



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, July 26, 2021

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.

1. **Call to Order**

2. **Roll Call:** Greg Sutton (Chair), Dave Dahl (Vice-Chair), Britton Sanders, Margo Moehring, Colleen White
Alternates: Justin Lerman

3. **Approval of Minutes:**

(A) July 12, 2021

4. **Correspondence:** None

5. **New Business:**

(A) **PC# 07-21** 1315 3rd Street South

Conditional Use Application for Multi-family dwellings (townhomes) at a property located in the Commercial Limited: C-1 Zoning District, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code, for property located at 1315 3rd Street South, legally described as Lots 1 and 2, Block 133, Pablo Beach South.

(B) **PC# 08-21** 3818 3rd Street South

Planned Unit Development: PUD Zoning Amendment Application to allow the outside storage and display of merchandise and outdoor restaurant areas, amending a **Planned Unit Development: PUD** rezoning as approved in 1989 by Ordinance No. 7411, as amended, governing the South Beach Regional Shopping Center, located at 3790 3rd Street South.

6. **Planning Department Report:** The next meeting is tentatively scheduled for Monday, August 23, 2021.

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, July 12, 2021, 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 7:00 P.M. by Chairman Greg Sutton.

Roll Call

Chairman: Greg Sutton

Vice-Chairman: David Dahl

Board Members: Margo Moehring Britton Sanders (*absent*) Colleen Murphy White

Alternates: Justin Lerman

Also present were Senior Planner Christian Popoli and Staff Assistant Sheila Boman.

Approval of Minutes

The following minutes were passed unanimously by a voice vote:

- June 14, 2021

Correspondence - None

New Business

(A) PC#06-21 Conditional Use Application

Owner: JBO, LLC
4233 Pablo Professional Court, STE 201
Jacksonville, FL 32224

Applicant: Melissa Dionne LLC DBA Jax BCH Counseling, LLC
121 Annapolis Lane,
Ponte Vedra, FL 32082

Agent: Kate Clifford
422 Jacksonville Drive,
Jacksonville Beach, FL 32250

Location: 402 4th Street North

Conditional Use Application for a miscellaneous health office, located in the Residential, Multi-family: RM-1 zoning district, pursuant to Section 34-339(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli read the following report into the record:

The subject property is located on the northwest corner of 4th Street North and 3rd Avenue North. The site is currently a Residential Multi-family zoned property, with a multi-tenant commercial structure and

associated parking lot. The structure has housed several previous commercial uses since 1998, and has a dedicated parking facility.

The structure is of a more residential appearance and architectural design, helping it blend in with the residential uses in this transitional area. The existing parking facility has adequate spaces for the office square footage and is designed to the standards of the Land Development Code. There is adequate ingress and egress on the property, including isle width to not have a negative impact on surrounding traffic. The use is one of several less intensive uses allowed under the RM-1 zoning district with Conditional Use approval. The site has adequate screening to reduce any negative impact on the surrounding properties. Staff finds the proposed use is consistent with the standards in Sec. 34-231 of the Land Development Code.

Public Hearing:

Applicant Melissa Dionne stated she planned to open a mental health counseling office.

Mr. Sutton closed the Public Hearing.

Discussion:

There was no discussion by the Commission.

Motion: It was moved by Mr. Lerman and seconded by Ms. White to approve the Conditional Use Application.

Roll call vote: Ayes – David Dahl, Margo Moehring, Colleen M. White, Justin Lerman, and Greg Sutton

The application was unanimously approved.

Planning & Development Director's Report

Mr. Popoli announced the next meeting was scheduled for Monday, July 26, 2021.

Adjournment

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 7:07 P.M.

Submitted by: Sheila Boman
Staff Assistant

Approval:

Chairman

Date



CONDITIONAL USE APPLICATION

PC No. 7-21
AS/400# 21-100105
HEARING DATE 7-26

JUN 22 2021

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: Ameris Bank
Mailing Address: 7825 Baymeadows Way, Suite 200-B
Jacksonville FL 32256

Telephone: (904) 292-3722
Fax: _____
E-Mail: skip.mullins@amerisbank.com

Applicant Name: John Atkins
Mailing Address: PO Box 51262
Jacksonville Beach, FL 32240

Telephone: (904) 465-3749
Fax: _____
E-Mail: atkinsbuilders@hotmail.com

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

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

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: 13XX S. 2nd St. 1315 3rd ST S.

Legal Description of property (attach copy of deed): Lots 1 & 2 Block 133, Pablo Beach South,

