



City of Jacksonville Beach

Agenda

11 North Third Street
Jacksonville Beach, Florida

Planning Commission

Monday, February 13, 2023

7:00 PM

Council Chambers

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, Emily Stouffer
Alternates: Nicholas Andrews, Justin Henderson

ELECTION OF OFFICERS

A. Election of Chair and Vice Chair

APPROVAL OF MINUTES

A. Regular Planning Commission Meeting held on January 23, 2023

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- A. **PC# 04-23** ADDRESS: 1369 Beach Boulevard
APPLICANT: Jax Seafood Factory OWNER: Tavus Investments, LLC
Bar & Grill
SUMMARY OF APPLICATION: for Outdoor Restaurant Seating at an existing restaurant for a property located in the Commercial General: C-2 zoning district, pursuant to Section 34-343(d)14 of the Jacksonville Beach Land Development Code. The property is located at 1396 Beach Boulevard (Jax Seafood Factory Bar & Grill) RE#177502-0010, legally described as Lots 1,2 and Lands lying East thereof to the Bulkhead, Block 81, *Pablo Beach North*
- B. **PC# 05-23** ADDRESS: 2517 3rd Street South
APPLICANT: Lawrence R. Pilon OWNER: Commercial Net Lease Realty, LP
SUMMARY OF APPLICATION: for transfer of ownership at an existing gasoline service station for a property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)(2) of the Jacksonville Beach Land Development Code. The property is located at 2517 3rd Street South (formerly Circle K) RE# 180682-0000, legally described as Lots "A", 1,2,3,4,5 and 6, Block 23, *Replat Unit No. 1, Atlantic Shores*

PLANNING DEPARTMENT REPORT

- A. No regular meeting scheduled for Monday, February 27, 2023
- B. Training Workshop, Monday February 27, 2023 at 6:00 p.m.

COURTESY OF THE FLOOR TO VISITORS**ADJOURNMENT****NOTICE**

Information concerning the hearing process is available online at 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, (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.

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, January 23, 2023, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

The meeting was called to order at 7:02 P.M. by Vice Chair Colleen White.

ROLL CALL:

Chairperson: Margo Moehring (absent)
Vice-Chairperson: Colleen White
Board Members: David Dahl Justin Lerman Emily Stouffer
Alternates: Nicholas Andrews (absent)

Senior Planner Christian Popoli, Planning and Development Director Heather Ireland, City Attorney Sandra Robinson, and Administrative Assistant Callie Rayeski-Bowling were also present.

ELECTION OF OFFICERS

A brief discussion ensued about postponing the election to the February 13, 2023, meeting.

In a voice vote, the Board unanimously approved postponing the election.

APPROVAL OF MINUTES:

It was moved by Mr. Lerman, seconded by Mr. Dahl, and passed unanimously to approve the following minutes:

- Regular Planning Commission Meeting held on November 28, 2022
- Regular Planning Commission Meeting held on December 12, 2022

CORRESPONDENCE:

Mr. Popoli distributed additional emails [on file] to the Board.

OLD BUSINESS: None

NEW BUSINESS:

(A) **PC# 3-23** Land Development Code Text Amendment Application

Applicant: City of Jacksonville Beach Planning and Development Department
11 North 3rd Street
Jacksonville Beach, FL 32250

Agent: Staff

Location: N/A

Land Development Code Text Amendment for the approval to amend Section 34-467 - Flood Hazard Area, of the Jacksonville Beach Land Development Code to maintain compliance with the Federal Emergency Management Agency, National Flood Insurance Program, Community Rating System Program.

Staff Report:

Planning and Development Director Heather Ireland provided background on the item.

Ex-Parte Communication: Ms. White did not ask for ex-parte communication.

Public Hearing:

No one came forth to speak. Ms. White closed the public hearing.

Discussion: None

Motion: It was moved by Ms. Stouffer, seconded by Mr. Dahl, to approve PC# 3-23.

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

The application was unanimously approved.

(B) PC# 2-23 Planned Unit Development: PUD for North Beach Townhomes

Owner Beach Block Townhomes, LLC
7563 Philips Highway, Suite 208
Jacksonville, Florida 32256

Applicant JWB Real Estate Capital, LLC

Agent: Zachary Miller, Esq.
7563 Philips Highway, Suite 208
Jacksonville, FL 32256

Location: 1005 1st Avenue North
115 1st Avenue North
1010 2nd Avenue North

Planned Unit Development: PUD Rezoning Application to change 1.41 acres of property from Residential Multi-family: RM-1 to Planned Unit Development: PUD Zoning for the "North Beach Townhomes" project.

Staff Report:

Mr. Popoli summarized the following report for the record:

The property that is the subject of the "North Beach Townhomes" project rezoning application is located on the full block bounded by Tenth Street North, First Avenue North, Eleventh Street North and Second Avenue North. The property consists of 1.41 acres of contiguous property. The property consists of three separate parcels with unique real estate numbers and is under common ownership. The property is currently occupied by two multi-family structures. A third structure was removed in the past three years. Prior to the demolition of the third structure, the property had 21 residential multi-family units. Adjacent uses include a City park to the north, multi-family units to the east, a commercial strip center and retail gas sales with a convenience store to the south, and single-family dwellings to the west. The subject property is one block north of Beach Boulevard. The property is currently zoned RM-1 and is a transitional zoning district between the Commercial

Community: C-2 zoning district along Beach Boulevard and the Residential Single Family: RS-1 to the north and west.

