



# City of Jacksonville Beach

11 North Third Street  
Jacksonville Beach, Florida

## Agenda

### City Council

---

Monday, July 15, 2019

7:00 PM

Council Chambers

---

#### **MEMORANDUM TO:**

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

Council Members:

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

#### **OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG**

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **APPROVAL OF MINUTES**

- 19-107 Council Briefing held on June 17, 2019
- 19-108 Executive Session held on June 17, 2019
- 19-109 Regular Council Meeting held on June 17, 2019
- 19-110 Council Workshop held on July 27, 2019

#### **ANNOUNCEMENTS**

#### **COURTESY OF THE FLOOR TO VISITORS**

#### **MAYOR AND CITY COUNCIL**

#### **CITY CLERK**

**CITY MANAGER**

- 19-111 Authorize the Mayor and Councilor's Attendance at the 93<sup>rd</sup> Annual Florida League of Cities Conference
- 19-112 Approve the Monthly Financial Reports for the Month of June 2019
- 19-113 Approve the Purchase of Twelve (12) Itron Mobile Radio Handheld Devices and Associated Software from Sole Source Provider Anixter Power Solutions

**RESOLUTIONS****ORDINANCES**

- 19-114 ORDINANCE NO. 2019-8120 (Second Reading) (Public Hearing)
- AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. **(Springhill Suites by Marriot Hotel)**
- 19-115 ORDINANCE NO. 2019-8121 (Second Reading) (Public Hearing)
- AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. **(PUD for Pablo Hamlet Senior Living)**
- 19-116 ORDINANCE NO. 2019-8122 (First Reading) (Public Hearing)
- AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-343. COMMERCIAL, GENERAL: C-2, PARAGRAPH (d) CONDITIONAL USES TO ADD "CRAFT DISTILLERY" AS SUBPARAGRAPH (18); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES. **(Adds Craft Distillery as a Conditional Use)**
- 19-117 ORDINANCE NO. 2019-8123 (First Reading) (Public Hearing)
- AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING

FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE. (**Medical Marijuana Treatment Centers**)

**19-118** ORDINANCE NO. 2014-8058 (Reconsideration – Not a Public Hearing)

AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (**Surf Works**)

### **ADJOURNMENT**

### **NOTICE**

*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.*

*The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk or to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.*

*In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.*



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

The following City Council Members were in attendance:

**Mayor:** William C. Latham

**Council Members:** Keith Doherty (absent) Georgette Dumont Sandy Golding  
Christine Hoffman Cory Nichols Phil Vogelsang

Also present was City Manager Mike Staffopoulos.

**Purpose of Briefing**

The purpose of the briefing was to hold an open forum for Council to discuss policies and topics they would like to be addressed and discussed in the future.

**City Manager**

Mr. Staffopoulos stated he would like Council to identify three to five topics they would like to be addressed and discussed in the future. The following topics were in consensus:

- Charter review
- Land Development Code review
- Creation of a traffic policy
- Citizen’s Academy
- Community Vision and Strategic Plan
- Pier management
- A new category of Special Events between the City and private organizations
- Inquire about City of Jacksonville tree program
- Council consideration on streamlining communications with the Community Redevelopment Agency
- Possible land acquisition for the City

Mr. Staffopoulos summarized and prioritized the items mentioned by the Council. The items would be addressed accordingly.

The briefing adjourned at 6:25 P.M.

Submitted by: Jodilynn Byrd  
Administrative Assistant

Approved: \_\_\_\_\_  
William C. Latham, MAYOR

Date: \_\_\_\_\_

Minutes of Executive Session of the City Council  
held Monday, June 17, 2019, at 6:30 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.



**CALL TO ORDER:**

Mayor Latham called the meeting to order at 6:30 P.M.

**The following Council Members were in attendance:**

**ROLL CALL:**

Mayor: William C. Latham

Council Members: Keith Doherty (*absent*) Georgette Dumont Sandy Golding  
Christine Hoffman Cory Nichols Phil Vogelsang

Also present were City Manager Mike Staffopoulos, City Attorney Denise May and a court reporter.

---

Mayor Latham announced that the City Attorney Denise May would make an opening statement.

City Attorney Denise May stated she is requesting the advice of the City Council regarding the pending litigation in CASE NO.: 16-2009-CA-399, LAS OLAS DEVELOPMENT, LLC.; Plaintiff v. CITY OF JACKSONVILLE BEACH, Defendant. Participants shall be limited to the City Council, Mayor Charlie Latham, Mayor Pro Tem Chris Hoffman, Councilor Keith Doherty, Councilor Phil Vogelsang, Councilor Georgette Dumont, Councilor Cory Nichols, Councilor Sandy Golding, City Manager Mike Staffopoulos, City Attorney Denise May, and a certified court reporter.

Mayor Latham called for a recess. The Council members reconvened to the 2<sup>nd</sup> floor Board Room, for the special meeting pursuant to Section 286.011(8).

Mayor Latham closed the Public Meeting at 6:32 P.M.

Mayor Latham re-opened the Public Meeting at 6:52 P.M.

The Mayor asked the Clerk to take roll call. The following Council Members were in attendance:

Mayor: William C. Latham

Council Members: Keith Doherty (*absent*) Georgette Dumont Sandy Golding  
Christine Hoffman Cory Nichols Phil Vogelsang

City Attorney Denise May stated that the case before the Council tonight is LAS OLAS DEVELOPMENT, LLC.; Plaintiff v. CITY OF JACKSONVILLE BEACH, Defendant. This is a ten-year-old case involving property at 1316 1<sup>st</sup> Street North, Jacksonville Beach, Florida. The plaintiffs brought this case against the City seeking declaratory injunction and equitable relief in addition to a Bert

Harris claim to preserve and inspire a building permit to build a six-story, sixty-foot condominium endeavor. A recent order of the court to dismiss the complaint based on the discovery of a different real party in interest or owner as being other than LAS OLAS.

The Court dismissed but allowed LAS OLAS to amend the alledged complaint with further facts which may be able to tie this new party into the litigation. The plaintiff is now offering to agree to dismiss with prejudice the actions against the City if the City will agree not to seek attorney fees and costs. This would end the litigation and ensure any future development of the property would require a new development plan and permits following the current 35-foot height limit.

If the City Council was agreeable with this offer, the City Attorney asked to seek a motion to accept the proposition of the plaintiff's counsel providing the dismissal with prejudice of the complaint and agreement to forgo seeking attorney fees and costs in this action.

**Motion:** It was moved by Ms. Hoffman, seconded by Ms. Dumont to accept the proposition of the plaintiff's counsel providing the dismissal with prejudice of the complaint and agreement to forgo seeking attorney fees and costs in this action.

Council member Vogelsang asked that this is with the understanding that the insurance company would not be seeking any amount of the monies they are owed for purposes of the record.

City Attorney Denise May acknowledged that the City's insurance has forgone their attorney's fees and costs.

**Roll Call Vote:** Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, and Mayor Latham.  
The motion passed unanimously.

Mayor Latham closed the Public Meeting at 6:59 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

\_\_\_\_\_  
William C. Latham, Mayor

Date: \_\_\_\_\_

**Minutes of Regular City Council Meeting  
held Monday, June 17, 2019, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**OPENING CEREMONIES:**

Mayor Latham requested everyone to stand to observe a moment of silence to honor Beaches community member Mick Durocher who passed away on June 9, 2019, followed by the salute to the flag.

**CALL TO ORDER:**

Mayor Latham called the meeting to order at 7:00 P.M.

**ROLL CALL:**

Mayor: William C. Latham

Council Members: Keith Doherty      Georgette Dumont      Sandy Golding  
Christine Hoffman      Cory Nichols      Phil Vogelsang

Also present were City Manager Mike Staffopoulos and Acting City Attorney Denise May.

**APPROVAL OF MINUTES:**

**Motion:** It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously, to approve the following minutes:

- Council Workshop held on June 3, 2019
- Council Briefing held on June 3, 2019
- Regular Council Meeting held on June 3, 2019

**ANNOUNCEMENTS:**

Mr. Vogelsang announced he attended the introduction for new city council members in Jacksonville, which included ethics training. He requested the City Manager find out if Jacksonville Beach could utilize the City of Jacksonville's Ethics Commission to obtain opinions. Mr. Vogelsang stated the ethics attorneys in Jacksonville advised it is not a violation of Sunshine Law for Council members to speak directly to Board members.

Ms. Hoffman stated she attended a Trailblazer event at the Rhoda L. Martin Cultural Heritage Center, where they honored six men in the Community. She also noted the Center would begin to have hours where they are open to the public, where people can go in and see the old Jacksonville Beach elementary schoolhouse.

Ms. Dumont stated the Citizen Police Academy is currently recruiting for the next class. She mentioned the sea oats are tentatively scheduled to be planted at the county line and working its way north beginning on June 21, 2019.

Ms. Golding stated she also attended the ethics training in Jacksonville. She thanked Mayor Latham for speaking at the Beaches Watch meeting about the Florida Legislative Session. Ms. Golding announced Animal Control Officer Kelsey Eberle had resigned and thanked her for her work.

Mr. Nichols stated he attended the ethics training in Jacksonville as well. He also wanted the City to look at getting an agreement to utilize them as a resource. Mr. Nichols attended the Jacksonville Tree Commission and explained a pilot program to plant trees, and he believed Jacksonville Beach would be included in the program.

#### **COURTESY OF THE FLOOR TO VISITORS:**

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach, thanked Public Works Director David Millinor, Street Superintendent David McDonald, Street General Supervisor Pat Deighan, and the rest of the stormwater management team related to stormwater work done in the Ocean Cay community.
- Jon McGowan, 5 North 17<sup>th</sup> Avenue #401, Jacksonville Beach, spoke about the Sunshine Law and potential ethical concerns associated with exerting undue influence over boards. Mr. McGowan also spoke about the Jacksonville Housing Authority Waves project.
- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, asked Council members to draft and pass a resolution protecting the property rights of residents. Mr. Sorrell referenced a solicitation he received about using his property as a vacation rental [on file].
- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, spoke about short term rentals, the proposed ordinance, and the requirements for running a vacation rental business.

Mayor Latham responded to Mr. Komarek's comments by explaining work has been done on this issue including working with the legislature, meeting with residents who have been negatively affected, holding a Town Hall meeting with Senator Aaron Bean and Representative Cord Byrd, and fighting to maintain Home Rule.

#### **MAYOR AND CITY COUNCIL:**

Mayor Latham recognized two Employees of the Quarter. Customer Service Representative II Susan Kyle from the Utility Billing Division and Park Maintenance Supervisor Mark Chouinard from the Parks & Recreation Department were presented with Employee of the Quarter pins.

#### **CITY CLERK:**

#### **CITY MANAGER:**

#### **Item #19-095 – Approve the Monthly Financial Reports for the Month of May 2019**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to accept the financial reports for the month of May 2019, as submitted by the Chief Financial Officer.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham  
The motion passed unanimously.

**Item #19-096 – Appoint One Alternate to the Board of Adjustment**

**Motion:** It was moved by Ms. Golding and seconded by Mr. Doherty, to nominate Dan Janson for appointment as an Alternate on the Board of Adjustment to fill an unexpired two-year term expiring on December 31, 2019.

**Roll Call Vote:** Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham  
The motion passed unanimously.

**Item #19-097 – Appoint One Member to the Planning Commission**

Mayor Latham inquired if the Council was filling the seat vacated by the election of Ms. Dumont to the City Council or if they would move an Alternate up and then pick a new Alternate. City Clerk Laurie Scott responded it would be the choice of the Council.

**Motion:** It was moved by Mr. Nichols to nominate Sean Shapiro for appointment to the Planning Commission.  
Motion failed due to the lack of a second.

**Motion:** It was moved by Ms. Golding, seconded by Mr. Doherty, to move 1<sup>st</sup> Alternate Jon Scott Walker to the position of Member on the Planning Commission, to fill the unexpired four-year term expiring December 31, 2020.

**Roll Call Vote:** Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham  
The motion passed unanimously.

**Motion:** It was moved by Ms. Dumont, seconded by Ms. Golding, to nominate Colleen Murphy White to the position of 1<sup>st</sup> Alternate on the Planning Commission, to fill the unexpired four-year term expiring December 31, 2020.

Mr. Nichols commented on the good group of candidates on the list, and with board openings coming up, he hoped they could get put on boards soon.

Ms. Golding spoke about participating in the interview process and hoped to find a way to get more citizens interested in applying for boards. Ms. Golding stated she appreciated Ms. White had previously served on a Pension Board. Mayor Latham added Ms. White selected the Planning Commission as her first board choice.

Ms. Hoffman stated she was pleased with the quality and number of applications received.

Ms. Dumont stated she was also pleased with the quality of the candidates and mentioned the Council would be creating a new board tonight where some of these candidates may be able to serve.

Mr. Nichols brought up candidates for reappointment to boards were supposed to be reinterviewed, and it did not happen this time. Mayor Latham explained Mr. Walker is still an active member of the Planning Commission with tenure left in his term, which is why he was not required to be interviewed.

Mr. Doherty stated the board members need to be made aware of the rules, adding there are board members who think they can't talk to their elected representative.

**Roll Call Vote:** Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham  
Nays – Nichols  
The motion passed 6-1

**Item #19-098 – Determine Whether a Violation of the City Charter has Occurred in Accordance with the City Attorney Memo Dated May 3, 2019**

Mr. Staffopoulos explained the Council had requested this item be put on the agenda for formal consideration. He summarized this issue arose from a memo from City Attorney Susan Erdelyi in May of 2019, indicating a potential conflict with Charter language Section 30 by Mr. Vogelsang in particular to two issues that occurred relating to the Police Department last year and the Fire Department this year. This item is for Council to make a final determination as to whether or not there was any type of violation of the Charter, and if so, what the appropriate action should be. Mr. Staffopoulos explained only the Council has the authority to make interpretations and make final decisions as to the Charter language as it reads.

Mr. Staffopoulos presented the option of two motions for consideration. The first motion option would determine there was no violation of the City Charter. The second motion option would determine there was a violation of the Charter with the appropriate action to be determined by the Council.

Mr. Vogelsang spoke and referenced a copy of an opinion from the Ethics Commission he provided to the Council [on file] on an issue in another jurisdiction with the same charter language as Jacksonville Beach. He stated he was supportive of sending the issue about discussions he had to the Ethics Commission for review to determine if there was any violation, which he was confident there was none. He also favored discussion on a Code of Conduct.

Discussion ensued. Ms. Golding stated Mr. Vogelsang's case appears to be different than the case presented in the Ethics Commission opinion. Mr. Doherty said the Charter language does need to be clarified. He believes it is okay to speak to employees, as long as a Council member does not direct them to do something, and he does not believe that happened. Ms. Dumont stated in the context of the larger Charter, you have to look at what the average person who would be in this role understands is right and wrong in communicating with employees. She said the average person would consider an inquiry to be asking questions about basic information, and not an inquiry that would involve decision making on the employee's part. Ms. Dumont explained she

does not believe there was a severe violation of the Charter but does think it does need to be addressed with some kind of sanction.

**Motion:** It was moved by Ms. Dumont, seconded by Ms. Golding, to censure Council Member Vogelsang for violation of Section 30 of the Jacksonville Beach City Charter.

**Roll Call Vote:** Ayes – Dumont, Golding, Mayor Latham  
Nays – Nichols, Doherty, Hoffman  
Abstain - Vogelsang  
The motion failed 3-3

Discussion continued. Mr. Doherty stated he did not believe Mr. Vogelsang violated the language in Section 30 of the Charter. Ms. Golding stated she thinks all Council members should go through the City Manager first. Mr. Vogelsang stated there needs to be a means to communicate with City employees, and it may be addressed in a Code of Conduct or policy. Mayor Latham agreed the Charter language is outdated. He stated the Council has to deal with not just any wrongdoing, but a perception of wrongdoing.

**Motion:** It was moved by Ms. Hoffman, seconded by Mr. Doherty, to determine that Council Member Vogelsang's actions, as outlined in the City Attorney's May 3, 2019, memorandum do not violate the City Charter.

**Roll Call Vote:** Ayes – Doherty, Hoffman, Nichols  
Nays – Dumont, Golding, Mayor Latham  
Abstain - Vogelsang  
The motion failed 3-3

Ms. May responded to a question to clarify both motions failed, which means "the issue is dead."

**Item #19-099 – Award Bid Number 1819-10, Chlorine and Sulfur Dioxide – 12 Months Requirement to Allied Universal Corporation**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1819-10, Chlorine and Sulfur Dioxide – 12 Months Requirement to Allied Universal Corporation.

Mr. Staffopoulos stated this is to purchase chemicals used in the water and wastewater treatment systems. Ms. Golding advised she took a tour of the Wastewater Treatment Plant and learned why these chemicals are needed.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham  
The motion passed unanimously.

**Item #19-100 – Award Bid Number 1819-13, General Contract for Modifications to Butler Substation to J. L. Malone Contracting LLC**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1819-13 General Contract for Modifications to Butler Substation to the lowest responsive, responsible bidder, J. L. Malone Contracting, LLC.

Beaches Energy Services Director Allen Putnam explained this substation was placed in service around 1992. This type of equipment is generally replaced every 20-30 years. Mr. Putnam answered questions related to the discrepancy in bid prices and if the low bidder had previously done work for the City.

**Roll Call Vote:** Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham  
The motion passed unanimously.

**Item #19-101 – Award Bid Number 1819-14 120/208V, 1500kVA, Distribution Transformer to Wesco Distribution**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1819-14 120/208V, 1,500 kVA, distribution transformer to the lowest, responsive, responsible bidder, Wesco Distribution, as explained in the memorandum from the Director of Beaches Energy Services dated June 5, 2019.

Mr. Putnam explained a routine inspection found they did not have a transformer of this size in inventory. He stated some of the new development would require this size transformer, so they went out to bid.

**Roll Call Vote:** Ayes –Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham  
The motion passed unanimously.

**Item #19-102 – Approve a Purchase of Emergency Replacement, Testing and Commissioning of Two (2) 230 kV Substation Breakers (8W138 and 8W143) and Associated Equipment in the Amount of \$142,610 Plus a Ten (10) Percent Contingency**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the replacement, testing and commissioning of 230 kV breakers at Sampson Substation at a cost of \$142,610, plus a 10% contingency, for a total cost not to exceed \$156,871.

Mr. Staffopoulos stated there were breakers that failed at Sampson Substation that placed the system in jeopardy if any of the circuits tripped, which leave only one feed coming into our system. The emergency authorization to purchase was given at that time.

**Roll Call Vote:** Ayes –Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham  
The motion passed unanimously.

**Item #19-103 – Approve the Purchase of a Trimax Snake Mower 320 from Global Turf for \$34,504.55 as the Sole Source Provider for Trimax Mowing Systems**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the purchase of a Trimax Snake Mower 320 from Global Turf for \$34,504.55 as the sole source provider for Trimax Mowing Systems.

Golf Course Superintendent Trevor Hughes explained the current mower is used to mow most of the golf course and it is unreliable. He stated the current mower mows approximately 60 of the 80 acres at the golf course. Besides being unreliable, there is too much downtime, it is not easy to maintain, and it damages turf when the belts or tires lock up. The Trimax does not have all the belts and pulleys, it is a fixed shaft and has a proven history of dependability, and it comes with a three-year warranty. Mr. Hughes stated it would last ten years. It would also be used to mow the fields at Wingate Park.

Council members expressed concern about the cost and the fact the current mower was just purchased in 2014. Mr. Hughes answered questions about the difference in the width of the two mowers, other mower options, why the cost is being split between the golf course and Parks budget and stated the current mower would be traded in for \$3,000. Director of Parks & Recreation Jason Phitides agreed to find out how much the current mower cost in 2014. Mr. Phitides explained the downtime on the mower affects both the golf course and the parks. Mr. Staffopoulos stated the golf course is an Enterprise Fund; it would not be appropriate to place more of the burden within the Enterprise Fund then is currently being utilized. Mr. Doherty suggested possibly in the future to budget for a mower for the golf course and another mower for Parks & Recreation. Mr. Staffopoulos stated he asked Parks and & Recreation and the golf course for a business plan for the next two to three years. Ms. Dumont stated when the golf course first reopened, there was a discussion about possibly putting back the money into the general fund from the investment that went into the improvements.

**Roll Call Vote:** Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham  
The motion passed unanimously.

**RESOLUTIONS:**

**ORDINANCES:**

**Item #19-104 – ORDINANCE NO. 2019-8119 (Second Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8119 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH,  
FLORIDA, ENACTING AND ESTABLISHING A DECISION**

**MAKING AND ADMINISTRATIVE BODY TO BE KNOWN AS THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING CHAPTER 10. FIRE AND LIFE SAFETY, ADDING ARTICLE V. BUILDING AND FIRE CODE BOARD OF APPEALS; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.”**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8119 amending Chapter 10, Fire and Life Safety, adding a new article and section providing for the creation of the Building and Fire Code Board of Appeals to the code of the City of Jacksonville Beach as presented.

Mr. Staffopoulos explained this is a new board created by the City and would serve as the Board of Appeals for both the Building Division as well as the Fire Department for the enforcement of life safety regulations if the City moves forward with a Short Term Rental ordinance. The need for this board came about when drafting the Short Term Rental ordinance. There is a requirement in the Fire Code to have an appeals process in the event there is a contestation to a determination made by the Fire Marshal. It also can happen in the Building Division.

Discussion ensued related to how the board would be used. Ms. May explained when the Fire Code and the Building Code conflict, or when a contractor doesn't agree with a decision related to the Fire Code or Building Code, they can go before the board. Interim Fire Chief Steve Sciotto explained the board would not have the option to waive the Code as they are State Codes.

**Roll Call Vote:** Ayes –Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham  
The motion passed unanimously.

**Item #19-105 – ORDINANCE NO. 2019-8120 (First Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8120 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8120 establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Mr. Staffopoulos explained this is a rezoning that would be required based on a proposed redevelopment in the downtown area. Director of Planning & Development Bill Mann stated the applicant wished to address the Council.

Alex Grace, 8641 Seven Lakes Drive, Ooltewah, Tennessee, representing the applicant, provided an overview of the proposed project. It would be a 136-room Springhill Suites by Marriott Hotel.

Mayor Latham read the following:

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

It is the applicant’s burden to demonstrate that his or her application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council’s decision on a RD rezoning application is based on the criteria set forth in Section 34-347(c)(3)i. of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application and the staff, Planning Commission, and Community Redevelopment Agency recommendations on this rezoning request.”

**Public Hearing:**

Mayor Latham opened the public hearing on Ordinance No. 2019-8120.

The following people spoke in opposition to the agenda item:

- Chelsea Tyrrell, 836 15<sup>th</sup> Avenue North, Jacksonville Beach
- Robert A. Ellenwood, 208 12<sup>th</sup> Avenue North, Jacksonville Beach
- Dr. Joseph Boulter, 320 1<sup>st</sup> Street North, Unit 906, Jacksonville Beach

- Taylor Williams, 208 12<sup>th</sup> Avenue North, Jacksonville Beach
- Valerie Thomas, 320 1<sup>st</sup> Street North, Jacksonville Beach
- Savannah Cotton, 530 Barbara Lane, Jacksonville Beach
- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Ms. May advised this is part of the consolidated settlement on the height referendum. The lawsuit was settled in 2010 with the following terms:

- That the building height be allowed at 56 feet;
- That the development, if it exceeded 50,000 square feet or the 50 feet in height, it shall be processed under the provisions of 34-347 for the RD district; and
- It must be under the code as it existed in 2010

This defines the criteria the Council must apply.

Mr. Mann reiterated this is the subject of a court order and redevelopment zoning is required for any use of the property which exceeds 50,000 square feet, so it is per court order.

Steve Diebenow, One Independent Drive, Suite 1200, Jacksonville, the applicant's land use attorney, responded to comments from the public.

Mayor Latham closed the Public Hearing and read the following:

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

Mayor Latham stated he received an email and followed up with a phone call to Mr. Diebenow to talk about the project in general.

Mr. Nichols stated he spoke with Mr. Diebenow.

Ms. Dumont stated she spoke with Mr. Diebenow on June 11, 2019, at Panera, and discussed the plans, the legal aspects, and parking.

Mr. Vogelsang stated he spoke with Mr. Diebenow to get a better understanding of the project.

Ms. Hoffman stated she met with Mr. Diebenow for a general overview of the project and the opportunity to ask questions.

Mr. Doherty stated he met with Mr. Diebenow on June 14, 2019, to ask questions about the project.

Ms. Golding stated she received an email from Mr. Diebenow and also spoke on the phone about the project. Ms. Golding also received an email from Derek Harmon [402 7<sup>th</sup> Avenue North, Jacksonville Beach] in support of the project, and an email from Meade Copland, [320 1<sup>st</sup> Street North, Suite 770, Jacksonville Beach] regarding a rooftop garden she would like on the building.

Mayor Latham requested the motion to be re-read.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8120 establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

**Discussion:** Mayor Latham read the following statement for the record:

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

Mr. Vogelsang stated he believes this is a positive project for the community and it aligns with his vision of the downtown, including bringing people downtown which would make it a more family-friendly environment outside of the current bar scene. The project will pay into a fund that can be used to potentially build a parking garage and bring in tenants such as retail and restaurants.

Mr. Doherty stated the parking problem falls on the City and property owners cannot be penalized for adhering to City codes. He had concerns about parking, trash pickup, and employee safety. He reiterated this project falls under a court settlement.

Mr. Mann answered questions related to dumpster service. Mr. Diebenow answered questions about who runs the restaurant, how the retail will be determined, parking for guests and employees, and trash pickup. In response to a question from Mr. Doherty, Mr. Mann identified the remaining properties with vested rights.

Mr. Mann answered questions from Ms. Dumont about the standards in place in 2010, requirements for open space. Ms. Dumont had concerns with parking for employees, safety issues with cars coming into the property to park, and the design.

Mr. Diebenow answered questions from Ms. Golding related to the restaurant and the Comprehensive Plan element. Mr. Mann responded to a question about floor area ratio.

Mayor Latham stated this is the first reading of the ordinance. The second reading would take place on July 15, 2019.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham  
The motion passed unanimously.

**Item #19-106 – ORDINANCE NO. 2019-8121 (First Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8121 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”**

Mayor Latham read the following:

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

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

In addition, the Council has received a copy of the application and the staff and Planning Commission reports on this rezoning request.”

**Public Hearing:**

Mayor Latham opened the public hearing on Ordinance No. 2019-8121.

The following people spoke in opposition to the agenda item:

- Justin Rawls, 403 12<sup>th</sup> Avenue South, Jacksonville Beach [speaker’s comments were referencing HUD housing not the PUD in this agenda item]

Gabe Bow, 354 Royal Tern Road, Ponte Vedra, representing the applicant, explained the project is in response to the need for senior housing. There is a waiting list of 300 seniors for housing. Mr. Bow gave an overview of the project. Mr. Mann explained if the use ever changed from senior housing to market housing, the parking would have to be addressed at that time.

Mayor Latham closed the Public Hearing and read the following:

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

There was no ex parte communication.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8121 establishing a Planned Unit Development: PUD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

**Discussion:** Mayor Latham read the following statement for the record:

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

Ms. Golding expressed appreciation for housing provided to seniors. Melissa Gilreath, 101 Palmeta Court, Ponte Vedra Beach, answered questions about the cost for the housing, how much of the housing is subsidized,

Ms. Dumont stated she is happy there is affordable senior housing at the beach.

**Roll Call Vote:** Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham  
The motion passed unanimously.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:11 P.M.

Submitted by: Laurie Scott  
City Clerk

LS/sg

Approval:

\_\_\_\_\_  
William C. Latham, MAYOR

Date: \_\_\_\_\_

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

The following City Council Members were in attendance:

**Mayor:** William C. Latham

**Council Members:** Keith Doherty                      Georgette Dumont                      Sandy Golding  
Christine Hoffman                      Cory Nichols                      Phil Vogelsang (*absent*)

Also present were City Manager Mike Staffopoulos, Attorney Denise May and Interim Fire Chief/Fire Marshal Steve Sciotto.

**Purpose of Workshop**

The purpose of the workshop was to discuss the Short Term Rental Ordinance.

**City Manager**

Mayor Latham opened the Workshop by introducing Mr. Matthew Lany. Mayor Latham stated Mr. Lany brought forth the issues of short term rentals to the Council about a year ago. Mayor Latham stated he and Mr. Lany traveled to Tallahassee together to speak in front of the Senate Appropriations Committee regarding short term rentals. Mr. Lany spoke about the negative impact on his family because of short term rentals and handed out a timeline of events and photos [on file].

The following people spoke in favor of the proposed ordinance:

- Matthew Lany, 2546 Horn Street, Jacksonville Beach
- Paul Seago, Expedia Group
- Lori Watson, 185 4<sup>th</sup> Avenue South, Jacksonville Beach
- Late Millan, 1823 Oak Grove Circle, Jacksonville Beach
- Cathy Sturms, 983 2<sup>nd</sup> Street South, Jacksonville Beach
- Billy Carlyle, Address removed due to Statutory Reference 119.071 (4) (d) 2.9 F.S.
- Michael Drog, 124 11<sup>th</sup> Avenue South, Unit B, Jacksonville Beach
- Robert Grovenstein, 3007 Ocean Drive South, Jacksonville Beach
- Mary Phillips, 934 10<sup>th</sup> Street North, Jacksonville Beach
- Mary Jacobi, 310 Tallwood Road, Jacksonville Beach
- Liz Parham, 1692 Westwind Drive, Jacksonville Beach
- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach
- Evan Greenfield, 1800 The Greens Way, #208, Jacksonville Beach
- Kent Ammons, 930 10<sup>th</sup> Street North, Jacksonville Beach
- Cody Monroe, 502 5<sup>th</sup> Avenue South, Jacksonville Beach

The following people spoke in opposition of the proposed ordinance:

- Greg Phipps, 127 10<sup>th</sup> Avenue South, Jacksonville Beach
- Ellen Peterson, 1096 2<sup>nd</sup> Street North, Jacksonville Beach
- William Hillegass, 3739 Duval Drive, Jacksonville Beach
- Evan Rajta, 729 6<sup>th</sup> Avenue South, Jacksonville Beach

- Shandy Thompson, 522 3<sup>rd</sup> Avenue South, Jacksonville Beach
- Tess Walter, 1030 4<sup>th</sup> Street North, Jacksonville Beach
- Tommy Tam, 818 4<sup>th</sup> Street South, Jacksonville Beach
- Lorraine Kenny, 1061 Osceola Avenue, Jacksonville Beach
- Bobby Wilton, 1032 1<sup>st</sup> Street South, Jacksonville Beach
- Wally Sears, 807 2<sup>nd</sup> Street South, Jacksonville Beach
- L. David Schoen, 204 8<sup>th</sup> Avenue South, Jacksonville Beach
- Keith Brady, 1403 Durling Drive South, South Pasadena, FL
- Athby Tamburrino, 12384 Clear Lagoon Trail, Jacksonville
- Nancy Garcia, 4130 South 3<sup>rd</sup> Street, Jacksonville Beach
- Ken Marsh, 2011 Gail Ave, Jacksonville Beach
- Jeanell Wilson, 2014 South Ocean Drive, Jacksonville Beach
- Greg & Lorraine Kenny, 1061 Osceola Avenue, Jacksonville Beach
- Mike Vinci, 214 Tallwood Road, Jacksonville Beach

The following people support the proposed ordinance but did not wish to address the Council:

- Bruce Jacobs, 210 Tallwood Rd, Jacksonville Beach
- Beth Achesow, 1824 North 1<sup>st</sup> Street, Jacksonville Beach

The following people oppose the proposed ordinance but did not wish to address the Council:

- Carol Meyer, 612 13<sup>th</sup> Avenue South, Jacksonville Beach
- Paulette Waterman, 4067 America Avenue, Jacksonville Beach
- Susan Knowles, 1415 1<sup>st</sup> Street North, #1202, Jacksonville Beach
- Colleen White, 2731 Madrid Street, Jacksonville Beach
- Rick Hightower, 2731 Madrid Street, Jacksonville Beach
- Patti Mason, 3113 St. John's Blvd., Jacksonville Beach
- David Valentino, 436 South Street, Neptune Beach
- Nora Hampton, 400 Timberwalk Ct. #1335, Ponte Vedra Beach
- Kelly Hampton, Atlantic Beach
- Joel Preston, 1201 1<sup>st</sup> Street North, #202, Jacksonville Beach
- Tish Schroeder, 1031 1<sup>st</sup> Street South, #702, Jacksonville Beach
- Carol O'Donoghue, 1201 1<sup>st</sup> Street North, Jacksonville Beach
- Gabriel Prieto, 950 16<sup>th</sup> Avenue North, Jacksonville Beach
- William Gilbert, 2100 Ocean Drive South, #4A, Jacksonville Beach
- Connie Gilbert, 2100 Ocean Drive South, #4A, Jacksonville Beach
- Leslie Brill, 3853 Grande Blvd, Jacksonville Beach
- Mauri Elledge, 1702 South 1<sup>st</sup> Street, Jacksonville Beach

The following people spoke regarding the proposed ordinance:

- Julie Malmstrom, 2042 2<sup>nd</sup> Street South, Jacksonville Beach
- Dennis Hanks, 7862 West Irlo Bronson Hwy, Kissimmee
- Jeanne Bothwell, 1420 Pinewood Road, Jacksonville Beach
- Melissa Messenger, 562 14<sup>th</sup> Avenue South, Jacksonville Beach
- Lee Buck, 136 17<sup>th</sup> Avenue North, Jacksonville Beach
- Heather Henderson, 1815 8<sup>th</sup> Street North, Jacksonville Beach

Conversation ensued regarding suggested modifications to the proposed ordinance including (but not limited too) the following topics:

- Single and collective certificates
- Explicit language added to the body of the ordinance
- Fee amounts
- Inspection schedule
- Max occupancy

Mayor Latham stated a revised ordinance would go before the Planning Commission at the July 22, 2019, meeting for their consideration. If approved, the ordinance would then go before Council for first reading at the August 5, 2019, meeting and second reading on the August 19, 2019, meeting.

The workshop adjourned at 8:37 P.M.

Submitted by: Jodilynn Byrd  
Administrative Assistant

Approved:

\_\_\_\_\_  
William C. Latham, MAYOR

Date: \_\_\_\_\_



City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6268

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

MEMORANDUM

TO: Mayor and City Council  
FROM: Mike Staffopoulos, City Manager  
SUBJECT: Florida League of Cities Attendance  
DATE: July 11, 2019

**ACTION REQUESTED:**

Authorize Mayor and Councilor’s attendance at the 93<sup>rd</sup> Annual Florida League of Cities conference.

**BACKGROUND:**

The Florida League of Cities will be holding its 93<sup>rd</sup> annual conference on August 15-17, 2019 in Orlando Florida. The Mayor and multiple Councilors have expressed an interest in attending. As there is no defined travel and training policy for the City Council, the intent of this item is for the Council to determine how many elected official should be authorized to attend this conference.

Advertised fees for the conference are as follows:

- Registration - \$550/person
- Hotel - \$176/night
- Self Parking - \$5/day/vehicle

The Travel and Training budget for the City Council has a balance of approximately \$3,000, which would accommodate up to three (3) elected officials attending the conference (approximately \$1,000 per Councilor). There are, however, other budgeted line items within the Legislative budget that could be used to cover additional Councilors, if so authorized.

**RECOMMENDATON:**

Move to authorize the following elected officials to attend the 93<sup>rd</sup> Annual Florida League of Cities Conference: \_\_\_\_\_.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

## MEMORANDUM

TO: Michael Staffopoulos, City Manager  
FROM: Ashlie Gossett, Chief Financial Officer  
SUBJECT: Monthly Financial Reports for June 2019  
DATE: July 9, 2019

### **Action Requested**

Accept the monthly financial reports for the month of June 2019.

### **Summary**

The Summary Budget Reports show the cumulative actual revenues and expenditures as compared to the actual amounts at the same point in time as last fiscal year. Exhibit 7 of the Summary Budget Reports compares actual revenues and expenditures to budget in total by fund.

### **Exhibit 1 - General Fund Revenues**

General Fund revenues are slightly ahead of last year on a percentage of budget basis. We received annual ad valorem tax distributions in December, bringing the tax revenue-to-date to 88.68% of the annual budget. The increase in permit revenues is due in part to the Margaritaville hotel project.

Miscellaneous Revenue in the General Fund includes investment earnings on pooled investments, auction proceeds, facility rental fees, tennis fees, and cemetery lots purchased. The positive variance of \$432,182 over the prior year is largely attributable to investment earnings.

### **Exhibit 2 - General Fund Expenditures**

General Fund expenditures are under budget by 8.63% for the current year and 3.83% over amounts expended in the prior year. Increased legal fees are the primary reason for the variance in City Administration costs compared to last year.



Memorandum to Michael Staffopoulos

Financial Reports

July 9, 2019

Page 2

**Exhibit 3 - Enterprise Fund Revenues**

Total Enterprise Fund revenues are 3.99% over prior year revenues on a percentage of budget basis. The bulk power cost portion of the electric rate was suspended in the month of March, reducing overall Electric revenues for the year. Additionally, Electric revenues vary on a monthly and yearly basis depending on consumption. The Golf Course year-to-year variance is a result of the course closing in January 2018 for renovations.

**Exhibit 4 - Enterprise Fund Expenditures**

Total expenditures in the Enterprise Funds are 17.5% under budget for the current year and 4.01% over amounts expended in the prior year. The variance from year-to-year in Electric is due primarily to purchased power costs and the variance in Sanitation is related to debris costs for Hurricane Irma in FY2018.

**Exhibit 5 – Special Revenue Fund Revenues**

Revenues in the Special Revenue Funds are 8.87% ahead of last year on a percentage basis. We received the annual tax increment distributions in December, bringing tax increment fund revenue-to-date slightly over the annual budget.

**Exhibit 6 - Special Revenue Fund Expenditures**

In total, Special Revenue Fund expenditures are under budget for the current year and 27.21% lower than last year on a percentage of budget basis. Expenditures in the Community Development Block Grant Fund will be reimbursed by grant funding. Variances from the prior year in the Convention Development, Local Option Gas, Infrastructure Surtax, Downtown Increment, and Southend Increment Funds are primarily due to the timing of capital project expenditures.

Memorandum to Michael Staffopoulos

Financial Reports

July 9, 2019

Page 3

**Exhibit 7 - Summary Revenues and Expenditures**

- The net income shown for the Electric Fund is overstated because monthly power bills are paid in arrears to FMPA.

**Recommendation**

Accept the financial reports for the month of June 2019, as submitted by the Chief Financial Officer.



**Summary Budget Revenue Report**

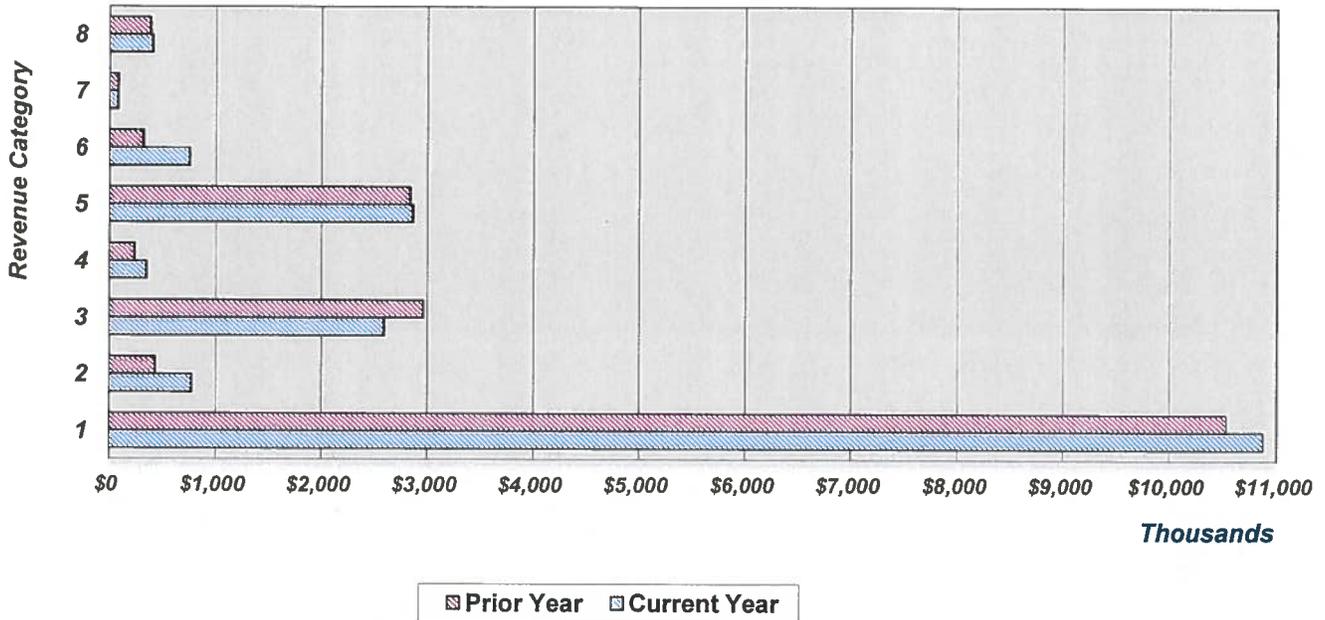
June 30, 2019

(74.79% of year has elapsed)

**EXHIBIT 1 - GENERAL FUND REVENUES**

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 Taxes	10,875,672	88.68%	10,535,959	91.41%	-2.73%	339,713
2 Licenses & Permits	775,436	130.17%	436,063	74.89%	55.28%	339,373
3 Intergovernmental Revenue	2,594,182	61.27%	2,962,918	71.48%	-10.21%	(368,736)
4 Charges for Services	355,245	91.32%	241,990	65.31%	26.01%	113,255
5 Enterprise Contributions	2,859,841	75.00%	2,837,484	75.00%	0.00%	22,357
6 Miscellaneous Revenue	755,065	178.36%	322,883	77.51%	100.85%	432,182
7 Fines & Forfeitures	83,245	48.82%	87,387	51.25%	-2.43%	(4,142)
8 Interfund Transfers	406,207	79.65%	387,563	73.13%	6.52%	18,644
<b>Total Revenues</b>	<b>\$ 18,704,892</b>	<b>83.51%</b>	<b>\$ 17,812,247</b>	<b>82.76%</b>	<b>0.75%</b>	<b>\$ 892,645</b>

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





**Summary Budget Expenditure Report**

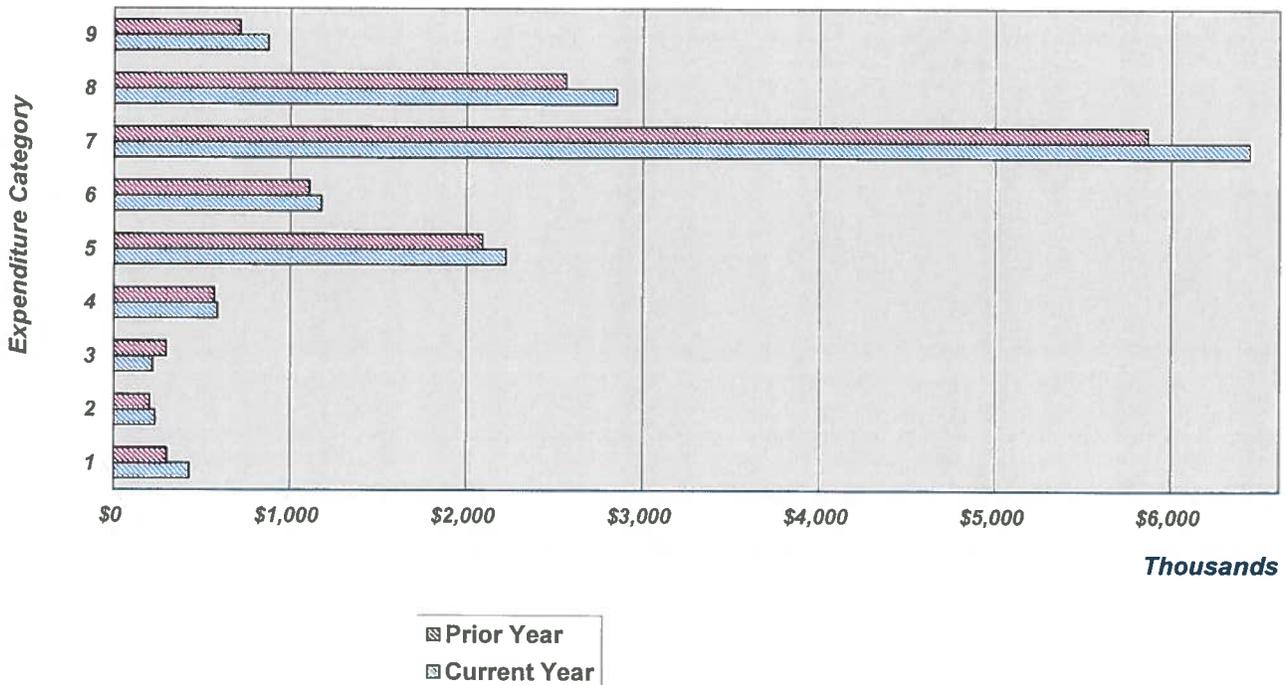
June 30, 2019

(74.79% of year has elapsed)

**EXHIBIT 2 - GENERAL FUND EXPENDITURES**

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 City Administration	428,969	85.69%	299,894	62.67%	23.02%	129,075
2 City Clerk	235,022	67.90%	203,397	61.41%	6.49%	31,626
3 Building Maintenance	219,669	54.25%	294,822	70.00%	-15.75%	(75,153)
4 Planning and Development	587,855	64.63%	568,346	62.89%	1.74%	19,509
5 Recreation and Parks	2,223,423	63.56%	2,088,933	59.20%	4.36%	134,490
6 Public Works	1,175,619	70.44%	1,106,498	69.36%	1.08%	69,120
7 Police	6,431,743	67.51%	5,864,522	65.33%	2.17%	567,221
8 Fire	2,850,895	66.09%	2,562,891	64.04%	2.05%	288,004
9 Non-Departmental	871,232	56.62%	713,052	40.86%	15.76%	158,179
<b>Total Expenditures</b>	<b>\$ 15,024,426</b>	<b>66.16%</b>	<b>\$ 13,702,355</b>	<b>62.33%</b>	<b>3.83%</b>	<b>\$ 1,322,071</b>

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





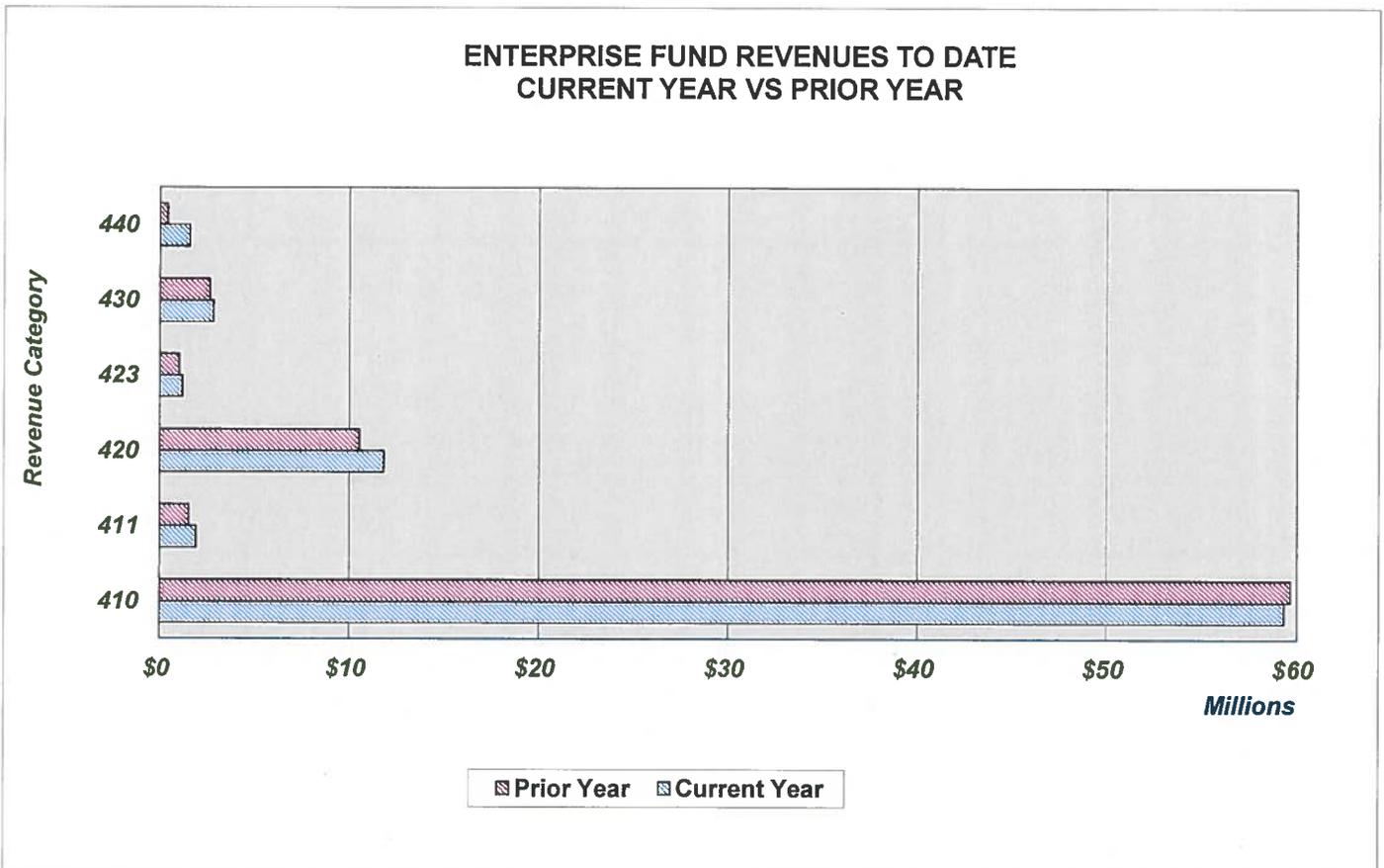
**Summary Budget Revenue Report**

June 30, 2019

(74.79% of year has elapsed)

**EXHIBIT 3 -ENTERPRISE FUND REVENUES**

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	59,329,911	70.66%	59,662,553	68.71%	1.95%	(332,641)
411 NATURAL GAS	1,925,470	82.54%	1,558,413	81.15%	1.39%	367,058
420 WATER & SEWER	11,836,611	87.01%	10,525,266	78.93%	8.07%	1,311,345
423 STORMWATER	1,216,310	87.05%	1,038,874	75.46%	11.59%	177,436
430 SANITATION	2,813,922	80.46%	2,639,691	76.07%	4.39%	174,231
440 GOLF COURSE	1,582,288	103.09%	423,291	30.76%	72.33%	1,158,996
<b>TOTAL REVENUES</b>	<b>\$ 78,704,512</b>	<b>74.02%</b>	<b>\$ 75,848,088</b>	<b>70.03%</b>	<b>3.99%</b>	<b>\$ 2,856,425</b>



