



Agenda

Planning Commission

Monday, July 25, 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

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

APPROVAL OF MINUTES

- A. Regular Planning Commission Meeting held on June 13, 2022
- B. Regular Planning Commission Meeting held on June 27, 2022

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- A. **PC#15-22** 177 4th Avenue North
Jacksonville beach, FL 32250

Applicant/Owner: Jax Beach AF LLC Agent: Driver, McAfee, Hawthorn & Diebenow, PLLC

Redevelopment District: RD Rezoning Application for The Gallery at Jacksonville Beach project
- B. **PC#16-22** ADDRESS: 910 11th Avenue South
APPLICANT: Full Armor Tactical - Chris OWNER: Neligan Land Trust No. 5
Messinese
SUMMARY OF APPLICATION: **Conditional Use Application** for approval for firearms manufacturing and retail sales for a property located in the Industrial: I-1 zoning district, pursuant to Section 34-346(d)12 of the Jacksonville Beach Land Development Code.
- C. **PC# 17-22** ADDRESS: 1198 Beach Boulevard #1
APPLICANT: Hospitality Leaders dba World of OWNER: Hasteh, LLC.

Beer-Jason Frimmel

SUMMARY OF APPLICATION: **Conditional Use Application** for Outdoor Restaurant Seating at a new restaurant for a property located in the Commercial General: C-2 zoning district, pursuant to Section 34-343(d)14 of the Jacksonville Beach Land Development Code.

PLANNING DEPARTMENT REPORT

- A. There are no scheduled cases for Monday, August 8, 2022. Therefore, the next scheduled meeting is Monday, August 22, 2022.

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, June 13, 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 7:01 P.M by Chairperson Margo Moehring.

ROLL CALL

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

Senior Planner Christian Popoli and Administrative Assistant Callie Rayeski were also present.

APPROVAL OF MINUTES:

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

- May 23, 2022

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

(A) **PC# 09-22** Conditional Use Application
Owner/
Applicant: Christine C. Cormack
118 8th Avenue North
Jacksonville Beach, FL 32250

Location: 118 8th Avenue North

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.

Staff Report:

Senior Planner Christian Popoli summarized the following report for the record:

The subject property is currently occupied by a legal nonconforming use of a multifamily structure(s). The subject property consists of a single-family home and a detached block structure in the rear. The rear structure was likely built as a garage sometime around the construction of the main house, which dates from 1932. The structure was converted to a duplex sometime in the past. The current owner is in the process of

renovating the rear structure, and the project cost will exceed 15% of the assessed value. The Land Development Code caps renovation costs for existing legal nonconforming uses at 15%. So, the applicant has applied for Conditional Use approval to move the use from nonconforming to conforming, which will raise the renovation limit to 50% of the structure value. 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 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, and multifamily to the north, east, and south. Approval of conditional use for the existing multifamily structure should not negatively impact adjacent properties.

Ex-Parte Communication:

No Board Members had ex-parte communication on this item.

Applicant:

Christine Cormack, 118 8th Avenue North, Jacksonville Beach, provided the property's history and plans.

Public Hearing:

No one came forth to speak on the item. Ms. Moehring closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Sutton and seconded by Mr. Dahl to approve PC# 09-22.

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

The application was unanimously approved.

(B) PC# 10-22 Conditional Use Application
Owner: JBO, LLC
4233 Pablo Professional Court, Suite 201
Jacksonville, FL 32224

Applicant: Selina Beenen, Beenen Counseling, LLC
2347 Barefoot Trace
Atlantic Beach, FL 32233

Location: 402 4th Street North, Suite 4

Conditional Use Application for a miscellaneous health office located in a Residential Multifamily: RM-1 zoning district, pursuant to Section 34-399(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli summarized the following report for the record:

The subject site is an existing multi-unit office structure that has been used for several different types of office and professional uses over time. The proposed use of the counseling center is an allowable use under the Land Development Code for the Rm-1 zoning district, with conditional use approval. The structure has housed several previous commercial uses since 1998 and has a dedicated parking facility.

The structure is of a more residential appearance and architectural design, helping it blend in with the residential uses in this transitional area. The existing parking facility has adequate spaces for the office square footage and is designed to the standards of the Land Development Code. There is adequate ingress and egress on the property. The use is one of several less intensive uses allowed under the RM-1 zoning district with Conditional Use approval. The site has adequate screening to reduce any negative impact on the surrounding properties. Staff finds the proposed use is consistent with the standards in Sec. 34-231 of the Land Development Code.

The adjacent property uses include multifamily and single-family to the east, multifamily to the south, multifamily and single-family to the west, and multifamily and single-family to the north, across 8th Avenue North.

Ex-Parte Communication:

No Board Members had ex-parte communication on this item.

Applicant:

Selina Beenen, 2347 Barefoot Trace, Atlantic Beach, explained why additional space was needed for the business.

Public Hearing:

No one came forth to speak on the item. Ms. Moehring closed the public hearing.

Discussion:

Mr. Sutton disclosed he had a conversation with the property owner, Herbert Montoya, about attending the meeting.

Motion: It was moved by Mr. Sutton and seconded by Mr. Lerman to approve PC# 10-22.

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

The application was unanimously approved.

(C) **PC# 11-22** Concept Plat Application
Owner/
Applicant: Atkins Builders, Inc., John Atkins
P.O. Box 51262
Jacksonville Beach, FL 32250

Location: 2101, 2103, 2107 & 2109 Gorden Avenue
RE#(s) 179409-0000 & 179410-0000

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 summarized the following report for the record:

The subject property is located at the southwest corner of the intersection of Gorden Avenue and 21st Avenue South. The site consists of three platted lots of records, circa 1925. Townhomes are a permitted use in the RM-2 zoning district, so no conditional use application is required. A variance was granted in May of 2021 for setbacks for this project by the Board of Adjustment. Adjacent uses include multifamily to the south, government use to the west, multifamily and two-family dwellings to the east, and single-family to the north. The proposed use of a four-unit townhouse development is consistent with the RM-2 zoning standards, and is consistent with the surrounding multi-family development.

Ex-Parte Communication:

No Board Members had ex-parte communication on this item.

Applicant:

John Atkins, 1888 Foss Lane, Jacksonville Beach, noted the project's current stage and stated the concept plat process had been missed.

Public Hearing:

No one came forth to speak on the item. Ms. Moehring closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Lerman and seconded by Ms. White to approve PC# 11-22.

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

The application was unanimously approved.

(D) **PC# 12-22** Concept Plat Application
Owner/
Applicant: Atkins Builders, Inc., John Atkins
P.O. Box 51262
Jacksonville Beach, FL 32250

Location: 1302, 1308, 1314 & 1322 2nd Street South
RE# 176265-0005

Concept Plat Approval for a proposed four-unit fee-simple townhouse development for property located in a Commercial Limited: C-1 zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli summarized the following report for the record:

The subject property is located on the southeast corner of the intersection of 13th Avenue South and 2nd Street South. The property consists of two lots of record circa 1909, located in the Commercial Limited: C-1 zoning district. The property was formerly part of a large parking lot for a bank adjacent to the west that has frontage on 3rd Street South. Townhomes are a Conditional Use in the C-1 zoning district, and Conditional Use approval was granted by this body in July of 2021. Additionally, a Variance was granted for setback reduction by the Board of Adjustment in August of 2021.

The adjacent uses include commercial (bank) to the west, commercial (retail) and multifamily to the north, multifamily to the east, and multifamily and commercial (retail) to the south. The proposed use of a four-unit townhouse development is consistent with the C-1 (RM-2) zoning standards and is consistent with the surrounding multi-family development.

Ex-Parte Communication:

No Board Members had ex-parte communication on this item.

Applicant:

John Atkins, 1888 Foss Lane, Jacksonville Beach, noted the project's current stage and stated the concept plat process had been missed.

Public Hearing:

No one came forth to speak on the item. Ms. Moehring closed the public hearing.

Discussion: None

Motion: It was moved by Ms. White and seconded by Mr. Lerman to approve PC# 12-22.

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

The application was unanimously approved.

PLANNING DEPARTMENT REPORT

Mr. Popoli reminded the Board they received an invitation to attend the Downtown Height Community Open House on July 11, 2022.

The next scheduled meeting is Monday, June 27, 2022. There are two scheduled cases.

ADJOURNMENT

There being no further business, Ms. Moehring adjourned the meeting at 7:22 P.M.

Submitted by: Callie Rayeski
Administrative Assistant

These minutes were reviewed by Planning and Development.

Approval:

Chairperson

Date

DRAFT

**Minutes of Planning Commission Meeting
held Monday, June 27, 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 Chair Margo Moehring.

ROLL CALL

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

Senior Planner Christian Popoli and Administrative Assistant Callie Rayeski were also present.

APPROVAL OF MINUTES: None

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

(A) **PC# 13-22** Conditional Use Application
Owner: Jax Beach Town Center, LLC
1283 Ponte Vedra Blvd.
Ponte Vedra Beach, FL 32082

Applicant: Oaxaca Club Jax Beach, LLC C/O Mark Janasik
3019 Savona CT.
Jacksonville, FL 32246

Agent: Marc Angelo
1283 Ponte Vedra Blvd.
Ponte Vedra Beach, FL 32082

Location: 131 1st Avenue North, Unit 102

Conditional Use Application for an outside restaurant seating area for a new restaurant located in the Central Business District: CBD zoning district, pursuant to Section 34-345(d)7 of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli summarized the following report for the record:

The applicant is a tenant in the currently under construction Jax Beach Town Center. The Town Center will feature three commercial spaces, including two restaurant spaces and one event space. The site currently

has previously approved variances for parking and setbacks and has received development plan approval, and has a current open building permit. The building currently under construction is built for these three uses.

This specific restaurant tenant will occupy the eastern portion of the structure.

The site will include a large indoor area and small outside seating area in the front of the main entrance, and a second smaller seating area on the western side, along the middle courtyard. The second story of the eastern side will be used as a proposed separate event space.

The adjacent property uses include office / mixed-use and bank, commercial and hotel use to the east, retail sales and surface parking to the north, and governmental use/ park to the south. Approval of conditional use for a proposed outdoor restaurant area for a new restaurant should not negatively impact adjacent properties and is consistent with other restaurant establishments.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Applicant:

Mark Angelo, 1283 Ponte Vedra Boulevard, Ponte Vedra Beach, described the restaurant concept.

Mr. Popoli clarified the setbacks.

Public Hearing:

No one came forth to speak on the item. Ms. Moehring closed the public hearing.

Discussion: None

Motion: It was moved by Ms. White and seconded by Mr. Lerman to approve PC# 13-22.

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

The application was unanimously approved.

(B) PC# 14-22 Conditional Use Application
Owner: Jax Beach Town Center LLC
1283 Ponte Vedra Blvd.
Ponte Vedra Beach, FL 32082

Applicant: Jekyll Brewing Jax Beach LLC C/O Michael Lundmark
2855 Marconi Drive, Suite 350
Alpharetta, GA, 30005

Agent: Marc Angelo
1283 Ponte Vedra Boulevard
Ponte Vedra Beach, FL 32082

Location: 131 1st Avenue North, Unit 101

Conditional Use Application to operate a microbrewery and outside restaurant seating area for a new restaurant located in the Central Business District: CBD zoning district, pursuant to Section 34-345(d)7 & Section 34-345(d)8 of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli summarized the following report for the record:

The applicant is a tenant in the currently under construction Jax Beach Town Center. The Town Center will feature three commercial spaces, including two restaurant spaces and one event space. The site currently has previously approved variances for parking and setbacks and has received development plan approval, and has a currently open building permit. The building currently under construction is built for these three uses.

The proposed site plan is for the western elevation of the property. The site will include a large indoor area on the first floor, a small outside seating area in the front of the main entrance, and on the second floor, towards the front of the structure, will be a larger outside terrace. The site is the previous location of Zeta brewing and Ruby Beach Brewing Company, which were also restaurants and microbreweries. The Code definition of a 'microbrewery' contains a maximum brewing capacity of 8,000 barrels a year (248,000 gallons). The proposed microbrewery would have to adhere to these amounts.

The adjacent property uses include office / mixed-use and bank, commercial and hotel use to the east, retail sales and surface parking to the north, and governmental use/ park to the south.

Approval of conditional use for the proposed microbrewery and outside seating area should not negatively impact adjacent properties and is consistent with previous uses

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Applicant:

Mark Angelo, 1283 Ponte Vedra Blvd., Ponte Vedra Beach, described the microbrewery.

Public Hearing:

No one came forth to speak on the item. Ms. Moehring closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Lerman and seconded by Mr. Dahl to approve PC# 14-22.

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

The application was unanimously approved.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Monday, July 25, 2022. There are three scheduled cases.

ADJOURNMENT

There being no further business, Ms. Moehring adjourned the meeting at 7:13 P.M.

Submitted by: Callie Rayeski
Administrative Assistant

These minutes were reviewed by Planning and 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:	Heather Ireland, Director Planning and Development Department
DATE:	07/15/2022
SUBJECT:	July 25, 2022 Planning Commission Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, July 25, 2022 Planning Commission Meeting.

NEW BUSINESS:

PC#15-22 - Redevelopment District: RD Rezoning Application for The Gallery at Jacksonville Beach project

OWNER: Jax Beach AF, LLC
177 4th Avenue North Suite 200
Jacksonville Beach, FL 32250

APPLICANT: Jax Beach AF, LLC
177 4th Avenue North Suite 200
Jacksonville Beach, FL 32250

AGENT: Driver, McAfee, Haqwthorn & Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville, FL 32202

LOCATION: 177 4th Avenue North

REQUEST: **Redevelopment District: RD Rezoning Application** to change 1.15 acres of property from Central Business District: CBD Zoning to Redevelopment District: RD Zoning for "The Gallery at Jacksonville Beach Project"

COMMENTS: The property that is the subject of "The Gallery at Jacksonville Beach" rezoning application is located on the downtown block that is bounded by First Street North, Second Street North, Fourth Avenue North, and Fifth Avenue North, and consists of approximately 1.15 acres of contiguous property. The property, which consists of six parcels with unique real estate numbers under common ownership, currently contains the former Johnson Gallery that has been converted to office space, a new restaurant (O-Ku Sushi) with on-site parking across from the pier parking lot, and vacant commercial property. Other uses on the block include an existing drinking establishment, a restaurant/bar, and a



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mixed-use parcel with offices and residential. Adjacent uses include a bar, multiple-family residential, public parking, and offices.

The applicant is proposing to continue to develop the subject property in phases with a mix of commercial uses in order to further the objectives of the Jacksonville Beach Redevelopment Plan, as is outlined in the application, and in accordance with the proposed Redevelopment District: RD zoning. The project contemplates a mix of restaurant, office and commercial retail uses, developed in phases, with Phase 1 being complete (existing office and restaurant). Proposed permitted commercial uses are listed on page 8 of the project narrative and include the majority of the same uses currently permitted in the CBD zoning district. The applicant has also provided a list of conditional uses that would be permitted in the RD zoning district with approval from the Planning Commission.

Parking is currently provided for in Phase 1 on-site. Parking for Phase 2 would also be provided on-site, as is detailed in the application materials. Parking for Phases 3 and 4 would be provided through a combination of on-site parking, payment-in-lieu-of, share parking agreements, and off-site parking as permitted by the Land Development Code (LDC).