The property is currently located in the Residential High Density future land use category, which allows up to 40 units an acre within one block of a major transportation corridor, which Beach Boulevard qualifies for. The applicant is proposing a 34-unit town home project, at a maximum density of 24.11+- units per acre. This is the maximum density proposed by the applicant. Upon engineering review during the Development Plan review stage of the project, it may be such that they will be able to provide one or two less units than proposed, so the density requested is a maximum.

The proposed project will consist of fee-simple townhomes contained in one large project. As townhomes, each unit will provide two required parking spaces inside an attached garage for each unit. Additionally, a majority of the townhomes will be accessed from an internal private road that will be owned by the developer / homeowners once the units are sold. The project is intended to be developed in a single phase.

As previously noted, and further enumerated in the proposed site plan (sheet C.1), the project will consist of 34 individually platted town homes to be sold as fee-simple dwellings. The proposed design differs from standard townhome dimensional standards noted in the standard zoning districts in a number of ways. First, the structures are arranged in such a way as a majority of the townhomes will be accessed from an internal, private street. Secondly, setbacks have been reduced on the front and rear, to allow the combination of space into larger community open spaces and a community amenity center.

The townhomes will have a range of setbacks that depends on their location within the project, which will go from a minimum of zero feet, to a maximum of 10 feet. There are no internal setbacks between each unit attached in groups of 6. Additionally, some of the reduced front and rear yard square footage has been allocated to the private internal road. Third, the reduction in front and rear yard setbacks. The overall lot sizes per unit have been reduced as well from the standard. Fourth, balconies and other projections are also allowed to protrude beyond the property line into the common areas, unlike standard zoning. Fifth, overall lot coverage is higher, but the applicant has attempted to mitigate some of the impact of the road and driveways through the use of previous pavers, a common solution found throughout the City. Sixth, the required access from a public street has been waived for those units that will have frontage on the internal road.

Staff's analysis of this project is that it is consistent with the adopted Comprehensive Plan and the current LDC. The proposed project serves to provide a creative approach to townhome development while providing a more compact design with the use of internal permeable pavers and stormwater retention. The project will have common amenities for the prospective owners, much like a condominium community, while still allowing for individual home ownership. The overall density is just over half of the allowed maximum, which potentially could be achieved through a multifamily project. The reduced impact in population and traffic versus the maximum density that could be achieved is a net improvement for the City. Additionally, the proposed project furthers the Goals and Objectives of the Comprehensive Plan, promoting infill development in previously developed areas and locating more intensive residential development within one block of a major transportation corridor with access to mass transit in the form of JTA bus stops along the north side of Beach Boulevard.

Staff Recommends that the Planning Commission APPROVE the rezoning request for the North Beach Townhomes PUD project. The application is scheduled for consideration by the City Council on February 6th and February 21st, 2023, and the recommendation of the Planning Commission will be provided to the City Council at that time.

Ex-Parte Communication: Ms. White did not ask for ex-parte communication.

Agent:

Zachary Miller, 3202 Old Barn Court, Ponte Vedra Beach, provided background on the item. He reviewed the project renderings, utility easements, and a traffic study.

A brief discussion ensued about the garages, dumpster, lot coverage, egress and ingress, and traffic.

Public Hearing:

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

- Mackenzie Robinson, 406 3rd Avenue North, Jacksonville Beach
- Sam Hall, 404 3rd Avenue North, Jacksonville Beach
- Leah Hudson, 414 3rd Avenue North, Jacksonville Beach

The following spoke in opposition to the application:

- Roger Whiting, 1103 2nd Avenue North, Jacksonville Beach
- Michael Dunlap, 1120 2nd Avenue North, Jacksonville Beach
- Lisa Sandstrom, 1171 3rd Avenue North, Jacksonville Beach
- Ronda Steinke-McDonald, 1120 2nd Avenue North, Jacksonville Beach
- Ryan Walls, 1104 2nd Avenue North, Jacksonville Beach
- Slade Richardson, 1141 3rd Avenue North, Jacksonville Beach
- Cynthia Simpson, 1005 1st Avenue North, Jacksonville Beach

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

- Jacques Corneau, 1129 2nd Avenue North, Jacksonville Beach
- Austin & Shirley Dutcher, 1122 3rd Avenue North, Jacksonville Beach

Ms. White closed the public hearing.

Mr. Miller addressed the public concerns.

A discussion ensued about guest parking, handicapped parking, and fencing.

Alex Sifakis, 34 8th Street, Atlantic Beach, spoke on the PUD criteria and the project. He acknowledged the public's concerns.

Discussion:

A discussion continued about parking, neighborhood impact, and traffic.

Motion:

It was moved by Ms. Stouffer, seconded by Mr. Lerman, to deny PC# 2-23.

