

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2017-0314 (WRF-17-09)

JUNE 6, 2017

Location: 7380 Townsend Road
Between Ricker Road and Rampart Road

Real Estate Number: 015975-0000

Waiver Sought: Section 656.407 - Reduce minimum required road frontage from 80 feet to 0 feet for development of a single-family home.

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southwest, District 4

Planning Commissioner: Chris Hagan

City Council Representative: The Honorable Reggie Brown, District 10

Owner: Patricia A. Mallard
C/O Duval Realty, Inc.
2980 Hartley Road, Suite 2
Jacksonville, Florida 32244

Agent: N/A

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage Ordinance 2017-0314 (WRF-17-09) seeks to reduce the minimum required road frontage from 80 feet to 0 (zero) feet to permit the development of a single-family dwelling and accessory structure. The site consists of 5.01 acres of land and is zoned Residential Rural-Acre (RR-Acre). The subject site is currently undeveloped and has an identifiable access point from the end of Townsend Road, across the northern boundary of the property to the west of the subject site. Properties to the west and south are also within the RR-Acre Zoning District. Properties to the north and east are within

residential Planned Unit Developments (PUD 1999-0196-E and PUD 1997-0653-E, respectively). Lot sizes for these PUDs have been developed consistent with the Residential Low Density-60 (RLD-60) Zoning District. The subject site is located in the Suburban Development Area of the Low Density Residential (LDR) future land use category as identified within the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the 2030 *Comprehensive Plan*.

The subject property was approved by the Planning Commission for a reduction in road frontage from 80 feet to 0 feet in an application for a Zoning Variance in 1995, V-95-114 (applications for Waivers of Road Frontage did not exist at that time and were handled via a Zoning Variance). That request was recommended for denial by the Planning and Development Department because it appeared that the owner of the property at that time had created a self-imposed hardship by subdividing their land without providing adequate road frontage to the subdivided parcels. The current owner of the subject site appears to have purchased the property earlier this year (February 2017). Even though the final order for the 1995 Variance states that the approval shall be transferable and shall run with the title to the property, it also states that "failure to exercise the variance...within one year of the effective date of this order shall render this variance invalid." The property was not developed, and the rights from the Variance were terminated.

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 for the property owner to meet the regulation of required road frontage as the property does not have road frontage and without granting the waiver, the property is essentially undevelopable. Based on plat maps for the area, it appears as though Townsend Road was originally designed to connect through this area (which would have provided road frontage to the platted parcels), but the roadway was never connected possibly due to the construction of

Interstate-295. Acquiring land from the property owner to the west, connecting to Townsend Road, would leave that property owner with deficient road frontage; therefore, acquiring land from that property is not feasible. However, an access easement across this parcel connecting the subject site with Townsend Road has been provided. This access easement is not maintained by the City.

- (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. The request is being sought in order to construct one single-family dwelling unit and an accessory structure. No subdivision is anticipated with this request. As mentioned above, it is not feasible for the property owner to acquire the access easement from the adjacent property owner to the west of the subject site given their limited road frontage, and no other access to the property exists.

The proposed use of the subject site is consistent with both the LDR land use category and the RR-Acre Zoning District, and with the exception of the road frontage requirement, the owner is able to meet all other development criteria. Surrounding parcels that are also zoned RR-Acre are also able to comply with the development criteria for that district; however, several of these parcels do not appear to meet the road frontage requirement. Based on staff's research, at least five (5) properties were granted a reduction of the road frontage requirement through a Zoning Variance between 1985 and 1995.

- (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. If granted, the waiver would allow the property owner to develop a residential dwelling unit on a lot that is rural in nature and similar to other residential lots to the west and south of the subject property. The essential character of the area is primarily rural residential, with pockets of residential subdivisions that are more aligned with a suburban development pattern.

The building permit process will ensure that any structures 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?*

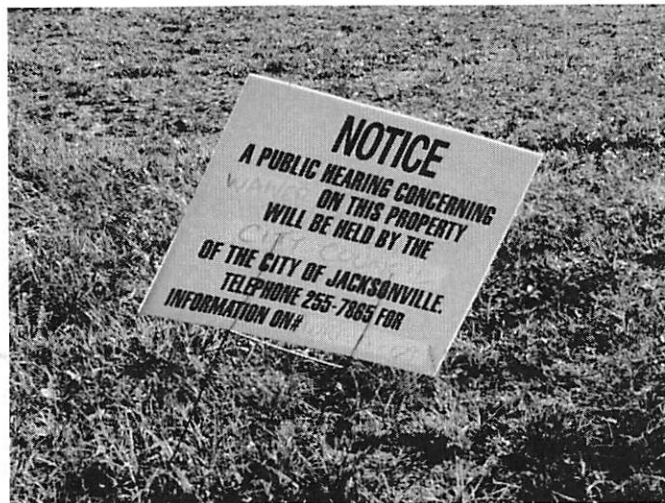
Yes. The subject site has a valid and effective easement connecting it to Townsend Road across the northern boundary of the adjacent property to the west. Townsend Road is classified as a local roadway and is a public right-of-way.

