



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, March 28, 2022

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

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

CALL TO ORDER

ROLL CALL

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

APPROVAL OF MINUTES

A. Regular Planning Commission Meeting held on February 28, 2022

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **PC#04-22** ADDRESS: 220 5th Avenue South
APPLICANT: Jean Bakkes OWNER: Marshpoint Multi Family One, LLC.
SUMMARY OF APPLICATION: **Conditional Use Application** for a multi-family dwelling for a property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)15 of the Jacksonville Beach Land Development Code. The property is located at 220 5th Avenue South, RE# 175964-0000, legally described as *Lots 3, 4, 5 & 6, Block 53, Pablo Beach South*

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Monday, April 25, 2022.

COURTESY OF THE FLOOR TO VISITORS

ADJOURNMENT

NOTICE

Information concerning the hearing process is available online at www.jacksonvillebeach.org/publichearinginfo and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public hearing and can be heard on any matter presented

before the Commission. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Commission when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

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

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

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

**Minutes of Planning Commission Meeting
held Monday, February 28, 2022, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

The meeting was called to order at 7:00 P.M by Chairman Britton Sanders.

ROLL CALL

Chairman: Britton Sanders
Vice-Chair: Margo Moehring
Board Members: David Dahl Greg Sutton Colleen M. White
Alternates: Justin Lerman Emily Stouffer

Senior Planner Christian Popoli and Deputy City Clerk Jodilynn Byrd were also present.

APPROVAL OF MINUTES:

The following minutes were passed unanimously by a voice vote:

- February 14, 2022

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

(A) **PC# 01-22** Conditional Use Application
Owner: 2017 N. Third St., LLC
1640 Beach Avenue
Atlantic Beach, FL 32233

Applicant: Leslie G. Platock
1640 Beach Avenue
Atlantic Beach, FL 32233

Location: 2017 3rd Street North

Conditional Use Application for a four-unit fee-simple townhouse development for a property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)15 of the Jacksonville Beach Land Development Code. The property is located at 2017 3rd Street North, RE# 175438-0000, legally described as *Lot 3 & 4, Less and Except the South 5.50 feet of Lot 4, Block 203, Elton Realty Company's Replat.*

Staff Report:

Senior Planner Christian Popoli read the following report into the record:

The subject property is located on the east side of North 3rd Street between 20th Avenue North and 19th Avenue North and exists as a vacant commercially zoned lot approximately 12,000 square feet in size. The applicant is proposing to develop a four-unit, fee-simple townhouse project on the property, and was advised by staff that conditional use approval would be required.

In 2005, a different applicant applied for, and received conditional use approval under PC#18-05 for a multi-family residential development. In 2018 another applicant applied for and received approval for a townhouse project under PC# 15-18. Additionally in 2019 a third proposal for fee simple townhomes was submitted PC#29-19. None of these projects were developed. The current proposal is similar to the 2019 proposed project.

Adjacent uses include medical office and multi-family residential to the south, single and multi-family to the east, commercial office to the north, and Fletcher Middle School directly to the west across 3rd Street. The proposed use of a four-unit townhouse development is consistent with the RM-2 zoning standards, and is consistent with surrounding multi-family development.

In addition to Conditional Use approval, a concept plat, final plat and development plan would need to be submitted and approved prior to construction and sale. A limiting factor in the past has been the ability to acquire an FDOT approval for an additional driveway, and the same would be true with this proposed site plan. No Variance would be required.

Applicant:

Brian G. Platock, 1640 Beach Avenue, Atlantic Beach, stated he was there to answer any questions.

A discussion ensued about curb cuts and the Department of Transportation approval of driveways.

Public Hearing:

No one came forward to speak on this item. Mr. Sanders closed the public hearing.

Discussion:

None

Motion:

It was moved by Mr. Sutton, and seconded by Mr. Dahl, to approve PC# 01-22.

Roll Call Vote:

Ayes – David Dahl, Margo Moehring, Colleen White, Greg Sutton, and Britton Sanders

The application was unanimously approved.