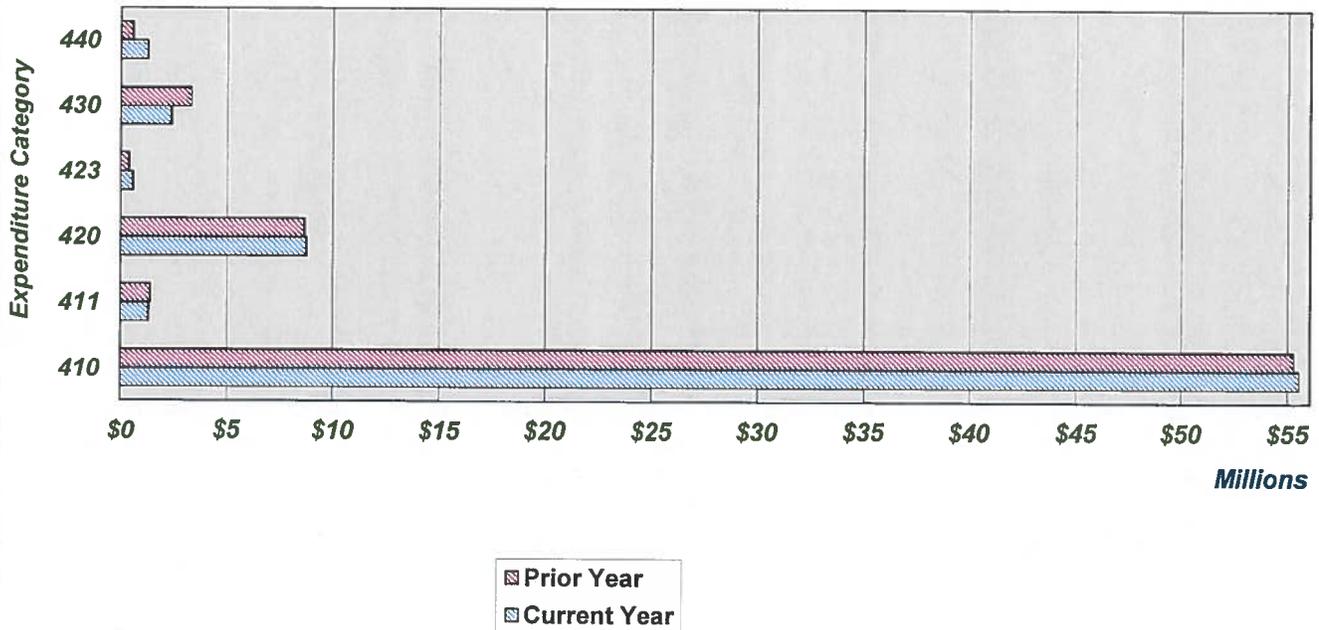


**Summary Budget Expenditure Report**  
 June 30, 2019  
 (74.79% of year has elapsed)

**EXHIBIT 4 - ENTERPRISE FUND EXPENDITURES**

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	55,504,540	57.14%	55,260,034	56.92%	0.23%	244,506
411 NATURAL GAS	1,316,778	53.60%	1,398,367	68.81%	-15.21%	(81,589)
420 WATER & SEWER	8,739,862	56.41%	8,650,438	38.98%	17.43%	89,424
423 STORMWATER	576,529	38.52%	390,879	20.02%	18.50%	185,650
430 SANITATION	2,396,824	63.57%	3,306,717	56.10%	7.47%	(909,893)
440 GOLF COURSE	1,263,478	84.97%	555,487	39.49%	45.48%	707,990
<b>TOTAL EXPENDITURES</b>	<b>\$ 69,798,011</b>	<b>57.29%</b>	<b>\$ 69,561,923</b>	<b>53.28%</b>	<b>4.01%</b>	<b>\$ 236,089</b>

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

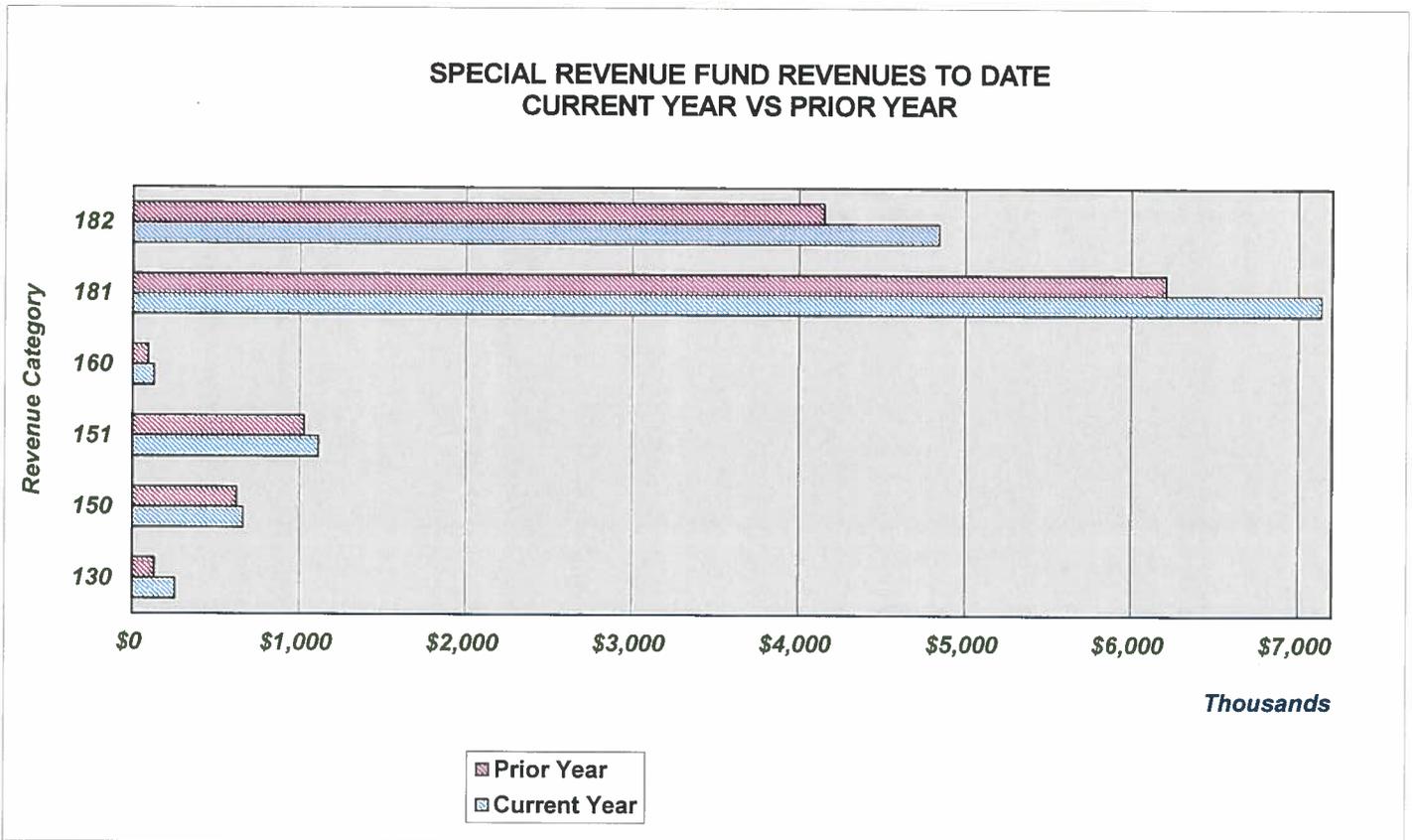




**Summary Budget Revenue Report**  
 June 30, 2019  
 (74.79% of year has elapsed)

**EXHIBIT 5 -SPECIAL REVENUE FUND REVENUES**

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	258,139	72.06%	131,036	42.27%	29.79%	127,103
150 LOCAL OPTION GAS TAX	662,295	81.34%	621,858	79.12%	2.22%	40,438
151 INFRASTRUCTURE SURTAX	1,112,533	81.56%	1,027,286	78.93%	2.63%	85,247
160 COMMUNITY DEV. BLK. GRANT	127,207	92.18%	93,563	67.80%	24.38%	33,644
181 DOWNTOWN INCREMENT FUND	7,135,025	106.84%	6,207,710	97.60%	9.24%	927,315
182 SOUTHEND INCREMENT FUND	4,840,885	107.79%	4,148,441	98.28%	9.51%	692,444
<b>TOTAL REVENUES</b>	<b>\$ 14,136,083</b>	<b>102.11%</b>	<b>\$ 12,229,893</b>	<b>93.24%</b>	<b>8.87%</b>	<b>\$ 1,906,190</b>

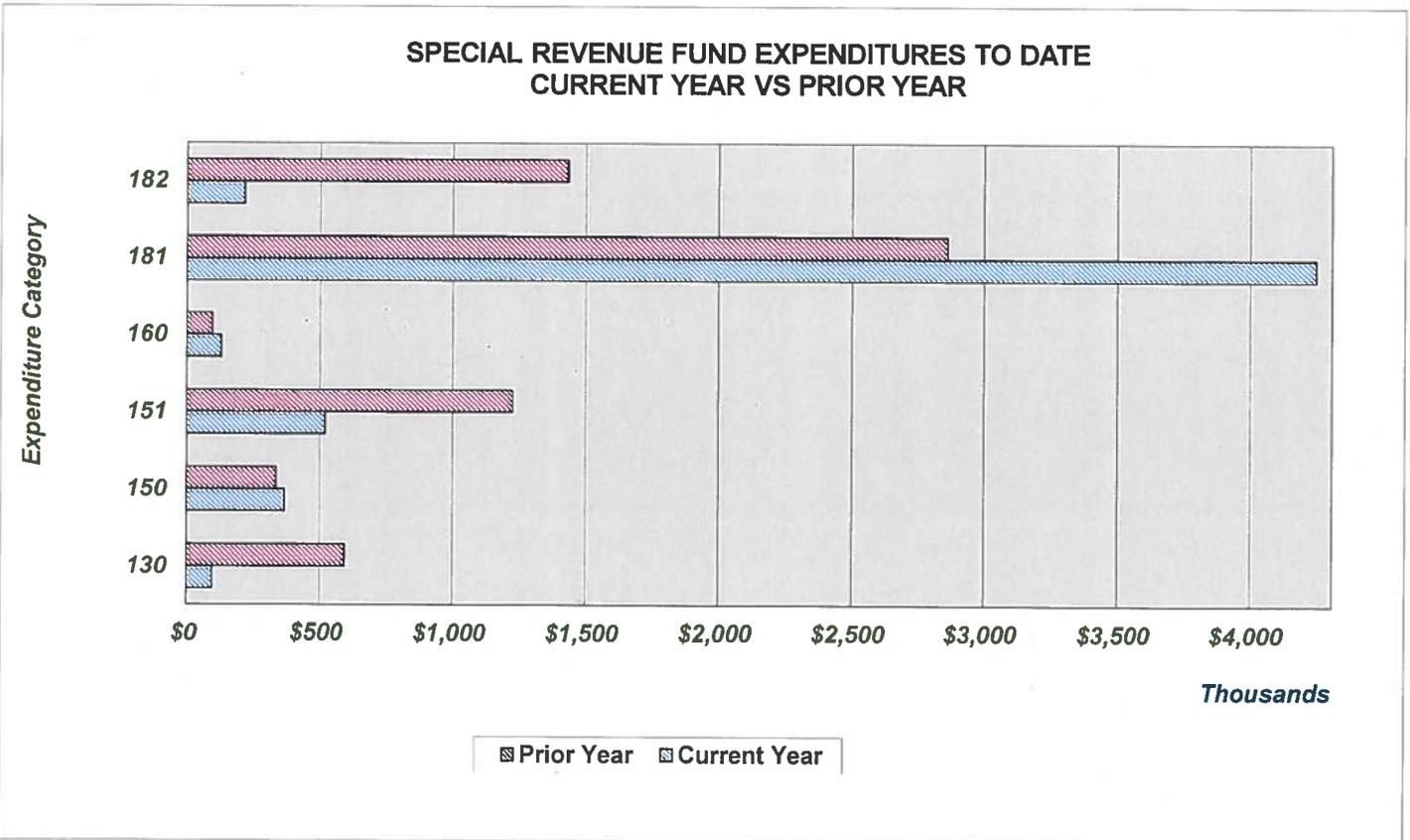




**Summary Budget Expenditure Report**  
 June 30, 2019  
 (74.79% of year has elapsed)

**EXHIBIT 6 - SPECIAL REVENUE FUND EXPENDITURES**

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	95,426	34.87%	592,390	88.84%	-53.96%	(496,963)
150 LOCAL OPTION GAS TAX	368,850	46.20%	336,052	43.70%	2.50%	32,797
151 INFRASTRUCTURE SURTAX	519,288	54.08%	1,225,278	72.84%	-18.76%	(705,991)
160 COMMUNITY DEV. BLK. GRANT	127,207	92.18%	93,563	67.80%	24.38%	33,644
181 DOWNTOWN INCREMENT FUND	4,240,546	32.98%	2,859,943	56.51%	-23.53%	1,380,603
182 SOUTHEND INCREMENT FUND	216,178	35.06%	1,432,236	68.31%	-33.25%	(1,216,058)
<b>TOTAL EXPENDITURES</b>	<b>\$ 5,567,494</b>	<b>35.59%</b>	<b>\$ 6,539,462</b>	<b>62.80%</b>	<b>-27.21%</b>	<b>\$ (971,968)</b>





**Summary Budget Report**  
 June 30, 2019  
 (74.79% of year has elapsed)

**EXHIBIT 7 - SUMMARY REVENUES AND EXPENDITURES**

Fund Name	Budgeted Revenues Fiscal Year 2019	Budgeted Revenues To Date	Actual Revenues To Date	Variance Favorable/ (Unfavorable)
001 General Fund	22,399,191	16,753,368	18,704,892	1,951,525
130 Convention Development Tax	358,235	267,940	258,139	(9,801)
150 Local Option Gas Tax	814,267	609,027	662,295	53,268
151 Infrastructure Surtax	1,364,089	1,020,264	1,112,533	92,269
160 Community Dev. Blk. Grant	138,000	103,216	127,207	23,990
181 Downtown Increment Fund	6,678,011	4,994,786	7,135,025	2,140,239
182 Southend Increment Fund	4,491,223	3,359,189	4,840,885	1,481,696
410 Electric Utility	83,961,489	62,798,593	59,329,911	(3,468,682)
411 Natural Gas Utility	2,332,672	1,744,711	1,925,470	180,760
420 Water & Sewer Utility	13,604,358	10,175,314	11,836,611	1,661,296
423 Storm Water Management	1,397,278	1,045,087	1,216,310	171,223
430 Sanitation Fund	3,497,483	2,615,926	2,813,922	197,997
440 Golf Course Fund	1,534,839	1,147,975	1,582,288	434,312
460 Leased Facilities Fund	656,212	490,811	505,250	14,439
500 Internal Service Funds	12,593,930	9,419,570	9,237,245	(182,325)
<b>Total Revenues</b>	<b>\$ 155,821,277</b>	<b>\$ 116,545,777</b>	<b>\$ 121,287,982</b>	<b>\$ 4,742,205</b>

Fund Name	Budgeted Expenditures Fiscal Year 2019	Budgeted Expenditures To Date	Actual Expenditures To Date	Variance Favorable/ (Unfavorable)
001 General Fund	22,708,220	16,984,505	15,024,426	1,960,078
130 Convention Development Tax	273,639	204,667	95,426	109,241
150 Local Option Gas Tax	798,412	597,169	368,850	228,319
151 Infrastructure Surtax	960,197	718,174	519,288	198,887
160 Community Dev. Blk. Grant	138,000	103,216	127,207	(23,990)
181 Downtown Increment Fund	12,856,447	9,615,918	4,240,546	5,375,372
182 Southend Increment Fund	616,511	461,116	216,178	244,938
410 Electric Utility	97,133,346	72,650,420	55,504,540	17,145,880
411 Natural Gas Utility	2,456,510	1,837,335	1,316,778	520,557
420 Water & Sewer Utility	15,493,610	11,588,371	8,739,862	2,848,509
423 Storm Water Management	1,496,690	1,119,442	576,529	542,913
430 Sanitation Fund	3,770,647	2,820,237	2,396,824	423,413
440 Golf Course Fund	1,486,981	1,112,181	1,263,478	(151,297)
460 Leased Facilities Fund	745,237	557,396	394,880	162,517
500 Internal Service Funds	12,664,558	9,472,396	9,194,916	277,480
<b>Total Expenditures</b>	<b>\$ 173,599,005</b>	<b>\$ 129,842,544</b>	<b>\$ 99,979,727</b>	<b>\$ 29,862,816</b>

Fund Name	Net Income (Loss)	Net Variance Favorable/ (Unfavorable)
001 General Fund	3,680,466	3,911,603
130 Convention Development Tax	162,713	99,439
150 Local Option Gas Tax	293,446	281,587
151 Infrastructure Surtax	593,245	291,156
160 Community Dev. Blk. Grant	-	-
181 Downtown Increment Fund	2,894,479	7,515,611
182 Southend Increment Fund	4,624,707	1,726,635
410 Electric Utility	3,825,371	13,677,199
411 Natural Gas Utility	608,693	701,317
420 Water & Sewer Utility	3,096,748	4,509,805
423 Storm Water Management	639,781	714,135
430 Sanitation Fund	417,098	621,409
440 Golf Course Fund	318,810	283,015
460 Leased Facilities Fund	110,370	176,956
500 Internal Service Funds	42,329	95,155
<b>Total</b>	<b>\$ 21,308,255</b>	<b>\$ 34,605,022</b>



**Cash and Investments by Fund**  
June 30, 2019

INVESTMENT HOLDER	TYPE	FACE AMOUNT	MARKET VALUE
Salem Trust Treasury Strip	TS	3,112,018	3,112,018
<b>TOTAL UTILITY FUNDS 410 and 420</b>			<b>\$3,112,018</b>
Salem Mutual Fund	Portfolio	48,111,756	48,111,756
Sawgrass Asset Management	Portfolio	25,749,697	25,749,697
Wells Capital	Portfolio	15,182,891	15,182,891
MD Sass	Portfolio	0	0
JPMCB - Strategic Property Fund	Portfolio	5,057,618	5,057,618
<b>TOTAL PENSION FUNDS 611, 612 and 613</b>			<b>\$94,101,962</b>
<b>TOTAL INVESTMENTS</b>			<b>\$97,213,980</b>
State Board of Administration	Pool	21,792,956	21,792,956
Florida Trust	Pool	18,768,156	18,768,156
FMIT 0-2 Yr High Quality Bond Fund	Pool	12,301,497	12,301,497
Bank of America	Cash	7,740,146	7,740,146
Sawgrass Asset Management	Portfolio	42,514,834	42,514,834
Galliard Capital Management	Portfolio	39,190,803	39,190,803
Garcia Hamilton & Associates	Portfolio	39,567,321	39,567,321
Salem Trust: Goldman Sachs Treasury	MM	11,208	11,208
<b>TOTAL EQUITY IN POOLED CASH</b>			<b>\$181,886,921</b>
Petty Cash	Cash	6,525	6,525
<b>TOTAL CASH AND INVESTMENTS</b>			<b>\$279,107,426</b>

**Attorney Fees Paid During the Month**

NAME	DESCRIPTION	CHECK DATE	CHECK AMOUNT
Bell & Roper, P.A.	Las Olas vs COJB	06/06/19	54.00
Rogers Towers, P.A.	Segura Grievance, Metcalf Grievance, FOP	06/20/19	6,225.00
Sugarman & Susskind, P.A.	Attend Pension Meeting	06/20/19	2,155.66
Marks, Gray, PA	General Matters	06/27/19	12,713.00
<b>TOTAL ATTORNEY FEES</b>			<b>\$6,279.00</b>

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

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)



**Cash and Investments by Type**  
 Fiscal Year to Date  
 June 30, 2019

Type of Investment	Beginning Balance 10/1/2018	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment Income	Net Deposits (Withdrawals)	Ending Balance 6/30/19	Weighted Net Return*
State Pooled Investment Fund	14,966,730	395,119	0	0	0	395,119	6,431,107	21,792,956	0.26%
Money Market: Goldman Sachs Treasury	11,503	167	0	0	(461)	(294)	0	11,208	0.00%
U.S. Treasury Stripped Coupons	3,035,428	0	0	76,591	0	76,591	0	3,112,018	0.04%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	12,059,542	241,955	0	0	0	241,955	0	12,301,497	0.13%
Sawgrass Asset Management	44,007,963	761,283	(111,399)	1,270,041	(67,804)	1,852,121	(3,345,250)	42,514,834	1.01%
Insight Asset Management	29,483,930	(76,247)	(26,302)	0	(16,008)	(118,558)	(29,365,373)	0	0.00%
Galliard Capital Management	29,195,370	793,285	(169,549)	796,198	(50,892)	1,369,043	8,626,390	39,190,803	0.87%
Garcia Hamilton & Associates	29,630,798	948,040	(351,823)	407,275	(54,822)	948,670	8,987,853	39,567,321	0.59%
Florida Trust	0	268,156	0	0	0	268,156	18,500,000	18,768,156	0.29%
Operating Cash: Bank of America	8,094,657	14,986	0	0	(73,027)	(58,041)	(296,470)	7,740,146	-0.03%
Petty Cash	5,225	0	0	0	0	0	1,300	6,525	0.00%
<b>TOTAL CITY MANAGED INVESTMENTS AND CASH</b>	<b>170,491,145</b>	<b>3,346,745</b>	<b>(659,073)</b>	<b>2,550,105</b>	<b>(263,015)</b>	<b>4,974,762</b>	<b>9,539,558</b>	<b>185,005,464</b>	<b>2.84%</b>
Pension Fund: Salem Mutual Fund	33,858,339	1,258,658	94,819	614,885	(10,836)	1,957,526	12,295,891	48,111,756	2.50%
Pension Fund: Sawgrass Asset Mgt	23,857,182	600,701	209,294	1,138,672	(56,153)	1,892,515	0	25,749,697	2.17%
Pension Fund: Wells Capital	15,788,041	78,361	1,412,497	(700,249)	(45,758)	744,850	(1,350,000)	15,182,891	0.80%
Pension Fund: MD Sass	12,762,897	46,488	(403,710)	(74,500)	(35,282)	(467,005)	(12,295,892)	0	0.00%
Pension Fund: JPMCB - Strategic Property Fund	4,937,925	0	0	119,692	0	119,692	(0)	5,057,618	0.13%
<b>TOTAL PENSION INVESTMENTS</b>	<b>91,204,384</b>	<b>1,984,208</b>	<b>1,312,900</b>	<b>1,098,499</b>	<b>(148,029)</b>	<b>4,247,578</b>	<b>(1,350,000)</b>	<b>94,101,962</b>	<b>4.69%</b>
<b>TOTAL CASH AND INVESTMENTS</b>	<b>261,695,529</b>	<b>5,330,953</b>	<b>653,828</b>	<b>3,648,603</b>	<b>(411,044)</b>	<b>9,222,340</b>	<b>8,189,557</b>	<b>279,107,426</b>	

\*Fiscal year to date

Beaches Energy

Services

1460-A Shetter Ave

Jacksonville Beach

FL 32250

Phone: 904.247.6281

[www.beachesenergy.com](http://www.beachesenergy.com)

## MEMORANDUM

TO: Mike Staffopoulos, City Manager  
FROM: Allen Putnam, Director, Beaches Energy Services  
SUBJECT: Itron Handheld Units & Software for Meter Reading and Billing  
DATE: July 10, 2019

### ACTION REQUESTED

Approve the purchase of twelve (12) Itron mobile radio handheld devices and associated software from sole source provider Anixter Power Solutions.

### BACKGROUND

Beaches Energy's Meter Division currently utilizes Itron FCS300 handhelds along with Itron's MVRS collection system to gather consumption data from electric, water and natural gas meters for billing purposes. In 2006, Itron replaced their MVRS software with the new Field Collection System (FCS). In addition, the Itron FCS300 handhelds became obsolete as of January 2019, resulting in an inability to obtain parts should the units fail. We continue to utilize our current maintenance contract for routine preventative maintenance; however, this agreement is set to expire September 30, 2019.

Beaches Energy had plans to request capital funding to purchase the new software and handheld units in the FY 2019-2020 budget. However, Tyler Technologies recommended that we move forward with this purchase in the current year to provide adequate time to integrate the new Itron system and software with MUNIS Utility Billing module later this year. During discussions between the Finance Department, Utility Billing and Beaches Energy we all agreed that this would be the best course of action.

We received a quote from sole source provider Anixter Power Solutions. Funds will be included in the year-end budget modification.

### RECOMMENDATION

Approve the purchase of Itron mobile radio handheld devices and associated software through sole source provider Anixter Power Solutions for \$77,315.

### MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: Ordinance No. 2019-8120, establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City - Second Reading

Date: June 6, 2019

---

### ACTION REQUESTED:

Adopt Ordinance No. 2019-8120, establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

### BACKGROUND:

The subject oceanfront property is located on 1st Street North immediately south of the City's public pier parking lot in the Downtown Community Redevelopment District. The property currently consists of three contiguous lots, one with an existing building (Pier Cantina restaurant) on a portion of the lot, and the balance of the property containing a surface parking lot.

The property is subject to a 2010 Consolidated Settlement Agreement that allows it to be developed to a maximum building height of 56 feet, under the provisions of the RD zoning standards, and in accordance with the CBD site design and lot layout standards that were in effect in 2010. The applicant approached city staff about a proposed oceanfront hotel project in early 2019.

Since the proposed hotel with parking and amenities exceeds 50,000 square feet, rezoning from Central Business District: CBD to Redevelopment District: RD is required by code. Adjacent uses include the pier parking to the north, an existing restaurant/bar to the south, parking to the west across 1st Street and the public seawalk and the Atlantic Ocean to the east.

The proposed project contains the following components:

- 136 room Springhill Suites by Marriot hotel,
- Approximately 600 square feet of separate retail space at the northwest corner of the building, and a 2<sup>nd</sup> floor oceanfront restaurant/bar/pool area,
- Access to and from the public boardwalk from the 2<sup>nd</sup> floor pool deck on the east side of the hotel, and

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](http://www.jacksonvillebeach.org)



Memorandum  
Ordinance No. 2019-8120  
June 6, 2019

Page 1 of 2

- The developer proposes to provide 123 valet service parking spaces on the ground floor, accessible from 1st Street.
- The applicant will use the “payment in lieu of” program available to CBD businesses to address the balance of the hotel parking spaces, required above the number of provided valet spaces.

The applicant’s project narrative sets forth how the proposed oceanfront hotel furthers various objectives of the Downtown Community Redevelopment Plan, and outlines the project’s consistency with the City’s 2030 Comprehensive Plan. The hotel will bring additional daytime population to the downtown area while providing amenities accessible to the public from the boardwalk.

Additionally, the project will serve as an anchor to development along 4th Avenue North, which pursuant to the 2007 Vision Plan is identified as the “Pier Corridor”, an important east-west corridor where infill development is seen as an element of revitalization of the Central Business District.

The Community Redevelopment Agency met on May 28, 2019 and voted unanimously to recommend approval of the rezoning, finding it consistent with the Downtown Community Redevelopment Plan.

The Planning Commission also met and conducted a public hearing on May 28, 2019 and voted unanimously to recommend approval of the rezoning by the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2019-8120, establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Introduced by: Council Member Hoffman

1st Reading: 17 June 2019

2nd Reading: 15 July 2019

**ORDINANCE NO. 2019-8120**

**AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT:  
RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE  
BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE  
CODE OF ORDINANCES OF SAID CITY.**

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

**WHEREAS**, the owners of certain lands in the City, more particularly described herein, have applied to the City Council for the rezoning of those lands from *Central Business District: CBD* to *Redevelopment District: RD*; and

**WHEREAS**, the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and Community Redevelopment Agency and public testimony given at the public hearings.

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

**SECTION 1.** That the City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

**SECTION 2.** That the Land Development Code and Zoning Atlas previously adopted by the City Council of the City of Jacksonville Beach, Florida, be and the same is hereby amended and, as amended, shall henceforth read as follows:

That all of the certain territory in the City of Jacksonville Beach, Florida, described as follows, to wit:

Lots 1, 2, and 3, Block 41, Pablo Beach North, according to Plat Book 3, Page 28 of the current Public Records of Duval County, Florida; together with the southerly 5.00 feet of Fourth (4<sup>th</sup>) Avenue North adjoining said Lot 1; together with a part of Ocean Boulevard (as closed by the City of Jacksonville Beach Ordinance Number E-610), being all the lands lying easterly of said lots to the erosion control line as established by Plat Book 35, Pages 59, 59A and 59B of said Public Records.

Heretofore zoned as *Central Business District: CBD*, be and the same is hereby designated as *Redevelopment District: RD*, so that henceforth the same shall be classified and construed to be embraced within the meaning and subject of the general provisions of the *Redevelopment District:*

*RD* zoning category as provided in Article VII, Section 34-347 of the Jacksonville Beach Land Development Code (Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach, Florida), subject to the following additional limitations:

- A. The rezoning application dated April 26, 2019, including project narrative dated April 26, 2019, attached hereto as Exhibit A, and Preliminary RD Development Plan titled "Site Plan" and dated April 19, 2019, which have been submitted to the City of Jacksonville Beach Planning and Development Department, are hereby adopted and incorporated as part of this amendment to the Jacksonville Beach Land Development Code and Zoning Atlas.
- B. The project shall be generally carried out in accordance with the presentments of the rezoning application, project narrative, and conceptual site development plan, including but not limited to the following:
  - 1. Maximum building height - Fifty-six (56) feet.
  - 2. Permitted structure(s) shall be constructed in accordance with CBD site design and lot layout standards in effect on September 28, 2010.
  - 3. A maximum of 136 hotel rooms and a maximum of 2,000 square feet of commercial space shall be provided.
  - 4. Vehicular access will be provided on 1<sup>st</sup> Street North.
- C. Off-street parking within the subject property shall be provided through a combination of on-site valet parking service and utilization of the City's payment in lieu of parking program.
- D. Open space requirement will be met with the proposed pool, outdoor seating, and Boardwalk area.
- E. Landscaping within the subject property shall comply with the standards of Land Development Code Article VIII Division 3. Site Clearing and Landscape Standards.
- F. Signage within the subject property shall comply with the standards of Land Development Code Article VIII, Division 4. Sign Standards.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent the same may be in conflict, hereby repealed.

**SECTION 4.** This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
William C. Latham, MAYOR

\_\_\_\_\_  
Laurie Scott, CITY CLERK

DRAFT

# DEVELOPER



3H GROUP HOTELS, INC  
505 RIVERFRONT PARKWAY,  
CHATTANOOGA, TN 37402  
423-499-0497

ARCHITECTURE, MECHANICAL,  
ELECTRICAL, & PLUMBING ENGINEERING  
LINDSAY POPE BRAYFIELD CLIFFORD  
344 WEST PIKE STREET  
LAWRENCEVILLE, GEORGIA 30046  
770-963-8989

CIVIL ENGINEERING

LANDSCAPE ARCHITECTURE

STRUCTURAL ENGINEERING

INTERIOR DESIGN

FOOD SERVICE DESIGN

LIGHTING DESIGN

FIRE PROTECTION

AQUATICS DESIGN

# PROPOSED



## AT THE JACKSONVILLE BEACH PIER

L  
P  
B  
C  
LINDSAY POPE BRAYFIELD CLIFFORD  
344 WEST PIKE STREET  
LAWRENCEVILLE, GEORGIA 30046  
770-963-8989  
www.lpcba.com

DEVELOPER:

3H GROUP  
HOTELS, INC

NO ARCHITECTURAL PROJECTS  
OR ARCHITECTURE IN STATE  
PROJECTS

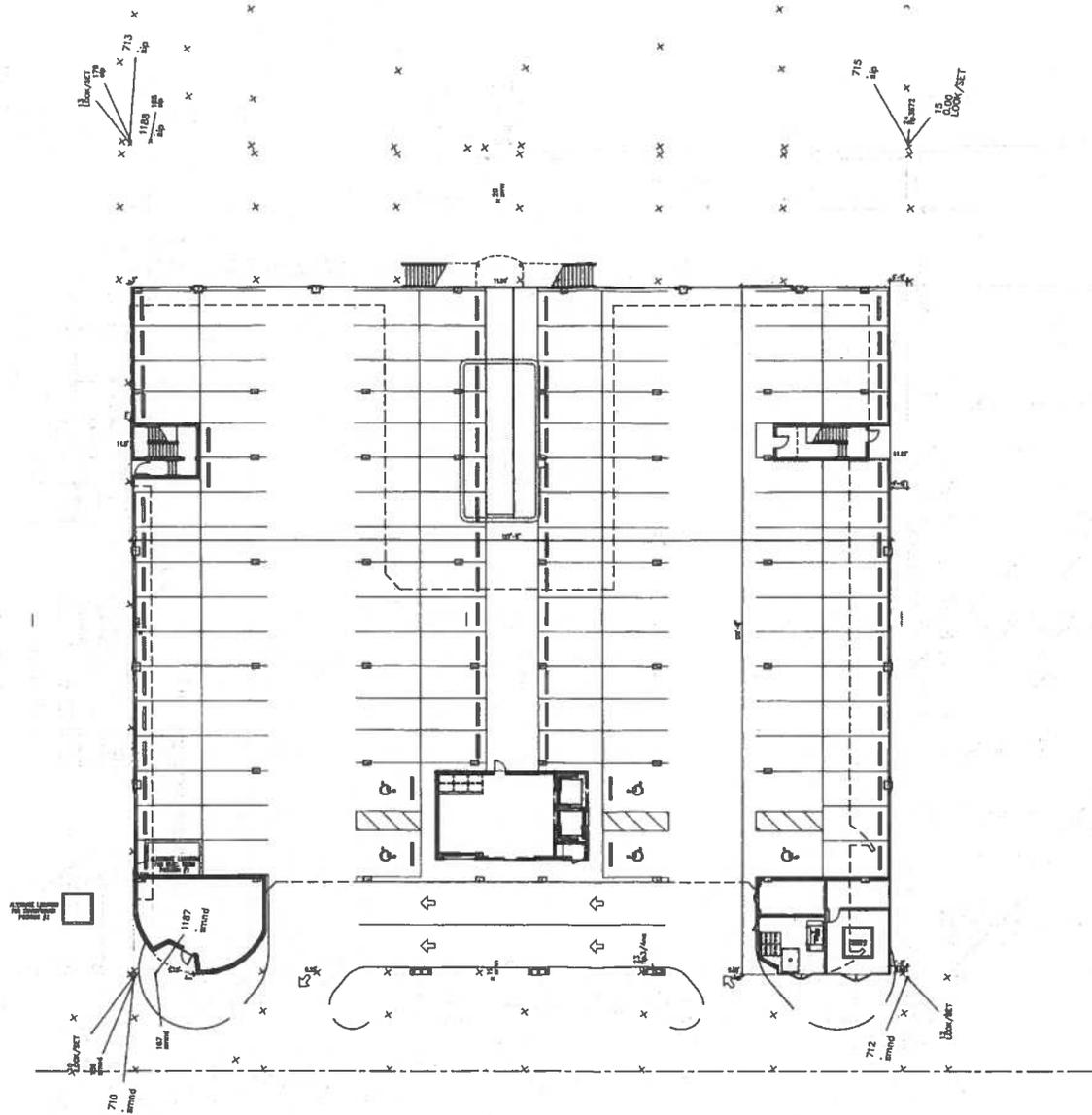
SPRINGHILL  
SUITES  
BY MARRIOTT  
JACKSONVILLE  
BEACH, FL

442 1ST STREET NORTH  
JACKSONVILLE BEACH, FL  
32250  
© 2011  
IN STATE 00-00-00

PROJECT NO. 210003  
LINDSAY POPE BRAYFIELD CLIFFORD  
344 WEST PIKE STREET  
LAWRENCEVILLE, GEORGIA 30046  
770-963-8989  
www.lpcba.com

COVER

G001



SITE PLAN

ARCHITECT:   
 ENGINEER:   
 DESIGNER:   
 LICENSED PROFESSIONAL ENGINEER  
 STATE OF FLORIDA  
 LICENSE NO. 12345  
 DATE: 01/15/2024  
 www.firm.com

DEVELOPER:  
**3H GROUP**  
 HOTELS  
 3H GROUP  
 HOTELS, INC.  
 ONE BAYVIEW PARKWAY  
 JACKSONVILLE, FL 32216  
 PROJECT:

  
 SPRINGHILL SUITES  
 BY MARRIOTT  
 JACKSONVILLE  
 BEACH, FL  
 400 1ST STREET NORTH  
 JACKSONVILLE BEACH, FL  
 32250  
 EXHIBIT  
 00 UPGRADE 04-18-10

PROJECT NO. 210000  
 SHEET NO.   
 DATE: 01/15/2024  
 DRAWN BY:   
 CHECKED BY:   
 APPROVED BY: 

SITE PLAN

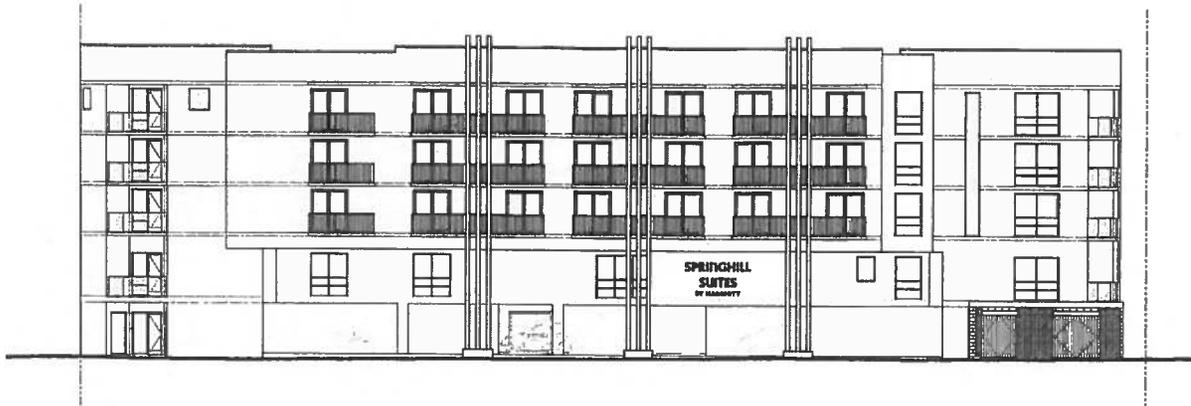
A100



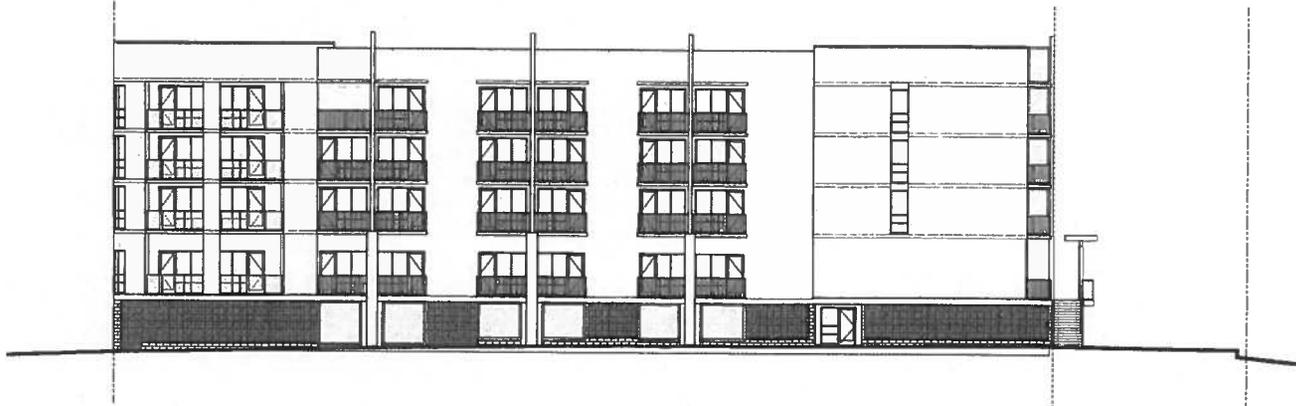








① WEST ELEVATION



② SOUTH ELEVATION

**L  
P  
B  
C**  
 LARRY POPE ARCHITECTS  
 222 WEST 10TH STREET  
 JACKSONVILLE, FL 32202  
 TEL: 904.255.1111  
 WWW.LARRYPOPEARCHITECTS.COM

DEVELOPER:  
**JH GROUP**  
 HOTELS  
 JH GROUP  
 HOTELS, INC.  
 200 BROADWAY PLAZA  
 GAITHERSBURG, MD 20878

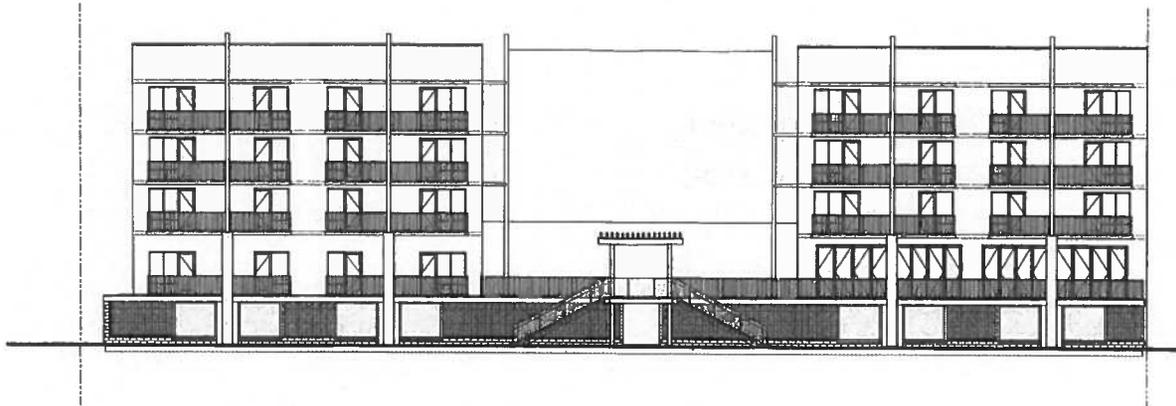
PROJECT:  
**SPRINGHILL SUITES**  
 SPRINGHILL SUITES  
 BY MARRIOTT  
 JACKSONVILLE  
 BEACH, FL

415 1ST STREET NORTH  
 JACKSONVILLE BEACH, FL  
 32258  
 EDITION  
 05/2014, 04-12-11

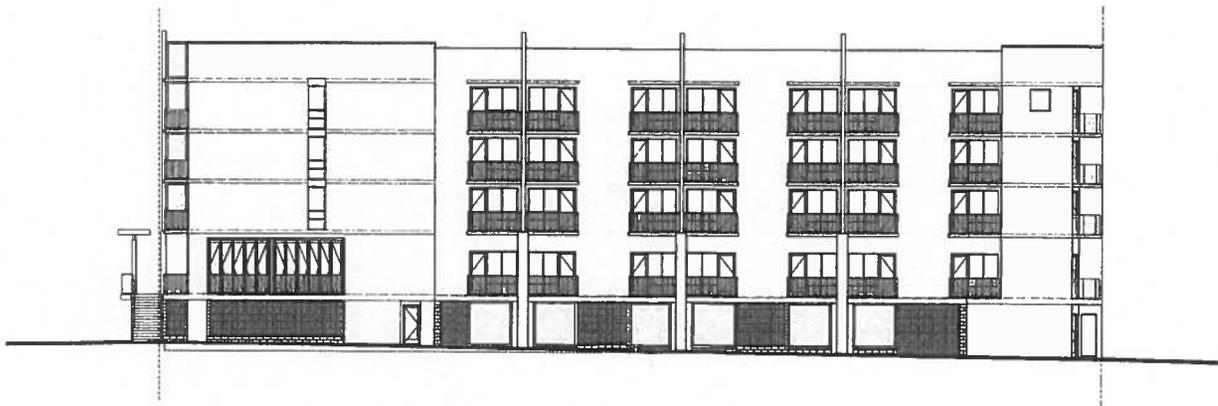
PROJECT NO: 019009  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 © 2014 JH GROUP  
 ALL RIGHTS RESERVED.

BUILDING  
 ELEVATIONS

A201



① EAST ELEVATION



② NORTH ELEVATION

**L  
P  
B  
C**

ARCHITECTURE  
PLANNING  
INTERIOR  
DESIGN

10000 W. BOULEVARD  
SUITE 100  
MIRAGE, FL 33449  
TEL: 561-231-1111  
WWW.LPBC.COM

DEVELOPER:

**3H GROUP**  
HOTELS

3H GROUP  
HOTELS, INC.

300 INTERNATIONAL PLAZA  
DUNEDIN, FL 32826

PROJECT:

**SPRINGHILL SUITES**  
HOTELS

SPRINGHILL SUITES  
BY MARRIOTT

JACKSONVILLE  
BEACH, FL

400 FT SPRING BROOK  
JACKSONVILLE BEACH, FL  
32209

EDITION:  
00 SPRING 00-00-10

PROJECT NO.: 210000

DATE: 01/01/10

DESIGNED BY:  
PROJECT NO.:  
DATE: 01/01/10

BY: [Signature]

FOR: [Signature]

BUILDING  
ELEVATIONS

A202



# REZONING/TEXT AMENDMENT APPLICATION

PC No. 10-19  
AS/400# 19-100047

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC 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 or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

### APPLICANT INFORMATION

Land Owner's Name: 412 Boardwalk Inc.  
Mailing Address: 2275 Atlantic Blvd, Ste. 100  
Neptune Beach, FL 32266

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

Applicant Name: Jax Pier Lodging Group, LLC  
Mailing Address: 505 Riverfront Parkway  
Chattanooga, TN 37421

Telephone: (423) 208-9833  
Fax: \_\_\_\_\_  
E-Mail: alex@grace-cc.com

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

Agent Name: Connelly & Wicker, Inc.  
Mailing Address: 10060 Skinner Lake Drive  
Jacksonville, FL 32246

Telephone: (904) 265-3030  
Fax: (904) 265-3031  
E-Mail: jwilliams@cweng.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: 412 1st Street N, 32250 / 174065 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: \_\_\_\_\_

### TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: \_\_\_\_\_

	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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	<input type="checkbox"/>	<input type="checkbox"/>

Applicant Signature: [Signature]

Date: 2/12/2019

**CAPTION**

**LOTS 1, 2, AND 3, BLOCK 41, PABLO BEACH NORTH, ACCORDING TO PLAT BOOK 3, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; TOGETHER WITH THE SOUTHERLY 5.00 FEET OF FOURTH (4TH) AVENUE NORTH ADJOINING SAID LOT 1; TOGETHER WITH A PART OF OCEAN BOULEVARD (AS CLOSED BY THE CITY OF JACKSONVILLE BEACH ORDINANCE NUMBER E-610), BEING ALL THE LANDS LYING EASTERLY OF SAID LOTS TO THE EROSION CONTROL LINE AS ESTABLISHED BY PLAT BOOK 35, PAGES 59, 59A AND 59B OF SAID PUBLIC RECORDS.**

**AGENT AUTHORIZATION AFFIDAVIT**

February 15, 2019

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

Re: 412 & 0 North 1<sup>st</sup> Street, Jacksonville Beach, Florida 32250 ("Property")

To Whom It May Concern:

I, Chris Hionides, on behalf of 412 BOARDWALK, INC. and 422 BOARDWALK, INC. (collectively, "Owner"), owners of the Property, hereby grant Driver, McAfee, Hawthorne & Diebenow PLLC ("Agent"), the authorization and empowerment to act as Owner's agent to file application(s) for rezoning and other development applications for the Property, and in connection with such authorization, Agent is authorized to sign and execute any documents and take all other actions necessary to effectuate the purpose and intent of such applications.

412 BOARDWALK, INC.

  
\_\_\_\_\_  
Chris Hionides

422 BOARDWALK, INC.

  
\_\_\_\_\_  
Chris Hionides

Subscribed and sworn to before me this 22<sup>nd</sup> day of February 2019.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 1-19-2022



**AGENT AUTHORIZATION AFFIDAVIT**

February 15, 2019

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

Re: 412 & 0 North 1<sup>st</sup> Street, Jacksonville Beach, Florida 32250 ("Property")

To Whom It May Concern:

I, Chris Hionides, on behalf of 412 BOARDWALK, INC. and 422 BOARDWALK, INC. (collectively, "Owner"), owners of the Property, hereby grant Connelly & Wicker, Inc. ("Agent"), the authorization and empowerment to act as Owner's agent to file application(s) for rezoning and other development applications for the Property, and in connection with such authorization, Agent is authorized to sign and execute any documents and take all other actions necessary to effectuate the purpose and intent of such applications.

412 BOARDWALK, INC.

  
Chris Hionides

422 BOARDWALK, INC.

  
Chris Hionides

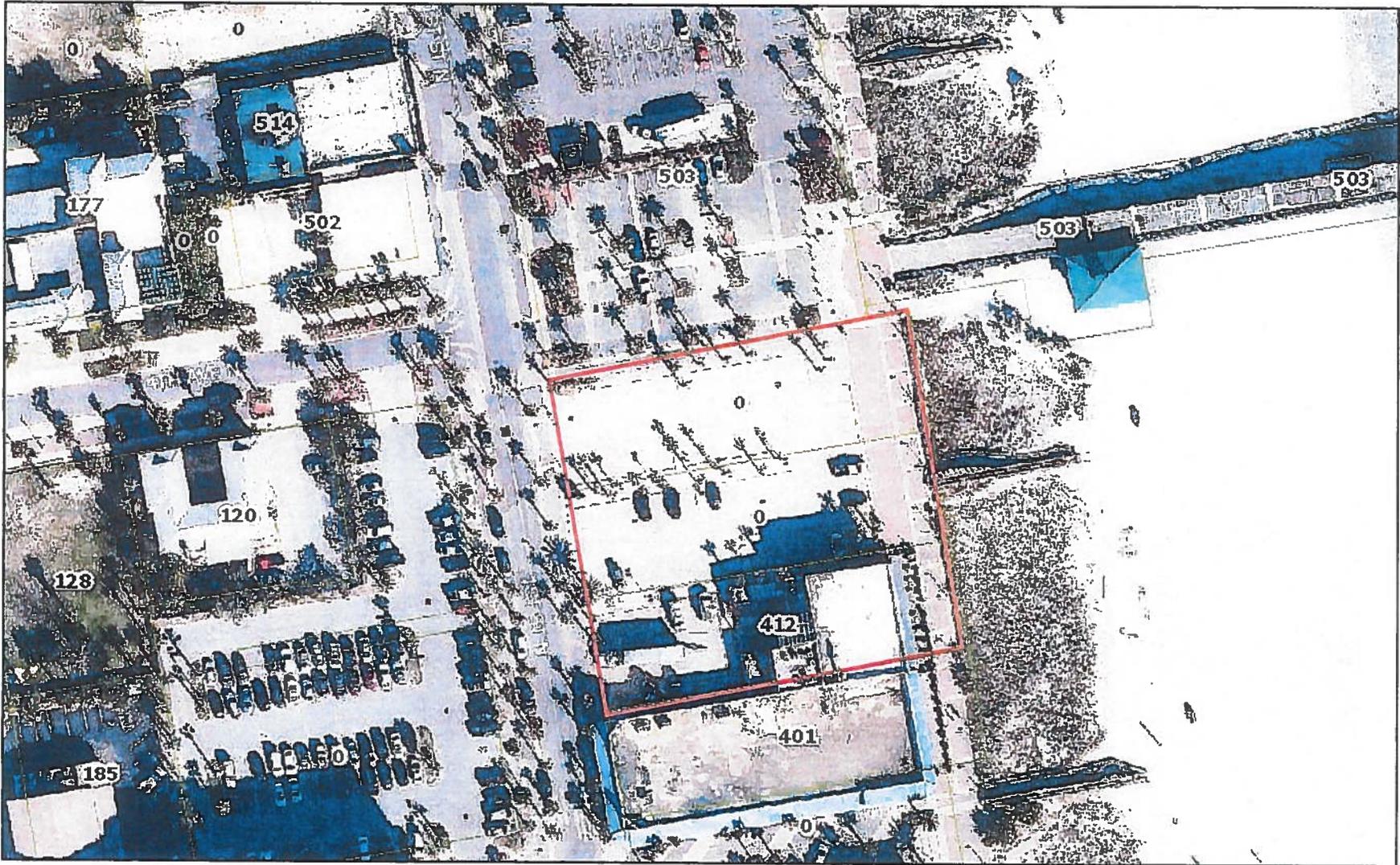
Subscribed and sworn to before me this 18<sup>th</sup> day of February 2019.