All rezoning applications are to be reviewed and considered by the City Council, the Planning Commission, and Community Redevelopment Agency (CRA), who will each provide a recommendation to the City Council. For rezoning applications that change the designation of a property to Redevelopment District: RD zoning, the CRA shall also consider the application and provide a recommendation to the City Council. The Jacksonville Beach LDC provides standards applicable to all rezoning applications that shall be applied by both the Planning Commission and the City Council in the consideration of applications. These standards are as follows:

LCD Section 34-211(c)

1. Whether the proposed amendment is consistent with the Comprehensive Plan;
2. Whether the proposed amendment is in conflict with any portion of the LDC;
3. Whether and the extent to which the proposed amendment is consistent with the existing and proposed land uses;
4. Whether and the extent to which there are any changed conditions that require an amendment;
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;
6. Whether and the extent to which zoning district boundaries are not properly drawn on the official zoning atlas;
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, wetlands, and the natural functioning of the coastal environment;



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8. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
9. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and
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.

Staff has reviewed the applicant's request and finds that the application is consistent with the adopted Comprehensive Plan and is not in conflict with the LDC. Staff also finds that the proposed zoning amendment is consistent with the existing land uses in the immediate vicinity and the downtown area. The zoning amendment is required since the proposed project exceeds 50,000 square feet of commercial space at full build-out.

Pursuant to Section 34-347, "the RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan."

The application provides on pages 4 - 6 of the project narrative how the proposed mixed use project is consistent with the Jacksonville Beach Community Redevelopment Plan for downtown. Staff agrees with the applicant's assessment that the proposed redevelopment project is consistent with the general, economic and land use objectives provided for in the application. More specifically, the proposed project is consistent with the objectives of the redevelopment plan because it eliminates blighted conditions, provides for additional commercial area in the downtown core, increases the area's tax base, provides a compact mix of uses in the city's core, provides for moderate building height, and would provide a high quality new development.

The proposed project contemplates a total of approximately 40,000 square feet of restaurant space, 40,000 square feet of office space, and 25,000 square feet of commercial retail space that includes existing structures and businesses. The project will have a maximum building height of 35 feet in compliance with the City Charter and LDC.

The staff's analysis of this project is that it is consistent with the adopted Comprehensive Plan, the current LDC, and the adopted Jacksonville Beach Community Redevelopment plan for downtown. The proposed project serves to provide a creative and phased development of existing commercial buildings and vacant commercial property in the heart of the Downtown CRA District and on the northern edge of the Central Business District. The proposed mix of commercial uses will serve to support existing and future residential and hotel developments in the downtown area and the City at large and reimagine long vacant property in the downtown.



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Staff recommends that the Planning Commission **APPROVE** the rezoning request for The Gallery RD project. The application is scheduled for consideration by the City Council on August 15 and September 6, 2022, and the recommendation of the CRA and the Planning Commission will be provided to the City Council.

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.



REZONING APPLICATION

RECEIVED
via FedEx
MAY 26 2022

PC No. 15-22
AS/400# 22-100068
PC HEARING 7:25-22

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. A separate fee for advertising costs will be assessed accordingly.

APPLICANT INFORMATION

Land Owner's Name: Jax Beach AF LLC
Mailing Address: 177 4th Avenue North, Suite 200, Jacksonville Beach, FL 32250

Telephone: _____
Fax: _____

Applicant Name: Jax Beach AF LLC
Mailing Address: 177 4th Avenue North, Suite 200, Jacksonville Beach, FL 32250

E-Mail: _____

Telephone: _____

Fax: _____

E-Mail: _____

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

Agent Name: Driver, McAfee, Hawthorne & Diebenow, PLLC
Mailing Address: One Independent Drive, Suite 1200, Jacksonville, FL 32202

Telephone: (904) 807-8211

Fax: _____

E-Mail: sdiebenow@drivermcafee.com

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

REZONING DATA

Street address of property and/or Real Estate Number: 174090 0000, 174091 0000, 174091 0010, 173935 0000, 173936 0000, 174088 0000

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

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

Proposed Zoning Classification: RD

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" x11" 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: 4/20/2022

Agent Authorization

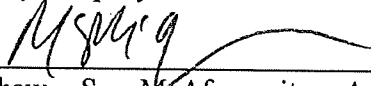
City of Jacksonville Beach Planning and Development Department
City Hall First Floor
11 North Third Street
Jacksonville Beach, Florida 32250

Re: Agent Authorization for 0 1st Street North, 502 1st Street North, 0 4th Avenue North, 177 4th Avenue North, and 0 5th Avenue North, Jacksonville Beach, FL 32250 (RE# 174088 0000; 174090 0000; 174091 0000; 174091 0010; 173935 0000; 173936 0000)

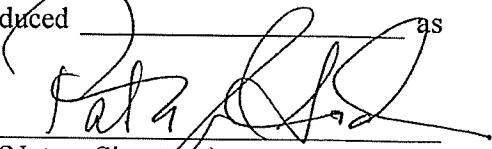
Ladies and Gentlemen:

You are hereby advised that Matthew S. McAfee, as an Authorized Representative of Jax Beach AF LLC, a Florida limited liability company, hereby authorizes and empowers Driver, McAfee, Hawthorne & Diebenow, PLLC, to act as agent to file an application for rezoning and such other entitlements as may be required for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Beach Planning and Development Department.

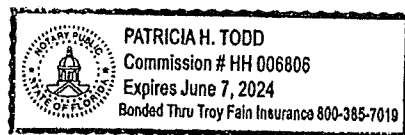
JAX BEACH AF LLC, a Florida limited liability company

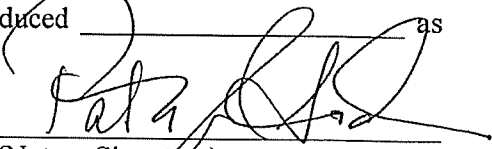

Matthew S. McAfee, its Authorized Representative

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23 day of February, 2022 by, Matthew S. McAfee as an Authorized Representative of Jax Beach AF LLC, a Florida limited liability company, on behalf of the company, who is ☒ personally known to me or ☐ has produced  as identification.

[Notary Seal]




(Notary Signature)

NARRATIVE DESCRIPTION
The Gallery at Jacksonville Beach
Proposed Rezoning to RD District and
Preliminary Development Plan
May 25, 2022

Jax Beach AF LLC (“Owner”) proposes to rezone approximately 1.15 acres of property from Central Business District (“CBD”) to Redevelopment District (“RD”). The property is located at 502 1st Street North, 0 4th Avenue North, 177 4th Avenue North, 0 5th Avenue North, and 0 1st Street North (RE#s 174090 0000; 174091 0000; 174091 0010; 173935 0000; 173936 0000; 174088 0000) (collectively, the “Property”). The following is a description of the proposed RD rezoning and the Preliminary Development Plan (“PDP”) supporting same. Also included is an explanation of why the proposed development complies with the standards governing RD rezonings and PDPs in the City of Jacksonville Beach (“City”) Land Development Code (“LDC”).

I. INTRODUCTION

The Property is located within the CBD functional land use category according to the Future Land Use Map (“FLUM”) series adopted as part of the 2030 Comprehensive Plan and is zoned CBD. The Property comprises a majority of the block bounded by 1st Street North, 4th Avenue North, 2nd Street North, and 5th Avenue North. It is located within the Downtown subdistrict of the RD Zoning District areas. Due to the location and unique and innovative development plan, Owner requests this RD rezoning to permit redevelopment of the Property into a multi-tenant, mixed-use plaza intended for restaurant, office, and commercial retail uses (the “Project”).

Currently, the Property features restaurant and office uses, with other areas vacant and undeveloped. Other businesses on the same block as the Property are Lynch’s Irish Pub, V Pizza and Flask & Cannon. To the north of the Property is Mango’s Beach Bar and residential uses, and the Jacksonville Beach Pier is to the east. Residential uses surround the Property to the south and west.

II. REDEVELOPMENT DISTRICT

The RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan (“CRP”). Land that is not zoned RD but seeks to be rezoned to RD must comply with Article VI, Division 3 standards and must also receive approval of a PDP pursuant to the procedures and standards of section 34-347. In furtherance of those objectives and standards, the Project will be constructed in accordance with the following provisions of the PDP below.

III. PRELIMINARY DEVELOPMENT PLAN

A. *Submission of application.* Following the preapplication conference, an application for rezoning and a PDP for RD zoning district classification shall be submitted to the planning and development director, along with a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of processing the application.

B. *Contents of application.* The rezoning and PDP application shall include the following information:

1. The names, address and telephone number of the owners of record of the land proposed for development.

Owner: Jax Beach AF LLC
117 4th Avenue North, Suite 200
Jacksonville Beach, FL 32250
(904) 595-5636

2. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.

There is no difference between the Owner and developer.

3. The name, address and telephone number of the agent of the applicant, if there is an agent.

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

4. The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting with the application.

Architect: Joe Cronk
Cronk Duch Architecture, LLC
1936 San Marco Boulevard, Studio 101
Jacksonville, FL 32207
joe@cronkduch.com
(904) 302-9848

5. The name, address and legal description of the land on which the PDP is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.

The Property includes the addresses as defined above. The legal description and deeds are attached hereto as Exhibit 1.

6. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for development, with the boundaries already marked.

The assessment map is attached hereto as Exhibit 2.

7. An eight and one-half (8 ½) by eleven (11) vicinity map locating the proposed land for development.

The vicinity map is attached hereto as Exhibit 3.

8. A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Community Redevelopment Plan. The statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.

- i. Description of Character of Proposed Development.

The Property is located in an urban pedestrian scale environment, one (1) block from the Atlantic Ocean and the Jacksonville Beach Pier. Consistent with its location, the Project contemplates the development of a multi-tenant, mixed-use three (3) story plaza intended for restaurant, office and commercial retail uses with activated roof top amenities. The Project utilizes varying heights throughout the Property to maximize architectural aesthetic, consumer experience and ocean views, while ensuring consistent building mass and scale with the surrounding area.

With both the original J. Johnson building and the recently added O-Ku restaurant as the conceptual foundation, this RD rezoning creates a master plan to weave the block together into a unified fabric of buildings, roof terraces, courtyards, and open spaces that establish a sense of place and destination within the greater CBD. Within the master plan, the block is transformed to a human scale through the introduction of secondary alleys, “Vias” and covered loggias to encourage pedestrian links between streets, buildings, courts and roof spaces. The building planning and site placement strengthen the streets edge and pedestrian scale while creating unique interstitial spaces for gathering, an opportunity for shade, and respite from the automobile. The proposed mixed-use buildings are inspired by the architectural DNA of the traditional elements of the Gallery building as well as the contemporary nature of O-Ku to create a new language for the master plan that is both identifiable to the Project brand and establishes an example of contextual architecture for future projects. Massing, materiality, detailing and color palette will also draw from and compliment the precedent buildings. A conceptual illustration of the Project is attached hereto as Exhibit 4.

The Project contemplates multiple phases of development. The first phase has been completed with the development that has already occurred, including the Gallery office space and parking, the O-Ku restaurant and the on-site surface parking lot near O-Ku. O-Ku's conditional use application was approved in PC 03-21, attached hereto as Exhibit 5. The second phase contemplates the development of additional restaurant space between Lynch's and V Pizza and a surface parking lot on the northwest quadrant of the Property (the "Northwest Parking Lot"). The third phase contemplates additional buildout of the Northwest Parking Lot as well as the development of commercial and/or office space above the Northwest Parking Lot. The fourth phase of development involves the conversion of the first and third floor of the Gallery to restaurant uses as well as creating more pedestrian-friendly amenities in lieu of the surface parking lot currently serving the Gallery.

These phases are conceptual in nature and may change or intermix subject to market demands and actual build out. The Project and the phases of development are conceptually depicted in the site plan, attached hereto as Exhibit 6. Phases 3 and 4 depend on, among other things, market factors not currently determined; as a result, these phases may or may not be developed depending on the outcome of such factors. Whether Phases 3 or 4 are ever developed shall not in any way provide a basis for revoking or otherwise affecting the entitlements conferred herein regarding the development in Phases 1 or 2.

The Gallery's parking is vested as shown on the attached zoning confirmation letter, attached hereto as Exhibit 7. Because the Project contemplates the development of additional parcels within this RD rezoning, the parking demand may exceed what was originally contemplated in the approval. And because the Project will be developed in phases, the required parking demand and the availability of on-site parking may fluctuate as the development proceeds through the various phases. In order to provide the requisite parking as the development builds out, alternatives to on-site parking may be secured to meet the parking demand at that particular phase, including obtaining off-site parking, executing shared parking agreements, making payment in lieu contributions, or through any combination of the above or by any other method approved by the City Planning and Development Department (the "P&DD"). To this end, any off-site parking will be located in the general proximity of the Property to ensure safe and convenient access. A description of the parking buildout is further explained in the off-street parking and loading section of this RD rezoning (III.C.6.).

ii. Consistency with Jacksonville Beach Community Redevelopment Plan.

The proposed redevelopment is consistent with the general purpose and intent of the CRP and specifically contributes to the following objectives:

General Objectives:

- a. Eliminate the conditions of blight and prevent the spread of blighting conditions.

The Project contemplates a mixed-use development providing on-site parking and complementary office, restaurant, and commercial retail uses on vacant or historically underutilized land. The Project features a holistic build out for one of the most central blocks in the Central Business District of Jacksonville Beach and will serve as a key transitional location for the visitors of the Jacksonville Beach Pier once completed.

- b. Encourage the core downtown area to develop as the center for cultural, entertainment and community activities within the City.

The Project's mix of uses, activated rooftops, and proximity to the Jacksonville Beach Pier and Seawalk Pavilion will encourage resident and visitor participation in the area.

Economic Objectives:

- a. Increase the tax base in the Community Redevelopment Area to assist in financing public actions to support redevelopment.

The Project contemplates multiple improvements to vacant land and includes areas that have been recently developed into Class A office and restaurant space.

- b. Encourage the re-creation of a compact mixed-use core area, oriented to recreation, entertainment, specialty retail tourism and housing.

The Project features complementary restaurant, office, parking, and commercial retail uses with activated rooftops all within a central block of the Central Business District.

Land Use Objectives:

- a. Encourage the development of a mix of activities in the core area including residential, retail, hotel and office.

Various restaurant, office and commercial retail spaces are and will be developed.

- b. Provide guidance to moderate building heights in the core oceanfront area and residential densities elsewhere in the community redevelopment area.

The Project adopts a thirty-five (35) foot height maximum, unless otherwise allowed under the City's Charter and/or LDC, with activated roof tops and varying roof heights to maximize architectural aesthetic, consumer experience and ocean views, while ensuring consistent building mass and scale with the surrounding area.

- c. Control the amount of land zoned for commercial use to stabilize predominately residential areas and concentrate commercial activity in the core area.

The proposed commercial uses are appropriate for the Property and the surrounding location. The existing uses on the block include O-Ku, Flask and Cannon, V Pizza, and Lynch's Irish Pub. The proposed uses will offer convenient restaurant and retail opportunities for visitors of Jacksonville Beach and the pier.

Urban Design Objectives:

- a. Promote standards of high quality in new development and rehabilitation consistent with the desired image of Jacksonville Beach.

The Property will feature new, Class A restaurant and office space with architectural and stylistic features appropriate for the area.

- b. Promote compatibility and integration among public and private developments.

The Project will encourage further resident participation in the area with close proximity to the Jacksonville Beach Pier and Seawalk Pavilion.