Roll Call Vote:

Ayes –Justin Lerman, David Dahl, Emily Stouffer, and Colleen White

The application was unanimously denied.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Monday, February 13, 2023, at 7:00 P.M. There are two scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:07 P.M.

Submitted by: Callie Rayeski-Bowling
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



PLANNING COMMISSION AGENDA ITEM	
TO:	Planning Commission Members
FROM:	Senior Planner: Christian Popoli
DATE:	01/30/2023
SUBJECT:	February 13, 2023 Planning Commission Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, February 13, 2023 Planning Commission Meeting.

NEW BUSINESS:

PC#03-23 - Conditional Use

OWNER: Travus Investments LLC
 1368 Beach Boulevard
 Jacksonville Beach, FL 32250

APPLICANT: Jax Seafood Factory Bar & Grill
 1396 Beach Boulevard
 Jacksonville Beach, FL 32250

AGENT: Lawrance Yancy
 1309 St. Johns Bluff Road North
 Suite 2, Building A
 Jacksonville, FL 32225

LOCATION: 1368 Beach Boulevard, #1396
 RE# 177502-0010

REQUEST: Conditional Use transfer of ownership for Outdoor Restaurant Seating at an existing restaurant for a property located in the Commercial General: C-2 zoning district, pursuant to Section 34-343(d)14 of the Jacksonville Beach Land Development Code

COMMENTS: The subject property is located at the southeast corner of the intersection of Beach Boulevard and Penman Road South. The property is a large commercial shopping center, with the specific structure being a multi-tenant building roughly 70,000 square feet in area. The subject restaurant space is 6,053 square feet and will have 250 seats. The existing space was designed with a fenced outside seating area that has roughly 24 seats.

The restaurant space has had four separate Conditional Use approvals for outside seating dating from 2003, and the most recent in 2017. Past restaurants include the former Crabcake Factory and, most recently, Yummy Crab and Seadood. The



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oldest two approvals, from 2003 and 2008 included conditions for no outside speakers in the front of the restaurant and in the outside seating area. The two more recent, from 2010 and 2017, did not include such conditions.

Adjacent uses include a commercial shopping center to the east, commercial and office uses to the north across Beach Boulevard, the Jacksonville Beach Police Department to the south, and Lee Krikland Cemetery to the west. The proposed use of Outside Restaurant Seating is consistent with the C-2 zoning standards, and is consistent with surrounding commercial development. Based on the location and design of the outside seating area, and the fact that the outside seating has been utilized by previous restaurants since 2003, the proposed use for outside restaurant seating should not negatively affect the surrounding uses.

Based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of PC#04-23**

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.



CONDITIONAL USE APPLICATION

RECEIVED

PC No. 04.23
AS/400# 22-100149
HEARING DATE 2.13.23

DEC 19 2022

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$500.00.

APPLICANT INFORMATION

Land Owner's Name: TAVUS INVESTMENTS LLC
Mailing Address: 1368 BEACH BLVD
JACKSONVILLE FL 32250

Telephone: 904-899-4610
Fax: _____
E-Mail: brad.tessmer@ashproperties.com

Applicant Name: JAX SEAFOOD FACTORY BAR & GRILL
Mailing Address: 1396 BEACH BLVD.
JACKSONVILLE BCH FL 32250

Telephone: 904-554-1890
Fax: _____
E-Mail: groovejac@gmail.com

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

Agent Name: LAWRENCE YANCY
Mailing Address: 1309 ST. JOHNS BLVD N ST 2 Bldg A
JACKSONVILLE FL 32225

Telephone: 904-568-4317
Fax: _____
E-Mail: lawrence.yancy@yahoo.com

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

PROJECT DATA Real Estate # 177502-0010

Street address of property and/or Real Estate Number: 1396 BEACH BLVD #1396 JACKSONVILLE BCH FL 32250

Legal Description of property (attach copy of deed): deed Attached

Current Zoning Classification: C-2 Future Land Use Map Designation: _____

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: OUT Seating and Sales

Describe the proposed conditional use and the reason for the request: For outside Seating And Dining
With a full size Restaurant

Applicant Signature: Lawrence Yancy Date: 12/09/2022

RECEIVED

PC # 04-23

DEC 19 2022

22-100149

PLANNING & DEVELOPMENT

OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE TAVUS INVESTMENTS LLC
(print name of property owner(s))

hereby authorize: Lawrence Yancy
(print name of agent)

to represent me/us in processing an application for: Zoning for outdoor seating
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Elaine D. Ashourian

(Signature of owner)

(Signature of owner)

Elaine D. Ashourian

(Print name of owner)

(Print name of owner)

STATE OF FLORIDA

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 15th day of December, 2022, by Elaine D. Ashourian.

