



# City of Jacksonville Beach

## Agenda

11 North Third Street  
Jacksonville Beach, Florida

## Planning Commission

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Monday, April 10, 2023

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

### OATH OF OFFICE FOR NEW APPOINTMENTS

A. City Clerk to administer oath of office to recent appointments.

### ROLL CALL

Margo Moehring (Chair), Colleen White (Vice-Chair), Dave Dahl, Justin Lerman, Nicholas Andrews  
Alternates: Justin Henderson

### APPROVAL OF MINUTES

- A. Planning Commission Meeting held on February 13, 2023
- B. Planning Commission Meeting held on March 27, 2023

### CORRESPONDENCE

### DISCLOSURE - EX PARTE COMMUNICATION

### OLD BUSINESS

### NEW BUSINESS

- A. **PC# 07-23**  
ADDRESS: 201 5th Avenue North  
APPLICANT: Walker Capital Holdings, LLC  
OWNER: Walker Capital Holdings, LLC

SUMMARY OF APPLICATION: **Conditional Use Application** for a new bar with outdoor seating for a property located in the Commercial Business District: CBD zoning district, pursuant to Section 34-345(d)(2) and Section 34-345(d)(7) of the Jacksonville Beach Land Development Code. The property is located at 201 5<sup>th</sup> Avenue North (Formerly Bo's Coral Reef) RE#174181-0010, legally described as Lots 7 and 8, Block 63, *Pablo Beach Improvement Company's Plat of Part of Northern Portion of Pablo Beach*, 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

### PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Monday, April 27, 2023. There is one scheduled case.

## **ADJOURNMENT**

### **NOTICE**

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, February 13, 2023, 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 7:00 P.M. by Chair Margo Moehring.

**ROLL CALL:**

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

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

**ELECTION OF OFFICERS**

Mr. Popoli opened the floor for Chair nominations.

**Motion:** It was moved by Mr. Dahl, seconded by Mr. Lerman, to nominate Margo Moehring for the Chair position.

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

The motion was unanimously approved.

Chair Moehring opened the floor for Vice-Chair nominations.

**Motion:** It was moved by Mr. Dahl, seconded by Mr. Lerman, to nominate Colleen White for the Vice-Chair position.

**Roll Call Vote:** Ayes – Justin Lerman, David Dahl, Emily Stouffer, Margo Moehring, Nicholas Andrews, and Justin Henderson

The motion was unanimously approved.

**APPROVAL OF MINUTES:**

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

- Regular Planning Commission Meeting held on January 23, 2023

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

**(A) PC# 04-23** Conditional Use Application

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

**Location:** 1368 Beach Boulevard, #1396

**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.

**Staff Report:**

Mr. Popoli summarized the following report for the record:

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 with 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 Seafood. The oldest two approvals, from 2003 and 2008, included conditions for no outside speakers in the front of the restaurant and 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 Kirkland Cemetery to the west. The proposed use of Outside Restaurant Seating is consistent with the C-2 zoning standards and 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.

**Ex-Parte Communication:**

No Board member had ex-parte communication.

**Applicant:**

Lawrence Yancy, 1309 St. Johns Bluff Road North, Suite 2, Building A, Jacksonville, provided background on the item.

**Public Hearing:**

No one came forth to speak. Chair Moehring closed the public hearing.

**Discussion:** None

**Motion:** It was moved by Mr. Lerman, seconded by Mr. Dahl, to approve PC# 04-23.

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

The application was unanimously approved.

**(B) PC# 05-23** Conditional Use Application

**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

**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.

**Staff Report:**

Mr. Popoli summarized the following report for the record:

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 the gas service pumps and equipment were recently serviced or replaced. The applicant is requesting to transfer the Conditional Use approval for the gasoline service station use. With that approval, reconstruct a canopy over the four proposed gas pumps, complete renovations on the main structure, and 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 Costa 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.

**Ex-Parte Communication:** No Board member had ex-parte communication.

**Agent:**

John Anderson, Cornerstone Consulting Architectural Inc., 1176 N Irving Street, Allentown, PA provided background on the item.

**Public Hearing:**

No one came forth to speak. Chair Moehring closed the public hearing.

**Discussion:** None

**Motion:** It was moved by Mr. Andrews, seconded by Ms. White, to approve PC# 05-23.

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

The application was unanimously approved.

**PLANNING DEPARTMENT REPORT:**

Mr. Popoli stated a Training Workshop would be held on February 27 at 6:00 P.M. in place of the regularly scheduled meeting. He announced a City Council Workshop on the Comprehensive Plan was being held on February 23, and Planning Commissioners were welcome to attend. The next regular meeting would be held on March 27. There is one scheduled case.

**COURTESY OF THE FLOOR TO VISITORS:** None

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:20 P.M.

Submitted by: Callie Rayeski-Bowling  
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**Minutes of Planning Commission Meeting  
held Monday, March 27, 2023, 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 7:00 P.M. by Chair Margo Moehring.