9. A statement of the applicant's intention with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.

The Project contemplates leasing to multiple tenants.

10. A description of the proposed development, including:

- i. The number and type of residential dwelling units. Currently, the Project contemplates commercial uses. However, multi-family residential use is permitted in this RD rezoning.
- ii. The approximate gross density for the residential development. The gross density shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is strictest.
- iii. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.

Current Future Land Use:

CBD – 1.15 Acres

Current Zoning:

CBD – 1.15 Acres

Current Square Footage:

- ±4,565 sf restaurant
- ±935 sf retail
- ±16,955 sf office/private use

Current Lot Coverage:

±45.42%

Proposed Zoning:

RD – 1.15 acres

Proposed Square Footage:

- ±40,000 sf restaurant
- ±40,000 sf office
- ±25,000 commercial retail

The proposed square footages for each use may be allocated to another nonresidential use on a one (1) to one (1) square foot basis or as otherwise agreed to by the P&DD. Residential uses shall be subject to the density provisions herein notwithstanding the proposed square footages.

Proposed Maximum Lot Coverage:

90%

11. A concept plan showing the location of all proposed buildings, the proposed traffic circulation system, and parking facilities.

The site plan showing the location of structures and the phases of development is attached hereto as Exhibit 6.

12. A tentative development schedule indicating:

- i. The approximate date when construction of the development can be expected to begin.

Phase 1 is already developed and completed.

- ii. The stages in which the development will be built and the approximate date when construction each stage can be expected to begin.

The contemplated development will occur over a period of at least four (4) phases. The first phase is the Gallery and O-Ku as shown in the site plan as Phase 1 of development. This phase is already completed.

The second phase contemplates the development of additional restaurant space between Lynch's Irish Pub and V Pizza and Flask & Cannon as well as the Northwest Parking Lot to service the additional parking demands of the new development. It is contemplated that an application for a development permit for a development plan will be submitted for this phase within two (2) years of the approval of this RD rezoning or as otherwise allowed herein.

The third phase contemplates development of the Northwest Parking Lot into additional commercial and office space. This phase will begin subsequent to the completion of Phase 2.

The fourth phase involves the conversion of the first and third floor of the Gallery into restaurant uses as well as well as creating more pedestrian-friendly amenities in lieu of the surface parking lot currently serving the Gallery. This phase will begin subsequent to the completion of Phase 2.

- iii. The approximate date when each stage of development will be completed.

Phase 1 development is already completed. Phase 2 development is estimated to be completed by 2024, subject to the tolling and other time provisions herein. Phase 3 development is estimated to be completed by 2028. Phase 4 development is estimated to be completed by 2032.

C. *Standards.* This RD zoning district shall comply with the following standards:

1. *Land Area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
2. *Uses.*
 - i. Permitted Uses.
 - a. Bakery products manufacturing, in conjunction with the retail sale of the baker products on the same site.
 - b. Jewelry manufacturing, in conjunction with the retail sale of the jewelry on the same site.

- c. Handbag and other personal leather goods manufactured in conjunction with the retail sale of the finished product on the same site.
- d. Travel agencies.
- e. Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise stores; apparel and accessory stores; home furniture, furnishing and equipment stores; non-prescription drugs; florists; tobacco stands and newsstands; optical goods stores; and miscellaneous retail goods.
- f. Restaurants, bars, lounges, nightclubs, taverns or other drinking place, with the sale and service of all alcoholic beverages and with outdoor sale and service, including roof top service. These uses shall be permitted notwithstanding the distance requirements in section 34-393(2) or the supplemental requirements in section 34-407(a) and (b).
- g. Microbreweries.
- h. Financial institutions, insurance and real estate offices.
- i. Multi-family residential.
- j. Short-term vacation rentals.
- k. Auxiliary dwelling units.
- l. Hotels and motels.
- m. Personal service establishments as follows: Photographic studios; beauty and barber shops; shoe repair shops and shoe-shine parlors; tax preparation services; and miscellaneous personal services.
- n. Business service establishments as follows: Advertising; business and consumer credit reporting and collections; mailing reproduction, commercial art and photography and stenographic services; personnel supply, excluding labor and manpower pools and similar temporary help services; computer programming, data processing and other computer services; and miscellaneous business services.
- o. Automotive parking, including surface and/or structured parking.
- p. Dance studios and schools.
- q. Amusement and recreation service establishments as follows: Physical fitness facilities; coin operated amusement devices; or membership sports and recreation clubs.

- r. Business and professional offices as follows: Landscape architect; building contractors and subcontractors (no storage of vehicles, equipment, or materials); doctors, dentists and miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research management and related services.
 - s. Museums and art galleries.
 - t. Essential services, including water, sewer, electrical, gas, communications antennae, and similar uses.
 - u. Mobile food dispensing vehicle as defined in and in accordance with the provisions of section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
 - v. Any other permitted use allowed in the CBD or RD zoning districts.
 - ii. Prohibited Uses: The uses specifically prohibited in the RD zoning district regulations, attached hereto as Exhibit 8, shall not be permitted.
 - iii. Conditional Uses:
 - a. Amusement parks.
 - b. Miscellaneous amusement and recreation services.
 - c. Religious organizations.
 - d. Pharmacy.
 - e. Medical marijuana treatment center dispensing facilities.
3. *Residential density.* The gross density shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is strictest.
4. *Area and setback requirements.*
- i. Minimum lot area and width: None.
 - ii. Maximum lot coverage: 90%.
 - iii. Building setbacks:

- a. Front – zero (0) feet minimum; ten (10) feet maximum. The Phase 2 restaurant pavilion shall count as the building for purposes of determining the front setback and frontage buildout.
 - b. Side – zero (0) feet minimum.
 - c. Rear – zero (0) feet minimum.
- iv. Maximum building height: Thirty-five (35) feet. The height limitation contained in this RD rezoning does not apply to spires, belfries, cupolas, flag poles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, and elevator hoist ways, not intended for human occupancy. Should the maximum height under the City's Charter and/or LDC increase subsequent to the approval of this RD rezoning, the Project may be developed in accordance with those provisions through an RD zoning amendment pursuant to the standards and procedures for a rezoning.
5. *Traffic circulation control and parking.* Vehicular access to the Property shall be by way of 4th Avenue North, 2nd Street North, and 5th Avenue North, substantially as shown on the site plan.
6. *Site design and lot layout standards.* The Phase 2 restaurant front building setback may vary more than five (5) feet from the northern and southern adjacent buildings (currently V Pizza and Lynch's Irish Pub) and is exempt from the *Storefront Character* standards in section 34-345(e)(7)h., attached hereto as Exhibit 9.
7. *Off-street parking and loading.*

A minimum of one (1) parking space per five hundred (500) square feet of floor area.¹ Any parking short of the minimum herein may be accounted for by any method allowed under the LDC, including but not limited to, off-site parking pursuant to section 34-375, shared parking agreement(s) pursuant to section 34-376, and payment in lieu contribution(s) to the City pursuant to section 34-380, or as otherwise approved by the P&DD. On-street loading may be conducted to serve the entire development.

Owner intends, although is not required, to meet the parking requirements as follows:

Phase 1 required parking is already provided on-site, as shown on the attached site plan and Jacksonville Beach Parking Assessment spreadsheet, attached hereto as Exhibit 10. The Gallery has vested rights to provide eighteen (18) parking spaces in lieu of sixty-two

¹ The one (1) parking space per five hundred (500) square foot standard has been utilized as provided for in the current LDC in lieu of the standards contained in the CRP, which were originally proposed in 1987 and generally do not apply to the contemplated uses on the Property.

(62) required spaces as shown on the attached zoning confirmation letter.² Those spaces are provided to the north of the Gallery. O-Ku has a parking demand of eleven (11) spaces, which are provided on-site between the Gallery and O-Ku. Accordingly, the parking requirement from Phase 1 is met with on-site parking.

Phase 2 parking is intended to be provided on-site by developing the Northwest Parking Lot. The Northwest Parking Lot is sufficient to meet the additional parking demand of the Phase 2 restaurant. The Phase 2 restaurant will create a parking demand of seventeen (17) spaces and a portion of the Northwest Parking Lot will be built out to provide seventeen (17) parking spaces. The parking lots described in Phase 1 will not be reduced. As a result, the parking requirements through Phase 2 will be met with on-site parking.

The parking demand from Phase 3 development will be met through a combination of on-site parking and the alternative methods allowed in this section. Phase 3 contemplates the buildout of the Northwest Parking Lot as well as retail and office space above the Northwest Parking Lot. There will be twenty-nine (29) additional spaces added to the Northwest Parking Lot, and the new retail/office structure will create an additional parking requirement of fifty-one (51) spaces. There will be a twenty-two (22) parking space shortfall in Phase 3, for which Owner will rely on the alternative parking methods provided herein.

Phase 4 contemplates the conversion of the first and third floor of the Gallery into restaurant uses as well as creating more pedestrian-friendly amenities in lieu of the surface parking lot currently serving the Gallery. This will result in a reduction of eighteen (18) on-site parking spaces. As a result, the completion of Phase 4 will cause a projected parking shortage of approximately forty (40) spaces. Owner will rely on the alternative parking methods provided herein to account for such shortfall.

The below table represents the conceptual parking phases of the Project, with Exhibit 10 providing a more in-depth numerical analysis demonstrating same.³

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² The parking variance for the Gallery allowed a reduction of parking from sixty-two (62) spaces to eighteen (18). The Gallery's "gross" parking requirement in this RD rezoning is only thirty-four (34), which is almost half of what could be required for the Gallery without having to provide an additional parking space.

³ The "gross" parking space requirement in Exhibit 10 does not consider the Gallery parking variance and is calculated based on the one (1) parking space per five hundred (500) square foot standard. The "required parking spaces" and the "off-site spaces needed" columns account for the Gallery parking variance.

Parking Requirement Breakout by Phase*			
Phase	Parking		
	Required**	Provided On-Site	Surplus / (shortfall)
Phase 1	29	29	0
Phases 1-2	46	46	0
Phases 1-3	97	75	(22)
Phases 1-4	97	57	(40)

* This table is for illustrative purposes only. The actual parking requirements of the Project may differ as phases build out. Factors such as the maximum height increasing in the CBD or the development of an off-site parking garage may affect the development of structures and the provision of on-site parking in the Project.

** Includes vested parking rights.

8. *Open space requirements.* Consistent with the RD zoning district regulations, attached hereto as Exhibit 8.
9. *Signage:* All signs erected shall be consistent with the goals, objectives, and policies of the adopted CRP and the standards of Article VIII, Division 4.
10. *Landscaping:* Consistent with the goals, objectives, and policies of the CRP and the standards of Article VIII, Division 3.
11. *Environmental:* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the CRP and the standards in Article VIII, Division 5.
12. *Utility easements:* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary and adequately service the development.
13. *Adequate public facilities:* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article X, Adequate public facilities standards. Solid waste may be collected in off-site dumpsters and/or trash compactors.
14. *Comprehensive plan consistency.*

In addition to furthering the objectives of the CRP, the proposed redevelopment is consistent with and furthers the general purpose and intent of the 2030 Comprehensive Plan, specifically contributing to the following goals, objectives and policies:

Future Land Use Element:

- i. Goal LU.1 – Provide for a continued high quality of life in Jacksonville Beach by planning for population growth, public and private development and redevelopment, energy conservation; and the proper distribution, location, and extent of land uses by type, density, and intensity consistent with efficient and adequate levels of services and facilities, and the protection of natural and environmental resources.
- ii. Policy LU.1.2.2 – An adequate amount of land exists in developed areas or areas being developed for neighborhood and general commercial, office and service, lodging, and industrial use in the City, or is planned for assembly and redevelopment to meet the needs of the projected resident, seasonal and day visitor populations through the planning period. Future commercial space needs of this type shall be met through in-fill development adjacent to similar uses or through redevelopment in designated areas.
- iii. Policy LU.1.2.3 – The intensity of development in areas where in-fill development for commercial, office, service, or industrial use is proposed shall conform to the level of intensity on adjacent properties or as specified in the adopted Community Redevelopment Plans. A market analysis shall be required to accompany any application involving a proposed Future Land Use Map change from a residential land use category to a commercial land use category.
- iv. Policy LU.1.3.1 – It is the intent of the City that the land use proposals in the adopted Downtown and South Beach Community Redevelopment plans currently being implemented are made a part of this Future Land Use Element by reference and development within these designated areas shall be carried out under the Planned Unit Development or Redevelopment District provisions in the City's land development regulations.
- v. Objective LU.1.4 – Future land development activities shall be directed to appropriate areas as described in this Future Land Use Element or as depicted on the Future Land Use Map. All future land use shall be consistent with sound planning principles and the limitations of the natural environment including sensitivity to problems posed by greenhouse gas generation, topographic and soil conditions, conservation-protected lands such as estuarine wetlands and the beach, and conservation-restricted lands such as palustrine wetlands and flood prone areas including the coastal zones. Future land development activities shall be considerate of the need to preserve and protect historic resources; the desired community character, and the goals, objectives, and policies relating to the development of the land embodied in the other Elements of this Plan.
- vi. Policy LU.1.5.10 – Central Business District (CBD): The Central Business District (CBD) land use category is intended to provide a central core for the city, with a

diversity of uses, and to promote flexibility in design and quality in development while preserving public access to the beach recreational area. It is coterminous with the jurisdictional area of those lands within the Downtown Redevelopment Area. The CBD category allows medium to high density residential, commercial, industrial, recreational, and entertainment uses, as well as transportation and communication facilities. The exact location, distribution, and density/intensity of various types of land use in the Redevelopment Area will be guided by the site development plans approved as part of the Downtown Redevelopment Plan.

- vii. Objective LU.1.9 – Design of Commercial and Industrial Developments. Commercial and industrial development/ redevelopment will be designed to enhance access and circulation, and result in a positive and attractive built environment.
- viii. The City shall promote pedestrian amenities and upgrades in association with new development/redevelopment and gateway corridors (Beach Boulevard, A1A, and Penman), including, but not limited to, the provision of sidewalk and bike path connections, walk lights, benches, bus shelters and bicycle parking. The City of Jacksonville Beach Bus Shelter Task Force in cooperation with the JTA will determine the shelter locations and design suitable to the City's design context, with a goal of upgrading three existing transit stops per year.

Transportation Element

- i. Objective TE 1.4 – Provide for safe and convenient traffic flow and parking.
 - ii. Policy TE 1.4.1 – Except in any portions of the City where provisions of the Land Development Code may allow for:
 - The provisions of consolidated or free standing parking facilities, or for
 - Contributions for the provision of pedestrian, bicycle or transit facilities in lieu of compliance with on-site parking requirements;

The City shall ensure adequate vehicular access to new development by requiring new developments to provide on-site parking.
 - iii. Policy TE 1.4.2 – Promote parking strategies that support overall transportation goals and objectives.
 - iv. Policy TE 1.4.6 – The City shall require all new commercial, institutional, and industrial uses to provide off-street loading zones. Such zones shall have minimum dimensions of twelve (12) feet by forty (40) feet.
15. *Time limitations.* The receipt of a development order for this RD zoning shall expire at the end of one (1) year after the date of its initial approval, which is to begin the day after the appeal period ends, unless an application for a development permit for a development plan has been submitted to the planning and development director. Only one (1), one (1) year

extension shall be granted by the city council upon written application to the planning and development director. Written application requesting the extension shall be submitted to the planning and development director no later than thirty (30) working days before the date that the development order is to expire. The timelines and year-long extension herein shall be in addition to any pause, tolling and/or extension provided by federal, state or local law regarding state of emergencies, including but not limited to such relief offered in section 252.363, *Florida Statutes* (2021). Once a timely application for a development permit for a development plan has been submitted, any subsequent application may be filed notwithstanding the time provisions herein.