[Signature]

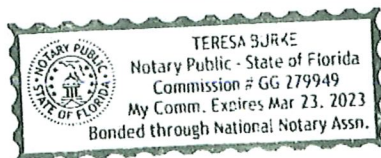
Notary Public

Printed Name

Personally Known ☒ OR Produced Identification ☐ ID Produced: ☐

My Commission Expires

DEC 15 2022



PL-04-23

RECEIVED

22-100149

DEC 19 2022

Recording Requested By, and
When Recorded, Return to:

Jennifer Galubenski Webb
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, Texas 75204

This Instrument Prepared by:

Seth W. Eaton, Esq.
Winstead PC
500 Winstead Building
2728 N. Harwood Street
Dallas, TX 75201

Tax Parcel I.D. Nos.
177502-0000 and 177502-0010

PLANNING & DEVELOPMENT

THE STATE OF FLORIDA §
§ know all men by these presents:
COUNTY OF DUVAL §

Special Warranty Deed

BACM 2006-4 Beach Boulevard, LLC, a Florida limited liability company ("Grantor"), whose address is c/o C-III Asset Management LLC, Attn: Charles Wenner, 5221 North O'Connor Blvd., Suite 800, Irving, TX 75039, for and in consideration of the sum of NINETEEN MILLION FOUR HUNDRED THOUSAND and NO/100 Dollars (\$19,400,000.00) cash and other good and valuable consideration to it paid by Tavus Investments, LLC, a Florida limited liability company ("Grantee"), whose mailing address is 7880 Gate Parkway, Suite 300, Jacksonville, Florida 32256, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto the Grantee that certain tract of land ("Land") described in Exhibit "A" hereto, together with all improvements thereon and all rights and appurtenances appertaining thereto (herein collectively called the "Property").

This conveyance is given and accepted subject to the permitted exceptions set forth on Exhibit "B" hereto and to any and all municipal or other governmental zoning laws, regulations and ordinances, if any, affecting the Property (herein called the "Permitted Encumbrances").

Grantee, by its acceptance hereof, agrees to assume and be solely responsible for payment of all ad valorem taxes and personal property taxes pertaining to the Property that are due and payable in the calendar year 2019 and subsequent years; there having been a proper proration of same between Grantor and Grantee.

Grantee, by its acceptance hereof, acknowledges and agrees that any and all liability hereunder of Grantor, its agents, representatives or employees, including the special warranty of title herein contained, shall be limited to and satisfied solely from the Grantor's proceeds from the Property.

TO HAVE AND TO HOLD the Property and all improvements located thereon, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its legal representatives, successors, and assigns forever; and Grantor does hereby bind itself, its legal representatives, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Encumbrances, unto Grantee, its legal representatives, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.

[Signature Page Follows]

WITNESS THE EXECUTION HEREOF as of the 16th day of October, 2019.

GRANTOR:

Signed, sealed and delivered in the presence of the following witnesses:

Name: MICHAEL LUDDEN

Name: Don V. Hernandez

BACM 2006-4 Beach Boulevard, LLC,
a Florida limited liability company

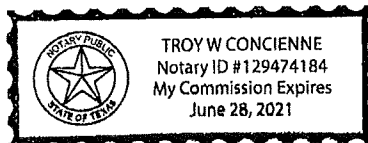
By: C-III Asset Management, LLC,
Delaware limited liability company,
its Manager

By: Charles Wenner
Serving Officer

STATE OF TEXAS)
) ss.
COUNTY OF DALLAS)

This instrument was acknowledged before me on October 9, 2019, by Charles Wenner, Serving Officer of C-III Asset Management LLC, in its capacity as manager for BACM 2006-4 Beach Boulevard, LLC, a Florida limited liability company.

[seal]



Troy W. Conciennie
Notary Public

My commission expires: 6/28/2021

22-100149



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
TAVUS INVESTMENTS, LLC

Filing Information

Document Number L17000205182
FEI/EIN Number 82-2985959
Date Filed 10/04/2017
State FL
Status ACTIVE
Last Event REINSTATEMENT
Event Date Filed 10/07/2019

Principal Address

7880 GATE PARKWAY STE 300
JACKSONVILLE, FL 32256

Mailing Address

7880 GATE PARKWAY STE 300
JACKSONVILLE, FL 32256

Registered Agent Name & Address

Ashourian, Elaine
7880 Gate Parkway
Suite 300
Jacksonville, FL 32256

Name Changed: 05/25/2020

Address Changed: 05/25/2020

Authorized Person(s) Detail

Name & Address

Title Manager

Ashourian, Elaine
7880 Gate Parkway
Suite 300
Jacksonville, FL 32256

Annual Reports

PC# 04-23

RECEIVED

22-100149

DEC 19 2022

EXHIBIT A

LAND DESCRIPTION

Property address: 1356 Beach Boulevard, Jacksonville Beach, FL

PLANNING & DEVELOPMENT

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF DUVAL, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL "A"

