



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda Amended

City Council

Monday, October 18, 2021

6:00 PM

Council Chambers

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

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

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- A. Council Workshop held on September 27, 2021 (Charter Review)
- B. Regular Council Meeting held on October 4, 2021

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- A. Accept/Reject the Monthly Financial Reports for September 2021
- B. Approve/Disapprove an Agreement of Assumption and Release with Gates of Times Square, LLC, transferring ownership, operation, and maintenance of six power poles, light fixtures, conduits, and wires inside the conduits on the property of Seawalk Village Shopping Center to Gates of Times Square, LLC
- C.
 - 1. Approve/Disapprove attorney's fees due to Roper, P.A., in excess of \$25,000 for FY2021; and
 - 2. Approve/Disapprove Amendment 1 to the Legal Services Agreement between the City of Jacksonville Beach and Roper, P.A.

RESOLUTIONS

ORDINANCES

- A. Approve/Disapprove Ordinance No. 2021-8167 amending PUD Ordinance No. 7411, as

amended, supplementing the comprehensive zoning regulations (South Beach Regional Shopping Center)(SECOND READING)(PUBLIC HEARING)

ADJOURNMENT**NOTICE**

The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk or 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.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations 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.

The Council Workshop began at 5:30 P.M.

The following City Council Members were in attendance:

Mayor: Christine Hoffman

Council Members: Georgette Dumont Sandy Golding Dan Janson
Fernando Meza Cory Nichols Chet Stokes

Also present were City Manager Mike Staffopoulos, Director of Planning & Development Heather Ireland, City Clerk Sheri Gosselin, Attorney Cliff Shepard, and Attorney Patrick Brackins.

Purpose of Workshop

The purpose of the workshop was to review Sections 52 and 53 of the City's Charter and recommend any revisions.

Attorney Cliff Shepard presented proposed revisions [on file] to be considered to the City Charter regarding the following sections:

- Section 52. Zoning authority
- Section 53. Improvements; assessment of cost against property benefited.

Section 52. Zoning authority

Attorney Cliff Shepard stated the proposed language adding a new subsection (2)(b) related to height incentives came from staff. Mr. Shepard explained the concept of incentives. City Manager Mike Staffopoulos stated the proposed language was drafted by him, with input from Director of Planning and Development Heather Ireland and Mr. Shepard. Mr. Staffopoulos explained one of the benefits of the new addition to Section 52 would be the creation of incentives for development in the Downtown area. Mr. Staffopoulos stated this proposed addition should be used as a starting point for further conversation by the Council.

A discussion ensued regarding the proposed subsection addition, the current wording, possible incentives for developers, the history of the current height restriction, and the boundaries of the Central Business District (CBD). Council Member Dumont explained for public clarification that any proposed changes discussed during the Charter Review workshops are for the Council to discuss at a later meeting to decide what should be placed on the ballot in 2022 for the public. She said there would be an opportunity for community input.

Attorney Patrick Brackins noted there was a consensus by the Council for a workshop on the language, a sunset provision, the scope of the CBD, and for having a survey of the citizens and developers. Mr. Staffopoulos stated he would revise the proposed language based on Council's input and provide the Council with a preliminary list of incentives the community could consider. Mr. Staffopoulos suggested an open house would be held once information was provided to and agreed upon by the Council. It was the consensus of the Council to follow the suggestions of Mr. Staffopoulos and Mr. Brackins.

Section 53. Improvements; assessment of cost against property benefited.

Mr. Brackins reviewed the proposed changes to Section 53. The consensus of the Council was to move forward with the proposed changes.

Intoxicating Liquors

Mr. Staffopoulos stated he conferred with the Planning and Development group on information thought to be beneficial for the Council to help with making a decision regarding intoxicating liquor. The following information was proposed to the Council:

- A list of all alcohol establishments in the City (as provided by the police department), with the 4COP and SRX extensions broken out.
- A calculation showing how many licenses are allowed under the 1950 census, with 1 per 550, and how many it would be with the 2020 census numbers at 1 per 550. Based on the 2020 census number of 23,830, it would be 43 4COP quota licenses.
- A copy of any regulations that impact the spacing or placement of 4COP and SRX (distance separation from each other, distances from schools, etc.)
- A map showing:
 - Zoning districts that support 4COP and SRX licenses
 - Locations where such businesses currently exist
 - If there is a distance separation requirement, an estimate as to how many more may fit into that zoning district based on current conditions
 - All 4COP locations and church and school locations with a 500 ft buffer around each one and highlighted where any new bars might be able to go in the zoning districts in which they are permitted by conditional use approval. All bars currently require conditional use approval.

There was a consensus of the Council to receive the proposed information. Additional information requested by the Council were a list of extended hours permits and whether the extended hours permits were only for the CBD or for the entire city.

The workshop adjourned at 6:46 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:

Christine H. Hoffman, MAYOR

Date: _____

SG:jb

**Minutes of Regular City Council Meeting
held Monday, October 4, 2021, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Council Member Janson provided the invocation, followed by the Pledge of Allegiance.

CALL TO ORDER:

Mayor Hoffman called the meeting to order at 6:00 P.M.

ROLL CALL:

Mayor: Christine Hoffman

Council Members: Georgette Dumont Sandy Golding Dan Janson
 Cory Nichols Fernando Meza Chet Stokes

Also present were: City Manager Mike Staffopoulos, Director of Parks and Recreation Jason Phitides, Director of Human Resources Kimberlee Bennett, Director of Public Works Dennis Barron, Director of Planning and Development Heather Ireland, and City Clerk Sheri Gosselin.

APPROVAL OF MINUTES:

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding and passed unanimously to approve the following minutes:

- A. Council Briefing held on September 13, 2021
- B. Special Council Meeting held on September 20, 2021 (Budget Adoption)
- C. Regular Council Meeting held on September 20, 2021
- D. Council Workshop held on September 23, 2021 (Charter Review)

ANNOUNCEMENTS:

Council Member Golding reminded everyone of the Council Briefing on October 11, 2021, in which the Council was slated to discuss trash issues. She reported leashed dogs were now permitted on the beach 24/7.

Council Member Meza thanked the Jacksonville Beach Police Department for their recent participation in the manhunt related to the shooting death of Nassau County Deputy Josh Moyers.

COURTESY OF THE FLOOR TO VISITORS:

- Paula Conroy, 1737 Oakbreeze Lane, Jacksonville Beach, spoke about her opposition to the Adventure Landing site redevelopment.
- Barbara Bauer, 604 13th Avenue South, Jacksonville Beach, shared her concerns regarding increased traffic due to the proposed housing construction on both sides of the Beach Boulevard bridge. Ms. Bauer asked the Council to enact a moratorium on all new building permits and zoning change requests until the Comprehensive Plan and Land Development Code updates were finalized.
- Linda M. Fisher, 637 Lower 8th Avenue South, Jacksonville Beach, opposed granting any rezoning request, which she felt unfairly favored anyone "big enough and rich enough."

MAYOR AND CITY COUNCIL: *No items*

CITY CLERK: *No items*

CITY MANAGER:

Item A Approve/Disapprove the application to rename the Tennis Center at Huguenot Park to Jax Beach Tennis Club

Director of Parks and Recreation Jason Phitides stated the Council agreed during a recent briefing (August 9, 2021) to change the tennis center's name, which was consistent with the golf course.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the application to rename the Tennis Center at Huguenot Park to "Jax Beach Tennis Club."

Discussion: Discussion ensued regarding whether the name should be "Jacksonville Beach Tennis Club" or "Jax Beach Tennis Club." Council members also discussed the inconsistency regarding the name of the golf club.

Amended Motion: It was moved by Ms. Golding and seconded by Mr. Stokes to amend the motion and approve the application to rename the Tennis Center at Huguenot Park, "Jacksonville Beach Tennis Club."

On the amendment:

Roll Call Vote: Ayes – Golding, Janson, Nichols, Stokes
 Nays – Dumont, Meza, Mayor Hoffman
 The motion passed 4-3.

On the amended original motion:

Roll Call Vote: Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, Mayor Hoffman
 The motion passed unanimously.

Item B Award/Reject RFQ 06-2021 Continuing Professional Engineering Services to multiple firms and, if awarded, authorize the Mayor and City Manager to negotiate and execute the final contracts

Director of Public Works Dennis Barron said the previous contract expired four days ago.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to award RFQ 06-2021 Continuing Professional Engineering Services to multiple firms and, if awarded, authorize the Mayor and City Manager to negotiate and execute the final contracts.

Discussion: Council Member Nichols suggested awarding the contract to all the engineering firms that submitted proposals to provide more potential resources. Mr. Barron did not object.

Amended Motion: It was moved by Mr. Nichols and seconded by Ms. Dumont to award RFQ 06-2021 Continuing Professional Engineering Services to all engineering

companies that submitted qualifying RFQs and, if awarded, authorize the Mayor and City Manager to negotiate and execute the final contracts.

On the amendment:

Roll Call Vote: Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman
The motion passed unanimously.

On the amended original motion:

Roll Call Vote: Ayes – Meza, Nichols, Stokes, Dumont, Golding, Janson, Mayor Hoffman
The motion passed unanimously.

Item C Approve/Disapprove an Agreement with St. Johns River Water Management District for grant funding for the Penman Road Septic to Sewer Project in an amount up to \$45,000

Mr. Barron said after filing paperwork and completing the work, the City would receive a refund for some of the costs.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve an Agreement with St. Johns River Water Management District for grant funding for the Penman Road Septic to Sewer Project in an amount up to \$45,000.

Roll Call Vote: Ayes – Nichols, Stokes, Dumont, Golding, Janson, Meza, Mayor Hoffman
The motion passed unanimously.

Item D Approve/Disapprove the Final Plat for 2nd Avenue South, Replat of Lot 6 Block 20, Pablo Beach South

Director of Planning and Development Heather Ireland summarized Items D, E, and F. Item D was a replat for a three-unit fee simple townhouse project; Item E was a six-unit townhouse project; Item F was a nine-unit fee simple townhouse development in three buildings.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the Final Plat for 2nd Avenue South, Replat of Lot 6 Block 20, Pablo Beach South.

Discussion:

Council Member Dumont stated the replats followed the criteria, were consistent with the Comprehensive Plan, and were compatible with the surrounding area. However, she also pointed out the community was very different from when the Comprehensive Plan was initially approved. Council Member Stokes noted almost a third of the approved developments over the last ten years were done in 2020. All of them followed the current Land Development Code and represented 1% of the total housing units. A discussion ensued regarding parking. Ms. Ireland said they all would have at least two parking spaces, counting the one-car garage, regardless of the number of bedrooms.

Roll Call Vote: Ayes – Stokes, Golding, Janson, Meza, Nichols, Mayor Hoffman
Nays – Dumont
The motion passed 6-1.

Item E Approve/Disapprove the Final Plat for 3rd Avenue South, Replat of the west half of Lot 2 and all of Lot 3, Block 40, Pablo Beach

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the Final Plat for 3rd Avenue South, Replat of the west half of Lot 2 and all of Lot 3, Block 40, Pablo Beach.

Discussion: Ms. Dumont said her comments from the previous item applied to this as well.

Roll Call Vote: Ayes – Golding, Janson, Meza, Nichols, Stokes, Mayor Hoffman
 Nays – Dumont
 The motion passed 6-1.

Item F Approve/Disapprove the Final Plat for 1st Avenue North, Replat of Lots 8, 9, and 10, Pine Grove Unit 3

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the Final Plat for 1st Avenue North, Replat of Lots 8, 9, and 10, Pine Grove Unit 3.

Roll Call Vote: Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, Mayor Hoffman
 The motion passed unanimously.

**Item G Approve/Disapprove renewals (effective January 1, 2022) with:
Florida Blue for medical insurance;
MetLife for dental insurance;
Superior Vision for voluntary vision insurance;
Standard for life insurance and AD&D; and
Voya for voluntary critical illness, gap, and accident insurance**

Director of Human Resources Kimberlee Bennett stated all rates except medical, which would increase by 5.7%, would remain the same. Ms. Bennett advised they worked with Florida Blue to keep the price down and to lower three copays.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve renewals (effective January 1, 2022) with: Florida Blue for medical insurance; MetLife for dental insurance; Superior Vision for voluntary vision insurance; Standard for life insurance and AD&D; and Voya for voluntary critical illness, gap, and accident insurance.

Roll Call Vote: Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman
 The motion passed unanimously.

RESOLUTIONS

Item A Adopt/Deny Resolution No. 2092-2021 amending the Position Classification and Pay Plan for Managerial, Professional, and Administrative (nonunion) Positions effective October 5, 2021

Ms. Bennett stated there were six proposed changes.

RESOLUTION NO. 2092-2021

Mayor Hoffman requested the City Clerk read Resolution No. 2092-2021 by title only, whereupon Ms. Gosselin read the following:

"A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING ITS POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, AND ADMINISTRATIVE (NONUNION) POSITIONS; PROVIDING FOR ADOPTION OF RECITALS, ADOPTION OF THE PLAN, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE."

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to adopt Resolution No. 2092-2021 amending the Position Classification and Pay Plan for Managerial, Professional, and Administrative (nonunion) Positions effective October 5, 2021.

Roll Call Vote: Ayes – Meza, Nichols, Stokes, Dumont, Golding, Janson, Mayor Hoffman
The motion passed unanimously.

ORDINANCES

Item A Approve/Disapprove Ordinance No. 2021-8167 amending PUD Ordinance No. 7411, as amended, supplementing the comprehensive zoning regulations on the first reading, and schedule a second reading for October 18, 2021

ORDINANCE NO. 2021-8167 (First Reading) (Public Hearing)

Mayor Hoffman requested the City Clerk read Ordinance No. 2021-8167 by title only, whereupon Ms. Gosselin read the following:

"AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CITY OF JACKSONVILLE BEACH LAND DEVELOPMENT CODE."

Mayor Hoffman read the following:

"This ordinance to amend the PUD zoning regulations of a property is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an application to amend the zoning regulations governing a property is handled as a 'quasi-judicial' proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision-makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant's burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council's decision on a zoning amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application and the staff and Planning Commission reports on this PUD zoning amendment request."

Public Hearing:

Mayor Hoffman opened the public hearing on Ordinance No. 2021-8167.

Speakers:

- Applicant's Representative Steven Diebenow, 1 Independent Drive, Suite 1200, Jacksonville, reviewed the Applicant's proposed plan and requested two changes to the ordinance:
 1. In Section 5, the last sentence, regarding fire sprinklers, he said there would be no permanent outdoor display; therefore, sprinklers were not needed. He requested to delete "areas used for outdoor retail display and sales areas and outdoor."
 2. For Condition #3, which was modified by the Planning Commission to require barriers every 48", he requested a change to every 66" based on their research.
- Linda M. Fisher, 637 Lower 8th Avenue South, Jacksonville Beach, asked Council to consider a way to avoid traffic backing up onto Jacksonville Drive.

Ms. Ireland did not object to Mr. Diebenow's request to change Condition #3. However, regarding the Section 5 change, Ms. Ireland stated the Fire Marshall advised even the temporary outside display areas should be sprinklered, so she could not support that change.

Ex-Parte:

Mayor Hoffman closed the public hearing and read the following:

"Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process."

Council Member Stokes advised he spoke to Mr. Diebenow and Patrick McKinley regarding different sections of the ordinance. Ms. Golding noted she spoke to Mr. Diebenow and Ms. Fisher. All others reported no ex-parte communication.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to adopt Ordinance No. 2021-8167 amending PUD Ordinance No. 7411, as amended, supplementing the comprehensive zoning regulations on the first reading, and schedule a second reading for October 18, 2021.

Mayor Hoffman read the following statement for the record:

"Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined and the decision was made."

Discussion:

Discussion ensued regarding the sprinkler requirements, amplified noise permits, outdoor seating percentages, and barrier spacing. It was the consensus of the Council that both outdoor seating and the amplified noise requirements should mirror the current city regulations. Ms. Ireland also noted the sound regulations would apply to the boundaries of each establishment, and Code Enforcement would handle any noise complaints.

Mr. Diebenow confirmed restaurants would only be allowed in four locations. He said they would apply for sound permits and comply with the Code regarding outdoor sound. Mr. Diebenow stated for the outdoor seating percentages, they wanted to allow small restaurants to have outdoor dining and would agree to 50% instead of 60%.

Amended Motion: It was moved by Ms. Golding and seconded by Mr. Stokes to amend Section 5.20.a. of the ordinance to include the requirement that the outdoor dining not exceed 50% of the enclosed space.

Mr. Stokes wanted the outdoor dining to match the Code provision, which may change in the future.

Ms. Golding withdrew her previous motion to reword it:

Amended Motion #1: It was moved by Ms. Golding and seconded by Mr. Stokes to amend Section 5.20.a. to limit the outside dining areas to not exceed 50% of the enclosed space or whatever is set by code, whichever is greater.

On the amendment:

Roll Call Vote: Ayes – Nichols, Stokes, Dumont, Golding, Janson, Meza, Mayor Hoffman
The motion passed unanimously.

Amended Motion #2: It was moved by Ms. Golding and seconded by Ms. Dumont to amend Section 5.20.d. to add, "shall be required to obtain a low-volume outdoor amplified sound permit" to that section.

On the amendment:

Roll Call Vote: Ayes – Stokes, Dumont, Golding, Janson, Meza, Nichols, Mayor Hoffman
The motion passed unanimously.

Amended Motion #3: It was moved by Mr. Nichols and seconded by Mr. Jansen to amend Section 5.20. of the ordinance, the last sentence to say, "All areas used for outdoor retail display and sales areas and outdoor restaurant areas shall be fire sprinklered as required by the office of the Fire Marshall."

On the amendment:

Roll Call Vote: Ayes – Dumont, Golding, Janson, Meza, Nichols, Stokes, Mayor Hoffman
The motion passed unanimously.

Amended Motion #4: It was moved by Mr. Stokes and seconded by Mr. Nichols to amend
[Section 5.20.c.] that the barriers would be placed no farther than 66"
apart.

On the amendment:

Roll Call Vote: Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, Mayor Hoffman
The motion passed unanimously.