16. *Minor deviation to PDP.* Minor deviations shall be allowed pursuant to the RD zoning district provisions attached hereto as Exhibit 8.
17. *Amendments to PDP.* Amendments to the preliminary development plan shall be allowed pursuant to the RD zoning district provisions attached hereto as Exhibit 8.
18. *Development plan.* An application for development plan shall be filed according to the time limitations set forth in section III.C.14. of this RD rezoning.

EXHIBIT 1

LEGAL DESCRIPTION AND DEEDS

RE# 174088-0000

The South 40 feet of Lots 1 and 2, Block 52, Pablo Beach North, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 28, of the Public Records of Duval County, Florida.

RE# 173936-0000

Lots 34, 35, 36 and 37, FLAGLER TRACT, according to the map or plat thereof as recorded in Plat Book 15, Page(s) 50, Public Records of Duval County, Florida.

RE#s 173935-0000 & 174091-0010

Lots 30, 31, 32 and 33, Flagler Tract, according to the plat thereof, as recorded in Plat Book 15, Page 50, of the Public Records of Duval County, Florida.

The South 67.25 feet of the West 11 feet of Lot 7, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

RE#s 174091-0000 & 174090-0000

The South 67.25 feet of the East 26.5 feet of the West 37.5 feet of Lot 7, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

The East one-half of the South one-half of Lot 7 and the South one-half of Lot 8, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Prepared by and return to
Kenneth M. Keefe, Jr.
McGuireWoods LLP
50 N. Laura St., Suite 3300
Jacksonville, Florida 32202

Taxpayer I.D. No. : N/A
Parcel I.D. Nos. 174091-0000 and 174090-0000
Consideration: \$700,000

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 10th day of October, 2016, between **EAST VIEW, INC.**, a Florida corporation, whose address is 830-13 A1A North, PMB 391, Ponte Vedra, FL 32082, herein the Grantor, and **JAX BEACH AF LLC**, a Florida limited liability company, whose address is 177 4th Avenue North, Jacksonville Beach, FL 32250, herein the Grantee.

The Grantor, for and in consideration of the sum of \$10.00, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents does grant, bargain, sell and convey to the Grantee, its successors and assigns forever, the land, situate, lying and being in the County of Duval, State of Florida, described as:

Parcel 1:

The South 67.25 feet of the East 26.5 feet of the West 37.5 feet of Lot 7, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Parcel 2:

The East one-half of the South one-half of Lot 7 and the South one-half of Lot 8, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

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

The Grantor hereby covenants with Grantee, except as set forth herein, that at the time of the delivery of this deed, the land was free from all encumbrances made by it, and that it will warrant and defend the title to the land against the lawful claims of all persons claiming by, through or under the Grantor, but against none other. This conveyance is made subject to taxes assessed subsequent to December 31, 2015.

2

Prepared by and return to
Kenneth M. Keefe, Jr.
McGuireWoods LLP
50 N. Laura St., Suite 3300
Jacksonville, Florida 32202

Tax Parcel I.D. Nos. : 173935-0000 and 174091-00104

Consideration: \$4,550,000

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 10th day of October, 2016, between ZENITH GALLERY, INC., a Florida corporation, whose address is 830-13 A1A North, PMB 391, Ponte Vedra, FL 32082, herein the Grantor, and JAX BEACH AF LLC, a Florida limited liability company, whose address is 144 4th Ave. N., Jacksonville Beach FL 32250, herein the Grantee.

The Grantor, for and in consideration of the sum of \$10.00, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents does grant, bargain, sell and convey to the Grantee, its successors and assigns forever, the land, situate, lying and being in the County of Duval, State of Florida, described as:

Parcel 1

Lots 30, 31, 32 and 33, Flagler Tract, according to the plat thereof, as recorded in Plat Book 15, Page 50, of the Public Records of Duval County, Florida.

Parcel 2

The South 67.25 feet of the West 11 feet of Lot 7, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

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

The Grantor hereby covenants with Grantee, except as set forth herein, that at the time of the delivery of this deed, the land was free from all encumbrances made by it, and that it will warrant and defend the title to the land against the lawful claims of all persons claiming by, through or under the Grantor, but against none other. This conveyance is made subject to taxes assessed subsequent to December 31, 2015 and Utility Easement recorded in Official Records Book 5973, page 2373 (as to Parcel 1) and Grant of Easement for Electrical Distribution Lines in favor of City of Jacksonville Beach recorded in Official Records Book 10060, page 1057 (as to Parcel 1), but such reference shall not act to re-impose same.

(When used herein the terms "Grantor" and "Grantee" shall be construed to include, masculine, feminine, singular or plural as the context permits or requires and shall include heirs, personal representatives, successors or assigns.)

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name and caused its corporate seal to be affixed as of the day and year first above written.

Thomas Wagner
[print name] THOMAS WAGNER

ZENITH GALLERY, INC.

Kenneth M. Keefe Jr
[print name] Kenneth M. Keefe Jr

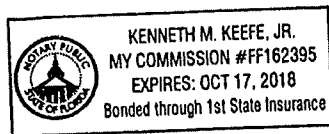
By *Elizabeth Rafferty*
Elizabeth Rafferty, Vice President



STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 10th day of October, 2016, by Elizabeth Rafferty, the Vice President of ZENITH GALLERY, INC., a Florida corporation, on behalf of the corporation, ✓ who is personally known to me, or who has produced as identification.



Kenneth M. Keefe Jr
[print name] Kenneth M. Keefe Jr

Notary Public, State of Florida

My Commission Expires:

Serial No.

(NOTARIAL SEAL)

Prepared by and return to:

Matthew S. McAfee, Esquire
Driver, McAfee, Hawthorne & Diebenow PLLC
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Tax Parcel: 173936-0000

SPECIAL WARRANTY DEED

This **SPECIAL WARRANTY DEED** is made as of the 8TH day of September, 2018, by **QBS INVESTMENTS, L.L.C.**, a Florida limited liability company ("Grantor"), whose post office address is 1548 , to **JAX BEACH AF LLC**, a Florida limited liability company ("Grantee"), whose post office address is 177 4th Avenue North, Jacksonville Beach, Florida 32250.

[Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations and limited liability companies, wherever the context so admits or requires.]

WITNESSETH: Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee, all that certain land situated in Duval County, Florida as more particularly described on Exhibit A attached hereto and incorporated herein by this reference (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.

AND, Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and Grantor hereby covenants that Grantor will warrant and defend title to the Property against the lawful claims of all persons claiming by, through, or under Grantor alone, but against none other, subject to the encumbrances set forth on Exhibit B attached hereto (the "Permitted Exceptions"); provided, however, this reference shall not serve to reimpose the same.

[signature page follows]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, sealed, and delivered

in the presence of:

Print Name: Cassandra Strong

Print Name: Serena Diehm

GRANTOR:

QBS INVESTMENTS, L.L.C., a Florida
limited liability company

By: 
Name: James Frank
Title: Sole Member

STATE OF OHIO

COUNTY OF STARK

The foregoing instrument was acknowledged before me this 8th day of September, 2018, by JAMES FRANKS, as Sole Member of QBS INVESTMENTS, L.L.C., on behalf of the company, who is ☒ personally known to me or ☐ produced as identification.

Matt J. R.
Signature

Print Name: MATTHEW T. COLLINS
Notary Public, State and County aforesaid
Commission No.: 2018-RE-718236
My Commission Expires: JUNE 4, 2023

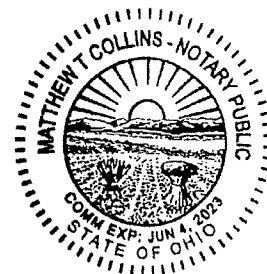


EXHIBIT A

Legal Description of the Property

Lots 34, 35, 36 and 37, FLAGLER TRACT, according to the map or plat thereof as recorded in Plat Book 15, Page(s) 50, Public Records of Duval County, Florida

EXHIBIT B

Permitted Exceptions

1. Taxes and assessments for the year 2018 and subsequent years, which are not yet due and payable.

Prepared by and return to:

Matthew S. McAfee, Esquire
Driver, McAfee, Hawthorne & Diebenow PLLC
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Tax Parcel: 174088-0000

SPECIAL WARRANTY DEED

This **SPECIAL WARRANTY DEED** is made as of the 28 day of February, 2019, by **ORTEGA, L.C.**, a Florida limited liability company and **SIGIFREDO VIVAS**, as Trustee under the **SIGIFREDO VIVAS REVOCABLE TRUST UNDER AGREEMENT DATED FEBRUARY 22, 2005** ("Grantor"), whose post office address is 1548 , to **JAX BEACH AF LLC**, a Florida limited liability company ("Grantee"), whose post office address is 177 4th Avenue North, Jacksonville Beach, Florida 32250.

[Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations and limited liability companies, wherever the context so admits or requires.]

WITNESSETH: Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey, and confirm unto Grantee, all that certain land situated in Duval County, Florida as more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

The Property is not the homestead of Grantor under the laws and constitution of the State of Florida in that neither Grantor or any members of the household of Grantor reside thereon.

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.

AND, Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and Grantor hereby covenants that Grantor will warrant and defend title to the Property against the lawful claims of all persons claiming by, through, or under Grantor alone, but against none other, subject to the encumbrances set forth on Exhibit B attached hereto (the "Permitted Exceptions"); provided, however, this reference shall not serve to reimpose the same.

[signature page follows]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, sealed, and delivered

in the presence of:

[Signature]
Print Name: Juliet Nelson

[Signature]
Print Name: May Claire Miller

GRANTOR:

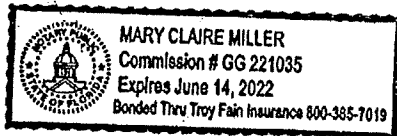
ORTEGA, L.C., a Florida limited liability company

By: [Signature]
Edith M. Ortega
Its Managing Member

STATE OF Florida

COUNTY OF Duval

The foregoing instrument was acknowledged before me this 12th day of February, 2019, by Edith M. Ortega, as Managing Member of ORTEGA, L.C., on behalf of the company, who is [] personally known to me or [X] produced drivers license as identification.



Signature

[Signature]
Print Name: May Claire Miller

Notary Public, State and County aforesaid

Commission No.: _____

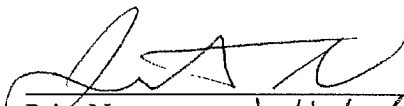
My Commission Expires: _____

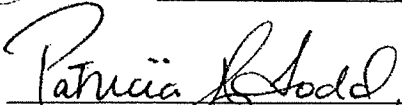
IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

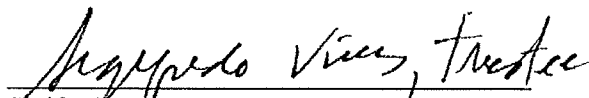
Signed, sealed, and delivered

GRANTOR:

in the presence of:

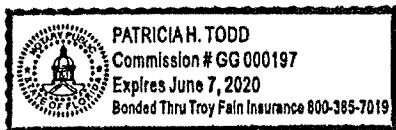

Print Name: Juliet Nelson


Print Name: Patricia H. Todd


Sigifredo Vivas, as Trustee of the Sigifredo Vivas Revocable Trust under agreement dated February 22, 2005

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 28 day of February, 2019, by Sigifredo Vivas, as Trustee of the Sigifredo Vivas Revocable Trust under agreement dated February 22, 2005, who is [] personally known to me or [X] produced FL drivers license as identification.




Signature

Print Name: _____
Notary Public, State and County aforesaid
Commission No.: _____
My Commission Expires: _____

EXHIBIT A

Legal Description of the Property

The South 40 feet of Lots 1 and 2, Block 52, Pablo Beach North, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 28, of the Public Records of Duval County, Florida.

EXHIBIT B

Permitted Exceptions

1. Taxes and assessments for the year 2019 and subsequent years, which are not yet due and payable.

EXHIBIT 2

DUVAL COUNTY PROPERTY ASSESSMENT MAP

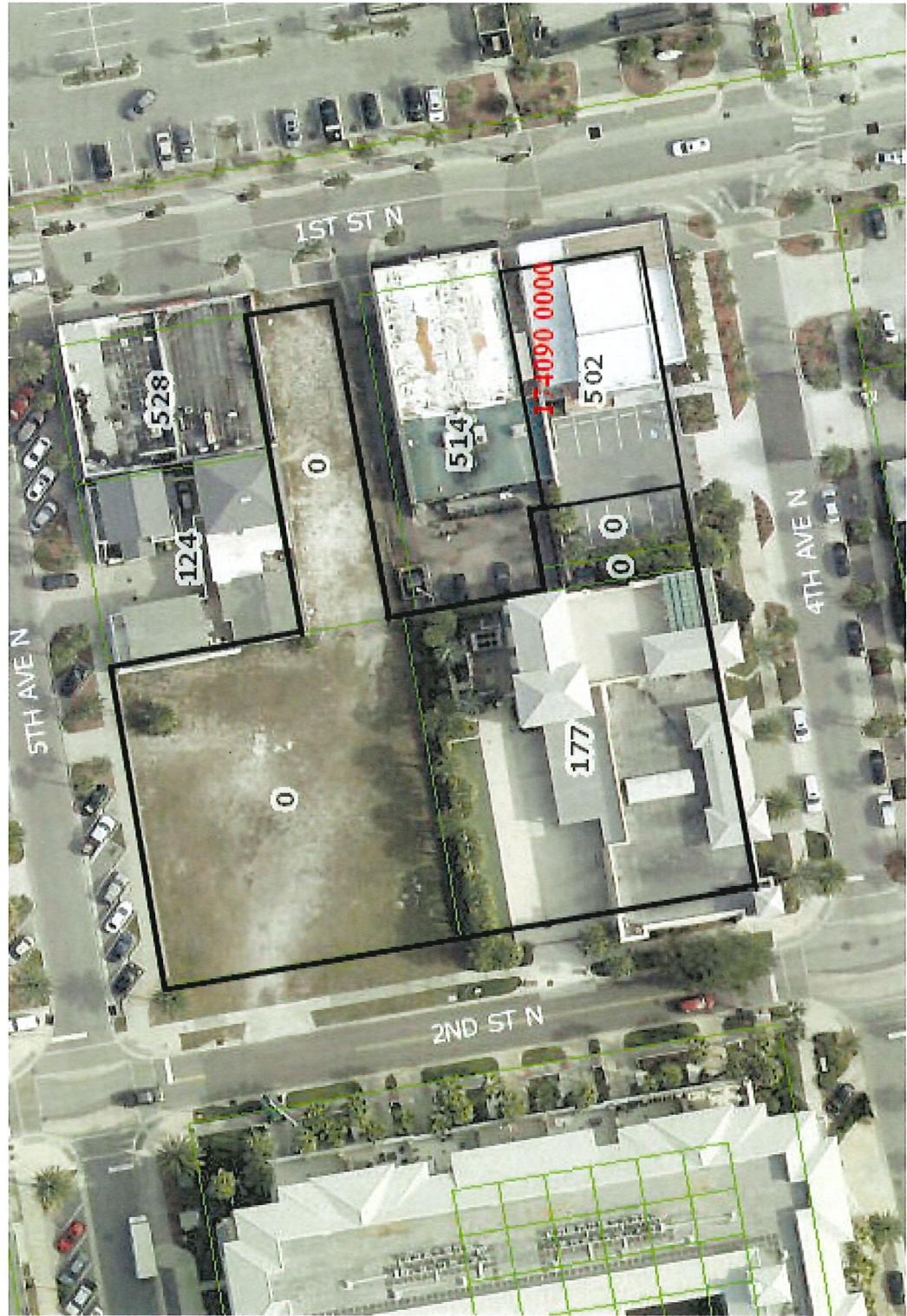


EXHIBIT 3

VICINITY MAP



EXHIBIT 4
CONCEPTUAL ELEVATIONS



EXHIBIT 5

O-KU CONDITIONAL USE PERMIT



DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL RECEIPT# 7017 3040 0000 2086 2587

April 27, 2021

O-Ku Sushi
704 Meeting Street
Charleston, SC 29403

RE: **Planning Commission Case: PC# 03-21**

Conditional Use Application for the transfer of approval for outdoor restaurant seating at a new restaurant, for property located in the Central Business District: CBD zoning district, for property located at 502 North 1st Street

The City of Jacksonville Beach Planning Commission met on **Monday, April 26, 2021** in Council Chambers to consider your **Conditional Use Application** for the transfer of approval for outdoor restaurant seating at a new restaurant, for property located in the Central Business District: CBD zoning district, pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code, for property located at 502 North 1st Street. (Applicant – *O-Ku Sushi*)

Based on the review and discussion of said application and the consideration of any testimony provided during the duly advertised public hearing, the Planning Commission determined this application met the standards applicable for authorizing a conditional use pursuant to Land Development Code **Section 34-231**.