A PART OF THE CASTRO Y FERRER GRANT, SECTION 38, TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD AND THE EASTERLY RIGHT OF WAY LINE OF SOUTH PENMAN ROAD AS DESCRIBED IN DEED BOOK 1373, PAGES 353, 354 AND 355 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 89°27'20" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD, A DISTANCE OF 210.02 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 08°57'42" EAST, A DISTANCE OF 382.41 FEET; THENCE SOUTH 80°01'30" WEST, A DISTANCE OF 230.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SOUTH PENMAN ROAD AS NOW ESTABLISHED AS A 70 FOOT RIGHT OF WAY, SAID EASTERLY RIGHT OF WAY LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL TO THE EASTERLY RIGHT OF WAY LINE OF SOUTH PENMAN ROAD AS DESCRIBED IN DEED BOOK 1373, PAGES 353, 354 AND 355; THENCE SOUTH 04°32'40" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF SOUTH PENMAN ROAD AS NOW ESTABLISHED, A DISTANCE OF 183.75 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SHETTER AVENUE EXTENSION AS NOW ESTABLISHED AS A 50 FOOT RIGHT OF WAY; THENCE NORTH 80°01'30" EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SHETTER AVENUE, A DISTANCE OF 982.74 FEET TO THE WESTERLY RIGHT OF WAY LINE OF TWELFTH (12TH) STREET AS DESCRIBED IN DEED BOOK 1174, PAGE 472, OF SAID CURRENT PUBLIC RECORDS; THENCE NORTH 08°12'40" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF TWELFTH (12TH) STREET, A DISTANCE OF 442.21 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD; THENCE SOUTH 89°27'20" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD, A DISTANCE OF 752.37 FEET TO THE POINT OF BEGINNING.

PARCEL "B"

A PART OF THE CASTRO Y FERRER GRANT, SECTION 38, TOWNSHIP 2 SOUTH, RANGE 29 EAST, JACKSONVILLE BEACH, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD (STATE ROAD NO. 212) AS NOW ESTABLISHED AS A 200 FOOT RIGHT OF WAY IN THIS IMMEDIATE AREA, WITH THE EASTERLY RIGHT OF WAY LINE OF SOUTH PENMAN ROAD AS DESCRIBED IN DEED BOOK 1373, PAGES 353, 354 AND 355, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE RUN NORTH 89°27'20" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD A DISTANCE OF 10.02 FEET TO THE PRESENT EASTERLY RIGHT OF WAY LINE OF SAID SOUTH PENMAN ROAD AS NOW ESTABLISHED AS A 70 FOOT RIGHT OF WAY FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 4°32'40" EAST ALONG SAID PRESENT EASTERLY RIGHT OF WAY LINE OF SOUTH PENMAN ROAD, SAID EASTERLY RIGHT OF WAY LINE BEING A LINE 10.00 FEET EASTERLY OF AND PARALLEL TO AFORESAID EASTERLY RIGHT OF WAY LINE OF SOUTH PENMAN ROAD AS DESCRIBED IN DEED BOOK 1373, PAGES 353, 354 AND 355, A DISTANCE OF 417.00; THENCE RUN NORTH 80°01'30" EAST PARALLEL TO SHETTER AVENUE AS NOW ESTABLISHED, A DISTANCE OF 230.00 FEET; THENCE RUN NORTH 8°57'42" WEST, A DISTANCE OF 382.41 FEET TO THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD; THENCE RUN SOUTH 89°27'20" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PART OF PARCEL "A" FURTHER DESCRIBED AS:

A PART OF THE CASTRO Y FERRER GRANT, SECTION 38, TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD, U.S. HIGHWAY 90, STATE ROAD 212 (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED) WITH THE WESTERLY RIGHT OF WAY LINE OF TWELFTH (12TH) STREET (A 70 FOOT RIGHT OF WAY AS DESCRIBED IN DEED BOOK 1174, PAGE 472, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY); THENCE SOUTH 08°12'40" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 95.90 FEET; THENCE SOUTH 81°47'20" WEST, A DISTANCE OF 264.00 FEET; THENCE NORTH 08°12'40" WEST, A DISTANCE OF 131.44 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD; THENCE NORTH 89°27'20" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 266.38 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

PERMITTED ENCUMBRANCES

- a. Liens for all current general and special real property taxes and assessments not yet due and payable;
- b. Covenants, conditions, restrictions, reservations, rights, rights of way, and easements of record, if any, including without limitation utility or municipal easements as presently installed;
- c. Any statement of facts an accurate survey and/or a personal inspection of the Property may disclose, including but not limited to any encroachments, protrusions or shortages in area;
- d. Any laws, regulations, ordinances (including, but not limited to zoning, historic preservation, building and environmental) as to the use, occupancy, subdivision or improvement of the Property adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof, including but not limited to any disclosure and/or report required by ordinance;
- e. Rights of existing tenants and/or occupants of the Property, if any;
- f. Prior grants, reservations, exceptions or leases of coal, oil, gas, or other minerals;
- g. Any and all rights of redemption; and
- h. The following additional items:
 - 9. The terms, provisions and conditions contained in that certain Partial Release and Subordination of Mortgage and Joinder in Declaration of Covenants and Restrictions recorded in Official Records Book 3406, Page 1098.
 - 10. This item has been intentionally deleted.
 - 11. The Terms provisions and conditions contained in that certain Notice Under Section 713.10, Florida Statutes recorded in Official Records Book 12712, Page 1260 and Official Records Book 12712, Page 1262.
 - 12. Easement (Reciprocal between adjoining owners) recorded in Official Records Book 13386, Page 1025.
 - 13. Grant of Easement for Electric Facilities, recorded in Official Records Book 13386, Page 1484.
 - 14. The terms provisions and conditions contained in that certain Notice Under Section 713.10, Florida Statutes recorded in Official Records Book 13522, Page 1967.