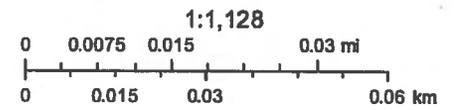
  
Notary Public

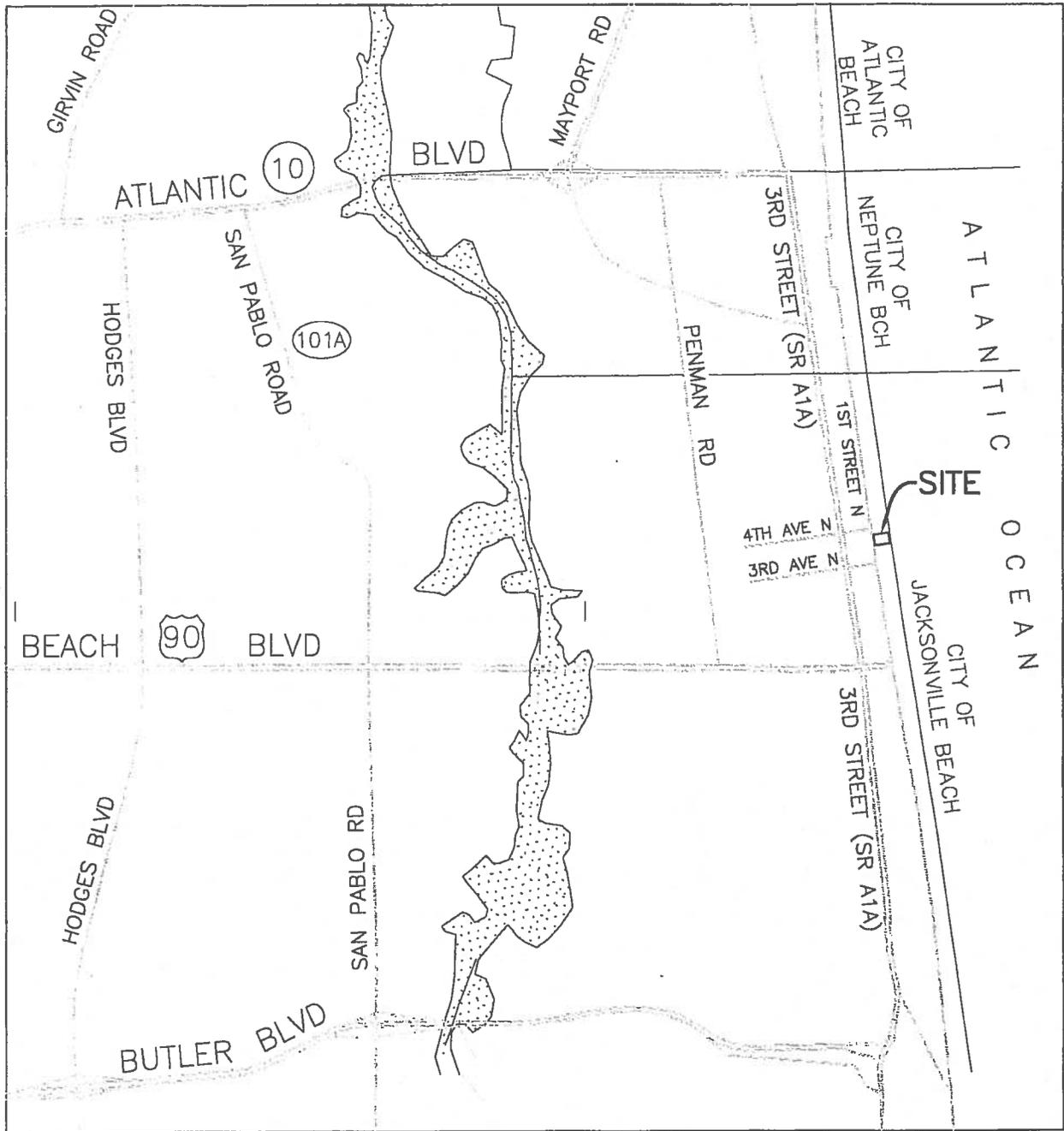
My Commission Expires: 07-04-2022

# Duval Map



February 20, 2019





# VICINITY MAP

NOT TO SCALE

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

Mr. Chris Hionides  
412 BOARDWALK, LLC AND 422 BOARDWALK, LLC  
2440 MAYPORT ROAD, UNIT 7  
Jacksonville, Florida 32233

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

**Jax Pier Lodging, LLLP (the "Applicant" or "Developer")**  
C/O: Hiren Desai  
505 Riverfront Parkway  
Chattanooga, TN 37421

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

**Mr. Richard C. Welch, P.E.**  
CONNELLY & WICKER, INC.  
10060 Skinner Lake Drive, Suite 500  
Jacksonville, FL 32246  
(904) 265-3030

**Steven Diebenow**  
Driver, McAfee, Hawthorne & Diebenow PLLC  
One Independent Drive, Suite 1200  
Jacksonville, Florida 32202  
Direct: (904) 807-8211  
Fax: (904) 301-1279

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

**Mr. Richard C. Welch, P.E.**  
CONNELLY & WICKER, INC.  
10060 Skinner Lake Drive, Suite 500  
Jacksonville, FL 32246  
(904) 265-3030

**Steven Diebenow**  
Driver, McAfee, Hawthorne & Diebenow PLLC  
One Independent Drive, Suite 1200  
Jacksonville, Florida 32202  
Direct: (904) 807-8211  
Fax: (904) 301-1279

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.**

**Property Address (the "Property")**

412 and 422 1st Street North  
Jacksonville Beach, FL 32250

**Legal Description**

LOTS 1, 2, AND 3, BLOCK 41, PABLO BEACH NORTH, ACCORDING TO PLAT BOOK 3, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; TOGETHER WITH THE SOUTHERLY 5.00 FEET OF FOURTH (4TH) AVENUE NORTH ADJOINING SAID LOT 1; TOGETHER WITH A PART OF OCEAN BOULEVARD (AS CLOSED BY THE CITY OF JACKSONVILLE BEACH ORDINANCE NUMBER E-610), BEING ALL THE LANDS LYING EASTERLY OF SAID LOTS TO THE EROSION CONTROL LINE AS ESTABLISHED BY PLAT BOOK 35, PAGES 59, 59A AND 59B OF SAID PUBLIC RECORDS.

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

Please see attached.

7. **An 8.5"x11" vicinity map locating the proposed land for development**

Please see attached.

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.**

**A. Reason for Rezoning**

Pursuant to the City of Jacksonville Beach's Land Development Code ("LDC") Section 34-345 - Central Business District ("CBD"), "buildings or developments containing single or multiple uses listed herein and which exceed fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to redevelopment district: RD or planned unit development: PUD district standards and procedures". However, in addition to this LDC requirement, the Property is also subject to the 2010 Consolidated Settlement Agreement (Case No. 16-2006-CA-006294) that further stipulates the following:

"4. Notwithstanding paragraph 1., 3. of this Settlement Agreement, development review of site plans for any parcel subject hereto shall be processed under Section 34-345 (Central Business District: CBD) of the LDC, as it existed on November 1, 2004; however, development proposals which exceed 50,000 square feet of gross floor area or 50 feet in height shall be processed under the provisions of the Section 34-347 (Redevelopment District: RD) zoning standards; and shall be constructed in accordance with the CBD site design and lot layout standards in Section 34-345(e) (Central Business District: CBD) of the LDC, as currently in effect."

Because the proposed Marriott hotel (the "Marriott") will exceed the thresholds in the 2010 Consolidated Settlement, a rezoning from Central Business District: CBD to Redevelopment District (RD) is required for the Property. In accordance with the 2010 Consolidated Settlement Agreement, the RD district in effect as of September 28, 2010 shall govern the review of this application.

**B. Existing Site Conditions**

The Property is bounded on the North by a City Parking Lot, on the West by 1<sup>st</sup> Street North, on the South by a restaurant/bar building owned by Beach Mermaid, Inc. and on the East by the Atlantic Ocean. The site is currently developed as a restaurant and supporting parking lot.

**C. Consistency with Surrounding Uses**

Currently, the existing uses surrounding the Property are consistent with the uses proposed in this application. The surrounding uses are as follows:

North	City of Jacksonville Beach owned surface parking lot
West	Jacksonville Beach CRA owned surface parking lot
South	Restaurant / Bar
East	Atlantic Ocean

**D. Consistency with Land Development Code (LDC)**

The Marriott will meet the purpose and intent of the Redevelopment District (RD) as set forth in Section 34-347 of the City of Jacksonville Beach Land Development Code (LDC). The Marriott is designed to achieve "a diversity of uses in a desirable environment" by proposing hotel with limited retail uses in a concise and consistent built environment. Furthermore, the Marriott will meet or exceed all development standards set forth in this section including:

Site Development Table

Land Area	0.997 acres +/-	
Permitted Uses	Mixed Use (Commercial/Hotel)	
Proposed Uses		
Retail	2,000 maximum square feet*	
Hotel	136 Hotel Rooms and ancillary uses	
Lot Coverage	100% Maximum	
Building Setback requirements	1st Street	0'
	4th Avenue	10'
	Atlantic Ocean	The more restrictive of 10' or the Oceanfront Extent Line as established by the FDEP (Pools, decks, seating areas, cabanas, etc. shall be allowed east of the FDEP established oceanfront extent line)
	South	0'
Traffic circulation control and	Vehicular access planned from 1 <sup>st</sup> Street North	
Off-street parking and loading	Minimum parking required per COJB LDC Section 34-377 is 136 parking spaces for the hotel (1 space/guest room) PLUS 2 parking spaces for the retail (1 space/500 sq.ft. of floor area). Fulltime mandatory valet parking services are proposed. Applicant is able to provide 123 parking spaces (121 for the hotel and 2 for 610 sq.ft. of retail floor area) including full time valet service as shown on the site plan dated April 19, 2019. ADA Parking Requirements are fully met on site. The applicant intends to make a payment "in-lieu of providing off-street parking spaces" to account for any shortfall.	
Open space requirement	Plaza, Pool, Outdoor Seating, Seawalk etc.	
Signage	Code Minimum per LDC Article VIII, Division 4	
Landscape	Code Minimum per LDC Article VIII, Division 3	
Environmental	Stormwater management provided as required	

Utility Easements	Provided as required
Adequate public facilities	Sufficient public facilities available
Tentative Development Schedule	Commencement 2019; Completion 2021
Comprehensive plan consistency	See below

While the Marriott meets or exceeds the above site development requirements, two points require further explanation. First, in the RD zoning District, access would typically be prohibited along 1<sup>st</sup> Street North and encouraged along side streets. However, due to the proximity of the City of Jacksonville Beach public parking lot, adjacent and immediately north of the Marriott, access is only available from 1<sup>st</sup> Street North (without disturbing the City's public parking lot) because the Property does not have any access to 3<sup>rd</sup> Avenue North. Second, to enhance the Marriott, the Applicant is proposing to provide outdoor amenities eastward of the building, within a 35 foot setback created by Ordinance 4512 (adopted in April 1946). Such amenities are contemplated in Ordinance 4512, although an approval of a slight adjustment in the size of such amenities may be required by the Jacksonville Beach CRA and/or the Jacksonville Beach City Council.

**E. Consistency with the Jacksonville Beach Community Redevelopment Plan**

The Marriott will achieve redevelopment objectives set forth in the Jacksonville Beach Community Redevelopment Plan, including but not limited to:

- a. Enhancing safety;
- b. Improving walkability;
- c. Improving ocean views and beach access;
- d. Creating a family friendly environment;
- e. Maintaining a small community feel;
- f. Developing through a compact design, that complements the existing development pattern,
- g. Utilizing a mixed-use development within the CBD, oriented to recreation, entertainment, specialty retail, tourism, and hotel operations;
- h. Celebrating Jacksonville Beach Assets by connecting the Seawalk and Jacksonville Beach Pier, thereby enhancing useable open space in the community redevelopment area to support and encourage greater pedestrian activity;
- i. Improving the Pier Corridor;
- j. Continuing the high-quality standards of new development and rehabilitation consistent with the desired image of Jacksonville Beach.
- k. Creating an exemplary public environment consisting of streets, pedestrian walks, and spaces for Jacksonville Beach.

The Marriott will have a maximum building height of fifty-six (56) feet and is planned to consist of ground floor retail, hotel access and valet parking; and up to four floors of hotel uses. The development will be one-hundred (100%) percent commercial (retail and hotel) in gross square footage. In accordance with the Central Business District (CBD) standards, the front yard setback along 1<sup>st</sup> Street North (western property line); northern property line and southern property line shall all be zero (0) feet, while the eastern property line setback shall be the greater of 10' or 0' from the Oceanfront Extent Line as established by the FDEP. The design, character, and architectural style of the proposed development will result in a unified, cohesive, and compatible plan of development within the Community Redevelopment Plan area. A Conceptual Building Elevation, dated April 19, 2019, is included as an attachment to the rezoning application.

#### **F. Consistency with Comprehensive Plan**

The Marriott includes an optimal mix of hotel and retail uses to ensure that the development is consistent with the goals and objectives of the Jacksonville Beach 2030 Comprehensive Plan. The hotel and retail use included in this development specifically supports Jacksonville Beach's tourism industry.

The Applicant also will provide space for commercial and retail uses, that will engage the pedestrians along 1<sup>st</sup> Street North and support the economic vitality of the downtown area. Outdoor recreation in the Marriott consists of a pool with outdoor seating, Seawalk and beach-front features. These outdoor features, as well as the public beach access that will be preserved and expanded during development, provide adequate recreation for residents and tourists alike while also conserving the natural aesthetics of the downtown beach. The Marriott also addresses building design, landscaping, and parking in order to support an attractive streetscape. The nature and design of the Marriott provides for a continued high quality of life in Jacksonville Beach.

The following objectives from the Jacksonville Beach 2030 Comprehensive Plan are specifically addressed in this development:

##### **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.

**Policy LU.1.3.3**

The City shall support and encourage redevelopment of the core downtown area, that area within the Central Business District: CBD zoning district boundaries, in accordance with its Downtown Vision Plan, through public investments and the development of detailed site design regulations to guide private development within the CBD. These design regulations shall be incorporated into the *Central Business District: CBD Zoning District* regulations of the Jacksonville Beach Land Development Code by November, 2011, and shall address such aspects as building design and frontage requirements, landscaping, and location of parking facilities and driveways.

**Policy LU.1.4.8**

Adequate recreation and open space facilities shall be developed over the planning period to provide the adopted level of service for existing and projected population in accordance with the goals, objectives, and policies set forth in the Recreation and Open Space Element.

**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 uses in the Redevelopment Area will be guided by the site development plans approved as part of the Downtown Redevelopment Plan.

**Policy LU.1.7.2**

Encourage development/redevelopment at an appropriate scale, form, and density/intensity to support more economical and efficient public bus transit service.

**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.

**Objective CM.2.1.1**

Shoreline land uses which incorporate public uses and access to shorelines and coastal resources shall have priority during development and redevelopment.

**Objective RO.1.8**

Throughout the planning period, the City shall ensure that public access to the beachfront and Atlantic Intracoastal Waterway is maintained and improved.

**Policy RO.1.8.1**

Existing public access to the beach shall be maintained by new development or redevelopment. New beachfront development or redevelopment shall show on their site plans existing provisions for beach access, and the proposed development or redevelopment shall continue the current form of access, modify it in a comparable fashion on-site, or donate to the City an improved provision for public access elsewhere in the City.

**Policy RO.1.8.2**

New beachfront development or redevelopment shall not result in a net loss of public parking for beach visitors. Replacement parking must be no less convenient for beach visitors than that it replaces.

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.**

The owner intends on developing and owning the hotel in the name of Jax Pier Lodging LLC and / or it's successors.

10. **A written description of the proposed development including:**

- (a) **The number and type of residential dwelling units.**

There are no residential units.

- (b) **Approximate gross density for the residential development**

0 units / acre

- (c) **The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.**

Property Boundary = ±43,417 sq. ft  
Building Envelope = ±35,619 sq. ft.  
Beachside Public Use = ±7,053 sq. ft.

Floor	Usage	Square Footage
First	Hotel Access /Retail/Parking	35,619
Second	Hotel Lobby, Ancillary Uses & Rooms (enclosed area)	29,886
Third	Hotel Rooms (enclosed area)	24,353
Fourth	Hotel Rooms (enclosed area)	24,353
Fifth	Hotel Rooms (enclosed area)	24,353

(d) **Calculations showing the total lot coverage for building and accessory uses.**

Building Envelope	=	±35,619 sq. ft.	82.0%
Setbacks/Public Use Area	=	±7,798 sq. ft.	18.0%
Property Boundary	=	±43,417 sq. ft.	100%

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

Please see attached.

12. **A tentative development schedule indicating:**

(a) **The approximate date when construction of the development can be expected to begin.**

September 2019

(b) **The stages in which the development will be built and the approximate date when construction on each stage can be expected to begin.**

Construction Stage	Description of Stage	Begin Date
I	Site Preparation	September, 2019
II	Foundations	October, 2019
III	Vertical Construction	November, 2019
IV	Hotel Opening	January, 2021

PC#10-19





## Heather Ireland

---

**From:** Paul Scott <pscott0605@gmail.com>  
**Sent:** Sunday, June 09, 2019 7:15 PM  
**To:** Heather Ireland  
**Subject:** SpringHill suites / Jax Beach

Heather,

My name is Paul Scott and I am one of the owners of V pizza and it's 6 sister bars located in and around north Florida. We have a location located at the corner of 1st street and 5th ave north, almost directly across the street from the proposed site.

While I see the project as a positive for my business in many ways, I also see it at as a large win for the councils vision of the Jax Beach business district.

Hotels add population to the city center without adding drivers. While alcohol consumption/abuse/violence has been at the forefront of everyone's mind the last few years, this would provide approximately 360 patrons nightly to local businesses that would be visiting on foot from their hotel versus driving in.

It also brings a much needed tourist population to Jax beach. Historically, tourism to other Florida beaches happen predominantly January and February as Northeastern residents attempt to flee the cold. Because Jax beach gets virtually no "tourism" business, the revenues to small businesses die in those two months causing a higher rate of failure and turnover.

People staying in hotels also tend to retire back to the room earlier in the night. This is the type business that Jacksonville beach residents would rather have if it must give way to commerce and growth.

I am a Ponte Vedra resident, Jax Beach business owner and graduate of Fletcher HS. I hope that my vote in favor of this project carries its due weight.

Thanks so much!

Paul Scott

## Heather Ireland

---

**From:** Jeremy M. Paul <jpaul@orrcook.com>  
**Sent:** Friday, June 07, 2019 3:06 PM  
**To:** Heather Ireland  
**Subject:** Proposed SpringHill Suites Development

Ms. Ireland,

Happy Friday. I am writing to express my support for the proposed SpringHill Suites development, which I believe is currently under review (submitted by Jax Pier Lodging LLLP). I support this development because I believe it is consistent with other recently-approved developments, all of which should increase tourism and facilitate commerce in the area. My firm, which is based downtown, also uses similar facilities to host annual retreats and other events for clients. We frequently stay at One Ocean, but look forward to having other options, such as the SpringHill Suites development in the future.

Thank you for your time and have a great weekend.

-Jeremy

**Jeremy M. Paul, Esquire**  
DAWSON | ORR  
The Bank of America Tower  
50 North Laura Street  
Suite 1675  
Jacksonville, FL 32202  
(904) 358-8300 (p)  
(904) 358-8303 (f)  
[jmp@dawsonorr.com](mailto:jmp@dawsonorr.com)  
[www.dawsonorr.com](http://www.dawsonorr.com)

 Please consider the environment before printing this e-mail.

**Email Confidentiality Notice**

This e-mail transmission and any documents, files or previous e-mail messages attached to it, are confidential and are protected by the attorney-client privilege and/or work product doctrine. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of any of the information contained in, or attached to this e-mail transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify me by forwarding this e-mail to [jmp@dawsonorr.com](mailto:jmp@dawsonorr.com), or by telephone at (904) 358-8300 and then delete the message and its attachments from your computer.



TO: Whom It May Concern

FROM: Coach Frankie, Home owner Metropolitan.

RE: Springhill Suites, Marriott

DATE: 5-21-2019

Please review the picture above, it is an important piece of this correspondence . The proposed Marriott at Jacksonville Beach Pier is certainly a project that needs a considerable amount of attention. Please allow me to outline my concerns:

1. Marriott already has a multitude of hotels in the area which has overwhelmed much of our infrastructure.
2. A shortage of parking spaces already exist at the beach area. Marriott will provide parking for guest, but when guest arrive to visit the guest, that becomes a huge issue. An Influx of street traffic in the area will become an issues for the home owners in the area and puts the beach atmosphere at risk.
3. Infrastructure in such a small area will become even more taxed then it is now. several of the existing complexes are in need of repair and lack of parking adds to their demise.
4. With the proposed shopping and dining at the Marriott , each of the for mentioned are increased greatly. It is , and will be a burden to the home owners who pays taxes and supports the beach area in every way. To disregard this population would be a sad state of affairs.
5. Is Marriott willing to **compensate** the home owners that will lose so much in the event the hotel project is passed ? Why should the community lose for the self gain of the Marriott cooperation.
6. The picture above represents a view of many home owners, who have invested hundreds of thousands of dollars just for that beach experience and view of that beautiful area. The proposed Marriott will totally obstruct that view. This Marriott hotel would totally disregards the many residents who have invested so much of their retirement years, only to see this Marriott Hotel be constructed for their personal gain that benefits outsiders that have no ownership in this beautiful area .

**In conclusion, it is obvious the city would benefit from another hotel in the area, but the ramification would be irreversible to your community at large. Please vote NO on this proposal.**



TO: WHOM IT MAY CONCERN

FROM: Diane Alexon, Home owner Metropolitan

RE: Springhill suites Marriott

DATE: 5-23-2019

This is a normal week day at the beach, and the weekends bring traffic and congestion to a peak level. By adding yet another Marriott hotel would create a hardship on the area already overwhelmed. It is very concerning to me that the Marriott Corporation needs to have another hotel in this local community. There is already enough hotels in this small beach community that the locals want to keep LOCAL! We are trying to keep this area protected from becoming another over populated beach area, that will only bring in more traffic, more crime, chaos, & not another Miami beach over populated, over congested area.

There are several concerns that need to be considered here:

- The local businesses are not in favor of additional shops and restaurants
- This will bring an influx of traffic to the area, which is already congested.
- The higher density if the main aggravation to passionate beach goers, home owners, business owners , who want to preserve the less dense development.
- Corporations start out with 1 wish and then it turns into an amended plan to allow the higher density on the entirety of the property.
- The city put in place development plans in decades ago to ensure the area stays preserved. We don't need these corporations to amend any of these put in place as they want to.
- There are already plans in place just down the beach for more development which will in turn create more congestion to this small beach town, these projects started out controversial, if they are concerned about the community support they need to listen to the community and VOTE NO on this agenda.
- People have invested a great deal of money to secure their investments, and the negative congestion, chaos, crime, traffic will not be fair to the homeowners in this community.

## Cathy Martinich

---

**From:** Steven Gold <steventgold@gmail.com>  
**Sent:** Tuesday, May 21, 2019 1:35 PM  
**To:** Planning Division; Cathy Martinich  
**Subject:** Marriott Springhill Suites

I am the owner of the business unit 712 at the metropolitan building. I am firmly against the rezoning request. A wonderful new restaurant is a much better use and consistent with the zoning instead of another hotel where there is inadequate parking already for the metropolitan building business users. Jobs at the beach are a rare find and if you impact the parking with more hotels the jobs will need to move to town center and other areas. Thanks for listening.

Steven Gold

## Cathy Martinich

---

**From:** jalexon <jalexon@comcast.net>  
**Sent:** Tuesday, May 21, 2019 9:05 AM  
**To:** Cathy Martinich  
**Subject:** Marriott Springhill development

Please forward this email to planning council in the event it did not get to them.  
Thanks.

---

**From:** jalexon [mailto:jalexon@comcast.net]  
**Sent:** Monday, May 20, 2019 3:59 PM  
**To:** 'Planning@jaxbchfl.net'  
**Subject:** Marriott Springhill development

Dear Planning Council,

We are the owner of properties listed under Jacksonville Beach Properties, Inc. We are a 40,000 SF office/retail complex adjacent to this proposed development at 333N 1<sup>st</sup> St, as well as owners of 6 condominium units at the Metropolitan across the street.

We are in full support of this project and believe it will be a great asset to the CBD.

A few residents at the Metropolitan are opposed to this project, mainly concerned about their view. I was involved in the development of that building and can tell you that the parking garage reaches a height of 55 ft. Thus the first upper habitable floor is higher than the proposed 50 ft height of this hotel.

This development is to replace a old building that serves as a restaurant and bar. I see no down side for the Metropolitan, it should have less traffic than the restaurant with 150 seats. It also will bring quality patrons to the CBD, helping the retail and restaurants in the district.

Excited to see this and other quality developments.

Sincerely,  
John Alexon -VP  
Jacksonville Beach Properties, Inc.

**Stacy M. Tinker**

---

**From:** jalexon <jalexon@comcast.net>  
**Sent:** Monday, May 20, 2019 3:59 PM  
**To:** Planning Division  
**Subject:** Marriott Springhill development

Dear Planning Council,

We are the owner of properties listed under Jacksonville Beach Properties, Inc. We are a 40,000 SF office/retail complex adjacent to this proposed development at 333N 1<sup>st</sup> St, as well as owners of 6 condominium units at the Metropolitan across the street.

We are in full support of this project and believe it will be a great asset to the CBD.

A few residents at the Metropolitan are opposed to this project, mainly concerned about their view. I was involved in the development of that building and can tell you that the parking garage reaches a height of 55 ft. Thus the first upper habitable floor is higher than the proposed 50 ft height of this hotel.

This development is to replace a old building that serves as a restaurant and bar. I see no down side for the Metropolitan, it should have less traffic than the restaurant with 150 seats. It also will bring quality patrons to the CBD, helping the retail and restaurants in the district.

Excited to see this and other quality developments.

Sincerely,  
John Alexon -VP  
Jacksonville Beach Properties, Inc.

**Stacy M. Tinker**

---

**From:** Meade Marston-Coplan <meadebiz@gmail.com>  
**Sent:** Wednesday, May 15, 2019 4:45 PM  
**To:** Planning Division  
**Subject:** [POSSIBLE SPAM] NO TO MARRIOTT

1. WE DON'T NEED MORE HOTELS IN JAX BEACH
2. WE NEED SMALL BOUTIQUES, RETAIL, QUANT BEDS AND BREAKFASTS, LOW IMPACT TRAFFIC GENERATORS, MORE PEDESTRIAN ATTRACTIONS, MUSEUMS, LESS CRIME, LESS NOISE.
3. NO HOTEL UNLESS YOU INCREASE POLICE PATROLS.
4. WE THOUGHT YOU WERE TRYING TO MAKE JAX BEACH MORE ARCHITECTURALLY APPEALING? MARIOTT IS UGLY.
5. MORE LANDSCAPING.

QUESTION? JUST WHAT IS JAX BEACH TRYING TO BE?

THANK YOU, MEADE AND AL COPLAN/METROPOLITAN

**Stacy M. Tinker**

---

**From:** Aaron Houser <aaron@rebaterentals.com>  
**Sent:** Tuesday, May 14, 2019 7:09 PM  
**To:** Planning Division  
**Subject:** Marriott Springhill Suites

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

It's my opinion that adding another 5-story hotel next to the pier while might be the highest and best use for tax revenue, it's a major pain point for folks that already live in the neighborhood and have been paying taxes for years. This section is already nuts on the weekends without the additional traffic load that this will bring. With that said, I'm not completely against improving the area with a higher use but it would be nice to balance it with mixed uses that can also benefit the locals and not just the weekend warrior that doesn't have affinity and respect for the neighborhood. In turn, the locals can help support the local establishments without increasing traffic, noise, and crime.

Respectfully,

Aaron



Aaron J. Houser  
Lic. Real Estate Broker

[RebateRentals.com](http://RebateRentals.com) Realty, Inc.  
6817 Southpoint Parkway, Suite 1603  
Jacksonville, Florida 32216  
(904) 281-2100 Office  
(904) 621-9988 Fax

[Search MLS](#) or [Search New Homes](#)

All offices are independently owned and operated.

DISCLAIMER: [RebateRentals.com](http://RebateRentals.com) Realty, Inc. aides in the transmittal of written communication between property owners and tenants. Any verbal representations must be in writing with mutual acceptance to have effect. All decisions are made solely by the property owner.

**Stacy M. Tinker**

---

**From:** Steven Gold <steventgold@gmail.com>  
**Sent:** Tuesday, May 14, 2019 6:35 PM  
**To:** Planning Division  
**Subject:** Unit 712

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I'm the owner of the metropolitan building unit 712 and against the proposed Marriott Springhill suites. The best use of the space is a redeveloped restaurant - same use. Thanks!

Sent from my iPhone

**Stacy M. Tinker**

---

**From:** nayla chahlavi <nayla222@hotmail.com>  
**Sent:** Tuesday, May 14, 2019 9:39 PM  
**To:** Planning Division  
**Subject:** Re: Spring Hill suites

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

My name is Nayla chahlavi and I own a unit at the Metropolitan building, on 320 1st street, unit 907.

I would like to state my disapproval for permitting this hotel due to crime concern, traffic congestion and noise level.

Thank you,

Nayla chahlavi

Sent from my iPhone

On Thursday, May 16, 2019, Plannng@jaxbchfl.net <Plannng@jaxbchfl.net> wrote:

To whom this may concern

I am a resident at 3201st Street North Unit 810 Jacksonville Beach in the Metropolitan Building . I am writing about the proposal to tear down the Pier Restaurant and replace it with a Five Story Marriot Springhill Suites Hotel. I think it is absurd to consider adding yet another hotel to this section of the Jacksonville Beach community. The congestion, Traffic, crime and parking are a nightmare now and this would exacerbate the problems immensely. The infrastructure is too small and clogged already . Within 8 blocks of this proposed area for another hotel, we have a Marriot Courtyard, Hampton Inn, the Element Boutique Hotel coming in the Museum, Casa Marina, Margaritaville, Best Western, Sheraton Four Points, and even another hotel going into the spot across from MacDonalds on 1st Ave. South not to mention the Waterfall Condos being built down the street on 1st Street.South. Traffic for all of us is a nightmare already especially on the weekends. The Beach Bars draw enough extra with limited parking and we pay a large HOA fee to keep our residences and parking lots safe and protected. We do not need to add to the present Jacksonville Beach reputation as the party place with a hotel right there to house Bachelor and Bachelorette parties with drugs, alcohol, fights and chaos. Where willl their friends park? Do we need a line up of Uber and Lyft cars in front of this proposed hotel as well NO!!! Jacksonville Beach is trying to improve the community appearance and it is starting to become more desirable with property values increasing according to the realtors. Nocatee traffic has tarnished the desirability of Ponte Vedra. Jacksonville Beach we were told when buying our condo in December, is trying to become less crowded with less crime as that is what the other Beach communities near us enjoy. We were told their is an ordinance in place that buildings can no longer exceed three stories so we don't become Daytona or South Florida and overcrowd our coasts as well. Finally, our beautiful views and privacy will be removed if this is approved. Please consider NOT APPROVING this unneeded hotel and consider a 3 story upscale restaurant as we have nothing on the ocean with class right now in Jax Beach.

Sincerely,

Mary Southwick Jones and Hal Jones III

phone: 904-343-7668

**Stacy M. Tinker**

---

**From:** VALERIE THOMAS <valthomas322@gmail.com>  
**Sent:** Thursday, May 16, 2019 12:22 PM  
**To:** Planning Division  
**Cc:** Gray Thomas  
**Subject:** Springhill Suites Proposal for Rezoning

We are the owners of a condominium in The Metropolitan, and we strongly object to rezoning The Pier restaurant to allow a new oceanfront hotel. This is our primary/only residence. This is our home.

Jacksonville Beach already has 8 major hotels. 4 of those hotels are owned by Marriott, the owner of Springhill Suites. 2 additional hotels are being built now or soon, Margaritaville and The Element. We don't need another hotel. It is our impression that the Planning Commission is in the process of developing a vision for the future of Jacksonville Beach, one that would decrease the number of drinking establishments vs. encouraging more to come.

We are smack in the middle of the "young drinking crowd" area. This hotel will encourage even more young drinkers with large party groups celebrating birthdays, weddings, etc. These young drinkers will pack themselves into these "suites" which will result in inadequate parking for the hotel.

Most importantly this 5 story hotel will block our view of the pier and the ocean.

We need more upscale restaurants vs. hotels and drinking bars. Please do not allow this rezoning application.

Sincerely,

Valerie and D. Gray Thomas  
320 1st Street N. Apt 911  
Jacksonville Beach, FL 32250  
904-687-4515

**Stacy M. Tinker**

---

**From:** cathybattreal@comcast.net  
**Sent:** Saturday, May 18, 2019 11:17 AM  
**To:** Planning Division  
**Cc:** rusty-diane@ellijay.com  
**Subject:** rezoning application for The Pier Restaurant property at 412 N. 1st Street.

Dear Planning Commission

I am strongly opposed to this rezoning for the following reasons:

- We currently have at least 9 major hotels in Jacksonville Beach. Two additional hotels are being built soon, Margaritaville (oceanfront and north of Casa Marina hotel) and The Element (3<sup>rd</sup> St. and Beach). This equates to 326 more hotel rooms in our neighborhood. Too much room capacity could translate to less expensive rooms which can lead to a very young clientele capable of filling these "suites" for various celebrations.
- It will increase traffic congestion in the area. It will attract more bar patrons to our neighborhood it is already VERY loud at night. Its surprising how much noise they produce
- We do not need more bars and hotels in our neighborhood we have already experienced more violence this past year than normal. (shootings)
- My view from the north and east sides of the building will be obstructed from seeing the pier and much of the ocean. I purchased this condó based on the assumption that nothing could be built over 35 feet and my view would be preserved.

I urge you to deny the rezoning application for this hotel

Cathy Battreal  
Cell 305-522-2525

**Stacy M. Tinker**

---

**From:** rlummus <rlummus@bellsouth.net>  
**Sent:** Sunday, May 19, 2019 2:11 PM  
**To:** Planning Division  
**Cc:** Randy Lummus; Sandra Lummus  
**Subject:** Opposition To PC#10-19 - Proposed Rezoning for Hotel

Good Day,

As a directly impacted property owner, thank you in advance for providing my wife and me an opportunity to present our opposition to the re-zoning for a proposed hotel under PC#10-19.

My name is Randy Lummus. Sandra and I own property and reside at the Metropolitan Building, 1st N, Unit 908, Jacksonville Beach, FL.

In reviewing the application, we understand this to be a proposed five story hotel located on the property.

We have concerns in several different areas:

- This property is directly adjacent to several high volume public beach access points. High volumes of beach goers access the beach at these points on a daily basis, especially in the non-winter months. This will materially increase beach access volume and people locating on the beach in and around the pier. With the public access points, it is currently extremely difficult to navigate the beach in this area. Adding a hotel at a landmark public access point (Pier) will make the beach impassible due to the additional volume of people on the beach.
- I understand there may be an Exception requested to exceed the 35 feet limit. When enacted, this limit was important to both the Jacksonville Council and Jacksonville Beach citizens for specific higher rise buildings - as to not create early afternoon shade directly on the beach. The Margaritaville hotel (within close distance) was made exempt from this ordinance. Adding this hotel to the exemption at this specific location is in direct conflict of the Jacksonville Beach council's and citizen's will and desire when the ordinance was enacted.
- Automobile and pedestrian traffic volume will materially increase on the streets in this area. The 1st street road design does not support the expected traffic volume and will lead to higher risk that restaurant patrons, beach goers, bike riders and pets could be injured.
- Noise volume will materially increase both from the additional traffic and the hotel stayers in and around the boardwalk. While many of the bars in this area produce a large amount of noise well into the early morning on a nightly basis, the restaurant currently on this property does not.

Thank you for allowing Sandra and me an opportunity to voice our concerns in a written format. We will also attend the upcoming council meeting.

Best Regards,

Randy and Sandra Lummus  
Metropolitan Building  
1 Street N

# For Tonight's City Planning Meeting

We are strongly opposed to rezoning the property at 412 N. 1st St. in Jacksonville Beach for the following reasons:

- We currently have at least 9 major hotels in Jacksonville Beach. Two additional hotels are being built soon, Margaritaville (oceanfront and north of Casa Marina Hotel) and The Element (3rd St. and Beach). This equates to 326 more hotel rooms in our neighborhood. Too much room capacity could translate to less expensive rooms which can lead to a very young clientele capable of filling these "suites" for various celebrations. It will increase traffic congestion and noise in the area. It will attract more bar patrons to our neighborhood.
- We do not need more bars and hotels in our neighborhood.
- Our views from the north and east sides of the building will be obstructed from seeing the new pier and much of the ocean.

NAME	ADDRESS	PHONE	SIGNATURE	DATE
Norma Saget	320 N 1st St. Ste 715	904-246-4881	<i>Norma Saget</i>	5/20/19
Craig Popkin	320 N 1st St Ste 713 711	904-210-3700	<i>Craig Popkin</i>	5/20/19
Roxanne Landrau	320 1st St Ste 713, 711	813-407-0685	<i>Roxanne Landrau</i>	5/20/19
Jennifer Kuffner	320 1st St Ste 713, 711	904-407-4100	<i>Jennifer Kuffner</i>	5/20/19
Adrian Bartlett	300 1st St Ste 711	904-294-8267	<i>Adrian Bartlett</i>	5/20/19
Trevor Males	709	904-424-4532	<i>Trevor Males</i>	5/20
John Zamboni	709	904-366-9029	<i>John Zamboni</i>	5/20
Melanie Brodsky	709	904-220-6734	<i>Melanie Brodsky</i>	5/20
Austin Rose	320 1st St Ste 709	904-405-1940	<i>Austin Rose</i>	5/20
Jamie McCarthy	#709	904-508-3039	<i>Jamie McCarthy</i>	5/20
Matt Myers	#605	904-310-2372	<i>Matt Myers</i>	5/20
Landon Ormshaw	#709	904-343-9222	<i>Landon Ormshaw</i>	5/20
Brodley Hamilton	#605	411-545-7831	<i>Brodley Hamilton</i>	5/20
Liz Thompson	#605	904-245-3012	<i>Liz Thompson</i>	5/20
Frank Ashton	#703	(904) 249-9030	<i>Frank Ashton</i>	5/20
Rebecca Marcella	#703	904-249-9030	<i>Rebecca Marcella</i>	5/20
Darin Gardner	320 1st St Ste 710	272-0077	<i>Darin Gardner</i>	5/20
Terri Hagan	320 1st St Ste #710	272-0077	<i>Terri Hagan</i>	5/20

**RECEIVED**

MAY 28 2019

We are strongly opposed to rezoning the property at 412 N. 1st St. in Jacksonville Beach for the following reasons:

- We currently have at least 9 major hotels in Jacksonville Beach. Two additional hotels are being built soon, Margaritaville (oceanfront and north of Casa Marina Hotel) and The Element (3rd St. and Beach). This equates to 326 more hotel rooms in our neighborhood. Too much room capacity could translate to less expensive rooms which can lead to a very young clientele capable of filling these "suites" for various celebrations. It will increase traffic congestion and noise in the area. It will attract more bar patrons to our neighborhood.
- We do not need more bars and hotels in our neighborhood.
- Our views from the north and east sides of the building will be obstructed from seeing the new pier and much of the ocean.

NAME	ADDRESS	PHONE	SIGNATURE	DATE
Bryan C. Co	320 1st St N Suite 613	904-247-1755		5/20/19
J. Lucas	320 1st St North Ste. 613	(904) 270-8707		5/20/19
Carlene Chairs	320 1st St N. Suite 613	904-247-1755		5/20/19
Michelle Watson	320 1st St N Ste. 613	(904) 270-8707		5/20/19
ED Hines	320 1st St N Ste. 615	904-685-416		5/20/19
Tim Gorman	17th St Ave N	727-798-3301		5/20/19
Greg Kearney	320 1st St # 615	904 3720070		5/20/19
James Hendricks	"	571-217-5904		5-20-19
HARRIS BROWN	# 612	904 354-0624		5/20/19
Cannie Pfeifer	320 1st Street N Ste 612	904 5210648		5/20/19
JESS CARLEN	320 N 1st Ste 612	904-314-6223		5/20/19
DIANA BROWN	320 N 1st STE 612	904 607905		5/20/19
Dorcas Beel	320 N 1st STE 612	483-748-5010		5/20/19
Phillip Bazeman	320 1st ste 612	516851 6025		5/20/19
John Doroshank	320 N 1st ste 609	971 212 9606		5/20/19
Igor Zimin	320 N 1st Ste 609	501-774672		5/20/19
Viktor Kuskolovskii	320 N St Ste 609	904-955-2193		5/20/19
Kirillam Pagan	320 Suite 711	488 252258		5/20/19

RECEIVED

MAY 28 2019



# Metropolitan tenants & Resident/Owners

please  
sign  
this!

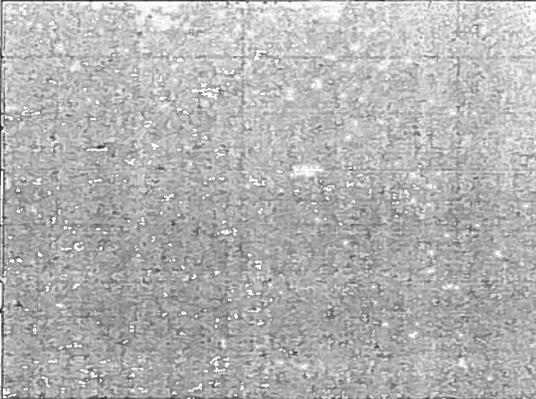
We are strongly opposed to rezoning the property at 412 N. 11st. St. in Jacksonville Beach for the following reasons:

- We currently have at least 9 major hotels in Jacksonville Beach. Two additional hotels are being built soon, Margaritaville (oceanfront and north of Casa Marina Hotel) and The Element (3rd St. and Beach). This equates to 326 more hotel rooms in our neighborhood. Too much room capacity could translate to less expensive rooms which can lead to a very young clientele capable of filling these "suites" for various celebrations. It will increase traffic congestion and noise in the area. It will attract more bar patrons to our neighborhood.
- We do not need more bars and hotels in our neighborhood.
- Our views from the north and east sides of the building will be obstructed from seeing the new pier and much of the ocean.

NAME	ADDRESS	PHONE	SIGNATURE	DATE
B. Taylor	912	904-703-6455	[Signature]	20-may
Payton Richard	905	904-438-6540	[Signature]	20-may-2019
<del>D. G. Thomas</del>	<del>911</del>	<del>904-505-1922</del>	<del>[Signature]</del>	<del>5/21/19</del>
L. White	902	904-631-8519	[Signature]	5/21/19
Val Thomas	911	687-4515	Val Thomas	5/21/19
Sue Guoch	903	588-8492	[Signature]	5/21/19
RONALD JONES	807	904-704-7806	Ronald Jones	5/21/19
T. Hanley	811	917-021-5813	[Signature]	5/22/19
Randy Lunde	908	404-664-1624	[Signature]	5-22-19
Sarah Lum	908	404-664-1624	[Signature]	5-22-19
L. Henry	902	904-716-7851	[Signature]	5/23/19
J. Hanley	811		[Signature]	
J. Souther	906	904-910-0802	[Signature]	5/23/19
Brogan Cantu	902	860-989-1021	[Signature]	5/23/19



BOOTS COOKINS		867-5309		
Cyndi Forestal	807	536-7289	[Signature]	3-25-19



RECEIVED

MAY 28 2019

PLANNING & DEVELOPMENT

Sorry  
visitors  
not will  
send

~~Handwritten notes and signatures~~



### MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: Ordinance No. 2019-8121, establishing a Planned Unit Development: PUD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City - Second Reading

Date: June 6, 2019

---

### ACTION REQUESTED:

Adopt Ordinance No. 2019-8121, establishing a Planned Unit Development: PUD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

### BACKGROUND:

The subject property is located at the western most end of Shetter Avenue, and has existed as the Pablo Hamlet senior living development since 2002. The property has been a multiple-family residential use since the buildings were constructed in 1980. The complex currently has a total of 104 residential dwelling units in two buildings.

The owner has identified the need for additional housing units to accommodate the demand for senior housing at the beach. There is currently a wait list for housing at the facility, as well as at Pablo Towers, which the applicant also manages. The property is zoned Residential, multiple-family: RM-1, which permits a maximum of 20 units per acre, however the future land use of the property in the 2030 Comprehensive Plan is High Density Residential, which permits 21-40 units per acre.

The current density of the property is 19 dwelling units per acre, which does not provide the opportunity to add any significant number of dwelling units. The new density with the proposed additional units will be approximately 30 dwelling units per acre, well under the property's maximum allowable density of 40 dwelling units per acre allowed per the 2030 Comprehensive Plan.

In order to accommodate a requested additional 84 dwelling units on the property, the applicant was advised by staff that rezoning to Planned Unit Development: PUD would be necessary to allow the increase in density permitted by the Comprehensive Plan.

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](http://www.jacksonvillebeach.org)



Memorandum  
Ordinance No. 2019-8121  
June 6, 2019

Page 2 of 2

The proposed site plan provided by the applicant shows two new buildings on the property, on the east and west ends of the existing campus, each with 42 dwelling units each. Additionally, two existing common rooms in the existing buildings would be converted into four new dwelling units. The site plan also shows 84 new parking spaces, and a new community room that will be constructed between the two existing buildings.

The parking provided is adequate for the additional dwelling units. The Land Development Code parking requirement for "housing for the elderly" is one space per unit. If approved, the PUD ordinance will contain a stipulation that additional parking will be required if the facilities ever change from senior housing to open market apartment rentals.

Adjacent uses include a private school to the east and south, single-family residential to the south, undeveloped wetlands to the west and north, and multiple-family residential to the northeast across Shetter Avenue. None of these adjacent uses should be negatively impacted by the proposed additional units.

The Planning Commission met and conducted a public hearing on May 28, 2019 and voted unanimously to recommend approval of the rezoning by the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2019-8121, establishing a Planned Unit Development: PUD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Introduced by: Council Member Hoffman  
1st Reading: 17 June 2019  
2nd Reading: 15 July 2019

**ORDINANCE NO. 2019-8121**

**AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.**

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

**WHEREAS**, the owners of certain lands in the City, more particularly described herein, have applied to the City Council for the rezoning of those lands from *Residential, multiple-family: RM-1* to *Planned Unit Development: PUD*; and

**WHEREAS**, the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and public testimony given at the public hearings.

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

**SECTION 1.** That the City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

**SECTION 2.** That the Land Development Code and Zoning Atlas previously adopted by the City Council of the City of Jacksonville Beach, Florida, be and the same is hereby amended and, as amended, shall henceforth read as follows:

That all of the certain territory in the City of Jacksonville Beach, Florida, described as follows, to wit:

Parcel 1:

A part of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East, Jacksonville Beach, Duval County Florida, more particularly described as follows: for a point of reference commence at the intersection of the westerly right-of-way line of fifteenth 15<sup>th</sup> Street South (a 60 foot right-of-way as now established) with the southerly right-of-way line of Shetter Avenue (a 50 foot right-of-way as now established); thence S.79°33'00"W. along said southerly right-of-way line of Shetter Avenue a distance of 97.27 feet; thence S.88°56'00"W. Continuing along

said southerly right-of-way line a distance of 303.50 feet to the northwest corner of the Sirmans Tract, as recorded in Deed Book 1366, Page 460 of the Public Records of said Duval County and the point of beginning; thence continue S.88°56'00"W along said southerly right-of-way line a distance of 631.28 feet; thence S.67°36'00"W continuing along said southerly right-of-way line a distance of 129.43 feet; thence S.01°11'18"E. a distance of 261.77 feet; thence N.88°10'00"E. a distance of 757.56 feet; thence N.01°54'06"W a distance of 90.10 feet to the southwest corner of the aforesaid Sirmans Tract; thence N.02°22'14"W a distance of 208.70 feet to the aforesaid northwest corner of the Sirmans Tract and the point of beginning. Containing 226,512 square feet, or, 5.20 acres, more or less.

Parcel 2:

A part of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East, Jacksonville Beach, Duval County, Florida, more particularly described as follows: for a point of reference commence at the intersection of the westerly right-of-way line of Fifteenth 15<sup>th</sup> Street South (a 60 foot right-of-way as now established) with the southerly right-of-way line of Shetter Avenue (a 50 foot right-of-way as now established); thence S79°33'00"W. along said southerly right-of-way line of Shetter Avenue a distance of 97.27 feet; thence S.88°56'00"W. continuing along said southerly right-of-way line a distance of 303.50 feet to the northwest corner of the Sirmans Tract, as recorded in Deed Book 1366, Page 460 of the Public Records of said Duval County; thence continue S.88°56'00"W. along said southerly right-of-way line a distance of 631.28 feet, thence S.67°36'00"W. continuing along said southerly right-of-way line a distance of 214.80 feet to a point of the government meander line of the westerly boundary of the aforesaid Castro Y Ferrer Grant Section 38; thence S.36°33'32"E. along said government meander line a distance of 226.67 feet; thence N.88°10'00"E. a distance of 69.04 feet; thence N.01°11'18"W. a distance of 261.77 feet to the point of beginning. Containing 32.641 square feet, or 0.75 acres, more or less.

Parcel 3:

Part of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East, Duval County, Florida; said being a portion of the lands described in Official Records Volume 1369, Page 475 of the Public Records of said county; said portion more particularly described as follows: for a point of beginning commence at the Southeasterly corner of said lands described in Official Records Volume 1369, Page 475, thence run South 88 degrees, ten minutes west along the southerly line of said lands, a distance of 395 to a point; thence run north one degree, fifty-four minutes, 6 seconds west a distance of 90.10 feet to the southwesterly corner of the Sirmans Tract as recorded in Deed Book 1366, Page 460; thence run north 88 degrees, 56 minutes east along the northerly line of said lands described in Official Records Volume 1369, Page 475, a distance of 395 feet to the westerly right-of-way line of 15<sup>th</sup> Street, as now established; thence run south one degree, 56 minutes east along said westerly right-of-way line of 15<sup>th</sup> Street, as now established, a distance of 84.81 feet to the Point of Beginning. Less and except any portion deeded in Official Records Volume 6241, Page 1948, all of the Public Records of Duval County, Florida.

Heretofore zoned as *Residential, multiple-family: RM-1* be and the same is hereby designated as *Planned Unit Development: PUD*, so that henceforth the same shall be classified and construed to be embraced within the meaning and subject of the general provisions of the *Planned Unit Development District: PUD* zoning category as provided in Article VII, Section 34-348 of the Jacksonville Beach Land Development Code (Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach, Florida), subject to the following additional limitations:

- A. The rezoning application dated April 26, 2019, including project narrative dated April 30, 2019, attached hereto as Exhibit A, and Preliminary PUD Development Plan titled "Site Plan" and dated April 12, 2019, which have been submitted to the City of Jacksonville Beach Planning and Development Department, are hereby adopted and incorporated as part of this amendment to the Jacksonville Beach Land Development Code and Zoning Atlas.
- B. The project shall be generally carried out in accordance with the presentments of the rezoning application, project narrative, and conceptual site development plan, including but not limited to the following:
  1. Permitted uses include senior living residential dwelling units and related ancillary and accessory uses.
  2. Ancillary uses allowed include, but are not limited to, leasing office, amenity/recreation center/clubhouse, fitness/exercise facility and similar uses.
  3. Permitted Accessory Uses include utility sheds and workshops, gazebos, cabanas, and other similar structures; barbecue pits, vegetable gardens, non-commercial greenhouses, and similar uses; any other use customarily accessory to senior living use.
  4. Density will not exceed 40 dwelling units per acre.
  5. Parking will be provided at a ratio of one parking space per dwelling unit.
  6. Minimum dwelling Unit sizes are as follows: one bedroom - 650 square feet; two bedroom - 900 square feet.
- C. Dimensional Standards are as follows:
  1. Maximum lot coverage is 65%.
  2. Common Recreation and Usable Open Space Area is 20% minimum.
  3. Minimum Yard Requirements:

- a. Front – Twenty (20) feet.
  - b. Corner/side – Ten (10) feet
  - c. Rear – Thirty (30) feet.
4. Maximum height of structures is 35 feet.
- D. Landscaping within the subject property shall comply with the standards of Land Development Code Article VIII Division 3. Site Clearing and Landscape Standards.
- E. Unless otherwise provided in the PUD narrative, the provisions of Chapter 34, Article VIII, Jacksonville Beach Code of Ordinances shall apply.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent the same may be in conflict, hereby repealed.