The request was approved.

Pursuant to LDC **Section 34-233**, conditional use approval is only granted to the applicant and is not assignable or transferable. Outdoor restaurants are subject to the limitations and conditions set forth in **Section 34-407** of the LDC.

Please provide a copy of this letter with any other applications or building permits. Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP
Director, Planning and Development Department

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



EXHIBIT 6

SITE PLAN



PHASE 1

PHASE 1	
CH-1 EXISTING	7,027 SF
CH-2 EXISTING	1,551 SF
CH-3 EXISTING	1,422 SF
CH-4 EXISTING	4,026 SF
CH-5 EXISTING	335 SF
CH-6 EXISTING	3,766 SF
CH-7 EXISTING	1,779 SF
CH-8 EXISTING	779 SF
CH-9 EXISTING	1,779 SF
CH-10 EXISTING	18,955 SF
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ARCHITECTS SEAL

CALL 0300 016 200

1254

CARD NUMBER

LEGAL DESCRIPTION:

PROJCT NAME

PROJECT NUMBER 8-00000

RD

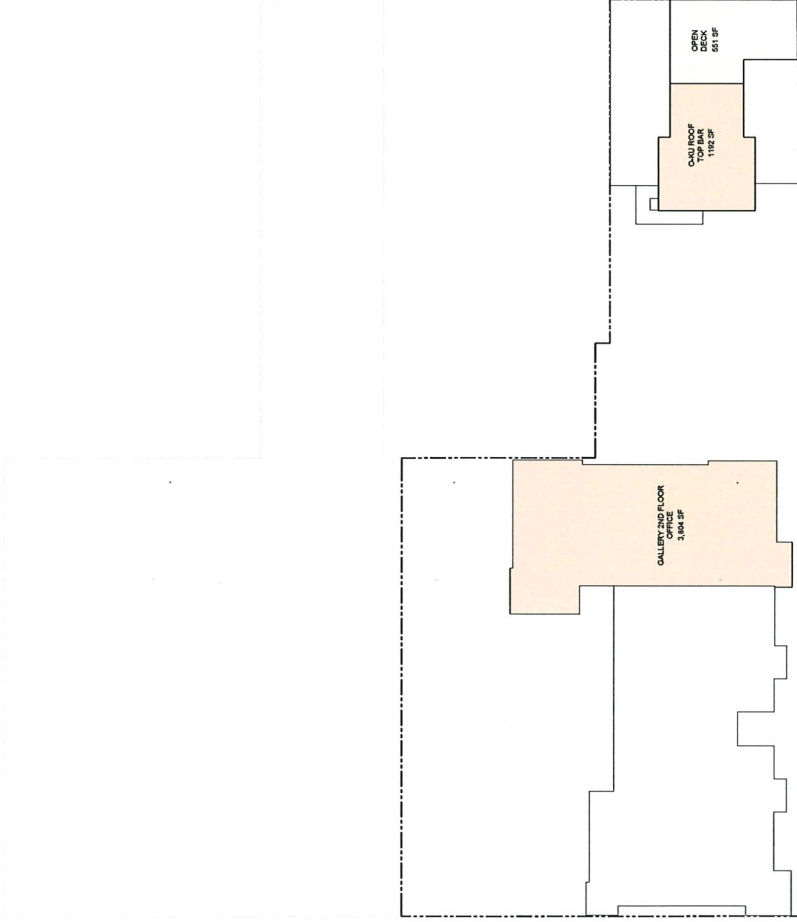
ZONING

JACKSONVILLE BEACH, FL

GALLERY

PHASE - I

RD Zoning Set - 04/19/22



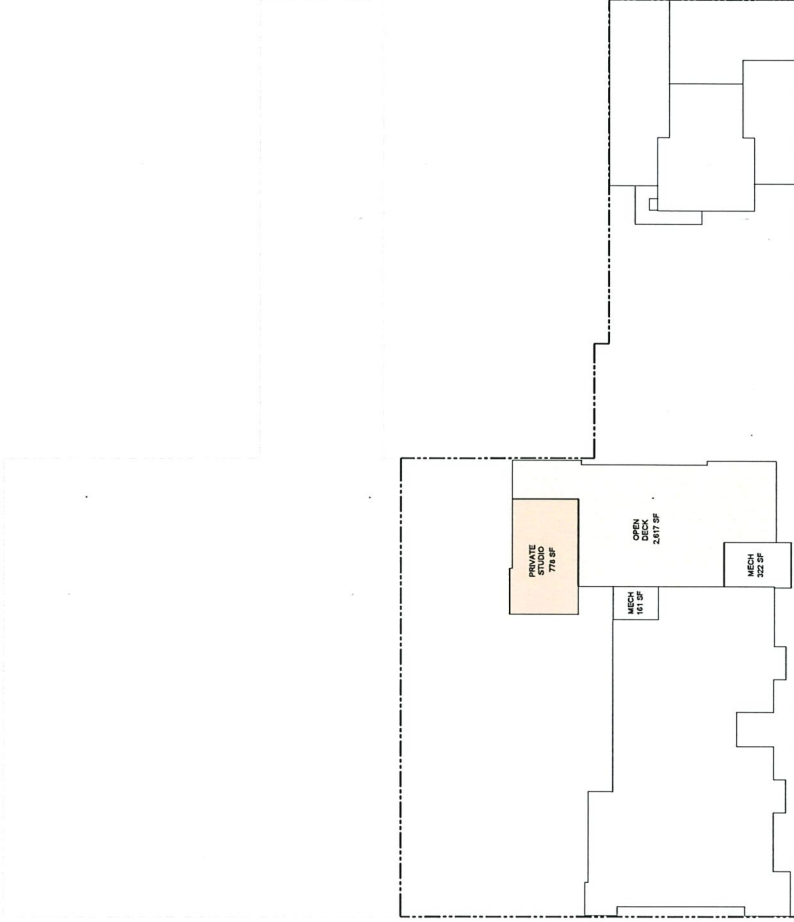
PHASE 1

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

[illegible]

RD Zoning Set - 04/19/22

PHASE 1



RD Zoning Set - 04/19/22

1936 Sma B (Kyeo B) / 904.302.9848 / 904.426.3652
202 W. 6th Ave, Palm Beach, Florida 33480
904.302.9848 / 904.426.3642

STRUCTURAL:

[illegible]

ARCHITECT'S SEAL

CAPO D'ORO. DUE HO

SCALE:

SACD-VOL-101

FOOTNOTES

10

PROJECT CHARTER

PROJECT NUMBER

PD

REZONING

JACKSONVILLE BEACH, FL

GALLERY

100

THIRD FLOOR

A12

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DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

CD+urban

MEP ENGINEER

STRUCTURAL:

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CONTENTS

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111

SCALE: 1000000
AS SHOWN

NAME: _____
CAGE: V109 ID: _____

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COAL DISCREPANCY

10

100

PROJECT PHASE:

DISCUSSION

PROJECT NUMBER 18-11-

115-01

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REZON

JACKSONVILLE

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●
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GALL

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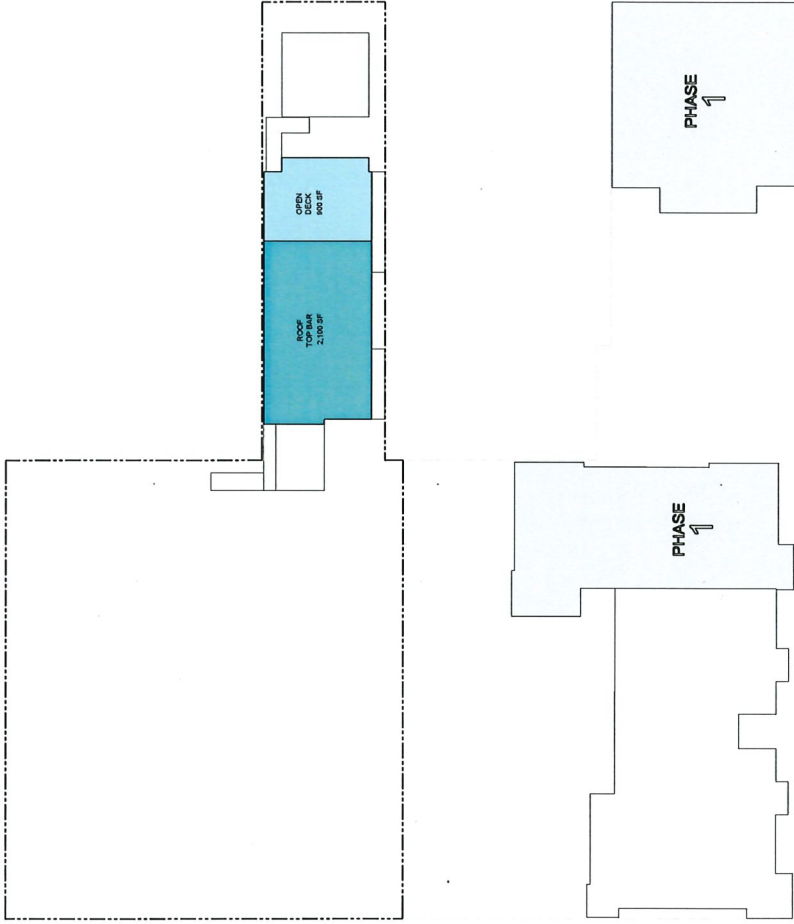
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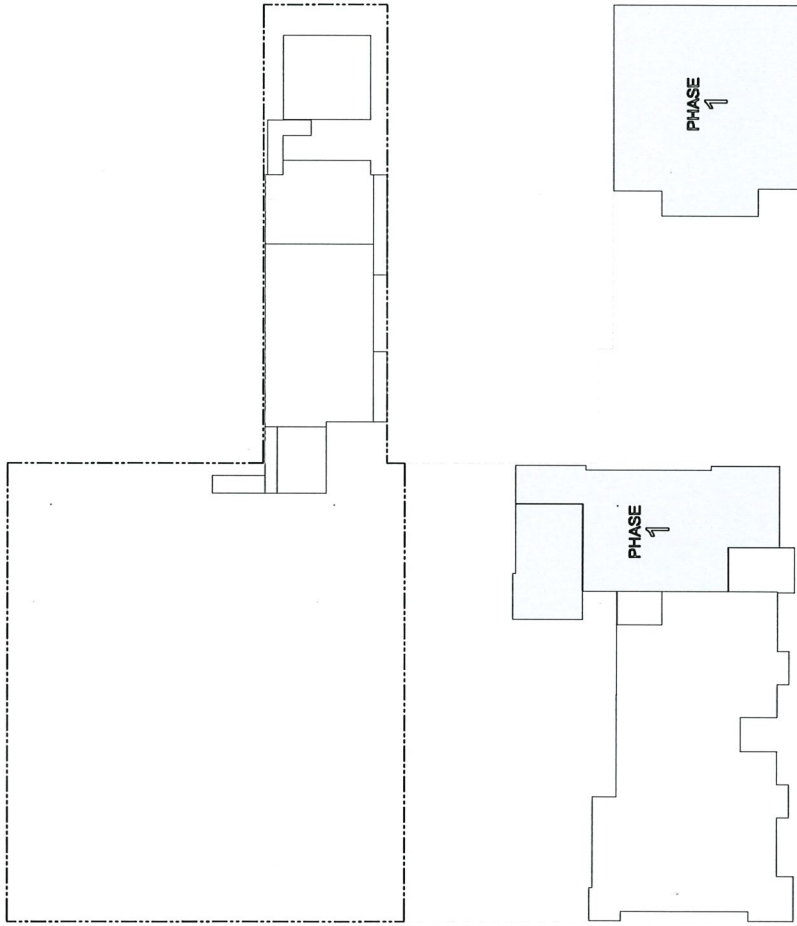
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PHASE 2

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

[illegible]



PHASE 2

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

[illegible]



DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

CD+urban
1555 South River Street, Suite 101 Southaven, MS 38675
904.302.9488 / 904.504.3432
302 West Ave. Palm Beach, Florida 33480
904.302.9488 / 904.504.3432

STRUCTURAL:

[illegible]

ANOTHER SEAL

CADD FILE NO.
SCALE:
AS SHOWN
CADD USER ID:
HDS
LEGAL DESCRIPTION:
PROJECT NAME:
INDUSTRIAL DEVELOPMENT
PROJECT NUMBER
18-11-__