**ROLL CALL:**

**Chairperson:** Margo Moehring  
**Vice-Chairperson:** Colleen White  
**Board Members:** David Dahl Justin Lerman  
**Alternates:** Nicholas Andrews Justin Henderson

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

**APPROVAL OF MINUTES:**

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

- Regular Planning Commission Meeting held on February 13, 2023

*(Note: PC 230213 minutes were not included in the agenda packet for March 27, 2023 meeting and therefore were not reviewed. PC 230213 minutes will be attached to upcoming agenda packet for review and approval.)*

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

**(A) PC# 06-23** Conditional Use Application

**Owner:** Gates of Times Square, LLC  
P.O. Box 56678  
Jacksonville, FL 32241

**Applicant:** Lit Libations LLC/Sara Leutzinger & Chris Pomposos  
3037 Covenant Cove Drive  
Jacksonville, FL 32224

**Location:** 320 9th Avenue North (940 3rd Street North)

**Conditional Use Application** for a retail trade establishment with sales and service of beer and wine for a property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)(3) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Mr. Popoli summarized the following report for the record:

The subject parcel is a small commercial center with several tenant spaces. The property currently has many tenants in the personal service or retail business. The proposed use would be a retail establishment that sells candles and candle-making experiences with beer and wine sales as well. Based on the applicant's floor plan, the beer and wine sales will be offered additional services beyond the retail sales and classes. The application also shows that the proposed beer and wine sales will be in a separate space from the candlemaking and retail sales. Similar uses have been approved in the past, most recently in the shopping center at 301 10th Avenue North, where a beer and wine establishment was approved in conjunction with plant sales and classes. The applicant has provided verification that the property is more than 500 feet from another drinking establishment, school, or church.

Adjacent uses to the south are other commercial tenants in the same shopping center. To the west are multifamily structures, to the south are a drive-thru restaurant and a surface parking area, and to the east, across 3rd Street, are a smaller commercial center and a medical supply facility. The applicant's request should not negatively affect the surrounding property.

Based on the provided application and analysis stated in this report, The Planning and Development Department recommends Approval of PC#06-23.

**Ex-Parte Communication:**

No Board member had ex-parte communication.

**Applicant:**

Sara Leutzinger & Chris Pompos, 3037 Covenant Cove Drive, Jacksonville, provided background on the item.

**Public Hearing:**

No one came forth to speak. Chair Moehring closed the public hearing.

**Discussion:** None

**Motion:** It was moved by Ms. White, seconded by Mr. Lerman, to approve PC# 06-23.

**Roll Call Vote:** Ayes – David Dahl, Colleen White, Justin Lerman, Nicholas Andrews, and Margo Moehring.

The application was unanimously approved.

**PLANNING DEPARTMENT REPORT:**

Mr. Popoli announced the next workshop on the Land Development Code and Comprehensive Plan would be about Supplemental Standards, held on Tuesday, March 28, 2023. He reviewed the timeline and noted the plan would be to present to City Council by the end of the year or early 2024.

Mr. Popoli noted Emily Stouffer resigned from the Board due to relocation.

The next regular meeting would be held on Monday, April 10. There is one scheduled case.

**COURTESY OF THE FLOOR TO VISITORS:** None

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:20 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:                           | Christian Popoli: Senior Planner                |
| DATE:                           | 03/23/2023                                      |
| SUBJECT:                        | April 10, 2023 Planning Commission Staff Report |

The following information is provided for your consideration for the following agenda item for the upcoming Monday, April 10, 2023 Planning Commission Meeting.

**NEW BUSINESS:**

**PC# 07-23, Conditional Use Application**

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

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

AGENT: Steve Diebenow  
1 Independent Drive, Suite 1200  
Jacksonville, FL 32202

LOCATION: 201 5th Avenue North: RE#174181-0010

REQUEST: Conditional Use Request for Bar/ Drinking Establishment and Outdoor Bar for an existing structure located in the Central Business District: CBD zoning district, Pursuant to Section(s): 34-345(d)2 and 34-345(d)7 of the Jacksonville Beach Land Development Code.

COMMENTS: The subject property is located at the southwest corner of 5th Avenue North and 2nd Street North. 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 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 re-establish the commercial property with a new bar, retail, and office uses. The owner had previously requested to rezone the property from Central Business District: CBD to Redevelopment District: RD to accomplish this goal. The application was denied by City Council in 2022. 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 reestablished 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 re-establish 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 2nd Street North. The applicant is choosing to apply for Conditional Use Approval for the Bar use, and has a companion Variance application submitted to address some of the site's existing nonconformities. The project will also include a small retail location and office space. The applicant is proposing approximately 6,700 square feet of drinking establishment, including an outdoor bar area, 250 square feet of retail, and 200 square feet of office space.

Included in the previous RD rezoning request, the applicant requested an exemption from the 500 foot alcohol exclusion area per Section 34-393(2), as they were 450 feet from Mangos, as measured from main entrance to main entrance. The Conditional Use application includes more detailed routes to various existing drinking establishment locations that could be considered in compliance with the code for the sake of the distance requirement, and appears to demonstrate that they are, in fact, 500 or more feet away with the relocation of the main entrance, therefore no longer needing relief from the 500 foot proximity requirement.