Current Zoning Classification: C-1
CG-1

Future Land Use Map Designation: RM-2

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: _____

Describe the proposed conditional use and the reason for the request: _____

Residential attached single family

Applicant Signature: _____

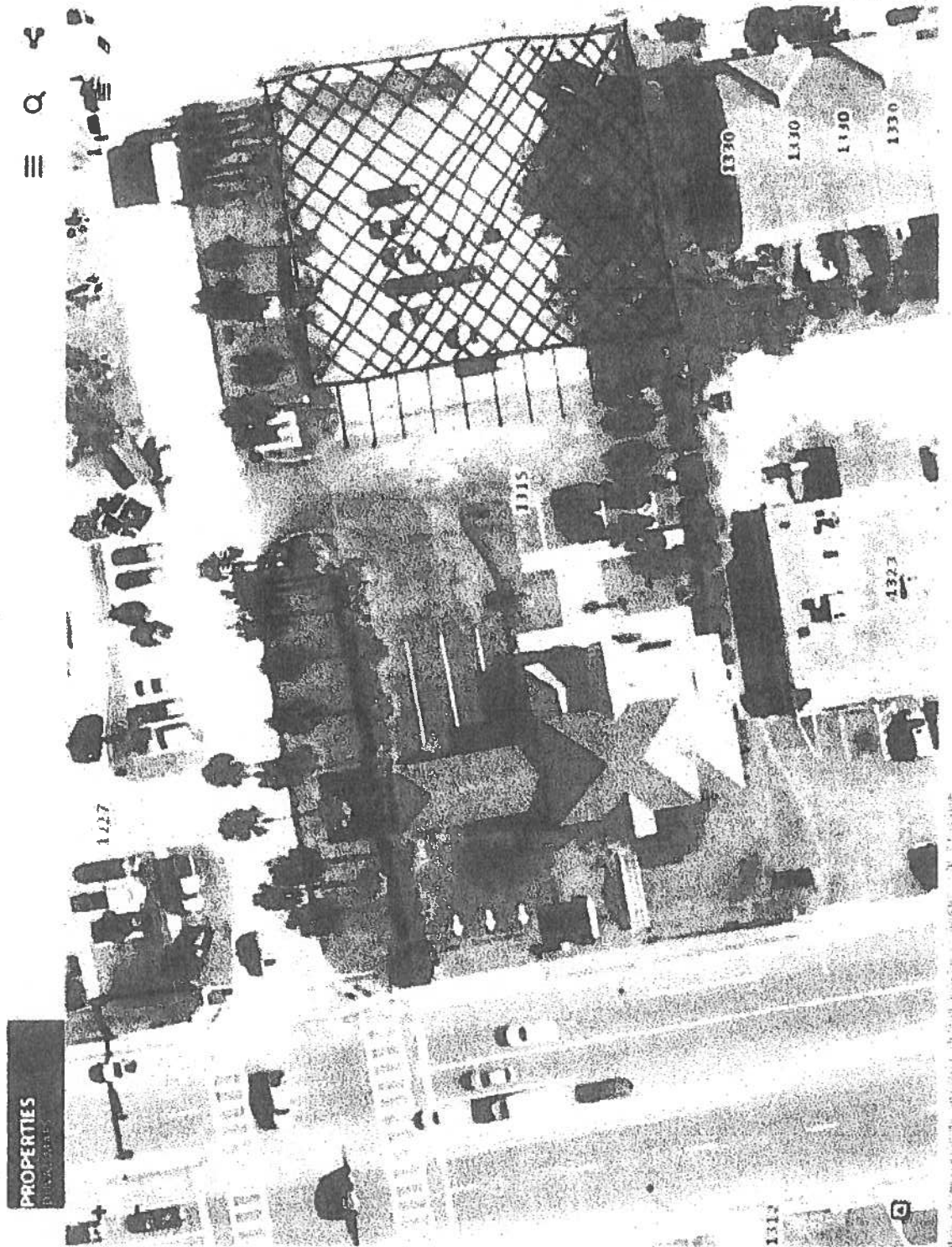
Date: 6/21/21

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.

EXHIBIT "A"
AERIAL DEPICTION OF PROPERTY



21-100105

JUN 22 2021

PC 7-21

PLANNING & DEVELOPMENT

SITE PLAN



DATA SUMMARY

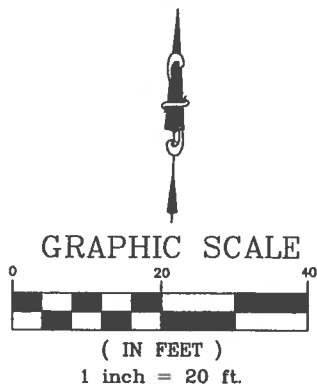
REQUIRED OFF-STREET PARKING

BASE BUILDING AREA: ± 3178 SF

PER SEC. 34-377 OFF-STREET PARKING
BANK = 1 SPACE PER 250SF

REQUIRED PARKING:
 $3178 \text{ SF} / 250 = 12.7 \text{ SPACES}$

PROVIDED PARKING: 19 SPACES



CHECKED BY: RKP
DRAWN BY: DB
FILE: 3000-21

AMERIS BANK
NEW PARKING LAYOUT
1315 SOUTH 3RD ST
JACKSONVILLE BEACH, FL

Robert K. Phillips, PE
1550 Selva Marina Dr, Atlantic Beach, Florida
(904) 903-8715 FL PE 48896