**SECTION 4.** This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
William C. Latham, MAYOR

\_\_\_\_\_  
Laurie Scott, CITY CLERK

2/15/2019 10:47:00 AM P:\Public\18741 - Senior Living - 18741\18741\_Senior Living\18741\_Senior Living.dwg  
 Printed: May 28, 2019 11:12:00am  
 Printed By: Dwan

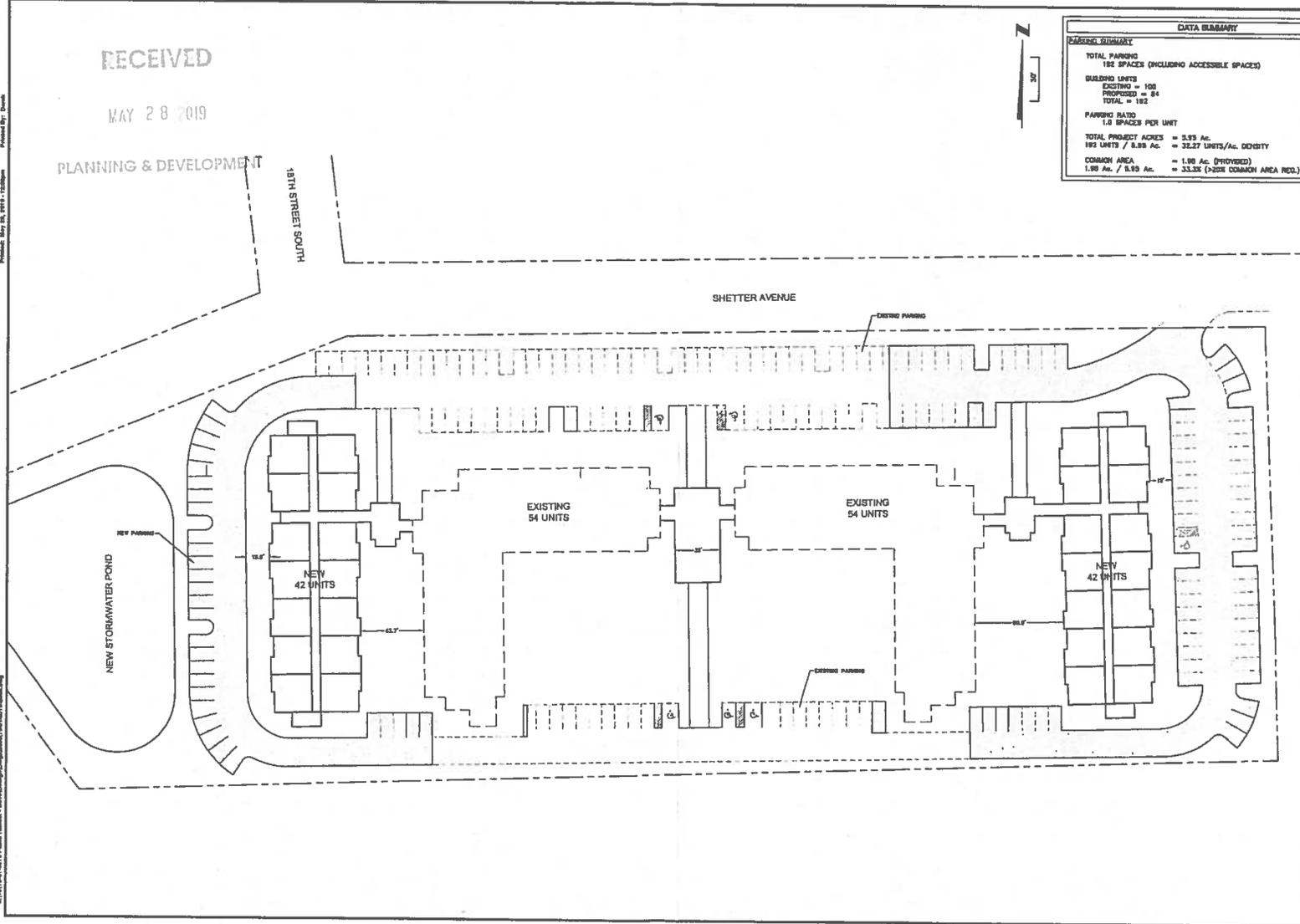
RECEIVED

MAY 28 2019

PLANNING & DEVELOPMENT

18TH STREET SOUTH

SHEPPER AVENUE



DATA SUMMARY	
<b>PARKING SUMMARY</b>	
TOTAL PARKING	182 SPACES (INCLUDING ACCESSIBLE SPACES)
BUILDING UNITS	EXISTING = 108
	PROPOSED = 84
	TOTAL = 182
<b>PARKING RATIO</b>	
1.0 SPACES PER UNIT	
TOTAL PROJECT ACRES	= 8.89 Ac.
182 UNITS / 8.89 Ac.	= 32.27 UNITS/AC. DENSITY
<b>COMMON AREA</b>	
1.88 Ac. / 8.89 Ac.	= 1.88 Ac. (PROVIDED)
	= 33.3% (>25% COMMON AREA REQ.)

**OW Connelly & Wicker Inc.**  
 Planning • Engineering • Landscape Architecture  
 10000 Steiner Lake Drive, Suite 500 Jacksonville, Florida 32246  
 (904) 765-2020 FAX: (904) 765-5021 www.owcwi.com  
 C.A. Number: 3628 L.A. Number: LC20000311

Rev.	Date	Description
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

**PUD REZONING SITE PLAN**

**PABLO HAMLET SENIOR LIVING**  
 CITY OF JACKSONVILLE BEACH  
 PREPARED FOR  
 ELDERLY HOUSING MANAGEMENT CORPORATION, INC.

REGINA C. BROWN  
 P.E. No. 12731

THIS DRAWING IS THE PROPERTY OF CONNELLY & WICKER INC. AND IS NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED ON REQUEST.

Project No.	18-01-5818
Drawn by	JKL
Checked by	JKL
Date	APRIL 12, 2019
Scale	1" = 30'
Sheet	1



# REZONING/TEXT AMENDMENT APPLICATION

5/28/19 PC meeting

PC No. 12-19  
AS/400# 19-100053

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC 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 or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC 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.

## Lickfeld APPLICANT INFORMATION

Land Owner's Name: Sue Lickfield, Beaches Elderly Housing Corp.  
Mailing Address: 360 Scarlet Bugler Lane South  
Jacksonville Beach, Florida 32225

Telephone: (904) 241-5207  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

Applicant Name: Melissa Gilreath, Elderly Housing Mgmt. Corp., Inc.  
Mailing Address: 115 South Third Street  
Jacksonville, FL 32250

Telephone: (904) 339-0262  
Fax: \_\_\_\_\_  
E-Mail: mgilreath@ehmcorp.com

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

Agent Name: Brian E. Kientz, Connelly & Wicker Inc.  
Mailing Address: 10060 Skinner Lake Drive, Suite 500  
Jacksonville, FL 32246

Telephone: (904) 265-3030  
Fax: (904) 265-3031  
E-Mail: bkientz@cwieg.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 (1600 Shelter Avenue)

Street address of property and/or Real Estate Number: Duval County RE #177556 0000, 177566 0030, 177566 0010

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

Current Zoning Classification: RM-1 Future Land Use Map Designation: HDR

## TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: N/A

<u>REQUESTED INFORMATION</u>	<u>Attached?</u>	
	<u>Yes</u>	<u>No</u>
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; <u>See Attachment "B"</u>	✓	
2. An 8½" x 11" vicinity map identifying the property proposed for amendment; <u>See Attachment "C"</u>	✓	
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked; <u>See Attachment "D"</u>	✓	
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. <u>See Attachment "E"</u>	✓	
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.		✓

Applicant Signature: Melissa Gilreath

Date: 4-11-19

# AGENT AUTHORIZATION FORM

Beaches Elderly Housing Corp. Inc/Pablo 177556 0000 and 177566 030, AND  
(Project Name) HAMLET (City Development Number) 177566 0010

Property Legal Description: See attached legal description.

The undersigned, registered property owner(s) of said property described on the attachment to this Agent Authorization Form, do hereby authorize

MELISSA GILREATH of ELderly Housing Management Corp.  
(Registered Professional/Contractor / Agent) (Name of Firm)

to act on my/our behalf and take all actions necessary with the City of Jacksonville, Florida, regarding the development of the property described in the attached legal description.

Property Owner's Address:

360 Scarlet Bugler An S

Telephone: 904-910-9226

RECEIVED

APR 12 2019

PLANNING & DEVELOPMENT

Dorinda Sue Lickfeld Printed Name of Property Owner

Dorinda Sue Lickfeld Signature of Property Owner

Date: 4/11/2019 Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 11 day of APRIL, 20 19, by SHERYL ROUSSIN  
(name/names)

Sheryl Roussin  
(Signature of Notary Public, State of Florida)  
(Notary Stamp)



Personally known  OR produced identification \_\_\_\_\_  
Type of identification produced \_\_\_\_\_

**ATTACHMENT "A"**

Legal Description

RE # 177556 0030

38-2S-29E 5.20 B DE CASTRO Y FERRER  
GRANT PT RECD O/R 10437-732

RE # 177556 0000

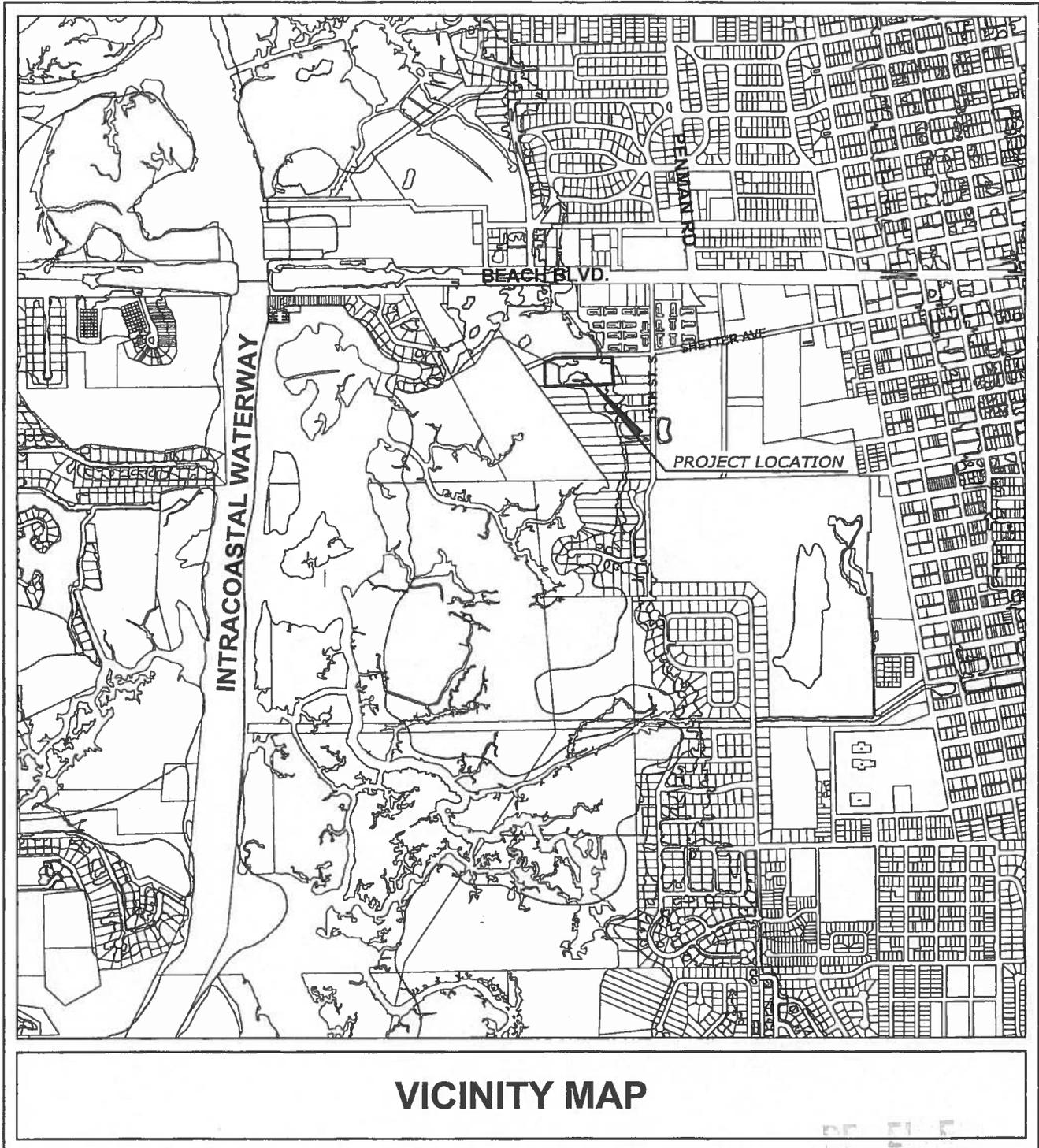
38-2S-29E 5.20 B DE CASTRO Y FERRER  
GRANT PT RECD O/R 10437-732

RECEIVED

APR 12 2019

PLANNING & DEVELOPMENT





APR 12 2019

# Duval Map

ATTACHMENT "D"

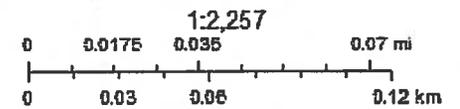


April 10, 2019

RECEIVED

APR 12 2019

PLANNING & DEVELOPMENT



Esri HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

RECEIVED

APR 30 2019

## ATTACHMENT "E"

### I. NARRATIVE AND PROJECT DESCRIPTION

PLANNING & DEVELOPMENT

During the course of time, the property was renamed to Pablo Hamlet and the use was changed from conventional multifamily housing to affordable senior living. Today Pablo Hamlet contains 104 senior residents, well short of high demand for senior housing at the beaches.

The 2030 Comprehensive Land Use for the property is High Density Residential allowing 21 to 40 dwelling units per acre. The current Zoning of the two subject parcels is RM-1 limiting the maximum density of 20 dwelling units per acre.

The proposed PUD formally modifies the intended use from conventional multifamily to affordable senior living and increases the density from 104 dwelling units to 192 dwelling units with 192 parking spaces meeting the minimum requirement of 1 space per unit. The expansion will consist of renovating existing common areas with 4 new dwellings and construction 84 dwelling units in two new expansion wings. In accordance with the Florida Housing Finance rules, Pablo Hamlet will remain Affordable Senior Housing for a minimum of 50 years.

We believe the intended use for this project is provides the community with new affordable senior living dwellings to meet the current demand and is compatible with the adjacent Discovery Montessori School site to the east. Traffic trips associated with senior living are very low and well below the allowable capacity of the original multi-family RM-1 zoning.

The rezoning to for RM-1 to PUD is necessary due to the fact that the current Jacksonville Beach Zoning code does not address senior living in any of the zoning categories, and for the reasons mentioned above.

### II. USES AND RESTRICTIONS

#### A. Senior Living Residential Use

1. One bedroom minimum unit: 650 sq. ft.
2. Two bedroom minimum unit: 900 sq. ft.
3.
  - a. Leasing office, amenity/recreation center, which may include a clubhouse, fitness/exercise facility, and similar uses.
  - b. Essential Services, including water, sewer, gas, telephone, radio, television and electric.
4. Permitted Accessory Uses

- a. Utility sheds and workshops; gazebos, cabanas, and other similar structures; barbecue pits; vegetable gardens, non-commercial greenhouses, and similar uses; any other use customarily accessory to senior living use.

5. Maximum Lot Coverage (by all buildings and structures):

- a. Sixty-five percent (65%).
- b. Common Area (20% minimum) excluding parking areas, street rights-of-way, minimum yards, and spacing between buildings. Water bodies contained on-site may account for up to fifty (50 percent of the required open space.

6. Minimum Yard Requirements

- a. Front - Twenty (20) feet.
- b. Corner/Side - Ten (10) feet.
- c. Rear - Thirty (30) feet.

7. Maximum Height of Structures:

- a. Thirty-five (35) feet.
- b. Building height means the vertical distance from the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for hip, gable and gambrel roofs.

8. Gross Density

- a. Gross residential density shall not exceed forty (40) units per acre.

B. Common Recreation and Usable Open Space

1. Active recreation/amenities (including active recreational facilities such as an amenity/recreation center, pool, clubhouse, fitness/exercise facility, and similar uses) shall be provided as shown on the Site Plan. Such common recreation and usable open space comprises a minimum of twenty percent (20%) of the gross land area in the PUD, and will comply with the standards in Section 34-348G(3)(h), Jacksonville Beach Ordinance Code.

C. Access

1. Active recreation/amenities (including active recreational facilities such as an amenity/recreation center, pool, clubhouse, fitness/exercise facility, and similar uses) shall be provided as shown on the Site Plan. Such common recreation and usable open space comprises a minimum of twenty percent (20%) of the gross land area in the PUD, and will comply with the standards in Section 34-348G)(3)(h), Jacksonville Beach Ordinance Code.

D. Supplemental Standards

1. Unless otherwise provided herein, the Supplemental Standards provided in Chapter 34, Article VIII, Division 2, Jacksonville Beach Code of Ordinances, shall apply.

E. Landscaping

1. Site clearing and landscape standards as provided in Chapter 34, Article VIII, Division 3, Jacksonville Beach Code of Ordinances, shall apply, with the following additional provision: landscape standards shall be applied within the PUD without regard to Parcel boundaries.

F. Parking

1. Parking will be provided at a ratio of one (1) space per residential unit, as shown on the Site Plan and Parking Tabulation key therein. For the proposed 192 residential units, 192 parking spaces are required.
2. Parking for disabled persons will be provided as required in Chapter 34, Article VIII, Division 1, Jacksonville Beach Code of Ordinances.
3. Unless otherwise provided in this Section H, the provisions in Chapter 34, Article VIII, Division 1, Jacksonville Beach Code of Ordinances, shall apply.

G. Environmental Standards

1. Stormwater shall be treated as described on Site Plan and will comply with the Environmental Standards provided in Chapter 34, Article VIII, Division 5, Jacksonville Beach Code of Ordinances.

H. Development Schedule

	<u>Start</u>	<u>Complete</u>
1. PUD Approval	4/15/2019	6/15/2019
2. Florida Housing Finance Corp. Application	9/1/2019	11/15/2019
3. Florida Housing Finance Corp. Award	11/15/2019	2/15/2020
4. Florida Housing Finance Corp. Appeals	2/15/2020	8/1/2020
5. Tax Credit Underwriting	8/1/2020	6/1/2021
6. Design, Engineering & Permitting	8/1/2020	6/1/2021
7. Construction	6/1/2021	8/1/2022

## MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: Ordinance No. 2019-8122, amending the Land Development Code to add "craft distillery" to the list of conditional uses in the City's *Commercial, general: C-2* zoning districts.

Date: July 3, 2019

---

### **ACTION REQUESTED:**

Adopt Ordinance No. 2019-8122, amending the Land Development Code to add "craft distillery" to the list of conditional uses in the *City's Commercial, general: C-2* zoning districts.

### **BACKGROUND:**

The applicant is the owner of *Angie's Subs* which is located at 1436 Beach Boulevard on the southeast corner of Beach Boulevard and 15th Street South. The applicant plans to redevelop the property to include *Angie's Subs* along with a new barbeque restaurant and partner with a local craft distillery currently located on Shetter Avenue at 10<sup>th</sup> Street South (*Jacksontucky*).

*Jacksontucky* currently exists as a small approved craft distillery on Shetter Avenue, but desires to expand its operations and improve its visibility by partnering with, and relocating to, the *Angie's* property as part of the applicant's proposed redevelopment project.

Currently, restaurants are a permitted use in *Commercial, general: C-2* zoning districts, but craft distilleries are not. "Craft distillery" is a listed conditional use in *Industrial: I-1* zoning districts, as described in the applicant's application. In order for the redevelopment project to be permitted with all the proposed uses, the applicant has applied to add "craft distillery" to the list of conditional uses in the *Commercial, general: C-2* zoning district. Craft distilleries are similar to microbreweries, which are a listed conditional use in *C-2* zoning.

"Craft distillery" is defined by Florida Statute as a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on premises. As a conditional use, a craft distillery in the *C-2* zoning districts would require approval by the Planning Commission on a case-by-case basis.

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](http://www.jacksonvillebeach.org)



Memorandum  
Ordinance No. 2019-8122  
July 3, 2019

Page 2 of 2

The Planning Commission met and conducted a public hearing on Monday, June 10, 2019 and voted unanimously to recommend approval of the Land Development Code Text amendment by the City Council.

**RECOMMENDATION:**

Adopt Ordinance No. 2019-8122, amending the Land Development Code to add "craft distillery" to the list of conditional uses in the City's *Commercial, general: C-2* zoning districts.

Introduced by: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2019-8122**

**AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-343. COMMERCIAL, GENERAL: C-2, PARAGRAPH (d) *CONDITIONAL USES* TO ADD “CRAFT DISTILLERY” AS SUBPARAGRAPH (18); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES:**

**WHEREAS**, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; and Chapters 163 & 166, Florida Statutes; and

**WHEREAS**, the Jacksonville Beach Planning Commission considered the ordinance permitting the operation of Craft Distilleries as a conditional use at a noticed, public hearing June 10, 2019 and has made positive recommendation to the City Council; and

**WHEREAS**, the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and Community Redevelopment Agency and public testimony given at the public hearings.

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

**SECTION 1.** Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

**SECTION 2.** That Division 2, Section 34-343. Commercial, general: C-2, Paragraph (d) *Conditional uses* of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is hereby amended by adding new subparagraph, Subparagraph (18), which shall henceforth read as follows:

**Sec 34-343 Commercial, general: C-2**

(d) *Conditional uses*

(18) Craft Distillery

**SECTION 3.** That this ordinance shall take effect upon its adoption by the City Council.

**SECTION 4.** That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

**SECTION 5.** That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

**AUTHENTICATED THIS** \_\_\_\_\_ **<sup>th</sup> DAY OF** \_\_\_\_\_ **, A.D., 2019.**

\_\_\_\_\_  
William C. Latham, Mayor

\_\_\_\_\_  
Laurie Scott, City Clerk

### MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: Ordinance No. 2019-8123, amending Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

Date: July 3, 2019

---

### ACTION REQUESTED:

Adopt Ordinance No. 2019-8123, amending Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

### BACKGROUND:

In February of 2018, City Council approved Ordinance 2018-8104 that permitted medical marijuana dispensing facilities within the City, and established regulations under a new Section 34-408 of the Land Development Code. The State of Florida requires that if a municipality permits dispensing facilities, they cannot regulate them more stringently than pharmacies. Section 34-408(a)(1) of the City's Land Development Code established proximity requirements for dispensaries to be 500 feet from another dispensary and 500 feet from any school.

In order to maintain consistency and compliance with Florida Statute 381.986(11)(c), the City is requesting to amend Section 34-408 of the Land Development Code to remove the proximity requirement that dispensaries be at least 500 feet from one another, as this requirement has not also been applied to pharmacies and is not required by Florida Statute.

When the recently adopted Section 34-408 was drafted by staff, it was not intended to be more strict than Florida State Statute required, and pursuant to Florida Statute 381.986, dispensing facilities only have to be 500 feet away from any public or private school.

As proposed, dispensing facilities are still permitted by right in *Commercial, general: C-2* zoning districts, and those located in *Commercial, limited: C-1* or *Central Business District: CBD* zoning districts will still be required to obtain conditional use approval for specific locations, and hours of operation in all

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](http://www.jacksonvillebeach.org)



Memorandum  
Ordinance No. 2019-8123  
July 3, 2019

Page 2 of 2

allowable districts will remain limited to 7:00 am to 9:00 pm, pursuant to Florida Statute 381.986(8).

The Planning Commission met and conducted a public hearing on Monday, June 10, 2019 and voted unanimously to recommend approval of the Land Development Code Text amendment by the City Council.

**RECOMMENDATION:**

Adopt Ordinance No. 2019-8123, amending Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

Introduced by: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2019-8123**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE:**

**WHEREAS**, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

**WHEREAS**, the Florida Legislature has preempted the regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers; and

**WHEREAS**, Section 381.986(11) further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

**WHEREAS**, the City wishes to comply with the requirements of Florida Statutes 381.986 and regulate medical marijuana treatment center dispensing facilities no more stringently than pharmacies; and

**WHEREAS**, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

**WHEREAS**, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance prohibiting the operation of Medical Marijuana Treatment Center Dispensing Facilities and has presented its recommendation to the City Council; and

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

**SECTION 1. Recitals.** The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

**SECTION 2. Amendment of City Code.** That Section 34-408, Division 2, of Article VIII of the City of Jacksonville Beach Code or Ordinances or Land Development Code is hereby amended, and shall read as follows<sup>1</sup>:

**Section 34-408 – Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.**

(a) Medical marijuana treatment center dispensing facilities.

(1) Proximity. A medical marijuana treatment center dispensing facility may not be located within five hundred (500) feet of the real property that comprises ~~another medical marijuana treatment center dispensing facility,~~ or a public or private elementary school, middle school, or secondary school, pursuant to Florida Statutes § 381.986(11)(c).

(2) Hours of operation. A medical marijuana treatment center dispensing facility may not operate between the hours of 9:00 p.m. and 7:00 a.m., as set forth in Florida Statute § 381.986(8)(f)(4).

(b) Pharmacies.

(1) Hours of operation. A pharmacy may not operate between the hours of 9:00 p.m. and 7:00 a.m.

(2) [Exemption.] A pharmacy operating legally before the date of adoption is exempt from complying from the above restriction related to hours of operation.

**SECTION 3.** If any provision of this Ordinance or any particular application of this Ordinance shall be held invalid by any Court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases shall remain in effect.

**SECTION 4.** All other ordinances, parts of ordinances, or resolutions in conflict with this Ordinance are, to the extent the same may be in conflict, repealed.

**SECTION 5.** Codification of this Ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

---

<sup>1</sup> (~~strikethrough~~ text indicates deletions, underline text indicates additions).

**SECTION 6.** This ordinance shall take effect upon its adoption by the City Council.

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2019.**

\_\_\_\_\_  
William C. Latham, Mayor

\_\_\_\_\_  
Laurie Scott, City Clerk

DRAFT

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6268

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

## MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Denise May, Interim City Attorney

Subject: Ordinance No. 2014-8058, rezoning the property at 602 North 1st Street from *Central Business District: CBD* to *Redevelopment District: RD*.

Date: July 8, 2019

---

### ACTION REQUESTED:

Adoption of Ordinance No. 2014-8058, establishing a *Redevelopment District: RD Zoning District* within the City of Jacksonville Beach, Florida, as provided under Chapter 34 of the Land Development Code (LDC) of the CITY of Jacksonville Beach Code of Ordinances.

### BACKGROUND:

Ordinance No. 2014-8058 rezoning the property at 602 North 1st Street from Central Business District: CBD to Redevelopment District: RD was first presented and heard by City Council in 2014.

The Ordinance was heard by City Council on July 21, 2014 and continued by Council to August 18, 2014. Subsequently, the applicant requested a continuance to September 15, 2014. At this last public hearing of September 15, 2014 the City Council voted to deny the applicant on a 4 -2 vote with 1 abstention.

The Findings of Fact included non-compliance with Sec. 34-393(2) for 500 foot separation between alcohol establishments and non-compliance with Sec. 34-407(b) by exceeding the allowable outdoor seating. Findings of Fact were adopted by the City Council on October 6, 2014. These findings relied on the application of Sections 34-201 through 34-211 of the Land Development Code applicable to changes to the boundaries of the official zoning atlas.

The applicant appealed that denial to the Circuit Court on October 30, 2014. The Circuit Court noted that testimony regarding lack of public parking,



nuisance violations, and a desire for “family friendly” establishments on private property **did not constitute substantial competent evidence**. The Circuit Court did uphold the City’s denial based upon a finding that the City could apply Sections 34-201 through 34-211. Specifically, Section 34-211(c)(2) provides that the City Council shall consider whether the proposed amendment is in conflict with *any portion of the LDC*. As noted above, the City Council found the application did not comply with Sections 34-407(b) and Section 34-393(2) by the application of Section 34-211(c)(2).

The Applicant appealed this decision to the District Court of Appeal (DCA). The DCA rejected the Circuit Courts conclusion that Sections 34-201 through 34-211 were the appropriate criteria to apply for this particular application for rezoning to Redevelopment District: RD. The DCA quashed the decision of the Circuit Court holding that the **only** criteria which the City could apply was that of Section 34-347 *Redevelopment District: RD*.

On remand to this Council, the Court has directed that the City must apply the criteria of Section 34-347 as it existed in 2014 and that criteria alone. Further, the Court has directed that the City is not permitted to reopen the record by hearing further public testimony as to the application. At this remand hearing, the City Council may not take further testimony of either the applicant or the public but must base its decision on the record as it existed on September 15, 2014.

#### **CONCLUSION:**

The City Council must apply the criteria of Section 34-347(c)(3)i which are attached to this memo. Further, pursuant to Section 34-347(c)(3)j, 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.

A summary of the conditions stated on the record of the hearing of September 15, 2015 include:

1. 3,000 square feet Retail Space (vs. 1000)
2. 6,400 square feet Total space (Surfer & Retail) (vs. 8000 Surfer + 1000 Retail)
3. 2,000 square feet Exterior space (vs. 3,600)
  - a. Encompassing 2 patios 1 upstairs, 1 downstairs
4. 3,200 square feet common area interior

5. 325 Max Occupancy
6. Sound barrier on south side of building and augment the westerly edge of second floor with six to eight foot architectural screen wall(s) where the second floor building space does not screen the bar area from properties to the west.
7. Retail space to be built simultaneously with main Surfer space
8. No music or amplified sound devices of any type in the outdoor bar areas. Televisions may be placed outside, but without sound only.
9. Additional 12 parking spaces dedicated at 135 5th Street
10. Valet services Thursday, Friday, Saturday nights
11. Bicycle parking
12. Uniformed on-site security Friday, Saturday nights
13. Serve food at all times the facility is open
14. Abide by Food Truck Ordinance regulations even in the event of its repeal
15. Agreeable to limit the hours of operation for one year with ability to revisit after 1 year:
  - a. Sunday – Thursday to Midnight
  - b. Friday – Saturday to 1 a.m.

For City Council review, attached is a copy of the transcript from both the July 21, 2014 and September 15, 2014 hearings as well as the original staff report and recommendations.

**OPTIONS:**

1. Adopt Ordinance No. 2014-8058, establishing a *Redevelopment District: RD Zoning District* to allow the redevelopment of the property at 602 North 1st Street into a mixed use Concept Bar/Commercial use center.
2. a. Amend Ordinance No. 2014-8058 with additional or other language as determined by City Council.  
  
b. Adopt Ordinance No. 2014-8058, as so amended by City Council, a *Redevelopment District: RD Zoning District* to allow the redevelopment of the property at 602 North 1st Street into a mixed use concept Bar/Commercial use center.
3. Disapprove Ordinance No. 2014-8058 based on the application's inconsistency with the standards enumerated in Section 34-347(c)(3)i.

**APPLICABLE CRITERIA:**

**Sec. 34-347. - Redevelopment district: RD.**

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.
- 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.

Introduced by: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2014-8058**

**AN ORDINANCE ESTABLISHING A *REDEVELOPMENT DISTRICT: RD* ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.**

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

**WHEREAS**, the owners of certain lands in the City, more particularly described herein, have applied to the City Council for the rezoning of those lands from *Central business district: CBD* to *Redevelopment District: RD*.

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

**SECTION 1.** That the City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

**SECTION 2.** That the Land Development Code and Zoning Atlas previously adopted by the City Council of the City of Jacksonville Beach, Florida, be and the same is hereby amended and, as amended, shall henceforth read as follows:

That all of the certain territory in the City of Jacksonville Beach, Florida, described as follows, to wit:

Lots 7 and 8, Block 62, *Pablo Beach North* according to the Plat thereof as recorded in Plat Book 3, Page 28 of the current records of Duval County, Florida,

Heretofore zoned as *Central business district: CBD*, be and the same is hereby designated as *Redevelopment District: RD*, so that henceforth the same shall be classified and construed to be embraced within the meaning and subject of the general provisions of the *Redevelopment District: RD* zoning category as provided in Article VII, Section 34-347 of the Jacksonville Beach Land Development Code (Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach, Florida), subject to the following additional limitations:

- A. The rezoning application dated May 19, 2014, including Project Narrative dated September 15, 2014, attached hereto as Exhibit A, and Preliminary RD Development Plan and Building Elevation sheets dated September 15, 2014 and together attached hereto as Exhibit B, which have been submitted to the City of Jacksonville Beach Planning and Development Department, are hereby adopted and incorporated as part of this amendment to the Jacksonville Beach Land Development Code and Zoning Atlas.
- B. Notwithstanding Land Development Code Section 34-393, the applicant shall be permitted to locate an alcoholic beverage establishment on the subject property, which exists within 500' feet of two existing similar such establishments.
- C. The project shall be generally carried out in accordance with the presentments of Exhibits A and B to this ordinance, including but not limited to the following:
  - 1. Maximum Building Height –Thirty-five (35) feet.
  - 2. A minimum of twenty-two (22) off-street parking spaces shall be provided, including one (1) designated space for disabled persons.
  - 3. Maximum Area, Bar Building – 6,429 gross square feet. Notwithstanding Land Development Code Section 334-407(b), the maximum area of the Bar Building may include up to 2,033 gross square feet of outdoor bar, patio and lounge area, or thirty-one and six tenths percent (31.6 %) of the total Bar Building area.
  - 4. Maximum Area, Commercial Building – 3,000 gross square feet.
  - 5. Maximum Occupancy, Bar Building – 325 occupants.
  - 6. The one (1) Mobile Food Vending Vehicle permitted on the property described herein shall be regulated by the standards listed in Attachment 7 to the Project Narrative contained in Exhibit A to this ordinance.
- D. Permitted uses of the subject property shall be as described in Exhibit A to this ordinance, and shall not include any uses specifically prohibited within *Redevelopment District: RD* zoning districts pursuant to Land Development Code Section 34-347(c)(3)c. i.2.ii.
- E. The applicant shall be permitted to place televisions or television screens within outdoor bar areas, but no amplified sounds from any devices, including televisions, shall be permitted within any outdoor bar area at any time. No live amplified music shall be permitted within any outdoor bar area at any time.

**SECTION 3.** In the event that a building permit application for the development proposed in Exhibits A and B to this ordinance has not been accepted by the City within eighteen (18) months following the adoption of this ordinance, this rezoning ordinance shall be rendered null and void, and the *Central business district: CBD* zoning designation of the subject property shall be re-instated.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith be, and the same are, to the extent the same may be in conflict, hereby repealed.

**SECTION 5.** This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

---

William C. Latham, MAYOR

---

Laurie Scott, CITY CLERK

July 21, 2014

TRANSCRIPT OF HEARING

City of Jacksonville Beach

Vs.

Surf Works, LLC

**CITY OF JACKSONVILLE BEACH  
CITY COUNCIL HEARING**

**July 21, 2014**

**CITY OF JACKSONVILLE BEACH**

Ordinance No. 2014-8058

vs.

**Surf Works LLC**  
115 9<sup>th</sup> Avenue South, Suite 801  
Jacksonville Beach, FL 32250

**TRANSCRIPT OF HEARING**

**MAYOR:** Clerk, please read ordinance number 2014-8058 first reading public hearing by title only, please.

**Clerk:** An ordinance establishing a redevelopment District RD zoning district within the City of Jacksonville Beach, Florida as provided under Chapter 34 of the Code of Ordinances of said City.

**MAYOR:** Thank you, ma'am. And, ladies and gentlemen, this is a public hearing. This ordinance for redevelopment District RD rezoning of a property is before this Council for a public hearing in consideration on its first reading. Under the laws of the State of Florida an application to amend a zoning, the zoning regulations or a map governing a property is handled as a quasi-judicial proceeding. A quasi-judicial proceeding means that the governing body is now functioning in a manner similar to a court with the Mayor and City Council sitting as impartial decision makers, hearing testimony and questioning presenters who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of the property within the city. This includes receiving citizen input regarding the proposed use of the neighborhood, on the neighborhood, excuse me, especially where the input is fact based and not simply an expression of opinion. It is the applicant's burden to demonstrate that his or her application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council's decision on a rezoning application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria. In addition, the City Council has received a copy of the application and the staff planning commission and community redevelopment agency recommendation on this zoning request. I will now open the public hearing on Ordinance Number 2014-8058 and I'm going to first ask the applicant or a spokesperson of the applicant to make a presentation of your proposal. Sir, if you could please start with your name and your address.

**SD:** Sure. My name is Steve Diebenow. I'm at 1 Independent Drive, Suite 1200 in Jacksonville and I'm here on behalf of the applicant. Mr. Mayor,

**CITY MANAGER:** Steve, can I make a quick statement.

**SD:** Sure.

**CITY MANAGER:** In case you want to use this, I have got for the council and the audience, I've gotten, if you'll just take a quick look here, I've got slides of what you brought there.

**SD:** Okay, that would be great. I actually have something that I was going to ask if it would be okay...

**CITY MANAGER:** You can use this. There's a pointer on this if you want to use it.

**SD:** Awesome. That would be great. May I, distribute you guys some materials.

**CITY MANAGER:** Yes, certainly.

(Some inaudible noise and inaudible discussion as information is being handed out.)

**SD:** Mr. Forbes took me to some very difficult negotiations that he typically won when I worked over at the City many years ago. So he, I don't know, maybe he owes me the pointer this evening. But thank you very much, Mr. Mayor, and City Council members. Again, my name is Steve Diebenow and I'm here on behalf of the applicant. And as most of you know that have worked with me in the past, I'm not a person that will oversell or overhype issues. But this really is a historic opportunity for the City of Jacksonville Beach this evening. And I think you'll understand that as we go through the presentation. With me this evening in addition to the local sponsors is also Tony Perez, who is the general manager and publisher of Surfer Magazine. He wrote a letter to you all all which you should have received late last week and he is going to make just a few comments if it is okay with you, Mr. Mayor, right after my presentation to kind of wrap up my points. And, again, this is a historic opportunity and really it dovetails well, this opportunity, dovetails well into a lot of the work that you're already doing. I know you have spent a lot of time with consultants talking about alternative uses, infill uses, entertainment uses, things that make Jacksonville Beach special, recognizing those. And then also creating new uses that will generate Jacksonville Beach as a destination. And maybe for a little bit different reasons that maybe what Jacksonville Beach is known for today. Jacksonville Beach, like a lot of cities in my opinion, is maybe a little bit harder on themselves than they should be. There's a lot of great things going on. This development is actually an opportunity to meet what your consultants are talking to you about and also implement things that are different from what exists today. Change never moves as quickly as we'd hope. It's never as complete as we'd hope. And it's also never as perfect as we'd hope. And what you're going to see in this presentation I think is a tremendous step forward on many, many levels. The other thing that you can't control when you're in government, and I know because I tried for many years when I worked with the City of Jacksonville, is you can't control the market forces. We're not here

asking for incentives. We're not asking for relief from the signage code. We're not asking for relief from the parking code or the things that businesses typically ask for relief from. Instead, what we're here to talk about is how the market can deliver a product that we think fits really well and is a tremendous improvement over what exists today. And before I go into these slides, I'd ask you, why are we here? Why would we want to do a project like this? There's obvious reasons. We want to replace a tired building. We want to upgrade a corner for redevelopment. We want to bring the pedestrian activity back to this particular part of the City. We want to upgrade the use. We want to make use that is more of a mixed use and not just a sole source of a singular use. We also want to create a destination. We want to create a place that is engaged with the community. Not only as a structure, but also with its sponsoring for the events and the programming that it will bring to the beach in addition to the day to day uses that we all can see and experience. And then finally, I think this project brings something that's more than just a bar and it's hard to measure, but it brings a unique marketing and branding experience that I can't put a value on. I can't put a dollar amount on it. I can't tell you what it translates into, but Tony Perez is going to tell you a little bit about what that opportunity is. Again, any one of those reasons maybe isn't a reason to support this project, but when you put them all together, it's a very compelling case. Not to mention the fact that the CRA voted to approve this project. The planning commission, with a few changes, voted to recommend approval of this project and so you've already got competent substantial evidence on the record to support this application. I'm going to go through very quickly some slides. You've seen a lot of the photos already and tell you a little bit of background about this project and then Tony Perez is going to wrap up here very shortly.

This is the opportunity to develop the first Surfer bar, the first Surfer Magazine developed facility in the continental United States. There is one located in Hawaii today. The whole purpose of this development is to provide a positive reflection of the sport, the surrounding culture, increased tourism and obviously provide a destination for folks to visit, to congregate and to enjoy themselves. But there's a lot more to it. It's not just another bar. I don't know any other bar that provides a speaker series like the one that this will provide. Right now in Hawaii there is something that they call the Talk Story Series which is basically a weekly event, every Wednesday, when they have folks come in a talk about all sorts of things. Nature, sports, things that are important to the surfing community, things that deal with the community itself and Tony is going to tell us a little bit more about that. The surfing community is obviously a very diverse culture. It's colorful, charismatic and creative. It attracts just the type of people that Jacksonville Beach wants to have in its downtown, which is the creative class. I think that Curtis said it best, just a little while ago, when he talked about being an educated man who also is involved in surfing. That's the kind of person that will frequent this facility. This is an example, again, of the Talk Story Series that was presented in April in Hawaii. You can see that there's a donation that's gathered at the door every Wednesday. In this case it was benefiting the Hawaii Conservation Alliance Foundation. So you can imagine all the local charities that will be benefited by this type of a project. This is a picture, obviously, from one of those events. And you can see the mix of folks that are in the crowd. Young and old, all different ages, all different nationalities. Obviously, there will be other events as well. This is a photo from one of the surfing events. Again, this is tourism related. You'll have folks that will be coming here on a regular surfing circuit and

supporting philanthropic events throughout Northeast Florida, but primarily in Jacksonville Beach. It will provide an amenity to the downtown area. Again, this photo is kind of a rough shot of the pedestrian engagement. Right now as you'll see in the photos coming up, the current use is set way far back away from the street. There's really no way for a pedestrian to be involved unless they actually go into the building. The way that The Surfer is designed actually allows us to not only be engaged but actually encourages them to come into the facility as well as continue walking around on that particular block. Now this project, for me, one of the real thrills of working on a project like this and working with sponsors like this, is that they are not so dogmatic about their plan that there is no room for negotiation or compromise. This was actually the first application or first sight plan that we filed and you can probably see from right here in the middle here that there is a walkway right through kind of the middle third on the left hand side of the sight plan. There was a lot of conversation about the retain space and what we found after we filed this application was that there was a lot more demand for retail space than we envisioned. So the original application was for approximately 7,900 square feet of the bar space, including the exterior patios, and then 1,000 square feet of retail. We actually changed that and increased the retail space to 3,000 square feet because we think there's a demand for it. The other thing that we did throughout the process, and then this is the bar's application that we put in in June, right before the planning commission, and then eventually we added at the planning commission's recommendation sound walls, which you can see on the outside second floor of this structure, in order to dampen any fear of noise or anything coming off of that second floor. So I guess my point here is that this application is one that's been living, it's been changing, and it's one that we're really excited to talk to you about this evening. The elevations you've probably seen before and you can really get a sense of what we're talking about in those drawings versus what exists today. And you can see how far it's set back from the road and how it just really doesn't add anything to that corner.

I'm going to go back here and before I talk about the technical things that we're asking to change, I want to talk to you about a couple of points that in our conversations with the community and in conversations with staff and even, frankly, some of you, have come to our attention. The first one is the hours of operation. The hours of operation that we are proposing are from 11:00 a.m. to 2:00 a.m. And so this is not going to be a structure that only opens at 6:00 p.m. and then closes at 2:00 a.m. It's going to be open before lunch and it's going to close when everything else in this area closes. I'm going to talk about food. About 35-40% of the revenue for this facility is going to come from the sale of food. As you can see in the plans there on the right hand side on the top slide, it's probably better there, is a food truck. And that is part of the culture, part of the community, that's part of what makes this place so special and what we think will make it such a great destination, is the ability to sell food. In fact, it was a requirement. In order for Surfer Magazine to be affiliated with this project, they require food, because they want it to be a family friendly location. It's not just a bar. Now why is that important? We also have places inside the building where food is prepared and we encourage folks that when they get their food at the food truck that they come inside and actually eat inside the building. So, again, there has been a lot of misinformation perhaps about this being just another bar. It clearly is not. In addition, as we talked a few minutes ago, it fronts on the street, it reengages the community. We've talked about the events. Tony is going to also talk a little bit about the redevelopment and potential

redevelopment of the surrounding area and what their experience was in Hawaii after The Surfer established itself in Hawaii. And then also we talked a little bit about the branding and marketing as well and Tony will expand on that.

So what are the technical changes that we're talking to you about today. Well, there were three of them. Today, really, now there are only two. The first one is that technically under your code, you're not allowed, you're not permitted without permission to locate a bar within 500 feet of an existing similar establishment. And the thinking there is to prohibit the proliferation of bars. Well, the state does a great job of that already because it limits the number of licenses that are available for COP??? which is a license where you don't have a sale of food required. And there's only about 13 of them in Jacksonville Beach. It's based on population and that number goes up only if there are more people in Jacksonville Beach. So the notion that there will be a proliferation of bars is a notion that sounds interesting, but really it's limited by the number of licenses that exist that are permitted by the state. In our case, we happen to be within 190 feet of Lynch's Irish Pub and about 463 feet of Bo's Lounge and as a result we have to ask for permission. We have to get the blessing similar to what the CRA and the planning commission previously provided. In addition, the existing Land Development Code permits in this case a formulaic ratio of outside service to inside service. And we are requesting approximately 45% of exterior to interior ratio which by your Code can only happen if we get permission. And so, to give you an apples to apples comparison, you can do the formula on the left hand side and calculate that you would be able to get about 800 square feet of exterior space and what we're asking for is approximately 3,400 square feet of exterior space. And then the final request that we had made previously was that we had asked for there to be allowed – we had asked for amplified music to be permitted outside. I won't rehash that discussion with you but the planning commission basically said that they would allow TVs but no amplified music and no noise outside. So no amplified music, no live bands, nothing along those lines. And so that which was originally a request to deviate from your Code has gone away. Finally here I want to give you just a quick comparison of the actual square footages. If you back out the common area of those facilities, Mango's, if you back out their bathrooms and some of the space where people are not permitted, it's about 3,480 square feet. And The Surfer facility that we're talking about is about 6,100 square feet of accessible customer space and that's because we have stairwells, elevators, food prep area, places where people just aren't allowed. And so that's a really good apples to apples comparison. But what you get in addition to that 6,100 square feet are all the things I mentioned before and the things that Tony Perez is going to talk about here right now. You've seen all of these photos previously and if it's okay with you, Mr. Chairman, I'd love to ask Tony Perez to come up and address the City Council as well.

**Mayor:** That'd be fine, thank you.

**Mayor:** Mr. Perez, if you would please, give us your name and your address.

**TP:** Sure. My name is Tony Perez. I live in Newport Beach, California, 319 Lagonia Street.

**Mayor:** Thank you, sir.

TP: Great. First, I just want to say thanks to Curtis for giving us a shout out and also (inaudible) super inspiring. So, it was an honor to see that happen first thing when I came in, so, congratulations on that. So I'm the general manager of Surfer Magazine. I've been there for 12 years. I graduated from Point Loma Nazarene College which is in California. Before that I worked at Sector Nine for about three years and that's where I got to meet guys like Jay Dobson, Daniel Terry, Asher Nolan, I believe they might all be here. I didn't get a chance to say hi to everybody, but I did see a couple of them come through. I actually just flew in from Hawaii last night. I wasn't going to come in and one of the things that made me change my mind was when I had asked why there was some opposition I heard that someone had said, well, the place doesn't want another bar and I just thought, I was like we can't, if it doesn't happen, it can't be because it's just another bar because it's really not. The things that we've been able to do with the one in Hawaii and, just so you know, Jacksonville will be the first bar in the continental U.S., so we're really honored to be able to bring it here and I hope that after today that it does get accepted. But some of the things that they had touched on earlier are things that are in place for this current one. So we do things like Talk Story, the first one we did was with Kelly Slater, we've also done it with C.J. Hobgood, Corey Lopez, Larry Hamilton. We've raised over \$50,000 for the Wounded Warrior Foundation which is also something that's in place with our contract. We also do Friday night movies which start at 7:00 o'clock. Both of those – one starts at 5, one starts at 7 – and it's a family thing. About 75% of the money goes to foundations. We have done the Wounded Warrior Foundation, we've done the Maliola Foundation and we're currently working on picking out what the next one is. In Hawaii, what's going on now, is there's a big fight against GMOs so that probably will be the next fundraiser to be done. Since the inception of bringing in that restaurant, the hotel has now has an Oakley shop in there, they have a Qusilla Waterman's store, so it's not all Surfer that brought that in, but we'd like to think that that helped to build up that community. We've also brought in an ASB Six Star women's event along with a Well Tour Sup event and those are things that we have been talking about that I wanted – the current owners they know how to do restaurants, we know that. What I want to make sure is that they also understand that along with the restaurant what we get out of it is building an event here in Jacksonville and through the likes of guys like Daniel Charity and some of the other locals here, whether it's Asher Nolan, the guys from Sunrise Surf Shop who we have worked with for the last few years, they actually are do a thing called the Surf Shop Challenge. We do it around the world and they are actually the national championship, so congratulations to Sunrise Surf Shop. That's pretty good. Those are just a couple of things that I wanted to talk about just so that you know when you talk about it, when they go back to just a bar, I don't even really think of it as a bar and at the end of the day that's probably my bad. I maybe should have never even had the bar in there. If it just said Surfer Magazine I think people would be walking in there thinking they are buying magazines and Surfer hasn't just been a magazine for over 10 years. We have a website, we have ecommerce, we do events, we do surfer poll awards, which is the (inaudible) surf. So there's a lot of other things we do besides print magazines and we've been doing it for a long time. I'm hoping that if and when this goes through that, not only will you guys have a successful place, but that Surfer in Jacksonville will be joined together and it will be a destination not only for the restaurant but for us to be able to bring events here and help build up the community. I have driven by the current place a couple of times and I look at that place and it baffles me to think that this isn't something that the community and the families wouldn't want. I guess I'm

really here today just to – not only to get a photo with the mascot for the Jaguars, I’ve heard he’s here. I haven’t seen him. But I wanted to get a photo with him. I heard he’s here. We have a mascot in San Diego, the chicken, but he’s old school. So, you guys have the best mascot. But I’m hoping that when we do come back that there are some events that we could bring and that when people are coming through Jacksonville that a destination will be Surfer. You guys have an amazing city here, amazing hotels. I don’t see why we can’t bring more events here and, you know, who knows, one day have the likes of Jack Johnson and Donovan Frankenreiter come by and play. They are people who have played at Surfer the Bar. What is ironic is I got in yesterday and I saw that Taylor Knox was here and it was Reef - was showing a movie and I was thinking to myself man, if Surfer was open, we could have premiered the movie and then we could have done a Talk Story, had all the families of the kids come and meet Taylor Knox and it just would have been a perfect opportunity. So, anyway, I think that’s it. I just want to thank you guys for having me. And I hope to be able to come back and enjoy your guys’ facility and the hospitality. Everybody I’ve met here has been super amazing and I just, I hope next time I come here there’s a Jaguars game because I’d like to attend that as well. Thanks for having me.