On the amended original motion:

Roll Call Vote: Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:31 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:

Christine H. Hoffman, MAYOR

Date: _____



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CITY COUNCIL AGENDA ITEM	
TO:	Michael Staffopoulos, City Manager
FROM:	Ashlie Gossett, Chief Financial Officer
DATE:	07/19/2021
SUBJECT:	Accept/Reject the Monthly Financial Reports for the month of September 2021

BACKGROUND

The attached Summary Budget Reports show the cumulative actual revenues and expenditures compared to the actual amounts at the same point in time as last fiscal year. Exhibit 7 of the Summary Budget Reports compares actual revenues and expenditures to budget in total by fund. These reports are prepared on a cash basis and do not reflect year-end accruals.

Exhibit 1 - General Fund Revenues

- Total General Fund revenues are in line with last year on a percent of budget basis.
- The decrease in permit revenues is largely attributable to a decline in permit application activity compared to the same time in the prior year.
- The increase in revenues from charges for services reflects the suspension of recreation programs and special events in the prior year in response to the COVID-19 pandemic.
- Miscellaneous revenue includes interest on pooled investments, auction proceeds, facility rental fees, tennis fees, and cemetery lots purchased. The decrease from the prior year is due primarily to the adjustment to market value of the City's pooled investment assets.

Exhibit 2 - General Fund Expenditures

- Total General Fund expenditures are under budget by 12.11% and slightly behind the prior year expenditures on a percentage of budget basis.
- The decrease in Fire Department expenditures from the prior year reflects the savings realized from contracting out fire services to the City of Jacksonville.
- The increase in Non-Departmental expenditures is attributable to transfers from the General Fund to the General Capital Projects Fund in order to set aside money for future capital projects such as parks improvements, police vehicle replacements, and sidewalk improvements.

Exhibit 3 - Enterprise Fund Revenues

- Enterprise Fund Revenues are under budget for the current year and slightly ahead of the prior year on a percent of budget basis.
- The dollar variance in Electric revenues is due to the suspension of the bulk power portion of the electric revenue rate in the prior year months of October, April, and May.



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- Golf Course revenues are 12.16% ahead of the prior year on a percent of budget basis due to increased play at the course and rate adjustments adopted in both July and November 2020.

Exhibit 4 - Enterprise Fund Expenditures

- Total expenditures in the Enterprise Funds are under budget for the current year and in line with the prior year expenditures on a percent of budget basis.
- The decrease in both Electric and Water & Sewer expenditures from the prior year is largely attributable to savings in debt service costs now that the City is debt free.
- The year-over year increase in the Stormwater Fund is due to the timing of capital projects.
- The decrease in expenditures in the Sanitation Fund is largely due to the timing of capital purchases in the prior year.

Exhibit 5 – Special Revenue Fund Revenues

- Revenues in the Special Revenue Funds are 7.39% lower than prior year actuals on a percent of budget basis.
- Convention Development revenues reflect receipts for activity through May.
- The annual tax increment distributions for both the Downtown and Southend districts were received in December. The decrease from the prior year in both funds is due primarily to the adjustment to market value of the City's pooled investment assets.

Exhibit 6 - Special Revenue Fund Expenditures

- In total, Special Revenue Fund expenditures are under budget for the current year and 22.82% lower than the prior year on a percentage of budget basis.
- Community Development Block Grant Fund expenditures will be reimbursed by grant funding.
- The increase in Infrastructure Surtax Fund expenditures is attributable to roadway milling, paving and overlay projects.
- The variance from the prior year in both the Downtown and Southend Increment Funds is largely due to the timing of capital project expenditures.

Exhibit 7 - Summary Revenues and Expenditures

- The net income shown for the Electric Fund is overstated because monthly power bills are paid in arrears to FMPA.
- The final bond payment was made in October 2020, making the City debt free.



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FINANCIAL IMPACT

REQUESTED ACTION

Accept/Reject the Monthly Financial Reports for September 2021

ATTACHMENTS

1. 2021-09 September Financials



Summary Budget Revenue Report

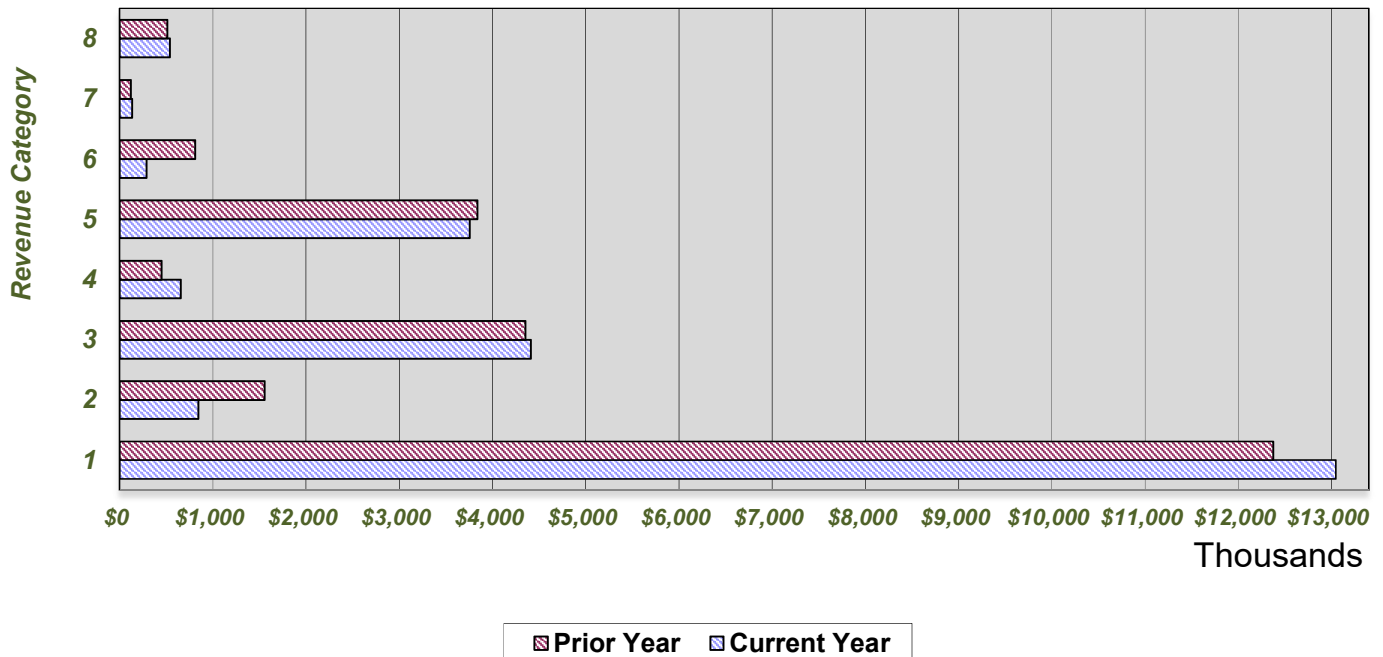
September 30, 2021

(100.00% of year has elapsed)

EXHIBIT 1 - GENERAL FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 Taxes	13,047,653	91.60%	12,373,657	90.73%	0.87%	673,997
2 Licenses & Permits	845,334	164.17%	1,556,531	257.66%	-93.49%	(711,197)
3 Intergovernmental Revenue	4,411,005	114.63%	4,355,166	96.23%	18.40%	55,839
4 Charges for Services	657,576	149.40%	450,754	112.97%	36.43%	206,822
5 Enterprise Contributions	3,755,557	100.00%	3,837,320	100.00%	0.00%	(81,763)
6 Miscellaneous Revenue	291,102	78.91%	812,123	184.29%	-105.38%	(521,020)
7 Fines & Forfeitures	137,701	91.03%	122,042	76.04%	14.99%	15,658
8 Interfund Transfers	540,869	105.23%	514,366	100.07%	5.16%	26,503
Total Revenues	\$ 23,686,798	99.37%	\$ 24,021,959	99.59%	-0.23%	\$ (335,161)

GENERAL FUND REVENUES TO DATE CURRENT YEAR VS PRIOR YEAR



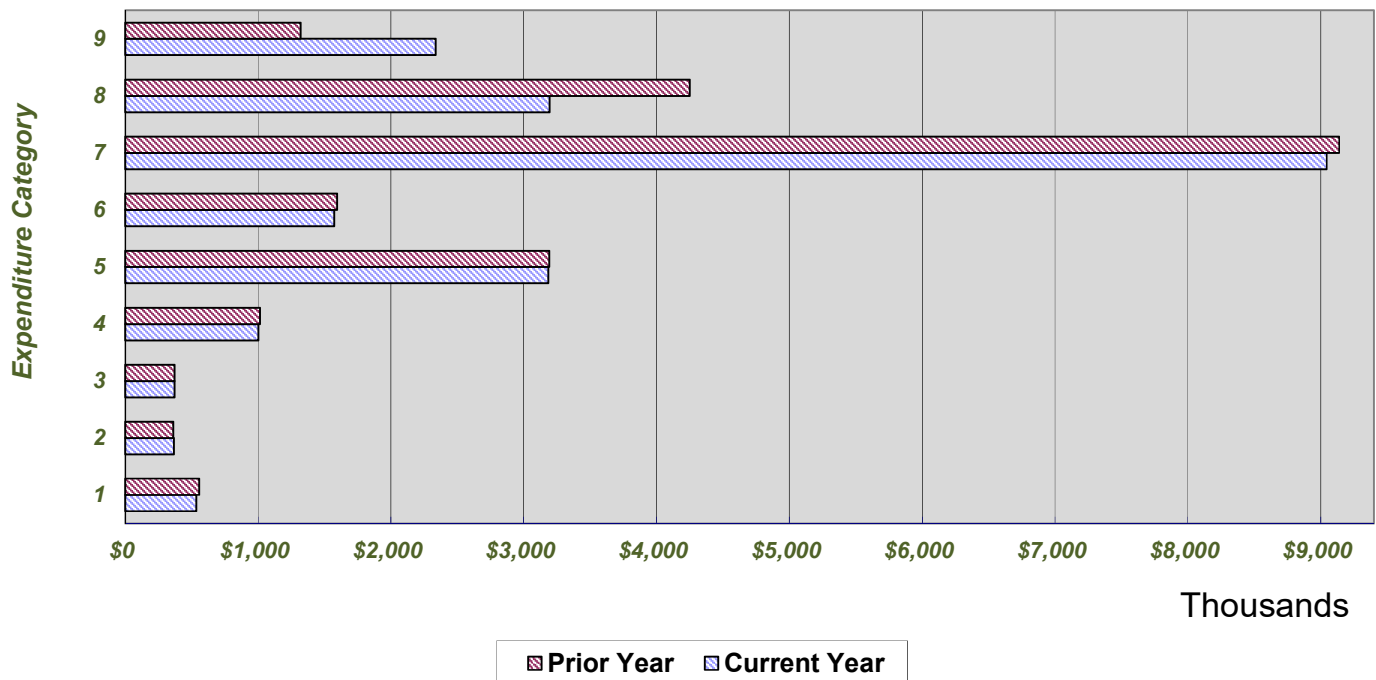


Summary Budget Expenditure Report
 September 30, 2021
 (100.00% of year has elapsed)

EXHIBIT 2 - GENERAL FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 City Administration	536,358	82.20%	557,382	105.09%	-22.89%	(21,024)
2 City Clerk	367,342	88.59%	363,282	93.31%	-4.72%	4,060
3 Building Maintenance	371,747	87.55%	373,183	86.21%	1.34%	(1,436)
4 Planning and Development	1,003,199	83.35%	1,016,485	87.36%	-4.01%	(13,286)
5 Recreation and Parks	3,184,661	86.09%	3,191,837	89.68%	-3.59%	(7,176)
6 Public Works	1,573,160	84.81%	1,595,137	91.45%	-6.65%	(21,977)
7 Police	9,044,857	87.99%	9,139,975	90.91%	-2.92%	(95,118)
8 Fire	3,193,840	98.15%	4,250,730	96.77%	1.38%	(1,056,889)
9 Non-Departmental	2,337,577	83.23%	1,320,575	66.49%	16.73%	1,017,002
Total Expenditures	\$ 21,612,740	87.89%	\$ 21,808,585	89.93%	-2.04%	\$ (195,845)

**GENERAL FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**





Summary Budget Revenue Report

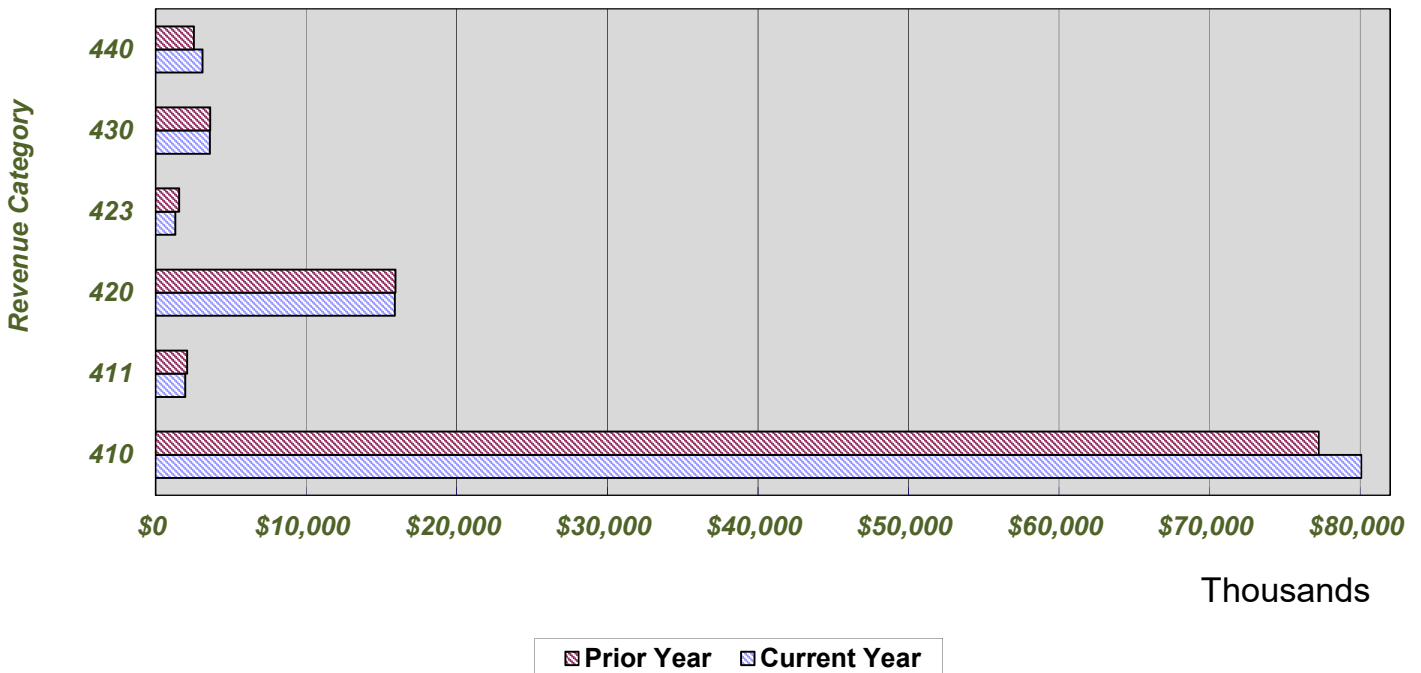
September 30, 2021

(100.00% of year has elapsed)

EXHIBIT 3 -ENTERPRISE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	80,081,479	96.69%	77,271,577	94.10%	2.59%	2,809,902
411 NATURAL GAS	1,969,278	88.00%	2,108,649	87.67%	0.33%	(139,371)
420 WATER & SEWER	15,900,508	106.80%	15,943,116	108.42%	-1.62%	(42,608)
423 STORMWATER	1,322,188	91.77%	1,569,890	108.01%	-16.24%	(247,703)
430 SANITATION	3,604,881	101.09%	3,625,937	103.17%	-2.08%	(21,056)
440 GOLF COURSE	3,126,703	143.23%	2,539,124	131.07%	12.16%	587,580
TOTAL REVENUES	\$ 106,005,036	98.94%	\$ 103,058,293	97.11%	1.84%	\$ 2,946,743

ENTERPRISE FUND REVENUES TO DATE CURRENT YEAR VS PRIOR YEAR





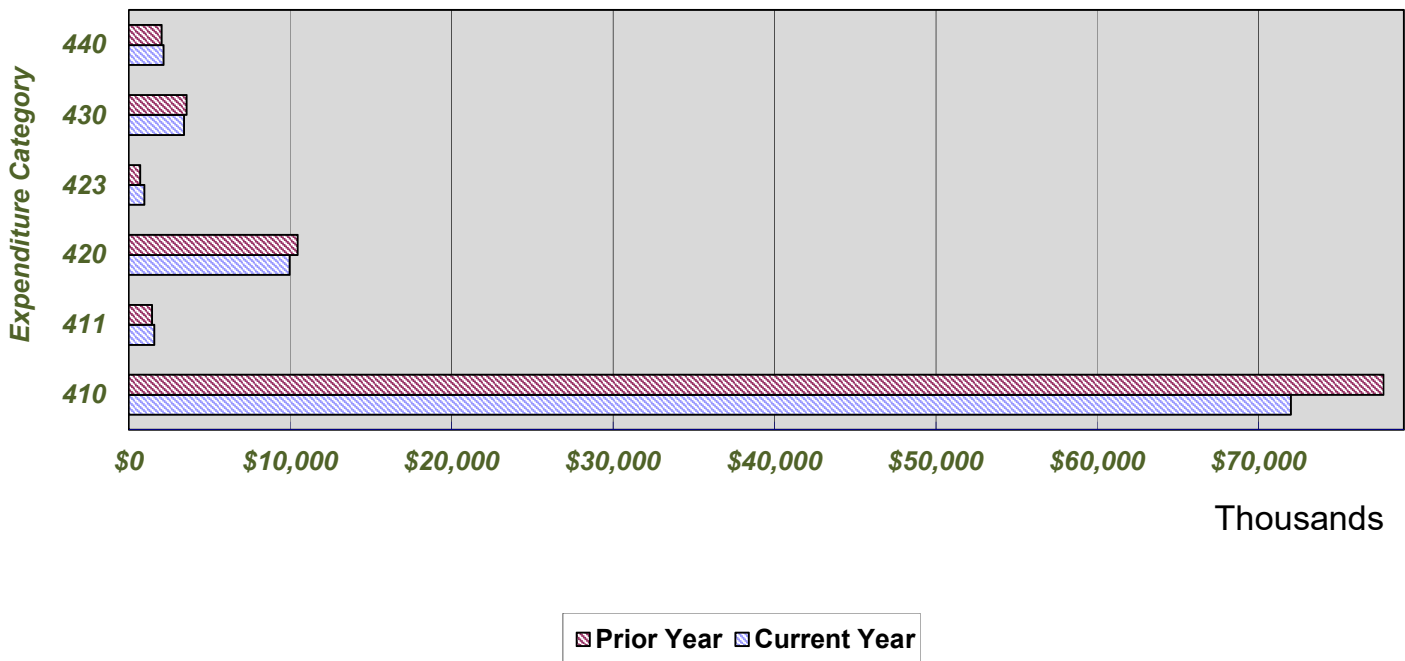
Summary Budget Expenditure Report
 September 30, 2021
 (100.00% of year has elapsed)

