



# City of Jacksonville Beach

11 North Third Street  
Jacksonville Beach, Florida

## Agenda

### Planning Commission

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Monday, October 24, 2022

7:00 PM

Council Chambers

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#### MEMORANDUM TO:

Members of the Planning Commission  
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

#### CALL TO ORDER

#### ROLL CALL

Margo Moehring (Chair), Colleen White (Vice-Chair), Dave Dahl, Justin Lerman, Greg Sutton  
Alternates: Emily Stouffer, Nicholas Andrews

#### APPROVAL OF MINUTES

A. Regular Planning Commission Meeting held on September 26, 2022

#### CORRESPONDENCE

#### OLD BUSINESS

#### NEW BUSINESS

- A. **PC# 23-22 Redevelopment District: RD Zoning District Rezoning Application**  
201 5th Avenue North (formerly Bo's Coral Reef bar)  
Rezoning Application to allow for a mixed-use commercial development to include a drinking establishment, office, and retail.
- B. **PC#24-22**  
Land Development Code Text Amendment to amend Section 34-406 pertaining to fence height

#### PLANNING DEPARTMENT REPORT

#### ADJOURNMENT

#### NOTICE

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Information concerning the hearing process is available online at [www.jacksonvillebeach.org/publichearinginfo](http://www.jacksonvillebeach.org/publichearinginfo) and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public hearing and can be heard on any matter presented before the Commission. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Commission when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the

*presiding officer.*

*Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Case Number, and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to [planning@jaxbchfl.net](mailto:planning@jaxbchfl.net), (2) Postal mail to Planning and Development, Planning Commission - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Commission and attached to the related agenda item before the start of the meeting. All comments received are public record.*

*In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299 no later than one business day before the meeting.*

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***In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.***

**Minutes of Planning Commission Meeting  
held Monday, September 26, 2022, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**CALL TO ORDER**

The meeting was called to order at 7:01 P.M. by Chair Margo Moehring.

**ROLL CALL**

*Chair:* Margo Moehring  
*Vice-Chair:* Colleen White  
*Board Members:* David Dahl Greg Sutton Justin Lerman  
*Alternate:* Emily Stouffer Nicholas Andrews

Senior Planner Christian Popoli, City Attorney Sandra Robinson, Director of Planning and Development Heather Ireland, Administrative Assistant Callie Rayeski, and Deputy City Clerk Jodilynn Byrd were also present.

**APPROVAL OF MINUTES:** None

**CORRESPONDENCE:**

Director of Planning and Development Heather Ireland stated two emails were received for Item B and Item C and were distributed to the Board prior to the meeting. She also noted additional emails from August 2021 and December 2021 were included in the packet.

**OLD BUSINESS:** None

**NEW BUSINESS:**

(A) **PC# 22-22** Conditional Use Application  
**Owner:** Jeanell Wilson  
3016 3rd Street South  
Jacksonville Beach, FL 32250  
  
**Applicant:** James Nguyen – Beaches Alteration  
3016 3rd Street South  
Jacksonville Beach, FL 32250  
  
**Location:** 3016 S 3rd Street #202

**Conditional Use Application** for a personal service establishment for a property located in the Commercial Professional Office: CPO zoning district, pursuant to Section 34-341(d)2 of the Jacksonville Beach Land Development Code.

**Staff Report:**

Mr. Popoli summarized the following report for the record:

The subject property is a small commercial structure, predominantly used for offices, located along 3rd Street South. The property is located in a small area of the CPO zoning district along the west side of 3rd Street South, between St. Augustine Boulevard and 33rd Avenue South. The subject property has a small parking area in the rear, with parking spaces that meet the parking requirement for office use, and two additional spaces that will accommodate the change in use to Personal Service. The business has been located in Jacksonville Beach for many years and recently moved to this location. The demand for parking for this type of use is low, and there is no anticipated excessive noise or traffic that will be generated. The business will operate during normal business hours.

The adjacent uses are multifamily to the west, office use to the north and south, and single-family use across 3rd Street to the east. The proposed personal service use is consistent with the CPO zoning standards and is consistent with surrounding commercial and multifamily adjacent uses.

**Ex-Parte Communication:**

No Board members had ex-parte communication on this item.

**Owner:**

Jeanell Wilson, 2014 South Ocean Front, Jacksonville Beach, stated she owned the building, and the request seemed to align with the other businesses in the surrounding area.

**Public Hearing:**

No one came forth to speak on the item. Ms. Moehring closed the public hearing.

**Discussion:** None

**Motion:** It was moved by Mr. Sutton and seconded by Mr. Lerman to approve PC# 22-22.

**Roll Call Vote:** Ayes – David Dahl, Greg Sutton, Colleen White, Justin Lerman, and Margo Moehring

The application was unanimously approved.

Ms. Ireland requested to present PC#12-21 and PC #13-21 together.

(B) **PC# 12-21** Small Scale Land Use Amendment  
**Owner/**  
**Applicant:** JB Fair Park MF, LLC and Beaches Preserve, LLC  
177 4th Avenue North Suite 200  
Jacksonville Beach, FL 32250  
  
**Agent:** Driver, McAfee, Hawthorne & Diebenow  
Steve Diebenow and Cyndy Trimmer  
One Independent Drive Suite 1200  
Jacksonville, FL 32202

**Location:** 1944 Beach Boulevard and 0 Beach Boulevard (RE# 177298-0000 and 177494-0100)

**Small Scale Land Use Amendment Application** to support a mixed-use multiple family / commercial project located at 1944 Beach Boulevard (*Adventure Landing property*).

**(C) PC# 13-21 PUD Rezoning**

**Owner/**

**Applicant:** JB Fair Park MF, LLC and Beaches Preserve, LLC  
177 4th Avenue North Suite 200  
Jacksonville Beach, FL 32250

**Agent:** Steve Diebenow and Cyndy Trimmer  
Driver, McAfee, Hawthorne & Diebenow, PLLC  
One Independent Drive Suite 1200  
Jacksonville, FL 32202

**Location:** 1944 Beach Boulevard and 0 Beach Boulevard

**Rezoning Application for a Planned Unit Development:** PUD for property located at 1944 Beach Boulevard for the proposed Beach Boulevard Mixed-Use Neighborhood Center.

**Staff Report:**

Ms. Ireland briefly summarized the Comprehensive Plan, the Land Development Code (LDC), and the following report for the record:

The property has existed as a theme park since the mid-1990s. The Adventure Landing theme park, which was scheduled to close in December of 2021, is under new ownership and was sold in February of 2021 to a development group that plans to build a large multiple-family residential project with supporting commercial uses on the portion of the property with access from Beach Boulevard. City staff hosted two public workshops prior to the submission of the initial application, in June of 2021 and in August of 2021. The original applications in 2021 for Future Land Use Change and Rezoning were requested to allow for 427 apartments, but the original applications were deferred at the December 13, 2021, Planning Commission meeting at the applicant's request.

She reviewed the changes from the original application, existing flood zones, project summary, project location/development area, existing conditions, existing and proposed future land uses, existing and proposed zoning, proposed site plan, and staff analysis.

**Ex-Parte Communication:**

Ms. Stouffer disclosed she spoke with the agent and applicant about the history of the project and received a follow-up email with the project summary.

Mr. Dahl disclosed he spoke with the agent and received an email from Ken Marsh. He also talked to the applicant about the project approximately nine months ago.

Ms. Moehring disclosed she spoke with the agent multiple times. She also received phone messages from Ken Marsh but did not return the calls.

Ms. White disclosed she received an email from the agent and a text message from Ken Marsh.

Mr. Lerman disclosed he received an email from Mr. Diebenow and Ken Marsh.

Mr. Sutton filed a Form 8B [on file] and recused himself from the vote, not from questions or discussion.

**Agent :**

Steve Diebenow, One Independent Drive Suite 1200, Jacksonville, addressed previous concerns with the project. He summarized the public benefits, traffic study, conservation area, and property elevations.