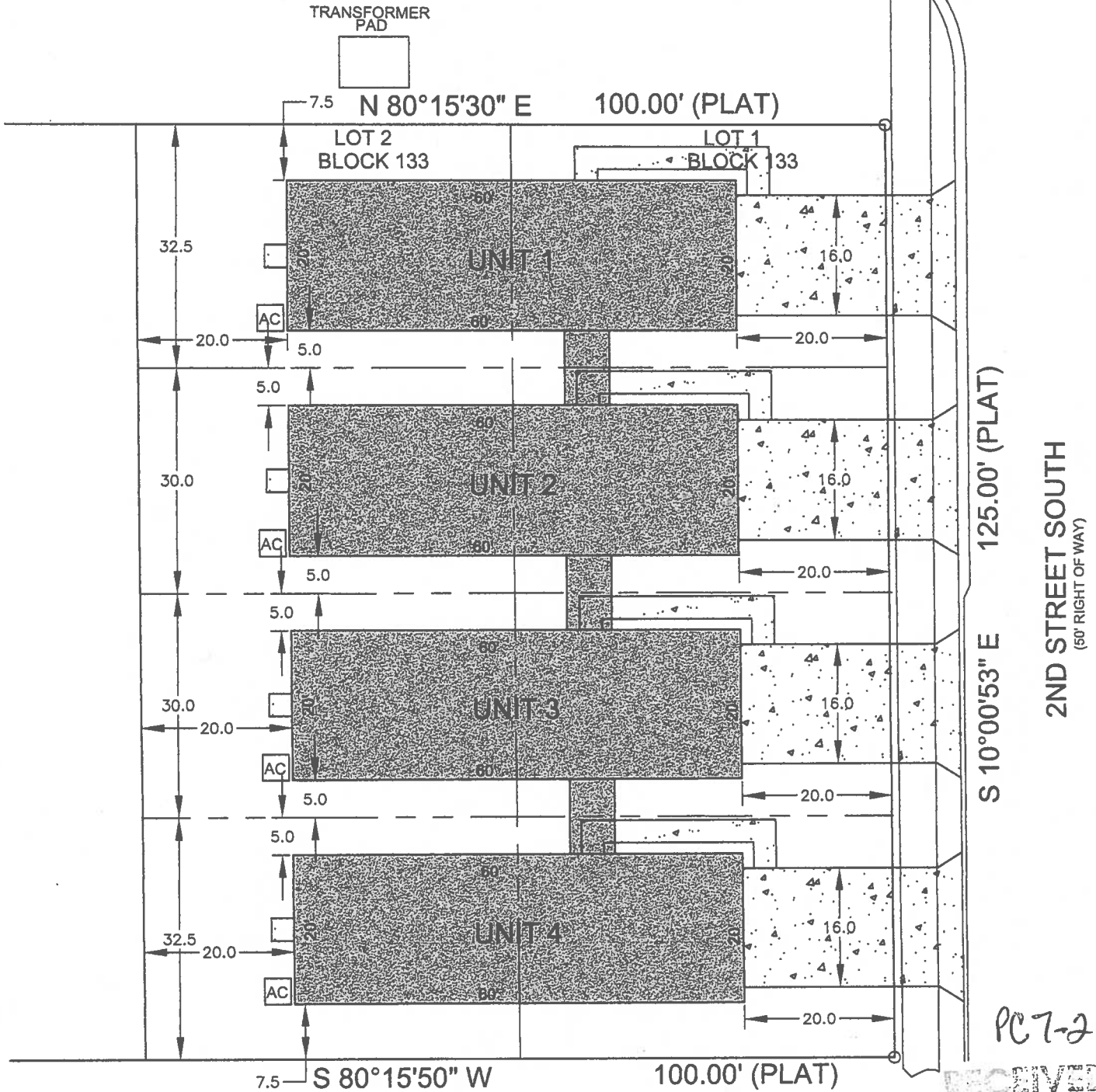
DATE: JULY 2021

SHEET 1 OF 1

SITE PLAN

13TH AVENUE SOUTH
(80' RIGHT OF WAY)

18" CURB AND GUTTER



S 10°00'53" E 125.00' (PLAT)

2ND STREET SOUTH
(50' RIGHT OF WAY)

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LOT 11
BLOCK 133

LOT 12
BLOCK 133

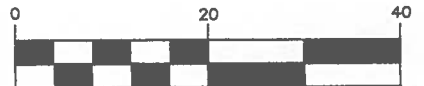
PLANNING & DEVELOPMENT

DATA SUMMARY

POST-DEVELOPMENT DATA:

SITE AREA:	±12,500 SF
IMPERVIOUS AREA:	
BUILDINGS:	4,800 SF
CONCRETE PAVEMENT:	1,736 SF
TOTAL:	6,536 SF
PERCENT IMPERVIOUS:	52.28%
6,536 SF / 12,500 SF	

GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

CHECKED BY: RKP
DRAWN BY: DB
FILE: 4000-21

2ND ST S & 13TH AVE S
LOTS 1 & 2, BLOCK 133
JACKSONVILLE BEACH, FL
DEVELOPMENT

Atkins Builders

DATE: JUNE 2021

SHEET 1 OF 1

MAP SHOWING BOUNDARY SURVEY OF

LOTS 1 THROUGH 6, BLOCK 133, PABLO BEACH SOUTH, AS RECORDED IN
PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC
RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:



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PLANNING

GENERAL NOTES:

- BEARINGS ARE BASED ON THE ASSUMED BEARING OF N 80°15'30" E ALONG THE SOUTHERLY RIGHT OF WAY LINE OF 13th AVENUE SOUTH.
- BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X", AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED JUNE 3, 2013, COMMUNITY NUMBER 120078, PANEL 0419 H.
- THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

LEGEND:

- R = RADIUS
- L = LENGTH
- X- = FENCE
- = CONCRETE
- = SET 1/2" REBAR STAMPED PSH#145
- = FOUND 1/2" IRON PIPE NO IDENTIFICATION (UNLESS OTHERWISE NOTED)
- PC = POINT OF CURVATURE
- PCC = POINT OF COMPOUND CURVATURE
- PRC = POINT OF REVERSE CURVATURE
- PT = POINT OF TANGENCY
- A/C = AIR CONDITIONER

SCALE: 1" = 20'

DATE OF FIELD SURVEY: 03-03-16

JOB # 29017

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 72.027, FLORIDA STATUTES.

Raymond Thompson
RAYMOND THOMPSON
REGISTERED SURVEYOR AND MAPPER
LICENSE NO. 6146 STATE OF FLORIDA
LICENSE NO. 7469



**Ray Thompson
SURVEYING, Inc.**
Going the DISTANCE for You
1825 University Boulevard West
Jacksonville, Florida 32217
(Phone) 904-448-5125
(Fax) 904-448-5178

LAND SURVEYS

CONSTRUCTION SURVEYS

SUBDIVISIONS



REZONING APPLICATION

JUN 25 2021

PC No. 8-21

AS/400# 21-100109

PC HEARING 7.26.21

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

APPLICANT INFORMATION

Land Owner's Name: Regency Centers LP

Telephone: 904-598-7000

Mailing Address: One Independent Drive, Suite 114

Fax:

Jacksonville, FL 32202

Attn: Jacksonville Property Management

E-Mail: patrickmckinley@regencycenters.com

Applicant Name: Steven Diebenow

Telephone: (904) 301-1269

Mailing Address: One Independent Drive, Ste 1200

Fax:

Jacksonville, FL 32202

E-Mail: SD@DriverMcAfee.com

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

Agent Name: SAME AS APPLICANT

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

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

REZONING DATA

Street address of property and/or Real Estate Number: 3818 South 3rd Street, Jacksonville Beach, FL 32250

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

Current Zoning Classification: PUD

Future Land Use Map Designation: _____

Proposed Zoning Classification: PUD

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

Applicant Signature: [Signature]

Date: 12-29-20

NARRATIVE DESCRIPTION
South Beach Regional Shopping Center
Proposed Modification to Planned Unit Development and
Preliminary Development Plan as Amended and Approved
June 24, 2021

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Regency Centers LP (“Owner”) owns the property known as the South Beach Regional Shopping Center, located in Jacksonville Beach, Florida 32250 (RE#181416 1110) (the “Property”). The following is a description of proposed modifications to the Existing Planned Unit Development (“Existing PUD”) and the Preliminary Development Plan as Amended and Approved (“PDPA”) supporting same. Also included is an explanation of why the proposed modifications comply with the standards governing PUD rezonings and PDPs in the Land Development Code (“LDC”).