(B) PC# 02-22 Owner:

Concept Plat Application
Golf Stix, LLC
59 North 19th Avenue
Jacksonville Beach, FL 32250

Agent: John W. Wallace and Smith Hulsey & Busey
1 Independence Drive Suite 3300
Jacksonville, FL 32202

Location: 119 & 129 12th Avenue South

Concept Plat Application for a proposed four-unit fee-simple townhouse development for property located in a *Residential Multifamily: RM-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli read the following report into the record:

The subject property is located on the north side of 12th Avenue South, near the intersection with 2nd Street south. The applicant is proposing to develop a four-unit, fee-simple townhouse project on the property. The property currently is occupied by a two-family dwelling and a single-family dwelling, on two historic lots or record, lots 8 & 9 of block 112 of the Pablo Beach South Plat (circa 1909). Townhomes are a permitted use in the RM-2 zoning district, so no conditional use application is required.

Adjacent uses include single-family to the west, single and multifamily to the north, a vacant lot to the east, and single and multifamily to the south. The proposed use of a four-unit townhouse development is consistent with the RM-2 zoning standards, and is consistent with surrounding multi-family development.

Agent/Owner:

John Wallace, 1 Independence Dr. Suite 3300 Jacksonville, introduced the applicant David Fletcher, owner of Golf Stix, LLC.

Public Hearing:

The following spoke in opposition to the Concept Plat Application:

- Bruce Wouters, 124 12th Avenue South, Jacksonville Beach, representing John Rust
- Joseph Macaluso, 112 12th Avenue South, Jacksonville Beach
- Lisa Brown, 1115 2nd Street South, Jacksonville Beach
- Michael Drog, 124 11th Avenue South, Apt. B, Jacksonville Beach

Mr. Sanders invited the applicant to make any additional comments.

Mr. Wallace stated the actual number of dwelling units would not increase. He stated access would be provided from 12th Avenue as well as the alley, and it was consistent with the Comprehensive Plan.

Mr. Sanders closed the public hearing.

Discussion:

Mr. Dahl outlined what the board was deciding on for this application, specifically, whether it met the standard application for a concept plat.

Motion: It was moved by Mr. Sutton, and seconded by Mr. Dahl, to approve PC# 02-22.

Roll Call Vote: Ayes – Margo Moehring, David Dahl, Greg Sutton, and Britton Sanders
Nays – Colleen White

The application was approved 4-1.

(C) **PC# 03-22** Conditional Use Application
Owner: 2400 South Third, LLC
1010 East Adams Street, Suite 201
Jacksonville, FL 32202

Applicant: Joe Bates
2400 3rd Street South
Jacksonville Beach, FL 32250

Agent: Grunthal & Schueth Properties, Inc.
1010 East Adams Street, Suite 201
Jacksonville, FL 32202

Location: 2400 3rd Street South, Suite 101

Conditional Use Application for the transfer of approval for outdoor restaurant seating at a new restaurant, for property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli read the following report into the record:

The subject property is located on the west side of 3rd at the northwest corner of 3rd Street South and Osceola Avenue. The property is a roughly 150,000 square foot parcel that is home to several commercial structures. Suite 101 is the northernmost structure, designed and built as a restaurant space in 2003. The subject structure to be occupied by the tenant is roughly 17,000 square feet in size.

In 2003, a Conditional Use was granted for outside restaurant seating (PC#24-03) for the former Roy's restaurant. The Conditional Use was granted with a single condition related to low volume amplified music only would be played in the outside seating area with speakers oriented to the seating area only. The previous approved Conditional Use order is attached for reference.

Adjacent uses include medical office and retail sales to the north, retail sales and gas station to the south, commercial shopping center to the east, and single-family to the west. The single-family to the west is roughly 550 feet from the outside seating and is separated by a commercial structure on the same parcel as the subject building. The proposed use of Outside Restaurant Seating is consistent with the C-1 zoning standards, and is consistent with surrounding commercial development. Additionally, the outside seating has been utilized by the previous restaurant since 2003.

Applicant:

Joe Bates, 11 Arcaro Court, Ormond Beach, described the restaurant concept and stated he was present to answer questions.

Public Hearing:

No one came forward to speak on this item. Mr. Sanders closed the public hearing.

Discussion: None

Motion: It was moved by Ms. White, and seconded by Mr. Sutton, to approve PC# 03-22.

Roll Call Vote: Ayes – Colleen White, David Dahl, Margo Moehring, Greg Sutton, and Britton Sanders

The application was unanimously approved.

PLANNING DEPARTMENT REPORT

The next meeting was tentatively scheduled for Monday, March 28, 2022. There was one case scheduled.

ADJOURNMENT

There being no further business, Mr. Sanders adjourned the meeting at 7:44 P.M.