PC#04-23

RECEIVED

22-100149

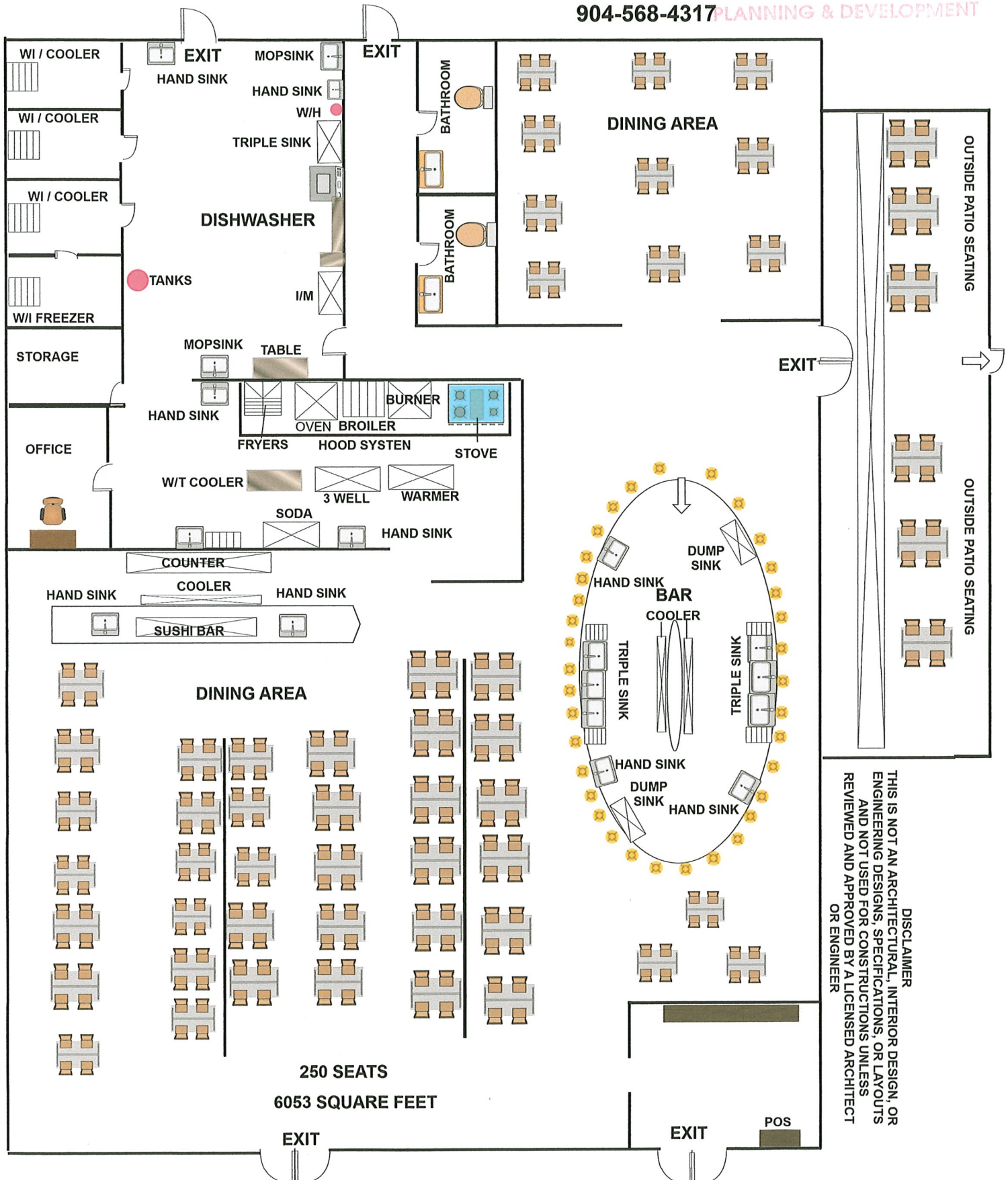
DEC 19 2022



JAX SEAFOOD FACTORY FLOOR PLAN



LYRC
904-568-4317 PLANNING & DEVELOPMENT



DISCLAIMER
THIS IS NOT AN ARCHITECTURAL, INTERIOR DESIGN, OR
ENGINEERING DESIGNS, SPECIFICATIONS, OR LAYOUTS
AND NOT USED FOR CONSTRUCTIONS UNLESS
REVIEWED AND APPROVED BY A LICENSED ARCHITECT
OR ENGINEER



PLANNING COMMISSION AGENDA ITEM	
TO:	Planning Commission Members
FROM:	Senior Planner: Christian Popoli
DATE:	01/30/2023
SUBJECT:	February 13, 2023 Planning Commission Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, February 13, 2023 Planning Commission Meeting.