- (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 south side of Townsend 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 given the proposed development of one dwelling unit. The address record was entered into the Property Master database in 1995 and should therefore be accessible through the 9-1-1 system. As conditioned, naming the driveway would further enhance access by public safety officials.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the property on May 3, 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 2017-0314 (WRF-17-09) be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. The property owner shall be responsible for naming the driveway access according to the standards of the Planning and Development Department's Addressing Section.
2. Prior to requesting a final building inspection or occupying the facility in any manner, the lead horizontal and lead vertical design professionals shall submit to the Planning Department separate certification letters confirming that all horizontal and vertical components of the development have been substantially completed. This condition shall apply to both phased and non-phased developments. This certification can be made per building.



Aerial view of site

Date: May 3, 2017

Source: COJ Planning & Development Department



Access easement to the subject site (approximately 340 feet until the subject site)

Date: May 3, 2017

Source: COJ Planning & Development Department



Looking west on Townsend Road, from access point to subject site

Date: May 3, 2017

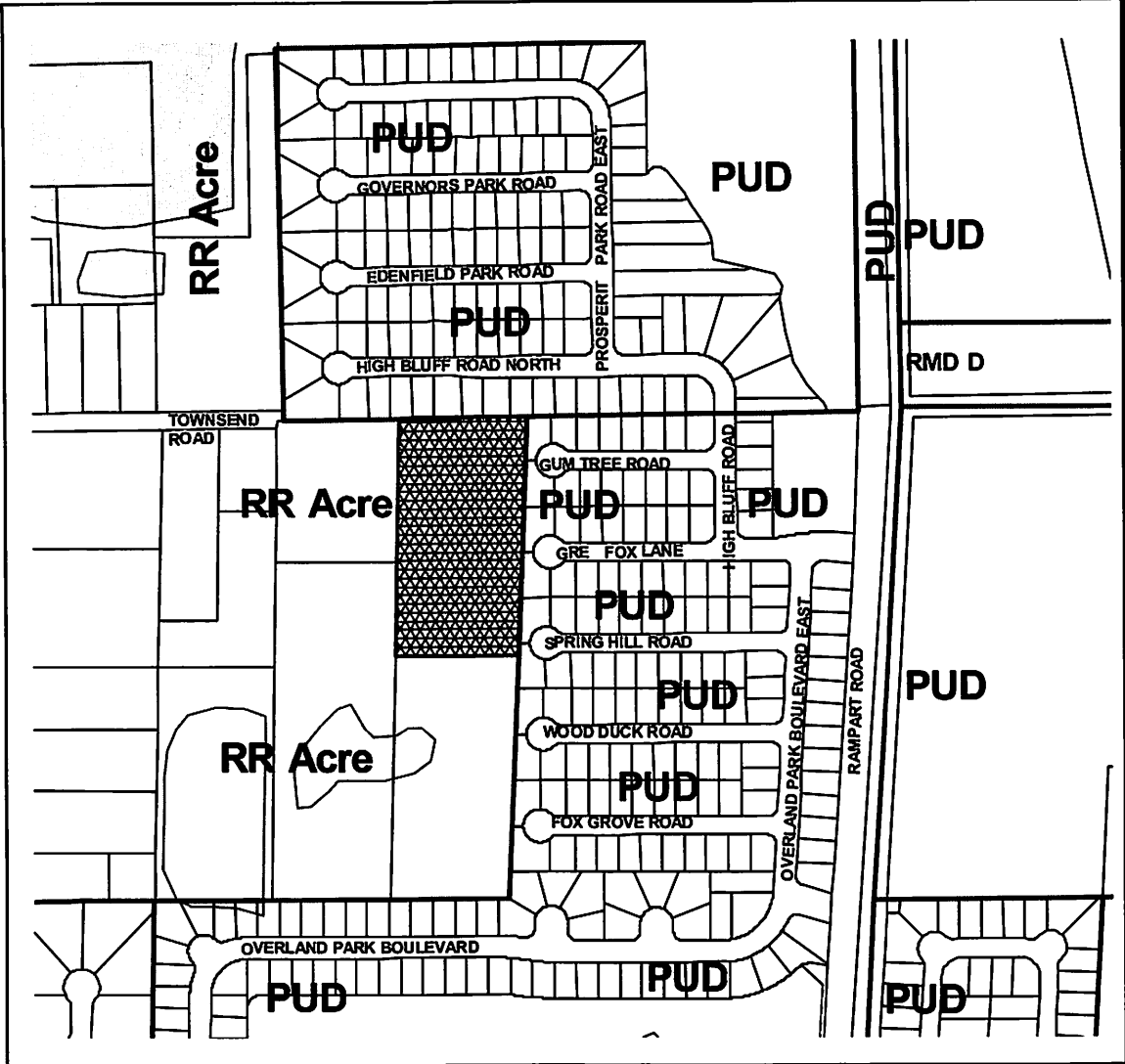
Source: COJ Planning & Development Department

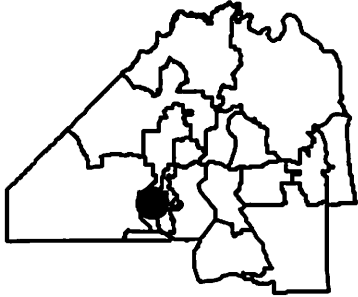



Property to the west of the subject site, at the end of Townsend Road

Date: May 3, 2017

Source: COJ Planning & Development Department



<p>REQUEST SOUGHT:</p> <p>REDUCE ROAD FRONTAGE FROM 0 FT. TO 0 FT.</p>	 <p>APPLICATION NUMBER: WRF 2017 000</p>	 <p>COUNCIL DISTRICT: 10</p> <p>EXHIBIT 2</p>
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