INTRODUCTION

The Owner is proposing two (2) modifications to the Existing PUD to permit: 1) outdoor restaurant areas in four (4) locations; and, 2) outdoor retail display and sales areas on the Property. Everything else in the PUD has been previously evaluated, found to be in compliance with the LDC, and will remain as previously permitted in the PUD.

The Owner is proposing two (2) modifications to the PDPA to permit: 1) outdoor restaurant areas in four (4) locations¹; and, 2) outdoor retail display and sales areas on the Property. Everything else on the PDP has been previously evaluated, found to be in compliance with the LDC, and will remain as previously permitted in the PDPA.

Development Team

Owner: Regency Centers LP
c/o Patrick McKinley
One Independent Drive, Suite 114
Jacksonville, FL 32202
PatrickMcKinley@regencycenters.com
(904) 598-7468

Applicant/Agent: Steve Diebenow
Driver, McAfee, Hawthorne & Diebenow
One Independent Drive, Suite 1200
Jacksonville, FL 32202
sd@drivermcafee.com
(904) 301-1269

¹ In accordance with the LDC, 1 parking space shall be required for each 250 square feet of outdoor restaurant areas. The proposed PUD and PDP will comply with this requirement as further detailed below.

Future Land Use

South Beach District (Mixed Use).

Current Zoning

The PUD was originally established on April 24, 1989 by Ordinances 7411 and subsequently amended by Ordinances 7436, 95-7635, 2006-7928, 2009-272, 2013-8033, and 2016-8077 (collectively, the "PUD"). Pursuant to 95-7635, the Property was divided into distinct Parcels: Parcel #5 (Main Center), *K-Mart* Parcel, Sandcastle Parcel and Parcel #4.

PRELIMINARY DEVELOPMENT PLAN

The Owner is proposing two (2) modifications to the PDPA to permit: 1) outdoor restaurant areas in four (4) locations; and, 2) outdoor retail display and sales areas on the Property. Everything else on the PDP has been previously evaluated, found to be in compliance with the LDC, and will remain as previously permitted in the PDPA. The proposed modifications will protect the health safety and welfare of the citizens of Jacksonville Beach.

Restaurant

The four (4) locations identified for future outdoor restaurant areas are shown on Exhibit I. Notwithstanding Section 34-707 of the LDC, Owner may develop up to 60% of the enclosed space at each of these locations (the "Restaurants") for outdoor restaurant areas. Outdoor restaurant areas may take the place of the current vehicular drive through lanes. Owner may continue to use the drive through windows as walk-up windows if outdoor restaurant areas is established.

Parking

There are presently 1,419 parking spots on the Property per Exhibit H. The Owner is proposing to permit additional outdoor restaurant areas in four (4) locations² as depicted on Exhibit I.

Review Standards

Pursuant to **Section 34-348(d)**, "[p]rior to receipt of a planned unit development (PUD) zoning district classification, land must receive approval of a preliminary development plan for PUD pursuant to the procedures and standards of this section. The preliminary development plan for a PUD zoning district classification must then receive approval of a development plan pursuant to the procedures and standards of **Section 34-251³ et. seq.**"

² In accordance with the LDC, 1 parking space shall be required for each 250 square feet of outdoor restaurant areas. Any new parking spaces required to permit outdoor restaurant areas will be deducted from the 158 excess parking spaces shown on Exhibit I.

³ Per **Section 34-251** "[d]evelopment plans shall be required in accordance with the provisions of this section in order to ensure that the proposed development complies with the site development standards in Article VIII and

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The PDP for a PUD zoning district classification shall be evaluated based on the standards of Section 34-348(j)3:

(3) Standards. A preliminary development plan for a PUD shall comply with the following standards:

- a. Area. There shall be no minimum acreage required.

N/A

- b. Unified ownership or control. The title to all land that is part of a PUD zoning district designation shall be owned or controlled by one person. A person shall be considered to control all lands in the PUD either through ownership or written consent of the owners of the land to be subject to the conditions and standards of the development order for the development plan for the PUD zoning district designation.

Please see attached Application and Exhibits B and C.

- c. Density. Residential development shall not exceed the maximum densities established in the RM-2 zoning district.

N/A

- d. Building height: Thirty-five (35) feet.

No buildings are proposed to exceed 35 feet in height.

- e. Access. Safe and adequate access shall be provided to all development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or a commonly owned easement. City-owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic municipal services such as fire and police protection and emergency service needs of the residents of the PUD.

Please see attached Exhibit I. The proposed changes to vehicular access would be to potentially remove two (2) existing vehicular drive through lanes to permit outdoor restaurant areas areas.

other requirements of the LDC, and to otherwise protect the public health, safety and general welfare of the citizens of the City of Jacksonville Beach.”

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- f. Off-street parking and loading. The off-street parking and loading standards for the preliminary development plan for PUD shall comply with the requirements of article VIII, division 1.

Please compare the attached Exhibit H to the attached Exhibit I. There are presently 1,419 parking spots on the Property per Exhibit H. There will be 158⁴ more parking spaces on the Property than required by the LDC.

- g. Adequate public facilities. There shall be a demonstration that the development proposed in the preliminary development plan complies with article X, adequate public facilities standards.

The Property has been fully developed for many years and there has been no indication of inadequate public facilities. Expanding the outside retail sales areas, potentially converting two (2) existing drive through lanes to allow outdoor restaurant areas and permitting outdoor restaurant areas at two (2) other locations, will not diminish the provision of adequate public facilities in any way.