100
 76.62
 23.38

EXHIBIT 4 - ENTERPRISE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	71,999,155	80.20%	77,736,183	81.30%	-1.09%	(5,737,028)
411 NATURAL GAS	1,583,294	81.95%	1,448,878	70.08%	11.87%	134,416
420 WATER & SEWER	9,960,747	56.09%	10,471,773	66.05%	-9.96%	(511,026)
423 STORMWATER	969,342	49.51%	712,268	27.84%	21.67%	257,074
430 SANITATION	3,425,705	86.79%	3,584,888	81.83%	4.96%	(159,183)
440 GOLF COURSE	2,165,295	96.78%	2,033,700	100.60%	-3.82%	131,595
TOTAL EXPENDITURES	\$ 90,103,537	76.62%	\$ 95,987,689	78.35%	-1.74%	\$ (5,884,152)

**ENTERPRISE FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



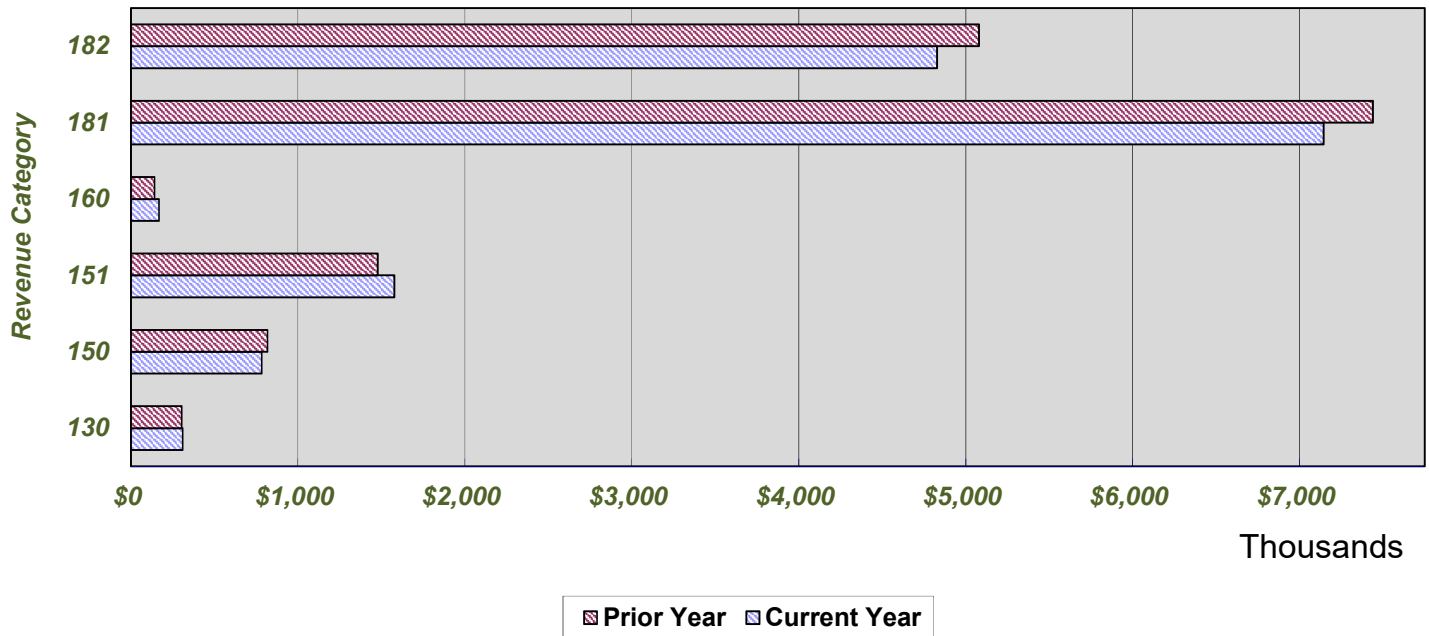


Summary Budget Revenue Report
 September 30, 2021
 (100.00% of year has elapsed)

EXHIBIT 5 -SPECIAL REVENUE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	310,880	76.38%	305,075	76.75%	-0.37%	5,805
150 LOCAL OPTION GAS TAX	783,046	95.94%	818,696	99.45%	-3.51%	(35,650)
151 INFRASTRUCTURE SURTAX	1,576,546	114.21%	1,476,970	107.12%	7.09%	99,576
160 COMMUNITY DEV. BLK. GRANT	168,869	118.92%	142,366	103.16%	15.76%	26,503
181 DOWNTOWN INCREMENT FUND	7,144,819	98.19%	7,440,116	106.23%	-8.04%	(295,297)
182 SOUTHEND INCREMENT FUND	4,828,964	184.96%	5,080,335	202.93%	-17.97%	(251,371)
TOTAL REVENUES	\$ 14,813,126	117.26%	\$ 15,263,559	124.65%	-7.39%	\$ (450,433)

**SPECIAL REVENUE FUND REVENUES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



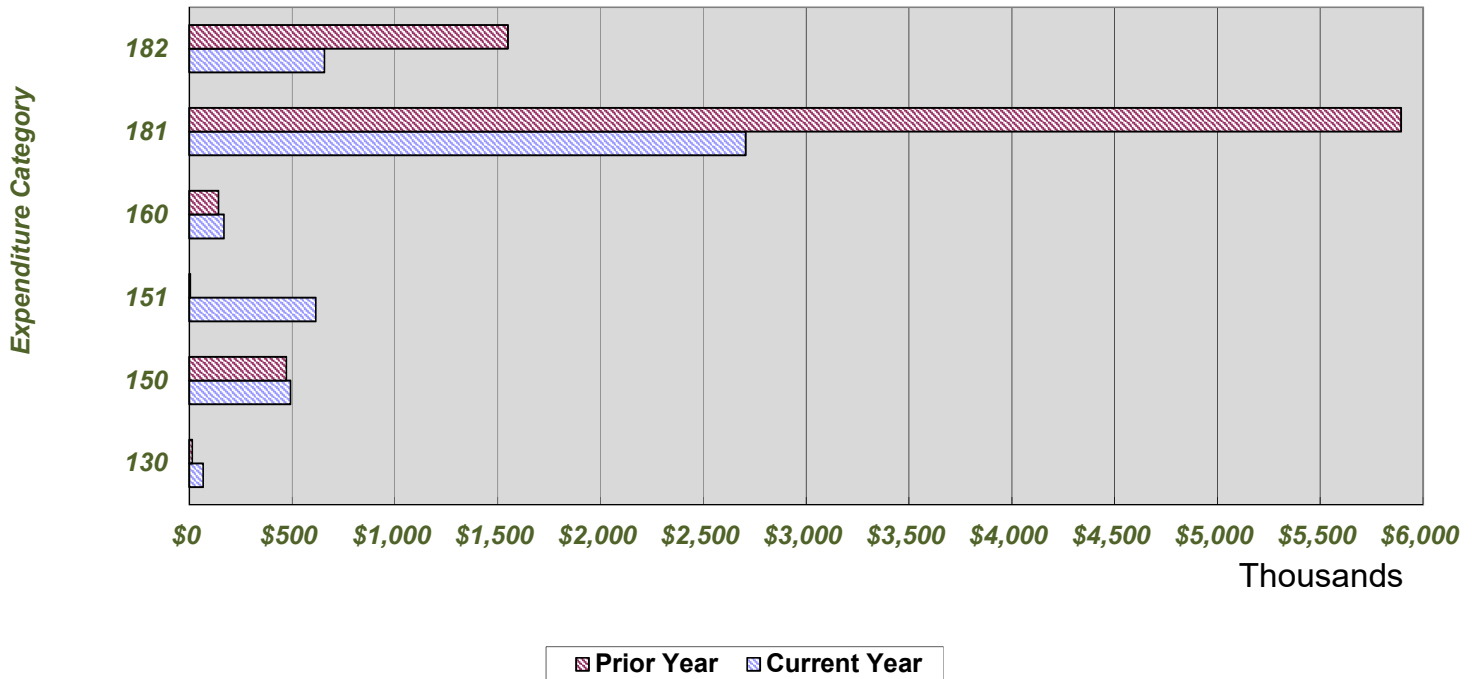


Summary Budget Expenditure Report
 September 30, 2021
 (100.00% of year has elapsed)

EXHIBIT 6 - SPECIAL REVENUE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	67,858	34.53%	15,015	12.41%	22.13%	52,843
150 LOCAL OPTION GAS TAX	492,697	62.10%	471,263	59.11%	2.99%	21,434
151 INFRASTRUCTURE SURTAX	615,151	38.73%	4,840	1.46%	37.27%	610,311
160 COMMUNITY DEV. BLK. GRANT	168,869	118.92%	142,366	100.26%	18.66%	26,503
181 DOWNTOWN INCREMENT FUND	2,705,333	65.36%	5,892,939	70.31%	-4.94%	(3,187,606)
182 SOUTHEND INCREMENT FUND	657,073	19.13%	1,549,258	77.21%	-58.08%	(892,185)
TOTAL EXPENDITURES	\$ 4,706,980	45.72%	\$ 8,075,682	68.55%	-22.82%	\$ (3,368,701)

**SPECIAL REVENUE FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**





Summary Budget Report
September 30, 2021
(100.00% of year has elapsed)

EXHIBIT 7 - SUMMARY REVENUES AND EXPENDITURES

Fund Name	Budgeted Revenues Fiscal Year 2021	Budgeted Revenues To Date	Actual Revenues To Date	Variance Favorable/ (Unfavorable)
001 General Fund	23,837,077	23,837,077	23,686,798	(150,279)
130 Convention Development Tax	407,036	407,036	310,880	(96,156)
150 Local Option Gas Tax	816,198	816,198	783,046	(33,152)
151 Infrastructure Surtax	1,380,373	1,380,373	1,576,546	196,173
160 Community Dev. Blk. Grant	142,000	142,000	168,869	26,869
181 Downtown Increment Fund	7,276,348	7,276,348	7,144,819	(131,529)
182 Southend Increment Fund	2,610,809	2,610,809	4,828,964	2,218,155
410 Electric Utility	82,822,581	82,822,581	80,081,479	(2,741,102)
411 Natural Gas Utility	2,237,909	2,237,909	1,969,278	(268,631)
420 Water & Sewer Utility	14,888,412	14,888,412	15,900,508	1,012,096
423 Storm Water Management	1,440,821	1,440,821	1,322,188	(118,633)
430 Sanitation Fund	3,565,983	3,565,983	3,604,881	38,898
440 Golf Course Fund	2,183,000	2,183,000	3,126,703	943,703
460 Leased Facilities Fund	782,624	782,624	791,312	8,688
500 Internal Service Funds	13,150,034	13,150,034	12,278,361	(871,673)
Total Revenues	\$ 157,541,205	\$ 157,541,205	\$ 157,574,633	\$ 33,428

Fund Name	Budgeted Expenditures Fiscal Year 2021	Budgeted Expenditures To Date	Actual Expenditures To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,591,304	24,591,304	21,612,740	2,978,564
130 Convention Development Tax	196,493	196,493	67,858	128,635
150 Local Option Gas Tax	793,439	793,439	492,697	300,742
151 Infrastructure Surtax	1,588,481	1,588,481	615,151	973,330
160 Community Dev. Blk. Grant	142,000	142,000	168,869	(26,869)
181 Downtown Increment Fund	4,138,949	4,138,949	2,705,333	1,433,616
182 Southend Increment Fund	3,434,838	3,434,838	657,073	2,777,765
410 Electric Utility	89,772,369	89,772,369	71,999,155	17,773,214
411 Natural Gas Utility	1,932,033	1,932,033	1,583,294	348,738
420 Water & Sewer Utility	17,757,828	17,757,828	9,960,747	7,797,081
423 Storm Water Management	1,957,873	1,957,873	969,342	988,532
430 Sanitation Fund	3,947,103	3,947,103	3,425,705	521,398
440 Golf Course Fund	2,237,408	2,237,408	2,165,295	72,113
460 Leased Facilities Fund	828,010	828,010	543,345	284,665
500 Internal Service Funds	13,296,697	13,296,697	10,962,508	2,334,188
Total Expenditures	\$ 166,614,824	\$ 166,614,824	\$ 127,929,111	\$ 38,685,713

Fund Name	Net Income (Loss)	Net Variance Favorable/ (Unfavorable)
001 General Fund	2,074,058	2,828,285
130 Convention Development Tax	243,023	32,480
150 Local Option Gas Tax	290,349	267,591
151 Infrastructure Surtax	961,395	1,169,503
160 Community Dev. Blk. Grant	-	-
181 Downtown Increment Fund	4,439,486	1,302,088
182 Southend Increment Fund	4,171,892	4,995,920
410 Electric Utility	8,082,325	15,032,113
411 Natural Gas Utility	385,983	80,107
420 Water & Sewer Utility	5,939,761	8,809,177
423 Storm Water Management	352,846	869,898
430 Sanitation Fund	179,176	560,296
440 Golf Course Fund	961,408	1,015,816
460 Leased Facilities Fund	247,967	293,353
500 Internal Service Funds	1,315,853	1,462,516
Total	\$ 29,645,522	\$ 38,719,142



Cash and Investments by Fund

September 30, 2021

INVESTMENT HOLDER	TYPE	FACE AMOUNT	MARKET VALUE
Salem Mutual Fund	Portfolio	67,069,630	67,069,630
Sawgrass Asset Management	Portfolio	27,641,190	27,641,190
Wells Capital	Portfolio	18,231,624	18,231,624
JPMCB - Strategic Property Fund	Portfolio	5,603,428	5,603,428
TOTAL INVESTMENTS - PENSION FUNDS 611, 612 and 613			\$118,545,873
State Board of Administration	Pool	22,151,012	22,151,012
Florida Trust	Pool	19,091,550	19,091,550
FMIT 0-2 Yr High Quality Bond Fund	Pool	12,681,117	12,681,117
Bank of America	Cash	33,986,437	33,986,437
Sawgrass Asset Management	Portfolio	44,639,915	44,639,915
Galliard Capital Management	Portfolio	42,651,417	42,651,417
Garcia Hamilton & Associates	Portfolio	42,538,492	42,538,492
TOTAL EQUITY IN POOLED CASH			\$217,739,939
Petty Cash	Cash	6,725	6,725
Money Markets: Unclaimed Bond Funds	MM	-	-
TOTAL CASH AND INVESTMENTS			\$336,292,537

Attorney Fees Paid During the Month

NAME	DESCRIPTION	FUNDING SOURCE	CHECK DATE	CHECK AMOUNT
Shepard, Smith, Kohlmyer & Hand, F	Gen. Matters & Charter Review	General Fund	09/09/21	6,215
Lewis, Longman & Walker	Special Magistrate	General Fund Downtown &	09/16/21	2,000
Shepard, Smith, Kohlmyer & Hand, F	CRA Development	Southend Funds	09/23/21	265
Sugarman & Susskind, P.A.	Monthly Retainer	Pension Funds	09/23/21	2,550
Rogers Towers, P.A.	Employee Relations Advice	General Fund	09/30/21	1,510
Roper Law, P.A.	Planning and Development - General	General Fund	09/30/21	5,257
Shepard, Smith, Kohlmyer & Hand, F	Gen. Matters & Charter Review	General Fund	09/30/21	6,205
TOTAL ATTORNEY FEES				\$24,002

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

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Cash and Investments by Type

Fiscal Year to Date
September 30, 2021

Type of Investment	Beginning Balance 10/1/2020	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment Income	Net Deposits (Withdrawals)	Ending Balance 9/31/2021	Weighted Net Return*
State Pooled Investment Fund	17,122,886	28,127	0	0	0	28,127	5,000,000	22,151,012	0.01%
Money Market: Goldman Sachs Treasury	16,772	307	0	0	(316)	(9)	(16,763)	0	0.00%
U.S. Treasury Stripped Coupons	3,148,000	0	0	0	0	0	(3,148,000)	0	0.00%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	12,680,314	803	0	0	0	803	(0)	12,681,117	0.00%
Sawgrass Asset Management	44,820,104	881,788	245,237	(1,217,103)	(90,112)	(180,190)	(0)	44,639,915	-0.08%
Galliard Capital Management	41,306,059	651,437	55,923	(741,714)	(102,670)	(137,023)	1,482,381	42,651,417	-0.06%
Garcia Hamilton & Associates	40,665,947	173,415	290,750	(188,806)	(85,196)	190,163	1,682,382	42,538,492	0.09%
Florida Trust	19,078,497	13,053	0	0	0	13,053	(0)	19,091,550	0.01%
Operating Cash: Bank of America	18,447,549	61,272	0	0	(146,347)	(85,076)	15,623,963	33,986,437	-0.05%
Petty Cash	6,525	0	0	0	0	0	200	6,725	0.00%
TOTAL CITY MANAGED INVESTMENTS AND CASH	197,292,653	1,810,201	591,910	(2,147,622)	(424,642)	(170,152)	20,624,164	217,746,664	-0.08%
Pension: Salem Mutual Fund	49,899,536	1,932,514	1,024,813	11,402,768	0	14,360,095	2,810,000	67,069,630	15.84%
Pension: Sawgrass Asset Mgt	28,105,925	509,042	(10,985)	(873,853)	(88,939)	(464,735)	0	27,641,190	-0.39%
Pension: Wells Capital	18,047,693	58,019	4,843,434	(194,653)	(112,869)	4,593,932	(4,410,000)	18,231,624	4.46%
Pension: JPMCB - Strategic Property Fund	5,119,775	0	0	483,654	0	483,654	0	5,603,428	0.45%
TOTAL PENSION INVESTMENTS	101,172,928	2,499,575	5,857,262	10,817,917	(201,808)	18,972,945	(1,600,000)	118,545,873	18.90%
TOTAL CASH AND INVESTMENTS	\$298,465,581	\$4,309,776	\$6,449,172	\$8,670,295	(\$626,450)	\$18,802,793	\$19,024,164	\$336,292,537	

*Fiscal year to date



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

CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Allen Putnam, Director of Beaches Energy Services
DATE:	09/27/2021
SUBJECT:	Agreement of Assumption and Release with Gates of Times Square, LLC

BACKGROUND

In July 2021, post tropical storm Elsa, the City received a claim for damage to a vehicle that had been parked in the parking area behind Mellow Mushroom, which is located in the Seawalk Village Shopping Center. It was claimed that a street light lens had fallen on a vehicle at that location during the storm. Upon investigation, the lights were determined to be the responsibility of Beaches Energy Services pursuant to an Outdoor Lighting Service Agreement (attached). On August 14, 2021, it was noted that private tree trimmers were on site at that location trimming palm trees that had been planted too close to the street lights, and that a palm frond likely knocked the lens loose during the storm, thereby causing the lens to fall on the vehicle.