RD

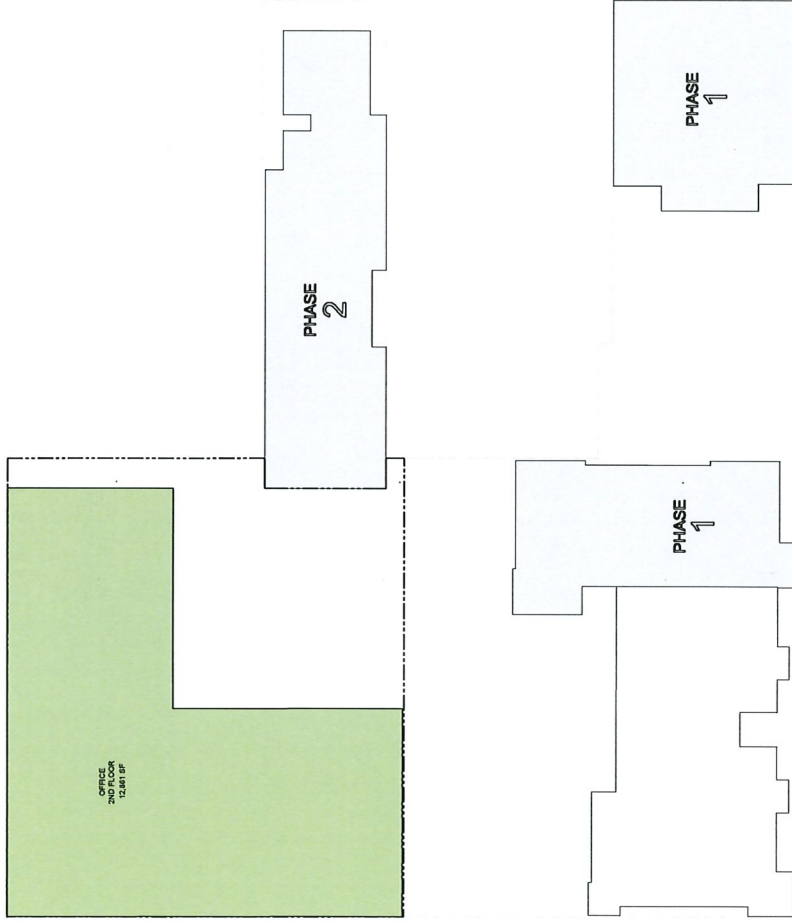
REZONING

© 2000 Blackwell Science Ltd *Journal of Internal Medicine* 247: 105–112

COPY

PHASE - 3

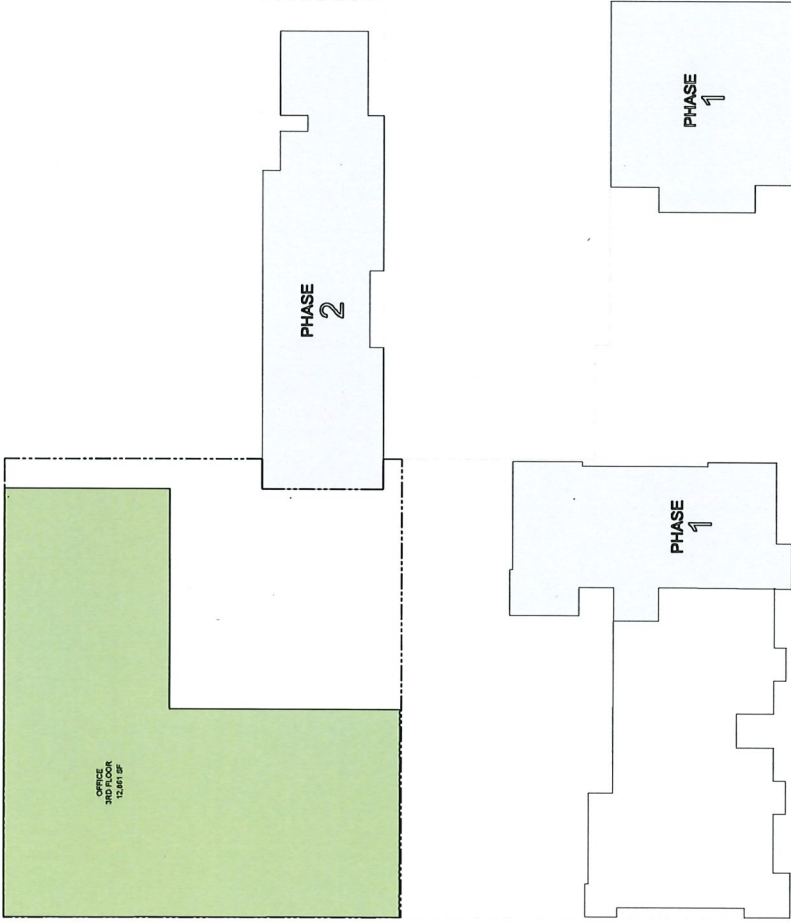
RD Zoning Set - 04/19/22



PHASE 3

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

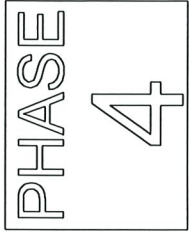
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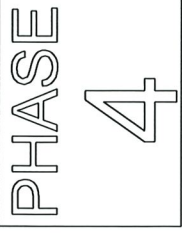
DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

[illegible]



LOTS AREA	54,951 SF
PHASE 4	
30712 SF GOLF COURSE / FARMING 10,939 SF GALLERY BUILDING 623 SF RETAIL BUILDING 54,951 SF	
TOTAL HANDSCOPE / PARKING	44,992 SF
TOTAL IMPERVIOUS AREA	81.4 %

[illegible]



CD+urban

STRUCTURAL:

[illegible]

ACCOUNTING SEAL

CALL OVER THE HORN

SCALE:

AS SHOWN

CALL 1-800-368-5848

HDS

LEGAL DESCRIPTION:

101

PROJECT CHARTER

DESIGN D22

PROJECT NUMBER

18-11-

RI

REZON

JACKSONVILLE

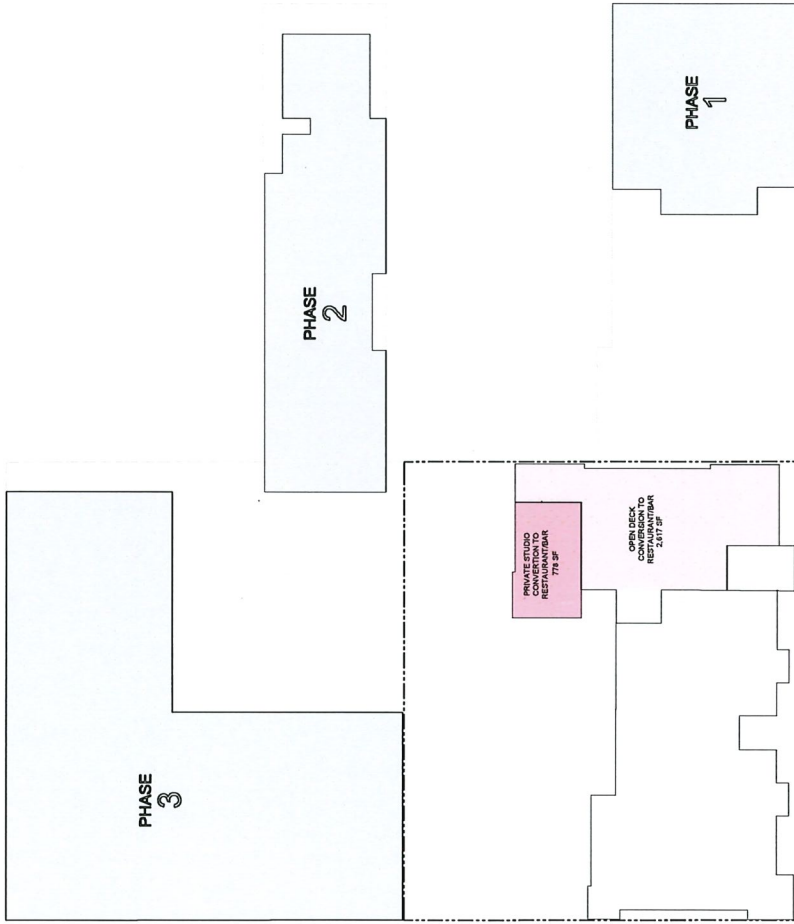
GALL

100

SECOND

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RD Zoning Set - 04/19/22



PHASE 4

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

[illegible]

EXHIBIT 7

GALLERY ZONING CONFIRMATION LETTER



City of Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

[Phone] 904.247.6231

[Fax] 904.247.6107

[E-Mail

Planning@jaxbchfl.net]

www.jacksonvillebeach.org

DEPARTMENT OF PLANNING &
DEVELOPMENT

August 22, 2016

Jax Beach AF LLC, a Florida limited liability company
c/o Steve Diebenow, Esq.
Driver, McAfee, Peek & Hawthorne, P.L.
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

RE: Request for Zoning District and Land Use Designation confirmation for
property located at 0 and 117 4th Avenue North, Jacksonville Beach, Florida
32250

RE#'s 174091-0010 and 173935-0000 (the "Property")

Dear Mr. Diebenow:

In response to your request regarding the Property, please be advised as
follows:

The Property is located in the *CBD* future land use category according to
the Future Land Use Map series adopted as part of the 2030 Comprehensive
Plan and it is zoned *Central Business District: CBD*. The Zoning Classification is
compatible with the Land Use Designation, and the Zoning Classification and
Land Use Designation permit uses on the Property in accordance with our local
code, including both office and restaurant uses. A copy of the City's *CBD* zoning
regulations is attached for reference.

In addition, the Property is the beneficiary of approved Variance Application No.
73-98 which remains valid, effective, and provides for the provision of 18 off-
street parking in lieu of 62 required off-street parking spaces. A copy of
the application form and approval letter for this Variance is attached for your
records. This variance would allow the future occupancy of the existing building
on the Property by any *CBD* permitted use(s) which generate an off-street
parking requirement of 62 or fewer spaces.

There are no applications in progress as of this date which will, or may, change
the Zoning Classification, Land Use Designation or Variance on the Property and
we are not aware of any litigation concerning the validity of the Zoning
Classification, Land Use Designation or Variance on the Property. The Zoning
Classification, Land Use Designation and Variance applicable to this Property are
final and any appeal periods for challenging the same have expired.



Finally, there are no current or outstanding code violations nor are there any code enforcement actions pending against the Property.

Please contact me at (904) 247-6231, or via email at bmann@jaxbchfl.net, if you require any additional zoning related information concerning the Property.

Trustfully,

A handwritten signature in black ink, appearing to read 'William C. Mann', with a stylized flourish at the end.

William C. Mann, AICP, CRA-RP
Planning And Development Director, CRA Administrator

C: 2016 Zoning Verification file

EXHIBIT 8

LDC SECTION 34-347: REDEVELOPMENT DISTRICT (RD)

Sec. 34-347. Redevelopment district: RD.

- (a) *Purpose and intent.* The RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan.
- (b) *RD zoning district boundaries.*
 - (1) *General.* The RD zoning district boundaries include all lands lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A-1-A), and Ninth Avenue North.
 - (2) *Subdistricts.* The boundaries of the RD zoning district may be further described by the following subdistricts:
 - a. *Downtown subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: First Avenue South, Third Street (State Route A1A), and Fifth Avenue North.
 - b. *North subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Fifth Avenue North, Third Street (State Route A1A), and Ninth Avenue North.
 - c. *South subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A1A), and First Avenue South.
- (c) *Procedure.*
 - (1) *General overview.* Land that is not zoned RD but seeks to be rezoned to Redevelopment District: RD must comply with Article VI, Division 3 standards and must also receive approval of a preliminary development plan pursuant to the procedures and standards of this section. The preliminary development plan for an RD zoning district classification must then receive approval of a development plan pursuant to the procedures and standards of section 34-251 et seq.
 - (2) *Preapplication conference.*
 - a. *Submission of application.* Before submitting an application for rezoning and preliminary development plan for RD zoning district classification, an applicant shall request in writing a preapplication conference with the planning and development director. Accompanying the request for a preapplication conference shall be an application in the form established by the planning and development director and made available to the public, and a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of the preapplication conference.
 - b. *Scheduling of preapplication conference.* Within ten (10) working days after the planning and development director determines that the application is sufficient, a preapplication conference shall be scheduled with the applicant, representatives of the Jacksonville Beach Community Redevelopment Agency, such other city departments and, state or federal agencies that may be involved in the review and processing of the application. The applicant shall be notified in advance by the planning and development director about which other city departments, state and federal agencies will be involved in the preapplication conference and the time, date and place of the conference.

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- c. *Preapplication conference issues.* At the preapplication conference, the planning and development director, the applicant, representatives of the Jacksonville Beach Community Redevelopment Agency, and the representatives from other city departments, state and federal agencies shall discuss the proposed development and the following issues as they relate to the application for an RD zoning district designation:
1. The existing characteristics of the site proposed for development or redevelopment including but not limited to existing built land uses, vacant areas, land ownership and existing densities;
 2. The relationship between the proposed development, existing land uses, and surrounding land uses;
 3. The status of existing and proposed on-site streets, utilities or other public and private facilities to serve the proposed development; and
 4. The status of public facilities that would serve the proposed development, specifically as it relates to the CIE of the comprehensive plan;
- d. *Written summary.* Within ten (10) working days of the preapplication conference, the planning and development director shall provide the applicant with a written summary of the preapplication conference. One (1) copy of this written summary shall be submitted by the applicant to the planning and development director at the time of submission of the application for development permit.
- (3) *Preliminary development plan for an RD zoning district.*
- a. *Submission of application.* Following the preapplication conference, an application for rezoning and a preliminary development plan for RD zoning district classification shall be submitted to the planning and development director, along with a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of processing the application.
- b. *Contents of application.* The rezoning and preliminary development plan application shall include the following information:
1. The names, address, and telephone number of the owners of record of the land proposed for development.
 2. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.
 3. The name, address and telephone number of the agent of the applicant, if there is an agent.
 4. The name, address, and telephone number of the all land use, environmental, engineering, economic, or other professionals that are assisting with the application.
 5. The name, address and legal description of the land on which the preliminary development plan is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.
 6. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for development, with the boundaries already marked.
 7. An eight and one-half (8½) by eleven (11) vicinity map locating the proposed land for development.

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8. A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Community Redevelopment Plan. The statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.
 9. A statement of the applicant's intentions with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.
 10. A description of the proposed development, including:
 - i. The number and type of residential dwelling units.
 - ii. The approximate gross density for the residential development.
 - iii. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.
 - iv. Calculations showing the total lot coverage for building and accessory uses.
 11. A concept plan showing the location of all proposed buildings, the proposed traffic circulation system, and parking facilities.
 12. A tentative development schedule indicating:
 - i. The approximate date when construction of the development can be expected to begin.
 - ii. The stages in which the development will be built and the approximate date when construction on each stage can be expected to begin.
 - iii. The approximate date when each stage of development will be completed.
- c. *Determination of sufficiency.* The planning and development director shall determine if the application is sufficient within ten (10) working days after it is submitted.
1. If the planning and development director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.
 2. When the application is determined sufficient, the planning and development director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to this section.
- d. *Review and report.* On the day the application is determined sufficient, the planning and development director shall forward the application to the Jacksonville Beach Redevelopment Agency for its review and recommendation. Within twenty-five (25) working days after the receipt of the application, the Jacksonville Beach Redevelopment Agency shall review the application and prepare a report recommending approval, approval with conditions or denial, based on the standards in section 34-347(c)(3). The planning and development director shall mail a copy of the redevelopment agency report to the applicant on the day the report is completed, along with written notification of the time and place the application will be considered by the planning commission at a public hearing.
- e. *Public hearings.* The planning commission shall hold one (1) public hearing and the city council shall hold two (2) public hearings on a preliminary development plan for a RD zoning district

classification when the amendment would affect five (5) percent or more of the total land area of the city. The second public hearing before the city council shall be held approximately two (2) weeks after the first public hearing. The day, time, and place at which the second city council public hearing will be held shall be announced at the first public hearing. The planning commission and the city council each shall hold at least one (1) public hearing on a proposed preliminary development plan for a RD zoning district when that amendment would affect less than five (5) percent of land in the city. The public hearings shall be held after 5:00 p.m. on a weekday.