*The Board took a break at 7:48 P.M.*

*The Board reconvened at 7:53 P.M.*

**Public Hearing:**

The following spoke in opposition of the application:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach
- Duke Lewis, 18 Hopson Road, Jacksonville Beach
- Eileen Kampfe, 118 12<sup>th</sup> Avenue North, Jacksonville Beach
- Rachel Sawyer, 6761 Long Meadow Circle South, Jacksonville
- Lynn Hileman, 22 Hopson Road, Jacksonville Beach
- Barbara Bauer, 604 13<sup>th</sup> Avenue South, Jacksonville Beach
- Joe McConville, 619 14<sup>th</sup> Avenue North, Jacksonville Beach

The following submitted speaker cards in opposition to the application but did not wish to speak:

- Linda Compton, 1227 12<sup>th</sup> Street North, Jacksonville Beach
- Tina Strong, 1244 12<sup>th</sup> Street North, Jacksonville Beach

Mr. Diebenow addressed the concerns of the public.

A discussion ensued about drainage, FDOT study, community meetings, recreation use space, conservation, and a traffic analysis.

Ms. Moehring closed the public hearing on PC#12-21 and opened the public hearing on PC#13-21.

**Public Hearing:**

The following spoke in opposition of the application:

- Duke Lewis, 18 Hopson Road, Jacksonville Beach
- Heather McConville, 619 14<sup>th</sup> Avenue North, Jacksonville Beach
- Barbara Bauer, 604 13<sup>th</sup> Avenue South, Jacksonville Beach
- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach

- Lynn Hileman, 22 Hopson Road, Jacksonville Beach
- Rachel Sawyer, 6761 Long Meadow Circle South, Jacksonville

The following spoke in support of the application:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Ms. Moehring closed the public hearing on PC#13-21.

Mr. Diebenow addressed additional public concerns. He stated they would conduct a traffic study before October 17, 2022, as a condition. He addressed short-term rentals. Ms. Ireland provided additional comments on short-term rentals.

**Discussion:**

A discussion ensued about protected trees, Parcels 1 and 2, a shade meeting, and workforce housing. City Attorney Sandra Robinson provided clarification regarding a shade meeting.

**Motion:** It was moved by Ms. White and seconded by Mr. Dahl to defer PC# 12-21 until November 14, 2022, and require the applicant to complete a traffic study, identify the number of workforce housing units, and conduct a tree survey.

A brief discussion continued about the postponement of the item. Ms. Ireland stated the tree survey was required later in the planning process.

**Roll Call Vote:** Ayes – Colleen White, David Dahl  
Nays – Justin Lerman, Emily Stouffer, and Margo Moehring  
  
The motion failed 2-3.

**Motion:** It was moved by Ms. White and seconded by Mr. Andrews to defer PC# 12-21 until October 24, 2022, and require the applicant to complete a traffic study and identify the number of workforce housing units.

A brief discussion continued about the conditions.

**Roll Call Vote:** Ayes – Colleen White, David Dahl  
Nays – Justin Lerman, Emily Stouffer, and Margo Moehring  
  
The motion failed 3-2.

**Motion:** It was moved by Mr. Lerman and seconded by Ms. White to deny PC# 12-21.

**Roll Call Vote:** Ayes – Justin Lerman, Colleen White  
Nays – David Dahl, Emily Stouffer, and Margo Moehring  
  
The motion failed 3-2.

A discussion continued about the conditions and the postponement of the item.

**Motion:** It was moved by Ms. Stouffer and seconded by Ms. Moehring to approve PC# 12-21.

**Roll Call Vote:** Ayes – Emily Stouffer and Margo Moehring  
Nays – Colleen White, Justin Lerman, and David Dahl

The motion failed 3-2.

Ms. Robinson provided additional comments about the motions and split recommendations going to the Council. She stated a motion to reconsider was an option prior to the end of the meeting.

**Motion:** It was moved by Mr. Andrews and seconded by Ms. Stouffer to approve PC# 13-21.

**Roll Call Vote:** Ayes – Emily Stouffer and Margo Moehring  
Nays – Colleen White, Justin Lerman, and David Dahl

The motion failed 3-2.

#### **PLANNING DEPARTMENT REPORT**

Mr. Popoli stated a joint meeting with the Board and the Board of Adjustment would be held on October 27, 2022, to review the Land Development Code and Comprehensive Plan.

The next scheduled meeting is Monday, October 10, 2022. There is one scheduled case.

#### **ADJOURNMENT**

There being no further business, Ms. Moehring adjourned the meeting at 10:18 P.M.

Submitted by: Callie Rayeski  
Administrative Assistant

These minutes were reviewed by Planning and Development.

Approval:

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Chairperson

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Date



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach, FL 32250

| PLANNING COMMISSION AGENDA ITEM |                                                               |
|---------------------------------|---------------------------------------------------------------|
| TO:                             | Planning Commission Members                                   |
| FROM:                           | Heather Ireland, Director Planning and Development Department |
| DATE:                           | 09/01/2022                                                    |
| SUBJECT:                        | October 24, 2022 Planning Commission Staff Report             |

The following information is provided for your consideration for the following agenda item for the upcoming Monday, October 24, 2022 Planning Commission Meeting.

**NEW BUSINESS:**

**PC#23-22 Redevelopment District: RD Rezoning Application for 201 5th Avenue North to allow for a mixed-use commercial project**

OWNER: Walker Capital Holdings, LLC  
4530-15 St. Johns Avenue Unit 406  
Jacksonville FL 32210

APPLICANT: Walker Capital Holdings, LLC  
4530-15 St. Johns Avenue Unit 406  
Jacksonville FL 32210

AGENT: Driver, McAfee, Hawthorn & Diebenow, PLLC  
One Independent Drive Suite 1200  
Jacksonville, FL 32250

LOCATION: 201 5th Avenue North

REQUEST: **Redevelopment District: RD Rezoning Application** to allow for a mixed-use project to include a drinking establishment, office, and retail uses.

COMMENTS: **BACKGROUND**

The property that is subject of this rezoning application is located on the northwest corner of Second Street North and Fifth Avenue North, and consists of approximately 0.3 developed acres of land, located in the Central Business District: CBD Zoning District. The previous use of the property was a stand-alone drinking establishment with an outdoor bar area, *Bo's Coral Reef*, that operated from 1964 to January of 2019, when the doors were closed. The property



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existed as a non-conforming use, having pre-dated the Land Development Code, and did not have conditional use approval for the enclosed bar or outdoor bar area. The current owner, who purchased the property in March of 2020, desires to reestablish the commercial property with a new bar, retail, and office uses. The owner is requesting to rezone the property from Central Business District: CBD to Redevelopment District: RD to accomplish this goal. Currently, the commercial building sits vacant, although some permitted work has been accomplished.

The current owner applied for building permits to rehab the commercial property in 2020. However, the permits expired due to unforeseen circumstances, and consequently the work was unable to be fully completed. Pursuant to Section 34-622(6) of the Land Development Code, a nonconforming use that is discontinued or abandoned for a period of more than six (6) consecutive months, whether or not the equipment or furniture are removed, may not be re-established or resumed, and any subsequent use shall conform to the provisions specified by the LDC. The Planning and Development Department deemed this property to be abandoned or discontinued, thus causing it to lose any grandfathering status in use, parking or other applicable standards.

The new owner wants to reestablish a drinking establishment, as was operational on the site for over 55 years, and add a retail and office component to the site. The plan contemplates using the existing building, which was constructed in 1954, and maintaining the same outdoor bar area, and parking adjacent to Second Street North. The applicant is choosing to apply to rezoning the property to **Redevelopment District: RD** to provide more flexible land development standards to be able to reactivate the site. The applicant is proposing approximately 6,700 square feet of drinking establishment, including outdoor bar area, 250 square feet of retail, and 200 square feet of office space. Specific permitted and conditional uses are listed on pages 6 through 8 of the project narrative and include specific uses currently permitted in the CBD zoning district, including conditional uses.

The exceptions to the LDC being requested are as follows:

1. The applicant requests to allow a drinking establishment as a permitted use, as opposed to a condition use;
2. The applicant requests to have relief from the distance requirements in Section 34-393(2)\* of the LDC that requires drinking establishments to be 500 feet apart ( the property is approximately 450+ feet away from the existing *Mango's Bar*)
3. Parking will be provided through a combination of on-site parking, payment-in-lieu-of parking, and off-site shared parking agreements, as approved by the Planning and Development Department. Existing parking is unpaved and backs up onto the right of way of Second Street North and does not comply with relevant portions of Section 34-373 of the LDC.