When approached concerning the issue of the palm trees, Gates of Times Square, LLC, inquired as to whether they could assume ownership and maintenance of the street lights on the Seawalk Village Shopping Center property. We investigated the matter further internally and determined that it was in the best interests of the City to transfer ownership of those assets to the property owner to avoid further claims, and to allow the property owner to make the determination as to whether or not the palm trees remain, since removal would likely result in the death of the trees. We consider the transfer of ownership of these assets a win-win situation for all parties involved. The property owner will proceed with setting up a meter to supply power to the lights upon approval of the Agreement of Assumption and Release by the City Council.

FINANCIAL IMPACT

Electric poles are capitalized on the general ledger and depreciated over 50 years. The transfer in ownership of these poles will result in a recorded loss on disposal. However, the amount of loss is expected to be offset by the savings in ongoing and future maintenance costs.

REQUESTED ACTION

Approve/Disapprove an Agreement of Assumption and Release with Gates of Times Square, LLC, transferring ownership, operation, and maintenance of six power poles, light fixtures, conduits, and wires inside the conduits on the property of Seawalk Village Shopping Center to Gates of Times Square, LLC

ATTACHMENTS

1. Outdoor Lighting Service Agreement
2. Exhibit A to Resolution No. 1728-2005 (clean copy)
3. Agreement of Assumption and Release



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

OUTDOOR LIGHTING SERVICE AGREEMENT

THIS AGREEMENT, entered into on the 15 day of DECEMBER 2010, between GATES OF TIMES SQUARE LLC, hereinafter referred to as the Customer, and **Beaches Energy Services**, hereinafter referred to as the Seller, shall be for the provision of outdoor lighting service to the Customer by the Seller under the following conditions:

1. The Seller shall furnish, install, operate, and maintain outdoor lighting equipment including lamp, luminaire, bracket attachment and control device on Seller's existing pole (when possible), and electrically connected so that the power for operation of the lighting equipment does not pass through the meter used for the Customer's electric consumption. The Seller shall furnish and install a new pole if required for the outdoor lighting equipment.
2. The Seller shall maintain the lighting equipment, including lamp replacement, at no additional cost to the Customer within seventy-two (72) hours after the Customer has notified the Seller of the need for maintenance of the lighting equipment.
3. The lighting equipment shall remain the property of the Seller. Customer shall protect the lighting equipment from damage.
4. The Customer shall allow authorized representatives of the Seller to enter upon the Customer's premises as required to trim trees and shrubs as necessary for maintenance of the lighting equipment.
5. The Customer shall pay to the Seller the appropriate monthly rental rate based on Exhibit "A" attached hereto and as amended from time to time in the future.

Lighting Substitute

Seller may at its option substitute lighting equipment with sodium lighting equipment or any other type of lighting equipment; however, if such a substitution takes place, the monthly rate will not change except as provided herein.

Bulk Power Cost Adjustment

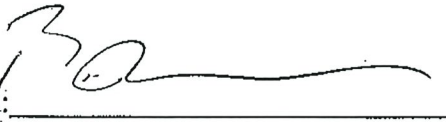
The monthly energy charge shall be increased or decreased by changes in the Bulk Power Cost Adjustment.

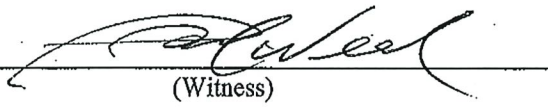
CONTRACT # 2010 - 10

Term of Agreement

The acceptance of this Agreement by Customer and Seller shall constitute an Agreement between the Customer and the Seller for a period of not less than thirty-six (36) calendar months from the date service is made available by the Seller to the Customer and thereafter until canceled by at least thirty (30) calendar days written notice by either party. If the Customer terminates service before the expiration date of the initial thirty-six (36) calendar months term of this Agreement, the Seller may require reimbursement for the total expenditures made to provide service including the cost of removal of the facilities installed; less the salvage value thereof and less a credit for the total monthly payments received by Seller.

CUSTOMER

Accepted: 
(Signature)
BEN HAKIMIAN
(Print Name and Title)


(Witness)
J.R. McNEAL
(Print Witness Name)

Customer's Mailing Address:

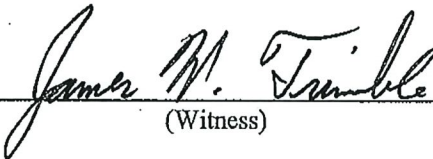
HAKIMIAN HOLDINGS, INC.

P.O. BOX 56678

JACKSONVILLE, FL 32241

BEACHES ENERGY SERVICES

Accepted: 
(Signature)
John Bowerfind, Engineering Supervisor
(Print Name and Title)


(Witness)
James M. Trimble
(Print Witness Name)

Location of Lighting Equipment:

SEAWALK VILLAGE shopping Center

1018 3rd STREET NORTH S/L-5

JACKSONVILLE Bch, FL 32250

Monthly Rate Schedule for each Light for the First Three Years

	70 Watt MH**	70 Watt HPS*	100 Watt HPS*	100 Watt HPS*	250 Watt HPS*	250 Watt MH**	400 Watt MH**	1,000 Watt MH**
GranVille on fiberglass pole	\$66.61		\$65.35					
Colonial on fiberglass pole				\$11.35				
Park-Pak on laminated wood pole				21.35				
Install fixture on existing pole		\$ 7.37		9.20	\$17.25		\$23.50	\$44.35
Install fixture and new wooden pole		25.20		11.95	19.90		27.10	47.00
Install fixture and new concrete pole		29.18		16.45	24.45	57.59	33.25	51.53
Install fixture and new metal pole					40.56			

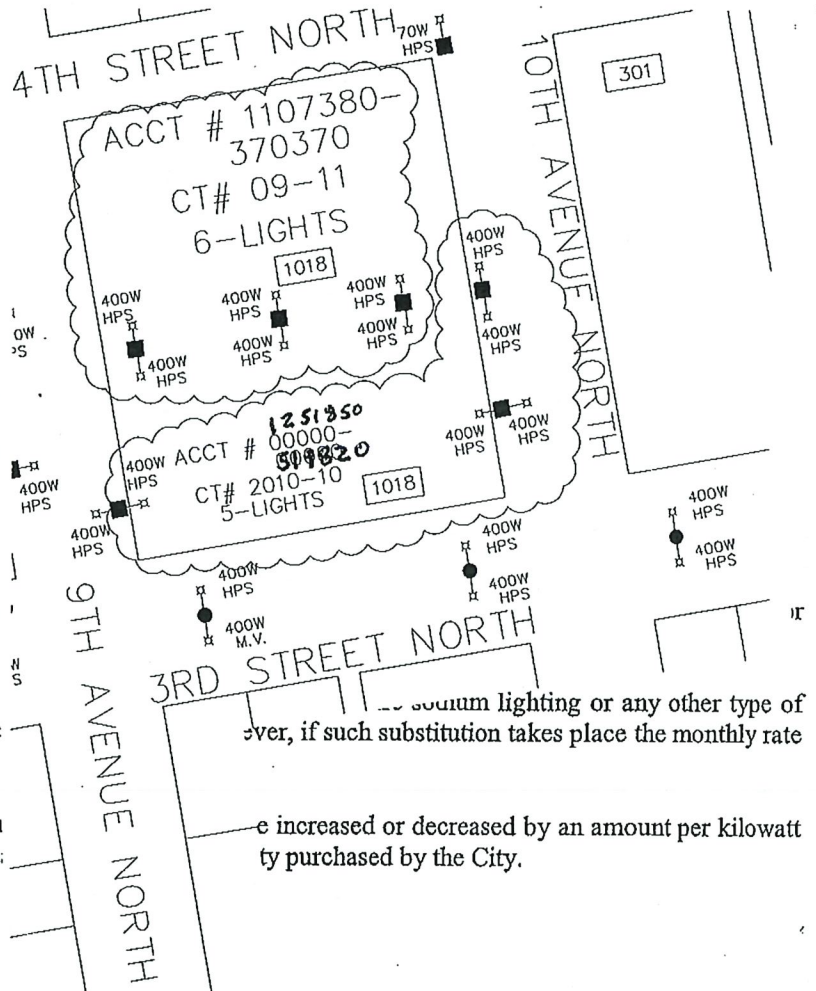
*HPS - High pressure sodium

**MH - Metal halide

2EA. - 400WATT HPS COBRA HEAD RT LIGHTS ON NEW CONC.

3EA. - 400WATT HPS COBRA HEAD RENTAL LIGHTS ON EXIST. CONCRETE POLES
Monthly Rate Schedule for each Light After First Three Years

GranVille 70 watt metal halide luminaire	\$ 11.35
Cobra 70 watt high pressure sodium luminaire	7.37
GranVille 100 watt high pressure sodium luminaire	9.44
Colonial 100 watt high pressure sodium lumi	
Park-Pak 100 watt high pressure sodium lumi	
NEMA 100 watt high pressure sodium lumina	
NEMA 175 watt mercury vapor luminaire (dis	
Cobra 250 watt high pressure sodium luminair	
Mongoose 250 watt metal halide luminaire	
Cobra 400 watt high pressure sodium luminaire	
Cobra 700 watt high pressure sodium luminaire	
Flood 1,000 watt metal halide luminaire	



Street Lighting Rental: Public street lighting and highway lighting incorporated cities and other governmental authorities.

Lighting Substitute: The City may at its option substitute mercury lighting that meets or exceeds the rated lumens output of the mercury lighting. The rate shall not be changed at that time.

Electric Power Cost Adjustment: The energy charge in any billing shall be increased or decreased by an amount per kilowatt-hour as may be necessary to accommodate the increased or decreased cost of electricity purchased by the City.

Exhibit A – Res. No. 1728-2005

Monthly Rate Schedule for each Light for the First Three Years

	70 Watt MH**	70 Watt HPS*	100 Watt HPS*	100 Watt, HPS*	250 Watt HPS*	250 Watt MH**	400 Watt MH**	1,000 Watt MH**
GranVille on fiberglass pole	\$66.61		\$65.35					
Colonial on fiberglass pole				\$11.35				
Park-Pak on laminated wood pole				21.35				
Install fixture on existing pole		\$ 7.37		9.20	\$17.25		\$23.50	\$44.35
Install fixture and new wooden pole		25.20		11.95	19.90		27.10	47.00
Install fixture and new concrete pole		29.18		16.45	24.45	57.59	33.25	51.53
Install fixture and new metal pole					40.56			
*HPS - High pressure sodium								
**MH - Metal halide								

Monthly Rate Schedule for each Light After First Three Years

GranVille 70 watt metal halide luminaire	\$ 11.35
Cobra 70 watt high pressure sodium luminaire	7.37
GranVille 100 watt high pressure sodium luminaire	9.44
Colonial 100 watt high pressure sodium luminaire	6.10
Park-Pak 100 watt high pressure sodium luminaire	6.10
NEMA 100 watt high pressure sodium luminaire	6.10
NEMA 175 watt mercury vapor luminaire (discontinued)	8.12
Cobra 250 watt high pressure sodium luminaire	12.05
Mongoose 250 watt metal halide luminaire	13.84
Cobra 400 watt high pressure sodium luminaire	15.47
Cobra 700 watt high pressure sodium luminaire	24.41
Flood 1,000 watt metal halide luminaire	36.90

Street Lighting Rental: Public street lighting and highway lighting may be installed on existing wooden, metal, and concrete poles for incorporated cities and other governmental authorities.

Lighting Substitute: The City may at its option substitute mercury vapor lighting with high pressure sodium lighting or any other type of lighting that meets or exceeds the rated lumens output of the mercury vapor fixture; however, if such substitution takes place the monthly rate will not be changed at that time.

Bulk Power Cost Adjustment: The energy charge in any billing month hereunder shall be increased or decreased by an amount per kilowatt hour as may be necessary to accommodate the increased or decreased cost of bulk electricity purchased by the City.

AGREEMENT OF ASSUMPTION AND RELEASE

THIS AGREEMENT OF ASSUPMTION AND RELEASE ("Agreement") is effective as of the September __, 2021 by and among **Gates of Times Square, LLC**, a Florida limited liability company (the "Assuming Party"); and **City of Jacksonville Beach**, a municipal corporation (the "Assigning Party").

WHEREAS, the Assigning Party owns, operates and maintains the electrical distribution lines, above and below the surface of the property described in Exhibit "A" hereto, including but not limited to six (6) power poles, light fixtures, conduits and wires inside the conduits (collectively "electrical distribution infrastructure") as shown on the map of the real property attached as Exhibit "B";

WHEREAS, the parties hereto desire to transfer the ownership of the electrical distribution infrastructure from Assigning Party to Assuming Party which owns the real property described in Exhibit "A" and operates the Sea Walk Village commercial center located thereon; and

WHEREAS, the Assuming Party desires to continue to operate and maintain the electrical distribution infrastructure and pay the Assigning Party through its electric provider, Beaches Energy Services, for the power consumed by the electrical distribution infrastructure going forward and to alleviate the cost of maintenance and liability from the Assigning Party which desires to assign the ownership, obligations and liability for the electrical distribution infrastructure going forward;

NOW THEREFORE, in consideration hereinafter provided and other valuable consideration, which acknowledged, the parties agree:

1. Assigning Party hereby assigns all of its ownership and rights to the electrical distribution infrastructure located on the real property shown in Exhibit "A" and delegates the operation, maintenance and all of its liability for maintaining, repairing and operating said electrical distribution infrastructure to the Assuming Party.

2. Assuming Party hereby assumes and accepts all of the ownership and rights to the electrical distribution infrastructure located on the real property shown in Exhibit "A" and accepts the Assigning Party's delegation of the operation, maintenance and all of the Assigning Party's liability for maintaining, repairing and operating said electrical distribution infrastructure from the date of this Agreement forward.

3. In consideration of the assumption of the ownership and rights to the electrical distribution infrastructure located on the real property shown in Exhibit "A", the Assuming Party (a) agrees to be solely responsible and liable for any maintaining, repairing and operating said electrical distribution infrastructure and for any liability claims that result therefrom from the date of this Agreement forward; (b) the Assuming Party agrees to indemnify and hold harmless the Assigning Party from all liability, claims, demands, action judgments, costs, expenses, court costs, attorney fees and causes of action whatsoever arising out of t or relating to an loss, damage, or injury, including death, arising from the Assuming Party's ownership, operation, maintenance, and repair of said electrical distribution infrastructure from the date of the Agreement forward; and (c) the Assuming Party forever releases and discharges the Assigning Party for any liability for maintaining, repairing and operating said electrical distribution infrastructure from the date of this Agreement forward.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date set forth above.

Gates of Times Square, LLC

By: _____
Its: _____

City of Jacksonville Beach

By: _____
Its: _____



LAND SURVEYORS

EXHIBIT "A"

OCTOBER 27, 1999
WORK ORDER NO. 99-572-4

UTILITY EASEMENT

A PORTION OF LOT 3 BLOCK 104 AS SHOWN ON MAP PF PABLO BEACH IMPROVEMENT COMPANY'S PLAT (NORTHERN PORTION) AS RECORDED IN PLAT BOOK 5 PAGE 66 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK 104 SAID CORNER ALSO BEING THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF NORTH THIRD STREET, A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED WITH THE SOUTHERLY RIGHT OF WAY LINE OF NORTH TENTH AVENUE, AN 80 FOOT RIGHT OF WAY AS NOW ESTABLISHED; FROM THE POINT OF REFERENCE THUS DESCRIBED RUN DUE WEST ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF NORTH TENTH AVENUE A DISTANCE OF 107.75 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH 0°03'20" EAST DEPARTING SAID RIGHT OF WAY LINE A DISTANCE OF 45.79 FEET; THENCE SOUTH 89°56'40" WEST A DISTANCE OF 11.00 FEET; THENCE NORTH 0°03'20" WEST A DISTANCE OF 4.38 FEET; THENCE NORTH 78°32'30" WEST A DISTANCE OF 26.69 FEET; THENCE DUE WEST A DISTANCE OF 21.70 FEET; THENCE DUE NORTH A DISTANCE OF 3.00 FEET; THENCE DUE EAST A DISTANCE OF 22.00 FEET; THENCE SOUTH 78°32'30" EAST A DISTANCE OF 26.38 FEET; THENCE NORTH 0°03'20" WEST A DISTANCE OF 38.36 FEET TO A POINT IN THE SAID SOUTHERLY RIGHT OF WAY LINE OF NORTH TENTH AVENUE; THENCE DUE EAST ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF NORTH TENTH AVENUE A DISTANCE OF 11.00 FEET TO THE POINT OF BEGINNING

8789 SAN JOSE BLVD., SUITE 301 • JACKSONVILLE, FLORIDA 32217 • PHONE: 904/739-2217

"A"



● Light poles

Exhibit "B"



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

CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Sandra Robinson, City Attorney
DATE:	10/11/2021
SUBJECT:	Amendment to Agreement with Bell & Roper, PA.