- f. *Notice.* The planning and development director shall provide notice of the public hearings pursuant to the requirements of section 34-154(b).
- g. *Action by planning commission.* The planning commission public hearing on the application shall be conducted pursuant to the procedures in section 34-151 et seq. At the public hearing, the planning commission shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, comments of the applicant and city staff, and public testimony. After close of the public hearing, the planning commission shall recommend to the city council approval, approval with conditions, or denial of the requested rezoning and preliminary development plan for the RD zoning district classification. In reviewing and making a recommendation, the planning commission shall apply the standards in section 34-211 governing rezonings.
- h. *Action by the city council.*
 - 1. *Scheduling of public hearing.* Upon notification of the recommendation of the planning commission, the application and recommendation shall be forwarded to the city council for the scheduling of a public hearing at the first available regularly scheduled meeting by which time the public notice requirements can be satisfied, or such time as it is mutually agreed upon by the applicant and planning and development director.
 - 2. *Decision.* At the public hearing, the city council shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, the recommendation of the planning commission, and comments of the applicant and city staff. After the close of the public hearing, the city council shall approve, approve with conditions, or deny the rezoning application and preliminary development plan pursuant to the standards in section 34-211.
- i. *Standards.* A preliminary development plan for a RD zoning district designation shall comply with the following standards:
 - 1. *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
 - 2. *Permitted uses.*
 - i. Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.
 - ii. The following uses are specifically prohibited:
 - a) Manufacturing., except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.

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- b) Outdoor storage yards of any kind, including junk yards.
 - c) Wholesale trade, warehouse, and distribution establishments.
 - d) Cemeteries.
 - e) Mobile home parks.
 - f) Motor vehicle repair, services, and garages.
 - g) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.
 - h) Petroleum and petroleum products receiving, storage/and distribution.
 - i) Veterinary services and kennels.
 - j) Recreational vehicle or travel trailer parks.
 - k) Commercial and industrial laundries.
 - l) Cold storage and ice processing plants.
 - m) Contract construction establishments.
 - n) Rooming and boarding houses.
3. *Residential density.* The maximum density allowed for residential development shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is the strictest.
4. *Area and setback requirements.* Minimum lot area, minimum width, yard setbacks, and maximum lot coverage shall be consistent with the goals, objectives and policies of the Jacksonville Beach Community Redevelopment Plan, comparable to the remainder of the planned redevelopment, and comparable to the existing and proposed development of the surrounding area. The maximum building height allowed shall be thirty-five (35) feet.
5. *Traffic circulation control and parking.*
- i. A suitable transportation and traffic control plan shall be provided showing the utilization of existing roads for access to the proposed development, and their relationship to on-site driveways, parking and loading areas, refuse collection points, sidewalks, bike paths, and other traffic-related facilities. The suitability of the proposed traffic management system shall be determined, in part, by the potential impact of the development on safety, traffic flow and control, accessibility for emergency vehicles, and consistency of the development with the provisions of the Jacksonville Beach Community Redevelopment Plan.
 - ii. Principal vehicular access points shall be designed to permit smooth traffic flow and minimize hazards to vehicular and pedestrian ways. Minor streets within a Preliminary Development Plan shall not be connected to streets outside the site in such a way as to encourage their use by through traffic.
6. *Off-street parking and loading.* Off-street parking and loading shall be provided in a planned and coordinated manner consistent with the provisions of the Jacksonville Beach Community Redevelopment Plan.
7. *Open space requirements.* All residential developments shall provide common open space for amenities or recreational purposes. The use of the open space or recreational areas

shall be appropriate for the scale and character of the proposed residential development based on consideration of the size, density, anticipated population, topography, and the type of dwelling units. The common open space or recreational area shall be suitably improved for its intended use and the buildings, structures, and improvements permitted in the common areas shall be appropriate to the uses which are authorized for such areas.

8. *Signage.* All signs erected shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Redevelopment Plan and the standards of Article VIII, Division 4.
9. *Landscape.* Landscaping shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards of Article VIII, Division 3.
10. *Environmental.* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards in Article VIII, Division 5.
11. *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
12. *Adequate public facilities.* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article IX, Adequate public facilities standards.
13. *Comprehensive plan consistency.* The proposed development shall be consistent with the future land use map and the goals, objectives, and policies of the comprehensive plan.
- j. *Conditions.* The Jacksonville Beach Redevelopment Agency and the planning commission shall have the authority to recommend, and the city council shall have the authority to impose such conditions on a preliminary development plan for an RD zoning district designation that are necessary to accomplish the purposes of this section, this code, and the comprehensive plan.
- k. *Effect of development order for an RD zoning district designation.* Issuance of a development order for RD zoning district classification shall constitute an amendment to the official zoning map to RD zoning district. It shall also be deemed to authorize the applicant to submit to the planning and development director an application for development permit for the approved preliminary RD development plan pursuant to section 34-251 et seq. No development plan shall be accepted for review and consideration unless the RD zoning district classification and preliminary RD development plan have been approved and remain valid and in effect.
- l. *Recordation.* The adopted Redevelopment District: RD ordinance shall be recorded in the office of the Duval County Clerk, and shall be binding upon the property owners subject to the development order, their successors and assigns, and shall constitute the development regulations for the property. Development of the property shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the adopted preliminary RD development plan. Failure on the part of the applicant to record the Redevelopment District: RD ordinance within a period of one hundred eighty (180) days following its adoption by the city council shall render the plan invalid.
- m. *Time limitations.* Receipt of a development order for an RD zoning district classification shall expire at the end of one (1) year after the date of its initial approval unless an application for a development permit for a development plan has been submitted to the planning and development director. Only one (1), one-year extension shall be granted for an RD zoning district

classification by the city council, upon written application to the planning and development director. Written application requesting the extension shall be submitted to the planning and development director no later than thirty (30) working days before the date that the development order is to expire. Failure to submit an application for a final development plan within the time limits established by this section shall render null and void the development order for the preliminary development plan and RD zoning district classification.

- n. *Minor deviation to preliminary development plan for an RD zoning district designation.* A minor deviation may be made from the preliminary development plan upon written approval of the planning and development director. Minor deviations which shall be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development that are not reasonably anticipated during the initial approval process, and shall be limited to the following:

1. Alteration of the location of any road or walkway by not more than five (5) feet;
2. Alteration of the building envelope of up to five (5) percent, provided such alteration complies with the requirements of this Code.
3. Reduction of the total amount of open space by not more than five (5) percent, provided that such reduction does not permit the required open space to be less than that required by this Code.
4. Alterations of the location, type, or quality of required landscaping elements, if it complies with this Code.

- o. *Amendments to preliminary development plan.* A preliminary development plan may be amended only pursuant to the procedures established for its original approval as otherwise set forth in this section.

- (4) *Development plan.* An application for a development plan shall be submitted within one (1) year of receipt of a development order for RD zoning district classification, or the development order shall become immediately void.

(Ord. No. 7500, § 7.2(L), 8-19-91; Ord. No. 99-7776, § 1, 12-6-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2004-7878, § 1, 7-19-04; Ord. No. 2005-7899, § 7, 4-4-05; Ord. No. 2014-8042, § 6, 2-3-14; Ord. No. 2015-8065, § 15, 12-7-15 ; Ord. No. 2018-8103, § 1, 2-19-18)

EXHIBIT 9

LDC SECTION 34-345(e)(7)h.: CBD STOREFRONT CHARACTER STANDARDS

architectural relief a minimum of thirty (30) feet wide and three (3) feet deep for building walls and frontage walls facing the street.

- f. *Awnings and shade.* Buildings fronting an "A" street or a "pedestrian oriented" street must provide awnings, canopies or other type of shade refuge equal to a minimum of fifty (50) percent of the length of building frontage.
- g. *General design features.* All buildings shall utilize at least three (3) of the following design features to provide visual relief along all street-facing elevations of the building:
 - 1. Divisions or breaks in, and variety in, exterior finish materials (materials should be drawn from a common palette).
 - 2. Window bays.
 - 3. Separate entrances and entry treatments, porticoes, colonnades, or arcades extending at least five (5) feet, provided that a right-of-way or revocable encroachment permit shall be required if the entrance, entry treatment, colonnade, or arcade extends into the public right-of-way.
 - 4. Variation in roof lines.
 - 5. Awnings or canopies installed in increments of fifteen (15) feet or less and extending at least five (5) feet.
 - 6. Dormers.
 - 7. Overhang extending at least five (5) feet, provided that a right-of-way or revocable encroachment permit shall be required if the entrance, entry treatment, colonnade, or arcade extends into the public right-of-way.
 - 8. Recessed entries (at least three (3) feet from the primary facade).
 - 9. Protruding entries (at least three (3) feet from the primary facade).
 - 10. Covered porch entries.
 - 11. Cupolas.
- h. *Storefront character.* Commercial, retail/office and mixed-use buildings shall express a "storefront character". This standard shall be met by providing each of the following architectural features along the building frontage as applicable.
 - 1. Corner building entrances on corner lots.
 - 2. Regularly spaced and similar-shaped windows with window hoods or trim on all building stories.
 - 3. Large display windows on the ground floor. All "A" and "pedestrian oriented" street-facing or public space-facing structures shall have transparent windows covering a minimum of forty (40) percent and a maximum of eighty (80) percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over fifty (50) percent of a street-facing frontage and shall not exceed thirty (30) linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass, tinted, or glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been designed as a flood proof first floor.
- i. *Orientation.* The primary building entrances shall be visible and directly accessible from a public street. Building massing such as tower elements, not exceeding thirty-five (35) feet in height, may be used to identify the location of building entries.
- j. *Rooflines.* Rooflines on attached residential and nonresidential buildings shall be varied to reduce the

EXHIBIT 10

PARKING ASSESSMENT SPREADSHEET

Jacksonville Beach Parking Assessment

Project Phase	Square Feet	Required Parking Spaces	Parking Spaces Provided On-Site	Off-Site Spaces Needed	Notes								
Phase 1	22,455	29	29	0	<table><tr><td colspan="2">Spaces Required Per Jax Beach LDC</td></tr><tr><td>Usage</td><td>Parking</td></tr><tr><td colspan="2">Shopping Center up to 399,999 sf</td></tr><tr><td colspan="2">1 Space per 500 sq. ft</td></tr></table> The "gross" parking requirement from the Gallery would be 34 spaces. However, the Gallery has vested rights to provide 18 spaces in lieu of 62 spaces per BOA 73-98.	Spaces Required Per Jax Beach LDC		Usage	Parking	Shopping Center up to 399,999 sf		1 Space per 500 sq. ft	
Spaces Required Per Jax Beach LDC													
Usage	Parking												
Shopping Center up to 399,999 sf													
1 Space per 500 sq. ft													
Phases 1 - 2	30,810	46	46	0									
Phases 1 - 3	56,532	97	75	22									
Phases 1 - 4	56,532	97	57	40									
Phase 1: Gallery/O-Ku													
Gallery	16,955	18	18										
O-Ku/Retail	5,500	11	11										
Total	22,455	29	29	0									
Phase 2: Restaurant/Parking at NW Quadrant													
Restaurant	8,355	17											
Parking Lot			17										
Total Phases 1 - 2	30,810	46	46	0									
Phase 3: Retail/Office/Parking at NW Quadrant													
Retail/Office	25,722	51											
Parking Lot			29										
Total Phases 1 - 3	56,532	97	75	22	The parking spaces will be under the retail/office building. The Project will have a 22 parking space shortfall.								
Phase 4: Gallery Conversion			(18)										
Total Phases 1-4	56,532	97	57	40	18 spaces will be removed to facilitate the Gallery conversion to restaurant uses and pedestrian amenities. The Gallery building is contemplated to remain the same size. Following the conversion, there will be a 40 parking space shortfall.								

This table is for illustrative purposes only. The actual parking requirements of the Project may differ as phases build out. All parking space calculations in this spreadsheet have been rounded pursuant to section 34-372, City of Jacksonville Beach Land Development Code.



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:	07/13/2022
SUBJECT:	July 25, 2022 Planning Commission Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, July 25, 2022 Planning Commission Meeting.

NEW BUSINESS:

PC#16-22 Conditional Use Application

OWNER: Neligan Land Trust No 5
 137 Oak Street
 St Augustine, FL 32084

APPLICANT: Full Armor Tactical
 C/O Chris Messinese
 P.O. Box 50886
 Jacksonville Beach, FL 32240

AGENT: Full Armor Tactical
 C/O Chris Messinese
 P.O. Box 50886
 Jacksonville Beach, FL 32240

LOCATION: 910 11th Avenue South

REQUEST: Conditional Use approval for Firearms manufacturing and retail sales located in the Industrial: I-1 zoning district, pursuant to Section 34-346(d)12 of the Jacksonville Beach Land Development Code.

COMMENTS: The applicant is applying for a firearms training and retail sales facility located in the Industrial zoning district, in an existing structure currently used in part, as an office for a building trades contractor. No on-site live firearm discharge will take place, the facility is strictly for classroom-style training and limited fire arm transfer and sale.



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

The proposed location is located in the middle of the block, on the south side of 11th Avenue South, between 9th Street South and 10th Street South. The site is a former residential structure converted to commercial sometime in the past prior to 2007. The area is predominantly industrial and commercial uses, with warehouse space, telecommunication facilities and offices. The subject site has paved parking in the front of the structure.

Adjacent uses include a large telecommunications switching facility to the west, an electrical contracting facility to the east, warehouse and contractor storage to the south and commercial office and contractor facilities to the north across 11th Avenue South. The proposed retail sales of firearms should not negatively impact adjacent properties, and is consistent with previous uses.

Based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of PC#16-22**

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

RECEIVED

JUN - 1 2022

PC No.

AS/400#

HEARING DATE

16-22

22-100075

7.25.22

PLANNING & DEVELOPMENT

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: Neligan Land Trust No 5
Mailing Address: 137 Oak Street
St. Augustine, FL 32084

Telephone: (904) 568-8700
Fax: _____
E-Mail: neliganconstruction@gmail.com

Applicant Name: Full Armor Tactical
Mailing Address: P. O. Box 50886
Jacksonville Beach, FL 32240

Chris Messinese

Telephone: (904) 990-4867
Fax: (904) 483-2130
E-Mail: stm@rivercitymgmt.com

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

Agent Name: N/A
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

176764-0000

Street address of property and/or Real Estate Number: 910 11th Ave S., Jacksonville Beach, FL 32250

Legal Description of property (attach copy of deed): 8-13 04-3S-29E OCEANSIDE PARK 3 LOT 3 BLK 120

Current Zoning Classification: JI-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: _____

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

In addition to the primary use of the office which is real estate sales and management we are a FFI where that provides firearm sales, safety, and training. We are looking for conditional use approval to sell the firearms from this location with our Landlords approval.

Applicant Signature: [Signature]

Date: May 31 2022

Section 34-231 STANDARDS APPLICABLE TO ALL CONDITIONAL USES

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

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

May 31, 2022

To Whom It May Concern,

I, Brian Neligan, Trustee of the Neligan Land Trust No 5, and Owner of 910 11th Avenue S., Jacksonville Beach, FL 32250 have rented my property. I am aware and approve Full Armor Tactical to use the space as a retail gun store.

I understand the Messinese's are applying for a conditional use variance.

I am available should you have any additional questions at 904-568-8700.

Respectfully,

DocuSigned by:
Brian Neligan
Brian Neligan

5/31/2022
Date

May 31, 2022

To Whom It May Concern,

Full Armor Tactical is applying for Conditional Use of 910 11th Avenue S., Jacksonville Beach, FL 32250. We currently operate at 1639 Beach Blvd., Jacksonville Beach, FL 32250, but our building is under contract to be sold and therefore we are moving.

We have rented the space on 11th Avenue S. from Brian Neligan for our primary use of Real Estate Sales and Management, but as an FFL, we will also sell and transfer firearms, as we do currently.