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 re-establishment 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 three and a half 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.

Staff does have concerns with the proposed site plan, particularly with the size of the office and retail uses, and the proposed amount of parking. Staff would recommend the following considerations for the Planning Commission to consider:



- A minimum aggregate square footage for the office and retail component of the mixed-use project of 1,000 square feet;
- One paved ADA accessible parking space will be provided on site in compliance with the LDC; and
- The rear deck will be removed to provide more onsite parking.

With these proposed changes and based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval** of PC#07-23.

*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. 07-23  
AS/400# 23-100025  
HEARING DATE 4.10.23

FEB 15 2023

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: Walker Capital Holdings, LLC  
Mailing Address: 4530-15 St. Johns Ave #406  
Jacksonville, FL 32210

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

Applicant Name: Walker Capital Holdings, LLC  
Mailing Address: 4530-15 St. Johns Ave #406  
Jacksonville, FL 32210

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

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

Agent Name: Steve Diebenow  
Mailing Address: 1 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 professionals assisting in the application on a separate sheet of paper.

## PROJECT DATA

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

Legal Description of property (attach copy of deed): See attached exhibit.

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

*An 8 ½ 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: Sections 34-345(d)(2) and (d)(7)

Describe the proposed conditional use and the reason for the request: \_\_\_\_\_  
As further described in the attached answers to standards applicable to all conditional uses, Applicant files this conditional use application to continue the historical bar/restaurant and outdoor service use at the property.

Applicant Signature:  Date: 2/3/23

## **Section 34-231 STANDARDS APPLICABLE TO ALL CONDITIONAL USES**

When considering an application for development permit for a conditional use, the planning commission shall consider whether and the extent to which:

- (a) The conditional use is consistent with the goals, objectives and policies of the comprehensive plan, including standards for building and structural intensities and densities, and intensities of use;
- (b) The conditional use is consistent with the character of the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed;
- (c) The design of the proposed conditional use minimizes adverse effects, including visual impact, of the proposed use on adjacent properties, and provides adequate screening and buffering;
- (d) The proposed conditional use will have an adverse effect on the permitted uses of the zoning district where it is located;
- (e) The proposed conditional use will have an adverse effect on the value of adjacent property;
- (f) There are adequate public facilities and services pursuant to Article X, Adequate Public Facility Standards;
- (g) The proposed conditional use will require signs or exterior lighting, which will cause glare or adversely impact area traffic safety;
- (h) There is adequate ingress and egress to the proposed conditional use, and it is designed so as to minimize traffic congestion on the city's roads;
- (i) The proposed conditional use is consistent with the requirements of the LDC;
- (j) The applicant has the financial and technical capacity to complete the conditional use as proposed, and has made adequate legal provision to guarantee the provision of open space and other improvements associated with the proposed conditional use;
- (k) The proposed conditional use complies with all additional standards imposed on it by the particular provision of the comprehensive plan authorizing such use and all other applicable requirement of the LDC.

**ANSWERS TO STANDARDS APPLICABLE TO ALL CONDITIONAL USES**

**CONDITIONAL USE PERMIT APPLICATION TO CONTINUE THE HISTORICAL  
BAR/RESTAURANT USE AND OUTDOOR SERVICE IN A CENTRAL BUSINESS  
DISTRICT ("CBD") ZONING DISTRICT**

RECEIVED  
23-100025

15 2023

PC# 07-23

PLANNING & DEVELOPMENT

**SUMMARY DESCRIPTION OF THE PROJECT**

Applicant files this conditional use application to continue the historical bar/restaurant and outdoor service use for the property located at 201 5th Avenue North (RE# 174181 0010) (the "Property"). The Property is located within the Central Business District ("CBD") functional land use category and is zoned CBD. Bars, lounges, nightclubs, taverns or other drinking places and outdoor restaurants or bars are permitted as conditional uses in the CBD zoning district pursuant to Section 34-345(d)(2) and (d)(7) of the City of Jacksonville Beach (the "City") Land Development Code (the "LDC").

The Property was home to Bo's Coral Reef, a bar/restaurant that had operated for fifty-five (55) years until recently closing. Applicant, due to severe illness, was unable to extend permitting deadlines that were otherwise available under Florida Statute for COVID-19 State of Emergencies. As a result, Applicant requests a conditional use permit to reestablish the bar/restaurant and outdoor service uses that began in 1964. The requested uses are consistent and compatible with the surrounding uses, which include Graffiti Junktion (265 5th Avenue North), Larry's Giant Subs (673 3rd Street North), and Kazu Sushi Burrito (693 3rd Street North). The proposed uses will also be in conjunction with retail and office conducted inside the building.