**MAYOR:** Thank you Mr. Perez. At this point we’re going to open the floor. This will be opening of the hearing for testimony from other interested parties. I’m going to go to the cards first and start with Mr. Joe Loretta. Joe if you’d come forward please state your name and your address. You’ll have five minutes, sir.

**JL:** Joseph Loretta, 1887 Green Heron Court, Jax Beach 32250. I thought that I should come out and speak tonight because I know many residents who are in the area who I have deep respect for are not in favor of the project and so I kind of wanted to come and voice my favorable opinion for the project. I did want to mention that this is a local developer who is choosing to bring a unique brand to Jacksonville Beach. It’s not some out of town developer coming in and not really caring about the local interest. Actually the two guys literally share their office on the same block as this location. I think that is something that should be said for this application. You know, it’s my opinion this application really is to just approve the outdoor seating issue. You know, we live, we work, we play here in Jacksonville Beach. It is a beach environment. Why is it that our current code only really allows for a minimal amount of outdoor seating. It just seems like something that really should be more prudent to allow a little bit more outdoor area for the Jacksonville Beach area. Really, regarding square footage, the code allows this site to have, I don’t know, 90% building lot coverage, 35 feet tall. I mean, these guys could be coming in for some sort of development that has all of the parking offsite, paying into the parking fund, a significant greater impact to the local area. You know, maybe that would raise the tax value, but I think it’s pretty impressive that somebody wants to come in and put kind of a unique development here without actually overbuilding the area. Some folks have mentioned this as adverse to the city’s Vision. I don’t really fully understand that. I mean, people talk about noise issues. If you live in downtown Jax Beach I would tend to think that you realize you’re living in a downtown area and there is going to be noise. Those who live in New York recognize that there is noise on the street. I’m not sure why that’s that much of an issue. One would tend to expect that there is areas of excitement and so forth. Lastly, if I was on the council and I was having some questions on what to do, it’s what I do on the Board of Adjustments, I’d add conditions to this thing. I’d try to

figure out a way to make this more like a PUD. I'd say this zoning is approved or should only be approved based upon this applicant for a period of one year for them to get their construction plans in and then a period of 24 months to have the CO and if they don't get it, they don't get - they lose their zoning. Maybe if you do something like that, then it is specific contingent to this applicant. You can't worry about the future 10 years from now. Is this guy going to leave so on and so forth. We've got to be thinking about the positive future and I really believe that this is a good use for the community. Thank you very much for your time.

**MAYOR:** Thank you, sir. Next will be Mr. Mike Stang. Mike, if you will come forward please. Give us your name and address. You'll have five minutes.

**MS:** Mike Stang, 1020 19<sup>th</sup> Street North, Jacksonville Beach. I'd just like to say, first of all, thanks to Chief Dooley for a great Fourth of July. It went off great. Second of all, I am neither for nor against this, I just have some questions which I brought up at the planning commission. And it all goes to do with parking and some of the other things. The Council has fought really hard. I have been, I don't know, how many workshops and stuff, to try and handle the parking issue here at the beach and it's a big concern and you guys have worked really diligently on it. I, of course, would love to see Mango's go. I remember the Crab Pot. This is a great concept. It's a beautiful building. I'm just concerned about the parking issues. Now, I don't know about the Hawaiian version of this, what they did for parking. I'd like to understand how they worked it out there and how many parking spots they've got for that. It's a big problem here at the beach, is parking. Also, there's going to be a lot of people here. And I hope, if it does come, I hope the concept goes off really well. Thank you.

**MAYOR:** Thank you, Mike. Mr. Daniel Terry. Danny, if you'd come forward, please. Give us your name and your address. You'll have 5 minutes, sir.

**DT:** Thank you. Daniel Terry, 11369 Canvasback Court, Jacksonville, Florida.

**MAYOR:** I'm sorry, say that again slower please.

**DT:** 11369 Canvasback Court, Jacksonville, Florida.

**MAYOR:** Thank you.

**DT:** I grew up at this beach. I've been here for almost 30 years. I can remember Surfer Magazine as a kid was like - it was the Bible of surfing. I read it every month, it's all I cared about. My father had a subscription dating back to the first issue. So it's been in my life and in my family since I can remember. So when I heard that Surfer was coming here, it kind of flooded me with a lot of energy. I work for a clothing brand called Volcom and I spend a lot of time in Hawaii. For the last three years, three weeks at a time. Staying at Turtle Bay where Surfer Bar is and collectively over those three weeks I would get done with working at the Volcom Pipe Pro, I'd walk in the restaurant and that's where I was every day for three weeks this year, the year before and the year prior. I sat through Talk Story, after Talk Story, after Talk Story. Heard some amazing things, learned amazing things. And even from the brand that I work with, we sat with our

sustainability manager and did a Talk Story on sustainability in Hawaii. So those types of initiatives and things that you could bring to the community that they might not get otherwise, that's kind of the importance of this establishment to me. Working for Volcom, we have a great partnership with Surfer Magazine. We have great partnerships with all the local surf shops here. All the athletes, surfers, community – the families, everybody. So I would want nothing more than to raise my family, which I brought with me, be able to take my son to some of these Talk Stories and let him sit and be able to hear some of what I've heard actually being at the Surfer Bar in Hawaii. The establishment inside is beautiful. When you walk in you see these iconic visions from the past. So I think every surfer that walks through this building is gonna feel that same energy that I felt it might be coming here. I think as a destination it's a huge win for our community, for Jacksonville. It's going to shed a ton of light on this community. We are a surfing community in this town. There are thousands of surfers in this area. Outside of this area it's going to bring people in just to come to this establishment. I think that's really important. As far as the parking issues and all these other things, I think those are things – we can figure those things up. I think when you look at something, an opportunity like this, I don't think you can pass it up. And like Tony said, it's not just a bar. And I agree you might have messed up a little bit when you named the place, but all good. Really, if each one of you could walk through those doors and spend a little time or sit and hear Jay Lopez talk about the 70s in surfing pipeline. Or, like Tony said, Jack Johnson coming into this town and sitting down doing free acoustic songs and then talking about his life. Now there's these great opportunities that are out there waiting for us to grab. And I want to be a part of it. I have athletes that I want to bring and set in that chair. That every single one of these kids would say, did you hear Alex Gray is going to come talk or Richard Woolcott, our CEO is going to come to Jax Beach and talk at the Surfer Bar. These iconic people in our industry, in our lives, will have this meeting place. So that's all I want to say. I think it's a very important thing for a community, not only for me but for the kids as they grow up to be able to walk in and feel comfortable in their own zone, you know, as far as the surfers. And, lastly, there are a lot of problems with these kids not having a place to go. And having a meeting point where the elders in our community, as far as surfers, can really help shed light on what's ahead. I think the Surfer Bar is going to have a lot of opportunity for those types of things to happen. It'll help groom the community of surfers that live in this town. That's it.

**MAYOR:** Thank you, sir. Appreciate it. Ladies and gentlemen, ladies and gentlemen, we're not going to applaud after each person that comes up and speaks today, okay, please? This is a respectful judicial proceeding just like it would be in any court of law. Please no applause. Thank you.

Next, Mr. Dane Jeffries. Mr. Jeffries if you'd come forward. Give us your name and your address, please. You'll have 5 minutes, sir.

**DJ:** My name is Dane Jeffries, 720 Bonita Road, Atlantic Beach, Florida. I am a retail manager, marketing and advertising manager at Sunrise Surf Shop who has been in business in Jacksonville Beach for over 30 years. On the behalf of my owner and just pretty much the rest of the surfing community, I come to tell you guys how awesome and how stoked the surfing community would be. I grew up on Surfing Magazine. I don't want to harp the same tone as Daniel, but in July of 1986 my dad read a surfing magazine

and that's where I got my name, Dane, from Dane Kiloho, so it has meant a lot to me and my family as well. With Sunrise Surf Shop we've been successful doing this surf shop challenge. For the last 9 years we've won and we've been three time national champions. We've put Jacksonville Beach on the map in front of international audience via webcast. The first year we won we got recognized by the City of Jacksonville. That was pretty awesome and then last year we actually travelled all the way to Bali, Indonesia and did it and Surfer Magazine is a sponsor of the event and taking care of us the whole time. And at Sunrise we do a lot of events with the community and with the kids. We do beach cleanups. Another thing I wanted to say that we haven't focused on is surfers are all about keeping the beach clean. I know that a lot of the residents that come to the beach like to litter and we're the ones behind them picking it up. Last year we did beach cleanups with Volcom and Sunrise and we picked up over 100,000 cigarette butts off of Jax Beach, just in the pier area. So surfers like to keep the area clean. I think it would just have a clean look and as a business right here on Beach Boulevard, I think that would be a great advantage for us to bring our clients, our people who come in town, pro surfers, athletes come in town, that would be a great meeting place right there in the center of Jacksonville Beach. That's all I have to say. Thanks.

**MAYOR:** Thank you sir. I appreciate it. I've got a series of cards here where people don't want to speak but they are listing whether or not they are in favor, but the cards are incomplete. So I'd like to ask a few questions here. Leah Walker. Leah is listed as in favor. I don't have a complete address. Leah could you tell us your address.

**LW:** (inaudible)

**MAYOR:** Thank you. Also, Paul West. Paul, I don't have any address for you at all. Can we get your address please.

**PW:** (inaudible)

**MAYOR:** Okay. Okay, thank you. In that case I'd like to read for the record that we received five cards from people who do not wish to address the council but have stated a preference. Eddie Berrang from Jacksonville Beach is in favor. Brady Hale of Jacksonville Beach is in favor. Leah Walker of Jacksonville is in favor. Tony Rady – is that Rady? R-A-D-Y? Tony Rady of Neptune Beach is in favor. And Holly Smith Hale of Jacksonville Beach is in favor. (Inaudible call from the crowd) And your name sir? (inaudible) Alright. Is there anybody else that I read in error? Jim, did you do that, too? You raised your hand? You just want to be recognized for your comment but not speak? Okay, well then we're in good shape. In that case, then, we'll go to Mr. Berrang. Why don't you go ahead and come forward. Give us your full address and you'll have five minutes, sir.

**EB:** (inaudible)

**MAYOR:** Do it again in the microphone, please.

**EB:** 102 6<sup>th</sup> Avenue North, Jacksonville Beach, Florida.

**MAYOR:** Okay, thank you. You have five minutes, sir.

**EB:** So, what I want to say is I am not from Jacksonville. I'm not from the area. I moved here from Manhattan about three years ago. One of my business partners and I started Void Magazine. When we started Void Magazine we set out, we identified that there are certain brands that are really influencing the community and the culture that's happening around us and one of those that we look for inspiration is definitely Surfer Magazine. So that kind of was an opportunity in and of itself when we were trying to set out on a business. When we set out on our business and we started going, we opened up shop down in there, right on Neptune Beach, Jacksonville Beach, a little couple hundred square feet. I'd like to say thank you to you guys, you've done a great job with the beautification of the downtown district in Jacksonville Beach which led us to the attractive location that we're at currently which brought in some nice neighbors with Kelly Comb and the yoga studio and some others that are coming around us. My point that I'm trying to make is that there is an energy happening and there is a current that's happening within the community and I think that to be able to attract not only great businesses but also attract great talent within our community is something that we owe to ourselves and we owe to the other business leaders so I think that having Surfer Magazine around will not only increase the economic value of the land around it and the community but I also think that it will attract the right people and the right businesses that we want here to sustain us for the future. We are very proud of what we're doing with Void Magazine in the community. We plan to stick around for a long time and we see that Surfer Magazine could be a large component to help us grow to that next level.

**MAYOR:** Thank you, Mr. Berrang. I appreciate your time. Okay, I got a new card in favor without speaking and that's from Atlantic Beach, Jeff Crego. Okay, moving forward to speaker cards. Mr. Lee Buck. Lee, if you'd come forward, please, sir, give us your address. You'll have five minutes, sir.

**LB:** I'm Lee Buck, 136 17<sup>th</sup> Avenue North, Jacksonville Beach, Florida. Before I start my five minutes, I did not get one of the pass outs. I would like to ask a couple of questions for clarification. Was there any change in the retail space? I could not...

**MAYOR:** Actually, let's keep this in order if we could, please. Lee, yeah, you go ahead and ask your questions and they will be answered when Mr. Diebenow comes back up to address all responses to those.

**LB:** Okay, because it affects what I'm – my comments. But, not getting the pass out. But anyway I will proceed.

**MAYOR:** Yeah, they did announce in their presentation that they increased it from 1,000 to 3,000 square feet.

**LB:** The retail to 3,000?

**MAYOR:** Right.

**LB:** Okay. Alright. And just one more and I'll be clear. The bar area is still 5,100 square feet?

(inaudible response)

**LB:** Okay. Sorry about that. One thing I'd like to ask the council and that is who was there in the 1970s and early 1980s when everything was boarded up? One, two, three. You know, on that, what resulted out of that was the CRA. The Community Redevelopment Agency. And the Community Redevelopment Agency was created for one thing and that was to improve the quality of life. And then in 1985 they updated that and they included South Jax Beach and now that's where Target and Home Depot and so we got trust and we made in the last 35 years since the mid 1980s, we made tremendous progress. But one thing I want to read is what the core values were set forth in the mid-1980s. Because I don't think I've ever seen a politician run anything but on these same core values. And that is safety, family friendly, walkability. Those have not changed since the mid – for 35 years. And Rick Knight isn't here tonight but Sandy Golding is, but anyway Rick Knight called me on the telephone real excited one day and began saying he'd heard Gladding Jackson in Jacksonville and they said they're going to be in St. Augustine and we want you to go hear them. Gladding Jackson became our next Vision Plan. I think you became a big part of that. They were incorporated into our ordinance in 2008. But what I want to get to is the core value of safety was number 1. In 2006 we had two core officers to the downtown area, two more in 2008 a corporal and then the current council added four more so we got a total of nine. I've heard a lot of good things here tonight and the thing that I have not heard is – I've heard some demographics that we're going to bring great people here, but anytime you form a new building like this the one thing that you have to do, generally, is go to a bank and present to them what kind of income is going to come from my bar operation, what kind of income is going to come from my retail operation and the reason I mention that is the CR- the development board, a key element of that was to have a mixture of business, which includes bars, business, retail and the whole bit and they put 3,000 of retail in there. So we're looking at business mix. But Steve Councilmember Hartkemeyer and Rick Knight and John Taylor and I served on the Board of Adjustment for a number of years and one of the things that we were very tough on, to be very frank, is parking. And we did not give in very often to parking. Because to give into parking is hurting other businesses that have already been hurt by parking. So...

**MAYOR:** Heads up, Lee, you got 90 seconds, okay.

**LB:** Okay. I'll wrap it up real quick. And then family friendly. I love rooftop eating, my wife and I love it when we go to Key West, there are two special spots on the west coast. But being a relator and pro business, I'm all for business. But when I look at a bar I still have to look – we've already added nine officers. Is this going to now create a couple more officers because of this bar? So, I'm still looking at the safety issue of – I don't know the hours. I have no doubt that the lunch part will be alright, but the 10-2 crowd is never going to change and that's when you have your police necessity. Thank you.

**MAYOR:** Thank you, sir. Next, George Chandler. George, if you'd come forward, please sir, and give us your name and address, you'll have five minutes. Thank you.

**GC:** George Candler, common mistake.

**MAYOR:** Sorry about that.

**GC:** 507 16<sup>th</sup> Avenue South, Jax Beach. I think really there are three things here that are relevant. One is Surfer the brand. I get that, it's fantastic. If we could get that it would be a good thing. The second thing that we're getting is a big building. It's a big building that has no food preparation inside. There is a place for a food truck, but, you know, with all due respect, it serves booze, there is no kitchen, it's a bar. The third thing, of course, and I agree with the first speaker, it doesn't have adequate parking. I get the thing with the retail and then because there was 1,000 feet of retail it was called retail rather than a bar, even though, let's face it, it is a bar. But, you know, there is a lot of – it's going to bring in a lot more vehicles to the area. On the brand, as well, you know it's worth keeping in mind that they're not going to be able to reproduce here what they've got in Hawaii. The bar in Hawaii is next to a high end resort, first point. Second, it does have dining within the facility itself. Third point, you know, Surfer the Bar in Hawaii is on the north shore of Oahu which is one of the world's surfing meccas. With all due respect, I'm a truck driver's kid from Indiana, we don't really have that kind of surf here, which, you know, bit of a pun. Surfer the Bar, you take away the surfer – what do ya got? And then the fourth point, also the thing about this being the first Surfer the Bar on the continental US – they are building twelve. You know, you can see it, if you Google it, you will see that there will be twelve built on the east and the west coast. So we're not going to be the only one. So, for me, the benefits of the brand is fantastic. What we're really going to be getting is a bar, with all due respect. You have to – it's just really hard to see anything other than that. Which gets me back to the parking. You know, again, Mr. Buck talked about the family friendly thing. It is really hard to see this ending up as promised with sophisticated discussions of environmental issues and famous surfers coming here and it's hard to see it not being the Shim Sham Room II – and, you know, just yet another destination that people could come here to drink to. And on the parking, you know, there is a limit to how many people will come to downtown Jacksonville Beach. It's a simple cost benefit exercise and part of the cost is finding a place to park on a busy day. I was just down here with relatives from Indiana not long ago and we drove around for quite some time trying to find parking on a busy Saturday. And so the fact that we're potentially getting a venue that will attract a lot of drinkers – I love the building, I want to sit on that second floor and have a drink and look at the ocean, which is not that easy to do in Jacksonville Beach, but, you know, the limited parking will really probably result in this just cannibalizing existing businesses. You know, it's not adding parking to our downtown area. We won't be able to absorb any new people so all we're really going to be doing is, you know, just having a little turf war within the existing venues that we have. So for me, the parking really is critical. We're kind of making a mockery of our parking regulations because, again, this is a bar rather than a retail establishment, when you look at the numbers. We're not requiring it to have as much parking as it should have as a bar and so we're just trying to bring in more people without having the parking for it. Thank you.

**MAYOR:** Thank you. Please accept my apologies on the mispronunciation of your name. I need evidently a new prescription in my bifocal contact. Okay, we've got another card

from Rob Mason of Jacksonville in favor without speaking. Next, Paul West has apparently showed up. Paul, if you'd come forward, sir, we need your address and you'll have five minutes, please.

**PW:** Thank you, Mayor, Vice Mayor, ladies and gentlemen of the Council. Thank you for the opportunity to come before you this evening. I live at 593 Margaret Street, Neptune Beach 32266. Sorry for being late, I just came from Council Chambers in Neptune Beach where I had there an issue before council. I think, I was asked to come here this evening because I'm President of the Florida Surfing Association and President of the United States Surfing Federation. I was Vice President of the World Surfing Organization ISA, worked with IOC, put on such events as the World Games, coached the US Team, ran the US Championships for nearly 20 years. I currently still run the East Coast Surfing Championships which is one of the premier events in the country in Virginia Beach, Virginia. When I was running the ECSC several years ago, a couple of decades, we actually had to move that event out of the city resort area over to Camp Hamilton and the city not only reversed that policy but they highly embraced surfing. Surfing is a great family event. I run many events here in Jacksonville Beach such as the Super Groms that we did two weeks ago with kids average age 5 or 6 years old. We have a 150 kids. One of the premier events in Jacksonville Beach for families. The opportunity for us to brand ourselves as a surfing community which we have one of the best in the country. As I said I run events all over the world, all over this country. I love this community. Our recreational amenities and the beautiful beaches we have is a great resource. And we have a phenomenal opportunity here to bring a landmark establishment with Surfer Magazine behind it, the notoriety and the name recognition that it will bring to Jacksonville Beach and to the City of Jacksonville is phenomenal. And I highly would support something of this nature. The caliber and stars it'll bring in, the name alone will bring in great publicity for the City and bring us the kind of people that we want to come to the beach to generate revenue. I highly support it. I could definitely see bringing in a national or international event here. Yes, the waves aren't fantastic. But I ran the U.S. Championships in Hawaii and one of the flattest events I ever had to do was in the south shore of Hawaii. So everywhere gets flat and it gets pretty good right out here. And it's a great opportunity for us to bring in a gorgeous establishment like this. My office for eight years was at 124 5<sup>th</sup> Avenue North. I watched what went on across the street seven days a week. This is not that kind of establishment. I know the people that are behind this doing this. They do first class and it would be a great addition to our community. Thank you for the opportunity to speak to you this evening.

**MAYOR:** Thank you, sir. Next will be Mr. Jim Walker. Jim, if you'd come forward we need your address and you'll have five minutes, sir.

**JW:** 120 10<sup>th</sup> Avenue South, Jacksonville Beach. I just moved back to Jacksonville Beach going on four years ago now. I'm a semi-professional photographer. I have a day job with the State. I've taken photographs of you at the Sea Walk Pavilion Music Fest so I know a lot of the people here. I'm happy to be back here. And I wasn't really going to say anything, but the gentleman back here came up and asked if any of you all remembered what it was like in the 70s. Now, I lived here from 1972 to 1976. I worked for Paul Califano at the Dive Shop selling surfboards and sailboats. I am a surfer. I'm 60 years old. I'm still out there trying to do it. I know a lot of people in the room that are

members of the surfing community, but what I really want to touch on is I remember the blighted area. I remember what this gentleman was talking about. I remember the Top of the Tides, I remember later Einstein A-Go-Go. You know, it was pretty seedy for a long time in this town. This town, when I moved to California, this town reminded me of Venice Beach. If you know anything about what Venice Beach used to be like, then you know what the 70s was like here in Jacksonville. This brand is an addition to that. Is it a bar? Sure. What's on the property now? And we're not talking about putting a church there or a library. We're not adding a new bar. We're talking about replacing a bar. Is the aesthetic better? I'm looking at the picture. I haven't seen the building, but I believe they have some credibility on it. You have to decide, you know, it's going to be a bar, but what do you want the face of this place to say to people who come here? What kind of bar do you want if you're going to have a bar there? I think that's a decision you're going to have to make based on the face that you want to put out to the people that you want to attract to this town. And that's really all I had to say. Thanks for your time.

**MAYOR:** Thank you, Jim. Mike Bender. Mike, if you'd come forward, sir, give us your name and address you'll have five minutes, sir.

**MB:** Mike Bender, 111 25<sup>th</sup> Avenue South, Jacksonville Beach. So I am one of these surfer folks. I was a subscriber when I was 12, I was subscriber for 25 years. And, yeah, I absolutely grew up with Surfer Magazine. And I don't think that anybody here thinks that this would be a bad idea to have Surfer the Magazine bring a bar here and change Mango's into something that looks like that. The problem is when you start altering the code and you start making changes to avoid doing – if they're a bar, have the parking for the bar. What happens if they do pull out? Lots of new businesses fail. The idea that these folks are going to be here for the next 55 years is a little bit silly to believe. What happens if the current clientele in Jacksonville Beach on the weekends – if we don't think that that's the people that we want here, well, they're here now. They're going to go there. What happens if the people that we want to have here show up on a Saturday night and see the people that are currently there now, decide not to come and maybe this concept doesn't work. Markets will decide. Well, if you're left with a building that's zoned like this, with a liquor license available, what would be next? The idea that we don't have to think about the future I think is a little bit shortsighted. Our job and our responsibility is to think about the future. And keeping that in mind is something that I urge you to do. And also to just kind of get back to comparison to the Hawaii shop, it is wildly different. The idea that something that's attached to a high end resort in the surfing mecca of the world is going to translate to Jacksonville Beach which is a very different demographic, I think that's a little bit silly to put that forth. Now, that being said, if this thing gets built, I'm absolutely going to show up on the second floor on a Thursday afternoon and have a beer and enjoy the view of the ocean. But these are just things that I hope the Council takes into consideration and think about before they vote.

**MAYOR:** Thank you, Mike. I'm here to tell you, this is the hardest one to organize ever. There's a lot of cards coming in. Holly Smith Hale I had identified you as someone who did not want to speak but were in favor. Your card says you would want to speak. Did you want to speak? Okay. In that case, please come forward, give us your name, address and you'll have five minutes ma'am.

**HSH:** Holly Smith Hale at 61 Fairway Lane. I just want to speak maybe to the last remarks about it being just a bar. Again, it is a mixed use space. And living and working at the beach can say personally that our organization would be more than happy to occupy space there. And I'm very familiar with other organizations and businesses that would think the same. I think we're silly to miss an opportunity like this that won't come again. That's it.

**MAYOR:** Thank you, ma'am. Next, Brenda Shields. Brenda if you'd come forward, give us your name and your address and you'll have five minutes.

**BS:** Hi, my name is Brenda Shields and I live at 315 18<sup>th</sup> Street North, Jacksonville Beach and I'm glad it's finally my turn. Anyway, I changed everything I wanted to say. I love the presentation that he did, it's really nice. And I want to say that I am also in favor of the surf culture because as a matter of fact in 1964 my husband and I bought an 8'6" surfboard and came down here and skipped classes at college just to go surfing every morning and made a C in PE in the elementary school because we were going to be teachers. But, anyway, so I think it's a great store, I think it's good for children to learn how to surf. We were just out there the other day at the beach and finally we did have a few waves and I saw all these people out there surfing and it made me want to do it again and, of course, I still do surf in my own way with my little red and blue canvas air mattress. I can ride the waves all the time every time I go down there and I'm going to be 70 in August, so, hey, just keep on a going, you know. And kind of the culture is a healthy, it's a healthy culture. And I guess I'm confused because when I read all the stuff in the newspaper and it said it was going to be a bar, Surfer the Bar, and when I first saw the picture I said this is wonderful. I could finally go somewhere and see the ocean and have dinner which we used to do at First Street Grill, which I still do at Casa Marina. I used to love going to the pier and the old pier and sitting there and having, you know, breakfast in the morning and things like that. But there are just so few places now where you can actually do that. And anytime I go out of town, anywhere I go, I try to look for places where I can see any kind of water from where I'm eating. So, I was hoping that that would be this, but then when I read it was just going to have a food truck I said, you know, that's just so disappointing. And then I thought I heard the man say tonight that there was going to be a restaurant in there. And I did look, I got on the internet like the lady said in the newspaper, the person who is for this, she said go look at what they have in Oahu. So I did and they have a really nice little menu and I thought, well, that sounds fun, you know, but I'm not clear yet whether we're going to have food or not food and what food's going to be on the food truck. And then the other thing I'm concerned about was, well, I knew that all the parking was an issue and I guess everybody's spoken to that so I guess that concerns me, too, because when I go down to the beach on Saturday and Sunday, even though I have free parking in the pier parking lot and the other commercial parking lots, I can never find a parking place. It's always full and closed. So I always end up going down to 13<sup>th</sup> Avenue North which now lately that's been full, too, so I mean I am concerned about the parking. I definitely think this is better than Mango's if we could make it a restaurant bar and not just a bar. And I like the idea of all the talks that they're going to do with the young people and I guess that was the other question because all the other bars you have to have an ID and be 21 to get into them and I wonder are we going to be able to let the children with their families come in or are they going to have to be IDed after 10:00 at night or what? I mean, you can't let people who are underage

come into a bar if that's what it is. If it was a restaurant then anybody could come in there and eat. So I just don't know how you're going to handle that issue about the underage people. And the other thing is – well those are pretty much my points. I just think that the thing that they do in Hawaii sounds perfect. I mean, they are on north shore Turtle Bay Resort in Oahu which is the perfect place. I'm sure they have plenty of parking there or shuttle buses that run them back and forth from the hotel to the bar and the restaurant. And it says that they do things – I read it, I did my homework. It says that Surfers is where north shore legends and fans, friends and family gather and live the experiences of waterman, day and night – which I had to look up the definition of waterman, but that just means they're doing a thing with water which we all like – through the rich intertwined histories of Hawaii and Surfer Magazine. It is the stage for Hawaiian musicians and a screening room for big wave filmmakers and Talk Stories by well known surfers are also scheduled. And I thought that that sounds great to me, but, you know, not if it doesn't serve food. And if you can't allow children in there to see all of this good stuff. And the other thing is I think that if it's denied what y'all are asking for is rezoning and all that stuff, I think that something else will eventually come along and Jacksonville Beach is poised to be the family friendly beach city we want it to be. So, I just don't, wish you would think about these issues that I'm concerned about and, you know, try to resolve them in some way so we can make this a family friendly community and not just another bar. Thank you.

**MAYOR:** Thank you, Brenda. Mr. Fred Jones. Fred, if you'd come forward and give us your name and address you'll have five minutes, sir.

**FJ:** Good evening. Fred Jones 1300 Kings Road, Neptune Beach, Florida. I have heard a whole lot tonight particularly about the parking and traffic issues. I don't want to get into the stuff about, you know, the entrepreneurial spirit of this. I think programmatically it's wonderful. But I really just wanted to focus in on the issues that people have concern about. And when it comes to parking, again, I don't know, I've spoken about this in previous hearings. Most of the standards that we use to base the parking are based on institute of transportation engineer standards that are based in suburban sites. So when we talk about how much parking is required for the square footage, it's usually based on a survey of some suburban location. Everybody drives there. In a unique place like Jacksonville Beach where we're talking about infill and essential business district we should be talking about capping parking. We should be talking about parking maximums. And in this particular case and in a lot of places we've totally said there should be no off street parking requirements. We've already done a 50% reduction as it is and, you know, I kind of leave it with this quote, "If every place had enough parking for all the visitors that wanted to come there, we'd have no place worth visiting because you would have nothing but parking." So, always think about that. And, again, the idea, too, is that people are going to reach this by biking, walking, it's not going to be scenario where it's all just people driving, so I just want people to keep that in mind. The other thing, again, when we did do this Vision Plan in 2007 we talked about, you know, how this place was going to evolve and when we talk about that, we talk about architectural, we talk about buildings oriented to the street, things that are going to promote the concepts of walkability and what you're going to have here is something that's going to have long term value. So, regardless of whether the Surfer building lasts or doesn't last, in the end you end up having a nice product that is mixed use that's going to promote

whatever is there. Whatever comes into the future. So, you know, just kind of leaving you with that to think about. That you don't want to get hung up in parking and traffic is a reason for denying this because in a central business district, we should be capping that. And it begs the question that we don't look at all of our regulations, particularly focusing more on form, scale and massing rather than what the use is. Because the market's going to determine what the use is, but at the end of the day, it's all about people walking and having a wonderful, lasting, sustainable downtown that's based upon walkability and that's what you get with this type of structure. Thanks.

**MAYOR:** Thank you, Fred. I appreciate it. Mr. Curtis Devorak. Curtis, I need your name and address and you'll have five minutes, sir.

**CD:** Uh, yeah. My name's Curtis Devorak. My address is 1031 1<sup>st</sup> Street South, Unit 1407, Jacksonville Beach 32250. I am the masked man that Tony mentioned wanting to meet. I'll get a picture with you afterwards. I've lived and worked in this city for over 18 years now. I wear a big, furry yellow suit for a living. So, I would hope you would take my comments seriously even though I act like an idiot for a living. This concept, having been a part of the Jaguars for 18 years now, coming on my 19<sup>th</sup> season, and being a part of a worldwide brand that helps establish Jacksonville and has done a lot of great things for this City, having been on the frontline of that and seeing that firsthand, traveling the world, traveling the country, representing that worldwide brand, this brand here, Surfer Magazine, is that same thing. Obviously, you know, two different entities, but the brand – people talk about sustainability and worrying what's going to happen next – this magazine has been around for 50 years. This magazine's going to open – yeah, there's going to be twelve. Okay. Is that a reason not to be the first? Is that a reason not to be a part of this? They're going to open these in other cities. Why not be the first? Why not be the city that brings them here? And that magazine has been around for 50 years. They're going to be involved in this. So there will be Talk Story. And maybe our waves don't look like Pipeline. No waves in the world look like Pipeline. We have a ton of surfers in this area. This franchise will be here for a long time. Bar, food, all that stuff, parking – parking. There's a beautiful parking garage about four blocks away I've seen built on Beach Boulevard. I grew up in Jersey and in New York City so maybe I'm a little more used to it than others, but I got two legs, I can walk. A lot of people – maybe the parking issue isn't about trying to figure out how many spots you can put around a building and maybe start educating the people who are coming here as to, hey, it's not that bad to park two blocks over on 4<sup>th</sup> street or 5<sup>th</sup> street and walk to these places. The Town Center is bringing in national brand after national brand. And the Town Center is pulling more and more people to that area. This is a brand that will pull people here to Jacksonville Beach. This is a brand that will bring people from other states, from other countries. This is a brand that will allow Jacksonville Beach, what we all want. We want successful businesses. We want the businesses around them to have the commerce and people buying their products, the stores want people. People are here to come see things like this and be at places like this. They're going to be here to purchase those items that are in the retail shops. I hope that the worrying about sustainability and parking and those things doesn't get in the way of allowing Jacksonville Beach to have something that is economically going to be beneficial to this area, aesthetically it's going to be – I mean, I'm sorry, all due respect to whoever owns Mango's – this building vs. the Mango's building, aesthetically it's not even close. And a sense of civic pride for the people that

grow up in this area. I've been here 18 years. I don't know how many more years I can wear the suit, but I know when I'm done I'm going to be living here. And I love this city. I moved here 18 years ago. I love this city. I love this beach. As a sense of civil pride, when I go around the country and be able to tell people, yeah, Surfer Magazine opened their first place in Jacksonville Beach. That's going to be something that I'll take pride in. That's going to be something that kids will take pride in. Knowing that Surfer Magazine, this establishment, this franchise came here first. Just because there's going to be twelve others doesn't mean we shouldn't be the first. Thank you for your time.

**MAYOR:** Thank you, sir. Mr. Lance Folsom. Lance, if you'd come forward and give us your name and your address, you'll have five minutes, sir.

**LF:** Lance Folsom, 1022 23<sup>rd</sup> Street North, Jacksonville Beach. I brought copies of the email I sent you. Is it alright if I give it to Judy and let her hand it out?

**MAYOR:** Yeah, I can assure that it's already been filed in the record. I mean, if you want to give us an additional copy, that's fine.

**LF:** Well, I made all these copies.

**MAYOR:** As someone who owns a recycling business, I'd like to talk to you about that after the meeting.

**LF:** To counter that, Mr. Mayor, instead of sending you a letter like I used to do, I sent you 14 emails. No trees were lost in the saving of this City. I know Steve Diebenow, but I hope you'll bear with me. In my knowledge of the Land Development Code and the Comprehensive Plan done to stack up to Bill Mann and Steve Lindorff, but I tried to faithfully and sincerely look at the Land Development Code and a Comprehensive Plan and the downtown Vision Plan. We've come a long way since 2007. That was one of the processes I really enjoyed participating in. My wife and I both did, along with Lee Buck and, you know, Rick and some of the other people. And after that, you know, we felt like we were on the right course, but we're still having a little trouble downtown with alcohol related issues, so the City came together and after a few misfires, we came up with an alcohol ordinance that was designed to minimize or to decrease the alcohol related disturbances. And now we think we might have a hospitality zone so we could be hospitable to anybody, not just somebody wanting to party and get on a bus, but families, old people like Janet and me, might want to bring our relatives here, downtown, like we used to. So, here we are today and when I read about this bar and the fact that it's about double the size of Mango's, I thought to myself, this seems diametrically opposed to my concept of our downtown Vision. And I even looked at the Vision Plan to be sure it was in there. And Lee said, you know, safety, walkability, family friendly, and a place to gather. You know, those were core values. And not just people that want to party but for everybody. We wanted a better mix downtown, so maybe people will feel comfortable down here at 10:00 at night. Somebody said the 10 to 2 crowd is going to be the same wherever we are. So, my question was, is this really what we want to fulfill our Vision for the downtown? So, I think we're kind of at a crossroads, maybe, and I think this brand is wonderful. I'm signing up for surfing lessons when I leave here. Our two grandsons learned to surf at the Seahorse Motel this week, so I'm all for surfing. I think

it's great and this sounds great, but it just – I'm just wondering if it's the right place at the right time. It is big, but it's not maybe as big as I thought. But it's still a lot bigger than Mango's. And we have a rule that you're not supposed to have bars closer than 500 feet and I've been told for years that's one of the reason we have so many alcohol related problems down here. So now we're going to double or almost double the size of one of the non-conforming uses and somehow this is going to make things better. I don't know – maybe it will. But, there are a lot of issues. Parking is only one of them. But is this consistent with our desired community character. I don't know. It's up to y'all to decide what that is. Does it really kind of carry out the downtown Vision Plan and I kind of wonder if it's not. I mean, we want to get away from the nighttime entertainment district, I thought, and making an all day, every type person place to come. You know, is it too big a scale? Will it adversely impact surrounding properties? I don't know. It might. And I got to thinking about the noise. I know we don't have residential and please call time on me because I'll just go on if...okay, good. But the noise could be an issue, but like the guy said, if you're downtown you expect noise, but it's 3 or 4 times the normal outdoor space we allow in the Code. So, you know, if you've ever had a neighbor next door out at night on their deck and you're sleeping, voices carry. So, if we ever have a guest at the Casa Marina or over at Pier Point, they might be out on their patio. So, noise is an issue. There are a lot of issues. If you think this is what we need, you need to condition the heck out of it to make it something good for the community and the applicant and Mr. Diebenow, I'm sure, would work with the City to do that. So, I just think we need to be careful because this is going to affect our city for a long time and have a profound effect on everybody. Thank you, sir.

**MAYOR:** Thank you, Mike. And Mr. Jim Overby. Jim, if you'd come forward and give us your Burling Way address, you'll have five minutes, sir.

**JO:** My name is Jim Overby. I live at 21 Burling Way in Jacksonville Beach. This starts out with the family friendly downtown. And we're talking about a good bar replacing a bad bar. I'm not sure that that isn't a zero sum progress. They set up the 500 foot limit, not to limit the number of establishments serving alcohol but to spread them out so there wasn't a concentration in one spot. I think that the developer was probably – the general manager of the magazine was probably correct when he said he could do without a bar. I think that Surfer the Restaurant is a terrific idea. I don't think that this is the right time or the right place for this project. If it can't be done under the existing zoning it shouldn't be done. To change zoning every time a developer wants to put up a new project is not the correct way for the City to go. And I've said this before in other hearings. Thank you.

**MAYOR:** Thank you, Mr. Overby. And the last card I have on file for this evening is Mr. Bruce Thomason. Bruce, if you'd come forward and give us your name and Post Office box. You'll have five minutes, sir.

**BT:** Thank you very much for saying that, Mayor, for Mr. Forbes' benefit. Bruce Thomason, P.O. Box 50556, Jax Beach 32240-0556. Been a lot of really good presentations tonight. I believe the young man's name was Daniel. While I have never even touched a surfboard he almost made me want to go surfing, except that I've got this hard and fast rule never to enter an environment where things are big enough to eat me. So, I won't do

that. Let me say, successful businesses, in my opinion, help build successful communities, however, with this caveat. A business in the wrong location doesn't necessarily help build a successful community and the question is, is this the right location in the middle of our central business district, 190 feet away from another alcohol establishment, Lynch's, and other places. As has been said, the City is trying to create this family friendly environment and I do take a little of exception to their listing a family friendly environment for native beachgoers, family, friends and tourists to frequent when it is a bar. It advertises itself as a bar. Mango's has a maximum capacity of 84 people. I'd venture to say that over the past few years it's probably not been that many times that Mango's had 84 people in there. With the new establishment, fire officials don't have a specific plan to look at to say what the maximum capacity is, but just based upon the square footage that they've been presented, the rest – I mean, it could go as high as 300 people. Now, when you add that many people – and there's no mistaking from my opinion it is an absolutely beautiful building. And because of what everyone has talked about with the surfing establishment, it's going to attract a lot of people. And I disagree slightly with one speaker who talked about people walking and riding their bicycles. Yes, there will be those, but it will quite probably become a destination for all of Duval County and the surrounding counties and we're going to see literally thousands of people coming to check it out and, depending on what they see, they will come back and they will make the place successful. Mango's has – I didn't – I rode my bicycle by there today and I didn't stop to count them, but Mango's has approximately 22, 25 parking spaces there now. We're talking about at least doubling the size of this establishment with the same 22 parking spaces. And I know people have said, well, parking shouldn't control things, but I can tell you in my former position and from talking to Chief Dooley, parking does become an issue. People get offended when they have their driveways blocked on the avenues. People get upset when they go through the parking lot and can't find any place to park because it's full. The more people we draw into Jacksonville Beach, the more parking issues we will have. So, I just encourage you to think about those kinds of things. Mango's has been primarily a neighborhood bar for years. And I can tell you from when I was in the job, the number of incidents we had at Mango's was minimal in comparison to many of the other alcohol establishments in the central business district. The clientele for Surfer the Bar is going to be very different. It's going to be younger. Its primary focus is alcohol. And put young people and alcohol together by looking at the other alcohol establishments downtown that are consistent problems, and I'm not talking about all of them, but there are certain ones that are consistent in the problems they create. They involve alcohol and young people. So, I just encourage you to be thinking about those kinds of things. I don't know if this has been addressed, but since the food truck is going to be a permanent fixture, possibly Bill Mann will know the answer to that, does it require a grease trap? Are there other regulations since it's going to be sitting in one place and not be required to leave at the end of the day as the others will?

**MAYOR:** One minute, Chief, just so you know.

**BT:** Thank you. The talking about serving lunch and dinner and how long does dinner go? They don't have to serve it at all. They can serve lunch for 30 minutes and dinner for 2 hours and be done with it because they are 4COP not a 4COPSRX. And, finally, approving this, making this change, will it then open the door to allow other drinking

establishments in the central business district or elsewhere in the City to apply to the City to do the same thing to their establishments and double or triple the size of that? I just ask that y'all take those things into consideration. Thank you.

**MAYOR:** Thank you, sir. That's the end of the speaker cards. I'd like to propose a five minute recess. Hold on just a second, hold on just a second. From a parliamentary procedures standpoint, we are not closing the public meeting until we have given a couple more opportunities. So the public meeting is still going to be open, but we're going to recess for five minutes.

**(RECESS)**

**MAYOR:** Okay, folks, if we could start finding our way back to our chairs, that'd be great. Ladies and gentlemen if we could find our way back to our chairs, get started, I'd appreciate it. If there's any members of City Council in the hallway, if you could come in, I'd appreciate it. Thanks Mike. Alright, we're just missing Jeanell, I think. Okay, we've got everybody back, so we're going to continue on with the public hearing. Call to recess complete and we're back in order and at this point, we've given everybody with speaker cards an opportunity to speak and we just want to make sure we exhaust everybody's ability to speak. Is there anybody else that didn't fill out a card that would like to come up and say a few words. Okay. Seeing none, I'm going to at this point ask the City attorney first if she has any comments or would you like to respond to any of the comments from the applicants or the public. And, Susan, even though we know who you are, if you could state your name, we'd appreciate it.

**City Attorney:** Susan Erdelyi, City attorney. The only comments I have to make are just a reminder that if you've had any ex parte communication that has come either in the form of written communication or personal communication that you're going to need to reveal both the identity of the communicator and the content of the communication before you make your decision. That's the only comment that I have.

**MAYOR:** Thank you, ma'am. And Planning Director. Steve, do you have anything you'd like to add or address based on the comments that you've heard this evening.

**Steve Lindorff:** Yeah, I just have one thing. In his presentation, Mr. Diebenow mentioned a process by which the number 4COP, a full alcoholic beverage licenses, can change and I just wanted to correct his conception of that. Jacksonville Beach has a quota that's in its City Charter and the total number available is 12. And it's based on the population in 1950. So it's one license for every 550 people based on the 1950 population, but it's capped at 12 and it can't be changed except through the Charter amendment process.

**MAYOR:** Thank you, sir. And for the record that was Steve Lindorff. I'm sorry, I forgot to ask you to state your full name. Thank you, sir. Okay, at this point I'd like to ask the applicant if they'd like to respond to any of the testimony or questions from the public.

**SD:** I appreciate – again, Steve Diebenow, 1 Independent Drive on behalf of the applicant, I appreciate Mr. Lindorff's clarification. I was given that information in the audience as well. I apologize for that. But I think the point remains the same which is that there is

not an unlimited number of licenses available and that the notion that there would be a proliferation of these uses just is not, is not a valid point. I'm not going to go in any particular order, I'm just going to really cover a few issues and then we're available to answer any questions or talk about this. Any other concerns that any of the council members may have.

Regarding parking. You know, the alternative here is we, as we've said several times, we meet code. And the math is pretty straightforward on the way that the 23 parking spaces we provide, 22 regular spaces plus one handicap spot meets code. But, the alternative is we could have been in front of you talking about asking for a lot coverage expansion, going to 90% lot coverage and paying money into the fund to go towards a future parking garage. The net result would have been no parking at all and a little bit more money towards the parking garage and we would have had maybe a bigger location with more lot coverage. Instead what we decided to do is follow the code. So, we're meeting the lot coverage requirements. We're providing the amount of parking that we're required to on site and we think that's a good way to show what our true intent is here, which is not to overbuild and not over-intensify the sight. Mr. Buck made a lot of great points. He talked a lot about safety. He talked a lot about the CRA – family friendly, walkability, again, and parking. A couple of point. First of all is that the ratio on revenue for this particular establishment is going to be 35% food and about 65% beverages. Not including the retail revenue, which we don't really have a number on yet. This is a true mixed use facility. This isn't one that just is a single use. By percentages, about 25% of the square footage is dedicated to retail use, not to the bar property itself. The investment. We haven't talked about that at all but it's about a 2 ½ million dollar investment to construct the facility as we've shown. That will lead, obviously, to higher property taxes which is a great thing. We also will be providing about 50 jobs. And so our payroll for this particular establishment is multiples above the existing payroll at Mango's. All of that is to say that in addition to the fact that we will be providing adequate security – and security is in our greatest interest as well. If it's not a safe location, people won't come. The people won't come, we won't stay in business. As a result, all of those criteria led to the fact, as Mr. Buck was concerned, whether or not we met the CRA requirements and your CRA voted 4 to 1 and found that we did meet the requirements of safety, being family friendly, walkability, parking. All of those things that are of concern. There was a gentleman that was in an orange shirt and, I'm sorry, I missed his name, but he mentioned that there was no food preparation location. That just is not true. We do have a food preparation location inside the building. We do meet parking. I thought that Mr. Devorak's point about there being 12 locations is fantastic. I mean, there's only 32 NFL teams, so, why would you ever want to be one of the 32 cities with an NFL team. It's the world's greatest brand. Well, you want to be one of 32 just like you want to be one of 12 and being the first is just an added bonus. And I understand that it's hard to imagine the vision. A couple of folks talked about this, about how Jacksonville Beach wasn't the north shore of Hawaii. Well, I think that's really selling the community short. I think that the vision of the folks that are sponsoring this development, you can tell the passion that the folks speak with about this potential opportunity is every bit the passion you would find about any other community in the country. Jacksonville Beach has its own quirks, has it own pluses, it's own minuses, it's own characteristics that we love and enjoy and those will be reflected in this facility. Just like those quirks and foibles are reflected on the north shore of Hawaii. And so what I

hope you can tell is that this isn't just a brand that's lending its name and being a part of a license to an establishment. This is a brand that has an ethos, that has a real character to it, that has a lot more to it than just a name, a lot more to it than just making money. But actually a place where people will come and aspire to improve things. That is really what we're talking about this evening. The 500 limits on other facilities – you know, these technical issues about parking. I mean, I can make just as good of an argument on this 500 foot limit that maybe you want to cluster all your bars in one location. I mean, I can make a passionate argument that having all 12 or 22 or how ever many facilities there are, maybe they should all be in one corner of the City. Because then you have the other rest of the City to work with. Or, as in this situation, you have an existing dilapidated business that's decrepit, that adds nothing, again, with respect to the owners, adds nothing to the fabric of the community. In its place we're talking about a facility that's not only new but has all the characteristics we've talked about. This isn't a zero sum game. This is about a change. This is about replacing a building that has no food service with a building that's going to derive 35% of its income from the sale of food. This is about a facility that has no views and no, or very limited, community engagement, with one that's going to be fully engaged in the community, that has tremendous ambiance. It's about a place that's special, about a place where families are invited, where there will be other events. There is not – one of the points that was made is, you know, whether or not kids would be allowed in and whether they have to get IDed. There will be limits, it will be an operational issue. There will be limits on when children aren't going to be allowed. I mean, after 10:00 at night, a 16 year old probably shouldn't be out, you know, with that part of the community anyway. So there will be a time when they will ask folks to leave if they are underage. But in the event that folks are still there, if they've sat down already for meals, they'll be IDing people individually in compliance with the law. You know, other than – and I really respect the Chief and his comments and his view on public safety – but if I could say his comments maybe in a little bit different way, it's almost like he was saying that we'd rather have a bar that was unsuccessful in a place where people don't like to go, then a place like Surfer. And that, I don't think, meets the intent of your redevelopment plan. It certainly isn't what your consultants would tell you that they would want for Jacksonville Beach. It certainly isn't consistent with the CRA. And so, again, I would submit that this application meets all the technical requirements. I didn't hear anything this evening that would lead me to believe that there was competent substantial evidence on the record to deny this application. In fact, I hear quite the opposite, which is that all the applicable criteria have been met, that the recommendation forwarded to you by the Planning Commission should be supported, and that the vote taken by your CRA in support is one that we would hope that you would follow this evening. We really appreciate the time and look forward to answering any questions that you may have.

**MAYOR:** Thank you, Mr. Diebenow. I appreciate it. Ladies and gentlemen, at this point we will close the public hearing and I want to read a statement about ex parte communication that reflects pretty similarly to what our City Attorney had said. Before requesting a motion on this ordinance and beginning with myself, each of the members is requested to indicate for the record both the names of the persons and the substance of any ex parte communication. Ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision which occurred outside of the public hearing process. It's going to take me a minute to go

through mine. I can tell you that I have, in fact, filed all this with the City Clerk, so all this information is available through the Clerk's office as public record. I received ten incidents of ex parte communication.

The first one actually was a meeting. I'm sorry this pack is a lot bigger than I anticipated. The first one in early December 2013 I was contacted by Robert Tilka and he asked me for a meeting. I asked what the subject of the meeting would be and he responded it was a potential business opportunity for replacing Mango's with a new bar. I made an appointment to meet him in Wednesday, December 18<sup>th</sup> at 10:00. I invited both the Director of Planning Steve Lindorff and Senior Planner Bill Mann to join us. Robert Tilka brought Greg Saig, the Salt Life owner, with him. This was my first and only meeting that I attended. During the meeting we discussed in general terms the Tilka/Saig plan to replace Mango's with the new and larger bar that was franchised by Surfer Magazine. Mr. Tilka expressed concern about the City's parking requirements and limited outdoor seating allowances. I informed them of our intent to work with Hospitality, Inc. and we were looking at how best to create additional outdoor seating options for restaurants downtown. In the interim I suggested they work with Mr. Lindorff in his office to see if the current plans would work and I also suggested the plan division. Also helped them explore the properties that conform to City zoning and ordinance requirements should they Mango property not work.

Second ex parte communication came from Mr. Diebenow. He invited me to participate in a meeting and I actually had the City Managers Officer reply that it was my policy not to engage in ex parte communication prior to the hearing. A lot of you heard that before and some of you for the applicant, some of you against the, or opposing the applicant and there was a little bit of confusion about whether or not I was setting a policy for the council. I, in fact, was not. That's just my personal policy. And that's based on a recommendation of City Attorney. Along with that letter I got two attachments. I did not open them, but I presume that they were in today's presentation. Okay, thank you.

Ex parte communication number 3 was a rather lengthy email from Lance Folsom which I believe was the exact same one that he passed out this afternoon.

Also I got a text and a phone call to Robert Tilka on July 8 at 7:19 p.m. Mr. Tilka invited me to grab lunch and I let him know that I was unable to meet with him until after the rezoning hearing. Since it was a quasi-judicial hearing, I also asked him to communicate with me via email in the future vs. texting and I gave him my email address.