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*\* Section 34-393(2) Proximity to other alcoholic beverage establishments. An establishment whose primary activity involves the consumption of alcoholic beverages on the premises shall not be located within five hundred (500) feet of a similar existing establishment, measured from main entrance (portal to portal) by the most direct route. Hotels with one hundred (100) or more rooms, restaurants with seating capacities of one hundred fifty (150) or more and businesses wherein the sale of alcoholic beverages is only incidental to the principal use may be located closer than five hundred (500) feet to another establishment serving alcoholic beverages for consumption on the premises.*

### **CONSISTENCY WITH THE JACKSONVILLE BEACH COMMUNITY REDEVELOPMENT PLAN AND ADOPTED COMPREHENSIVE PLAN**

Staff agrees with the applicant's assessment that the redevelopment of this property will serve to eliminate a blighted condition on a prominent downtown property and is consistent with the Downtown Redevelopment Plan. The reestablishment of a drinking establishment and the addition of other commercial uses is not out of character with the existing mix of uses in the downtown area and on adjacent properties, and provides for the reactivation of property that has sat vacant for over 3 years. Staff finds that the proposed project is not inconsistent with the adopted Comprehensive Plan and agrees with the applicant's assessment of consistency provided for in the application materials.

### **STANDARDS APPLICABLE TO REZONINGS**

The City's Planning Commission shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency (CRA), comments of the applicant and city staff, and public testimony. The City Council shall then consider the adoption of an ordinance enacting a zoning amendment based on the application, relevant supporting materials, the staff report, the recommendation of the Planning Commission and testimony provided at the public hearings, based on one or more of the following factors, provided that in no event shall an amendment be approved which will result in an adverse community change:

- (1) Whether the proposed amendment is consistent with the comprehensive plan;
- (2) Whether the proposed amendment is in conflict with any portion of the LDC;
- (3) Whether and the extent to which the proposed amendment is consistent with existing and proposed land uses
- (4) Whether and the extent to which there are any changed conditions that require an amendment;
- (5) Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether and the extent to which the proposed amendment would exceed the level of service standards established for public facilities in the comprehensive plan;



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- (6) Whether, and the extent to which, zoning district boundaries are not properly drawn on the official zoning atlas
- (7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the coastal environment;
- (8) Whether and the extent to which the proposed amendment would adversely affect the property values in the area
- (9) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and
- (10) Whether it is impossible to find other lands in the city for the proposed use in a zoning district that permits such use as of right.

Staff finds that the proposed rezoning is consistent with both the adopted Comprehensive Plan and is not in conflict with relevant portions of the Land Development Code. The proposed commercial redevelopment project is consistent with both previous on-site uses, and existing land uses. The existing commercial building is not proposed to be expanded in any way, limiting the demand for public facilities. Redevelopment of the property will serve to eliminate blighted conditions on prominent corner property in the downtown commercial area of the city and further the goals of the Downtown CRA Plan.

#### **RECOMMENDED CONDITIONS OF APPROVAL**

If the Planning Commission recommends the **approval** of this application to the City Council, staff propose the following conditions for the Planning Commission to consider:

- 1. A change in ownership of the "drinking establishment" from the original would require conditional use approval by the Planning Commission;
- 2. A minimum square footage for both the office and retail component of the mixed-use project of 500 square feet;
- 3. Parking will be "provided" prior to a certificate of use being issued for any of the uses;
- 4. There will be no internal access between uses, and no shared bathroom facilities;
- 5. One paved ADA accessible parking space will be provided on site in compliance with the LDC; and
- 6. Consider requiring the removal of the entire rear outdoor bar deck area to be replaced with additional on-site parking.

*In accordance with Sec. 286.0105, Fla. Stat., any person who desires to appeal any decision made by the commission at this meeting will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*



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# REZONING APPLICATION

RECEIVED

JUL 14 2022  
via Fed-Ex

PC No. 23-22  
AS/400# 22-100117  
PC HEARING 10-24-22

This form is intended for use by persons applying for a change in the boundaries of a specific property or group of properties under the person or persons control. A rezoning is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning may be approved except in conformance with the Jacksonville Beach 2030 Comprehensive Plan Elements. An application for a rezoning shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance. A separate fee for advertising costs will be assessed accordingly.

## APPLICANT INFORMATION

Land Owner's Name: Walker Capital Holdings, LLC  
Mailing Address: 4530-15 St. Johns Avenue #406, Jacksonville, FL 32210

Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_

Applicant Name: Walker Capital Holdings, LLC  
Mailing Address: 4350-15 St. Johns Avenue #406, Jacksonville, FL 32210

E-Mail: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**NOTE: Written authorization from the land owner is required if the applicant is not the owner.**

Agent Name: Driver, McAfee, Hawthorne & Diebenow, PLLC  
Mailing Address: One Independent Drive, Suite 1200, Jacksonville, FL 32202

Telephone: (904) 807-8211  
Fax: \_\_\_\_\_  
E-Mail: sdiebenow@drivermcafee.com

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

## REZONING DATA

Street address of property and/or Real Estate Number: 201 5th Avenue North (RE 174181 0010)

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): See attached.

Current Zoning Classification: CBD Future Land Use Map Designation: CBD  
Proposed Zoning Classification: RD

| REQUIRED INFORMATION                                                                                                                                                                              | Attached?                           |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
|                                                                                                                                                                                                   | Yes                                 | No                       |
| 1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. An 8½" x 11" vicinity map identifying the property proposed for amendment;                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Applicant Signature: [Signature] Date: 7/12/22

Agent Authorization

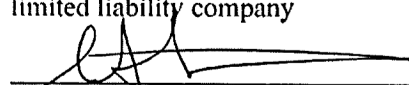
City of Jacksonville Beach  
Planning and Development Department  
City Hall First Floor  
11 North Third Street  
Jacksonville Beach, Florida 32250

Re: Agent Authorization for 201 North 5th Avenue, Jacksonville Beach, FL 32250  
(RE# 174181 0010)

Ladies and Gentlemen:

You are hereby advised that Scott W. McAlister, as manager of Walker Capital Holdings, LLC, a Florida limited liability company, hereby authorizes and empowers Driver, McAfee, Hawthorne & Diebenow, PLLC, to act as agent to file an application for rezoning and such other entitlements as may be required 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 as submitted to the Jacksonville Beach Planning and Development Department.

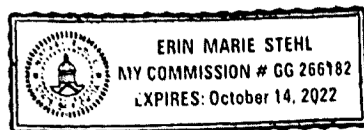
Walker Capital Holdings, LLC, a Florida  
limited liability company

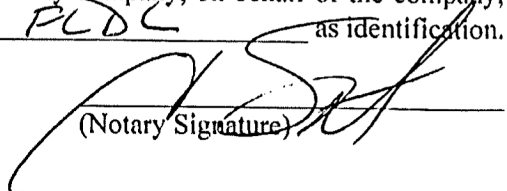
  
\_\_\_\_\_  
Scott W. McAlister, its manager

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 30 day of JUNE, 2022 by, Scott W. McAlister, as manager of Walker Capital Holdings, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or ☒ has produced PLDC as identification.

[Notary Seal]



  
(Notary Signature)

**NARRATIVE DESCRIPTION**  
**201 5th Avenue North**  
**Proposed Rezoning to RD District and**  
**Preliminary Development Plan**  
**August 18, 2022**

Walker Capital Holdings, LLC (“Owner”) proposes to rezone approximately 0.3 acres of property from Central Business District (“CBD”) to Redevelopment District (“RD”). The property is located at 201 5th Avenue North (RE# 174181 0010) (the “Property”), as further described in the legal description attached hereto as Exhibit 1. The following is a description of the proposed RD rezoning and the Preliminary Development Plan (“PDP”) supporting same. Also included is an explanation of why the proposed development complies with the standards governing RD rezonings and PDPs in the City of Jacksonville Beach (“City”) Land Development Code (“LDC”).

**I. INTRODUCTION**

The Property is located within the CBD functional land use category according to the Future Land Use Map (“FLUM”) series adopted as part of the 2030 Comprehensive Plan and is zoned CBD. It is located within the Downtown subdistrict of the RD Zoning District areas and was home to Bo’s Coral Reef, a bar that had operated for fifty-five (55) years until recently closing. Due to the location and unique and innovative development plan, Owner requests this RD rezoning to permit revitalization of the Property into a mixed-use facility intended for bar, commercial retail and office uses (the “Project”).

Currently, the Property is developed with a bar, an outdoor deck, and a gravel parking lot. Other businesses on the same block as the Property are Graffiti Burger Bar, Larry’s Giant Subs, and Kazu Sushi Burrito. To the south across 5th Avenue North are the Pier Point Condominiums and to the east across 2nd Street North are commercial office and residential uses.