- h. Common recreation and open space. The preliminary development plan shall comply with the following common recreation and open space standards.

1. A minimum of twenty (20) percent of the gross land in the development plan shall be reserved for common recreation and usable open space. Parking areas, street rights-of-way, or minimum yards and spacing between buildings shall not be included when determining usable open space. Water bodies contained on-site may account for up to fifty (50) percent of the required open space.

The Owner is proposing two (2) modifications to the PDPAA to permit: 1) outdoor restaurant areas in four (4) locations; and, 2) outdoor retail display and sales areas on the Property. Everything else on the PDP has been previously evaluated, found to be in compliance with the LDC, and will remain as previously permitted in the PDPAA.

2. All common open space and recreational facilities shall be included in the development plan. Such common open space and recreational facilities shall be constructed and fully improved according to the development schedule established for each development phase of the development plan.

The Owner is proposing two (2) modifications to the PDPAA to permit: 1) outdoor restaurant areas in four (4) locations; and, 2) outdoor retail display and sales areas on the Property. Everything else on the PDP has been previously evaluated, found to

⁴ In accordance with the LDC, 1 parking space shall be required for each 250 square feet of outdoor restaurant areas. Any new parking spaces required to permit outdoor restaurant areas will be deducted from the 158 excess parking spaces shown on Exhibit I.

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3 DEVELOP

be in compliance with the LDC, and will remain as previously permitted in the PDPAA.

3. All privately owned common open space shall continue to conform to its intended use as specified in the development plan. To ensure that all the common open space identified in the development plan will be used as common open space, restrictions and/or covenants shall be placed in each deed to ensure their maintenance and prohibit the partition of any common open space.

A full array of real estate restrictions and covenants have been recorded in the public record since the Property was fully developed to ensure that all common space will be properly maintained. Nothing in this Application will modify or diminish these.

4. If common open space is proposed to be maintained through an association or nonprofit corporation, such organization shall conform to the following standards.

N/A

- i. The association or nonprofit corporation shall be established prior to the sale of any lots or units within the development plan for PUD.
- ii. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the development plan for PUD.
- iii. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public; and shall provide for the maintenance, administration and operation of such land and any other land within the development plan for PUD not publicly owned, and secure adequate liability insurance on the land.

- i. Compatibility of open spaces. Open space uses shall be designed in a compatible manner.

The Owner is proposing two (2) modifications to the PDPAA to permit: 1) outdoor restaurant areas in four (4) locations; and, 2) outdoor retail display and sales areas on the Property. Everything else on the PDP has been previously evaluated, found to be in compliance with the LDC, and will remain as previously permitted in the PDPAA.

- j. Compatibility with surrounding land uses. The development proposed in the Preliminary development plan shall be consistent with the character of surrounding land uses.

The proposed two (2) changes outlined throughout this application are not inconsistent with the current uses at the Property which have been deemed consistent with surrounding land uses for more than two (2) decades. The proposed two (2) changes outlined throughout this application are also not inconsistent with the surrounding uses.

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- k. Beach access. The preliminary development plan shall not diminish existing public beach access.

N/A

- l. Consistency with comprehensive plan. The preliminary development plan shall be consistent with the comprehensive plan.

Expanding the outdoor retail display and sales areas, potentially converting two (2) existing drive through lanes to allow outdoor restaurant areas and permitting outdoor restaurant areas at two (2) other locations, will not cause the existing PUD to be non-compliant with the South Beach District 2030 Comprehensive Plan Future Land Use Map Designation.

PROPOSED PUD MODIFICATIONS

The Owner is proposing two (2) modifications to the Existing PUD to permit: 1) outdoor restaurant areas in four (4) locations; and, 2) outdoor retail display and sales areas on the Property. Everything else in the PUD has been previously evaluated, found to be in compliance with the LDC, and will remain as previously permitted in the PUD.

Owner requests that the Conditions adopted pursuant to Ordinance 2016-8077 continue to apply except and that a new Condition 20. shall be added as follows:

20. Outdoor retail display and sales areas of merchandise and outdoor restaurant areas shall be allowed adjacent to the building as shown on Exhibit I hereto (Ordinance No. 2021-____), however, clear ingress and egress shall be required to be maintained to the buildings, and clear sidewalk access shall be maintained to the shopping center at all times. All areas used for outdoor retail display and sales areas and outdoor restaurant areas shall be fire sprinklered if under canopy.

Restaurant

The four (4) locations identified for future outdoor restaurant areas are shown on Exhibit I. Notwithstanding Section 34-707 of the LDC, Owner may develop up to 60% of the enclosed space at each of these locations (the "Restaurants") for outdoor restaurant areas. Outdoor restaurant areas may take the place of the current vehicular drive through lanes. Owner may continue to use the drive through windows as walk-up windows if outdoor restaurant areas are established.

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Parking

There are presently 1,419 parking spots on the Property per Exhibit H. The Owner is proposing to permit additional outdoor restaurant areas in four (4) locations⁵ as depicted on Exhibit I.

Review Standards

In accordance with **Section 34-348(a)** the intent of the PUD zoning district designation is to permit such flexibility and provide performance criteria for PUD which are as follows:

Please see attached Exhibit I. The Owner is proposing two (2) modifications to the Existing PUD to permit: 1) outdoor restaurant areas in four (4) locations; and, 2) outdoor retail display and sales areas on the Property. Everything else in the PUD has been previously evaluated, found to be in compliance with the LDC, and will remain as previously permitted in the PUD.

- (1) Permits a creative approach to the development of land;

The proposed PUD modification allows outdoor restaurant areas in four (4) locations, the conversion of two (2) existing vehicular drive through lanes to allow outdoor restaurant areas adjacent to existing tenant spaces and additional outdoor retail display and sales areas on the Property.