Ex parte communication number 5 was another letter from Lance and Lance you weren't kidding. You sent a lot of emails. And that's also been put in the public record.

Ex parte communication number 6 was a letter from Warren Smith that was in favor of the application.

Ex parte communication number 7 was a email from Stephanie Perano and she stated that she was against the bar downtown.

Ex parte communication number 8 was from Brenda Shields. Another letter asking us to vote no on this zoning change.

Another, ex parte number 9 from Lance Folsom again. And those are also in a public record. And, Lance writes long letters.

Ex parte communication number 10 was from Georgette Dumont and Georgette is opposed to the application.

And then ex parte communication number 11 was a letter that I received, as I understand other members of the Council did, from Tony Perez thanking us for our consideration.

So that is the extent of my ex parte communication and Madam Clerk, was there any additional written communication that was addressed to me or any other Council members that I have not answered or responded to?

**Clerk:** No, I have received none.

**MAYOR:** Okay. Thank you. In that case I'd ask you to call the roll call and ask the other members. And I want to say something. This is, I think, our fourth public hearing since we've been a Council together. This is really the most contended issue that we've dealt with and it's probably the first time that we've had an abundance of ex parte communications. So I'm asking you to bear with us while we sort through the details. I don't know if everybody is as prepared, but if you would please, Madam Clerk, call the roll and give each Council member the opportunity to express the same information. Thank you.

**Clerk:** Okay, let's start this end with Chris Hoffman.

**Councilmember Hoffman:** Okay, so on July 7<sup>th</sup> at 9 a.m. I met with Steve Diebenow at Starbucks in Jacksonville Beach and we pretty much just discussed the presentation that we saw here today. The layout and the design of the building as well as the changes that had been made subsequent to the Planning Commission meeting. I have a letter dated July 15<sup>th</sup> from Mr. Tony Perez that I think was sent to the Mayor and copied to the rest of the Council. On July 4<sup>th</sup> and on July 20<sup>th</sup> I received a letter from Mr. Lance Folsom. On July 21<sup>st</sup> – I'm sorry, this is probably already known, Mr. Diebenow was in support. Mr. Perez was in support. Mr. Folsom was opposed. Georgette Dumont's letter of July 21<sup>st</sup> opposing. And I received a Facebook message this morning from Terry Deloach in support.

**MAYOR:** And also everybody make sure you get a copy of all your correspondence to the Clerk, please, for public record. Thank you.

**Clerk:** Councilmember Doherty?

**Councilmember Doherty:** Uh, excuse me, I, too, received the same correspondence that was emailed to my fellow Council members and the Mayor. For example, I received Georgette Dumont's email last night, July 20<sup>th</sup>. I also received the cover letter from Mr.

Perez. I received an email from Lance Folsom asking if I had received an email, which I don't really know if that counts as ex parte, but I didn't, so, thanks, Lance. More importantly, I've had two ex parte communications with Mr. Saig and Mr. Tilka. One was a telephone conversation with Mr. Saig. Another one was a meeting with Mr. Tilka. And then on July 9<sup>th</sup>, I had a sit down with both Mr. Saig and Mr. Tilka where we discussed basically what the drawings that have been presented to everybody today at this hearing. It wasn't – it was quite laid back, quite relaxed in manner and they were just kind of going through what their vision was for the Surfer Bar. And that's it.

**Clerk:** Councilmember Wilson?

**Councilmember Wilson:** I don't have a count of all of them, but I received the same emails, I think the fellow Council members did. In addition, I did get a phone call from Robert Tilka and I had communication with Steve Diebenow asking for a meeting, which I declined. And so I did not have any discussion about this with them. Only about the meeting which we did not have.

**Clerk:** Steve Hartkemeyer?

**Councilmember Hartkemeyer:** Uh, I, too, received the same emails that the fellow Council men, persons got. I got three from Lance Wilson, I got one for Georgette Dumont. I did a phone call from Steve Diebenow asking for a meeting and I declined that meeting based on this was going to be a ex parte communication type of a hearing. And I had a telephone call with the Steve Lindorff staff. And that was really about it.

**Clerk:** Councilmember Vogelsang?

**Councilmember Vogelsang:** I had lunch with Mr. Diebenow on Friday, June 11<sup>th</sup>. We discussed the plans pretty much as presented today with regard to the building. Proposed modifications since the commissions had voted on it and I, too, received the same email correspondence where all of us in the Council and the Mayor were cc'd from various individuals.

**MAYOR:** Okay, thank you and at this point, then, I'd like to request the motion to approve ordinance as read by title.

**Councilmember Hartkemeyer:** Okay, move to adopt ordinance number 2014-8058 establishing a redevelopment district RD zoning district within the City of Jacksonville Beach, Florida as provided under Chapter 34 of the Land Development Code of the Jacksonville Beach Code of Ordinances. Applicant is Surf Works, LLC care of Robert Tilka.

**Councilmember Vogelsang:** Second [the motion].

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

the decision, and how the decision was made. At this point, I'm going to open the floor to Council and I'm going to break tradition and I'm going to start with myself first. Put a lot of, a lot of energy into this and a lot of thought into this and most people know that, you know, it doesn't matter if we say yes or no, we're probably going to have about half the people in the town, the City upset. So I reverted back to the original intent of the public hearing requirement, requires judicial hearing requirement and broke out the Land Development Code, broke out the Vision Plan and the Comprehensive Plan and I went through everything in pretty extensive detail. I'm the guy that got to keep the cards up here, so, I went through and sorted these out based off of the comments that I heard from everybody and I think it's important that we all summarize these together so we know what we're dealing with. There were twelve cards submitted from people outside of Jacksonville Beach. And of those twelve people there were eleven in favor and one was unclear, whether or not that person was in favor or not in favor. There were thirteen cards that were submitted by people, residents of Jacksonville Beach. Five were in favor of the application, six were against the application and two were unclear to me. I couldn't tell whether or not they were for or against it. Going through the Land Development Code, going through the Vision Plan, the Comprehensive Plan and making this as unemotional as possible, that's our requirement as a City Council here, so look at this not based on preference, not based on opinion, but to base on actual facts and whether or not we're complying with the Land Development Code and the Vision Plan and the Comprehensive Plan. I have six points of fact that I am going to address to my colleagues this evening.

Number 1 is in accordance with the Land Development Code Section 34.407b – a 4,274 square foot indoor bar or restaurant would be limited to a total of 727 square feet of total space. The applicant is requested 3,615 feet which is an increase of 2,888 or roughly 400% more than what the Land Development Code would dictate.

Number 2 – Mango's was grandfathered from the 500 foot separation requirement between alcoholic beverage establishments as defined by the Land Description Code – I'm sorry Land Development Code – Section 34-393. Mango's is currently 190 feet from Lynch's Irish Pub and 436 feet from Bo's Coral Reef Lounge. So, in effect, if we agree to move forward with this we'd be extending or expanding a non-conforming and grandfathered use and intentionally overriding the 500 foot separation. Several testimonies here this evening did address the 70s and the blight of the 70s and I believe, based off of what I have read, that this was actually established to keep that from happening again.

Point number 3 – parking requirements have been significantly reduced by classifying a proposed establishment as a shopping center. A shopping center is defined by the Land Development Code is a group of retail stores service establishments or other businesses not necessarily owned by one person nor by a single land ownership which is adjacent to and utilizing the common off street parking area. To me, the applicants' proposal does not meet the intended definition of a shopping center.

The RD zone – number 4 – the RD zone in process by definition, and this is Development Code Section 34-347, 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 proposed establishment of a larger bar to replace Mango's does not foster a diversity of uses or create a true mixed use environment. And the example that I use for that particular classification would be something akin to the Pier Point where you've got a level of merchants on the lower floor and condos on the upper three floors.

I ride with the Police Department every three months. I start with Saturday at 5:00 and I get done at Sunday at 3 in the morning and I witness the downtown activity first hand and from my observation and has been testified by a couple of folks here tonight, Mango's is a relatively low crime bar or a low attended bar, primarily due to the older age of the typical patrons. If the bar were doubled in size and redesigned to be more attractive to the younger patrons, I believe it's reasonable to expect that there would be an uptick in service calls for the Police Department.

And my last point. We've hired two consultants to assist us in creating a more family friendly downtown. We're still in the process of working with these consultants and it seems premature to make a decision about adding additional bar space without getting our facts and recommendations completed first. There were several really good points brought up this afternoon, or this evening. The outdoor dining. It's part of what we're looking for through our Hospitality Inc. relationship and retail strategies. We, I personally, and I can't speak on behalf of everybody here, but when I bring guests into town to entertain them as a business, I usually take them to Casa Marina so we can sit up there and look at the ocean and have a tapas or a beverage. And I'd like to see more of that in Jacksonville Beach. So, I'd like to see that happen and work through our agencies, or the consultants to do that.

Parking is an issue. It's not something that we can blow off. And I believe that by making recommended, the applicant's recommended changes that we're not going to make things better, we're going to make things worse.

I did live here in the 70s. The 70s was a blighted area. I did surf back then. I had a much lower center of gravity and I had a – my first surfboard was a Hanson 6'9" that probably weighed 400 lbs. And now I've got a little Ocean Arrow that I love to get out and paddle around on. So I'm not a stranger to what everybody wants to do and the image we want to portray. I can't help but celebrate what you've brought to us. I think it's a great, a great look. And do I think it looks better than Mango's? I don't think you need to be an expert to say, of course. It looks a lot better. And I think it's a – it's something that's going in the right direction. 35% of your revenue is going to be coming from food trucks. I think when this Council sat down and discussed the use of food trucks, it was never in my head that we were going to attach one to a building and then modify the requirements for that food truck so that it wouldn't have to meet the grease trap requirements, the bathroom requirements, the seating requirement. And those are things that we haven't addressed as a Council. We also did that under a pilot program to give us a year to explore that and see whether or not it made sense for us to continue. I gotta tell you – I am really impressed. It's a really tough call. But my opinion, as one vote, is I'm opposed to the application as written. As exciting as it may be to have an

establishment for Surfer Magazine in our beach, I conclude that the rezoning application does not meet the intent of the Land Development Code or the Vision Plan. And I would tell you this – you know, because I feel strongly about the fact that we put all this money into our consultants and to come up with the ideal downtown family friendly vision – I'd be happy to revisit this application once we got that information completed from Hospitality, Inc. and also Retail Strategies. So, that's my comments and at that point, Mr. Vogelsang, you are first on the light, so, it's all yours.

**Councilmember Vogelsang :** Before I even start, based on your comments, Mr. Mayor, I think that the – at worst today it would be in my opinion to postpone this application and table it for them to either amend it regarding your food concerns or wait until after the consultants rather than simply no vote. If I think, is it, they can have another hearing on this, correct, George? They are entitled to one more?

**City Manager:** Yes. There actually is only one public hearing but this is the first reading of the ordinance. So there would be a second reading, normally in two weeks, unless you were to postpone this, then that could come at another time.

**Councilmember Vogelsang :** Okay. However, I'll be voting in favor of the proposal as it has been suggested and presented by Mr. Diebenow today. I think it was a great presentation and I do respect everybody coming and attending this. I think it's important to note that we take time and consideration in who we appoint to the CRA and the Planning Commission. They're there for a reason. To take in and hear proposals such as this and to take the time to do that. And I think we're kind of usurping their power and their voice by simply saying two – Planning Commission voted and passed it 3 to 2 and the CRA voted 4 to 1 to pass it and we're just going to, as a Council, say, okay, thanks for your efforts but we don't think this is in line with the Land Development Code when the both of those organizations took the time and specifically the CRA looked at the issue of the Community Redevelopment Agency, the Vision Plan, and voted 4 to 1 in favor of this proposal. So I think that that lends credibility to the proposal as presented and a voice from people that we appoint with extensive experience in our community and deal with applications on a daily basis. We get quasi judicial hearings not so often, but they are consistently dealing with these types of issues. So they, I feel like, know a little bit better than we do on what the community needs or what the community should have. I like the idea that this is a brand that has been around for 50 years and without a doubt I think the location – is it the best location for this particular brand? I would say yes. It's right next to our pier where we have surf competitions on a monthly basis and where that crowd tends to hang out. And let's keep in mind that we created a logo for our community and for our City that it's surfboards. That's – even advertising the pier, right out here on the oceanfront and on our sign that right when you pull in on Beach Boulevard. And, as Curtis eloquently talked about in the beginning of this meeting, we do have an award – the Wave Maker award – and, just, and he's been surfing his whole life and it's been a part of his life and I think his comments go a long way in the positive atmosphere that surfers bring to this community and the idea of it being family friendly in a sense that you do have these Talk sessions on a weekly basis where kids would be invited to come. And obviously at night we would have a bar, but let's keep in mind that we already have a bar there. And then the walkability and the vision for our, I guess, City, we're adding two retail establishments, 3,000 square feet, and bringing the building

closer to First Street and making it an exceptionally better product, consistent with the vision that at least I have for our community and that's to take away the blighted areas and the eyesores. No offense to the owners of Mango's, but I think it has been there, in my opinion, long enough and to have an upgrade to something like this I think would lend a lot of credibility toward, and give something for the Hospitality gentlemen to work with, in our particular community. Not to mention the number of jobs that this brings, primarily to locals, and increase in taxes. And I think you're also – we're not only replacing the bar with another bar. I understand that it is a bar, but I think Mr. Diebenow's point was well heard by me in that we're supposed to accept Mango's because it only has an occupancy of 84 people so it should be okay because not a lot of people go to it. I mean, I think that we want to have a walkable downtown that's family friendly. And I think that this is a start to that, in my opinion. So I'll be voting for it.

**MAYOR:** Thank you, sir. Mr. Doherty?

**Councilmember Doherty:** Well, I would love to be part of this discussion, however, it is my intention to abstain from voting due to a, a quite tangible conflict of interest on this matter. And so therefore I will remove myself from any discussion or vote on this topic.

**MAYOR:** Thank you, sir. Ms. Wilson?

**Councilmember Wilson:** First of all, I would like to thank you for the presentation that you made. It's a very exciting concept. It's a great business idea. It's exciting that you would think of coming to Jacksonville Beach to do something like this, but it's kind of like Trader Joe's coming into Jacksonville Beach, you know, out of all of Jacksonville. It's been an honor to be selected. But, you know, I do agree with the Mayor's comments about, you know, the parking, the other issues that he expressed. I won't go through those again. But it's a great business idea, it's a great concept, but like Mr. Overby, I'm just not sure that it's the right location for this type of concept. It's a – you know, surfers are great people. My son grew up surfing here in Jacksonville Beach, learned to surf here. He's now out in LA area surfing in Manhattan Beach with the great white sharks. He was there the other day where they, right after that happened, by the way. And, also, the, I was in, in March of this year, I was in Turtle Bay Resort area. I did go into the Surfer Bar. It was during the day, however. We stayed at Waikiki Beach and drove up and had lunch outside during the day. The bar – there was no one in the bar at that time. It was pretty much vacant, but there's a big difference in that concept, where it's located, because there is really nothing else around. It's a destination at the high end resort. Destination – you have to be wanting to go there. It takes a lot of money to get there, to stay at that resort. So, it's a different concept from what we have here. We've got people that come to the beach all the time and it's a different clientele that we would have here over what they have there. Granted, they have surfing contests and things that, that the destination for surfers, which is, I respect and the Surfer Magazine is a great magazine, so, but I would love to see, like Mr. Loretta said, work out some compromise or some other maybe location or something. If it were just simply replacing the footprint of what's there now and the size of everything, I would be all for it. But I understand that they need more space and I'm just not sure that this is the right location for it. So, just, again, agree with the Mayor and his comments.

**MAYOR:** Thank you, ma'am. Ms. Hoffman?

**Councilmember Hoffman:** So, I'm just a little bit dumbfounded at this point, but I don't understand how this could be the wrong location for an ocean view bar. It seems to be exactly the right location for an ocean view bar. We have some long term Jacksonville Beach business owners that have put this together. It's a beautiful building. It's right on the road. This is the kind of thing that does encourage walkability in our area. But what has really been troubling me, not just in this hearing, but in a lot of other meetings that we've had, is just exactly what does family friendly mean. And we throw that around a lot and I think that's a very good catchphrase when you're running a campaign and things like that, but what does that really mean. And that's for each of us to decide on our own, but if I was someone with a 4COP license and I was declined on this particular proposal, my next move is probably not going to be to open a Chuck E Cheese or something like that. I'm going to be looking for another bar opportunity. So, I think instead of saying we're – let's not approve the bar and hope that it's going to be something else, I think we need to accept the fact that there is going to be a bar in this location. I am amazed at how positively Mango's has been referred to in this, in this whole hearing. Never thought I'd see the day there. To me, this is something that you would actually see in other towns, in San Diego, in other places that I really feel like Jacksonville Beach should aspire to. I'm not a surfer myself, I worked in a surf shop, I've picked up cigarette butts on the beach with Volcom. It does tend to be a more environmentally conscious group. I think it was Fred Jones who said that artistic class, which is something that I'd like to see more of in Jacksonville Beach. And, you know, everybody has their concerns and things that they've addressed, but I think what this hearing has really revealed to me is that we have some things that are very outdated. Regardless of what it is we have something that's based on the 1950s census. I mean, how is that reality right now? We don't have an ordinance that allows this much outdoor seating. I, personally, feel that's a mistake. I feel like when I go to cities that have a great sociable, family friendly, if you want to say, atmosphere, there are people out and about. You can see people dining, you can see people enjoying themselves, from the street level. And I think that's something that we need to keep in mind going forward. There are issues, as there are issues with everything that comes in front of us, and I think that I've been really impressed with the people that have come to speak. Everyone, but especially the people that have probably never spoken at a City Council meeting or any type of meeting, that have taken their time, going on three hours now, to come out here and to speak on behalf of this. And I think it says a lot. I feel that now that Keith, Councilman Doherty, has recused himself from this vote, and the fact that Councilman Taylor is not here, that I would like to move to table this motion so that we can bring it back up at a future date, allow the applicants to address some of the issues raised, and to come back before us at a future time.

**Councilmember Vogelsang:** I'll second that.

**MAYOR:** Got a motion on the floor to table the issue and, I guess we have to address that before we move on to Mr. Hartkemeyer. So, we've got a motion and a second. Madam Clerk, at this point I'd like to call roll call, please. This is for a motion to table the meeting until we can get the Councilman Taylor back.

**Clerk:** Councilman Doherty?

**Councilmember Doherty:** Abstain.

**Clerk:** Hartkemeyer?

**Councilmember Hartkemeyer :** Yes.

**Clerk:** Hoffman?

**Councilmember Hoffman :** Yes.

**Clerk:** Vogelsang?

**Councilmember Vogelsang:** Yes.

**Clerk:** Wilson?

**Councilmember Wilson:** No.

**Clerk:** Mayor Latham?

**MAYOR:** No. Motion passes. At that point, I would like to give Mr. Hartkemeyer an opportunity to speak. Steve, go ahead.

**Councilmember Hartkemeyer :** Well, my feelings are very similar to yours, Charlie. I mean, I feel like parking is definitely an issue in downtown Jacksonville Beach and it is going to continue to be unless we address it. You know, now's the time to address it. I mean, why not? But, you know, overall the concept of what this is is, you know, it's very appealing. You know, there's no question about that. But it's, it is a bar. And there's no question about that, either. You know, I know they were counting it as being a family friendly atmosphere and stuff, but, you know, I don't see many bars that allow kids in after 6, 7:00, you know? And I just don't see how it's going to be a real safe environment. I mean, it's like Bruce Thomason said, you know, it's – you mix alcohol and young kids, you're going to have some problems, some issues. You know, we surely don't need any more of that in downtown Jacksonville Beach. So, but you know I am willing to listen to see what the applicant is going to come back with in a few weeks and, you know, I'd be open to listen and to hear what he'd have to say. But right now I couldn't support it.

**MAYOR:** Thank you, sir. It's actually been brought to my attention that the motion did not pass because there is a requirement for four votes for the motion to pass. Would you like to – you want to explain that in a little bit more detail.

**City Manager:** Well, the State Charter states that it takes four votes for anything to pass because there's seven council members, so the State Charter states, for any motion to pass except to adjourn, it requires four votes. So, a 3 to 2 motion is a motion that fails. It takes four votes to do anything.

**MAYOR:** Thank you, sir. Mr. Hartkemeyer are you finished? Okay.

**SD:** Mr. Chairman, I'm sorry, this is Steve Diebenow. I believe, isn't it also under the Code permittable, permissible for the applicant to request a deferral for one cycle? Or is that something that's...

**MAYOR:** I don't know the answer to that.

**SD:** My custom – granted typically.

**City Manager:** It's not, Steve, do you want to answer that? It's not, it's never been done that I'm aware of in a Council meeting, but it's sometimes done at the Planning Commission.

(inaudible)

**MAYOR:** So we have to go through the same motions?

(inaudible)

**City Manager:** It takes four votes for any motion except to adjourn.

**SD:** But we, we certainly would, Mr. Chairman, appreciate the opportunity to work on the feedback that we've received from the Council as well as the community and would really appreciate the opportunity to be heard again rather than forcing a vote this evening.

**MAYOR:** Okay. Thank you. And is there any further discussion? Because right now, where we are, is – okay, Mr. Vogelsang.

**Councilmember Vogelsang:** Well, then, under that theory, it's not going to pass to vote it down anyway because it was going to be 3 to 2 the other way. Based on Mr. Diebenow's representation of looking into correcting or listening to the concerns of the other Council members, I think it would be prudent on us to at least hear what he has to say in another meeting and the amendments if they'd be willing to make to the establishment addressing some of the concerns that you brought up and Ms. Wilson brought up. I don't see how that that would hurt rather than just say it's not going to get a no today either, because there's not enough votes. So, other than adjourn, I don't think anything's going to pass.

**MAYOR:** Go ahead, Ms. Hoffman. You're out? Okay, Ms. Wilson.

**Councilmember Wilson:** Well, I have a question. There's to be a hearing on it either way, that's correct?

**City Manager:** There is not a second public hearing. This is the only public hearing. This is the first reading of an ordinance. So if it passes at first reading, then it will go to second reading. If it doesn't pass the first reading, it won't go to second reading.

**Councilmember Wilson:** Okay, okay.

**City Manager:** I think the City Attorney wants to say something.

**Councilmember Wilson:** That was, I needed clarification on that. I thought it was a second reading either way.

**City Manager:** Apparently my legal opinion wasn't clear enough around here anymore.

**City Attorney:** Actually, the question, the point is, does Doherty have a conflict of interest on tabling or on the vote to table.

**MAYOR:** Say that again.

**City Attorney:** No, no. I don't need to know what your conflict of interest is, but I'm not clear as to whether you've stated a conflict of interest on that issue.

**Councilmember Doherty :** (inaudible)

**Clerk:** At this point, do we not revert back to the original motion?

**MAYOR:** The original motion meaning to table and tell him to get Mr. – oh.

**Clerk:** The original motion by Mr. Hartkemeyer was to approve on its first reading, I believe. Or no?

**MAYOR:** I'm sorry, say that again, please.

**City Manager:** Actually, she asked if you should go back to the original motion and the – because the motion to table failed. So if Mr. Doherty wishes to change his vote it would be appropriate if he wanted to revote again on a motion to table. The only direction I would need from the Council on that is my intent would be to bring this back up at the next Council meeting, assuming that Mr., you know, because you need Taylor to a time certain not uncertain.

**MAYOR:** And my question would be is if we do table this does it go back into another public hearing or?

**City Manager:** The public hearing is done and we just go back to a regular Council meeting.

**MAYOR:** Council meeting.

**City Manager:** You did the public hearing.

**MAYOR:** Okay.

**Councilmember Doherty:** I have a question. What's the point of tabling it if you can't – if we're just going to go to regular Council meeting, then is the applicant going to get an opportunity to address the basis?

**City Manager:** Yes. Yes, the reality is of Jacksonville Beach is we handle everything like a public hearing anyway, whether it's officially one or not. And I'm serious. I mean, if they say like Jacksonville, that would not happen. But here, you know, we would still let the, you could still let the applicant speak and discuss how he thinks he's made it better, but it would not be a formal public hearing. But the way we operate we would allow people who wanted to speak on it, speak.

**Councilmember Doherty:** Okay. So it would be the same for people speaking for and against it?

**City Manager:** Normally we have a speaker card system at every meeting so, yes, people could still speak for or against it.

**Councilmember Doherty:** Alright, well, if you want to retake that vote, then I do not have to abstain from it.

**MAYOR:** You're abstaining from the vote to consider the permit or the request to rezone, but you're not abstaining for the...

**Councilmember Doherty:** To table?

**MAYOR:** Table it until Councilman Taylor is back.

**Councilmember Doherty:** Correct.

**MAYOR:** Okay. And you both have your lights on, do you have something to say?

**Councilmember Hoffman:** If I can make a second motion. But I forgot a point that I wanted to make and comments by Mr. Perez of why did he have the word bar on there, I actually appreciate the fact that you have the word bar on there because we have far too many bars that say they're restaurants in this town. I'd much rather you put it on the sign of what you are and behave like what you are and what you say you're going to be. That being said, I move to table this motion until our meeting in two weeks.

**Councilmember Vogelsang:** Second.

**MAYOR:** Okay, motion and second. And Mr. Forbes, did you want to say something?

**City Manager:** I just want to make one statement that it's very likely that your Council packet will be exactly the same as the one you have today and unless Mr. Diebenow gives me some stuff early enough, it might look like it is today and then at the meeting he may have to pass some of those out and go from there.

**Steve Lindorff:** When I worked up in Georgia, we used to joke if I wanted to hide something the County Attorney would put it in a law book.

**Steve Lindorff:** We found the section that deals with continuance of a public hearing or a meeting. And what it says, a body conducting the hearing or meeting may on its own motion or at the request of any person, continue the hearing or meeting to a fixed date, time and place. An applicant shall have the right to request and be granted one continuance, however, all subsequent continuances shall be granted at the discretion of the body conducting the hearing. So the applicant does have the right to request a deferral and it doesn't require any approval of the body.

**MAYOR:** Okay. And we've currently got – do you want to withdraw your motion and leave that to Mr. Diebenow or do you want to move forward with your vote?

**Councilmember Hoffman:** I would prefer that it was this body tabling.

**MAYOR:** Okay.

**Councilmember Hoffman:** And that's...

**MAYOR:** We've got a motion and a second and the request is to table this until Councilman Taylor is available. Ms. Wilson?

**Councilmember Wilson:** Point of clarification. Since we're tabling it for, until the next meeting, can Mr. Diebenow and Tilka request an extension or a – is that...?

**Councilmember Vogelsang:** Anytime.

**Bill Mann:** It can be requested but any subsequent request by the applicant has to be ratified by the City Council.

**Councilmember Wilson:** Okay, so it would...

**Councilmember Wilson:** They are allowed the one continuance. Any subsequent request would need to be approved by the City Council. Any further request for...

**Councilmember Wilson:** So if we vote to continue it to the next meeting and then they request a...

**Bill Mann:** If they have not exercised that right this evening, yes ma'am, they would still have that opportunity.

**Councilmember Wilson:** They would have that opportunity until the next meeting, but it would have to be, like, 24, 48 hours prior to the meeting, is that it?

**Bill Mann:** No ma'am. That language is very clear. They just have the right to a continuance. Any subsequent request for continuance would have to be at the Board's discretion or would have to be...

**Councilmember Vogelsang:** And we don't have to necessarily take it up at our next meeting. It says any time or date, so we could table it for a month.

**Councilmember Wilson:** But Chris's motion was until the next meeting.

**City Manager:** Yeah, but I guess I'm saying this for myself. I need to know when I'm supposed to put it back up on the agenda. You know, that's my concern.

**Councilmember Vogelsang:** I would make a motion to do it in a month. So, not in two weeks, but in a month.

**Councilmember Hoffman:** So you're amending my motion?

**Councilmember Vogelsang:** Yes.

**Councilmember Hoffman:** Second.

**MAYOR:** Are you – let's ask Mr. Diebenow and Mr. Tilka, are you okay with a month? Would you rather do it in two weeks?

**SD:** Uh, this is Steve Diebenow for the applicant. So we're talking about August 18<sup>th</sup>? Just so we know the right date. If we tabled it for a month.

**MAYOR:** That's the third Monday. My iPhone died from all the recording, or the timing, so.

**SD:** So August 4<sup>th</sup> is the next meeting.

**MAYOR:** Correct.

**SD:** So it would be August 18<sup>th</sup> would be the one after that.

**MAYOR:** The first and third. Right. Correct.

**SD:** Okay. Give me just one second to look.

**MAYOR:** Sure.

**SD:** We're fine with deferring it until August the 18<sup>th</sup> which is that date certain. And I would just say that in terms of the procedural issue about whether we use our request or don't use our request, our goal is to get something that meets the requirements and addresses your concerns and so if it takes one deferral at our request or – I mean, we're not caught up in the process. We just want to have the opportunity to present and if we make a better argument next time and we're a little bit closer and we have to wait another two weeks, that's okay too, but for tonight, going until August the 18<sup>th</sup> is fine with us.

**MAYOR:** Ms. Hoffman, do you want to amend your motion?

**Councilmember Hoffman:** Um, Mr. Vogelsang moved to amend and I seconded it, so I think we have to vote on the amendment or the motion as amended.

**Councilmember Vogelsang:** Correct.

**MAYOR:** And the motion is amended is the second, is the third.

**Councilmember Vogelsang:** One month.

**MAYOR:** In one month which is the 18<sup>th</sup>, I think we said.

**Councilmember Vogelsang:** Correct.

**MAYOR:** Okay. Any other discussion? Seeing none, Madam Clerk, can you do the roll call, please?

**Clerk:** Councilmember Hartkemeyer?

**Councilmember Hartkemeyer:** Yes.

**Clerk:** Hoffman?

**Councilmember Hoffman:** Yes.

**Clerk:** Vogelsang?

**Councilmember Vogelsang:** Yes.

**Clerk:** Wilson?

**Councilmember Wilson:** Yes.

**Clerk:** Doherty?

**Councilmember Doherty :** Yes.

**Clerk:** Mayor Latham?

**MAYOR:** Yes. Ladies and gentlemen, that concludes our meeting this evening. Have a good night.

Charlie Latham, (Mayor)  
Steve Diebenow (SD)  
Tony Perez (TP)  
Joe Loretta (JL)  
Mike Stang (MS)  
Daniel Terry (DT)  
Dane Jeffries (DJ)  
Leah Walker (LW)

Paul West (PW)  
Edward Berrang (EB)  
Lee Buck (LB)  
George Candler (GC)  
Jim Walker (JW)  
Mike Bender (MB)  
Holly Smith Hale (HSH)  
Brenda Shields (BS)  
Fred Jones (FJ)  
Curtis Devorak (CD)  
Lance Folsom (LF)  
Jim Overby (JO)  
Bruce Thomason (BT)  
Susan Erdelyi (City Attorney)  
Steve Lindorff (Steve Lindorff) – Planning and Development Director for City  
Bill Mann (Bill Mann) City Planner  
City Clerk (Clerk)  
Chris Hoffman (Councilmember Hoffman)  
Keith Doherty (Councilmember Doherty)  
Jeanell Wilson (Councilmember Wilson)  
Steve Hartkemeyer (Councilmember Hartkemeyer)  
Phil Vogelsang (Councilmember Vogelsang)  
George Forbes (City Manager)

27867/1073587

September 15, 2014  
TRANSCRIPT OF HEARING  
City of Jacksonville Beach  
Vs.  
Surf Works, LLC

**CITY OF JACKSONVILLE BEACH  
CITY COUNCIL HEARING**

**September 15, 2014**

CITY OF JACKSONVILLE BEACH

Ordinance No. 2014-8058

vs.

Surf Works LLC  
115 9<sup>th</sup> Avenue South, Suite 801  
Jacksonville Beach, FL 32250

**TRANSCRIPT OF HEARING**

**MAYOR:** Okay. Madam Clerk, if you would please read Ordinance Number 2014-8058, first reading, which is a continuance of our initial public hearing by title only, please.

**Clerk:** Ordinance 2014-8058, an ordinance establishing a redevelopment district RD zoning district within the City of Jacksonville Beach, Florida as provided under Chapter 34 of the Code of Ordinances of said City.

**MAYOR:** Thank you, ma'am. The following statement was required to be read for the record. This ordinance is for the rezoning of the property before this Council. This is a public hearing in consideration on its first reading. Under the laws of the State of Florida an application for the rezoning of property is handled as a quasi-judicial proceeding. A quasi-judicial proceeding means that the governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision makers hearing testimony and questioning presenters who are able to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact based and not a simple expression of opinion. It is the applicant's burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency then it is up to the local government to produce confident substantial evidence of record that the application should be denied. The Council's decision on a rezoning application is based on the criteria set forth in Section 34-211 of the Land Development Code and each member of the Council has been provided a copy of the criteria. In addition the Council has received a copy of the application and the staff and Planning Commission reports on this rezoning request. I will now open the public hearing on Ordinance Number 2014-8058. Mr. Diebenow, if you would, this would be your opportunity to make your presentation, sir. So if you would please state your name and address.

**SD:** Thank you very much, Mr. Mayor. My name is Steve Diebenow, 1 Independent Drive, Suite 1200, in Jacksonville 32202. I am here on behalf of the applicant. And if it's okay with you I have a couple of things I'd love to hand out for the Council's consideration.

**MAYOR:** Yes sir. If you could just make sure the Clerk gets a copy as well.

**SD:** Yes. Thank you, again, Mayor. Before I start, I just wanted to let you know that I passed out some materials. I have some extra copies for folks in the audience and also for anyone else that's interested. I'll just leave them right here if folks want to get them. And also, I was approached after the meeting. If folks are here to speak, they can fill out cards right over here on the table in the back and turn those in. There was a little confusion, at least from some folks that came with us last time, so I just want to make that announcement for folks.

Basically, what you've got in front of you is a quick outline of what I'm going to talk about. You guys have heard me, you've been very patient with me. You've heard me talk a lot the last several weeks, so I'm going to try to limit my conversations to the real highlights and that's going to be in the outline that I will quickly go over with you at the beginning of my presentation. You have in there as well a sheet that shows the businesses that have supported this application as well as some letters of support from specific folks that either own property in the area or are experts in some of the areas that are the criteria for you to consider today. And I think earlier today, also, there was a petition that was delivered either electronically or maybe even by hand, I'm not sure, of about 1,100 folks in support of this application, of which about 40% of them are from Jacksonville Beach. They are Jacksonville Beach residents. And then, finally, there are some photos and some elevations there in the package material that I sent out, that I just handed to you as well. If I could, Mr. Mayor, Tara Salmieri is also here, who is a planner and I'd like to incorporate her into my presentation if that's okay.

**MAYOR:** That's fine. If you would just please, also, have her step forward with her name and company that she represents.

**SD:** Sure. Do you want to do that right now and get that out of the way.

**MAYOR:** Sure.

**TS:** Good evening. I'm Tara Salmieri. I'm with PlanActive Studio.

**MAYOR:** Thank you.

**SD:** And we asked Tara to come this evening because she actually was the project lead on the Vision Plan that was produced for Jacksonville Beach in 2007, so she has a very unique perspective on this project and how it fits into the Vision Plan that was done in 2007. And she is also generally familiar with your Redevelopment Code as well as your Comprehensive Plan.

I think that the comments that you read, Mr. Mayor, were really important at the beginning. The role of the City Council tonight is to look for competent substantial

evidence in support of the application either one way or the other. Right now we're approaching you with a staff recommendation that basically says that we meet the criteria, we have recommendation of approval from the CRA and a recommendation of approval from the Planning Commission. And so, just starting today, we've carried our burden at the outset of providing competent substantial evidence in support of our application. Now, we know that every application is subject to a process where there can be improvements and so over the last 4-6 weeks, we've made lots of efforts. We think we will show you that we have made significant efforts to improve our application and address the concerns that this body shared with us at our last meeting. And so I'm going to quickly go through with you some of the changes that we've made and then I'm going to let Tara talk about the Vision Plan and the Comprehensive Plan and then I'll just wrap up with maybe two minutes at the end and talk about the precedential value, or not, of this particular application.

So, on the first page of the outline that I handed out, the one that has the yellow highlighting, when we first came, our first application basically had almost 8,000 square feet of the Surfer facility and about 1,000 square feet of office next door. That was really what we were contemplating filing for at the outset of this process. As I mentioned last time, we had a lot of interest in the retail, so we increased that to 3,000 square feet. We basically tripled the amount permissible retail space and then we also after many conversations with the Mayor, with members of the community, with Mr. Forbes, with a lot of you, we've decreased the amount of square footage of the building. In fact, we've decreased the square footage of the Surfer facility by about 19%. So, again, our original application was almost 8,000 square feet. Today we're in front of you with about 6,400 square feet of the entire building, the retail building. In addition, we also realized that there was a lot of debate about the amount of exterior space and your code treats exterior space and interior space quite differently. Our original application had about 3,600 square feet of exterior space. We have decreased that almost by 45%. So only 2,000 square feet of exterior space. And that includes removing one of the patios off the first floor. So when we first saw you, it was about 3,600 square feet with three patios. Now we're about 2,000 square feet with only two patios, one upstairs and one downstairs. In addition, the next point I'd like to make is the amount of customer space or common area. In our original application we had about 4,600 square feet where people could actually be in the common area. This building is pretty inefficient because you've got stairs, you've got elevator banks, you've got food prep areas. And so the actual open space in the original application was about 4,600 square feet. We've decreased that, again, based on the community feedback, by 31%. And so, now, the application you have before you only has a little bit short of 3,200 square feet of common area inside the building where people can sit down or they can eat or they can drink. And by comparison, Mango's, its existing footprint according to the Property Appraiser, is about 3,880 square feet. You'll see the note I made there of it being about 3,480 square feet. I backed out what I think is about the size of the bathrooms. So if you take out the bathrooms and do an apples to apples comparison, the amount of meeting space in this facility is actually right on par with what exists today on Mango's, both inside and outside the building.

The next little point on occupancy. We had a lot of conversation about this at our last meeting. We have now taken our plans to the Fire Marshall. We have looked at the actual seating plan inside the building. And our original application, although it wasn't

our intent, if you didn't have any tables and chairs in it, about 800 people can fit in there. When you add the tables and chairs in, comparing apples to apples, it was about 500 people. After all the shrinking that we've done, after all the revisions that we've made, by code, you could have about 350 people inside this building and we're proposing to reduce that to 325 people.

I have already talked about the number of patios decreasing. The last point I'd like to make is the ratio of the interior space to exterior space. Our first application had about 3,600 square feet. We're now at about 2,000 square feet. Although it exceeds the code, it only exceeds it by about 2.7 times. Our original application was about 5 times as much. So we reduced the outside space by about 45% and that's in response to everything that we have heard from the community and from, in this body. The Planning Commission also put a condition on us that we have a sound barrier on the south side of the building. So that, also, that change also was made in order to accommodate the upstairs, any noise that might come off the building.

On the top of the second page, what I'm going to just quickly go through here are the conditions that we would be willing to also accept and this will come into play later on when we talk about the precedential value of this application should you approve it. A maximum of 325 people, the retail space would be built simultaneously. I mean, this is mixed use development. This project has the retail space and it also has the Surfer space and by any definition it definitely is a mixed use project. It meets the code requirement for being mixed use. And what we're doing is we're saying we're going to put our money where our mouth is. We're going to build the retail space at the same time that the Surfer is built as well so that the City knows that the mixed use opportunity is going to exist immediately. We also pulled this next condition, number 3, from the Planning Commission that allows televisions, but no amplified music outside. Children and families are always permitted until 10:00 every night. There has also been a concern about parking, so, although we meet code and although the plan that you've seen multiple times actually meets your code, we're actually proposing as well to dedicate an additional 12 parking spots on 135 5<sup>th</sup> Street, which is right down the street. It's two doors down. And that property, as you well know, that property along with the western half of that block, is owned by one of the main sponsors, by Greg Saig. He's one of the main sponsors of this application and of this project. So we're offering to provide not only parking that meets code, but also an additional 12 spots. And above and beyond that, we're also going to provide valet services on Thursday, Friday and Saturday evenings. And we're really, what we're trying to show you, is that we're really working hard to try to meet the objections that folks had, one of which was parking. One of our parking spots, since we're providing so much additional parking, would also be available to dedicate that for bicycle parking, which is another, there's a lot of big ride up traffic. We want to be able to accommodate that. That goes really to the family feel of the project. It goes to the opportunity for a mix of uses and creating that activity on the sidewalk. Uniform onsite security will be provided Friday and Saturday nights. Again, we would do that anyway, but we're willing to write that into the ordinance so that the City always knows that whoever has this property has that requirement of providing onsite security. And then, finally, we had some conversation about this, we'll provide food, we'll serve food at all times that the facility is open. And so that's a commitment that we made at the last meeting, it's one that we'll continue through today. And then also, not only will we

offer to provide food, we also are committing ourselves to meet the requirements that you have currently in place for food trucks. And that commitment would exist even if the food truck ordinance goes away. This is a proprietary food truck. We're not talking about bringing a different one there every day. This would be a Surfer Bar specific food truck and we would meet the requirements that you have in your Local Ordinance.

So those are the additional conditions that we hope, in addition to the changes that we made in the application, that we hope will convince you that this application is one that's worthy of your support. It certainly, as I said before, meets all the criteria. I'm going to get out of the way here and let Tara Salmieri pick up. And what she's going to do is talk a little bit about your Comprehensive Plan and the Vision Plan that was adopted in 2007 and then if I could, Mr. Mayor, I'd just like a couple of minutes at the end to wrap up on the precedential issue.

?: (inaudible)

**SD:** So while we're waiting, what I just handed out was the summary sheet from the Vision Plan that Ms. Salmieri worked on back in 2006 and 2007. And I think Councilman Taylor and Councilman Hartkemeyer, you guys might be the only ones that I think were on the Council at the time when that passed. I could be wrong. I know George was here. And I know Mr. Lindorff and Mr. Mann were here, but that's the summary of the work that was completed several years ago.

**TS:** Thank you. Good evening, Mr. Mayor, Council members and members of the Board, members of the community. It's a pleasure for me to be back here again. Again, my name is Tara Salmieri. I was the project manager and lead of the Vision Plan. Most of you who were here during that probably remember me, but for those of you that don't, I started with the City in 2007 and we embarked on one of the biggest journeys and the biggest initiatives that I think this City has seen. And just before I even get into the presentation, I have to say I got here early. It has been five years since I've been back and you all have done a tremendous effort. It is a place that I hold dear to my heart. I also use this as an example in my portfolio in what I do with work because all of the initiatives you've done, there were 36 that are in that Vision Plan, you've accomplished 29 of them in less than 7 years, which I think is phenomenal. So, with that, when I was contacted about this particular project, I sat and gave it some thought and I really wanted to look at the site plan because even though I'm not part of this community, I believe I was part of a plan that I wanted to make sure as a planner it was ensured with what this community wanted and the values and to balance that with not just one particular community group, but for everybody that was involved. So with that, I just wanted to take a little bit of time to step back, to kind of celebrate all of the work that was done, and then to remind everyone here at the Board of the initiatives that were done. And we started in 2007. There was a series of public involvement engagements which I think were some of the largest that had actually happened here in Jacksonville Beach. It was well over 100 residents, business owners. You probably see some of – some people might even be in here. I recognize some of you in the audience today. It's great that you're still engaged. During that we did one on one interviews with business owners, citizens, and I read a lot of the community comments on what the values were and I just wanted to kind of take a step back and talk about all the values that were discussed that

night. And what we did in the opening night was we did a post it note exercise that said, name three things that you value the most in your community and let's put them up on the board. And here you'll see, this is actually what had happened and these were the top values. And some were values that they wanted to see and some were values that they held true. And with this particular project, you know, there is the notion of this is creating a more walkable environment. It is a small community feel. It's providing even more benefits to the ocean and the views. It's supporting the entertainment that most of the community that was there and throughout this process really wanted. There were gathering places and to really talk about a mix of land uses, and there was the notion of things being family friendly and safety and that's still obviously something that's predominant here. The one thing that the Vision Plan never summarized in the 11 x 17 that you have are the issues that came up that night. And we had everybody, you know, come down and talk about all the issues and identify those. And then you'll see there was lots of voting. Everybody had their own dots and here were all of the really big issues. And the reason why I thought tonight would be a good time to talk about these again was the issues that were discussed through this entire process, was the charge of that plan, was to solve, or at least identify, how these issues were going to be handled throughout this process. So you'll see there was greenness, encouraging mixes of use, having vertical parking, knowing that having all this onsite parking on land would be a challenge. More shade and shelter, which, you know, First Street is a testament to and all the things that you've already done. Police visibility and as I came in tonight I saw several police tonight. Nobody was, you know, getting accosted or anything. It was just they were all out, which was good. Homelessness. There was design standards. There was a need, some wanted a trolley service, and, you know, height has always been an issue here since the referendum, so that was something to address. To talk about the pier and make it a better attraction. So the traffic, offer incentives for redevelopment, safe for bicycles and outdoor dining. And I think you're on your way to achieving a lot of the issues and answering those things already today. The last part of those exercises was for the community themselves to identify where they wanted changes to occur. And then, lastly, in the actual Vision Plan, which it's nice to see that everyone has commented on the principles. Some have been taken a little bit out of what the principles really said in the Vision Plan. They were key to how public investment was to focus in this plan. If you look at the back of the 11 x 17, the actual back identifies 36 improvements. I'll go through it with you, but, like I said earlier, 29 you've already achieved. And almost all of the identification is really about public dollars and how you're going to do that to really create reinvestment into your downtown. So the celebrate your assets. It was the four major corridors that we looked at. Those were identifying the gateway and the civic corridor and the pier corridor and the retail corridor. It talks about investments through encourage mixed use development. Probably, if you didn't have that, maybe the project that's here before you tonight would have only been a singular-type use, but it is a mixed use building, so that's a really great new initiative. It's not just a one use, so it's doing exactly what the plan has suggested that it do. It talked about the investments of the public realm and you've spent quite a bit of money and you can see the return already. And that also is the completing the streets. It also talks about, I think you're starting on the next phase of your street and it has only been 7 years, so it's a very great thing for you. The mix of various uses. I mean, the CBD is set up to allow for a variety of uses. It's not set up to, for an evaluation of every individual parcel, it's about allowing all of those uses to occur in the downtown. And to be family friendly. I know that a lot of the

comments have been that the uses have to be family friendly. The family friendly idea in the Vision Plan was to have family friendly centered around your public investments, to create moments for families around the pier, around Latham Park, and that's why we've made some suggestions of changing up Latham Park and having a little bit of development around there. We'll see this was the plan and we actually talked about really tremendous infill. Lots of infill and density, no – we did have two phases of surface parking lots, but then to really think about parking garages because in most downtowns, there is central parking. We did have the menu of ideas so that you knew through time that you could build on that and become a little bit more of a downtown. And the last guiding principle was design matters. And then in 2008 I came back and we went with the proposed central business district. I have to say the first draft of the central business district, I asked for no parking requirements because it is a downtown and the City had taken a proactive approach of buying land and thinking strategically how the downtown would build. Then we kind of settled with 50% of parking requirements for all of the CBD and I think through time, and I'm not privy to how that had happened, but the parking centers then changed, so not everybody in the downtown had what the original recommendations were for. Then I was lucky enough to come back and join you all again in 2009 when we had an open house to talk about the streetscaping plan and that master plan, as you can see, is already in process and you created that. If you see this particular, this is all of the elements that I talked about. The streetscape itself are all in salmon – no, I'm sorry. They're all in green. So, that's already been done. And when you look at the salmon, those are all things – that's the kind of pink – those are all things that were other initiatives that have been completed already. All of the pale – which is about 9 – those are the things that are still pending, which were longer term. And some were parking garages, some were encourages mixing of uses, so those are things that sometimes you have to wait for private investment, but as far as the City came, you have done the job that you said that you wanted to have accomplished. The redevelopment objectives that are in your CRA really speaks to everything that this proposal has before you. It's not – the Vision Plan was amended to your CRA, but your objectives are still the same which is to encourage a mix of activities, have high quality with your new development, increase your tax base. And really the recreation of a compact mix use core area which is oriented to recreation and entertainment and specialty, retail and tourism. And to create a greater pedestrian circulation and then to maintain the existing street patterns. The Vision Plan, itself, and this particular project supports the mix use that you really talked about wanting. And this one project can still do a mix of uses. It's located outside of the four premier corridors which is really where most of the focus was in the Vision Plan. It does meet the majority of the design standards that are in place for the CBD. It supports entertainment and the urban design framework. And just to kind of quickly wrap up, the Comp Plan itself, the staff, has already identified in their staff report the consistency of that. I did want to, because I think that it's important, I know that a Comp Plan policy is it's very easy to look at those and pull out specific items and say that it meets or doesn't need it, but the policies are pretty clear from a planning perspective. It talks about the intensity of a development, but the entitlements and rights are actually there and when you look at a policy it's not about – you have to look at the adjacency, not the actual use that currently exists, but also it talks about being true to the adopted Comprehensive Plan and the community Redevelopment Plan, which I believe if you look at the Vision Plan, it's even more intense than what's before you tonight. The desired community character. I'd say that the Vision Plan does support this particular

project as well. And then the Policy 1.3.3. It really is talking about encouraging the redevelopment and I believe that that's what the Council and what the community really had asked for.

So, in closing, I'll go ahead and ask Steve to come back up. I'm happy to answer any questions that you have in the Vision Plan. Like I said, it's been a real pleasure just to be back to see all the things that you've accomplished and I appreciate the time.

**SD:** Thank you very much. Mr. Mayor, I'll just take a couple of minutes here to quickly wrap up. You know, one of the things that I just heard Ms. Salmieri say was that the Vision Plan really wasn't about uses. It was about how public dollars should be spent on public spaces and then the question before this Board is, given your Land Development Code and your Comprehensive Plan, does this use fit into that Vision Plan? And I think that the answer that Ms. Salmieri gave, and that your staff has given, the Planning Commission has given and the CRA has given, is a resounding yes. They have all agreed that yes it does meet the criteria. But there has been concern, and I understand this because I hear this a lot in matters when I work on them, and that is well, if we approve this, what about the next person. You know, we love Surfer and we love Greg and we love everything that they're going to do, but we're just not sure what's going to happen next. And, you know, if we approve this one, the other one is that if we approve this one then doesn't that mean everybody else around it will get the same thing. And so that is always a concern. And so I want to just take a couple of minutes, I'm going to flip back to the very last part – it's page 2 of the outline that I gave you – and just talk about what's unique about this particular location. The first issue is there are very site specific conditions. This site has an existing 4COP license. It's the – if it's not the oldest, it's one of the oldest liquor licenses in Jacksonville Beach. It's over 50 years old. The site has already 3,500 square feet. It's really 3,880 to 3,500 square feet of customer space, including about 1,400 square feet of patios. That exists today. So, let me stop there for a minute. If anybody else and came in and said, hey, I want to do this, too, and they had a blank piece of property that doesn't have a 4COP liquor license, I would submit the standard is much higher because they have a much different starting point than what this particular piece of property has. The next criteria – it's a true redevelopment. The redevelopment plan is a mix of uses. So I'll stop there for a second. Anybody that wants to do a rooftop bar with patio square footage that exceeds some of the standards would also have to be willing to make the commitment that this particular group is to build retail. They'd actually have to build something that shows the mix of uses. That is very different and it's a high hurdle. That's a high bar to pass. The site – the next thing is that they would have to provide code, they would have to provide parking on site that meets code. This project does that. But not only to we meet code, but we're actually providing additional parking above code. And that's unique because the property owner who owns the other half of the block happens to be the same person that wants to do this project. Finally, and we've talked about this a lot, you all met the editor of Surfer Magazine, but we've got a national sponsor with a local owner. They have a proven record in producing community events and promoting tourism. And that's something that I don't know that any other mixed use developer like this can bring to the table in addition to those other site specific conditions. The next way that you limit the precedent, the way that you make sure that, yeah, we did this one, but we did it because of these reasons, are those conditions that I mentioned earlier. We reduced the occupancy, the retail space is built at

the same time, security, additional parking, food will be served at all times, also a pretty high, a high burden there. I mean, we're not asking, again, we're not asking the City Council to do anything that would force you to set a precedent that would allow somebody else to come along behind us and just say me too. What I would say is that if anybody else can do all the things that we've listed in here, then they've got a chance. But they still have to come in front of you and they still have to make their case, I hope like we have, that they deserve the consideration that we're getting today. Finally, there's a couple of specific letters in there I want to point your attention to. There is a letter in there from Paul West and Dan Brooks talking about the family friendly event production and the opportunities that would exist. There is a couple of emails in there from other planners that were involved in the Vision Plan with Ms. Salmieri that talk about parking and about the mix of uses. And then there is also, and these are important, there is letters from David Smith, who is the adjacent property owner, Mary Beth Patton, who has a business in Jacksonville Beach and then Tripp Gulliford, who is an expert in redevelopment and runs the C.B. Richard Ellis office here in northeast Florida that speaks directly to what the catalytic impact this project will have on redeveloping the neighborhood. So if you have all those site specific conditions and if you're willing to agree to the conditions that we've proposed and you can prove that you are able to lead the redevelopment, then I would say you have what you have in front of you today and that is a fantastic project. And let's make – let me make this clear to you. I have a few more points. Number one is this isn't just another bar. Another bar, just another bar is Mango's. A vote against Surfer is, in essence, a vote for Mango's. Because the property owner is not going to change the use. He's been there for 50 years. He's not going to change the use. And what we have is a unique opportunity to redevelop the site. It's one that's not going to come along every six months or every year and certainly not with the team that's been put together today. The other thing I want to say is that, and I'm going to get a little legal here, your code asks you to look for competent substantial evidence and judge it against the criteria that are outlined and that Ms. Salmieri did such a nice job with, that your staff did such a nice job with. We meet those criteria. A bar being another bar or a precedential value of a vote really doesn't have anything to do with the criteria. I address them, though, because I think that this is a unique project. I address them because I think that this project stands out against others that you may see or that others may propose. Your staff supports it, the Planning Commission supports it, the CRA supported it and we'd ask for your support of this application today as well. Thank you.

