk: CYW
 Transaction 0798609

Miscellaneous	
Item: CR - CR394706	
Receipt 0798609.0001-0001	2,204.00
Total Paid	2,204.00
CHECK 1161	2,204.00
Total Tendered	2,204.00

Paid By: AR Hauling Corp.
 Thank You

Total Due: \$2,204.00