Prior to filing this conditional use application, Applicant filed an RD Rezoning application to change the Property's zoning from CBD to RD. Due to concerns about the five hundred (500) foot liquor distance requirement and possible patio noise, the application was denied. However, in the staff report issued for the application, the Planning and Development Department recommended the following conditions of approval:

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 five hundred (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.

Although not required under Section 34-226(9)d., a site plan and liquor survey are attached to this application to conceptually depict the mixed-use plans for the Property. The attached liquor survey demonstrates that the Property is over five hundred (500) feet from another establishment whose primary activity involves the consumption of alcohol as required in Section 34-393(1). As a result,

a waiver of this provision is not requested.<sup>1</sup> As will be further explained below, the requested conditional uses are consistent with the City's 2030 Comprehensive Plan and standards and criteria applicable to conditional uses under the City's LDC.

### STANDARDS AND CRITERIA

1. The conditional use is consistent with the goals, objectives and policies of the comprehensive plan, including standards for building and structural intensities and densities, and intensities of use;

Yes. The requested conditional use is consistent with the goals, objectives and policies of the 2030 Comprehensive Plan, including the following provisions from the Future Land Use Element:

- a. 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.
- b. 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.
- c. 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.
- d. 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.

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<sup>1</sup> The RD Rezoning that was filed for the Property requested a waiver of Section 34-393(1). This conditional use application does not.

- e. 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.
  - f. 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.
2. The conditional use is consistent with the character of the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed;

Yes. The conditional use is consistent with the character of the immediate vicinity of the land proposed for development and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed. The Property is already developed as a bar/restaurant and has been operated as such for over fifty (50) years. The building was built in 1954. The two (2) other buildings on the block are likewise commercial uses with restaurant tenants including Graffiti Junktion (has 4 COP license) Larry's Giant Subs, and Kazu Sushi Burrito (has 2 COP license). These buildings were built in 1993.

Directly south across 5th Avenue North are the Pier Point Condominiums that were built in 2007. Catty-corner to the Property is the Gallery RD District that was recently approved pursuant to Ordinance 2022-8178. The piece facing the Property is slated for surface parking and office and retail uses. To the east of the Property are commercial retail, office and residential uses and were built in the 1930s and 1970s.

The requested conditional use is consistent with all of the aforementioned uses. The Property is surrounded on the north, west and east by commercial uses. Bo's Coral Reef coexisted in harmony with Pier Point Condominiums for over ten (10) years with the commercial retail and restaurant facilities operating adjacent to Bo's Coral Reef for over twenty-five (25) years. The bar/restaurant use predates all but certain parcels to the east.

3. The design of the proposed conditional use minimizes adverse effects, including visual impact, of the proposed use on adjacent properties, and provides adequate screening and buffering;

Yes. The design of the proposed conditional use minimizes adverse effects, including visual impact, of the proposed use on adjacent properties, and provides adequate screening and buffering. Minor updates to the Property are proposed, including improving the gravel parking

area and landscaping where feasible. Applicant has already improved the Property since purchasing it by screening the dumpster that previously was visible along 2nd Street North.

4. The proposed conditional use will have an adverse effect on the permitted uses of the zoning district where it is located;

No. The proposed conditional use will not have an adverse effect on the permitted uses in the CBD zoning district. Policy LU 1.5.10 of the 2030 Comprehensive Plan encourages commercial uses to provide a central core for the City. Bars/restaurants are a service industry that will attract patrons to the area and will support the other existing commercial establishments within the CBD. A raw majority of the permitted uses within the CBD zoning district are commercial uses that would benefit from additional patrons in the area. The proposed use will also offer another convenient location for the Pier Point Condominiums and other downtown residents and visitors to enjoy.

5. The proposed conditional use will have an adverse effect on the value of adjacent property;

No. The proposed conditional use will not have an adverse effect on the value of adjacent property. The proposed use has been existence since the 1960s.

6. There are adequate public facilities and services pursuant to Article X, Adequate Public Facility Standards;

Yes. There are adequate public facilities and services. This conditional use request is to continue the Property's bar and outdoor service use, which was permitted and allowed since the 1960s.

7. The proposed conditional use will require signs or exterior lighting which will cause glare or adversely impact area traffic safety;

No. The proposed conditional use will not require signs or exterior lighting which will adversely impact traffic safety.

8. There is adequate ingress and egress to the proposed conditional use, and it is designed so as to minimize traffic congestion on the city's roads;

Yes. There is adequate ingress and egress to the proposed conditional use, and it is designed so as to minimize traffic congestion on the City's roads. The Property has angled parking along 2nd Street North consistent with its historical development.

9. The proposed conditional use is consistent with the requirements of the LDC;

Yes. The proposed conditional use is consistent with the requirements of the Land Development Code. As demonstrated in the attached liquor survey, no bar premises is located within five hundred (500) feet of the Property, measured from the main entrance (portal to portal) by the most direct route.