- (2) Accomplishes a more desirable environment than would be possible through the strict application of the minimum standards of this Code;

The proposed PUD modification allows the Owner to repurpose retail space. A strict application of the existing PUD would restrict a use that is not inconsistent with the LDC and the City's Comprehensive Plan. The proposed PUD modification also allows the conversion of two (2) drive through lanes to permit outdoor restaurant areas.

- (3) Provides for an efficient use of land, resulting in small networks of utilities and streets, thereby lowering development costs;

Repurposing existing built space and potentially converting two (2) existing vehicular drive through lanes to permit outdoor dining along with outdoor sales represents an efficient use of existing developed land.

- (4) Enhances the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;

⁵ In accordance with the LDC, 1 parking space shall be required for each 250 square feet of outdoor restaurant areas. Any new parking spaces required to permit outdoor restaurant areas will be deducted from the 158 excess parking spaces shown on Exhibit I.

A full array of real estate restrictions and covenants have been recorded in the public record since the Property was fully developed to ensure that all common space will be properly maintained. Nothing in this Application will modify or diminish these.

- (5) Provides an opportunity for new approaches to ownership;

N/A

- (6) Provides an environment of stable character compatible with surrounding areas; and

The proposed PUD modification allows the Owner to convert two (2) drive through lanes to permit outdoor restaurant areas along with additional outdoor restaurant areas and outdoor retail display and sales areas provides an environment of stable character. These proposed modifications are not in consistent with the current uses at the Property which have been deemed compatible with surrounding land uses for more than two (2) decades.

- (7) Retains property values.

The proposed PUD modification allows the Owner to convert two (2) drive through lanes to permit outdoor restaurant areas along with additional outdoor restaurant areas and outdoor retail display and sales areas which clearly enhances the Property value.

In accordance with **Section 34-211(c)**, “the city council shall consider the adoption of an ordinance enacting the proposed amendment based on one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.”

- (1) Whether the proposed amendment is consistent with the comprehensive plan;

Repurposing existing built space and potentially two (2) existing vehicular drive through lanes while adding outdoor restaurant areas and outdoor retail display and sales areas is not inconsistent with the proposed uses in the South Beach District Future Land Use Category. The Property has been deemed consistent with the comprehensive plan for more than two (2) decades and these proposed changes are not inconsistent with the comprehensive plan.

- (2) Whether the proposed amendment is in conflict with any portion of the LDC;

The proposed modification to the PUD is not in conflict with applicable portions of the LDC.

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- (3) Whether and the extent to which the proposed amendment is consistent with existing and proposed land uses;

Repurposing existing built space and potentially two (2) existing vehicular drive through lanes while adding outdoor restaurant areas and outdoor retail display and sales areas is not inconsistent with the proposed uses in the South Beach District Future Land Use Category. The Property has been deemed consistent with the comprehensive plan for more than two (2) decades and these proposed changes are not inconsistent with the comprehensive plan.

- (4) Whether and the extent to which there are any changed conditions that require an amendment;

The primary changed condition that Owner seeks to address is the increased demand for outdoor restaurant areas and sales experiences in Jacksonville Beach.

- (5) Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether and the extent to which the proposed amendment would exceed the level of service standards established for public facilities in the comprehensive plan;

The Property has been fully developed for many years and there has been no indication of inadequate public facilities or that the current uses would exceed the level of service standards established for public facilities. Repurposing existing built space and potentially two (2) existing vehicular drive through lanes while adding outdoor restaurant areas and outdoor retail display and sales areas will not diminish the provision of adequate public facilities in any way.

- (6) Whether, and the extent to which, zoning district boundaries are not properly drawn on the official zoning atlas;

N/A

- (7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the coastal environment;

The proposed modifications to the PUD would not result in any significant adverse impacts of any kind.

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- (8) Whether and the extent to which the proposed amendment would adversely affect the property values in the area;

Repurposing existing built space and potentially two (2) existing vehicular drive through lanes while adding outdoor restaurant areas and outdoor retail display and sales areas will enhance the Property value and will not adversely affect property in the area.

- (9) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;

Repurposing existing built space and potentially two (2) existing vehicular drive through lanes while adding outdoor restaurant areas and outdoor retail display and sales areas are logical and orderly extensions of an existing orderly development pattern.

- (10) Whether it is impossible to find other lands in the city for the proposed use in a zoning district that permits such use as of right.

N/A

CONCLUSION

As demonstrated above, the proposed modifications to the Existing PUD and supporting PDPAA comply with all of the standards governing a rezoning in the LDC and the City's Comprehensive Plan. As a result, Owner respectfully requests recommendations of approval for both the proposed PDP and PUD modifications.