**II. REDEVELOPMENT DISTRICT**

The RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan (“CRP”). Land that is not zoned RD but seeks to be rezoned to RD must comply with Article VI, Division 3 standards and must also receive approval of a PDP pursuant to the procedures and standards of section 34-347. In furtherance of those objectives and standards, the Project will be constructed in accordance with the following provisions of the PDP below.

**III. PRELIMINARY DEVELOPMENT PLAN**

- A. Submission of application.* Following the preapplication conference, an application for rezoning and a PDP for RD zoning district classification shall be submitted to the planning and

development director, along with a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of processing the application.

B. *Contents of application.* The rezoning and PDP application shall include the following information:

1. The names, address and telephone number of the owners of record of the land proposed for development.

Owner: Walker Capital Holdings, LLC  
4530-15 St. Johns Ave #406  
Jacksonville, FL 32210  
(904) 595-5636

2. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.

There is no difference between the Owner and developer.

3. The name, address and telephone number of the agent of the applicant, if there is an agent.

Applicant/Agent: Steve Diebenow and Michael Sittner  
Driver, McAfee, Hawthorne & Diebenow, PLLC  
One Independent Drive, Suite 1200  
Jacksonville, FL 32202  
[sdiebenow@drivermcafee.com](mailto:sdiebenow@drivermcafee.com)  
[msittner@drivermcafee.com](mailto:msittner@drivermcafee.com)  
(904) 301-1269

4. The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting with the application.

Architect: Vermey Architect Chartered  
422 3rd Street South  
Jacksonville Beach, FL 32250

5. The name, address and legal description of the land on which the PDP is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.

The Property is 201 5th Avenue North (RE# 174181 0010) as stated above. The legal description and deed are attached hereto as Exhibit 1.

6. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for development, with the boundaries already marked.

The assessment map is attached hereto as Exhibit 2.

7. An eight and one-half (8 ½) by eleven (11) vicinity map locating the proposed land for development.

The vicinity map is attached hereto as Exhibit 3.

8. A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Community Redevelopment Plan. The statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.

- i. Description of Character of Proposed Development.

The Property is located in an urban pedestrian scale environment, two (2) blocks from the Atlantic Ocean and has been used as a bar for approximately fifty-five (55) years. Consistent with its location and historical use, the Project contemplates the reinvigoration of the bar with the addition of commercial retail and office uses. The Project will also include the outdoor deck and may include roof top service. The gravel parking lot will continue to be used with the additions of a paved ADA parking space and parking stops to delineate each space. The site plan conceptually depicts the Property, attached hereto as Exhibit 4.

- ii. Consistency with Jacksonville Beach Community Redevelopment Plan.

The proposed redevelopment is consistent with the general purpose and intent of the CRP and specifically contributes to the following objectives:

*General Objectives:*

- a. Eliminate the conditions of blight and prevent the spread of blighting conditions.

The Project will revitalize the existing building and provide a mixed-use development with on-site parking and complementary uses including bar, commercial retail and office. The Project will be a key piece in the reinvigoration of Downtown Jacksonville Beach and will complement the redevelopment projects in the area, including the Jacksonville Beach Pier and SpringHill Suites Hotel.

- b. Encourage the core downtown area to develop as the center for cultural, entertainment and community activities within the City.

The Project's mix of uses and proximity to the Jacksonville Beach Pier will encourage resident and visitor participation in the area.

*Economic Objectives:*

- a. Increase the tax base in the Community Redevelopment Area to assist in financing public actions to support redevelopment.

The Project contemplates improvements to the structure which will lead to additional property taxes.

- b. Encourage the re-creation of a compact mixed-use core area, oriented to recreation, entertainment, specialty retail tourism and housing.

The Project features complementary uses including bar, commercial retail and office within the Property.

*Land Use Objectives:*

- a. Encourage the development of a mix of activities in the core area including residential, retail, hotel and office.

Commercial retail and office uses are slated for the Property.

- b. Provide guidance to moderate building heights in the core oceanfront area and residential densities elsewhere in the community redevelopment area.

The Project adopts a thirty-five (35) foot height maximum, unless otherwise allowed under the City's Charter and/or LDC.

- c. Control the amount of land zoned for commercial use to stabilize predominately residential areas and concentrate commercial activity in the core area.

The proposed commercial uses are appropriate for the Property and the surrounding location. The entire block the Property is located on is utilized for commercial retail uses.

*Urban Design Objectives:*

- a. Promote standards of high quality in new development and rehabilitation consistent with the desired image of Jacksonville Beach.

The Project entails reinvigorating an existing structure in downtown.

- b. Promote compatibility and integration among public and private developments.

The Project will encourage further resident participation in the area with close proximity to the Jacksonville Beach Pier.

9. A statement of the applicant's intention with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.

The Property is intended to be owned and operated by one entity.

10. A description of the proposed development, including:

- i. The number and type of residential dwelling units. The Project contemplates commercial uses only.
- ii. The approximate gross density for the residential development. No residential development is slated for the Property.
- iii. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.

*Current Future Land Use:*

CBD – 0.3 Acres

*Current Zoning:*

CBD – 0.3 Acres

*Current Square Footage:*

±5,721 sf bar

±1,518 sf outdoor deck

*Current Lot Coverage:*

80.6%

*Proposed Zoning:*

RD – 0.3 acres

*Proposed Square Footage:*

±5,271 sf bar

±1,518 sf outdoor deck

±250 sf commercial retail

±200 sf office

The proposed square footages for each use may be allocated to another nonresidential use on a one (1) to one (1) square foot basis or as otherwise agreed to by the P&DD.

*Proposed Maximum Lot Coverage:*

90%

11. A concept plan showing the location of all proposed buildings, the proposed traffic circulation system, and parking facilities.

The site plan showing the location of structures and parking is attached hereto as Exhibit 4.

12. A tentative development schedule indicating:

- i. The approximate date when construction of the development can be expected to begin.

Revitalization of the Property is currently in progress.

- ii. The stages in which the development will be built and the approximate date when construction each stage can be expected to begin.

No new structures are contemplated for the Property. This RD rezoning is primarily intended to facilitate the revitalization of the existing structure on the Property and to allow for multiple uses. Improvements to the Property have already begun.

- iii. The approximate date when each stage of development will be completed.

Owner anticipates the renovations will be completed in 2023.

*C. Standards.* This RD zoning district shall comply with the following standards:

1. *Land Area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.

2. *Uses.*

- i. Permitted Uses.

- a. Bakery products manufacturing, in conjunction with the retail sale of the bakery products on the same site.

- b. Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise stores; apparel and accessory stores; home furniture, furnishing and equipment stores; non-prescription drugs; florists; tobacco stands and newsstands; optical goods stores; and miscellaneous retail goods.
  - c. Restaurants, bars, lounges, nightclubs, taverns or other drinking place, with the sale and service of all alcoholic beverages and with outdoor sale and service, including roof top service. These uses shall be permitted notwithstanding the distance requirements in section 34-393(2) or the supplemental requirements in section 34-407(a) and (b).
  - d. Microbreweries.
  - e. Financial institutions, insurance and real estate offices.
  - f. Personal service establishments as follows: Photographic studios; beauty and barber shops; shoe repair shops and shoe-shine parlors; tax preparation services; and miscellaneous personal services.
  - g. Business service establishments as follows: Advertising; business and consumer credit reporting and collections; mailing reproduction, commercial art and photography and stenographic services; personnel supply, excluding labor and manpower pools and similar temporary help services; computer programming, data processing and other computer services; and miscellaneous business services.
  - h. Automotive parking, including surface and/or structured parking.
  - i. Physical fitness facilities.
  - j. Business and professional offices as follows: Landscape architect; building contractors and subcontractors (no storage of vehicles, equipment, or materials); doctors, dentists and miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research management and related services.
  - k. Essential services, including water, sewer, electrical, gas, communications antennae, and similar uses.
  - l. Mobile food dispensing vehicle as defined in and in accordance with the provisions of section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
- ii. Prohibited Uses: The uses specifically prohibited in the RD zoning district regulations 34-347(c)(3)i.2.ii., attached hereto as Exhibit 5, shall not be permitted.
  - iii. Conditional Uses:

- a. Religious organizations.
  - b. Medical marijuana treatment center dispensing facilities.
- 3. *Residential density.* Only commercial uses are permitted under this RD rezoning.
- 4. *Area and setback requirements.*
  - i. Minimum lot area and width: None.
  - ii. Maximum lot coverage: 90%.
  - iii. Building setbacks:
    - a. Front (south boundary) – zero (0) feet minimum; ten (10) feet maximum.
    - b. Side (east & west boundaries) – zero (0) feet minimum.
    - c. Rear (north boundary) – Ten (10) feet minimum. The outdoor deck and dumpster pad may be within the rear setback.
  - iv. Maximum building height: Thirty-five (35) feet. The height limitation contained in this RD rezoning does not apply to spires, belfries, cupolas, flag poles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, and elevator hoist ways, not intended for human occupancy. Should the maximum height under the City’s Charter and/or LDC increase subsequent to the approval of this RD rezoning, the Project may be developed in accordance with those provisions through an RD zoning amendment pursuant to the standards and procedures for a rezoning.
- 5. *Traffic circulation control and parking.* Vehicular access to the Property shall be by way of 2nd Street North, substantially as shown on the site plan.
- 6. *Off-street parking and loading.*

A minimum of one (1) parking space per five hundred (500) square feet of floor area. Any parking short of the minimum herein may be accounted for by any method allowed under the LDC, including but not limited to, off-site parking pursuant to section 34-375, shared parking agreement(s) pursuant to section 34-376, and payment in lieu contribution(s) to the City pursuant to section 34-380, or as otherwise approved by the P&DD. On-street loading is allowed to serve the entire development.

Currently the Property is serviced with a gravel parking lot fronting 2nd Street North. Due to its design and the building orientation, the parking lot cannot physically provide the required turning and maneuvering space to allow vehicles to back out onsite before entering 2nd Street North. To provide such spacing for maneuverability would require substantial

modifications to the site and potential demolition of the building which has existed for over fifty-five (55) years. Likewise, the constrained site conditions either prohibit or render impractical most landscaping updates required under the LDC. As a result, Applicant shall not be required to provide parking drive aisles or any other spacing required under the LDC for parking areas nor any associated landscaping.

Despite the site limitations, Applicant will improve the parking lot. One (1) paved ADA parking space will be provided, as well as parking stops that will delineate each gravel parking space. The parking stops will be spaced accordingly so as to clearly mark each individual space and guide visitors as to their intended car location. Each parking space will be sized according to the LDC, although striping of each individual space is not required.

7. *Open space requirements.* Consistent with the RD zoning district regulations.
8. *Signage:* All signs erected shall be consistent with the goals, objectives, and policies of the adopted CRP and the standards of Article VIII, Division 4.
9. *Landscaping:* Consistent with the goals, objectives, and policies of the CRP. Due to the existing configuration of the Property, the following shall not be required:
  - i. Perimeter landscaping on the east and west sides of the Property, including the provision of trees or vegetation other than those conceptually depicted on the site plan. Trees shall be generally provided on the north and south portions of the Property as conceptually depicted in the site plan or as otherwise agreed to by the P&DD.
  - ii. Any other applicable landscaping provision that would otherwise prohibit or require modification to the site plan.
10. *Environmental:* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the CRP and the standards in Article VIII, Division 5.
11. *Utility easements:* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary and adequately service the development.
12. *Adequate public facilities:* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article X, Adequate public facilities standards.
13. *Comprehensive plan consistency.*

In addition to furthering the objectives of the CRP, the proposed redevelopment is consistent with and furthers the general purpose and intent of the 2030 Comprehensive Plan, specifically contributing to the following goals, objectives and policies:

*Future Land Use Element:*

- i. Goal LU.1 – Provide for a continued high quality of life in Jacksonville Beach by planning for population growth, public and private development and redevelopment, energy conservation; and the proper distribution, location, and extent of land uses by type, density, and intensity consistent with efficient and adequate levels of services and facilities, and the protection of natural and environmental resources.
- ii. Policy LU.1.2.2 – An adequate amount of land exists in developed areas or areas being developed for neighborhood and general commercial, office and service, lodging, and industrial use in the City, or is planned for assembly and redevelopment to meet the needs of the projected resident, seasonal and day visitor populations through the planning period. Future commercial space needs of this type shall be met through in-fill development adjacent to similar uses or through redevelopment in designated areas.
- iii. Policy LU.1.2.3 – The intensity of development in areas where in-fill development for commercial, office, service, or industrial use is proposed shall conform to the level of intensity on adjacent properties or as specified in the adopted Community Redevelopment Plans. A market analysis shall be required to accompany any application involving a proposed Future Land Use Map change from a residential land use category to a commercial land use category.
- iv. Policy LU.1.3.1 – It is the intent of the City that the land use proposals in the adopted Downtown and South Beach Community Redevelopment plans currently being implemented are made a part of this Future Land Use Element by reference and development within these designated areas shall be carried out under the Planned Unit Development or Redevelopment District provisions in the City's land development regulations.
- v. Objective LU.1.4 – Future land development activities shall be directed to appropriate areas as described in this Future Land Use Element or as depicted on the Future Land Use Map. All future land use shall be consistent with sound planning principles and the limitations of the natural environment including sensitivity to problems posed by greenhouse gas generation, topographic and soil conditions, conservation-protected lands such as estuarine wetlands and the beach, and conservation-restricted lands such as palustrine wetlands and flood prone areas including the coastal zones. Future land development activities shall be considerate of the need to preserve and protect historic resources; the desired community character, and the goals, objectives, and policies relating to the development of the land embodied in the other Elements of this Plan.
- vi. Policy LU.1.5.10 – Central Business District (CBD): The Central Business District (CBD) land use category is intended to provide a central core for the city, with a

diversity of uses, and to promote flexibility in design and quality in development while preserving public access to the beach recreational area. It is coterminous with the jurisdictional area of those lands within the Downtown Redevelopment Area. The CBD category allows medium to high density residential, commercial, industrial, recreational, and entertainment uses, as well as transportation and communication facilities. The exact location, distribution, and density/intensity of various types of land use in the Redevelopment Area will be guided by the site development plans approved as part of the Downtown Redevelopment Plan.

- vii. Objective LU.1.9 – Design of Commercial and Industrial Developments. Commercial and industrial development/ redevelopment will be designed to enhance access and circulation, and result in a positive and attractive built environment.
  - viii. The City shall promote pedestrian amenities and upgrades in association with new development/redevelopment and gateway corridors (Beach Boulevard, A1A, and Penman), including, but not limited to, the provision of sidewalk and bike path connections, walk lights, benches, bus shelters and bicycle parking. The City of Jacksonville Beach Bus Shelter Task Force in cooperation with the JTA will determine the shelter locations and design suitable to the City’s design context, with a goal of upgrading three existing transit stops per year.
14. *Time limitations.* The receipt of a development order for this RD zoning shall expire at the end of one (1) year after the date of its initial approval, which is to begin the day after the appeal period ends, unless an application for a development permit for a development plan has been submitted to the planning and development director. Only one (1), one (1) year extension shall be granted by the city council upon written application to the planning and development director. Written application requesting the extension shall be submitted to the planning and development director no later than thirty (30) working days before the date that the development order is to expire. The timelines and year-long extension herein shall be in addition to any pause, tolling and/or extension provided by federal, state or local law regarding state of emergencies, including but not limited to such relief offered in section 252.363, *Florida Statutes* (2021). Once a timely application for a development permit for a development plan has been submitted, any subsequent application may be filed notwithstanding the time provisions herein.
15. *Minor deviation to PDP.* Minor deviations shall be allowed pursuant to the RD zoning district provisions.
16. *Amendments to PDP.* Amendments to the preliminary development plan shall be allowed pursuant to the RD zoning district provisions.
17. *Development plan.* An application for development plan shall be filed according to the time limitations set forth in section III.C.14. of this RD rezoning.

**EXHIBIT 1**

**LEGAL DESCRIPTION & DEED**

Lots 7 and 8, Block 63, Pablo Beach Improvement Company's Plat of Part of Northern Portion of Pablo Beach, Florida, as per plat thereof, recorded in Plat Book 5, Page(s) 66, of the Public Records of Duval County, Florida.

Together with the South 6 feet of the alley lying within Block 63, North and adjacent to Lot 7 as closed by Ordinance No. 7399 of Jacksonville Beach.