10. The applicant has the financial and technical capacity to complete the conditional use as proposed, and has made adequate legal provision to guarantee the provision of open space and other improvements associated with the proposed conditional use;

Yes. Applicant has the financial and technical capacity to complete the conditional use as proposed and has made adequate legal provision to guarantee the provision of open space and other improvements associated with the proposed conditional use. The requested use has been in operation at the building for fifty-five (55) years. The Applicant operates other similar facilities within Duval County and had begun improvements to the building until having to pause due to City permitting issues. Applicant seeks to reopen the bar as soon as possible.

11. The proposed conditional use complies with all additional standards imposed on it by the particular provision of the comprehensive plan authorizing such use and all other applicable requirements of the LDC.

Yes. The proposed conditional use complies with all additional standards imposed on it by the Comprehensive Plan and the Land Development Code.

Agent Authorization

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

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FEB 15 2023

PC#07-23

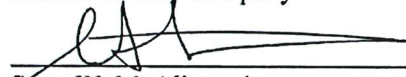
PLANNING & DEVELOPMENT

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.

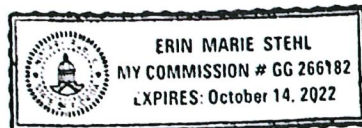
Walker Capital Holdings, LLC, a Florida  
limited liability company

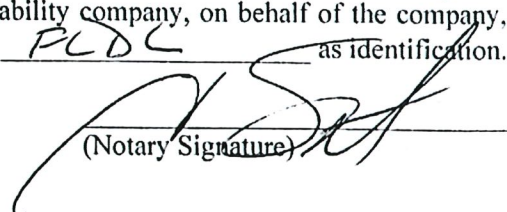
  
\_\_\_\_\_  
Scott W. McAlister, its manager

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)

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23-100025  
FEB 15 2023  
PC#07.23

**LEGAL DESCRIPTION &**

**DEED**

PLANNING & DEVELOPMENT

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

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23-100025  
FEB 15 2023  
PC #07.25  
PLANNING & DEVELOPMENT

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.

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 presents 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  
Bms. Kirk

Print witness name  
Bms. Kirk

Witness signature  
Kathleen Bobchev

Print witness name  
KATHLEEN BOBCHEV

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

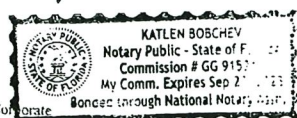
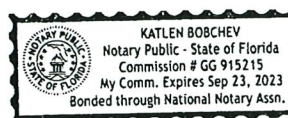
State of Florida  
County of Hillsborough

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  
Print Notary Name  
KATHLEEN BOBCHEV

My Commission Expires: Sep. 23, 2023

Notary Seal



DEED - Special Warranty Deed - Corporate  
Closers' Choice

# SPECIAL PURPOSE SURVEY OF

AREAS WITHIN "WALKING DISTANCE" OF LOTS 7 & 8, BLOCK 63 OF PABLO BEACH NORTH, PLAT BOOK 5, PAGE 66 AND TOWNSHIP 1 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA.

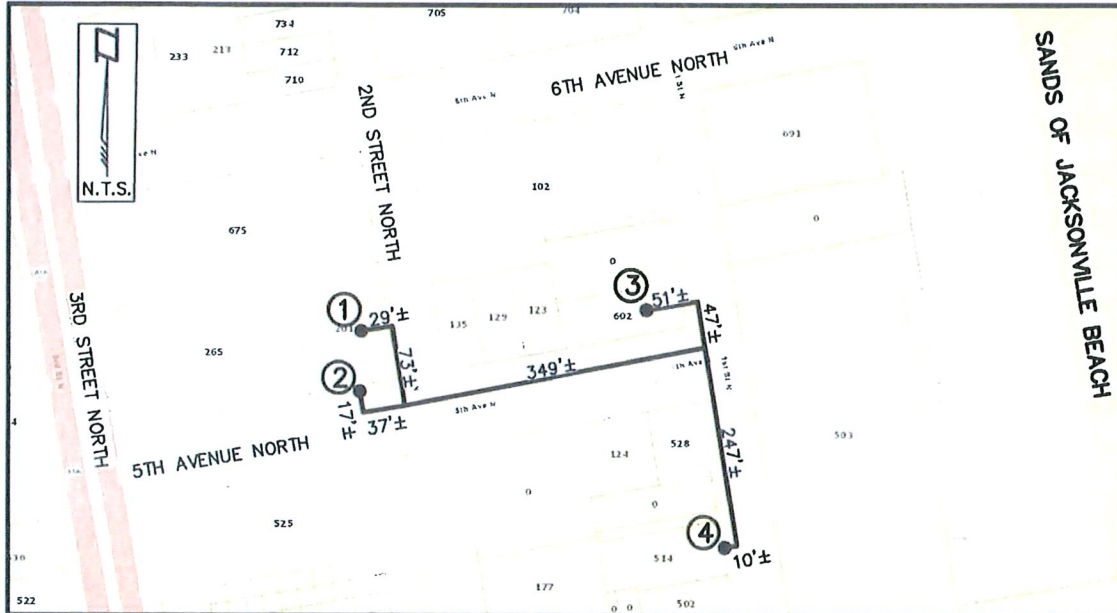
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PLANNING & DEVELOPMENT