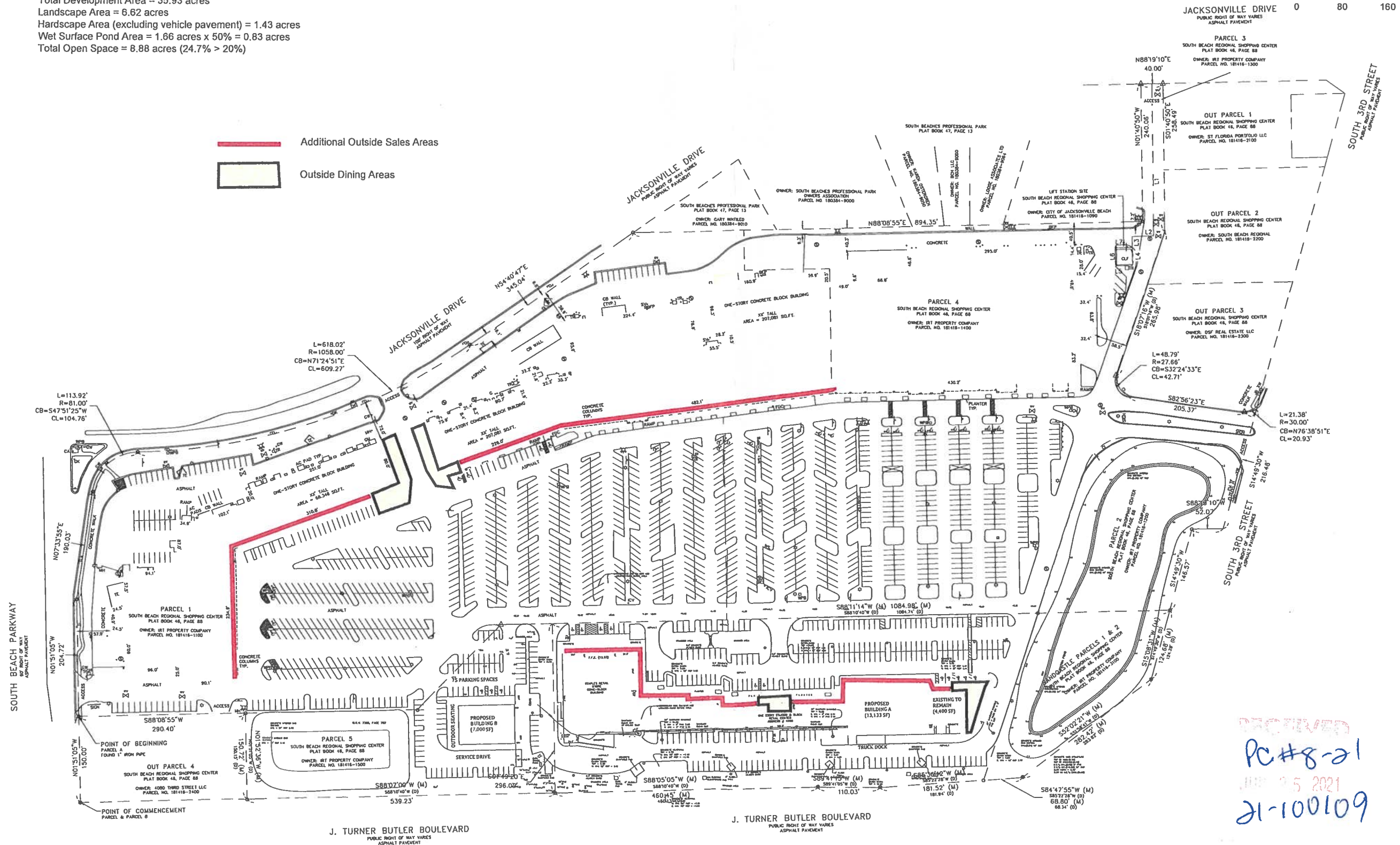
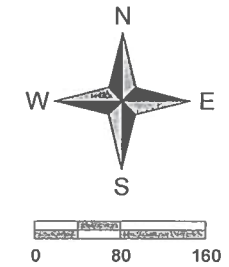
- EXHIBIT A: Legal Description
- EXHIBIT B: Agent Authorization
- EXHIBIT C: Warranty Deed
- EXHIBIT D: Property Appraiser Page
- EXHIBIT E: Duval County Property Appraiser Map
- EXHIBIT F: Future Land Use Map
- EXHIBIT G: Zoning Map
- EXHIBIT H: Current Parking Conditions
- EXHIBIT I: Preliminary Development Plan dated June __, 2021

PROPOSED

Building Area Calculations
Approved Total Building Area (GLA) = 315,285 sf

Parking Calculations:
Total Required Parking = $315,285/250 = 1,261$ spaces
Approved Parking Spaces = 1,419 spaces (4.5 per 1,000 sf)

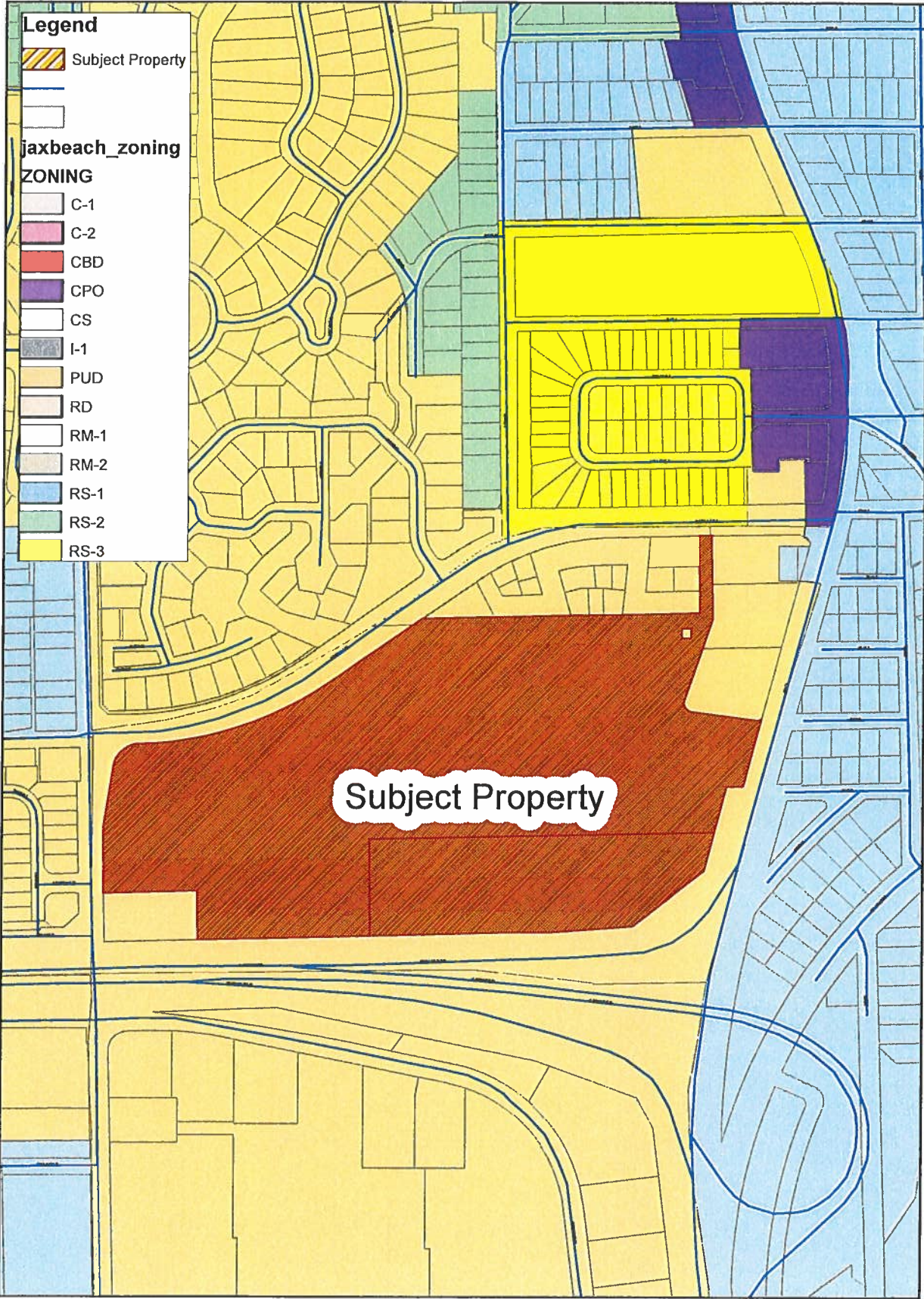
Open Space Calculations:
Total Development Area = 35.93 acres
Landscape Area = 6.62 acres
Hardscape Area (excluding vehicle pavement) = 1.43 acres
Wet Surface Pond Area = 1.66 acres x 50% = 0.83 acres
Total Open Space = 8.88 acres (24.7% > 20%)