BACKGROUND

At the advice of the former City Attorney, on March 1, 2021, the City entered into a Legal Services Agreement with the law firm of Bell & Roper, P.A., for the provision of continuing legal services on an as-needed basis. Since entering into the Agreement, and as anticipated at that time, several City departments have relied upon Attorney Sherry Sutphen of Bell & Roper, P.A. for her expertise in local government law, eminent domain, land use law, and planning and development matters.

Although legal fees are exempt from the Public Procurement requirements (Sec. 287.057(3)(e)), in the former City Attorney's memo prepared for the March 1, 2021 City Council meeting, he stated that if legal services on a project or the cumulative cost of the services are anticipated to be greater than \$25,000, the City Attorney would submit the expenditure for approval by City Council. Upon receipt of the final invoices for FY2021, it was discovered that the cumulative legal fees for services rendered through September 30, 2021 exceeded \$25,000 by \$6,971.97.

In August 2021, the City received notice that following the retirement of Michael Bell from the firm, the name of the law firm was changed from Bell & Roper, P.A., to Roper, P.A., and that all services and operations would continue unchanged and uninterrupted. As a result of the name change, the City has been asked to enter into Amendment 1 to the Legal Services Agreement, which is a simple amendment to the firm's name change, as well as to the City's reference to the City Clerk. All other terms and conditions of the Agreement remain unchanged.

FINANCIAL IMPACT

None.

REQUESTED ACTION

1. Approve/Disapprove attorney's fees due to Roper, P.A., in excess of \$25,000 for FY2021; and
2. Approve/Disapprove Amendment 1 to the Legal Services Agreement between the City of Jacksonville Beach and Roper, P.A.

ATTACHMENTS

1. Legal Services Agreement
2. Amendment 1 to the Legal Services Agreement

LEGAL SERVICES AGREEMENT

THIS AGREEMENT is made by and between the City of Jacksonville Beach (City), 11 North Third Street, Jacksonville Beach, Florida 32250, and Bell & Roper, P.A. (Bell & Roper), 2707 E. Jefferson Street, Orlando, Florida 32803.

WITNESSETH

WHEREAS, Bell & Roper is a law firm of attorneys and counselors at law, all of which are duly licensed and authorized to practice the profession of law in the State of Florida; and

WHEREAS, the City desires to retain the services of Bell & Roper for certain legal assignments as deemed necessary by the City; and

WHEREAS, legal services are exempt from the formal solicitation process; and

WHEREAS, the City has determined that it is in its best interest to enter into an agreement with the law firm of Bell & Roper for the provision of continuing legal services on an as-needed basis.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Bell & Roper shall provide continuing legal services to the City as requested from time to time and assigned by the City Attorney or the City Manager.
2. Any attorney with the firm of Bell & Roper who provides legal services on behalf of the City shall at all times remain in good standing with the Florida Bar.
3. Bell & Roper shall be compensated by the hour, at a rate of \$225.00, all inclusive, with a minimum charge of one tenth of an hour for any activity completed on the City's behalf. Bell & Roper shall issue statements for professional services rendered on a monthly basis which

shall be paid by the City within 30 days, in accordance with its standard processes and procedures. The above-stated hourly rate shall also apply to legal services provided by Bell & Roper in the course of litigation, not otherwise covered by the City's insurance carrier, or other Agreement between the parties. With regard to litigation or other extraordinary expenses such as court reporter services, real estate closing and title related services, filing fees, discovery related fees, delivery fees and the like, Bell & Roper shall pass such costs through to the City on its monthly statement for payment in accordance with the City's standard processes and procedures. The above stated rate shall be fixed for a period of two (2) years from the date of execution by the City and may be increased thereafter as agreed by the parties.

4. The office expenses and procurement of legal materials by Bell & Roper shall be borne by Bell & Roper unless the City requires specific and specialized material solely for the use of the City. In such an event, said expense shall be passed through to the City on the monthly statement.

5. Bell & Roper shall at all times maintain general liability insurance and professional liability insurance in an amount acceptable to the City. Upon request, Bell & Roper shall provide the City with Certificates of Insurance evidencing such coverage.

6. Nothing in this Agreement shall be construed as creating an employer/employee relationship between the City and any of the attorneys or other employees in the firm of Bell & Roper. Bell & Roper shall be deemed, for all purposes set forth herein, an independent contractor. No attorney or other employee of Bell & Roper shall be eligible for any employment benefits which the City provides to its employees, except as otherwise required by law. No attorney or other employee of Bell & Roper is eligible to receive Florida State Retirement Benefits as a result of this contractual relationship with the City.

7. This Agreement constitutes the entire agreement between the parties and shall supersede, replace and nullify any and all prior agreements or understandings, written or oral, relating to the matters set forth herein.

8. The covenants, terms and conditions contained herein may be amended, altered and/or modified only upon the express written consent of the parties hereto. In the event of any conflict between the covenants, terms and/or conditions hereof and any amendment(s) hereto, the latest executed amendment shall take precedent.

9. Pursuant to Florida Statutes, Section 448.095, Bell & Roper shall be registered with and utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility status of all employees performing work under this Agreement as well as all newly hired employees.

10. Pursuant to Florida Statutes, Section 119.0701:

IT IS ACKNOWLEDGED THAT THE CITY'S CUSTODIAN OF PUBLIC RECORDS IS AS FOLLOWS:

**LAURIE SCOTT, CITY CLERK
CITY HALL, FIRST FLOOR
11 NORTH THIRD STREET
JACKSONVILLE BEACH, FL 32250
(904) 247-6299
LSCOTT@JAXBCHFL.NET**

Bell & Roper agrees to comply with public records laws, specifically to:

- A. Keep and maintain public records required by the City for the scope of this Agreement.
- B. Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost allowed by law.
- C. Ensure that any public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as

authorized by law, for the duration of the contract term and following completion of the contract if Bell & Roper does not transfer the records to the City.

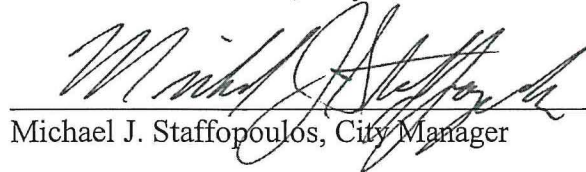
- D. Upon completion of this contract, transfer, at no cost, to the City all public records in Bell & Roper's possession or keep and maintain the public records as required by the City. If Bell & Roper transfers all public records to the City upon completion of this contract, Bell & Roper shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Bell & Roper keeps and maintains public records upon completion of the contract, Bell & Roper shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request, in a format that is compatible with the information technology systems of the City.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this 1st day ^{March} of February, 2021.

City of Jacksonville Beach

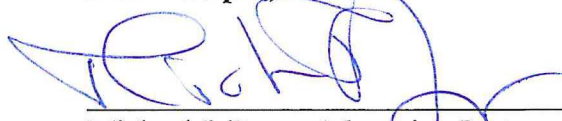


Christine H. Hoffman, Mayor



Michael J. Staffopoulos, City Manager

Bell & Roper, P.A.



Michael J. Roper, Managing Partner

ATTEST:



Laurie Scott, City Clerk

Approved as to form and legal sufficiency:



Chris Ambrosio, City Attorney

**AMENDMENT 1 TO THE LEGAL SERVICES AGREEMENT BETWEEN
CITY OF JACKSONVILLE BEACH AND ROPER, P.A.**

THIS AMENDMENT is made by and between the City of Jacksonville Beach, 11 North Third Street, Jacksonville Beach, Florida 32250 ("CITY") and Roper, P.A., 2707 E. Jefferson Street, Orlando, Florida 32803 ("ROPER").

WHEREAS, ROPER entered into a Legal Services Agreement with the CITY on March 1, 2021, through its former firm name, Bell & Roper, P.A.; and

WHEREAS, the parties have determined that it is in their best interest to amend the Agreement to recognize the name change of ROPER.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the CITY and ROPER agree as follows:

1. The Agreement is hereby amended to change the firm name from Bell & Roper, P.A., to Roper, P.A., with all responsibilities of Bell & Roper, P.A., being fully assumed by Roper, P.A.
2. Paragraph 10 of the Agreement is hereby amended to remove the reference to the City's former City Clerk, Laurie Scott, and to change the email address from lscott@jaxbchfl.net to CityClerk@jaxbchfl.net.
3. All other terms and conditions of the Agreement shall remain in full force and effect, and to the extent of any conflict between this Amendment and any previous Agreements between the parties, this Amendment shall prevail.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this ____ day of _____, 2021.

CITY OF JACKSONVILLE BEACH

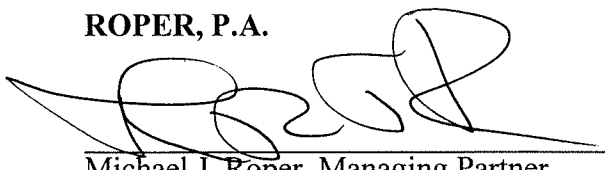
Christine H. Hoffman, Mayor

Michael J. Staffopoulos, City Manger

ATTEST:

Sheri Gosselin, City Clerk

ROPER, P.A.



Michael J. Roper, Managing Partner



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

CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development Department
DATE:	10/04/2021
SUBJECT:	Ordinance No. 2021-8167 (Second Reading)

BACKGROUND

The owners and representatives of the *South Beach Regional Shopping Center*, located at the southwest corner of Third Street South and Jacksonville Drive, have applied to amend the Planned Unit Development: PUD zoning district that governs the commercial shopping center in order to allow four outdoor restaurant areas and outdoor retail display and sales areas. The current existing PUD ordinances governing the shopping center specifically limit outdoor retail displays and sales of merchandise to a small area adjacent to the Home Depot Retail store only. Additionally, outdoor seating areas for restaurants in current tenant spaces were not contemplated in the original PUD standards, nor any of the adopted amendments to the PUD.

The applicant is specifically requesting to allow for the development of up to 60% of the enclosed indoor restaurant area for outdoor restaurant areas at each of the four identified tenant locations. Locations for outdoor restaurant areas are specifically identified to replace the current vehicular drive through lanes at the tenant spaces located on the east and west sides of the entrance/exit to Jacksonville Drive, and at two tenant spaces at the building on the south side of the commercial shopping center, as shown on "Exhibit I" in the application.

Staff proposed several conditions to the PUD amendment request for consideration by the Planning Commission. The Planning Commission originally considered the application and staff's conditions on July 26, 2021. Staff's recommended conditions include ensuring that outdoor seating adheres to Section 34-407 of the Land Development Code, that corner sight visibility triangles are provided for safety, that creative barriers to prevent vehicle conflicts with people are installed, that there is compliance with the sound ordinance, establishing hours of operation, and criteria for outdoor retail display.

At the July meeting, following a discussion on the application, the Planning Commission and the applicant agreed to defer the proposed PUD amendment application to the next available meeting to allow additional time for staff to work with the applicant on proposed conditions, based on discussion by the Planning Commission.

Staff revised the conditions, based on the Planning Commission's concerns and discussion, and the application was considered at a subsequent meeting on August 23, 2021. At the August meeting, the Planning Commission voted to recommend approval of staff's conditions to the City Council, as amended. The Planning Commission's amendments to staff's proposed conditions are shown below in red/underline font:

1. Outdoor restaurant areas shall be allowed as shown on Exhibit I (Site Plan) hereto (Ordinance No. 2021-8176) and shall not require a Conditional Use approval, but will be permitted. All outdoor restaurant areas shall adhere to the requirements as described in



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

Section 34-407 of the Land Development Code except those portions amended by this ordinance as they pertain to seating and seating allocation.

2. All outdoor restaurant areas shall adhere to the general requirements as described in Section 34-425(h) with regards to visibility at sight triangles at intersections for internal drive lanes and parking isles.
3. Outdoor restaurant areas adjacent to the northern drive aisle leading in and out to Jacksonville Drive shall provide protective concrete barriers along the entire exterior perimeter, (excluding those sides that are adjacent to the business) but otherwise encompassing or surrounding any area where there can be vehicle conflict. Barriers shall have an ASTM-C40 rating and shall be placed no further than 48 inches apart. Creative forms of barriers may be considered under Crime Prevention through Environmental Design (CPTED) best practices. Final designs of barriers to be determined through the standard design review process incorporating the above guidance.
4. Outdoor restaurant areas may have outside speakers, but shall be limited to Low Volume Outdoor amplified and acoustic sound, as defined in Sec. 18-7 of the municipal code, in effect at the time of adoption. Outdoor restaurant areas adjacent to Jacksonville Drive shall have speakers only oriented to the south.
5. Outdoor restaurant services shall cease operation at 11:00 p.m. Monday—Saturday and 10:00 p.m. Sundays 10:00 p.m. Sunday through Thursday, 11:00 p.m. Friday & Saturday.
6. Outside display of merchandise shall be permitted at all retail sales locations, as shown on Exhibit I (Site Plan) hereto (Ordinance No. 2021-8176), however, clear sidewalk access shall be maintained to the balance of the shopping center spaces at all times and a clear ADA compliant path be maintained at all times along any sidewalk or walkway. There shall be no overnight displays or merchandise left on sidewalks except on Parcel 4.

The first reading of Ordinance No. 2021-8167 was held on October 4, 2021 and was approved with the following amendments:

1. Amendment 1 - Amend Section 5 of Ordinance No. 2021-8167; Section 1, Paragraph E, Condition 20 to remove "if under canopy, or" and "otherwise" from the last sentence.
2. Amendment 2 - Amend Section 5 of Ordinance No. 2021-8167; Section 1, Paragraph E, Condition 20 (a) to state "... a seating allocation of 50% of the indoor restaurant area, or the allocation set by Section 34-407 of the City of Jacksonville Beach Land Development Code, whichever is greater."
3. Amendment 3 - Amend Section 5 of Ordinance No. 2021-8167; Section 1, Paragraph E, Condition 20 (c) changing 48 inches to 66 inches.
4. Amendment 4 - Amend Section 5 of Ordinance No. 2021-8167; Section 1, Paragraph E, Condition 20 (d) to add, "Pursuant Section 18-7(b)(1) a Low Volume Outdoor Amplified and Acoustic Sound Permit is required for licensed establishments."

FINANCIAL IMPACT

None



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

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2021-8167 amending PUD Ordinance No. 7411, as amended, supplementing the comprehensive zoning regulations (South Beach Regional Shopping Center)(SECOND READING)(PUBLIC HEARING)

ATTACHMENTS

1. Rezoning Application PC#8-21
2. Ordinance No. 2021-8176 SBRSC PUD Amendment Final As Amended



REZONING APPLICATION

RECEIVED
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
Mailing Address: One Independent Drive, Suite 114
Jacksonville, FL 32202
Attn: Jacksonville Property Management

Telephone: 904-598-7000

Fax:

E-Mail: patrickmckinley@regencycenters.com

Applicant Name: Steven Diebenow
Mailing Address: One Independent Drive, Ste 1200
Jacksonville, FL 32202

Telephone: (904) 301-1269

Fax:

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
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

RECEIVED
PC 8-21
JUN 25 2021
21-100109
PLANNING & DEVELOPMENT

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.

RECEIVED
PC 8-21
JUN 25 2021
21-100109
PLANNING & DEVELOPMENT

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 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. 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

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.”

- 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.

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.

- 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.

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.

- (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

EXHIBIT A:
LEGAL DESCRIPTION

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Exhibit A

PLANNING & DEVELOPMENT

PARCEL A:

A portion of Section 9, Township 3 South, Range 29 East, Duval County, Florida, and being a portion of South Beach Regional Shopping Center, as per plat recorded in Plat Book 46, pages 88, 88A and 88B, Public Records of Duval County, Florida and being more particularly described as follows:

Commence at the intersection of the Northerly right of way line of J. Turner Butler Boulevard (State Road Number 202) with the Easterly right of way line of South Beach Parkway, formerly known as St. Augustine Boulevard (60 foot right of way as now established); thence with the Easterly right of way line of South Beach Parkway, run North 01 degree 51 minutes 05 seconds West, a distance of 150.00 feet to a point and the Point of Beginning; from the Point of Beginning as thus established, and with the Easterly right of way line of South Beach Parkway, run North 01 degrees 51 minutes 05 seconds West, a distance of 204.72 feet to an iron pin found; thence continuing with said right of way, run North 07 degrees 33 minutes 55 seconds East, a distance of 190.03 feet to an iron pin found at the point of curvature of a curve leading to the right and lying in the Southerly right of way line of the relocation of Jacksonville Drive; run thence along and around the arc of the curve, said curve being concave Northwesterly and having a radius of 81.00 feet; an arc length of 113.92 feet (said arc being subtended by a chord bearing and distance of North 47 degrees 51 minutes 25 seconds East, 104.76 feet) to an iron pin found at the point of reversed curvature of a curve leading to the left; thence run along and around the arc of the curve and with said Southerly right of way line of Jacksonville Drive, said curve being concave Southwesterly and having a radius of 1,058.00 feet, an arc length of 618.02 feet (said arc being subtended by a chord bearing and distance of North 71 degrees 24 minutes 51 seconds East, 609.27 feet) to an iron pin found at the point of tangency of said curve; thence continuing with said Southerly right of way line, run North 54 degrees 40 minutes 47 seconds East, a distance of 345.04 feet to a point; thence leaving said proposed right of way line, run North 88 degrees 08 minutes 55 seconds East, a distance of 894.35 feet to a point; run thence North 01 degrees 40 minutes 50 seconds West, a distance of

240.06 feet to a point on the Southerly right of way of Jacksonville Drive; thence with said right of way, run North 88 degrees 19 minutes 10 seconds East, a distance of 40.00 feet to a point; thence leaving said right of way, run South 01 degrees 40 minutes 50 seconds East, a distance of 258.49 feet to a point; run thence South 18 degrees 01 minutes 16 seconds West, a distance of 265.98 feet to the point of curvature of a curve leading to the left; thence run along and around the arc of the curve, said curve being concave Southwesterly and having a radius of 27.68 feet, an arc length of 48.79 feet (said arc being subtended by a chord bearing and distance of South 32 degrees 24 minutes 33 seconds East, 42.71 feet) to the Point of Tangency of said curve; run thence South 82 degrees 56 minutes 23 seconds East, a distance of 205.37 feet to a point on a curve leading to the left; run thence along and around the arc of the curve, said curve being concave Southeasterly and having a radius of 30.00 feet, an arc length of 21.38 feet (said arc being subtended by a chord bearing and distance of North 76 degrees 38 minutes 51 seconds East, 20.93 feet to the Point of Tangency of said curve) situate on the Westerly right of way line of State Road A1A, also known as 3rd Street (said Westerly right of way line being 100.00 feet Westerly of the centerline); thence with said Westerly right of way, run South 14 degrees 49 minutes 30 seconds West, a distance of 216.48 feet to a P.R.M. found at an angle point in said right of way; thence continuing with said right of way, run South 88 degrees 19 minutes 10 seconds West, a distance of 52.07 feet to an iron pin found; thence continuing with said right of way, run South 14 degrees 49 minutes 30 seconds West, a distance of 146.57 feet to a point; thence leaving said right of way, run South 88 degrees 10 minutes 40 seconds West, a distance of 1,084.74 feet to point; run thence south 01 degrees 49 minutes 20 seconds East, a distance of 296.05 feet to a point on the Northerly right of way line of J. Turner Butler Boulevard; thence with said right of way, run South 88 degrees 10 minutes 40 seconds West a distance of 539.30 feet to point; thence leaving said right of way line, run North 01 degrees 51 minutes 05 seconds West, a distance of 150.15 feet to point; run thence 88 degrees 08 minutes 55 seconds West, a distance of 290.40 feet to a point on the Easterly right of way line of South Beach Parkway and the Point of Beginning, designated Parcels 1, 2, 3 b and 6, of 6 Parcels on Map showing as-built survey of South Beach Regional Shopping Center, certified to IRT Property Company, Nationsbank of Georgia, N.A. and Chicago Title Insurance Company by James D. Harrison, Jr., P.L.S. Number 2647, under date of July 22, 1992, prepared by All American Surveyors, Inc.