## LOCATIONS

- ① EASTERLY ENTRANCE TO BUILDING  
201 5TH AVENUE NORTH  
JACKSONVILLE BEACH, FLORIDA
- ② SOUTHERLY ENTRANCE TO BUILDING  
201 5TH AVENUE NORTH  
JACKSONVILLE BEACH, FLORIDA
- ③ "MANGOS BEACH BAR"  
EASTERLY ENTRANCE TO BUILDING  
602 1ST STREET NORTH  
JACKSONVILLE BEACH, FLORIDA
- ④ "LYNCH'S IRISH PUB"  
EASTERLY ENTRANCE TO BUILDING  
602 1ST STREET NORTH  
JACKSONVILLE BEACH, FLORIDA

## LEGEND:

N.T.S. = NOT TO SCALE

## NOTES:

1. THIS IS A SPECIAL PURPOSE SURVEY TO SHOW THE WALKING DISTANCES BETWEEN SPECIFIED LOCATIONS.
2. DISTANCES AS SHOWN ARE PER A FIELD SURVEY MEASURED DOWN THE CENTER OF SIDEWALKS AND AT 90° ANGLES TO THE CENTER OF ENTRANCE DOORWAYS.

## DISTANCES

- |   |       |   |
|---|-------|---|
| ① | 549'± | ③ |
| ① | 708'± | ④ |
| ② | 501'± | ③ |
| ② | 660'± | ④ |
| ③ | 355'± | ④ |

THIS MAP IS CERTIFIED TO: WALKER CAPITAL HOLDINGS LLC.; CITY OF JACKSONVILLE BEACH

JEREMY A HEWITT, P.S.M.  
FLORIDA LICENSED SURVEYOR AND MAPPER No. LS 7413  
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672

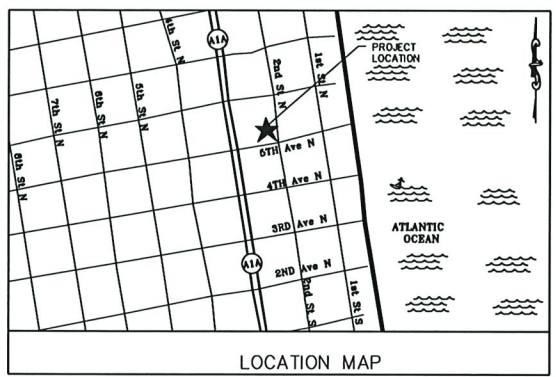
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

CHECKED BY: \_\_\_\_\_  
DRAWN BY: JAH  
FILE #: 2022-1731-2

BOATWRIGHT LAND SURVEYORS, INC.  
1500 ROBERTS DRIVE JACKSONVILLE BEACH, FLORIDA  
(904) 241-8550

DATE: DECEMBER 26, 2022  
SHEET 1 OF 1

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



Zoning Designation: CBD  
Real Estate Appraiser No.: 17418 0010  
FEMA FIRM: 12031C04173  
EFFECTIVE DATE: JUNE 3, 2013  
Flood Zone: AE (1%) & 0.2%  
Total Impervious Area: 9258 SQ. FT.

**SITE INFORMATION**  
OWNER: WALKER CAPITAL HOLDINGS LLC  
201 5TH AVE N  
JACKSONVILLE BEACH 32250  
ENGINEER: HWC PE, CDC  
2743-1 Aniston Road  
JACKSONVILLE, FL 32246  
PHONE: (904) 536-7227  
EMAIL: JEFFREYTYER@COMCAST.NET  
ARCHITECT:  
LANDSCAPE: Jim Klement LA#4622  
P.O. BOX 842  
JACKSONVILLE, FL 32201  
PHONE: (904) 699-7699  
SURVEYOR: ASSOCIATED SURVEYORS, INC  
3846 BLANDFORD BLVD  
JACKSONVILLE FL 32210  
PHONE: (904) 771-6468