Submitted by: Jodilynn Byrd
Deputy City Clerk

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



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

PLANNING COMMISSION AGENDA ITEM	
TO:	Planning Commission Members
FROM:	Christian Popoli, Senior Planner
DATE:	03/10/2022
SUBJECT:	March 28, 2022 Planning Commission Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, March 28, 2022 Planning Commission Meeting.

NEW BUSINESS:

PC#4-22

Conditional Use Application

OWNER: Marshpoint Multi Family One LLC
2300 Marsh Point Rd., Suite 301
Neptune Beach, FL 32266

APPLICANT: Jean Bakkes
2300 Marsh Point Rd, Suite 301
Neptune Beach, FL 32266

AGENT:

LOCATION: 220 5th Avenue South
RE# 175964-0000

REQUEST: **Conditional Use Approval** for an existing multiple family dwelling unit development located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

COMMENTS: The subject property is currently occupied by a legal nonconforming use of a multifamily structure. The Structure was built as a multifamily building in 1969. Because of its age, the property was never granted a conditional use approval, as the structure predates the current Land Development Code. As a legal nonconforming structure, the building can remain, and can be renovated to an extent, but if the structure would be destroyed, it would need conditional use to be reconstructed. The applicant has requested to have conditional use granted, so the structure would then be conforming, and should the unforeseeable happen, the applicant would then be able to rebuild. The applicant has also



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

submitted for a variance for this location to address the existing nonconforming setbacks and parking. The current property is over the allowable density allowed in the Comprehensive Plan and Land Development Code. Even with the approval of this Conditional Use, any reconstruction would be limited to the maximum density allowed, and could not exceed it in the future.

Adjacent property uses include office and retail to the west, multifamily to the north, east and south. Approval of conditional use for the existing multifamily structure should not negatively impact adjacent properties.

Based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of PC#4-22**

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



CONDITIONAL USE APPLICATION

PC No. 4-22
AS/400# 22-100019
HEARING DATE 3/28

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

APPLICANT INFORMATION

Land Owner's Name: Marshpoint Mult Family One LLC
Mailing Address: 2300 Marsh Point Rd, Suite 301
Neptune Beach, FL 32266

Telephone: (904) 853-6801
Fax: (904) 853-5404
E-Mail: jean@skyenterprises.com

Applicant Name: Jean Bakkes
Mailing Address: 2300 Marsh Point Rd, Suite 301
Neptune Beach, FL 32266

Telephone: (904) 853-6801
Fax: (904) 853-5404
E-Mail: jean@skyenterprises.com

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

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

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

PROJECT DATA

Street address of property and/or Real Estate Number: 220 5th Avenue South (RE:175964-0000)

Legal Description of property (attach copy of deed): Lots 3, 4, 5 and 6, Block 53, Pablo Beach South, according to the Plat thereof as recorded in Plat Book 3, Page 28 of the current Public Records of Duval County, Florida.

Current Zoning Classification: C-1 Future Land Use Map Designation: _____

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

Code section(s) applicable to the requested conditional use: Section 34-340 and 34-342

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

Proposed conditional use is RM-2, Residential/Multi Family in addition to current C-1. The property has been utilized as Residential/Multi Family since 1969 or earlier.

Applicant Signature: _____

Date: 2/17/2022

PLANNING AND DEVELOPMENT DEPARTMENT 11 NORTH 3RD STREET PHONE (904) 247-6231 FAX (904) 247-6107

FEB 18 2022

PLANNING & DEVELOPMENT

PREPARED BY AND RETURN TO:

Ross H. Chafin, Esquire (DBF)
Fisher, Tousey, Leas & Ball, P.A.
501 Riverside Avenue, Suite 600
Jacksonville, Florida 32202

NOTE TO CLERK: CONSIDERATION ON THIS TRANSFER IS IN THE AMOUNT OF \$3,871,875.00.
DOCUMENTARY STAMP TAX IN THE AMOUNT OF \$27,103.30 IS BEING PAID ON THIS TRANSFER.

WARRANTY DEED

THIS INDENTURE, made effective as of the 31st day of March, 2021, by and between K-TOWN, INC., a Florida corporation, the address for which is 1504 Bigtree Road, Neptune Beach, Florida 32266 party of the first part, and MARSHPOINT MULTI FAMILY ONE LLC, a Delaware limited liability company, the address for which is 2300 Marsh Point Road, Suite 301, Neptune Beach, Florida 32266, party of the second part.