Prepared by and Return to:  
Sunshine Title Corporation

8613 Old Kings Road South, Suite 100  
Jacksonville, Florida 32217  
Our File Number: STC #115093  
174181-0010

For official use by Clerk's office only

STATE OF Florida )  
COUNTY OF Duval )

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this February 27, 2020, between 201 5th Avenue Holding, LLC, a Florida Limited Liability Company, whose mailing address is: 201 5th Avenue North, Jacksonville Beach, Florida 32250, party of the first part, and Walker Capital Holdings, LLC, a Florida Limited Liability Company, whose mailing address is: 1050 Hendricks Avenue, #303, Jacksonville, Florida 32207, party/parties of the second part,

**WITNESSETH:**

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to-wit:

Lots 7 and 8, Block 63, Pablo Beach Improvement Company's Plat of Part of Northern Portion of Pablo Beach, Florida, as per plat thereof, recorded in Plat Book 5, Page(s) 66, of the Public Records of Duval County, Florida.

Together with the South 6 feet of the alley lying within Block 63, North and adjacent to Lot 7 as closed by Ordinance No. 7399 of Jacksonville Beach.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on February 27, 2020.

Signed, sealed and delivered  
in the presence of:

201 5th Avenue Holding, LLC, a Florida Limited Liability Company

Witness signature Bm8. kmt  
Print witness name Ben Koschnick

By: Clifford P. Koschnick  
Print Name: Clifford P. Koschnick  
Title: Manager

Witness signature Katlen Bobchev  
Print witness name KATLEN BOBCHEV

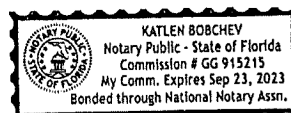
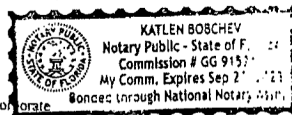
State of Florida  
County of Hillsborough

The foregoing instrument was acknowledged before me by means of X physical presence or [ ] online notarization, this February 27, 2020 by Clifford P. Koschnick, Manager of 201 5th Avenue Holding, LLC, a Florida Limited Liability Company who is personally known to me or who has produced a Drivers License as identification.

Notary Public KATLEN BOBCHEV  
Print Notary Name

My Commission Expires: Sep. 23, 2023

Notary Seal



DEED - Special Warranty Deed - Corporate Closers' Choice

EXHIBIT 2

PROPERTY ASSESSMENT MAP



### EXHIBIT 3

### VICINITY MAP

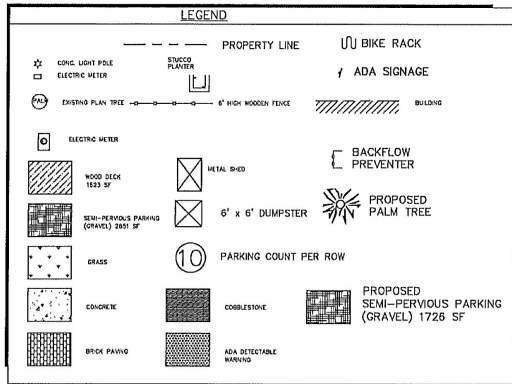


## EXHIBIT 5

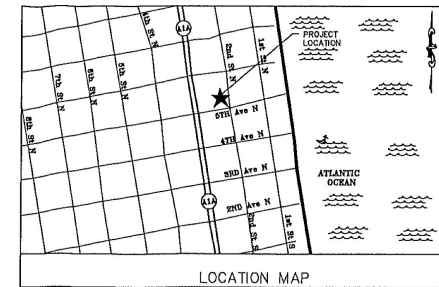
### RD ZONING DISTRICT PROHIBITED USES

#### **Sec. 34-347. Redevelopment district: RD.**

- i. *Standards.* A preliminary development plan for a RD zoning district designation shall comply with the following standards:
  - 1. *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
  - 2. *Permitted uses.*
    - i. Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.
    - ii. The following uses are specifically prohibited:
      - a) Manufacturing., except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.
      - b) Outdoor storage yards of any kind, including junk yards.
      - c) Wholesale trade, warehouse, and distribution establishments.
      - d) Cemeteries.
      - e) Mobile home parks.
      - f) Motor vehicle repair, services, and garages.
      - g) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.
      - h) Petroleum and petroleum products receiving, storage/and distribution.
      - i) Veterinary services and kennels.
      - j) Recreational vehicle or travel trailer parks.
      - k) Commercial and industrial laundries.
      - l) Cold storage and ice processing plants.
      - m) Contract construction establishments.
      - n) Rooming and boarding houses.



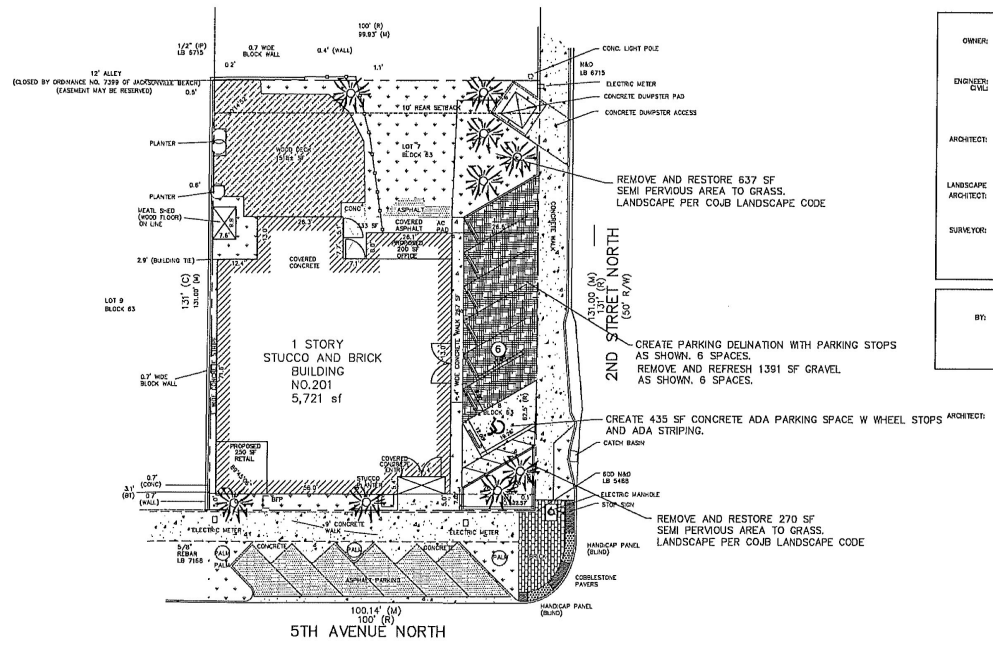
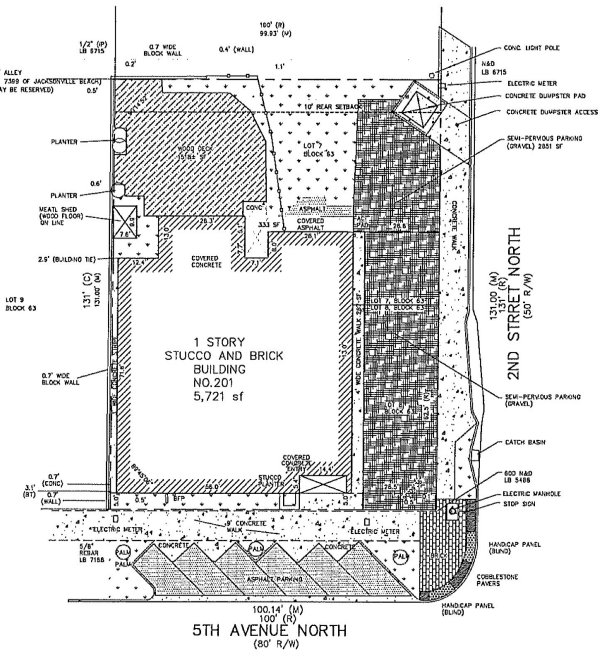
# SWM BUILDERS NW CORNER OF 2ND STREET NORTH AND 5TH AVENUE NORTH JACKSONVILLE BEACH, FLORIDA 32250



|                           |                |
|---------------------------|----------------|
| Zoning Designation        | CBD            |
| Real Estate Appraiser No. | 17418 0510     |
| FEMA FIRM                 | 12030104173    |
| Flood Zone                | AE (1%) & 0.2% |
| Total Impervious Area     | 9258 SQ. FT.   |