**MAYOR:** Thank you, sir. Okay the next thing we're going to do is move on to opening of the public hearing for testimony from others then the interested party. I'm going to take the cards that have been given to me and they're not in any particular order. These are the cards of people who would like to speak and there's quite a few. And there's also several here from people that would like to weigh their opinion but not speak. And I'm going to read those first. I've got one from Richard Thompson of 408 15<sup>th</sup> Avenue South who is in favor. Michael Hahn 3832 Tropical Trail. Mr. Hahn, what city is that?

**MH:** (inaudible)

**MAYOR:** Pardon me?

**MH:** (inaudible)

**MAYOR:** Thank you. Barbara Tilka – and, sorry, he was in favor of it as well. Barbara Tilka, Jacksonville Beach, 3584 Trident Court is in favor. Mitch Kaufman, 620 13<sup>th</sup> Avenue South in favor. Emily Kaufman, 525 3<sup>rd</sup> Street, #303, Jacksonville Beach also in favor. Kelly Certeno, it looks like, 912 8<sup>th</sup> Avenue North, Jax Beach in favor. Brady Hale, 61 Fairwood Lane of Jax Beach in favor. John Johnson, 4300 South Beach Parkway in favor. Melissa Rogen, 4300 South Beach Parkway in favor. Robert Dixon, 3276 Pullium Court in favor. Kristen Dixon, it looks like same address in favor. Tiffany Oliser, 215 Plaza in Atlantic Beach in favor. Casey Tafuri, 810 Shellfish Drive in Atlantic Beach in favor. Melissa Messiano, 1375 Ocean Boulevard in Atlantic Beach in favor. William Easton, 1393 Beach Avenue, Atlantic Beach in favor. And I apologize to anybody if I brutalize your name. Okay, now we're going to go to the speaking cards. And, again, these are in no particular order. The first one is James Sorrell. James if you'd come forward, please, give us your name and your address sir. You'll have five minutes.

**JS:** Yes, James Sorrell, 428 North 10<sup>th</sup> Avenue, Jacksonville Beach. I am in the district that this property is being considered for. Unlike a lot of these people that you have read the names of in favor of it, I'm against it because of the fact that I believe, well, technically the applicant doesn't need to come here. They already have, they already have the CBD section of the City and they can apply for a conditional use. That's what I thought that they should do. Now I do give them kudos. This is a great project, wrong location. There's plenty of properties available in the redevelopment area where this could be located. And when I say available, they're already clear. They can be built on. So, I believe that should be a consideration. But I believe that they would be given special privileges if they are allowed to change their rezoning from central business district to the redevelopment district because they are – this area has been in development and been in existence for many, many years. All the way from the Comprehensive Plan of 87, 91 to 10 and 13. But the main thing that I have objection to is not the bar itself, because I think it's a great idea. It's not unique. Plenty of coastal towns have bars and lounges with the food trucks. But the fact that this mixed use term comes up over and over and over again. Mixed use. If you read the LD – the Land Development Code. And each and every one of the Comprehensive Codes, the terminology is diversified. They are not diversifying at all. What we have is more of the same. What we have is more bars here. And with more bars we have more night traffic. And the diversification that I believe the Comprehensive Plan of our City founders, or parties, have intended, I believe the intention is that it'd be diversified for daytime of businesses and activities, nighttime, whatever. And the biggest thing that you have with having this is parking is a problem. And it will always be a problem until we start getting parking garages. And the biggest problem I have is I am on the fringe. I'm the first block in the residential neighborhood. Right now commercial parking is in my front yard. And that's what I'm talking about. How far are we going to allow this nighttime development, and that's where it is primarily, is that there's not enough parking downtown at night. Plenty during the daytime, but at night it's going into the residential neighborhood. How far back are we going? I've talked to the neighbors and said it's all the way back to 6<sup>th</sup> Street. I mean, it's, and this is one of the things that I'm concerned about. I know that they meet code by the parking regulations, but I think we, you should take that into consideration that the people that live here and

enjoy this, and I've only been here since 1976. This has only happened in the last 10 years to where commercial business traffic is now parking in the residential neighborhoods. And it's getting deeper and deeper and anybody that – that is in District 3 should be concerned about it. And I also believe that it should be banned because of the fact that it doesn't meet the Land Development Code of bar densities. And, this, I believe, was having to have ordinance to develop, to put the maximum number of bars in. A lot of thought went into this as to how far bars should be separated and one of the things is parking. And another thing is how many more police are we going to have to hire for this added nighttime activities. But the bottom line is – it isn't allowed by the Land Development Code and I believe that you should revoke this thing down, but I do believe that it's a great project and it could be developed somewhere in our community that would not have a adverse effect on the citizens. And that's who's going to be suffering from this. The citizens. Okay, thank you very much.

**MAYOR:** Thank you, James. Next would be Todd Robinson. Todd, if you'd come forward, please sir, and state your name and address. You'll have five minutes.

**TR:** Hi, my name is Todd Robinson. I live at 406 3<sup>rd</sup> Avenue North. Jacksonville Beach already has a pretty strong bar community and to – and I think that's having an adverse effect on the surrounding community. To illustrate the point I'll share my experience. It's a routine for me to have to go outside on Thursday, Friday and Saturday night – okay. It's routine for me to have to go outside Thursday, Friday and Saturday night and ask intoxicated people who are either arguing out in front of my house or walking to their car because that's where they're parking because there's not enough parking downtown, to please be quiet. This is 2 in the morning. It's a very disruptive to my life and that of my family. And I only see that getting worse. We have World of Beer going in. That's a pretty large establishment. There's going to be more of a drinking community there. And then adding this project, which is large and doesn't have enough parking, it's just going to make that spillover worse. And so I would ask you to please say no to this project. Thank you.

**MAYOR:** Thank you, Todd. Josiah Prichard. Josiah, if you'd come forward and give us your name and your address, you'll have five minutes, sir.

**JP:** Josiah Prichard, 525 3<sup>rd</sup> Street North, Jacksonville Beach, Florida. I appreciate the time. I've lived at – I live on 5<sup>th</sup> Avenue North and 3<sup>rd</sup> Street, so I sort of have a view of this. I've lived there for five years now so I'm not a new resident. I've been here for a while. And I recognize that we need to attract and retain things for our visitors to do while they're here. I sort of echo the comments of my other residents and I have three primary concerns I'd like the Council to consider. The first is parking. And parking is more than a mathematical equation. With the implementation of the paid parking program and the finishing the street improvements, we have cut back and those are wonderful things and I love those things. But at the same time we've seen people – any visitor coming down is they're on a search and destroy mission to find a parking spot. So we have security now. It used to be infrequently on a big weekend, now it's every weekend. It's just so we can get into our own homes to park where we're supposed to be able to park. And that's an expense that we pick up that's going to be a bigger big expense for everybody. So I agree with what folks are saying. We don't need to have security in our parking lots

every single day just so we can get into our homes. The other thing I'd like to mention is I think both sides like to pick and choose when this is a mixed use space and when this is a bar. I heard a new one today – facility – and it's a new one we sort of threw out. But, this is a bar. And whether it's going to be a big bar to a smaller bar, it's still a bar that's more than twice the size of the bar we have now as far as the number of people. And in Mr. Mann's memo of September 9<sup>th</sup>, he identified two reasons for the need to, for the reconsideration and they're both based on this being close to a bar or because of what they wanted to pose as a bar wasn't a big enough bar. When I look at the other documents submitted by Surf Works, LLC, six times in that document they refer to it as a bar. So I take people through words and what I hear here doesn't always match up with what's being submitted there. So I think it's going to be a bar. And if I can see Casa Marina from where I live now, I'm definitely going to look down and see this rooftop and so will other families that live above the fourth floor regardless of the sound barriers and the screens. And then the third thing I'd like to comment on is the addition of the food truck. We haven't really had a chance and that's why it's coming as pretty fast in this planning, and mobile food vending is in the early stages at the beach and I think we have to take a very thoughtful approach to that. But you're sort of making exceptions for this because now you're going to have a food truck. And they usually come in for 2 or 3 hours. This is going to be there 19 hours a day, every day. And I ask you would you like people coming up with a mobile home, running 19 hours a day, every day, within a block or two of your home? So, alright \_\_\_\_, so I think that just sort of creates another area of exceptions and I think that's one of my last concerns about the proposal because this is a bunch of exceptions, based on exceptions, based on exceptions. And I would disagree with my client/colleague there that it is a precedent. And we'll have to spend a lot more time having these type of conversations defending exceptions upon exceptions upon exceptions when other people want to make their exceptions. I thank you for your time.

**MAYOR:** Thank you, Josiah. Jay Dodson. Jay, if you'd come forward, please, and give us your name and address. You'll have five minutes, sir.

**JD:** Good evening, Councilmembers. Thank you for your time. I know, I'll make this quick.

**MAYOR:** Start with your name and address, Jay.

**JD:** Sorry. Jay Dodson, 519 McCullum Circle, Neptune Beach, Florida.

**MAYOR:** Thank you.

**JD:** Basically, I'm one of the co-founders of Void Magazine. My original home is where I live in Neptune Beach, but as most of us we spend a lot of time in our office and our work families and mine is the backyard of the current establishment. And I think that, sorry, I get a little nervous, give me a second here.

**MAYOR:** You're good.

**JD:** Basically, you know, it's – I've had a real struggle with the parking issues that, you know, people saying it's only at night. I mean, I'm there – my employees have a hard time parking during the day as well. That's a parking issue that the Surfer Bar is not

necessarily – I think they're going above and beyond that issue with their recommendations and what they are trying to offer and do. You know, there's also the second phase of this with a office component, you know, on their adjacent property on the back half of the block that we've currently looked at doing in a future project. And I feel that this, you know, which is this first phase crumbled, then that, you know, a huge emphasis to our business and, you know, we, you know moved to the CBD, you know, this year to really help all the businesses that we're invested in partners. And if the CBD and all those businesses don't do well, our business doesn't do well. And so, you know, that's basically it. Thank you for your time.

**MAYOR:** Thank you, sir. I'm sorry there's a lot of paperwork to keep up with up here. Next would be Mr. Lance Folsom. Lance, if you'd come forward and give us your name and address, you'll have five minutes, sir.

**LF:** Lance Folsom, 1022 North 23<sup>rd</sup> Street, Jacksonville Beach. Perspective is a real important thing. And I know you sit higher than we – that may mean you have a better perspective. I hope it does because it's hard to get a fix on some of these things that come before Council. Last Friday night I had the pleasure of meeting the mysterious Greg Saig. I didn't know who he was. I never saw his name. And Bob Tilka I knew from Shim Sham because they come to our meetings we have about parking. So, to know that they're local, that made me feel a little better. I thought, you know, they were from the West Coast. So, that's a good thing. But, also, I tried to give them our perspective from a standpoint of the Vision Plan and the vision process. And I don't know where Tara is, thanks for making me the poster child for Visioning. Some people didn't believe I was there at that meeting Friday night, but I was on every slide yesterday, so I know I was there. I thought I was and Mitch, the Wave Master said he was there, but he meant the Hospitality thing, but I know I was at the Visioning. I spent a lot of hours. I was the spokesperson. So I tried to explain to them, you know, where we were coming from and why we don't think this is the greatest thing since sliced bread. And they didn't understand at first because it's an economic development great thing. I see why the City jumped at it, you know. A lot of money in, experienced people, it looks nice and I don't know anything about Mango's, but I thought it looked real good on TV 47s presentation tonight. So it really looked good. So anyway, I'm saying all that to say that we need to have the proper perspective. And this weekend I tried to figure out how to make this work. I spent a lot of time writing up another missive to the Council – that's three hours. And you probably didn't have time to read it. And that's another thing – Sandy's point. If you get it on Thursday and the people out here send you something Sunday night and you have to work, how are you going to fully inform yourself? And I know we need competent substantial evidence. I think what I gave you was that. I was a community planning and development professional for 25 years and then 9 years as a housing. I've had planning courses, I've done all the stuff. I was on the Planning Commission. That doesn't mean I know anything, or I'm any good at anything, but I've done all these things. I don't think I'm just somebody off the street and I participated in the Vision Plan. So, I'm here to say that I'd like to see these people come into Jax Beach and do something else, but as I told them, it seems like the wrong place at the wrong time. And I thought safety. My wife, you know, mentioned more drinkers, more police downtown. And I don't care if you hire CAPE officers, it's going to take somebody from the neighborhood to process, to come up here to process these people. So we need to keep

that under consideration. And I know we can't arrest our way out of all of our problems and all that. So, that's a concern. And I had trouble getting around that. And it's interesting David Smith wrote a letter because I learned all the evils of the 500 foot separation non-conforming use from him. You know, and he lived right there. I mean I didn't know what the guy was talking about and I was on the Planning Commission. I never heard of this. So, you know, now he's all important because he can rent his property for higher amount, but if he was living there, I'd like to see him come here and say, yeah, let's get more of those drinkers that urinate in my yard. So, perspective is everything. Okay, the other thing, the outdoor space.

**MAYOR:** You have one minute, Lance, just so you know.

**LF:** Oh, good, thank you. Because I wanted you to tell me. I'm fired up.

**MAYOR:** Okay, good.

**LF:** I'm kind of firey. Outdoor space – this is a lot more. We're waiving the 500 foot thing and we've got a lot of alcohol drinkers down there now so I couldn't get around that. Couldn't get around the outdoor space because noise at night carries and you hear it from Pier Point, I guess, going to go condos north. So, on the Planning Commission when we first allowed outdoor seating they had speakers and that caused a furor. And then we said, damp it down. Ask Darryl and Brenda Shields about Adventure Landing and the outside noise. So, just to say, those are two issues that I had trouble with and the only way, if you want to approve this, I think you could do it, would be alcohol thing. And they might agree to this, I didn't mention it Friday because I just thought of it this weekend. Let them, for the first two years, stop serving alcohol at midnight or 1:00 so they don't contribute to the 2:00 mass exodus which is a real problem for everybody. But they are very good. They are willing to work with us and I don't know how you can approve it, but if you did, that would be one thing I would suggest. Is my time up?

**MAYOR:** You're just right on the button.

**LF:** Thank you very much. And the other thing is I bet you didn't read my email, but there's competent and substantial evidence in there.

**MAYOR:** I did. I did read it.

**LF:** To do whatever you want.

**MAYOR:** Thank you, Lance. Whew. Sylvia Oswald. Sylvia, if you'd come forward please. We need your name and your address and you'll have five minutes, ma'am.

**SO:** Mr. Mayor, members of the Council, my name is Sylvia Oswald. I live at 3 Freedom Way, Jacksonville Beach, Florida. I've been a 38 year resident of the City of Jacksonville Beach and I've watched the City grow, sometimes not so well, sometimes very well. Right now it's in a wonderful growth pattern. There's an overabundance of bars in my opinion. At closing time our police are maxed out as far as their availability because the customers of the bars come out and are not very professional. And they also,

mostly, are not from Jacksonville Beach. The Council has professed, this Council especially has been professing for a long time, that they want family friendly Jacksonville Beach. Bars do not prevent, present a family friendly environment. That young lady spoke about this being – walkability, the safety and the entertainment and this meets all the criteria. I wouldn't walk down there at 1:00 in the morning by this bar with my family. The safety issue is not there – if this – and where's the entertainment? But they, it puts new bars within a few feet, within 100 feet, 190 feet of one bar and 463 feet of another bar. And they increased the space for a bar from 3,880 square feet to 6,400 square feet. They have 3,000 square feet of retail and if you want to talk about mixed use, I'll tell you mixed use. This is a joke. If you've got twice as much bar as you do retail space, that is not mixed use. That's a bar. The Surfer Bar has been advertising that they will bring surfers from all over the world. Well, my question is, they've got a bar in Hawaii and our surf, I love our beach, but we don't have the surf that Hawaii has. And that doesn't bring our people, our residents, a family friendly environment if people are coming from all over. Classifying this as a shopping center, which they have done, is a stretch. To me 3,000 square feet of retail space vs. the 6,289 square feet bar, it's over twice the space for the bar vs. the retail. And how do you consider that to be a shopping center when you've got 6, double the space for the bar? The truck that they're going to bring in to provide 35% of their – so they can have a bar, they're bringing a truck in to provide food, which is required under, I believe, the State Ordinance or a City Ordinance. They have to have a certain amount of income from food and they're going to get that from a food truck, which we don't even know if the food trucks are going to work in Jacksonville Beach at this point. Parking has been critical and will be critical until we, the City, do something about it. The property currently has 27 parking spaces as required by the Ordinance. The revision gives them 22. They added 12 tonight. But if we leave this zoning as central business district it would require 72 spaces for what they want – for the bar and the retail. The redevelopment district zoning is to achieve diversity. This is not diversity. This is another bar. Hopefully the downtown vision that y'all – that I was not a part of – does not include more large bars in downtown Jacksonville Beach. Because that is not what I think y'all want as a family friendly environment. Make our downtown more, not less, family friendly and please deny the change of this zoning because that's what we're talking about. We're talking about changing the zoning from central business district to redevelopment for less than a half an acre of our downtown. Thank you for your consideration.

**MAYOR:** Thank you, Ms. Oswald. Corey Nichols. Corey, if you'd come forward, sir. Give us your name and address, you'll have five minutes.

**CN:** Good evening. Corey Nichols, 1107 1<sup>st</sup> Street South, Jacksonville Beach. I had a long thing written up. I'm going to just like cut to some of the points and get rid of it so we can hurry up. I'd like to request the City Council members approve the rezoning necessary to build Surfer. As a member of the CRA, I'm very familiar with its Vision Plan for Jacksonville Beach and the State Statute 163 that was used to create the CRA in the first place. The express number one reason for the creation of a statute in the CRA is to remove blight from communities. And for Jacksonville Beach to be given the opportunity to accomplish the removal of the eyesore and blight that I believe Mango's to be, through private investment in our community by an international company that has demonstrated a love and passion for a sport to which our community most participates is

a godsend. This building will draw tourists to Jacksonville Beach and will be a springboard for future development of businesses that revolve around the sport that this community is passionate about. I believe that the clientele that this establishment will attract will be the type for which Jacksonville Beach is longing. I believe that this to be the case because Surfer Magazine will be highly cognizant to protect their strong international brand by creating a safe and secure environment while not over serving patrons. The multi-million dollar investment they're making in start up costs will undoubtedly translate to a price point that will economically eliminate the majority of the problem individuals that our fine police force deals with elsewhere in the downtown. Those are the main points I want to get out and just want to reiterate I would vote yes.

**MAYOR:** Thank you, sir. Curtis Loftis. Curtis, if you'd come forward you'll have five minutes after your name and address, please.

**CL2:** Curtis Loftis, 2815 St. Martin's Court. I thank everyone for hearing me this evening. So we've heard perspective and we've heard vision. And I think that – I think we need to speak to both of those things. And so from the perspective standpoint, I think I can speak to you as a resident of Jax Beach for 30 years and a surfer. And I think you all know that. I'm a wave maker. But the surf culture, you know, I've lived it for 45 years and it's an extraordinary sport, we're blessed to have an ocean and we have surf camps, we have competitions. It's not a sport like, you know, Spicoli in the 70s. This is a wonderful sport. And Surfer represents that to the world. From a vision standpoint, as a business owner, I've been dwelling on this for months now. Kind of the way I see it and hopefully I can impart some of this surfer concept to you, I started surfing long ago and I went to my first surf expo in 1975. It was in mid-70s, it was in Kissimmee and it was in Daytona. It was a family owned little trade show. It got sold to the Atlanta Paramark in the late 80s. And at the time, California had a couple of things going on. They had an action sports retailer, a big thick book on the apparel industry, the surf industry. They also had most of the other trade shows that were existed, in existence at that time, except for this little east coast trade show. It was owned by this husband and wife. When they sold to an Atlanta company, California saw that and wanted the east coast right away. I mean, it was like, oh my gosh, there is an opening. Let's go in and take that because California basically owned the surf industry for years, for most of my life. I publish a magazine because of kind of my passion, but the east coast deserved to be highlighted in this sport. Well, we have this opportunity now as a east coast marketplace. We, again, with surfing, it's not about, you know, it's about an international coastal experience. It's all over the world, Australia happens to probably own it, but Hawaii owns it, I mean, we embrace this sport in the way these others markets embraced it and the way we embrace football. So, I just kind of want to, not to perspective, but this vision about this facility that's getting ready to open up here. I know everyone keeps saying bar and everyone keeps putting a lot of issues in front of these guys that are getting ready to make a big investment, these are their dollars. It's a complicated project. But what they're going to do is drop something in Jax Beach that is going to tie us to not just the surf community but apparel markets, to hard goods, to accessories, to world travel. I mean, you shouldn't be scared about this. This is like important stuff. And if Jax Beach can own this, it will be a catalyst for other development. I mean, you won't be scaring people away. You think it will open doors to people that have emerging brands. I mean, there are emerging brands

in the surf industry. So, I just appreciate your time, your consideration, it's going to be great, hopefully.

**MAYOR:** Thank you, Curtis. Her Honor the Honorable Harriet Pruitt, Mayor of Neptune Beach. If you'd come forward, please. We'll just stick with your name and title so that George doesn't try and hunt you down at home.

**HP:** I'm Harriet Pruitt, Mayor of Neptune Beach and I'm also a resident of Neptune Beach and I'm not here to tell y'all tonight how to vote or whether I'm for this project or against. But I'm here because I'm concerned. And there is a thing in life called residential quality of life. And anybody that lives east of 3<sup>rd</sup>, from Atlantic Boulevard through Neptune Beach, all the way to the south end of the beach, need a quality of life at night. And that's my concern – nighttime. When you have a mega bar going from – first of all, when you have a neighborhood bar of 86 seats, going to a mega bar of 325 seats or people, you've got a scale that is way over to the right. And people have to get up in the morning time and go to work. And I have lived east of 3<sup>rd</sup> Street for about 30 years. And some of the people said they pee in your bushes, they yell up and down the street all night long after they've come down and had a few drinks and gotten drunk a lot of them, you hear them yelling obscenities 2 and 3:00 in the morning, especially after 2. And when you put more and more and more people down here going to bigger and bigger bars, I think, again, you're diminishing the quality of life for a lot of the people that live east of 3<sup>rd</sup> Street. I had several different notes here. I, as elected officials, we all, or y'all certainly have worked to make Jacksonville Beach a better place over here in the business district and to bring it up. And you've done a great job. And not only have you done it, but those before you have started working to make Jacksonville Beach a better community. And will the mega bar set the tone that you really want or what are you really striving to achieve? I know businesses in Florida. We need business. But I can tell you in Neptune Beach, living where I live, I see people going up and down the street all night long, especially, again, after the bars close, yelling obscenities and people that live on 1<sup>st</sup> Street certainly have to put up with it and they shouldn't have to, but they do. And it gets harder and harder for them every year. Cathy Bailey wrote a article several – well, it was in July. And I'm going to quote just a small portion of it. She said, "Quadrupling outdoor seating for a bar while providing virtually no parking for those bar patrons as a proposed mega bar now seeks to do will not be good for the City in the long run. It is time those of us who live here and our elected representatives realize the same and recognize that decisions made now will shape the area for generations to come." And I don't know how y'all feel. I keep hearing family friendly, family friendly. The gentleman tonight said that they had taken up a survey and 40% came from the Beach and the other 60 I guess was outside the Beach. So when you have hundreds coming this way, and most of them live from out of our community and they don't have to put up with the noise and things that are so near the bar or the bars. They don't realize the quality of life, their quality of life could diminish, so please consider that. And, again, I appreciate all the work that you do and I had somebody say now, Harriet, you come down here and speak up we're going to end up putting that thing in Neptune Beach. So, anyway, I'll just say thank y'all for listening to me.

**MAYOR:** Thank you, Harriet. Rudy Theale. By the way, for the sake of planning, we got about 17 cards left unless anybody sneaks one up here. I'm planning on a recess at 9. Can everybody wait until 9? Okay. Rudy if you'd give us your name and address.

**RT:** Sure, it's Rudy Theale, 1656 Dover Hill Drive, Jacksonville. So I don't approach the Council being a resident of Jax Beach, but I do approach the Council with a lot of business ventures in this area. I think I try to come at this thing from a unique perspective. I don't want to offend the folks that live in this town and have for a long time that have their opinion. I also don't want to offend the folks that care about this project. So I will end up giving you my opinion on it, but I want to walk you through a couple of things if you don't mind. I own Nippers Beach Grille, those of you that don't know that. A lot of people have heard about it lately, I know that. And I put a big investment in that place and we've had a great 3½ years. We had a tragedy in June, which, you know, was unfortunate, but this town has gotten behind my business which is my family and everything that I have. So I love this town. Even though I don't live here. And I'm going to tell you that having been in the surf business, I owned a watch company in California, I lived in Newport Beach, California for 10 years which is where Surfer Magazine was based, clearly I don't have the physique of a surfer and I don't plan to be one. I've tried it a couple of times and I was terrible. Bottom line is I got to know the culture of the people that I lived near in Corona Del Mar out there. And I got to know a lot of the people actually at Surfer Magazine, believe it or not. And, you know, I have not talked to any of the folks. You know, Greg Saig and those guys run great operations and they're my competitor. Don't really know them that well. But I can tell you that Surfer Magazine is an incredible brand. And it's an incredible product. And my watch company that I owned out there was called Vesta. All those of you that don't know it, it was a surf, skate, snow kind of action sports brand. And how I got into it is a long story. I can't do it in five minutes, but I learned the surf culture. And what I found about the people in California, having grown up in Jacksonville for most of my life, it's a very kind of mellow, laid back, active, positive environment that I became accustomed to and, quite frankly, that I miss sometimes. So from a Surfer Bar perspective, Surfer Magazine the brand – amazing, okay? I tried a restaurant out on the ocean, those of you that don't know that. It was called Sakana. Sometime you win, sometimes you lose, I lost my butt. I failed, okay? One of the reasons that I failed, and there's a host of reasons, is because some of the – and I hate to say it, I'm just going to be straight up – some of the riff raff that's around this town on the weekends, was a major issue for my business. And I lost \$650,000 myself and my partners on that project. And so as I look at this project, I say, you know, here's a bar that is a total dump. Okay, we've got – the place is disgusting. I'll tell you, I've been in there, so, you know, I have gone to disgusting places, but I would rather it be gone. So you kind of know where my vote is going as far as that is concerned. As a business owner in this town, I want to – you know, sometime, my dad told me before he died, you know, six weeks, he lived with me for 17 months before he passed away and we talked a lot. And the last few weeks, you know, one of the things he told me is don't try to get in the way of change in your life, okay? And, you know, I hear from the folks that live in this town and, you know, it's the parking and the this and all that stuff. At the end of the day, the world is moving forward. And I think that this place, when I look at the picture and I see the management team, I understand the brand that's behind it, and being a business owner, my personal opinion is that it's going to add value to this community from the standpoint – there is already a bar there that's, in my

opinion, not that great. And if you're going to replace it with something, would you rather replace it with something that is not a bar? Sure. But don't get in the way of change and that's change. When somebody's going to spend 2 or 3 million dollars redoing something. That's a big deal. Okay, I'll say one more thing. I have a vested interest in that particular property and I'll tell you why. We have been discussing for the last 2½ months – I opened a new concept in San Marco called V Pizza that is, you know, again, thanks to this Jax Beach and Jacksonville community, become a very big success in a very short period of time. So we are looking very seriously and have a lease in hand for the property that is just south of this particular project that was formerly The Big Kahuna. We are, you know, I'm not going to say that, you know, we've held out on signing a lease to see what's going to happen because, quite frankly, I saw Dave Smith's son here and if this passes, he might raise my rent rate and I haven't signed yet. But the bottom line is we're in, okay? So here, I'm going to invest in this town again, okay? And so, although I understand the parking issues, although I understand. I mean, I lived in Laguna Beach, I lived in Corona Del Mar, I lived in Pacific Beach and San Diego. The people that went there...

**MAYOR:** One minute, Rudy.

**RT:** The people that lived there understand what they're getting into in a community like that that's vivacious, that's near the ocean. If you can take something that is as gross as Mango's, and I'm sorry, I hope the owner is not here and doesn't, you know, hate me, but and replace it with something of this magnitude, as a business owner, that's going to have a – and, by the way, the food truck's going to take business away from me. Yeah, we're certainly going to have a bar within the restaurant, but it's a restaurant, so that will take business from me, I don't care. When I see that building, I understand the management team that's behind it, I understand the brand that's behind it. I say, I really urge you guys to go with it because – I don't want to see it go to Neptune Beach. You know, I don't want to see it go anywhere. I want to see it stay here. So thanks.

**MAYOR:** Thank you, sir, appreciate it. Daniel Smith. Speak of the devil. If you could come forward, sir, give us your name and address, you'll have five minutes.

**DS:** Hi, my name is Daniel Smith. I live at 130 5<sup>th</sup> Avenue North, directly across the street from the proposed business. And as the guy across the street, I am 100% in favor of the Surfer Bar. Greg Saig owns the property also adjacent to the new bar and he's been nothing but a good neighbor the entire time I've lived there, the last 10 years. To the people joking about me raising my rent, the only reason we'd do that is because if you look out the window, if the new bar was there, it'd be a much better view than it is now. So, that's all I've got to say.

**MAYOR:** Thank you, sir.

**DS:** Please pass Surf Magazine bar.

**MAYOR:** I'm going to apologize in advance if I mispronounce this – John Brent Nortal? Is that close? John Brent Nortal. Okay. Mick Durocher. Mick, if you'd come forward and give us your name and address you'll have five minutes, sir.

**MD:** My name is Mick Durocher. I live at 41 Milly Drive, Jacksonville Beach, Florida. You know, as far as, you know, the surfing culture. And you know I think I – in 5<sup>th</sup> grade in 1961, I think was the first time I got on a surfboard. And I subscribed off and on to Surfer Magazine all my life. And I understand the feeling inside somebody when it says I've got the stoke. You know, it's, only another surfer could understand the word. And so I understand that 100%. And I, too, go to the Surf Expo for 20 years. Every year, I've got a small clothing company and I'm at Surf Expo every year. And only once, you know, they are talking about the culture of surfing, the culture of surfing, the culture. Only once at the Expo was there ever anybody down there representing alcohol. It was a brand of vodka, Russian vodka and these girls, these blond girls were running around giving out free T-shirts that had the hammer and sickle on it with, you know, vodka on it or whatever, so it's like this is unique – a hammer and sickle shirt. I've got to have one of these. But, as Surfer Magazine does not run any ads, you know, for alcohol. So, you know, you talking about the culture, the culture, it never pops up as alcohol as being a culture of surfing. Now the process that this gentleman representing the builder of the bar, you know, the way he laid it out from the very beginning was very very articulate. You know, I sound like Gomer Pyle next to this guy. He was very, very, very good. At the last time we did his presentation, he had said that he had two votes on the Council and he only needs four. So he was confirming the fact that two people on the Council that he knew he had their votes. He said I've got two votes and I only have to have four for this to pass. So he was reaffirming that. When he came up earlier, he quoted having yes votes from everybody on all these commissions and panels and boards, which are all non-elected positions, but he reiterated to y'all that he's already got all the yes votes. Now he's coming to y'all for your yes vote. So he's presenting that salesmanship, yes, yes, yes, yes, yes, yes. And, you know, when he said I'm going to build a bar that holds 800 people and it's 8,000 square feet, and then he came back the second time and he used the word drastic about ten times. He said, I've made drastic reductions. Drastic cutbacks and drastic reductions. And, you know, that's just taken right out of the Donald Trump book "The Art of the Deal". If you've ever read that book, it's right in there. And that book, Donald Trump, he plagiarized Machiavelli who wrote The Prince in the 16<sup>th</sup> century. It's all in there, too. And Machiavelli plagiarized Sung Sen, who in like 500 BC...

**MAYOR:** Sun Tzu.

**MD:** Wrote The Art of the War.

**MAYOR:** Sun Tzu.

**MD:** Sun Tzu. So you know The Art of the War. If you've read these books, you know, the whole thing. So in the very beginning you've got to ask yourself, was this laid out? You know, you go in and you ask for a mile and you say, hey, look, I've cut it way back, man. I am giving in to y'all. Now I need you to give in to me. So I need your yes vote. I've given dern near everything. Everybody else has said yes, you know, before y'all. And I already have two yes votes on the Council. And I only need four. So his presentation was fantastic, you know. And as far as Mango's, every developer that's ever come up here, whatever property they're going to develop is an eyesore. When they were going to

do George Moore Chevrolet, that was an eyesore. We gotta clean that up. Kentucky Fried Chicken, when the coffee place was moving in there – let's clean up that eyesore. This gas station over here on the corner that's still for rent. Remember when that gentleman came in and wanted to put a restaurant in there and he needed additional parking and he was like you've got a, you know, approve this because I'm going to take down this eyesore.

**MAYOR:** One minute, Mick. One minute.

**MD:** Anyway, so we've heard a bunch of people portray Mango's as this terrible place. You know, I don't frequent Mango's. I don't frequent bars at all. But in defense of Mango's, you know, if we want to portray places as bad places, you know, I think you could ask Chief Dooley back there and say could you tell me in the central business district around here, where most of the police calls go to? And, you know, everybody's going to say I know it's Mango's. But what if it was, you know, McDonald's? So, you know, we have a police problem with McDonald's, not Mango's. So, you know, portraying Mango's as this eyesore, slum bucket place we've got to get rid of, you know, just to have a developer have his way. And, you know, I just hope everybody takes into consideration their constituents, you know. I'm sure everybody has been in communication with all their constituents, how they feel. Not just, you know, public forum here where we get to speak our minds, but everybody has been in contact with all their constituents. Thank you, Charlie.

**MAYOR:** Thanks, Mick. Appreciate it. Mr. George Candler. George if you'd come forward and give us your name, you'll have five minutes, sir. And for planning purposes, after this we'll take a ten minute recess.

**GC:** I've got to get one more in if I'm quick enough. George Candler, 507 16<sup>th</sup> Avenue South. If Salt Life wanted to move to where Mango's is, I'd be all for it. It would be a bar, it would also be a restaurant. Instead we're getting 6,000 square feet of bar that isn't going to have parking for 6,000 square feet of bar. And, again, you know, my understanding in the barely four years that I've lived here is that by diversification downtown we mean fewer bars and more stuff for people to do during the day and during the week. This is not going to contribute to that. And the last comment that Mr. Durocher made, I might add a little bit to that and that, with all due respect to the people who want to build this, they have, you know, been a little bit fast and loose with some of the stuff that they've said. And we've got another example of that now beyond the barest of loophole fig leaves about the parking. We're also getting that with the willingness to accept a condition that they have to keep their food truck there permanently. That's not a condition, it's an exception and you've got to really think that the decision that you guys have to make is do you want to try to move the City forward in the direction of alternatives to 10:00 in the evening to 2:00 in the morning, Thursday to Sunday, heavy drinking. Do you want to try to give us alternatives other than that. Thank you.

**MAYOR:** Thank you, George. Okay, we're going to go ahead and call – let's try and do it in five if we can, but ten at the most. And we'll base it on how quickly the City Council comes back. But we'll adjourn temporarily for a ....

(RECESS)

**MAYOR:** Ladies and gentlemen, if we can begin to approach our seats again. We'll go ahead and get ready to get started. Ladies and gentlemen if you wouldn't mind taking your seats. Okay we have reached five after and there's Mr. Doherty, so Council is back and we're going to reopen the public hearing portion of this meeting. And the next on the card I've got here is Mr. John McGowan. John, if you'd come forward and give us your name and address, you'll have five minutes, sir.

**JM:** I guess the trick to get on the top is to put in your card last, right? My name's John McGowan....

**MAYOR:** No, we're \_\_\_\_\_ that goes on there.

**JM:** I live at 5 17<sup>th</sup> Avenue North, Unit 401 here in Jacksonville Beach. I'm also the President of Better Jacksonville Beach with a non-profit of the business owners Jacksonville Beach. I put on the Art Walk and the Car Show. Classic Car Show is tomorrow night. It's been going very well. Part of what I do is find – well, all of what I do – is trying to do family friendly events down here. Getting families back into the area. And I was not originally going to speak, but after hearing this, there has been some very slick presentations put on by the people that want this. And they use a lot of great buzz words. And having worked in politics for a while I can tell you buzz words – it's a great marketing ploy. You hone in on what somebody wants to hear. And you repeat that over and over and over again and then they just hear that and they don't hear the other side of it. We're hearing family friendly. There is no such thing as a family friendly bar. We're hearing The Surfer. Well, we're appealing to the surfer community, that sort of thing. And that's great. But that's just the name of a bar. Don't get caught up in what they're trying to call it. Look at what it really is. This is just a bar they're putting in. And there's no guarantees that in six months it will still be the Surfer Bar. They could go back and rename it. And I – if there was another title behind this, you wouldn't even be considering this. And if there was another title behind this, the surfers wouldn't be out here talking about it. If this is a reggae bar. If Jet Magazine wanted to do this, you guys would have turned it away immediately. It would never have made it this far. It's because they are appealing to what you think – what they think you want. They think that the community wants a surfer bar therefore they're calling it the Surfer Bar. And that's all it is. It's fancy names and fancy angling and some slick people in here that this is their job to present things a certain way. And that's what they're doing to you to appeal to you, to appeal to your emotions. But look at just what it is. It's another bar that's going in here. And the reason there was a 500 foot limit put into place with no exemption was simply to keep this sort of stuff from happening. And it was also put into place to time out these sort of things. If they wanted this to be a permanent thing where Mango's could continue to operate here, they would have been an exception in there. But these sunset. And the idea was it would sunset and spread out the bars. So that's what you're – that's the sort of precedent you're looking at here. And you are setting a precedent. I know he's saying, oh you're not, but I can tell you from the people that I work with in this community, there are some lawsuits pending based off of what this, what happens here. They are working. There are some organizations that y'all have turned down for paid parking in the past before some of y'all were on the Council, but

some other organizations that – well, Councilman Taylor and Hartkemeyer were here – that were turned down, that I know there are pending lawsuit. They are meeting with their attorneys right now, waiting to pounce on this. That’s what you’re looking at right now. But ultimately when you’re trying to create a family friendly environment, I know the bar does not do that, and they can tell you all day long it’s family friendly, but you’re not taking your kids to a bar. If they want to make this a restaurant, that’s a restaurant. A food truck’s not a restaurant. And, so, you’re just adding on to the existing thing. So, take that into consideration. Take out all the buzz words. Take out all these things. Look at it for what it really is. It’s just another bar in the area. And also I want you to take a look at the crowd out here. I notice, how many of the business owners from Jacksonville Beach downtown are out here speaking on behalf of this and saying it’s a good idea? There’s a reason they’re not here. I can tell you from speaking to them one on one there’s a reason they’re not out here, you’re not seeing the businesses that are part of Better Jacksonville Beach out here speaking in favor of it. Because they have the same concerns. And they have the same worries and a lot of, and they’re coming to me about it. So, I wanted to speak. Take off the layers, take off the illusion, take off the spin. Look at it for what it really is. This is not we’re anti-surfer or we’re pro-Mango’s or whatever. We are looking at another bar. And, in six months, if this is something else, would this still be okay. I’m done. Thank you.

**MAYOR:** Thanks John. Appreciate it. Leah Hudson. Leah, if you’d come forward, please, ma’am, we’ll give you – I’m sorry, your name and address and then we’ll give you five minutes, please.

**LH:** Hi, my name – my name is Leah Hudson. I live at 404 3<sup>rd</sup> Avenue North and my business is a counseling practice at 414 3<sup>rd</sup> Avenue North. So I’m just a little bit beyond the red line that was in all of the slides that we saw tonight. And I’m not going to reiterate all of the statistics on the parking and all that kind of thing. I’m just going to tell you what our life is like, has been like and will only continue to worsen if this bar goes in. In the Vision Plan, safety was number one, family friendly number two and walkability was number three. The safety issue spills over beyond what are those red lines and the walkability has been achieved. And to put those two together, every night and particularly the Thursday, Friday, Saturday night, the walkability of drunk people coming down the street and screaming extends beyond 1<sup>st</sup> Street, because we’re across, we’re across 3<sup>rd</sup> Street, just barely. And we have drunk people on our steps, doorsteps. We have drunk people being deposited in the middle of the night at our door. That’s going to get worse, not better, if you approve a bar that’s going to over triple the size of the capacity that Mango’s has. The business that is across the street from me currently on the weekends will park a tow truck in their parking lot and that helps some with the parking issues. We’re already having a lot of spillover and have been having a lot of spillover. That’s the loud people, beer bottles, more intoxication. So, you know, my, my – I just urge you. I’ve been a owner here for over 25 years and I urge you to deny the request. We don’t, we don’t need another bar and we certainly don’t need that many more walking drunk people that – spilling out into the neighborhoods. So, I appreciate your time and thank you very much.

**MAYOR:** Thank you, Leah. Appreciate it. The Honorable Elaine Brown. Elaine, if you would come forward and just mention your city. That way George won’t hunt you down

after working hours. For those of you who don't know, the Honorable Elaine Brown was the former President of the Jacksonville City Council.

**EB:** Thank you, Mr. Mayor. Elaine Brown. I live in Neptune Beach, 1392 Neptune Grove East. The reason that I came here tonight is because I'm so impressed by Salt Life. I'm impressed by what the business men that have invested in your community have done. I'm so impressed with what they've done in St. Augustine. I look at the architecture of what they've put forward and I'm so impressed by that. It isn't just another bar, it would be replacing a blight in, what I consider to be our City. I'm a member of these beaches, I care about all of these beaches. And I feel as though when you raise the quality, when you're looking at quality and these business men have already done that in your City. They're invested in the City in many ways, including being involved in the City. But to also say that what they're bringing is just another bar – it's an international brand. It's a brand that really speaks for a lot of the lifestyle here of our Cities and it certainly is something that raises the bar of just about everything in that area. And I like that. I like the fact that they have planned the architecture. They've planned that its leading edge, it's new, but, yes, it will have surf racks for surfers to come up and put their surf rack while they're having food. It will be family friendly in many, many ways. And that is that, yes, I would take my kids, my grandchildren there and to have a nice view of – to actually have something that's beautiful in your City, that raises the standard of what bars are, especially of the one that you already have there, is something that I'm impressed by. I wanted to come and share with you that when you have business people that take their time to really build a big business, look it over and say this is what I think will fit in the area, and make it even better for my other business. I think that that's the point that I wanted to make and that is what has impressed me. He's invested, he's looking at something that would never hurt his other business. It would improve. And certainly make a big difference in what you already have there. So, I came to just give you my opinion and I thank you so much for your time.

**MAYOR:** Thank you, ma'am. Appreciate it, Elaine. Mary Phillips. Mary, if you'd come forward, please. Give us your name and address, you'll have five minutes. And, Mary, I noticed you had a young man here from your class earlier today and thank you for doing that in front of you here. It looks like we might of went past his bedtime, but...

**MP:** Sure. Yeah, he had to go to bed. My name is Mary Phillips. I live at 934 10<sup>th</sup> Street North. And I'm not in favor of approving this project in the current proposed location as it was presented. I appreciate the reduction in the overall size and the outdoor bar portion, but I don't think that the ratio of parking to occupancy is a step in the right direction for Jacksonville Beach. Additionally, I'm not sold on the idea of a food truck providing the restaurant portion of this proposed facility. I believe the density of the project is too great for the location and I'd like to see either a smaller footprint in the proposed location or a different location for the proposed footprint. On a different note, I would like to thank the Council for their work in looking at the skateboard park being built in the City. I am a strong proponent of that especially if it will keep our youngsters out of the bar.

**MAYOR:** Thank you, Mary. Alan Verlander. Alan, if you'd come forward, you'll have – give us your name and address you'll have five minutes, sir.

**AV:** Thank you. Alan Verlander, 4233 Murana Lane. I come on behalf of our newly formed sports council that we formed. The Jacksonville Sports Council. Not only does it serve Jacksonville but all of northeast Florida. The goal is to get more and more sporting events and sporting features and sporting opportunities here in northeast Florida. We are always known as a sport community, but when you really start looking at the grassroots sports stuffs that we have, we could use a lot more. And what does sports bring to a community? It brings economic impact and a branding and all of those kinds of things. And so, we are trying to understand our liquid assets, what I call liquid assets. We've done a great job with our stadiums and arenas. But we can do a better job with our liquid assets. And I think that we would all agree with that. So, about two weeks ago I was in Orlando. And I had the pleasure of meeting with 46, over a two day period, event planners from all over the country. Three of those were action sports planners. There were a bunch of runners and a bunch of different myriad of stuff, but three of them were action sports. Two of them knew about this project. And I said- they were asking me a bunch of stuff and I said, well, yeah, I've followed it, I've known about it, I know the national and international brand that's Surfer Magazine. And the point that I make in that was the kind of branding that goes on with the type of events we are trying to bring here is huge to our community. You know, when you start looking at putting teams together you have to put building blocks in place to make things grow. And we'll be hosting the NCAA basketball tournament here in March. And one of the people on the NCAA men's basketball selection committee says one of his favorite places in the world in Jacksonville Beach. And it's because he came down here in 2010. And so that's a, that's kudos to what we've been able to do and really what you've been able to do as a committee to make this place a destination. And so on behalf of the Jacksonville Sports Council that supports all of northeast Florida, we would be greatly in favor of this because it's not – put the politics aside and the politics of the politics, whether it's a bar or whatever. For us, we believe this place is a destination. And the more things that we can sell for our community to bring events to this place, to draw in tax dollars, to draw in fans, to draw in people to this community, we're all for it. And so on behalf of the Jacksonville Sport Council, newly formed, we've been in business now six months, all of six months and we're still in business so that's a good thing. We are in full support of this and full support of the international brand that Surfer Magazine and the owners would bring to this project. Thank you.

**MAYOR:** Thank you, Alan. Appreciate it. Julie Moustrum. Julie, if you'd come forward and give us your name and address. You'll have five minutes, ma'am.

**JM2:** Julie Moustrum, 2042 2<sup>nd</sup> Street South, Jacksonville Beach. Resident for over 20 years. The idea of a surfer club, bar – I thought it was more of a club originally when I heard the idea – for younger people that couldn't drink.

**MAYOR:** Can you pull the mike down?

**JM2:** I thought it was more of a club when I first heard of this idea for people that were younger than drinking age. It's a good idea. But the location is already packed. I can't park there on the weekends after 11:00 in the summertime. I can't park there. I have to go pay to park or I just don't come to that part of the beach. I don't know how that could

– people make it more of an international destination or a national destination, there's going to be more cars. And without a plan, parking, a few more spaces is not enough. I see a problem. I wish they could find another spot at the beach for something like this. I think there's a lot of empty spots, other blighted spots. I don't really understand what, understand about Mango's going or how that all is worked, I guess that somewhere, but I'm not saying that's a great place, but I just see a problem in that location for this project. And Jacksonville Beach is not California, it's not Hawaii, socioeconomic people here are just a little different and the community is tired of a lot of things from what I hear. And, so, that's my opinion. I'm generally against the idea at that location. Somewhere else possibly at the beach, I would be for it.

**MAYOR:** Thank you, Julie. Nick McMurray. Nick, if you'd come forward, give us your name and address, you'll have five minutes, sir. Nick McMurray, going once, going twice. Holly Smith. Holly, if you'd come forward and give us your name and address, you'll have five minutes, ma'am. Okay. Thank you. And you're 61 Fairway Lane, Jacksonville Beach. Okay. Thank you. Ken Marsh. Ken, if you'd come forward and give us your address, you'll have five minutes, sir.

**KM:** Alright. I'm Ken Marsh, 2027 Gale Avenue, Jax Beach. The young lady talking about the Vision Plan that came up, I think 2007, talked about the plan so I think the policy is clear. The policy is also clear about your vote tonight. That's in your packet in the Land Development Code, 34-211. Hopefully you've got a copy, if you don't, I've got a copy here.

**MAYOR:** We'll just get a copy to the [Clerk]. Thanks.

**KM:** I want to read just a short part of that. It says after, on 34-211, item C, after the close of the public hearing or hearings whichever is appropriate, the City Council shall consider the adoption of an ordinance enacting the proposed amendment based on one or more of the following factors provided, however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located. There's actually ten in there, okay. But I gave you a copy that has seven. You cannot pass this if the result is an adverse community change. It doesn't say 2 out of 10, it doesn't say 5 out of 10, it says if there is an adverse community change. And let me also note subsection 5, whether and the extent to which the proposed amendment would result in demands on public facilities and whether in the extent to which the proposed amendment would exceed the leveled service standards established for public facilities in the comprehensive plan. So where am I going with this, okay? We have already exceeded this as it relates to the parking. You know this, four of you knew this when, after the election in 2012. We had the first workshop where it's talking about the priority and it was about parking. You inherited this problem. You knew if we had 10 pounds of parking, if we had 20 pounds of parking, trying to put it into a 10 pound bag. That's what you inherited, okay. We've had several workshops and Council meetings regarding this problem, okay. So, we know – it's not the people out here. You all know we have a parking problem. You said that on the first workshop. In addition, we had subsequent workshop on August 28<sup>th</sup>. (inaudible) I noted one of the directives. It says this is a directive by the Mayor and the Council, the entire Council, not just the Mayor and a couple of the Councilmen, it's all of the Council people. And I want you to

see that one of your directives says, establish a plan to stop the migration of the downtown parking into the residential neighborhoods. The folks out here, some folks have already been telling you that. The difference is you guys said it. You guys said we have a problem that in August of 2013, parking is going into our neighborhoods. So, what's happened since August 2013? Well, February 2014 you guys approved the RFD, the RFP for Lanier to take over the management. So you have accomplished many of the items on that list, okay? But the one thing that hasn't been accomplished is stopping the migration into the neighborhoods. We've heard it tonight, you said it on August 2013 and since the February 2014 meeting we haven't increased – we have this 20 pounds of parking...