WITNESSETH:

That the said party of the first part, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and conveyed to the said party of the second part, its successors and assigns forever, the following described lands situate, lying and being in Duval County, Florida, to wit:

LOTS 3, 4, 5, AND 6, BLOCK 53, PABLO BEACH SOUTH, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 28 OF THE
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Real Estate Assessment No: 175964-0000

Subject to covenants, restrictions and easements of record; existing zoning and government regulations; matters that would be shown on a current survey of the foregoing property; rights of tenants in possession of the foregoing property pursuant to leases without any right of first refusal or option to purchase the foregoing property thereunder; and taxes assessed subsequent to December 31, 2020; provided, however, this reference will not serve to reimpose any such covenants, restrictions or easements.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

2
27,103.30
18.50
②

RECEIVED
PC 4-22
FEB 18 2022
22-100019
PLANNING & DEVELOPMENT

IN WITNESS WHEREOF, the party of the first part has executed this instrument effective as of the date set forth above.

Witnessed by:

K-TOWN, INC.,
a Florida corporation

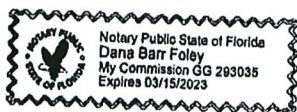
[Signature]
Witness: Dana Barr Foley

By: [Signature]
Kenneth R. Kirton, II, a/k/a Kenneth R. Kirton, President

[Signature]
Witness: [Signature]

STATE OF FLORIDA
COUNTY OF Duval

The foregoing was acknowledged before me by means of [NOTARY MUST CHECK ONE BOX] ☒ physical presence or ☐ online notarization, this 31st day of March 2021, by Kenneth R. Kirton, II, a/k/a Kenneth R. Kirton, as President of K-Town, Inc., a Florida corporation, on behalf of the corporation [NOTARY MUST CHECK ONE BOX AND COMPLETE RELEVANT INFORMATION] ☒ who is personally known to me or ☐ who has produced a current _____ (state) driver's license as identification.