LESS AND EXCEPT that certain tract conveyed by Special Warranty Deed from South Beach Regional Associates to the City of Jacksonville Beach, dated May 18, 1990, recorded in Official Records Book 6966, page 803, Public Records of Duval County, Florida.

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PARCEL B:

A portion of Section 9, Township 3 South, Range 29 East, Duval County, Florida being more particularly described as follows:

Commence at the intersection of the Easterly right of way line of South Beach Parkway, formerly known as St. Augustine Boulevard (60 foot right of way as now established) with the Northerly right of way line of J. Turner Butler Boulevard (State Road Number 202); thence with the Northerly right of way line of J. Turner Butler Boulevard; run North 88 degrees 10 minutes 40 seconds East, a distance of 829.70 feet to a point and the Point of Beginning; from the Point of Beginning as thus established and leaving the Northerly right of way of J. Turner Butler Boulevard, run North 01 degrees 49 minutes 20 seconds West, a distance of 296.05 feet to a point; run thence North 88 degrees 10 minutes 40 seconds East, a distance of 1,084.74 feet to a point on the Westerly right of way line of State Road A1A, also known as 3rd Street (said Westerly right of way line being 100.00 feet Westerly of the centerline); thence with said right of way line, run South 14 degrees 49 minutes 30 seconds West, a distance of 124.29 feet to a P.R.M. found on the Northerly right of way line of J. Turner Butler Boulevard; thence with said Northerly right of way line, run the following four courses and distances: South 51 degrees 58 minutes 41 seconds West, 283.82 feet to a P.R.M. found, South 85 degrees 22 minutes 28 seconds West, 250.28 feet to an iron pin found, South 89 degrees 41 minutes 05 seconds West, 110.03 feet to a P.R.M. found, and South 88 degrees 10 minutes 40 seconds West, 460.13 feet to a point and the Point of Beginning, designated Parcels 1 and 2 of 2 on map showing as-built survey of South Beach Regional Shopping Center, certified to IRT Property Company, Nationsbank of Georgia, N.A. and Chicago Title Insurance Company by James D. Harrison, Jr., P.L.S. Number 2647, under date of July 27, 1992, prepared by All American Surveyors, Inc.

EXHIBIT DDescription of PremisesJacksonville Beach, Florida

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PARCEL 1:

A portion of Section 9, Township 3 South, Range 29 East, Duval County, Florida being more particularly described as follows:

PLANNING & DEVELOPMENT

Commence at the intersection of the Easterly right of way line of South Beach Parkway, formerly known as St. Augustine Boulevard (a 60.00 foot right of way as now established) with the Northerly right of way line of J. Turner Butler Boulevard (State Road No. 202); thence Easterly and Northeasterly along the said Northerly right of way line the following four courses: Course No. One (1) North 88°10'40" East, 1289.83 feet; Course No. Two (2) North 89°41'05" East, 110.03 feet; Course No. Three (3) North 85°22'28" East, 250.28 feet; Course No. Four (4) North 51°58'41" East, 283.82 feet to a point situate on the Westerly right of way line of State Road A1A also known as Third Street (said Westerly right of way line being 100.00 feet Westerly of the centerline); thence North 14°49'30" East along said Westerly right of way line, 270.85 feet to an angle point in said right of way; thence North 88°19'10" East, 52.07 feet; thence North 14°49'30" East along said Westerly right of way line, (said Westerly right of way line being 50.00 feet Westerly of the centerline), 121.39 feet to the Point of Beginning; point also being situated on a curve leading to the left; thence along and around the arc of the curve and departing from said Westerly right of way line, said curve being concave Southwesterly and having a radius of 45.00 feet, an arc length of 53.09 feet, said arc being subtended by a chord bearing and distance of North 52°31'46" West, 50.06 feet to the point of tangency of said curve; thence North 86°19'35" West, 157.69 feet to the point of curvature of a curve leading to the left; thence along and around the arc of the curve, said curve being concave Southeasterly and having a radius of 75.00 feet, an arc length of 100.02 feet, said arc being subtended by a chord bearing and distance of South 55°28'02" West, 92.77 feet to the point of tangency of said curve; thence South 17°15'39" West, 268.00 feet; thence South 88°10'40" West, 484.19 feet; thence North 01°49'20" West, 360.96 feet; thence North 81°56'18" East, 129.22 feet; thence North 01°49'20" West, 210.25 feet; thence South 88°10'40" West, 49.35 feet; thence North 01°49'20" West, 95.00 feet; thence North 88°08'55" East, 639.35 feet; thence South 01°40'50" East, 18.55 feet; thence South 18°07'16" West, 265.98 feet to the point of curvature of a curve leading to the left; thence along and around the arc of the curve, said curve being concave Northeasterly and having a radius of 27.66 feet, an arc length of 48.79 feet, said arc being subtended by a chord bearing and distance of South 32°24'33" East, 42.71 feet to the point of tangency of said curve; thence South 82°56'23" East, 205.37 feet to the point of curvature of a curve leading to the left; thence along and around the arc of the curve, said curve being concave Northwesterly

and having a radius of 30.00 feet, an arc length of 21.38 feet, said arc being subtended by a chord bearing and distance of North 76°38'51" East, 20.93 feet to a point on said curve, said point also being situate on the aforementioned Westerly

right of way line of State Road A1A; thence South 14°49'30" West along said Westerly right of way line, 95.09 feet to the Point of Beginning

LESS AND EXCEPT that portion conveyed to the City of Jacksonville by the Special Warranty Deed as filed in Official Record Book 6966, page 803, of the Public Records of Duval County, Florida.

NOW KNOWN AS:

Parcel 4 of 5, SOUTH BEACH REGIONAL SHOPPING CENTER, as filed in Plat Book 46, page 88 of the Public Records of Duval County, Florida.

PARCEL 2:

TOGETHER WITH those certain easements contained in the Lease Agreement over and across portions of the shopping center parcel as more particularly described in the First Amendment to Memorandum of Lease filed in Official Record Book 7072, page 708, of the Public Records of Duval County, Florida.

OVERALL PARCEL FOR SOUTH BEACH REGIONAL SHOPPING CENTER

A portion of Section 9, Township 3 South, Range 29 East, Duval County, Florida, being more particularly described as follows:

Begin at the intersection of the Northerly right-of-way line of J. Turner Butler Boulevard, (State Road No. 202), and the Easterly right-of-way line of South Beach Parkway, formerly known as St. Augustine Boulevard, (a 60 foot right-of-way as now established); thence North 01°51'05" West, along said Easterly right-of-way line, 354.72 feet; thence North 07°33'55" East, continuing along said Easterly right-of-way line, 190.03 feet point of curvature of a curve leading to the right and lying in the proposed Southerly right-of-way line of the relocation of Jacksonville Drive; thence along and around the arc of the curve, said curve being concave Southeasterly and having a radius of 81.00 feet, an arc length of 113.92 feet, said arc being subtended by a chord bearing and distance of North 47°51'25" East, 104.76 feet to the point of reverse curvature of a curve leading to the left; thence along and around the arc of a curve and said proposed Southerly right of way line, said curve being concave Northwesterly and having a radius of 1058.00 feet, an arc length of 618.02 feet, said arc being subtended by a chord bearing and distance of North 71°24'51" East, 609.27 feet to the point of tangency of said curve; thence North 54°40'47" East, continuing along said proposed Southerly right of way line, a distance of

345.04 feet; thence North 88°08'55" East, 894.35 feet; thence North 01°40'50" West, 240.06 feet to a point lying on the aforementioned proposed right of way line of the relocation of Jacksonville Drive; thence North 88°19'10" East, along said proposed Southerly right of way line, a distance of 324.75 feet; thence South 55°37'43" East, 40.76 feet, to a point situate on the Westerly right of way line of State Road A1A, also known as Third Street, (said Westerly right of way line being 50.00 feet Westerly of the centerline); thence South 14°49'30" West, along said Westerly right of way line, 788.50 feet to an angle point in said right of way line; thence South 88°19'10" West, 52.07 feet; thence South 14°49'30" West, along said Westerly right of way line of State Road A1A, (said Westerly right of way line being 100.00 feet Westerly of the centerline), 146.57 feet; thence South 88°10'40" West, 1084.74 feet; thence South 01°49'20" West, 296.05 feet, to a point on the Northerly right of way line of aforementioned J. Turner Butler Boulevard; thence South 88°10'40" West, along said Northerly right of way line, 829.70 feet to the Point of Beginning.

Subject to an 80 foot drainage easement and a drainage easement for the Florida Department of Transportation and the Jacksonville Transportation Authority.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED PARCEL any portion of the property described in Parcel 1 described above.

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EXHIBIT B:
AGENT AUTHORIZATION

EXHIBIT B
Agent Authorization

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

PLANNING & DEVELOPMENT

**Re: Agent Authorization 3818 South 3rd Street, Jacksonville Beach, FL 32250
(RE# 181416 1110)**

Ladies and Gentlemen:

You are hereby advised that Patrick McKinley, as Vice President, REGENCY CENTERS, LP, as the owner of the property described in **Exhibit A**, hereby authorizes and empowers DRIVER, MCAFEE, HAWTHORNE, & DIEBENOW, PLLC, to act as agent to file an application for land use amendment and 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, request and other matters necessary for such requested change as submitted to the Jacksonville Beach Planning and Development Department.



WENDI HILL
Commission # GG 240466
Expires November 20, 2022
Bonded Thru Budget Notary Services

REGENCY CENTERS, LP

By: 

Patrick McKinley, Vice-President

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 29 day of December 2020, by Patrick McKinley, who is ☒ personally known to me or ☐ has produced N/A as identification.

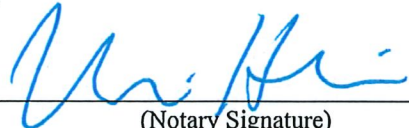

(Notary Signature)

EXHIBIT C:
WARRANTY DEED

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Prepared by and return to:
Joni Bonnell
Regency Centers
One Independent Drive, Suite 114
Jacksonville, FL 32202

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South Beach Regional

WARRANTY DEED

THIS WARRANTY DEED is made effective as of March 1, 2017, by and between **REGENCY CENTERS CORPORATION**, a Florida corporation, as successor by merger with Equity One, Inc., a Maryland corporation, as successor by merger with IRT Property Company, a Georgia corporation, whose address is One Independent Drive, Suite 114, Jacksonville, Florida 32202 ("**Grantor**"), and **REGENCY CENTERS, L.P.**, a Delaware limited partnership, whose address is One Independent Drive, Suite 114, Jacksonville, Florida 32202 ("**Grantee**").

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars and other valuable consideration paid by the Grantee, receipt of which is acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, the real property located in Duval County, Florida, more particularly described on Exhibit A attached hereto (the "**Property**").

Together with all the rights, tenements, improvements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining.

To have and to hold the same in fee simple forever.

The benefits and obligations hereunder shall inure to and be binding upon the successors and assigns of the respective parties hereto, and the Grantor does hereby fully warrant title to the Property and will defend the same against the lawful claims of all persons whomsoever.

This conveyance is subject to taxes and assessments for the year 2017 and thereafter, zoning and other governmental regulations, all conditions, restrictions, limitations, easements and matters of record, if any, but this provision shall not operate to reimpose same, any matters that would be disclosed by a physical inspection or an accurate survey of the Property and rights or claims of tenants of the Property, as tenants only, under unrecorded leases or rental agreements.

This instrument is a conveyance of unencumbered real property for no consideration from Grantor to Grantee, where Grantor's beneficial interest in the Property is identical to Grantor's beneficial interest in Grantee and Grantor owns 100% of the beneficial interest in Grantee. Accordingly, the beneficial ownership in the Property is not changed by this conveyance and there is no "purchaser" within the meaning of Sect. 201.02(1), Fla. Stat. See Technical Assistance Advisement Nos. 02B4-013 (Dec. 10, 2002), 04B4-013 (Dec. 30, 2004), and 06B4-005 (June 2, 2006); KURO, INC. v. STATE, 713 So.2d 1021 (Fla. 2nd DCA 1998), and CRESCENT MIAMI CENTER, LLC v. DEPARTMENT OF REVENUE, 903 SO. 2D 913 (FLA. 2005). Only minimal documentary stamp tax is due in connection with this Deed.

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IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument as of the day and year first above written.

Signed and sealed in the presence of:

"GRANTOR"

Amanda Williams
Amanda Williams

REGENCY CENTERS CORPORATION,
a Florida corporation

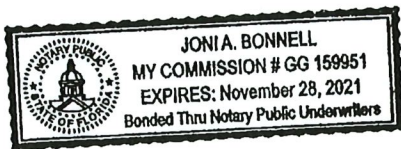
Joni A. Bonnell
Joni A. Bonnell

By: Barbara C. Johnston
Barbara C. Johnston
Senior Vice President

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 9 day of April, 2018, by Barbara C. Johnston, as Senior Vice President of Regency Centers Corporation, a Florida corporation, who is personally known to me.

{Notary Seal must be affixed}



Joni A. Bonnell
Public Notary
Joni A. Bonnell
Name of Notary

EXHIBIT D:
PROPERTY APPRAISER PAGE

REGENCY CENTERS LP

Primary Site Address

Official Record Book/Page

Title #
9509

C/O PROPERTY TAX DEPARTMENT
PO BOX 790830
SAN ANTONIO, TX 78279-0830

3818 S 3RD ST
3818 S 3RD ST
Jacksonville Beach FL 32250

18344-02133

3818 S 3RD ST

Property Detail

RE #	181416-1110
Tax District	USD28
Property Use	1691 Shopping Ctr/Community
# of Buildings	8
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	04672 SOUTH BCH REG SHOPPING CNTR
Total Area	1264424

The sale of this property may result in higher property taxes. For more information go to Save Our Homes and our Property Tax Estimator. In Progress property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification. Learn how the Property Appraiser's Office values property.