|                         |                                                                                                                                            |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SITE INFORMATION</b> |                                                                                                                                            |
| OWNER:                  | WALKER CAPITAL HOLDINGS LLC<br>201 5TH AVE N<br>JACKSONVILLE BEACH 32250                                                                   |
| ENGINEER:               | HWC PE, LLC<br>2743-1 Aviation Road<br>JACKSONVILLE, FL 32246<br>PHONE: (904) 699-7999<br>FAX: (904) 699-7999<br>EMAIL: JEFFREY@HWC.COM    |
| ARCHITECT:              | JIM MERRITT L.A.# 4622<br>P.O. BOX 842<br>JACKSONVILLE, FL 32201<br>PHONE: (904) 699-7999<br>FAX: (904) 699-7999<br>EMAIL: JEFFREY@HWC.COM |
| SURVEYOR:               | ASSOCIATED SURVEYORS, INC.<br>3816 BLANDING BLVD<br>JACKSONVILLE FL 32216<br>PHONE: (904) 771-8445                                         |

|                        |                                                                                                                                          |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>P&amp;Z EXHIBIT</b> |                                                                                                                                          |
| BY:                    | JEFFREY TYER<br>2443 FOOTBRIDGE LANE<br>JACKSONVILLE, FL 32254<br>PHONE: (904) 699-7999<br>FAX: (904) 699-7999<br>EMAIL: JEFFREY@HWC.COM |



EXISTING CONDITIONS

PROPOSED PLAN

| EXISTING SITE STATS     |         |       |                 |
|-------------------------|---------|-------|-----------------|
|                         | SQ. FT. | ACRE  | PERCENT OF SITE |
| TOTAL                   | 13,113  | 0.30  | 100.00 %        |
| BUILDING                | 5,721   | 0.13  | 43.6 %          |
| IMPERVIOUS              | 490     | 0.01  | 3.7 %           |
| TOTAL IMPERVIOUS AREA   | 6,211   | 0.14  | 47.3 %          |
| SEMI-PERVIOUS WOOD DECK | 2,891   | 0.06  | 21.7 %          |
| TOTAL LOT COVERAGE      | 10,580  | 0.24  | 80.6 %          |
| GREEN AREA              | 2,533   | 0.058 | 19.3 %          |

NOTE: CONTRACTOR TO LOCATE AND TO PROTECT EXISTING UTILITIES, IE: ELECTRICAL DUCT BANK, CABLE RISERS, AND OTHER UTILITIES WHETHER LOCATED OR NOT PRIOR TO CONSTRUCTION. ADJUSTMENTS TO CITY UTILITIES SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

| PROPOSED SITE STATS     |         |      |                 |
|-------------------------|---------|------|-----------------|
|                         | SQ. FT. | ACRE | PERCENT OF SITE |
| TOTAL                   | 13,113  | 0.30 | 100.00 %        |
| BUILDING                | 5,721   | 0.13 | 43.6 %          |
| IMPERVIOUS              | 490     | 0.01 | 3.7 %           |
| TOTAL IMPERVIOUS AREA   | 6,211   | 0.14 | 47.3 %          |
| SEMI-PERVIOUS WOOD DECK | 1,894   | 0.04 | 15.2 %          |
| TOTAL LOT COVERAGE      | 9,723   | 0.22 | 74.1 %          |
| GREEN AREA              | 3,390   | 0.07 | 25.9 %          |

| PARKING STATISTICS                      |  |
|-----------------------------------------|--|
| PARKING CALCULATIONS                    |  |
| 5,721 SF BAR/OFFICE/RETAIL=11.44 SPACES |  |
| 1,518 SF DECK=3.03 SPACES               |  |
| TOTAL PARKING REQ:14 SPACES             |  |

- NOTES:
- CONTRACTOR SHALL COVER ALL EXCAVATED SAND PILES THAT ARE TO REMAIN FOR WIDE TURN 14 VOLUMES TO PREVENT ALLOWING CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE TO SURROUNDING PROPERTY BY BLOWING SAND FROM THE SITE.
  - A SIX FOOT HIGH FENCE SHALL BE ERRECTED AND MAINTAINED AROUND THE EXISTING CONSTRUCTION.
  - THE CONTRACTOR SHALL CORRECT ALL IMPACT (INCLUDING DRAINAGE) TO NEIGHBORING PROPERTIES (INCLUDING PUBLIC RIGHT OF WAY) AND (EXEMPTED) TO THE SATISFACTION OF THE CITY OF JAX BEACH, PRIOR TO THE ISSUANCE OF CERTIFICATION OF OCCUPANCY.
  - ALL ON-SITE DRAINAGE AREAS IN THE RIGHT OF WAY ADJACENT TO THE PROPERTY SHALL BE MAINTAINED AND MAINTAINED BY THE OWNER.
  - ALL STRIPING SHALL BE THERMO-PLASTIC.
  - CONCRETE SLAB THICKNESS NOT PART OF THIS SUBMITTAL.
  - CONTRACTOR TO REMOVE ALL EXISTING DRIVEWAY NOT IN USE AND RESTORE RIGHT OF WAY TO ORIGINAL STATE.
  - CONTRACTOR TO COORDINATE UT SERVICE & OTHER UTILITY CENTER INFORMATION WITH UTILITY PROVIDER (S) WITHIN 100' RADIUS.
  - COORDINATE WITH RES FOR STANDARD SERVICE REQUIREMENTS SUCH AS LANDSCAPE, PLANTING, FINAL ELECTRICAL, PLUMBING, SERVICE DEPOSITS, INSPECTIONS, ETC. CALL DISH CUEVARS AT 270-1880 WITH QUESTIONS.

**LeeAnn Bassabe**

RECEIVED

*via email*

OCT 10 2022

**From:** Robert Golden <goldenjester@hotmail.com>  
**Sent:** Monday, October 10, 2022 8:37 AM  
**To:** Planning Division  
**Subject:** PC#23-22, public hearing date: November 21, 2022

PLANNING & DEVELOPMENT

I regret that I am unable to attend the public hearing regarding this proposed rezoning but I wish to voice my concerns.

Firstly, the application does not include a rendering or details on how the existing structure will be redeveloped to include a drinking establishment, retail and office space.

Secondly, the proposed amount of off-street parking space for the structure doesn't seem to meet the needs of the present day.

Thirdly, according to Policy LU.1.5.10 the Central Business District is supposed to promote a diversity of uses. The Central Business District is already awash with drinking establishments, with more yet in development. Adding even more drinking establishments fails to meet this policy.

Fourthly, when this establishment was previously in operation it was a frequent source of noise complaints both during the day and night for local residents. It monopolized law enforcement time and resources and directly impacted the legal right of neighboring residential buildings to quiet enjoyment of their property. This application, without its renderings or proposed layout gives no indication of how it will avoid impacting local residents right to quiet enjoyment.

Thank you,

Robert Golden

525 3<sup>rd</sup> St N Apt 412

Jacksonville Beach, FL 32250



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| PLANNING COMMISSION AGENDA ITEM |                                                               |
|---------------------------------|---------------------------------------------------------------|
| TO:                             | Planning Commission Members                                   |
| FROM:                           | Heather Ireland, Director Planning and Development Department |
| DATE:                           | 09/20/2022                                                    |
| SUBJECT:                        | October 24, 2022 Planning Commission Staff Report             |

The following information is provided for your consideration for the following agenda item for the upcoming Monday, October 24, 2022 Planning Commission Meeting.

**NEW BUSINESS:**

**PC#24-22 Land Development Code Text Amendment to amend fence height allowances for certain residential properties**

OWNER: NA

APPLICANT: Planning and Development Department Staff

AGENT: NA

LOCATION: NA

REQUEST: **Land Development Code Text Amendment Application** to allow eight (8) foot fences on single-family residential uses when adjacent to commercial or industrial uses.

COMMENTS: BACKGROUND

At a previous City Council Briefing, the City Council discussed the desire to review the City's current code on fences and fence height. More specifically, fence height on residential properties that are immediately adjacent to commercial uses. Concern has been expressed by a resident regarding the limitations on fence height in the code and privacy issues where residential use is adjacent to a commercial use. Section 34-406 of the City's Land Development Code (LDC) regulates fence height in the City.