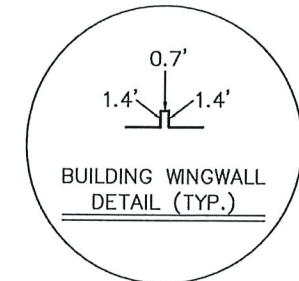
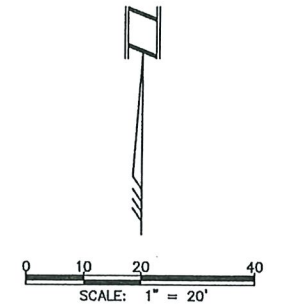
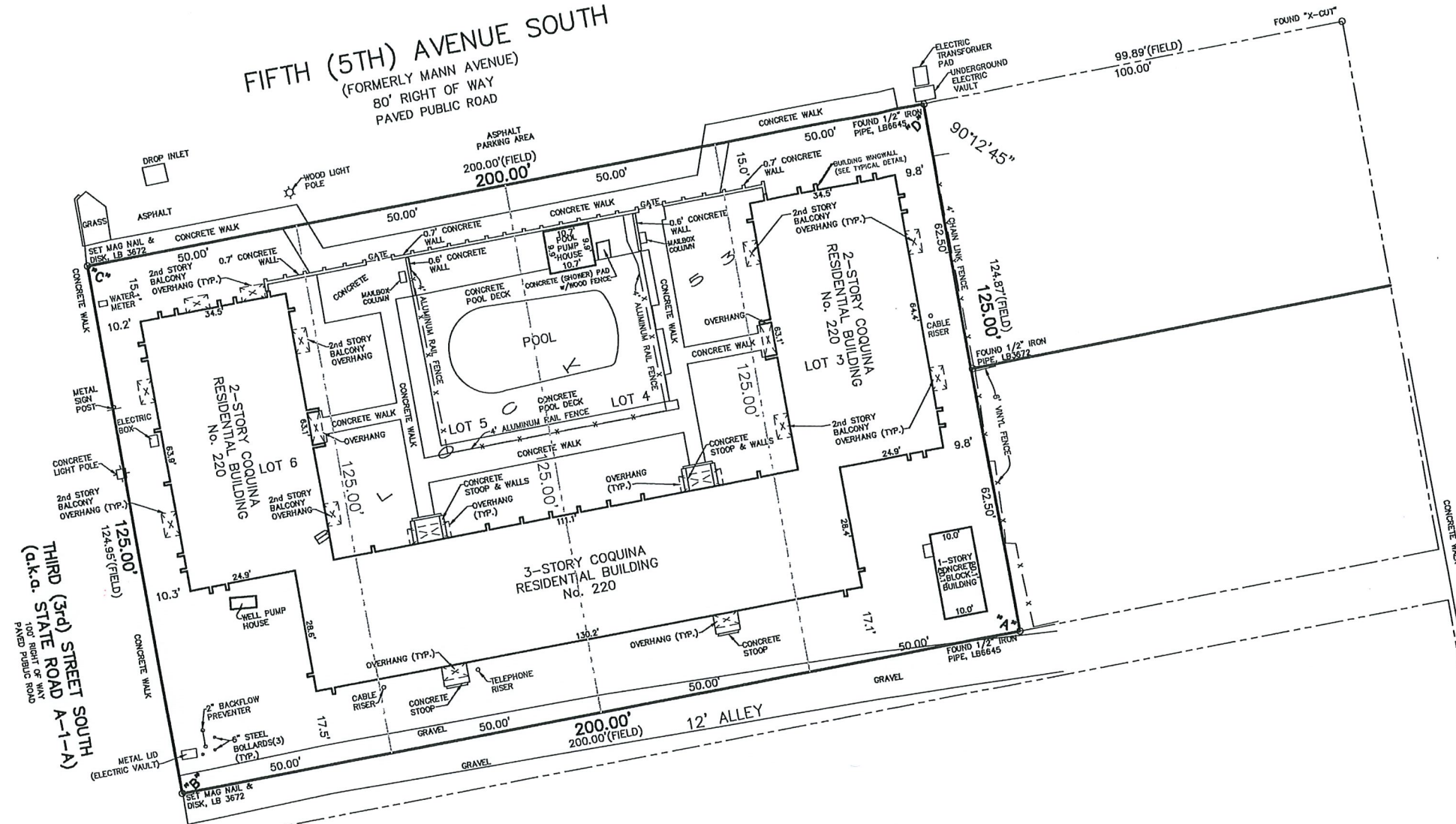
Signature: [Signature]
Printed Name: Dana Barr Foley
NOTARY PUBLIC, State of Florida
Commission Number: GG 293035

1162280

RECEIVED
PC 4-22
FEB 18 2022
22-100019
PLANNING & DEVELOPMENT

MAP OF SURVEY

LOTS 3, 4, 5, AND 6, BLOCK 53, PABLO BEACH SOUTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



RECEIVED
PC 4-22
FEB 18 2022
22-100019
PLANNING & DEVELOPMENT

NOTES:

1. THIS IS A BOUNDARY SURVEY.
2. NORTH PROTRACTED FROM PLAT.
3. INTERIOR ANGLES PER FIELD SURVEY AND, ARE LISTED AS FOLLOWS:
 - "A" = 90°07'51"
 - "B" = 89°52'09"
 - "C" = 90°05'38"
 - "D" = 89°54'22"

IMPERVIOUS AREA CALCULATIONS (EXISTING):

BOUNDARY AREA (AS PLATTED)	= 25,000 square feet
BUILDING FOOTPRINT	= 8,635 square feet
DETACHED BUILDING	= 207 square feet
POOL PUMP HOUSE	= 106 square feet
WELL HOUSE	= 16 square feet
POOL DECK	= 1,219 square feet
FRONT WALLS	= 89 square feet
MISCELLANEOUS WALLS	= 11 square feet
CONCRETE WALKS	= 1,795 square feet
TOTAL IMPERVIOUS	= 12,078 square feet
	48.3% IMPERVIOUS

THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (SHADED) AS WELL AS CAN BE DETERMINED FROM FLOOD INSURANCE RATE MAP NO. 12031C0417J, EFFECTIVE NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

THIS MAP WAS MADE FOR THE BENEFIT OF

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

DONN W. BOATWRIGHT, P.S.M.
FLORIDA LIC. SURVEYOR and MAPPER No. LS 3295
FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY: FILE: 2021-0023

DRAWN BY: ADT

BOATWRIGHT LAND SURVEYORS, Inc.

1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA

241-8550

DATE: JANUARY 25, 2021 SHEET 1 OF 1

REF.: 2007-0547