Taxable Values and Exemptions – In Progress

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value

SJRWMD/FIND Taxable Value

No applicable exemptions

School Taxable Value

No applicable exemptions

Sales History

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
18344-02133	3/1/2017	\$100.00	WD - Warranty Deed	Unqualified	Improved
07385-00787	7/31/1992	\$14,020,400.00	SW - Special Warranty	Unqualified	Improved

Extra Features

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	LPCC1	Light Pole Concrct	1	0	0	38.00	\$9,367.00
2	LITC1	Lighting Fixtures	1	0	0	63.00	\$15,679.00
3	PVAC1	Paving Asphalt	1	0	0	385,413.00	\$167,269.00
4	PVCC1	Paving Concrete	1	0	0	21,459.00	\$25,912.00
5	WMCC1	Wall Masonry/Concrct	1	0	0	3,940.00	\$8,707.00
6	SWSC6	Sprinkler Wet System	1	0	0	46,321.00	\$17,509.00
7	SWSC6	Sprinkler Wet System	2	0	0	5,700.00	\$2,394.00
8	SWSC6	Sprinkler Wet System	3	0	0	38,626.00	\$16,223.00
9	SWSC6	Sprinkler Wet System	4	0	0	22,304.00	\$9,368.00
10	SWSC6	Sprinkler Wet System	5	0	0	31,533.00	\$13,244.00
11	SWSC6	Sprinkler Wet System	6	0	0	31,935.00	\$13,413.00
12	SWSC6	Sprinkler Wet System	7	0	0	2,250.00	\$945.00
13	LPCC1	Light Pole Concrct	8	0	0	7.00	\$1,726.00
14	LITC1	Lighting Fixtures	8	0	0	9.00	\$2,240.00
15	WMCC1	Wall Masonry/Concrct	8	0	0	1,629.00	\$4,320.00
16	SWSC6	Sprinkler Wet System	8	0	0	99,686.00	\$83,736.00
17	PVAC1	Paving Asphalt	8	0	0	238,600.00	\$103,552.00
18	PVCC1	Paving Concrete	8	0	0	39,107.00	\$51,719.00
19	LPWC1	Light Pole Metal	8	0	0	17.00	\$7,976.00

20	LUTC1	Lighting Fixtures	8	0	0	30.00	\$6,222.00
21	WMCC1	Wall Masonry/Concrt	8	0	0	1,728.00	\$7,638.00

Land & Legal

Land

LN	Code	Use Description	Zoning Assessment	Front	Depth	Category	Land Units	Land Type	Land Value
1	1000	COMMERCIAL	JPUD	0.00	0.00	Common	1,273,694.00	Square Footage	\$11,921,776.00

Legal

LN	Legal Description
1	46-88 09-3S-29E 29.24
2	SOUTH BEACH REGIONAL SHOPPING CENTER
3	SOUTH BEACH REGIONAL PARCELS 1,2,3,4,
4	RETENTION PARCEL 5

Buildings

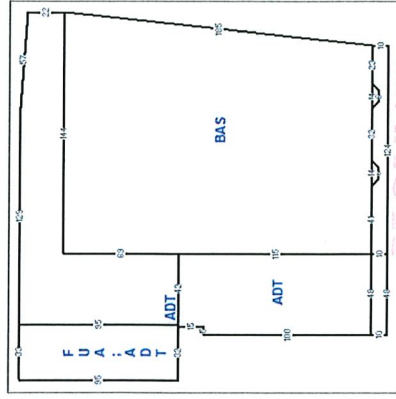
Building 1
Building 1 Site Address
3818 S 3RD ST Unit
Jacksonville Beach FL 32250

Building Type	1101 - STORE RETAIL
Year Built	1990
Building Value	\$2,754,607.00

Type	Gross Area	Heated Area	Effective Area
Base Area	24656	24656	24656
Addition	5445	5445	5445
Semi-Finished Base	40	40	32
Canopy	1160	0	290
Addition	7620	7620	7620
Finished upper story 1	3135	3135	3135
Addition	3135	3135	3135
Canopy	480	0	120
Semi-Finished Base	40	40	32
Total	45711	44071	44465

Element	Code	Detail
Exterior Wall	15	15 Concrete Blk
Roof Struct	9	9 Rigid Fr/Bar J
Roofing Cover	4	4 Built Up/T&G
Interior Wall	5	5 Drywall
Int Flooring	14	14 Carpet
Int Flooring	11	11 Cer Clay Tile
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	4	4 Packaged Unit
Ceiling Wall Finish	5	5 S Cell Wall Fin
Comm Htg & AC	1	1 Not Zoned
Comm Frame	3	3 C-Masonry

Element	Code	Detail
Stories	1.000	
Baths	10.000	
Rooms / Units	22.000	
Avg Story Height	18.000	



PC 8-21

JUN 25 2021

21-100109

PLANNING & DEVELOPMENT

2020 Notice of Proposed Property Taxes Notice (TRIM Notice)

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
Gen Govt Beaches	\$28,982,000.00	\$0.00	\$28,982,000.00	\$233,387.56	\$236,238.08	\$224,297.49
Public Schools: By State Law	\$28,982,000.00	\$0.00	\$28,982,000.00	\$111,723.22	\$105,987.17	\$109,044.78
By Local Board	\$28,982,000.00	\$0.00	\$28,982,000.00	\$64,365.40	\$65,151.54	\$62,821.38
FL Inland Navigation Dist.	\$28,982,000.00	\$0.00	\$28,982,000.00	\$916.23	\$927.42	\$886.85
Jax Bch USD2B	\$28,982,000.00	\$0.00	\$28,982,000.00	\$0.00	\$0.00	\$0.00
Jax Beach	\$28,982,000.00	\$0.00	\$28,982,000.00	\$114,377.43	\$115,774.40	\$109,963.50
Water Mgmt Dist. SJRWMD	\$28,982,000.00	\$0.00	\$28,982,000.00	\$6,911.84	\$6,628.18	\$6,628.18
Gen Gov Voted	\$28,982,000.00	\$0.00	\$28,982,000.00	\$0.00	\$0.00	\$0.00
School Board Voted	\$28,982,000.00	\$0.00	\$28,982,000.00	\$0.00	\$0.00	\$0.00
Urban Service Dist2	\$28,982,000.00	\$0.00	\$28,982,000.00	\$0.00	\$0.00	\$0.00
Totals				\$531,681.68	\$530,706.79	\$513,642.18
Description	Last Year	Current Year	Just Value	Assessed Value	Exemptions	Taxable Value
	\$28,632,295.00	\$28,632,295.00	\$28,632,295.00	\$28,632,295.00	\$0.00	\$28,632,295.00

\$28,982,000.00

\$0.00

\$28,982,000.00

2020 TRIM Property Record Card (PRC)

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

Property Record Card (PRC)

The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

2020**2019****2018**

- To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here: 

More Information

[Contact Us](#) | [Parcel Tax Record](#) | [GIS Map](#) | [Map this property on Google Maps](#) | [City Fees Record](#)

RECEIVED

PC 8-21

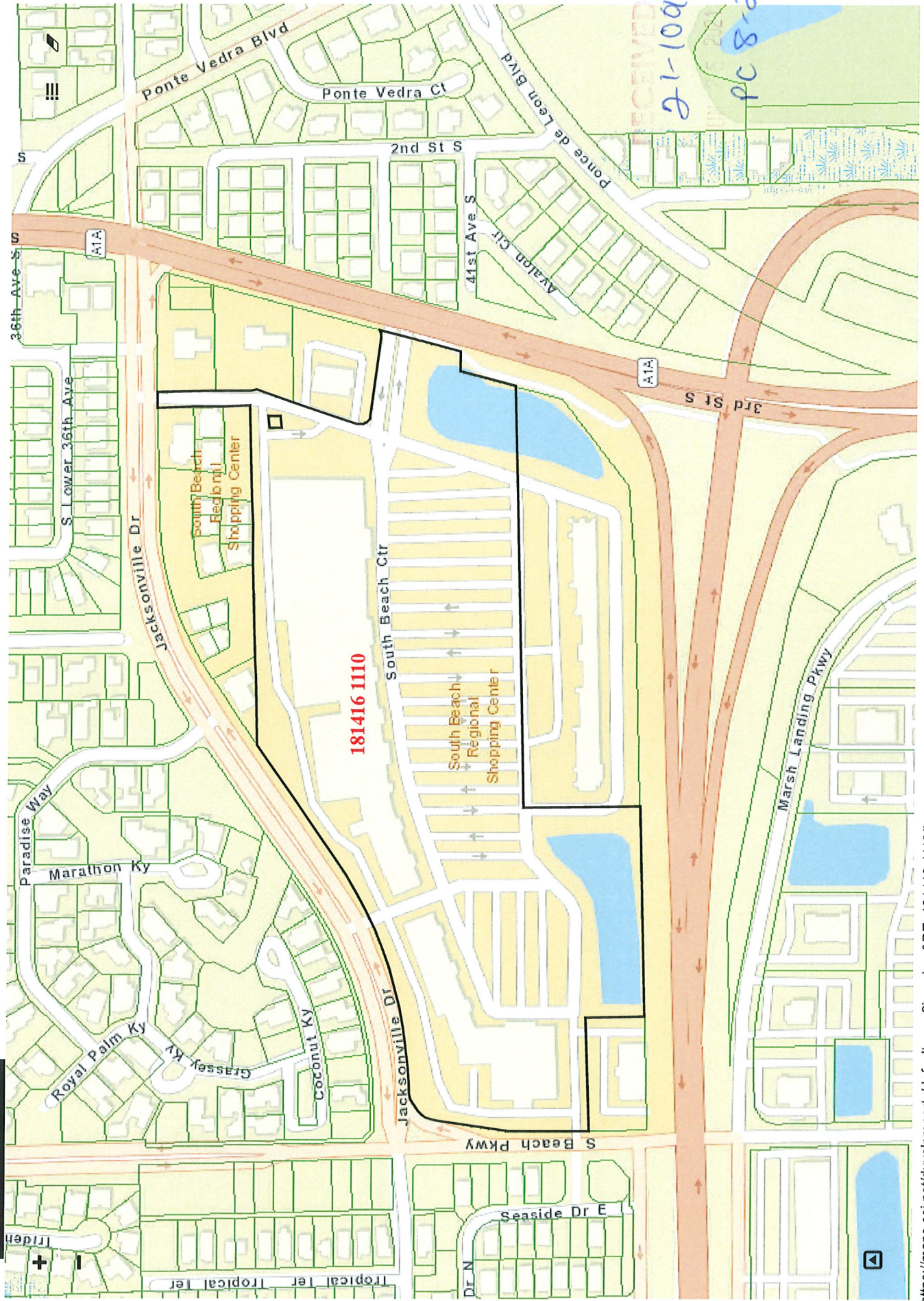
JUN 25 2021

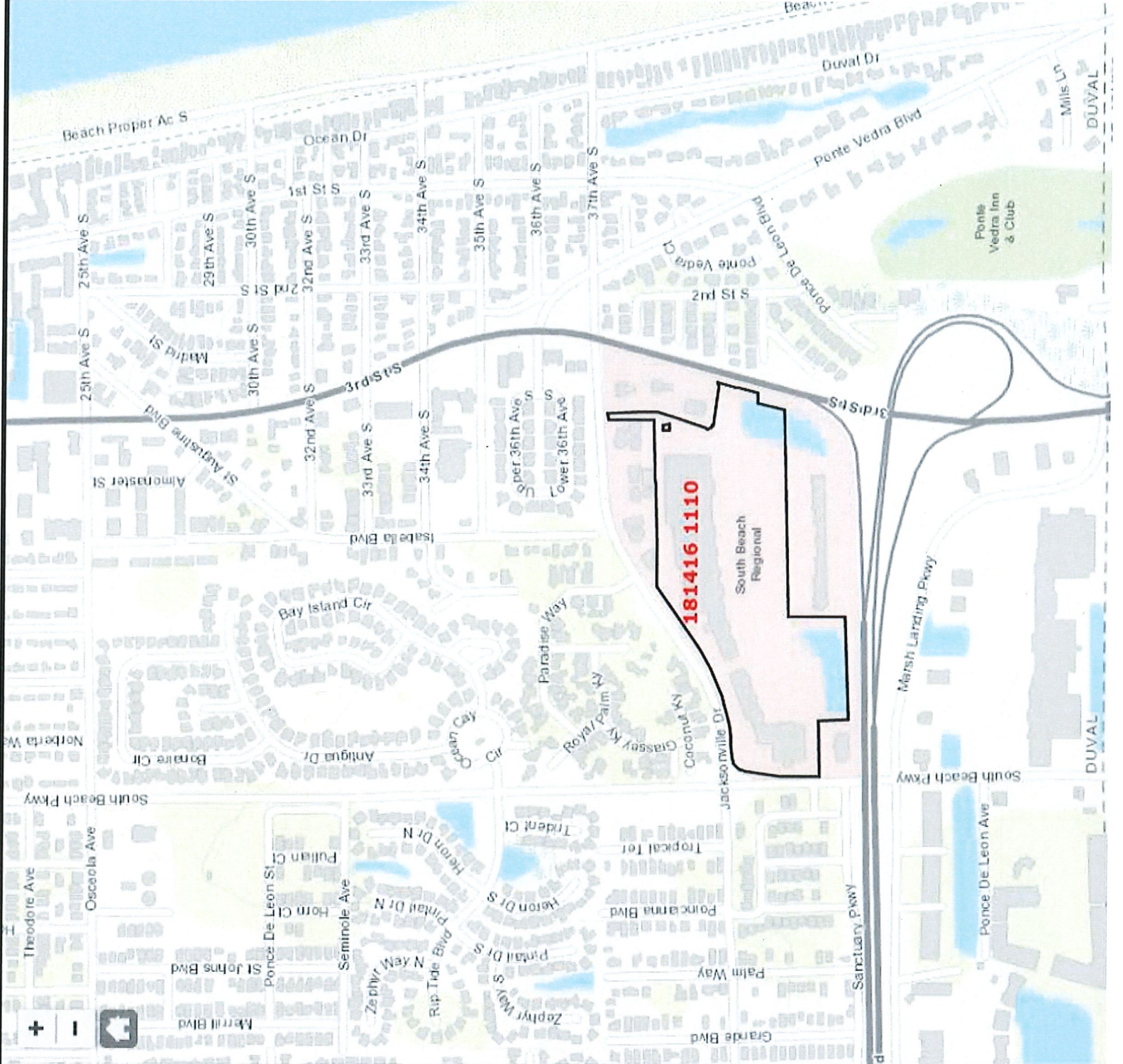
21-100109

PLANNING & DEVELOPMENT

EXHIBIT E:
DUVAL COUNTY PROPERTY APPRAISERS MAP

PROPERTIES
DUVAL MAPS





1	results	Details	x
state #: 181416 1110			
r: REGENCY CENTERS LP			
Name 2:			
address 1: PO BOX 2539			
address 2:			
address 3:			
city: SAN ANTONIO			
state: TX			
ip: 78299			
29.03			
Descriptions: 46-88 09-3S-29E 29.24 SOUTH REGIONAL SHOPPING CENTER SOUTH BEACH PARCELS 1,2,3,4.			
rty Use: 1691			
rty Use Desc: SHOPPING CTR/COMMUNITY			
actions: N/A			
Improvement Value: 15862215			
Page 1 of 83			

EXHIBIT F:
FUTURE LAND USE MAP

Exhibit F - Future Land Use Map

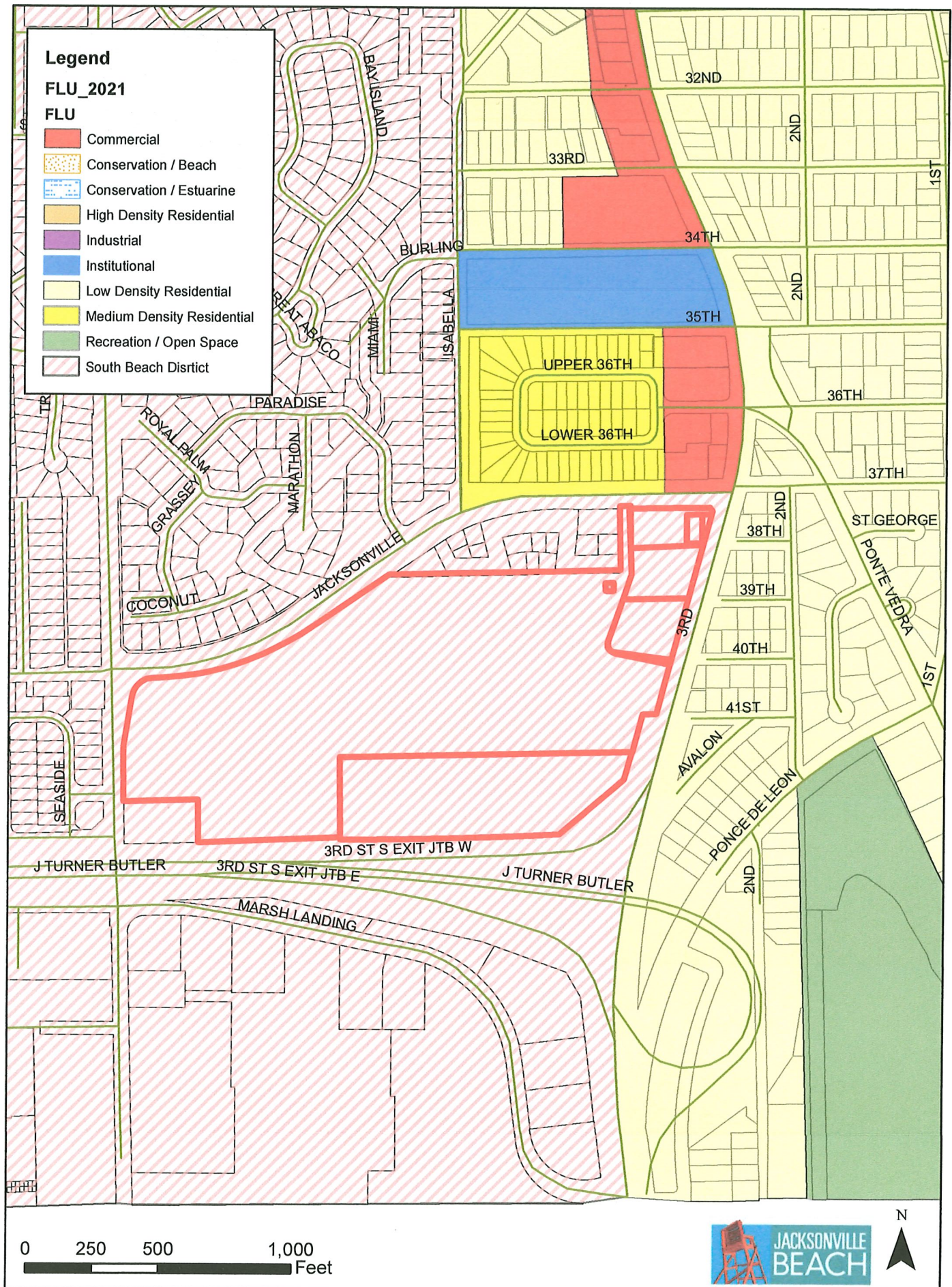
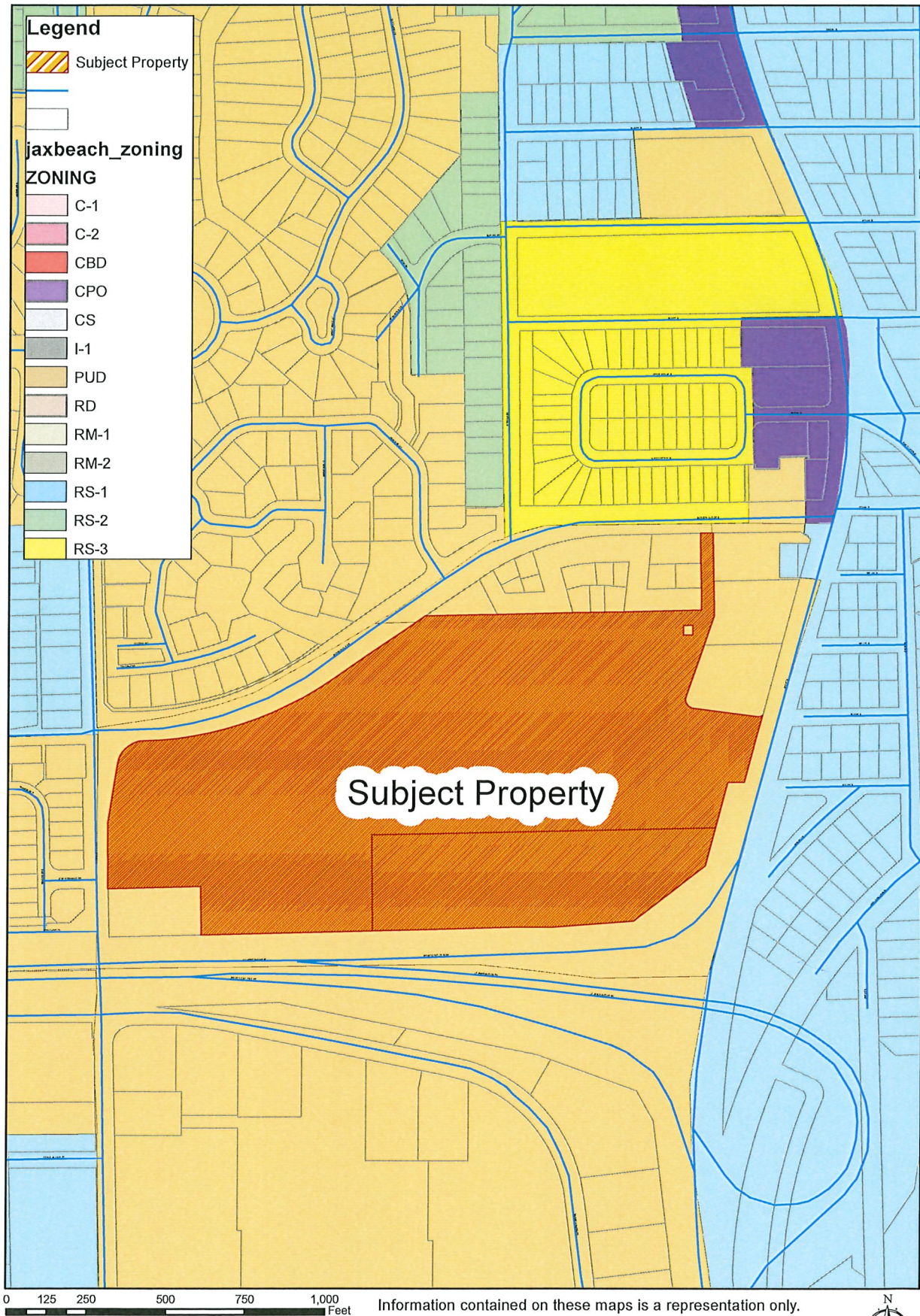