NEW BUSINESS:

PC#05-23 - Conditional Use

OWNER: Commercial Net Lease Realty LP
450 S Orange Ave., #900
Orlando, FL 32801

APPLICANT: Lawrence R. Pilon
51 Mapleview Drive,
Pennellville, NY 13132

AGENT: Scott Farmer
1176 N Irving Street
Allentown, PA 18109

LOCATION: 2517 3rd Street south
RE# 180282-0000

REQUEST: Conditional Use Application for transfer of ownership at an existing gasoline service station for a property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)(2) of the Jacksonville Beach Land Development Code

COMMENTS: The subject property is a former gas station and convenience store that has been closed and vacant for several years. The original structure was built in 1967, and recently the gas service pumps and equipment were serviced or replaced. The applicant is requesting to transfer the Conditional Use approval for the gasoline service station use, and with that approval, reconstruct a canopy over the four proposed gas pumps, and complete renovations on the main structure as well as new signage.

The subject property is located at the intersection of 3rd Street South, St. Augustine Boulevard and 25th Avenue South, creating a triangle parcel



surrounded on three sides by roads, located on the east side of third. The property is roughly 28,000 square feet in area, with a driveway located on each of the three rights of way adjacent to the structure. The main structure is 8,701 gross square feet in area.

Adjacent uses include the *Coste Verde Plaza* commercial shopping center to the north, across 25th Avenue South, a *Gate* gas/convenience store to the west across 3rd Street, and single family residences and vacant lots across St. Augustine Blvd. to the southeast. St. Augustine Blvd in this area is a zoning boundary between C-1 and RS-1 districts, east of 3rd Street. There are no active Code Enforcement cases. Given the historical use as a gasoline service and convenience store and the fact that all adjacent uses are across one of three roads, the proposed use should not negatively impact the adjacent uses.

Based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of PC#05-23**

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.



CONDITIONAL USE APPLICATION

PC No. 05-23
AS/400# 22-100158
HEARING DATE 2.13.23

DEC 27 2022

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$500.00.

APPLICANT INFORMATION

Land Owner's Name: Commercial Net Lease Realty LP
Mailing Address: 450 S Orange Ave #900 Orlando, FL, 32801

Telephone: (407) 265-7348
Fax: Info@nvnsearch.com
E-Mail: info@nvnsearch.com

Applicant Name: Lawrence R. Pilon
Mailing Address: 51 Mapleview Drive Pennellville, NY 13132

Telephone: (315) 418-0708
Fax: _____
E-Mail: Larrypilon.pe@gmail.com

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

Agent Name: Scott Farmer
Mailing Address: 1176 N Irving Street Allentown, PA 18109

Telephone: (610) 820-8200
Fax: _____
E-Mail: sfarmer@cornerstonenet.com

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

PROJECT DATA

Street address of property and/or Real Estate Number: 180682-0000 2517 3rd St. S.

Legal Description of property (attach copy of deed): Lots "A", 1, 2, 3, 4, 5 and 6, Block 23 Replat Unit No. 13

Current Zoning Classification: JC-1 Future Land Use Map Designation: No changes

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: Sec.34-403. - Service Stations

Describe the proposed conditional use and the reason for the request: Plan examiner Popoli Christian requested a condition use application for permit application# 22-2162. The scope of work includes replacing previous demolished canopy. Canopy shall be erected on existing foundation.

Applicant Signature: [Signature] Date: 12/20/22



**NATIONAL RETAIL
PROPERTIES**
NYSE:NNN

RECEIVED

PC#5-23

DEC 27 2022

22.100152

PLANNING & DEVELOPMENT

DEC 27 2022

December 20, 2022

Jacksonville Beach Planning and Development Department
11 3rd St North
Jacksonville Beach, FL 32250

RE: 2517 South 3rd Street, Jacksonville Beach, FL

To Whom It May Concern:

Please allow this letter to serve as National Retail Property, LP's authorization for Sunoco and/or their agent, McGee Corporation, to install new canopies at the above referenced location.

Should you have any questions on this please feel free to contact me at (407) 650-1056.

Regards,

Kristin Furniss
Senior Vice President of Asset Management

cc: Michael Choate – Sunoco
Scott Farmer – Cornerstone Consulting

RECEIVED

PC#5-23

DEC 28 2022

22-100152

PLANNING & DEVELOPMENT

EXHIBIT A
Legal Description

Lots "A", 1, 2, 3, 4, 5 and 6, Block 23, REPLAT UNIT NO. 1, ATLANTIC SHORES, according to plat thereof as recorded in Plat Book 14 pages 39 and 40 of the current public records of Duval County, Florida, (EXCEPT any part in road right-of-way), more particularly described as being the same property described as: A part of Block 23, Replat, Unit No. 1, ATLANTIC SHORES, Jacksonville Beach, Florida, as recorded in Plat Book 14, pages 39 and 40 of the current public records of Duval County, Florida, being described by metes and bounds as follows:

Beginning at the Northeasterly corner of said Block 23, thence run South 38 degrees 30 minutes 50 seconds West along the Northwesternly right of way line of the St. Augustine Boulevard (a 60 foot right of way as now established) a distance of 317.81 feet to a point, thence run North 71 degrees 20 minutes 40 seconds West a distance of 16.91 feet to a point; thence run North 0 degrees 59 minutes 10 seconds West along the Easterly right of way line of Third Street (State Road A-1-A, a 100 foot right of way as now established) a distance of 238.93 feet to its intersection with the Southerly right of way line of 25th Avenue (formerly Osceola Avenue, a 30 foot right of way as now established, thence run North 88 degrees 51 minutes 50 seconds East along said Southerly right of way line a distance of 218.05 feet to the point of beginning.