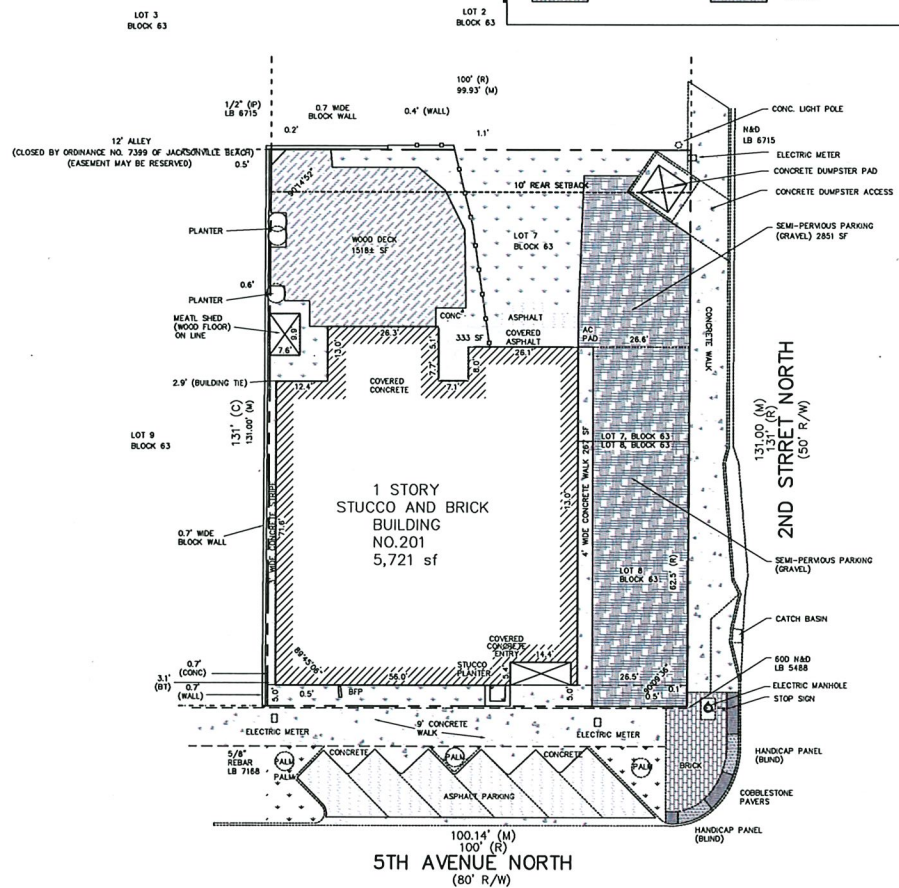
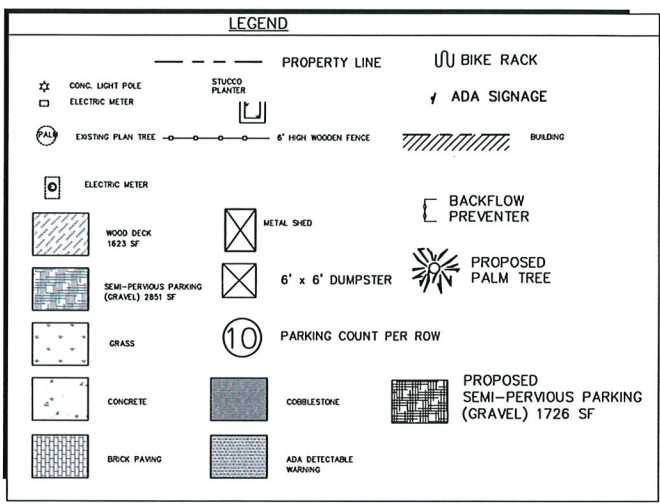
**P&Z EXHIBIT**  
BY: JEFFREY TYER  
2443 FOOTBRIDGE LANE  
JACKSONVILLE, FL 32224  
904-508-7227  
JEFFREYTYER@COMCAST.NET

| No. | Revisions                  | By |
|-----|----------------------------|----|
| 1   | 6-23-2022 CLIENT REVIEW    | J  |
| 2   | 6-27-2022 CLIENT REVIEW    | J  |
| 3   | 6-29-2022 CLIENT REVIEW    | J  |
| 4   | 7-7-2022 2nd CLIENT REVIEW | J  |

**PROPOSED PRELIMINARY SKETCH PLAN**

**Harold W. Coffield P.E.**  
2743-1 Aniston Road • Jacksonville, Florida 32246 • Telephone (904) 536-7227  
Site Design • Civil Engineering • Land Planning • Site Feasibility