EXHIBIT G:
ZONING MAP



Information contained on these maps is a representation only. As such, the City of Jacksonville Beach provides no warranties concerning the accuracy of this data for any other particular use. The City of Jacksonville Beach assumes no liability whatsoever associated with the use of such data.



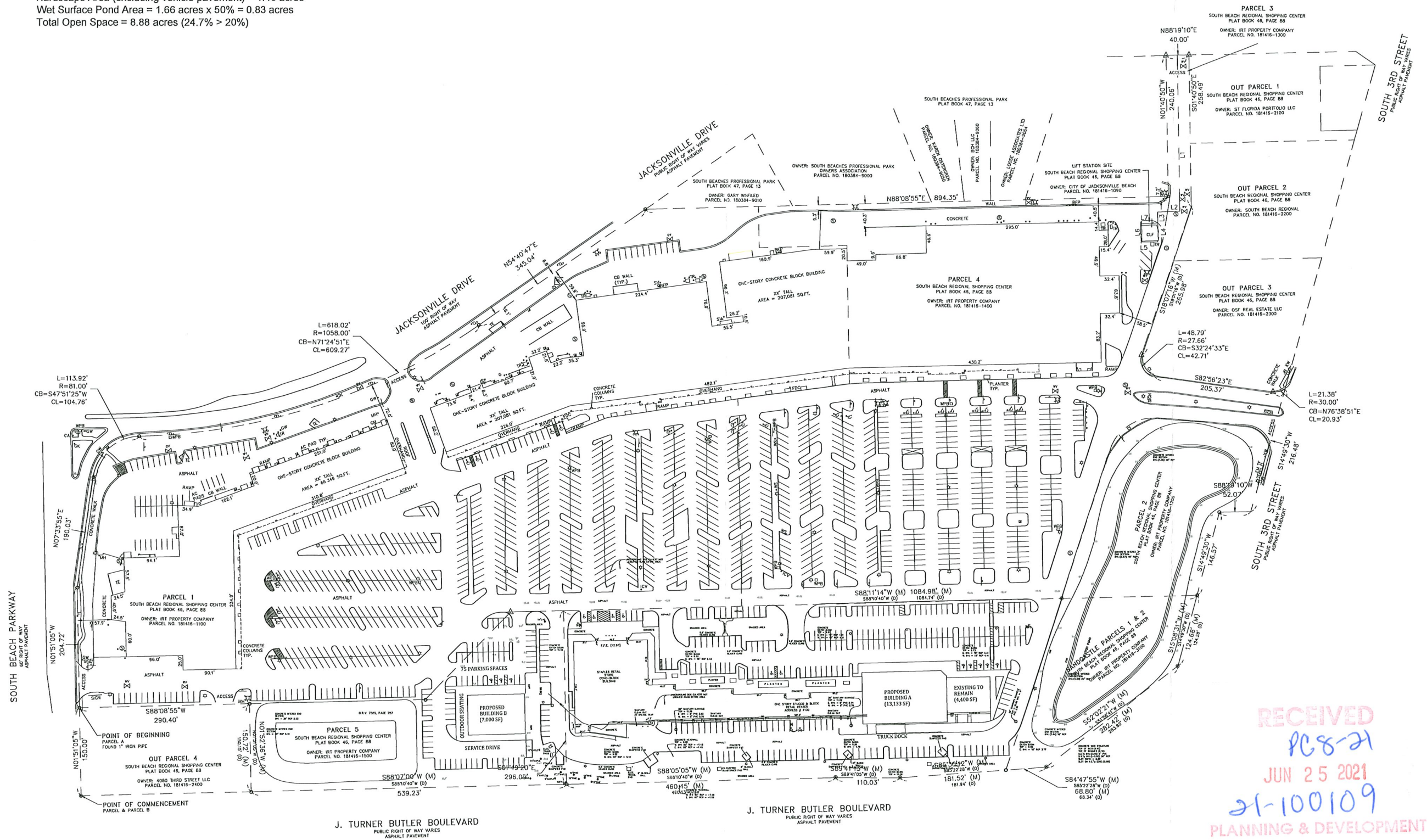
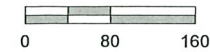
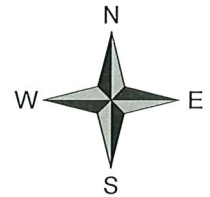
EXHIBIT H:
CURRENT PARKING CONDITIONS

EXISTING

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
Shopping Center
Jacksonville Beach, Florida

ISSUE/DESCRIPTION DATE
PUD APPLICATION 03/10/21

CURRENT
DEVELOPMENT
PLAN

EXHIBIT-H

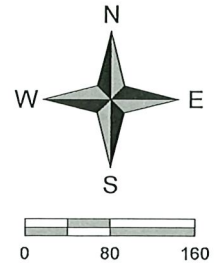
RECEIVED
PC 8-21
JUN 25 2021
21-100109
PLANNING & DEVELOPMENT

EXHIBIT I:
PRELIMINARY DEVELOPMENT PLAN

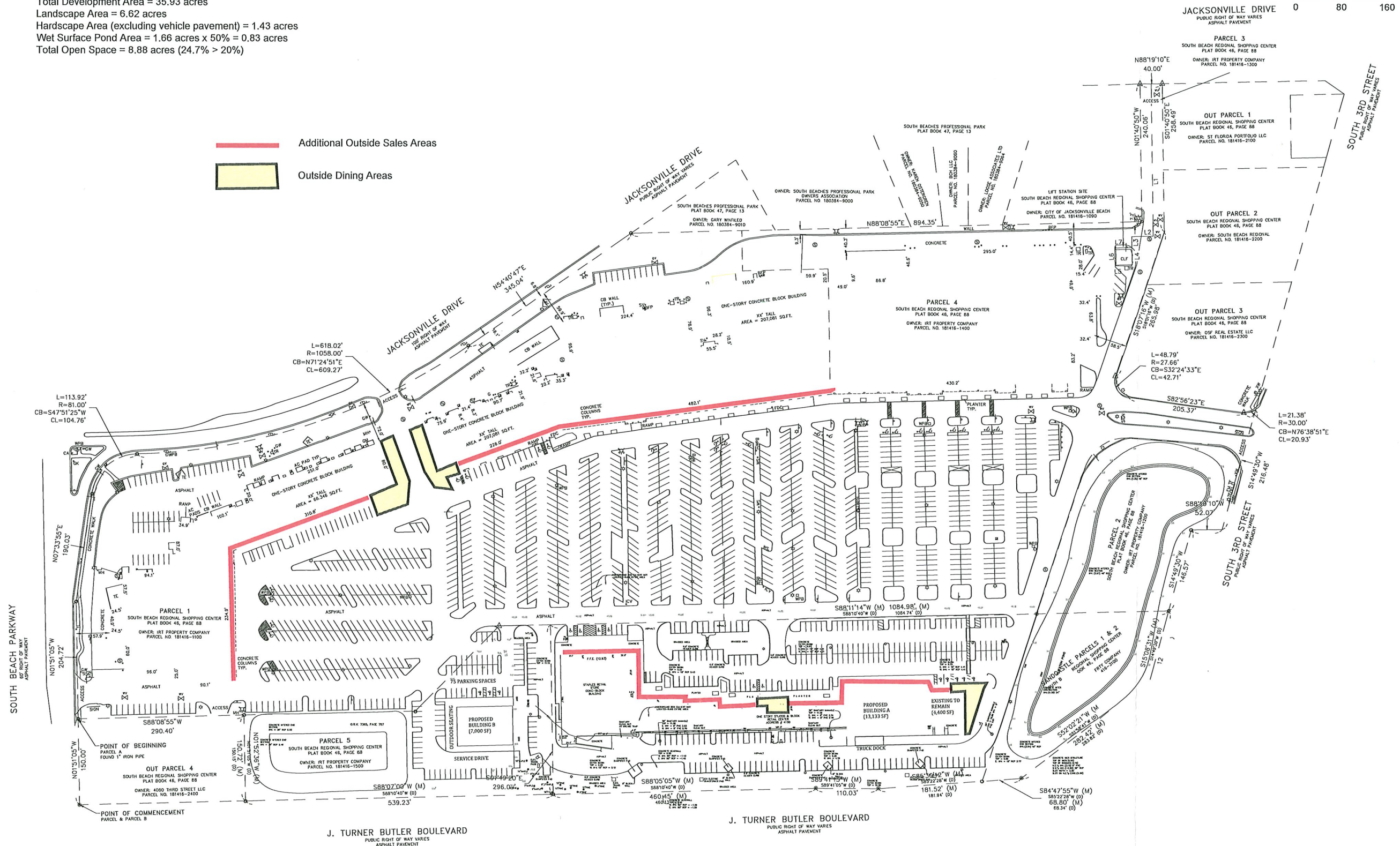
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Additional Outside Sales Areas
Outside Dining Areas



South Beach Regional
Shopping Center
Jacksonville Beach, Florida

ISSUE/DESCRIPTION DATE
PUD APPLICATION 03/10/21
PUD RESUBMITTAL 05/24/21
GreenbergFarrow
1430 West Peachtree Street NW, Suite
200 Atlanta, GA 30309
t: 404 601 4000 f: 404 601 3980
CURRENT
DEVELOPMENT
PLAN

EXHIBIT I

Introduced by: _____
1st Reading: _____
2nd Reading: _____

AS AMENDED

ORDINANCE NO. 2021-8167

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CITY OF JACKSONVILLE BEACH LAND DEVELOPMENT CODE.

WHEREAS, the City Council of the City of Jacksonville Beach, Florida, heretofore enacted and established a Land Development Code and Zoning Atlas for said City; and

WHEREAS, Regency Center, LP, is the property owner ("Property Owner") of the Planned Unit Development zoning referred to as the South Beach Regional Shopping Center established on April 24, 1989, pursuant to Ordinance No. 7411, as amended by Ordinance No. 7436, Ordinance No. 95-7635, Ordinance No. 2006-7928, Ordinance No. 2009-7972, Ordinance 2013-8033 and Ordinance 2016-8077 (PUD) has submitted an application to further amend the PUD; and

WHEREAS, the Property Owner of the South Beach Regional Shopping Center property desires that the PUD zoning allow the specific uses of outdoor restaurant areas, and the outside storage and display of merchandise in the shopping center; and

WHEREAS, the inclusion of such permitted uses requires an amendment to the PUD zoning which governs the South Beach Regional Shopping Center; and

WHEREAS, the City Council has considered the application, all relevant support materials, the staff report, the conditions as amended, the recommendation of the Planning Commission, and public testimony given at the public hearings and had determined the amendments to the PUD to be appropriate and in the best interest and public welfare of the City of Jacksonville Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. The City of Jacksonville Beach has complied with all requirements and procedures of Florida law in processing this ordinance. The above recitals are hereby adopted.

SECTION 2. The City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the City of Jacksonville

Beach Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

SECTION 3. That Section 1, Paragraph A, of Ordinance No. 7411, as amended by Ordinance No. 7436, as amended by Ordinance No. 2009-7972, and as amended by Ordinance No. 2013-8033, is hereby deleted in its entirety and replaced with the following:

A. The preliminary development plan labeled “South Beach Regional, Jacksonville Beach, Florida, for the Sofran Company” prepared by Vermey Architects and dated March 21, 1988, as amended and revised November 28, 1988; amended by Site Plan Sheet FL-513u, dated September 8, 2006; amended by the Site Geometry Plan sheet prepared by Skiles, Davis & Baker, P.A., dated April 17, 2009; amended by the plan titled “Overall Site Plan, Sheet C-1,” prepared by Envision Design and Engineering, dated August 9, 2013; and as further amended by Exhibit I prepared by GreenburgFarrow, dated May 24, 2021, attached hereto and made a part hereof, is hereby adopted and made a part of this supplement to the Comprehensive Zoning Regulations.

SECTION 4. That Section 1, Paragraph B, of Ordinance No. 7411, as amended by Ordinance No. 7436, amended by Ordinance 95-7635, amended by Ordinance No. 2006-7928, and amended by Ordinance No. 2009-7972, is hereby deleted in its entirety and replaced with the following:

B. The project narrative statement submitted by the Sofran Company and dated January 12, 1989, including the “Approved Land Uses by Parcel – Sofran Commercial Planned Unit Development,” printed April 17, 1989, as amended by Ordinance No. 7436, amended by Ordinance 95-7635, amended by Ordinance No. 2006-7928, and amended by Ordinance No. 2009-7972, is further amended to add to the list of approved uses for the South Beach Regional Shopping Center, to include those uses as identified in the project narrative, dated June 24, 2021, and as identified on Exhibit I attached hereto, prepared by GreenburgFarrow and dated May 24, 2021.

SECTION 5. That Section 1, Paragraph E, as added to Ordinance No. 7411, through the adoption of Ordinance No. 2006-7928, and as amended by Ordinance No. 2016-8077, is hereby further amended to add a new condition “20,” as follows:

20. Outdoor retail display and sales areas of merchandise and outdoor restaurant areas (*outside of the K-Mart Parcel*) shall be allowed adjacent to the buildings as shown on Exhibit I, attached hereto prepared by GreenburgFarrow and dated May 24, 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, as required by the Office of the Fire Marshal.

- a. Outdoor restaurant areas shall be permitted as shown on Exhibit I, attached hereto, prepared by GreenburgFarrow and dated May 24, 2021, and shall not require a Conditional Use approval. All outdoor restaurant areas shall adhere to the requirements as described in Section 34-407 of the City of Jacksonville Beach Land Development Code except those portions amended by this ordinance as they pertain to a seating allocation of 50% of the indoor restaurant area, or the allocation set by Section 34-407 of the City of Jacksonville Beach Land Development Code, whichever is greater.
- b. All outdoor restaurant areas shall adhere to the general requirements as described in Section 34-425(h) of the City of Jacksonville Beach Land Development Code with regards to visibility at sight triangles at intersections for internal drive lanes and parking isles.
- c. Outdoor restaurant areas adjacent to the northern drive aisle leading in and out to Jacksonville Drive shall provide protective concrete barriers along the entire exterior perimeter, excluding those sides that are adjacent to the business, but otherwise encompassing or surrounding any area where there can be vehicle conflict. Barriers shall have an ASTM-C40 rating and shall be placed no further than 66 inches apart. Creative forms of barriers may be considered under Crime Prevention through Environmental Design (CPTED) best practices. Final designs of barriers to be determined through the standard design review process incorporating the above guidance.
- d. Outdoor restaurant areas may have outside speakers; however, shall be limited to Low Volume Outdoor Amplified and Acoustic sound, as defined in Section 18-7 of the City of Jacksonville Beach Code of Ordinances. Pursuant to Section 18-7(b)(1), a Low Volume Outdoor Amplified and Acoustic Sound Permit is required for licensed establishments. Outdoor restaurant areas adjacent to Jacksonville Drive shall have speakers only oriented to the south.
- e. Outdoor restaurant services shall cease operation at 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday.
- f. Outside display of merchandise shall be permitted at all retail sales locations, as shown on Exhibit I, attached hereto prepared by GreenburgFarrow and dated May 24, 2021; however, clear sidewalk access shall be maintained to the balance of the shopping center spaces at all times and a clear ADA compliant path shall be maintained at all times along any sidewalk or walkway. There shall be no overnight displays or merchandise left on sidewalks except on Parcel 4.

SECTION 6. All ordinances or parts of ordinances in conflict herewith be, and the same are, to the extent the same may in conflict, hereby repealed.

SECTION 7. This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED THIS _____ day of _____, 2021.

Christine H. Hoffman, MAYOR

Sheri Gosselin, CITY CLERK