Staff conducted research on neighboring and comparable Florida cities with ocean front property and their fence height requirements and regulations. Table 1 (attached) provides information on fence heights for Jacksonville Beach, Atlantic



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Beach, Neptune Beach, Cocoa Beach, Ormond Beach, New Smyrna Beach, and Satellite Beach for comparison purposes. Staff provided this information to the Council at a follow-up briefing on August 22, 2022 to facilitate discussion. Six to eight foot fence heights on the side and rear of properties are common in other communities.

At the City Council briefing, staff recommended that the Council wait to amend the LDC regarding fence height at this time, and instead make this small proposed change as part of the overall update to the entire Land Development Code, as other opportunities for changes and improvements may exist that have not yet been identified. Council requested that staff proceed with changes to the LDC regarding fence height, and a summary of the proposed change is below. Pursuant to Section 34-203, amendments to the text of the Land Development Code may be proposed by the City Council. Therefore, the staff is proceeding with the requested amendment to the text of the LDC, Section 34-406.

#### LDC AMENDMENT SUMMARY

Staff is proposing to add the following NEW language to Section 34-406(4) of the Land Development Code as a new sub-section c.

c. Side and rear yard fences on single-family residential uses that are immediately adjacent to an established commercial or industrial use may be built to a height not to exceed eight (8) feet, and may be constructed without 25% of the aggregate surface area being open, even when the property is separated by an intervening alley.

*In accordance with Sec. 286.0105, Fla. Stat., any person who desires to appeal any decision made by the commission at this meeting will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

Table 1. Fence Height Information for Residential Properties

|                           | <b>Front Yard</b>                                                                                                                                     | <b>Side and Rear Yard</b>                                                                                                                                    | <b>Rear Yard<br/>Oceanfront</b>                                                  | <b>Pool</b>                                        | <b>Compatibility<br/>Buffers</b>                                                                     |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Jacksonville Beach</b> | Four (4) feet                                                                                                                                         | Eight (8) feet if the top two feet are 25 % open                                                                                                             | Three and a half (3.5) feet                                                      | Four (4) feet minimum                              | Six (6) feet minimum                                                                                 |
| <b>Atlantic Beach *</b>   | Four (4) feet, except five (5) feet for ornamental with vertical rails no more than two (2) inches in width and spacing of at least four (4) inches   | Six (6) feet, with a provision for eight (8) tall privacy structures such as a trellis, screen, or partition intended for privacy and does not separate land | Four (4) feet, ocean side of lot is considered a front yard                      | Four (4) feet minimum                              | Five(5) feet to eight (8) feet fence, wall or landscaping on rear and side yards                     |
| <b>Neptune Beach</b>      | Four (4) feet                                                                                                                                         | Six (6) feet, eight (8) feet in rear when residential property abuts commercial property with city manager approval                                          | Four (4) feet, ocean side of lot is considered a front yard                      | Four (4) feet minimum up to eight (8) feet maximum | Six (6) feet minimum masonry wall or plant materials                                                 |
| <b>Cocoa Beach</b>        | Four (4) feet                                                                                                                                         | Six (6) feet, four (4) in corner side yard if fence is on property line and six (6) feet if fence is set back five feet from the corner side property line   | Four (4) feet if within fifteen (15) feet of waterway                            | Four (4) feet minimum                              | Eight (8) feet (residential properties may construct)                                                |
| <b>Ormond Beach</b>       | Three (3) feet if solid, six (6) feet if open (picket, wrought iron style, rail)                                                                      | Six (6) feet                                                                                                                                                 | Three (3) feet if solid, six (6) feet if open (picket, wrought iron style, rail) | Four (4) feet minimum                              | Six (6) feet minimum, and up to eight (8) feet max with approval from the Site Plan Review Committee |
| <b>New Smyrna Beach</b>   | Four (4) feet                                                                                                                                         | Six (6) feet                                                                                                                                                 | Four (4) feet                                                                    | Four (4) feet minimum                              | Six (6) feet minimum with shrubs or vines                                                            |
| <b>Satellite Beach</b>    | Not permitted, unless it is a decorative wall that meets the min front yard setback and has the same color and façade texture of the house at corner. | Six (6) feet, up to seven (7) feet if there are differences in property elevation, and up to eight (8) feet if between residential and non-residential       | Six (6) feet, and not located seaward of the CCCL                                | Four (4) feet minimum                              | Six (6) to eight (8) feet masonry wall                                                               |

\* Variances may be authorized for fence height

## **Pc#24-22 – Land Development Code Text Amendment regarding Fence Height**

### **Proposed Changes to Section 34-406 of the Land Development Code in red underline**

#### **Section 34-406. – Fences.**

(a) *Material; use of barbed wire.* Fences shall be constructed of wood, masonry, chain link wire or other aesthetically desirable materials approved by the planning and development director. Barbed wire shall not be permitted in residential zoning districts. When permitted, barbed wire shall be located at the top of the fence, being not less than six (6) feet in height. If installed so that the barbed wire inclines outward, no portion may encroach into an adjacent property.

(b) *Height restrictions.*

- 1) Except as provided for in this division or as modified by the other provisions of the LDC, all fences in and around the front yard of any lot shall not exceed four (4) feet. A fence in the rear yard of any oceanfront lot in an RS-1 zoning district shall not exceed three and one-half (3½) feet in height.
- 2) An eight-foot, nonopaque chainlink fence may be erected along the property line of any recreational facility owned or leased by a school, church, or unit of government.
- 3) Chainlink fences for public or private tennis courts shall not be required to comply with height regulations. Windscreens may be installed provided that visibility at intersections of public rights-of-way is not impaired. Fences for private tennis courts shall be constructed within the required setbacks for accessory uses in the particular zoning district in which the fence is located.
- 4) A fence located in a side or rear yard, except rear yards of oceanfront lots in the RS-1 zoning district, may be constructed at a height not to exceed eight (8) feet provided that the following requirements are met:
  - a. All fences installed pursuant to this subsection shall be constructed of wood, masonry, or other aesthetically pleasing material. In no case shall fences constructed of chainlink wire fabric be permitted to exceed six (6) feet in height.
  - b. Any portion of said fence in excess of six (6) feet in height shall be constructed in a manner which provides openings to allow the free flow of air through that portion of the fence. The openings shall be evenly distributed with the pertinent portion of the fence and shall equal not less than twenty-five (25)

percent of the aggregate surface area of the portion of the fence which exceeds six (6) feet in height.

- c. Side and rear yard fences on single-family residential uses that are immediately adjacent to an established commercial or industrial use may be built to a height not to exceed eight (8) feet, and may be constructed without 25% of the aggregate surface area being open, even when the property is separated by an intervening alley.

5) *Security fences.*

- a. An eight-foot high security fence may be installed in the front, side and rear yard of any government use or essential public service facility in any zone, provided that a clear sight distance as required by sections 34-395 and 34-425(h) is maintained. Any barbed wire shall be located at the top of the fence. If installed so that the barbed wire inclines outward, no portion may encroach into an adjacent property.
  - b. A six-foot high non-opaque chainlink fence may be installed for security purposes in the front yard of any lot which is not located in a developed area. As a condition to receipt of a permit, any fence constructed in accordance with the provisions of this paragraph shall be removed after the block or tract is seventy-five (75) percent developed.
- (c) *Impairment of visibility at intersections prohibited.* Clear sight distance shall be maintained at the intersections of streets, alleys, and curbcuts in accordance with section 34-425(h).
- (d) *Enclosure of swimming pool.* All swimming pools shall be enclosed by a fence of not less than four (4) feet in height equipped with a gate which shall have a self-closing and self-locking device for keeping the gate securely closed at all times when not in actual use. The fence and gate shall not be required if entry to the pool by any person other than those residing or renting sleeping quarters on the property containing the pool is prevented by a wall, buildings, structures, or any other substitute devices so long as the degree of protection is not less than the protection afforded by the fence, gate, and latch described herein.
- (e) *Enclosure of pits and excavation.* All borrow pits and similar excavations shall be completely enclosed with a fence not less than six (6) feet in height and constructed so as to prevent entry by the general public.
- (f) *Approval by the planning and development department required.* All fences are to be approved by the planning and development director.

- (g) *Fences to be maintained and repaired.* All fences shall be maintained in a good state of repair and structurally sound condition, including but not limited to, painting and repainting; replacement of missing, decayed, corroded, or damaged component parts, and keeping in plumbing. Failure to so maintain and repair said fence may result in the fence being declared a nuisance and abated in accordance with the provisions of Chapter 19 of the Jacksonville Beach Code.