LESS AND EXCEPT any part taken by order of taking in OR 2426, page 738 of said public records.

subsidiaries of Landlord, but shall not mean any officers, directors, or shareholders of any of those companies. Further, as used herein, "gasoline sales" shall mean the sale of any other energy source for motor vehicles as may then be used in conjunction with or as an alternative to gasoline.

3. Right of First Refusal. The Lease contains a right of first refusal to purchase the Premises in favor of Tenant.

4. Lease Terms Incorporated. All of the terms, conditions, covenants and agreements contained in the Lease are herein incorporated hereby by reference.

5. Conflict. In the event of a conflict between the terms of this Memorandum and the Lease, the terms of the Lease shall prevail.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Memorandum of Lease in duplicate, each part being an original, as of the date first above written.

Signed, sealed and delivered
in the presence of:

**COMMERCIAL NET LEASE REALTY,
LP, a Delaware limited partnership**

By: CNLR GP Corp., a Delaware
corporation, as its general partner

Kella Schaible
Name: Kella Schaible

Julian E. Whitehurst
Name: Julian E. Whitehurst
Its: President

Eva Eller
Name: Eva Eller

"Landlord"

(SEAL)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 28th day of August, 2006, by Julian E. Whitehurst, as President of CNLR GP Corp., a Delaware corporation, general partner of Commercial Net Lease Realty, LP, a Delaware limited partnership, on behalf of the partnership. He/She is personally known to me or has produced _____ as identification.



Kella Schaible
Print Name: Kella Schaible
Notary Public: _____
State and County as aforesaid: _____
Commission No.: _____
My commission expires: _____

Signed, sealed and delivered
in the presence of:

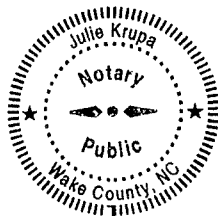
THE PANTRY, INC., a Delaware
corporation

Tricia Hathcock
Name: Tricia Hathcock
[Signature]
Name: Robert S. Hood

By: [Signature]
Name: James D. Bosworth
Its: VP, Mergers & Acquisitions
"Tenant"
(SEAL)

STATE OF North Carolina
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 29 day of August, 2006, by James D. Bosworth, as Vice President of The Pantry, Inc., a Delaware corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.



Julie Krupa
Print Name: Julie Krupa
Notary Public: _____
State and County as aforesaid: _____
Commission No.: N/A
My commission expires: February 19, 2008

00540895

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Prepared by and Return to:

Thomas G. Wilson III, Esq.
Smith Hulsey & Busey
1800 Wachovia Bank Tower
225 Water Street
Jacksonville, FL 32202

MEMORANDUM OF LEASE
(Jacksonville Beach, FL)

THIS MEMORANDUM OF LEASE (this "Memorandum") is made as of the 31st day of August, 2006, by and between **COMMERCIAL NET LEASE REALTY, LP**, a Delaware limited partnership ("Landlord"), whose address is 450 S. Orange Avenue, Suite 900, Orlando, Florida 32801, and **THE PANTRY, INC.**, a Delaware corporation ("Tenant"), whose address is 1801 Douglas Drive, Sanford, North Carolina 27330.

WITNESSETH, Landlord and Tenant are parties to that certain Lease Agreement dated August 31, 2006 (the "Lease"), pursuant to which Landlord has leased to Tenant certain real property located in Jacksonville Beach, Duval County, Florida, and more particularly described in Exhibit "A" attached hereto and made part hereof (the "Premises"). For the purpose of evidencing the existence of the Lease in the public records of Duval County, Florida, as provided for in the Lease, Landlord and Tenant hereby execute, deliver and record this Memorandum.

NOW THEREFORE, in consideration of the parties entering into the Lease, and other valuable considerations, the adequacy of which being hereby acknowledged, Landlord and Tenant hereby acknowledge and agree as follows:

1. Term. The term of the Lease shall continue for a period of fifteen (15) years beginning as of the date hereof and ending August 31, 2021, with the right to renew the Lease for six (6) consecutive terms of five (5) years each.

2. No Competition. So long as the Lease is in effect and Tenant is not in default beyond any applicable grace or cure period, Landlord agrees that neither it nor any "related party" will in the future construct and lease, as landlord, another commercial parcel within a one (1) mile radius of the Premises for use primarily as a convenience store and/or for retail gasoline sales. However, this shall not prohibit or limit Landlord's ability to acquire or lease competing convenience stores and/or retail gasoline stores within a one (1) mile radius of the Premises during the term of the Lease so long as Landlord as part of such transaction does not initially construct the stores for such tenants. As used herein, "related party" shall mean (i) any parent or sister corporation of Landlord and their subsidiaries, and (ii) any and all

RECORDED by: FNTIC-JAX
NEO 6-122271
6-121936

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