South Beach Regional
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DATE	03/02/21
ISSUE/DESCRIPTION	05/24/21
PUD APPLICATION	
PUD RESUBMITTAL	
CURRENT DEVELOPMENT PLAN	
EXHIBIT H	



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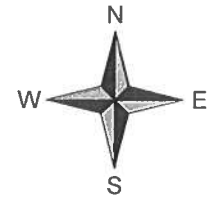


EXISTING

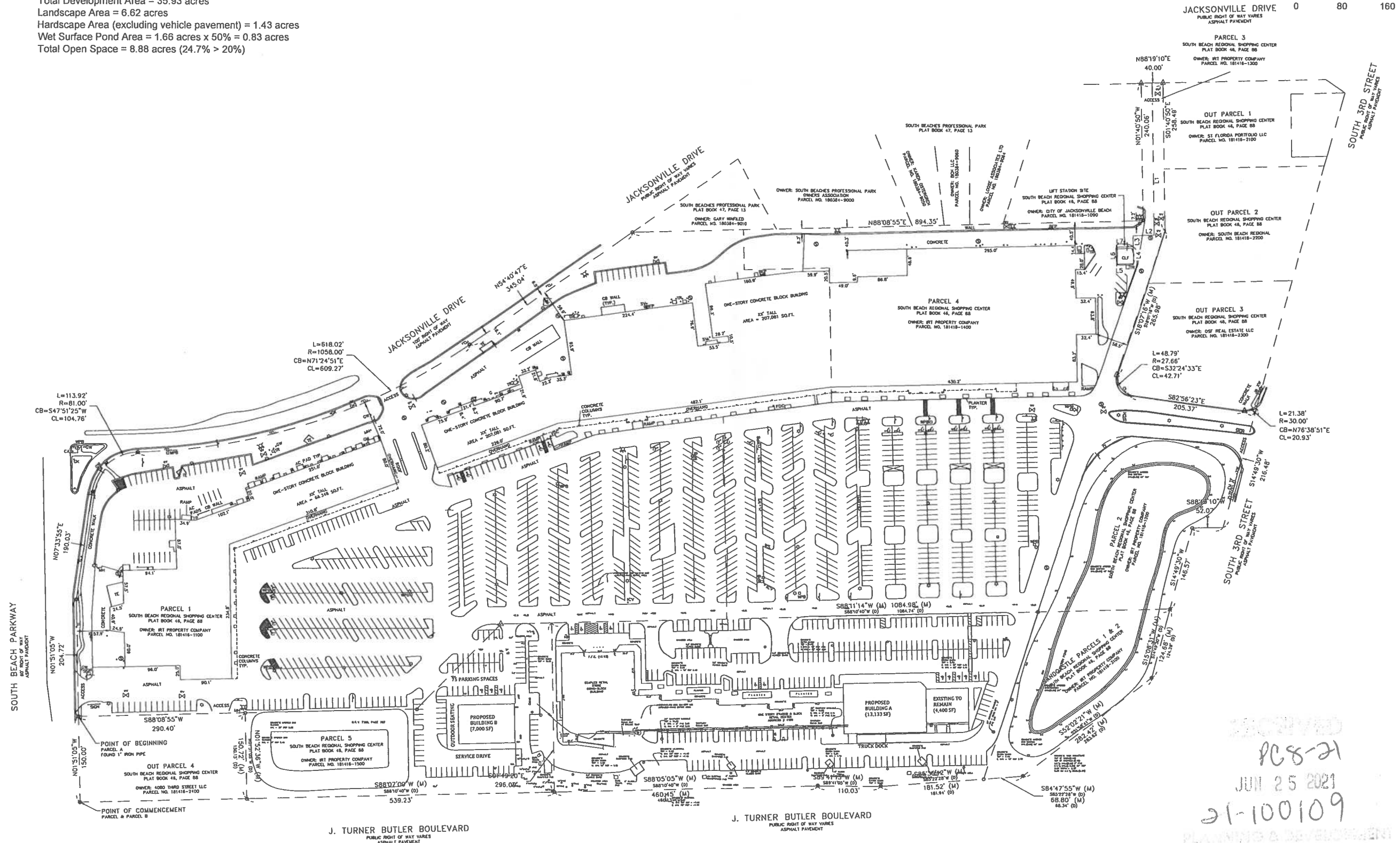
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South Beach Regional
Shopping Center
Jacksonville Beach, Florida

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CURRENT
DEVELOPMENT
PLAN

EXHIBIT-H