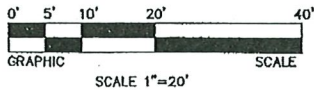
We are not looking to cause any additional noise or change anything with the footprint of the building or property. We will simply operate out of the existing building already on the property.

Should you have any questions, please feel free to contact me at 904-860-6631 or via email at stm@rivercitymgmt.com.

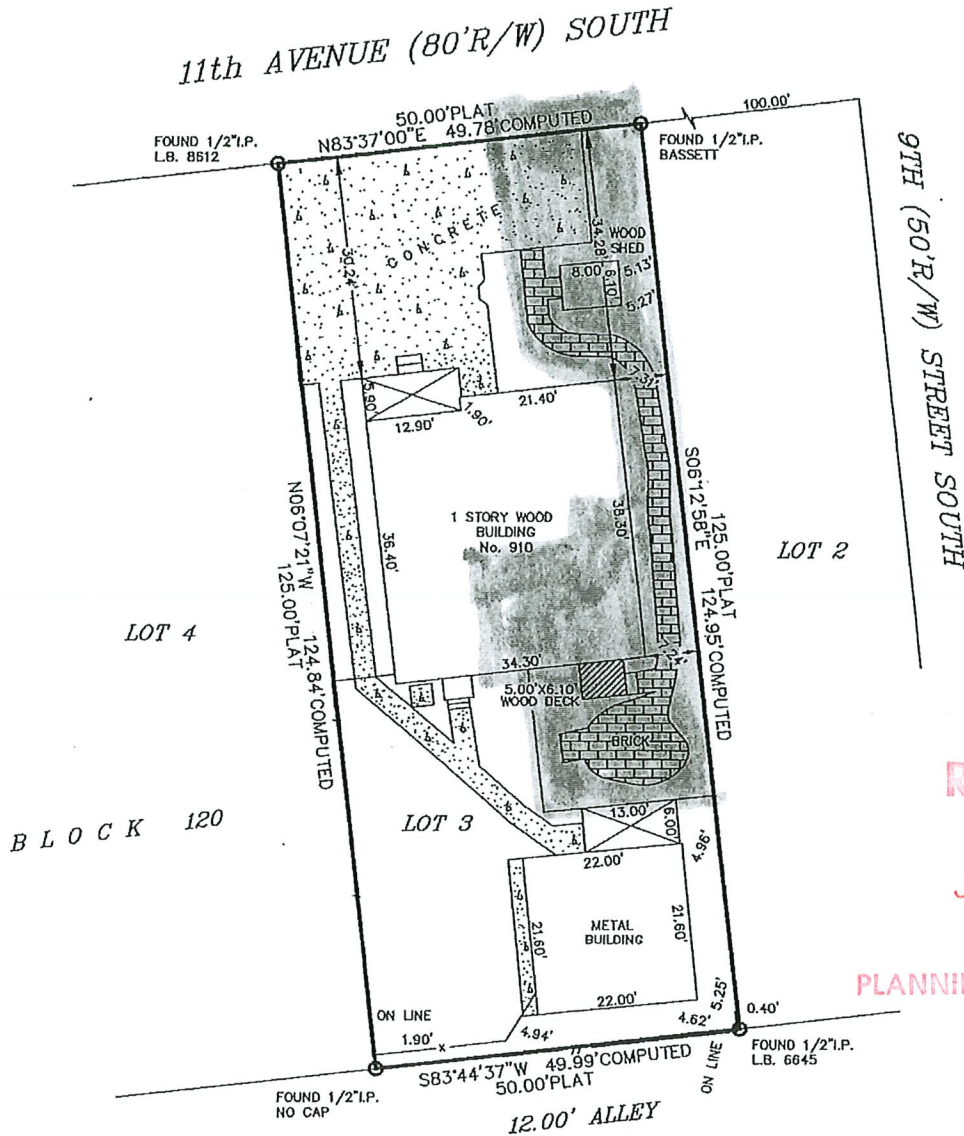
Respectfully,


Christopher Messinese, Owner

MAP SHOWING BOUNDARY SURVEY OF LOT 3, BLOCK 120, OCEANSIDE PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 13, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



NOTES:
1. BEARINGS SHOWN HEREON ARE ASSUMED.
2. BEARING OF N83°37'00"E OF 11TH AVENUE SOUTH HELD FIXED.
3. FIELD WORK 04-09-13.



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22-100075

JUN 17 2022

PLANNING & DEVELOPMENT

ANTHONY PAUL O'NEIL

850370 U.S. HIGHWAY 17
YULEE, FLORIDA 32097
PHONE (904)-626-5138 ROONEYSONS@AOL.COM

I HEREBY CERTIFY TO : BRIAN NEUGAN WESTCOR TITLE INSURANCE COMPANY
TITLE AMERICA REAL ESTATE CLOSINGS INC. COMPASS BANK

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-17.052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

FEMA FLOOD INSURANCE RATE INFORMATION PERTAINING TO LANDS SHOWN HEREON;
ZONE X PANEL 120078 0002D DATE 8/15/89 / DUVAL COUNTY, FLORIDA.

P.O.C.-POINT OF COMMENCEMENT
P.O.B.-POINT OF BEGINNING
P.C.-POINT OF CURVATURE
P.T.-POINT OF TANGENT
P.R.C.-POINT OF REVERSE CURVATURE
P.C.C.-POINT OF COMPOUND CURVATURE
P.I.-POINT IF INTERSECTION
P.C.P.-PERMANENT CONTROL POINT
P.R.P.-PERMANENT REFERENCE POINT
R/W-RIGHT-OF-WAY CT.-COURT
L-ARC LENGTH R-RADIUS
Δ-DELTA ANGLE T-TANGENT

R.L.S.-REGISTERED LAND SURVEYOR
PROP.-PROPOSED C/L-CENTER LINE
L.B.-LICENSE BUSINESS
O.R.V.-OFFICIAL RECORDS VOLUME
O.R.B.-OFFICIAL RECORDS BOOK
D.B.-DEED BOOK PG.-PAGE
P.B.-PLAT BOOK M.B.-MAP BOOK
CO.-COUNTY FL.-FLORIDA
AVE.-AVENUE ST.-STREET
C.B.D.-CHORD BEARING AND DISTANCE
COMP.-COMPUTED RAD.-RADIAL
P-PLAT C-COMP. D-DEED

N-NORTH S-SOUTH E-EAST W-WEST
EX-EXCEPTION TYP-TYPICAL
F.F.-FINISH FLOOR EL.-ELEVATION
BLK.-BLOCK FND.-FOUND
I.P.-IRON PIPE RB.-REBAR
CONC.-CONCRETE A/C-AIR CONDITIONER
ESMT.-EASEMENT ELEC.-ELECTRIC
B.R.L.-BUILDING RESTRICTION LINE
F.Z.B.L.-FLOOD ZONE BOUNDARY LINE
APPROX.-APPROXIMATE EXIST.-EXISTING
A.K.A.-ALSO KNOWN AS N/F-NOW OR FORMERLY
N.G.V.D.-NATIONAL GEODETIC VERTICAL DATUM

P.S.M.-PROFESSIONAL SURVEYOR/MAPPER
J.E.A.-JACKSONVILLE ELECTRIC AUTHORITY
P.R.M.-PERMANENT REFERENCE MONUMENT
BLVD.-BOULEVARD CA.-CANAL
RD.-ROAD No.-NUMBER SEC.-SECTION
TWP.-TOWNSHIP RNC.-RANGE
P.L.S.-PROFESSIONAL LAND SURVEYOR
NO UNDERGROUND LOCATIONS
LOCATED THIS SURVEY

JURISDICTIONAL WETLANDS WERE NOT LOCATED THIS SURVEY.
EASEMENTS OF RECORD WERE NOT PROVIDED FOR THIS SURVEY.
THIS SURVEY DOES NOT DETERMINE OWNERSHIP.
THIS SURVEY NOT VALID WITHOUT EMBOSSED SEAL

☐ DENOTES CONCRETE MONUMENT
○ DENOTES IRON PIPE
SET-DENOTES SET 5/8" x 18"
REBAR L.B.5684

DATE SIGNED 04-09-13
Anthony P. O'Neil
ANTHONY PAUL O'NEIL PSM 5684



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:	07/13/2022
SUBJECT:	July 25, 2022 Planning Commission Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, July 25, 2022 Planning Commission Meeting.

NEW BUSINESS:

PC#17-22 Conditional Use Application

OWNER: Edward Ashurian
1434 Hendricks Avenues, Suite #1
Jacksonville, FL 32207

APPLICANT: Hospitality Leaders dba World of Beer
C/O Jason Frimmel
9171 Old Chemonie Road,
Tallahassee, FL 32309

AGENT: Edward Ashurian
1434 Hendricks Avenues, Suite #1
Jacksonville, FL 32207

LOCATION: 1198 Beach Boulevard, Unit 1

REQUEST: Conditional Use approval for outside restaurant seating area for a new restaurant located in the Commercial General: C-2 zoning district, pursuant to Section 34-343(d)14 of the Jacksonville Beach Land Development Code.

COMMENTS: The applicant is a new restaurant, to be located in a tenant space of an existing commercial center fronting on Beach Boulevard. The site has an outdoor rooftop terrace of roughly 1,500 square feet and the applicant is requesting to use for outside restaurant seating.

The proposed location is on the eastern end of the stand alone structure located in front of the Beach Plaza commercial center. The new restaurant will be



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building out the tenant space of what is currently a commercial shell. The new buildout will include rooftop access via stairs and a new elevator. The plaza currently has several restaurants and a microbrewery. There is currently outside seating attached to the Minibar donut shop, Gusto Italian restaurant, Southern Swells microbrewery, Tropical Smoothie, Whit's Custard and Firehouse Subs. The applicant will be revising the parking and landscaping adjacent to the structure to add additional parking to accommodate the increase in square footage for the outside seating as well.

Adjacent property uses include a large commercial plaza with a diverse mix of uses to the south, commercial mixed use structure to the west, automotive repair and service to the east, and office and restaurant space to the north, across Beach Boulevard. The proposed outside seating area should not negatively impact adjacent properties, and is consistent with previous uses.

Based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of PC#17-22**

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

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JUN 16 2022

PC No.

AS/400#

HEARING DATE

17-22

22-100078

7-25-22

PLANNING & DEVELOPMENT

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

X Land Owner's Name: EDWARD ASHURIAN
Mailing Address: 1434 HENRICKS AVE SUITE #1
JACKSONVILLE FL 32207

Telephone: 904-242-9000

Fax: _____

E-Mail: ASHCOCENTERS@GMAIL.COM

904-314-3829 - CIRLECOUNT@GMAIL.COM

Applicant Name: Hospitality Leaders dba World of Beer c/o Jason Frimmel

Telephone: 850-544-1272

Mailing Address: 9171 Old Chemonie Road Tallahassee, FL 32309

Fax: _____

E-Mail: jason.frimmel@worldofbeer.com

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

Agent Name: _____

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 professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 1198 Beach Blvd Jacksonville Beach, FL 32250

38-2S-29E.69

Legal Description of property (attach copy of deed): B DE CASTRO V FERRER GRANT

RE# 177502-0050 PT RECD O/R 13386-1010

Current Zoning Classification: C-2

Future Land Use Map Designation: _____

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

Code section(s) applicable to the requested conditional use: _____

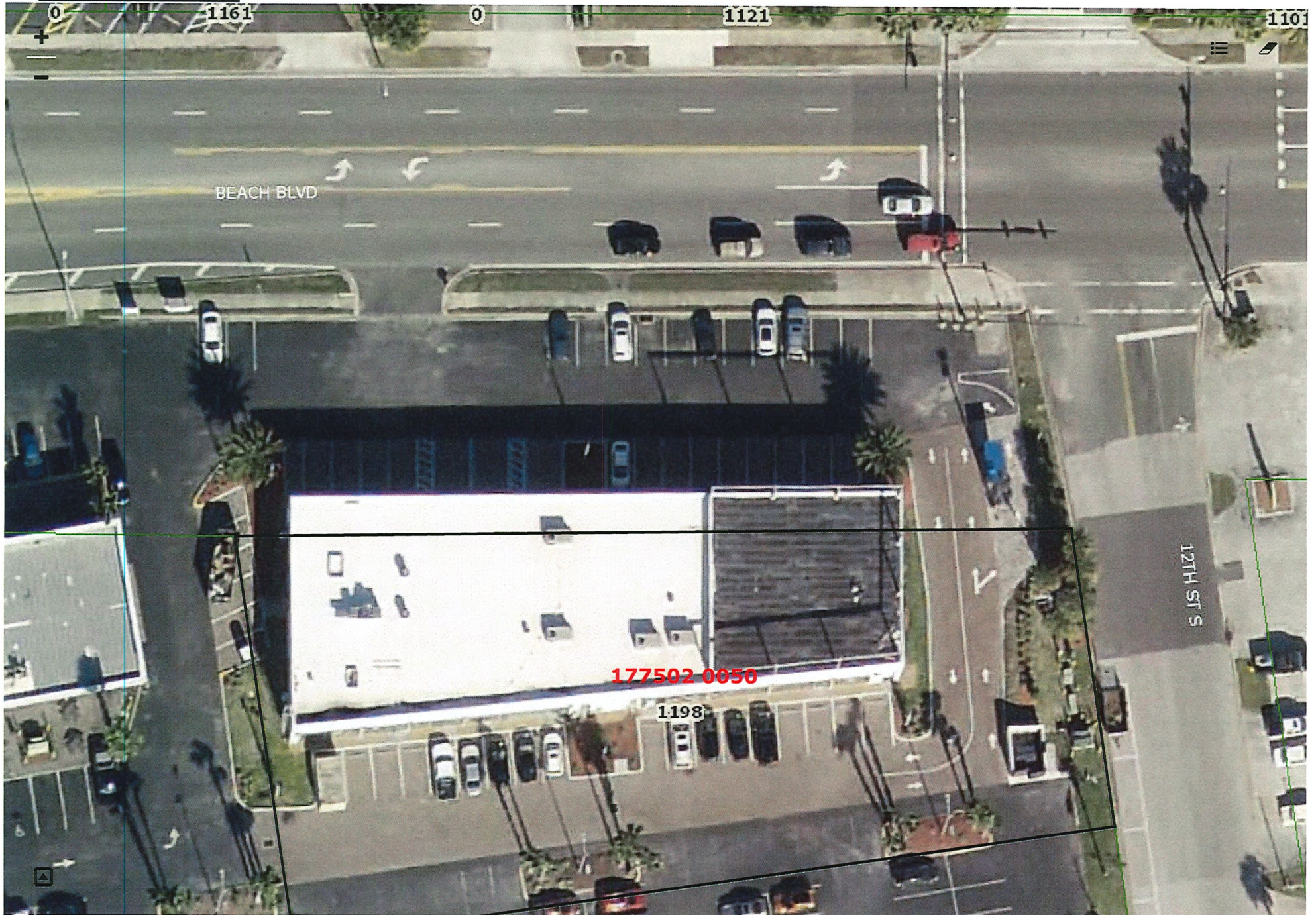
Describe the proposed conditional use and the reason for the request: _____

ROOFTOP SEATING (OUTDOOR SEATING)

Applicant Signature: _____

Date: 2/8/22

Land Development Review
DUVAL MAPS



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JUN 16 2022

WORLD OF BEEZ

PLANNING & DEVELOPMENT