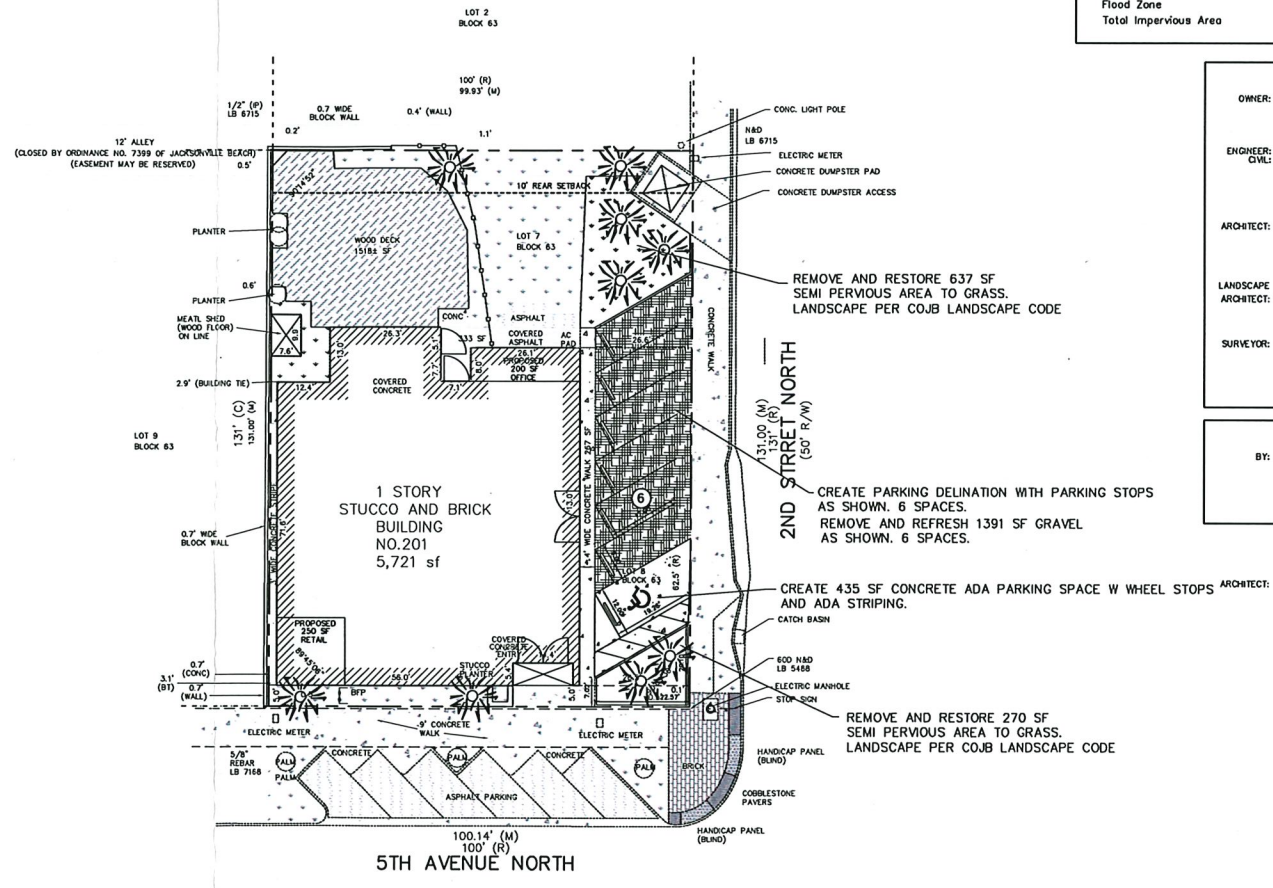
|            |           |
|------------|-----------|
| Date       | 6-21-2022 |
| Scale      | 1:20      |
| Drawn      | JT        |
| Checked By | TYER      |
| Job        | 2022-039  |
| Sheet      | PSP1      |



EXISTING CONDITIONS

| 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         | 2,851   | 0.06  | 21.7 %          |
| WOOD DECK             | 1,518   | 0.03  | 11.5 %          |
| 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 CONTRACTORS RESPONSIBILITY.



PROPOSED PLAN

| 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         | 1,994   | 0.04 | 15.2 %          |
| WOOD DECK             | 1,518   | 0.03 | 11.5 %          |
| 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             |  |

NOTE:  
1. CONTRACTOR SHALL COVER ALL EXCAVATED SAND PILES THAT ARE TO REMAIN FOR MORE THAN 24 HOURS TO PREVENT BLOWING. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE TO SURROUNDING PROPERTY BY BLOWING SAND FROM THE SITE.  
2. A SIX FOOT HIGH FENCE SHALL BE ERECTED AND MAINTAINED AROUND SITE DURING CONSTRUCTION.  
3. THE CONTRACTOR SHALL CORRECT ALL IMPACT (INCLUDING ORANGE) TO NEIGHBORING PROPERTIES (INCLUDING PUBLIC RIGHT OF WAYS AND EASEMENTS) TO THE SATISFACTION OF THE CITY OF JAX BEACH PRIOR TO THE ISSUANCE OF CERTIFICATION OF OCCUPANCY.  
4. ALL ON-SITE GRASSY AREAS IN THE RIGHT OF WAY ADJACENT TO THE PROPERTY SHALL BE IRRIGATED AND MAINTAINED BY THE OWNER.  
5. ALL STRIPING SHALL BE THERMO-PLASTIC.  
6. CONCRETE SLAB THICKNESS NOT PART OF THIS SUBMITTAL.  
7. CONTRACTOR TO REMOVE ALL EXISTING DRIVEWAYS NOT IN USE AND RESTORE RIGHT OF WAY TO ORIGINAL STATE.  
8. CONTRACTOR TO COORDINATE CT SERVICE & OTHER METER CENTER REQUIREMENTS WITH BEACHES ENERGY SERVICES (BES) METER DIVISION.  
9. COORDINATE WITH BES FOR STANDARD SERVICE REQUIREMENTS SUCH AS EASEMENTS, PRIMARY FEE, FINAL ELECTRICAL PLANS, SERVICE DEPOSITS, INSPECTIONS, ETC. CALL DON CUEVAS AT 270-1606 WITH QUESTIONS.

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