**MAYOR:** One minute, Ken.

**KM:** Okay, it's gone into a 10 pound bag. The bag looks better, but you haven't increased the bag any more. Not since February 2014. These are facts, okay. So we can talk about anecdotal and what somebody believes, but the parking is a problem. So the facts are you know parking's a problem, it's a priority, you haven't fixed it, this is going to exceed that because if you look at the math, the math says 325 occupants going into parking spaces 23, ask the question, where are the employees in the shopping center? It's a shopping center, by the way. By definition, what's a shopping center? Dictionary says shopping center is a group of stores within a single architectural plan supplying most of the basic shopping needs, especially in suburban areas. Is this what this is? Is this a shopping center because that's what we're saying fits the code. This is not a shopping center. And so you guys have got to ask yourself the question here, okay.

**MAYOR:** Try to wrap it up, Ken.

**KM:** This is lipstick on a pig.

**MAYOR:** Thank you, sir. Appreciate it. Mr. Jim Overby. Your turn. Jim, if you'd give us your name and address at Burling Way, we will give you five minutes, sir.

**JO:** My name is Jim Overby, I live at 21 Burling Way in Jacksonville Beach. I'm an oldie that's lived here about 40 years. I remember the days when Chief Brown's main job at night was to get his horse and wagon and roll up the sidewalks. Surfer the Bar is a contradiction in terms in itself. Surfers are young people out athletically riding the waves and enjoying the sun and the water. Bar is a place where drunks hang out. You never heard of Surfer the Drunk. If you're doing the number, there is about a 250 seat difference between Mango's and Surfer the Bar. That means there is a potential for 250 more drunks that the Jacksonville Beach Police Department has to deal with right now. The other number that's interesting is that if you assume that those 325 people are going to arrive at the bar four to a car, that means that you have to have a minimum of 82 parking spaces. And you know that they're not going to arrive four to a car. So those extra parking requirements are going to come from City facilities, from the streets and from the neighborhoods around the bar. You already know that there's going to be a three story condominium from 1<sup>st</sup> to 2<sup>nd</sup> Street on 6<sup>th</sup>. You know that sooner or later there's going to be a high rise condo directly north of the Casa Marina. And all of those people are going to be in direct line of sound from the top deck of this bar. And you

know that the people watching those televisions on the top deck, even without sound, are not going to stop cheering for their football team or their favorite soccer team or whatever it is. There is going to be noise generated on that second deck. You also know that their target audience, as they've stated themselves, are young millennials. Young millennials know how to put away adult beverages and you're going to wind up with drunks. Thank you.

**MAYOR:** Thank you, Jim. Our last speaker this evening, hey, Sandy Golding. Sandy, if you'd come forward and give us your name and address, you'll have five minutes, ma'am. Hi Sandy.

**SG:** Good evening. My name is Sandy Golding. I live at 1203 18<sup>th</sup> Avenue North. I'm going to keep it short because a lot of people have said the things that I would have said, so, I would just say that I echo the concerns that the residents have about the parking bleeding over into their area, the noise that carries over at night and the concerns about the size of the bar vs. the size of Mango's. I know Mango's doesn't look all that great, but, again, 325 occupants parking in 23 parking spaces and the staff as well. So, that's certainly the concern of mine. I also want to welcome Tara Salmieri back to Jax Beach. I had the pleasure of getting to talk to her back in 2007 when we did the Vision Planning and it was a really great experience and, you know, her point that one of the things that we wanted to and that we thought was important in the visioning process was encouraging a mix of activities and I don't believe that this is encouraging a mix of activities. And I know that since Tara was here we've had some things occur that weren't going on back then quite to the degree that they are now. We had bars then, but I think in the years since she's been here, one of the issues that has really reared its ugly head was the restaurants that were deciding to act as bars after 10:00 at night. So, now we don't just have the 4COPs, but we have several other establishments that are acting as bars at night, so, it's a valid concern when you have an establishment coming in that's going to be almost three times as large as the current drinking establishment that's there. So, the only other thing I would add is that because this is a public hearing and quasi judicial hearing and you have rezoning before you there are certain criteria that you, that you have to make your decision on and I would just like to remind you – I know that Ms. – with all due respect, Ms. Salmieri felt like several of the criteria were met – but, in my humble opinion, I don't think that, you know, one of the criteria's whether the proposed amendment is consistent with the Comprehensive Plan and if you look at some of the policies – Policy LU1.2.3, the intensity of the development which I just spoke about – where we're looking at this being three times what's currently there. And then Policy LU1.3.2 mentions the desired community character and certainly over the last few years it has been expressed several times that the desired community character is not to be all bars downtown but to have a nice mix of use. And then Policy LU1.3.3 mentions the downtown Vision Plan and encouraging redevelopment and in accordance with the downtown Vision Plan and as I mentioned before I think that, that this is not in accordance with our downtown Vision Plan. I think, again, supporting mixed uses and this is, it's certainly nice that it has a retail component, but, again, it still has the bar component which is bigger than what's currently there. So, again, the family friendly piece that people have mentioned is a big issue for me as well, so I just, as everyone else has said, I think it's a beautiful proposal, I think it's a pretty good idea, I'm not sure that

it's in the right location either, and I would just ask you to deny it based on the, what's currently proposed. Thank you.

**MAYOR:** Thank you, Sandy. Okay, at this point, then, City Attorney or Director of Planning and Development, do you wish to respond to any of the comments from the applicants or the general public? There is a negative response. At that point, then, I'm going to turn it back to Mr. Diebenow and you get an opportunity to respond to any concerns from the public.

**SD:** Mr. Mayor, thank you very much. I'll be brief. You know, Mr. Durocher talked a lot about drama and talked a lot about a slick presentation. That's the backhanded compliment that just really rubs me the wrong way because in this case you can't escape the facts. I sent you a photo earlier this year of a homeless person sleeping on the porch at Mango's. That's a fact. I didn't make it up. The application that we submitted was much more intense than the one that we have ended up with. That is a fact. I don't appreciate the characteristic that somehow I led you to believe I have these votes in my pocket. I didn't make that up. I didn't report that until after those votes were taken. The Planning Commission, in fact, voted 3 to 2 to support this. The CRA, in fact, voted 4 to 1 to support this. Your staff guided my client to file the application that they filed. One gentleman said that he thought there should be a conditional use. Well, that was actually the first thing that we thought of. That was the very first application that we talked to the staff about. And staff guided us and said, you know, wouldn't it be better if you added more than just the conditional use for a bar? Wouldn't it be better if you could do some type of mixed use development? And we went back and we thought about it and we added the retail component. And, you know, we found out there was a market for it. In fact, when word of this project got out, there was so much demand for it and so much interest in it, that we increased the amount of square footage that we were willing to construct. For people to say – the test for you guys today is whether there is competent substantial evidence on all these criteria. Nobody can say with a straight face that this isn't a mixed use project. It's not true. I can pick one piece out and say, whoa, see there's that bar. It's not mixed use because you're replacing a bar with a bar, but that ignores the other part of the application which is a retail use. I didn't make it up. The staff characterized this application as being consistent with that specific land use policy. The test when you look at it is to try and separate fact from fiction and to try to look at what are opinions vs fact based. The fact is that the common area in this project in the bar component of this mixed use project is smaller than what exists today for Mango's. The building is inefficient. It's 6,800 square feet, but you've got stairs, you've got elevators, you've got common areas that people can't access, there's a little office space in there as well as food prep. That space is not the use. The use is the 3,100 or 3,200 square feet. Apples to apples there is less bar space in this project than there is today at Mango's. The other thing I really like and it really gets me interested is when people use scare tactics. People like to use, they like to coin phrases. Mega bar, family friendly, he has votes in his pocket, it's a loophole. No, it's not a loophole. This application meets code for parking. That's not a loophole. This body voted that if you have a mixed use project that you are treated under a different set of rules. Now look, we talk – here's another one we like to throw around. Business friendly. Well, what does business friendly mean? Business friendly does not mean you vote on everything, in favor of everything that comes in front of you from a business. That's not the definition of

business friendly. The definition of business friendly is that you set out clear rules, you apply them evenly and you ask folks if they meet them or they exceed them, like we do for parking, that you approve them. Business friendly isn't making a rule and then changing the goal line, or changing the length of the first down. It's setting out rules and if you meet them, then you should approve it. In this case, I won't be repetitive, lots of people have already said before me that this application meets those criteria. And I don't know if you caught this – and I don't know what, where Mr. McGowan's coming from – he said that if Jet Magazine was proposing this application you would have denied it already. Is that really the characteristic of what this community is about? Is that really an indication of family friendliness? That is a remarkable comment to say out loud in a public place. The name of the bar is not what's relevant. What's relevant is how it is developed in the context of your Redevelopment Code, how it's developed in the context of your Comprehensive Plan, and how it's redeveloped in the context of your Vision Plan. Another thing that folks said which comes up often is that there's no other support, nobody else is here. This morning we delivered 1,100 signatures of folks that support the application. 40% of them live in Jacksonville Beach. 66% of them live in the beaches communities generally. So that's over 400 people that took the time to sign an application and to sign a petition to say that they support this. There is almost 50 businesses on this piece of paper that I handed you that are in support of the application. This is something that will help, as you've heard many folks talk about, as we've also shown you in a couple of letters, this project will lead to the redevelopment of this particular area of the beaches. We meet the parking requirements, we exceed the parking requirements, your Comprehensive Plan as well. And, again, if I could leave you with one last thought. That is that if we meet the requirements, which I believe we do, your staff believes we do, then you should vote in favor of it. As an additional point I would say we appreciate the dialogue. Mr. Folsom's comment tonight, you know, that put another condition on it, limit the hours of operation, we would agree to a condition like that. We would agree to limit the hours of operation Sunday through Thursday night until midnight and limit the hours of operation on Friday and Saturday nights to 1 a.m. It's the first time we've ever heard that suggestion, but we're willing to adopt that. He suggested for a trial period of time – we'll do that for a year. If it works, then it's great. We'll keep it. If there's a good reason to come back and talk to this body about it, we'd love to talk about it later. But, again, without that dialog, and I would encourage you that if you have questions about the Vision Plan, the Comprehensive Plan, ask your staff. Ask Ms. Salmieri. Because you have lots of experts here that have opinions regarding how this fits into your overall plan. You guys have done a lot of work, this is a great opportunity for you, we sure hope you take advantage of it. Thank you.

**MAYOR:** Thank you, Steve. At this point I'm going to close the public hearing. And before requesting a motion on this ordinance, beginning with myself, each member of the Council is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision which occurred outside of the public hearing process. And I do have a few to announce here. On July 28<sup>th</sup> I had an 8:30 meeting with Mr. Diebenow, Mr. Saig and also with the City Manager. At that meeting we talked about their ideas to move closer to where the – it might be more acceptable for the Council to consider an affirmative vote. I had a second meeting August 28<sup>th</sup>, the same participants,

at 8:00. Same basic discussion. September 3<sup>rd</sup>, I met with Sandy Golding after the Beaches Watch meeting to remind her that this meeting was coming up and to make her group aware, those for and against, that the information would be available online on Thursday. And Sandy, we'll talk a little bit about whether or not we can get that out a little bit sooner. Today, this morning at 10:00 I took a call from Mayor Pruitt. Neptune Beach the Mayor opposing the Surfer Bar. Emails for citizens – there were several that were mentioned in Mr. Diebenow's message and some of these would be repetitive, but for the sake of making sure that I include them and this is going to be provided to the City Clerk so that the information is available and on the record. I got emails for citizens in favor of the Surfer Bar from Carol Lombardo, Tori Peterson and Jeffrey Jones. And I received emails from citizens against the Surfer Bar from Maria Tahiri, two from Georgette Dumont, two from Sandy Golding, Ken Marsh, two from Lance Folsom, Beth Kilgore, Brenda Shields, Darby Marsh and Julie Moustrom. Also, as listed in his paperwork, letters were submitted in favor of the Surfer Bar from Dave Smith, Paul West, Dan Brooks and Trip Gulliford. And that's all I have. So, if you would, Madam Clerk, let's go down the roll line and let everybody else declare any ex parte communications.

**CLERK:** Keith Doherty?

**COUNCILMEMBER DOHERTY** Along with the emails that Mayor Latham alluded to, which I think most of us received, I had a meeting before our first hearing with Mr. Saig and Mr. Tilka. We reviewed the plans. They went over their \_\_\_\_\_ and ideas for the proposal. I have not had any subsequent meetings with the parties. The only other ex parte communication was today I had a telephone conversation with Ms. Sandy Golding and she expressed some concern for the proposal. That's it.

**CLERK:** Steve Hartkemeyer?

**COUNCILMEMBER HARTKEMEYER:** I had several emails from Georgette Dumont, Sandy Golding, Ken and Darby Marsh, Jeffrey Jones, Lance Folsom. Yes, Lance, I did read yours today. Beth Kilgore, Sam and Craig Williams, Leah Walker, Maria Tahiri, Julie Moustrom, Steve Diebenow, David Smith, Paul West, Dan Brooks and Trip Gulliford. I had a phone call from David Smith and John Atkins regarding this issue and I had a phone call from a Jerry Mickelson asking me to have lunch with several of the persons that were unnamed to me but had an interest in the Surfer Bar and I declined because I knew that was going to be a quasi-judicial hearing.

**MAYOR:** Thank you.

**CLERK:** Hoffman?

**COUNCILMEMBER HOFFMAN** On Friday, July 25<sup>th</sup>, I had a breakfast meeting with Bob Tilka and Greg Saig just to discuss the previous Council meeting's discussion and some changes that they were going to make to their proposal. Yesterday, 9/14, I had a brief conversation with Steve Diebenow. He just wanted to make sure I had received his email and letters. I think I got all the same emails as everyone else so I will refrain from listing

those, but I will say, Lance, I printed – where is he – printed and read your email. So thank you.

**CLERK:** Tom Taylor?

**COUNCILMEMBER TAYLOR** I got all the same emails everybody else got. I got a call from Sandy Golding today. We spoke on the same thing that Keith talked about. She had some concerns, one of her concerns being that if we could get information out earlier. I also had a conversation today with our city attorney. I had missed the first meeting and she sent me an audio of the first meeting (inaudible). I apologize for missing the first meeting. I declined (Inaudible)

?: (inaudible)

**CLERK:** Phil Vogelsang?

**COUNCILMEMBER VOGELSANG:** I had all the ex parte communications expressed at the last meeting and then since I have received the same emails as Mayor Latham alluded to. And then as far as personal conversation, last night Mr. Diebenow called me just as Ms. Hoffman addressed, just to make sure I received my, the email of information. And that's the extent of my ex parte communication.

**CLERK:** Jeanell Wilson?

**COUNCILMEMBER WILSON** Yes, I also received all the emails that everyone else did. I have not had any meetings with any of the parties involved. I did receive a phone call after the last meeting where it was discussed from David Smith. Other than that, I, you know, invariably this is topic of conversation so a lot of people are talking to you about it. Anywhere you go out, people are going to have their opinion on it, so I didn't take names of all the people that mentioned or talked about it. But those were the only ones that I actually, you know, I didn't plan. Thank you.

**MAYOR:** That's everybody yeah? Okay, I need to request a motion to approve the ordinance as read by title, please.

?: (inaudible)

**CITY MANAGER:** What you want to do is make a motion to adopt the ordinance and then, you know, it can be turned down or amended or whatever, but the motion always needs to be in – a positive motion.

**COUNCILMEMBER TAYLOR:** I'd like to move to adopt Ordinance number 2014-8058 establishing a redevelopment district RD zoning district to allow for redevelopment of the property at 602 North 1<sup>st</sup> Street 0, \_\_\_\_ a concept bar (inaudible)

**MAYOR:** And a motion and a second and before opening the floor to discussion or questions by Council, please be reminded that our decision will be based on criteria set forth in the Land Development Code and the Council is required to approve a clear

statement of specific findings of fact, stating on the basis on which those facts are determined and the decision was made. At this point I'm going to open the floor for discussion of Council and I'd like to start with a summary of cards. You saw me messing around with all these cards up here and I just thought it was apropos to discuss the breakout of the cards. From, other than Jacksonville Beach, we had four speakers in favor of the applicant and one against. And then from the City of Jacksonville Beach we had three in favor and fourteen against. Speakers from the first meeting, outside of Jacksonville Beach, we had eight in favor and one against. And then from Jacksonville Beach we had seven in favor and nine against. And speaking for myself and I'll open the floor up here to everybody, this isn't about just replacing a new bar with an old bar. If that were the case I'd enthusiastically support the project. This request is to rezone property to RD zoning that is steeped with exceptions that other establishments were forced to comply with. And for the last 20 years many Councilmen and women before us and many Planning Commissions and community redevelopment agencies drafted several templates to turn our blighted City into one of the most beautiful beach communities in the country. Those templates included the Haskell Sleiman Plan, the Vision Plan, the Comprehensive Plan and the Land Development Code. It's difficult to understand why with all the success we've had we now feel confident making potentially dangerous exceptions such as waiving additional parking and proximity to other bars. I can support the applicant if they can work within the established zoning requirements, but I can't support the rules to allow under the argument of a mixed use approval under the current applicant's application. So with that I saw Mr. Vogelsang, you're the first up, sir.

**COUNCILMEMBER VOGELSANG:** I would make a motion to amend and add to the ordinance the additional conditions adopted by in page 2 of Mr. Diebenow's packet, numbers 1 through 9.

**MAYOR:** We've got a motion on the floor. Do we have a second? Motion fails. Do you have anything else you'd like to add, Mr. Vogelsang?

**COUNCILMEMBER VOGELSANG:** I would speak in support of the original motion for several reasons. We have a blighted bar there currently and this has been addressed by everybody speaking and everybody would agree that it is a blighted eyesore that we have in our community and no it's not frequently attended by very many people. Based on discussions for two lengthy Council meetings now, it's my opinion and I think it's clear that probably 90% of the people that spoke would be in favor of anything but a – something being just a bar there, i.e. what's come up the most is that everybody would be in favor if it was a restaurant because that would be food and alcohol. I have a real problem with that because that does not address the number one issue that everybody brought up and that's parking. So, that's where I'm kind of torn with this. Everybody wants to say, oh, it's a parking issue, this is going to affect the residents, but yet then everybody, the same people, are saying I'm okay with – just this proposal isn't good because it's only a bar. It should be something else. And I think that that's where, from our perspective, it improves a property, it offers food, it is a bar, but it's obviously drastically a smaller scale bar than was originally proposed and it also has significant retail space, which is what we want and asked for as a Council. So the real question that I think we're left with is do we turn this down simply because of a parking issue. And I, I have a problem doing that with the exceptional proposal that we have. And would

encourage us as a Council to approve this and then as a matter of fact, add parking as Keith has alluded to several times in discussions, adding a parking garage that has been a part of the Vision Plan since 2007 that we've never done because it is a numbers game as several people out here have addressed. It's pure numbers. And if we want to have and attract businesses to our central business district, as the Vision Plan points out, I think, clearly, parking is the number one issue that has been addressed by everybody. So do we as a Council say parking's, parking is an issue, we're going to turn down everything until we get, until we get more parking? I think that's a bad business practice to kind of set precedence for from our perspective. Because well say, well say a successful chain restaurant wants to tear Mango's down and build it. According to our logic and everybody else we should deny that because it's going to bring more people and people are going to be parking everywhere else. And I think that's the same logic that I have a hard time voting no for this as particularly that reason. As far as the family friendly issue, we've addressed last time and this time that this is a family friendly bar that is inviting to families before 10:00. It's a bar 10 to 1 or however long it wants to be a bar for however late that we come to an agreement as Mr. Diebenow suggested they are willing to cut back on how late that it's open. As far as alcohol sales. But our goal as a Council from a family friendly environment, there isn't anything that's family friendly open after 10:00. Families aren't coming out to go to businesses at 10:00 at night in my opinion. They are coming out as a family during the hours before 10:00 p.m. So, the use from 10 to 1 or 10 to 2 a.m. I don't think it's a real problem that it's not family friendly from those times. That's not the audience for that during those particular times. And before 10:00 the people that spoke at our first meeting ad nauseam talked about bringing in speakers and surfers and key speakers during the week and weeknights and having a family friendly type atmosphere. And not to mention that we don't have any bars at the beach that have a view of the ocean. And in talking about adding the second story, the first floor is the same size as Mango's right now. It's not any bigger. So we're punishing somebody who wants to propose the same size first floor, but add a second floor so you can see the ocean. I think that adds value, that adds something to our community that we don't currently have, not to mention it brings a brand here that is internationally known and consistent with our community as a whole from the surfer idea. Like I pointed out at our last meeting, our logo is surfboards. I mean, it ties into our community and what we're looking for downtown. And I understand the bar aspect, but I think there's always going to be negatives, as everybody has addressed here ad nauseam, countless number of negatives, but I think the positives significantly outweigh that. And that's what we're tasked with doing is weighing the positives vs. the negatives. And there is two negatives that have been discussed tonight and that would be parking and that it's just a bar. It's not offering anything else. And I think the positives are tenfold. You're bringing business, you're bringing retail, you're bringing a family friendly atmosphere during the day, you're bringing – taking care of a blighted property that we have and making a significant improvement with a multi-million dollar property, you're also bringing in individuals who already have a successful business practice in our community and rewarding them for wanting to bring more business to our community. The noise concern really didn't come up today. I had wrote down some points that part of their conditional, additional conditions which is why I made the amendment in the first place, was that they address the idea of no outside music, they add, other than TVs, and several other key points within their additional conditions. Limiting the number of patrons I think addressed a lot of the concerns that we have. And I guess that I would encourage

us, as Mr. Diebenow said, there should be a dialogue with is there a way that we can make this work without just voting no right now and if everybody is intending on voting no, I think before you cast a no vote you should have a discussion with Mr. Diebenow about things that you would want and ask right now as far as things you'd be willing to move on to change your vote from a no to a yes rather than just vote no. And I know, Mr. Latham, you're saying that you want to vote no on this project, but before you do that, I think that you should have an open dialogue with Mr. Diebenow on concerns that you have and if there's anything else that you can address and I would encourage everybody else to do that. Thank you.

**MAYOR:** Thank you, sir. Ms. Wilson?

**COUNCILMEMBER WILSON** I guess I would first of all like to applaud the developers, proposed developers of this project for their contributions to the community and their efforts to develop something in this area. They've made a contribution already in the past. But I do have some concerns as Mayor Latham mentioned. I agree with all of those, I won't reiterate those. Also, you know, it would be a real coup for our community to have something on that scale of that level. But I happened to be at this Surfer Bar in Hawaii in March of this year. And it was totally different from what we have proposed here. That bar was in an upscale resort area. It was, had plenty of parking because it was affiliated with a golf course nearby. It also had a restaurant because we went up for the day just to have lunch there, so it was totally different from the concept we have here. And the name, of course, Surfer Magazine, does carry a lot of weight and that's why it would be a real coup for Jacksonville Beach to have something of that level. But as several people have said, maybe this is not the right place for something like that. Parking is one of the main issues here. If – and the other issue that we've addressed in the past, some of our citizens have been concerned about, is that the – by doing a rezoning like this, they are kind of circumventing the requirements, normal requirements for parking that the Land Development Code asks for. So this is a way to get around that. We've had complaints in the past about people doing that. And this is fair to existing businesses. Another concern is about the food truck issue. If we're on a pilot program for two years, if this goes away, and what will be their source of food? Also, if it goes – if we approve this, and we then change the ordinance for food trucks, what happens? Are they grandfathered in because they had a food truck permanently on the property? Another concern. And, you know, having a bar that's served only by a food truck doesn't sound very family friendly, which is one of the things we keep saying we're proposing or we would like to have is family friendly. Another thing that hasn't been mentioned is that if it were just a bar, the facility would not have to abide by the no smoking rules that restaurants do. And that means a family bar that has smoking and, by the way, the reason I thought of that is because I went into Mango's the other day after this just to see what it was like and I hadn't been in there, if ever, in a number of years. And the smoke was so heavy that I couldn't stay there very long and as soon as I got home, changed my clothes because the smoke was – I was reeking of smoke. But, the – then that conjures up the idea, okay, if we've got a bar that is family friendly, but allows smoking, and you have your food out of a food truck, you know, I'm just not sure that that's what we're looking for. And the other idea, in a disagreement with Phil Vogelsang, 10:00 the families and children have to leave. Okay, if you have a family there, you've been to a football game at Fletcher, you're looking for a place after the

game to go and have dinner and, you know, drink, so at 10:00 you have to leave. Well, you're going to say okay, well, we can't go to that bar because my children have to leave. We can't stay there after 10:00. So, just a couple of points. But, again, a great idea. I just wish that we had a different location for it that had more parking and, you know, because the concept sounds like a great one. Thank you.

**MAYOR:** Thank you, ma'am. Ms. Hoffman?

**COUNCILMEMBER HOFFMAN** Well, I echo a lot of what Phil said. I think we're seeing this very similarly. I wanted to thank Ms. Salmieri for coming and really revisiting the Vision Plan for us. And I think that was really helpful to me and actually caused me to support this proposal even more than I did originally. And I think one thing that she said that really resonated was that really laid out what the City needed to do – as far as the family friendly and the walkability – for what the City needed to do with their investment in downtown area. And I think we've clearly done a lot of that and I was really happy to hear that we had checked off a lot of that list and it's very apparent in our downtown. It's beautiful. From the days when I was in high school and really we didn't come down here a lot, it's done a total turnaround and I'm really happy about that. And, you know, with Councils prior to my time, that are responsible for that as well as the citizen involvement, but we've built pretty streets and we've landscaped it gorgeously and now it is time for private investors to start putting money into this downtown. We have put in millions and millions of dollars as a City and now we need to make way for people who want to come in and take this City to the next level. And I think that's what we're seeing here. We have applicants who have had businesses, successful businesses, in this community, they are invested and they are willing – and they probably already have just to get to this point – put in a lot of their own money to put an investment into our community. So, I think that that's really how I see it. I don't see – I don't care about Surfer the Magazine, you know, whatever, that's all well and good, but I don't really care about the international brand. I care about the possibility of taking this just completely blighted area and bar and putting something really beautiful in there that has a real chance to be a successful foothold at that end of our downtown. And I think we're seeing, and we probably don't even know who else is watching this debate, waiting to invest in our community who maybe they will move on, maybe they'll move up the beach, or further south, but they're watching how this City Council handles this investment. So I do think we're going to see a ripple effect of this and I think it's going to be positive ripple effect. I liked what Elaine Brown said about raising the bar. We bring in nicer establishments, nicer establishments are going to follow. But if we think Mango's is the best that we can do in that property, I just, I just can't agree with that and I can't get on board. We do still have some problems down there. Parking is always going to be an issue. We have a place that people want to come. And it's always going to be an issue. And that is something we need to deal with and it shouldn't be necessarily on the back of one project to deal with that. That's something we need to do with bike lanes, more bike racks and promoting alternative forms of transportation. And there are a lot of scare tactics going on. I think it's really funny that everyone keeps saying 325 people, 325 people, you know, how many cars is that. Well, if you have 100% occupancy at all times, wow, Greg, you're doing great if you have 325 people there all the time. That's certainly not going to be the case. It's going to have its ebbs and flows just like any business does. Certainly during the summer where we see the parking becoming a major issue it's going to be there, but I

don't think we can turn out backs on one project just based on parking and I think that's something we need to take a look at separately from the individual project.

**MAYOR:** Thank you, ma'am. Mr. Hartkemeyer?

**COUNCILMEMBER HARTKEMEYER:** Well, I kind of disagree with Christine on this. I think parking is a real issue. I mean, we've heard from several citizens tonight that have expressed concerns about people parking in their front yards, you know, east of, or, excuse me, west of 3<sup>rd</sup> Street. You know, and, you know, we need to do something about that. And by allowing something like that is not doing something to help those citizens, you know. I mean, there's – I just don't feel like, you know, this is something that we can do. You know, I haven't seen anything that – I believe that the applicant could provide parking. You know, he admitted that he's got, he's got property just to the west of this development or this proposed development, but they want to do a Phase II, whatever that may be, you know. Well, Phase II it with a parking lot if that's what their concern is, you know. And they can probably meet their parking requirements and so. And I also don't think it's really consistent with our citizen's idea of our Vision Plan. At least it's not in my eyes consistent with what I foresaw when I was part of this Vision Plan in 2007. You know, I believe our citizens want to see something a little bit better down there than another bar. It's as simple as that. So, I can't support this at all.

**MAYOR:** Thank you, sir. Mr. Taylor?

**COUNCILMEMBER TAYLOR** I mean, I applaud them on the building and it's a nice looking building, but I agree with Curtis Loftis. You know, he's talking about the clientele it will bring and I kind of disagree with Chris. I mean, the good side of this thing is what it would bring to Jax Beach as far as different businesses and all that. I don't understand why it's got to be affiliated with a bar. I don't understand family friendly and alcohol. Those two don't – I mean, my kids now are grown up, but my kids growing up, that's not family friendly in my book. And, you know, being the District City Councilman for that area, I mean, the emails that I get about our parking situation – and Chris is right. I mean, we've had a parking problem for a long time, but there's no sense in creating more parking problems. And at this point, I mean, I just, I agree with our citizens, I agree with what Steve just said about the Vision Plan. I mean, we've been involved with that since 2007 and I don't think it fulfills our Vision Plan and I don't think, you know, number 1 was public safety and the other one, you know, you've got all these cars, you've got all these people. I just wished it was a way to affiliate this thing. I think it's a great idea, I just don't understand why it has to be affiliated with a bar. So, at this point, I can't support it.

**MAYOR:** Thank you, sir. Mr. Forbes?

**CITY MANAGER:** I just wanted to clarify one thing so the Council is certain that they know what they are voting on. If you voted to approve this ordinance, it's already got in the, within the ordinance and the exhibits, the current City requirements on food trucks so, if the, if this ordinance is adopted, and even if the Council changes the food truck ordinance in the Land Development Code, it would still be legal in RD zoning. So, does everybody understand that? So it would make no difference if you revoked the entire food truck

thing, it would still be allowed by this Surfer Bar because it's part of their zoning, it's in the RD zoning. I wanted to make sure that's clear so everybody understands what they're voting on.

**MAYOR:** Thank you, sir. Mr. Doherty?

**COUNCILMEMBER DOHERTY** Yeah, I just wanted to state for the record, just so there's clarity, that nothing has changed on my position since the first meeting. I shall abstain from voting on this due to a potential conflict of interest. Thank you.

**MAYOR:** Thank you, sir. Any other comments? Seeing none, role call, please.

**CLERK:** Councilmember Doherty?

**COUNCILMEMBER DOHERTY** Abstain.

**CLERK:** Councilmember Hartkemeyer?

**COUNCILMEMBER HARTKEMEYER:** No.

**CLERK:** Hoffman?

**COUNCILMEMBER HOFFMAN:** Yes.

**CLERK:** Taylor?

**COUNCILMEMBER TAYLOR** No.

**CLERK:** Vogelsang?

**COUNCILMEMBER VOGELSANG:** Yes.

**CLERK:** Wilson?

**COUNCILMEMBER WILSON** No.

**CLERK:** Mayor Latham?

**MAYOR:** No. You have something to add Mr. Forbes?

**CITY MANAGER** I'd just like to point out for City Council that findings of fact to be brought back to you at the next Council meeting for you to approve.

**MAYOR:** Thank you very much. And ladies and gentlemen, it's been a long night. Thank you very much for sticking it out. This meeting is now adjourned.

Charlie Latham, Mayor (Mayor)  
Clerk (CLERK)  
Steve Diebenow (SD)  
Tara Salmieri (TS)  
James Sorrell (JS)  
Todd Robinson (TR)  
Josiah Prichard (JP)  
Jay Dodson (JD)  
Lance Folsom (LF)  
Sylvia Oswald (SO)  
Corey Nichols (CN)  
Curtis Loftis (CL2)  
Harriet Pruitt (HP)  
Rudy Theale (RT)  
Daniel Smith (DS)  
Mick Durocher (MD)  
George Candler (GC)  
John McGowan (JM)  
Leah Hudson (LH)  
Elaine Brown (EB)  
Mary Phillips (MP)  
Alan Verlander (AV)  
Julie Moustrum (JM2)  
Ken Marsh (KM)  
Jim Overby (JO)  
Sandy Golding (SG)  
Keith Doherty (Councilmember Doherty)  
Steve Hartkemeyer (Councilmember Hartkemeyer)  
Chris Hoffman (Councilmember Hoffman)  
Tom Taylor (Councilmember Taylor)  
Phil Vogelsang (Councilmember Vogelsang)  
Jeanell Wilson (Councilmember Wilson)  
George Forbes (City Manager)

27867/1073587

**ORIGINAL DOCUMENTS**  
**From City Council Meeting**  
**September 9, 2014**



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

# MEMORANDUM

**To:** George D. Forbes, City Manager  
**From:** Bill Mann, Senior Planner  
**Re:** Ordinance No. 2014-8058, rezoning the property at 602 North 1st Street from *Central Business District: CBD* to *Redevelopment District: RD*.  
**Date:** September 9, 2014

www.jacksonvillebeach.org

## **ACTION REQUESTED:**

**Adoption of Ordinance No. 2014-8058**, establishing a *Redevelopment District: RD* Zoning District within the City of Jacksonville Beach, Florida, as provided under Chapter 34 of the Land Development Code (LDC) of the Jacksonville Beach Code of Ordinances. (Applicant – *Surf Works, LLC.*, c/o Robert Tilka)

## **BACKGROUND:**

Following the introduction of RD Rezoning Ordinance at the July 21, 2014 City Council meeting, and the subsequent presentation by the applicant of modifications to their application at the August 18, 2014 City Council meeting, the applicants have now further refined their application plans and project narrative for the "SURFER\_The Bar" commercial development proposed for the northwest corner of 1st Street and 5th Avenue North. The attached building floor plans illustrate the results of that refinement and also provide data showing the changes from the original proposal and from their August 18 modified plans.

In summary, the current version of the application:

- Reduces the overall size of the two-story Bar Building from 7,889 s.f. to 6,429 s.f.
- Reduces the outdoor bar portion of the Bar Building from 3,615 s.f. to 2,033 s.f. (or from 45.8% to 31.6% of the total Bar Building area)



- Establishes a voluntary maximum Occupant Capacity for the Bar Building of 325 people, versus the Florida Building Code rated capacity of that building of 352 people.
- Incorporates the City's current Mobile Food Vending regulations into the application's Project Narrative and the rezoning ordinance.
- Provides 3,000 s.f. of commercial/office space. (no change)
- Provides 23 on-site parking spaces, versus a code requirement of 18 spaces, at one space per 500 s.f. of building area.

Attached following the revised Bar Building floor plans is Ordinance 2014-8058, which has been updated to include the applicant's current plans and application narrative. By incorporating the City's current Mobile Food Vending regulations into the application Project Narrative, and thus into the rezoning ordinance itself, the on-site food truck proposed by the applicant would continue to be regulated in the event of some major change to, or the repealing of, the City's current "pilot program" Mobile Food Vending regulations.

One reason for the requested rezoning of the subject property is that, pursuant to LDC Section 34-407(b) standards, a 4,396 s.f. indoor bar or restaurant would be limited to a total of 739 s.f. of outdoor bar area, or 1,294 sf. less than the 2,033 sf. proposed by the applicant.

One other area of departure from the conventional zoning criteria requested in the rezoning application is from the 500-foot separation requirement between alcoholic beverage establishments. (Ref. LDC Section 34-393) The subject property, which is currently the grandfathered location of *Mango's* bar, is located approximately 190 feet from *Lynch's Irish Pub* and 436 feet from *Bo's Coral Reef Lounge*. If the rezoning is approved, the applicant would restore the 4-COP quota alcoholic beverage license held by *Mango's* for use at the new establishment.

These characteristics are allowed to be addressed and modified from the normal standards as part of the RD zoning process, which was created to allow flexibility from traditional standards in an effort to encourage redevelopment activity in the Downtown Redevelopment Area. In addition, it should be noted that the proposed project does meet the Land Development Code definition of a "shopping center" (a group of retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership which is adjacent to and utilizing a common off-street parking area.) for the purposes of calculating the parking requirements.

The parking requirement for a shopping center in the underlying CBD zoning district is one space per 500 s.f. of total floor area, including any outdoor seating

areas. Based on that ratio, the proposed project would require a total of 22 off-street parking spaces, including one ADA space. The application site plan shows 23 parking spaces on the property, including one ADA space. If the retail building and the bar building were each developed separately on its own parcel of land, the parking requirement for the commercial building would be eight spaces (one space/400 s.f.), for the bar building it would be 64 spaces (one space/100 s.f.).

Staff has reviewed the RD zoning application against the LDC standards for Redevelopment District: RD rezonings (Section 34-347(c) (3) i.), and has determined that:

- The land area proposed for the applicant's proposed redevelopment project is adequate and appropriate, in part because it currently exists as a drinking establishment.
- The project contains no uses prohibited for RD rezonings.
- The project is generally consistent with the lot layout and design guidelines of our CBD zoning district, which were adopted several years ago specifically to further the principles put forth in the Downtown Vision Plan, a major component of the overall Downtown Redevelopment Plan.
- Maximum building heights will not exceed 35 feet.
- Traffic circulation and parking are arranged to safely tie in to the existing downtown road network.
- The provision of open space, parking, landscaping, stormwater retention, and signage shall comply with Land Development Code (LDC) standards.
- Adequate public facilities exist to serve the proposed development. In addition, the project would be subject to the City's recently adopted mobility fee, to address traffic impacts.
- The proposed development is consistent with relevant Comprehensive Plan Future Land Use policies, including Policies LU.1.2.2, LU.1.2.3, LU.1.2.6, Policy LU.1.2.7, LU.1.3.1, and LU.1.5.10.

Pursuant to Section 34-347(c)(3)(d) of the Jacksonville Beach Land Development Code, the Community Redevelopment Agency (CRA) has the responsibility to review and offer comments to the City Council on applications to rezone properties in the Downtown Community Redevelopment Area to the RD: Redevelopment District classification. The CRA met and considered the initial application on Monday, June 16, 2014 and voted four to one to recommend approval by the City Council without condition. The initial application was for a more intense development than is proposed in the current application. (See Pages 1 and 2 of this memorandum where the differences are stated.)

The Planning Commission subsequently met and conducted a public hearing on the initial version of the application on June 23, 2014. Following the public hearing and discussion, the Planning Commission voted three to two to approve the application with the following two conditions:

1. That there be no music or amplified sound devices of any type within the outdoor bar areas. Televisions may be placed outside, but without sound only.
2. The applicant shall augment the westerly edge of the second floor of the Bar Building with six to eight foot height architectural screen wall(s) in locations where the second floor building space does not screen the bar area from properties to the west.

Both of these conditions are reflected in the attached ordinance.

#### **CONCLUSION:**

Pursuant to LDC Section 34-347(a), "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." If the City Council feels that this RD rezoning application achieves this purpose and intent, then it should approve the requested rezoning, otherwise it should disapprove it.

#### **OPTIONS:**

1. Adopt Ordinance No. 2014-8058, establishing a *Redevelopment District: RD* zoning district to allow the redevelopment of the property at 602 North 1st Street into a mixed use Concept Bar/Commercial use center.
2. a. Amend Ordinance No. 2014-8058 with additional or other language as determined by City Council following its public hearing on the ordinance.  
  
b. Adopt Ordinance No. 2014-8058, as so amended by City Council, establishing a *Redevelopment District: RD* zoning district to allow the redevelopment of the property at 602 North 1st Street into a mixed use Concept Bar/Commercial use center.

3. Disapprove Ordinance No. 2014-8058 based on the application's inconsistency with the Land Development Code stated intent and purpose of *Redevelopment District: RD* zoning classification, as put forth in Section 34-347(a).

Introduced by: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2014-8058**

**AN ORDINANCE ESTABLISHING A *REDEVELOPMENT DISTRICT: RD* ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.**

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

**WHEREAS**, the owners of certain lands in the City, more particularly described herein, have applied to the City Council for the rezoning of those lands from *Central business district: CBD* to *Redevelopment District: RD*.

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

**SECTION 1.** That the City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

**SECTION 2.** That the Land Development Code and Zoning Atlas previously adopted by the City Council of the City of Jacksonville Beach, Florida, be and the same is hereby amended and, as amended, shall henceforth read as follows:

That all of the certain territory in the City of Jacksonville Beach, Florida, described as follows, to wit:

Lots 7 and 8, Block 62, *Pablo Beach North* according to the Plat thereof as recorded in Plat Book 3, Page 28 of the current records of Duval County, Florida,

Heretofore zoned as *Central business district: CBD*, be and the same is hereby designated as *Redevelopment District: RD*, so that henceforth the same shall be classified and construed to be embraced within the meaning and subject of the general provisions of the *Redevelopment District: RD* zoning category as provided in Article VII, Section 34-347 of the Jacksonville Beach Land

Development Code (Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach, Florida), subject to the following additional limitations:

- A. The rezoning application dated May 19, 2014, including Project Narrative dated September 15, 2014, attached hereto as Exhibit A, and Preliminary RD Development Plan and Building Elevation sheets dated September 15, 2014 and together attached hereto as Exhibit B, which have been submitted to the City of Jacksonville Beach Planning and Development Department, are hereby adopted and incorporated as part of this amendment to the Jacksonville Beach Land Development Code and Zoning Atlas.
- B. Notwithstanding Land Development Code Section 34-393, the applicant shall be permitted to locate an alcoholic beverage establishment on the subject property, which exists within 500' feet of two existing similar such establishments.
- C. The project shall be generally carried out in accordance with the presentments of Exhibits A and B to this ordinance, including but not limited to the following:
  - 1. Maximum Building Height –Thirty-five (35) feet.
  - 2. A minimum of twenty-two (22) off-street parking spaces shall be provided, including one (1) designated space for disabled persons.
  - 3. Maximum Area, Bar Building – 6,429 gross square feet. Notwithstanding Land Development Code Section 334-407(b), the maximum area of the Bar Building may include up to 2,033 gross square feet of outdoor bar, patio and lounge area, or thirty-one and six tenths percent (31.6 %) of the total Bar Building area.
  - 4. Maximum Area, Commercial Building – 3,000 gross square feet.
  - 5. Maximum Occupancy, Bar Building – 325 occupants.
  - 6. The one (1) Mobile Food Vending Vehicle permitted on the property described herein shall be regulated by the standards listed in Attachment 7 to the Project Narrative contained in Exhibit A to this ordinance.
- D. Permitted uses of the subject property shall be as described in Exhibit A to this ordinance, and shall not include any uses specifically prohibited within *Redevelopment District: RD* zoning districts pursuant to Land Development Code Section 34-347(c)(3)c. i.2.ii.

- E. The applicant shall be permitted to place televisions or television screens within outdoor bar areas, but no amplified sounds from any devices, including televisions, shall be permitted within any outdoor bar area at any time. No live amplified music shall be permitted within any outdoor bar area at any time.

**SECTION 3.** In the event that a building permit application for the development proposed in Exhibits A and B to this ordinance has not been accepted by the City within eighteen (18) months following the adoption of this ordinance, this rezoning ordinance shall be rendered null and void, and the *Central business district: CBD* zoning designation of the subject property shall be re-instated.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith be, and the same are, to the extent the same may be in conflict, hereby repealed.

**SECTION 5.** This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

---

William C. Latham, MAYOR

---

Judy L. Bullock, CITY CLERK



**REZONING/TEXT AMENDMENT APPLICATION**

PC No. 15-14

AS/400# 14-100086

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC 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 or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: Nadime Karam Kowkabany  
 Mailing Address: 815 Waterman Road  
Jacksonville, Florida 32207

Telephone: (904) 993-0989  
 Fax: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_

Applicant Name: Surf Works, LLC c/o Robert Tilka  
 Mailing Address: 3589 Trident Court  
Jacksonville Beach, Florida 32250

Telephone: (904) 465-5280  
 Fax: \_\_\_\_\_  
 E-Mail: rctilka@gmail.com

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

Agent Name: Steven Diebenow  
 Mailing Address: One Independent Drive, Suite 1200  
Jacksonville, Florida 32202

Telephone: (904) 301-1269  
 Fax: \_\_\_\_\_  
 E-Mail: sd@dmphlaw.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: 602 & 0 N. 1st Street; 174174-0000, 174174-0050

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): Lots 7 & 8, Block 62, PABLO BEACH NORTH, Plat Bk 3, Page 28, Duval

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

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: \_\_\_\_\_ N/A

**RECEIVED**

MAY 19 2014

	<u>REQUESTED INFORMATION</u>		Attached?	
	Yes	No	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;	✓		✓	
2. An 8 1/2" x 11" vicinity map identifying the property proposed for amendment;	✓			
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;	✓			
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.	✓			
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.				✓

Applicant Signature: \_\_\_\_\_

Date: 5/19/14

May 19, 2014

**Authorization Letter**

Surf Works, LLC. is hereby granted written authorization to proceed with the rezoning of said property at 602 North 1<sup>st</sup> Street, Jacksonville Beach, Florida.

Name: Nadine Karam Kowkabany

Nadine K. Kowkabany  
Signature

5-19-14  
Date

*SURF WORKS LLC  
115 9<sup>th</sup> Avenue South, Suite 801  
Jacksonville Beach, Florida 32250*

**RD REZONING – PROJECT NARRATIVE**

September 15, 2014

**I. INTRODUCTION**

Surf Works LLC (the “Applicant”) proposes to rezone approximately 0.49 acres of property from Commercial Business District (“CBD”) to Redevelopment District (“RD”) zoning. The property is located at 602 and 0 North 1<sup>st</sup> Street in an urban infill setting (the “Property”), as depicted on Attachments 1, 2 and 3, and is the site of “Mango’s Beach Bar and Grille.” As more particularly described below, Applicant requests RD zoning to accommodate the redevelopment of the existing building into a mixed-use facility, including office/retail space and the first Surfer Magazine developed bar concept (the “Development”) in the continental United States. The Development will be a destination for surf enthusiasts and surfers from around the globe.

The Surfer Magazine was founded by John Severson in 1959 as a program to accompany his yearly surf films. Severson's photography, art and sense of humor set the pace for the future of Surfer Magazine, which quickly grew to be a reflection of the sport and culture, as well as a sounding board for surfers and environmental activists. Since 1959, Surfer Magazine has used its publication as a means of bringing readers a slice of the entire surfing world. According to most, Surfer Magazine is the bible of the sport. Attachment 4 attached offers a more detailed description of the history of Surfer Magazine.

**II. PROPERTY DATA**

A. Real Estate Parcel No.:	174174-0000; 174174-0050
B. Current Zoning District:	CBD
C. Requested Zoning District:	RD
D. Gross Sqft of Existing Building	~3,880 sqft (including canopies)
E. Gross Sqft of Proposed Bar Space	~6,429 sqft (including exterior patios)
F. Gross Sqft of Proposed Office/Retail Space	~3,000 sqft maximum

**III. SUMMARY DESCRIPTION OF DEVELOPMENT**

The Property is located in an urban pedestrian scale environment, one (1) block from the Atlantic Ocean. The surrounding zoning districts include: CBD to the north, south, east and west.

As illustrated on Attachment 5, the Development will consist of an approximately 6,429 square foot two-story bar (3,727 square foot interior and 278 square foot exterior patio at ground level and 669 square foot interior and 1,755 square foot exterior patio on the second floor) (the “Bar”), and a two-story approximately 3,000 square foot office/retail space, as depicted on the

Preliminary RD Development Plan. The ground floor of the Bar will feature one (1) outdoor patio partially enclosed by a knee wall. The second level of the Bar will include a rooftop lounge. Applicant will provide twenty-two (22) parking spaces on-site. A proprietary mobile food truck will occupy space adjacent to the exterior patio.

The primary goal of the architectural character and visual statement of the Development is to capture the essence of both the North Florida and South/Central American surf culture in the medias of space, form, textures and detail. The building will include a range of interior and exterior spaces on both floors that utilize varying degrees of cover, shade and openness. The materials are proposed to be a mix of organic, natural textures and hues in contrast with light clean white and pastel surfaces. Accents of steel and aluminum will provide details at the railings and signage. Lush tropical landscaping will provide a softening of the structure and define the exterior spaces. Attachment 6 provides a graphic illustration of the elevations of the proposed Development.

Notwithstanding the requirements of Section 34-393 of the Land Development Code ("LDC"), Applicant is proposing to locate a bar within 190' of Lynch's Irish Pub and within approximately 436' of Bo's Lounge. In addition, notwithstanding the requirements of Section 34-407(b) of the LDC, Applicant is proposing to construct a bar with an exterior area/total area ratio of approximately 31.6%. Finally, notwithstanding the requirements of Section 34-407(e) of the LDC, Applicant is proposing to install televisions and music speakers for patrons in the outside bar seating area; however, no live amplified music will be permitted in the outside bar seating area.

Upon successful rezoning, Applicant will commence with a ground lease for the Property with Property owner, Nadime Karam Kowkabany. The retail/office space will be subleased for an undetermined use. Applicant will operate the Bar with a 4-COP liquor license.

Applicant intends to commence construction in 2014. It is anticipated construction will be completed by mid-2015.

#### **IV. COMPLIANCE WITH RD DISTRICT STANDARDS**

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. The proposed Development complies with the land area, permitted use, area and setback, traffic circulation control and parking, loading, signage, landscape, environmental, utility easement and public facilities standards for the RD zoning district. The Development will be constructed in accordance with the following regulations:

Permitted Uses	<p>(1) Restaurant, bar, lounge, nightclub, tavern or other drinking place.</p> <p>(2) Financial institutions, insurance and real estate offices.</p> <p>(3) Personal service establishments as follows: Photographic studios; beauty and barber shops, show repair shops and shoe-shine parlors; tax preparation services; and miscellaneous personal services.</p> <p>(4) 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.</p> <p>(5) Dance studios and schools.</p> <p>(6) 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.</p> <p>(7) One (1) Mobile Food Vending Vehicle, subject to the regulations contained in <u>Attachment 7</u>.</p>
Building Envelope	<p>(1) Front Setback – 0 feet minimum; 10 feet maximum</p> <p>(2) Side Setback – 0 feet minimum; no maximum</p> <p>(3) Rear Setback – 10 feet minimum; no maximum</p>
Height	Principal Building – 14 feet minimum; 35 feet maximum
Signage	In accordance with Land Development Code Article VIII, Division 4
Parking	Amount – 22 parking spaces
Building Design	In accordance with Land Development Code Sec. 34-345(e)(7)
Landscaping	In accordance with Land Development Code Sec. 34-345(e)(6)

**V. CONSISTENCY WITH JACKSONVILLE BEACH COMMUNITY REDEVELOPMENT PLAN**

The Development is consistent with the general purpose and intent of the Jacksonville Beach Community Redevelopment Plan, and specifically contributes to the following objectives:

- A. Encourage the development of a mix of activities in the core area;
- B. Promote standards of high quality in the new development and rehabilitation consistent with the desired image of Jacksonville Beach;
- C. Increase the tax base in the Community Redevelopment Area to assist in financing public actions to support redevelopment;
- D. Encourage the re-creation of a compact mixed-use core area, oriented to recreation, entertainment, specialty retail, tourism and housing;
- E. Promote greater pedestrian circulation in the core area particularly along 1<sup>st</sup> Street and the boardwalk; and
- F. Maintain the existing street patterns with improvements as necessary to accommodate new development.

**VI. COMPLIANCE WITH ORDINANCE MOBILE FOOD VENDING REGULATIONS OF**

The Development will comply with mobile food vending regulations based off of the applicable provisions of Ordinance No. 2014-8041 of the City of Jacksonville Beach. Attachment 7 contains the provisions that will govern the mobile food vendor on the Property.

**LIST OF ATTACHMENTS**

Attachment 1 – Property

Attachment 2 – Vicinity Map

Attachment 3 – Aerial Photograph (Elevation & Site Plan Views)

Attachment 4 – Surfer Magazine history

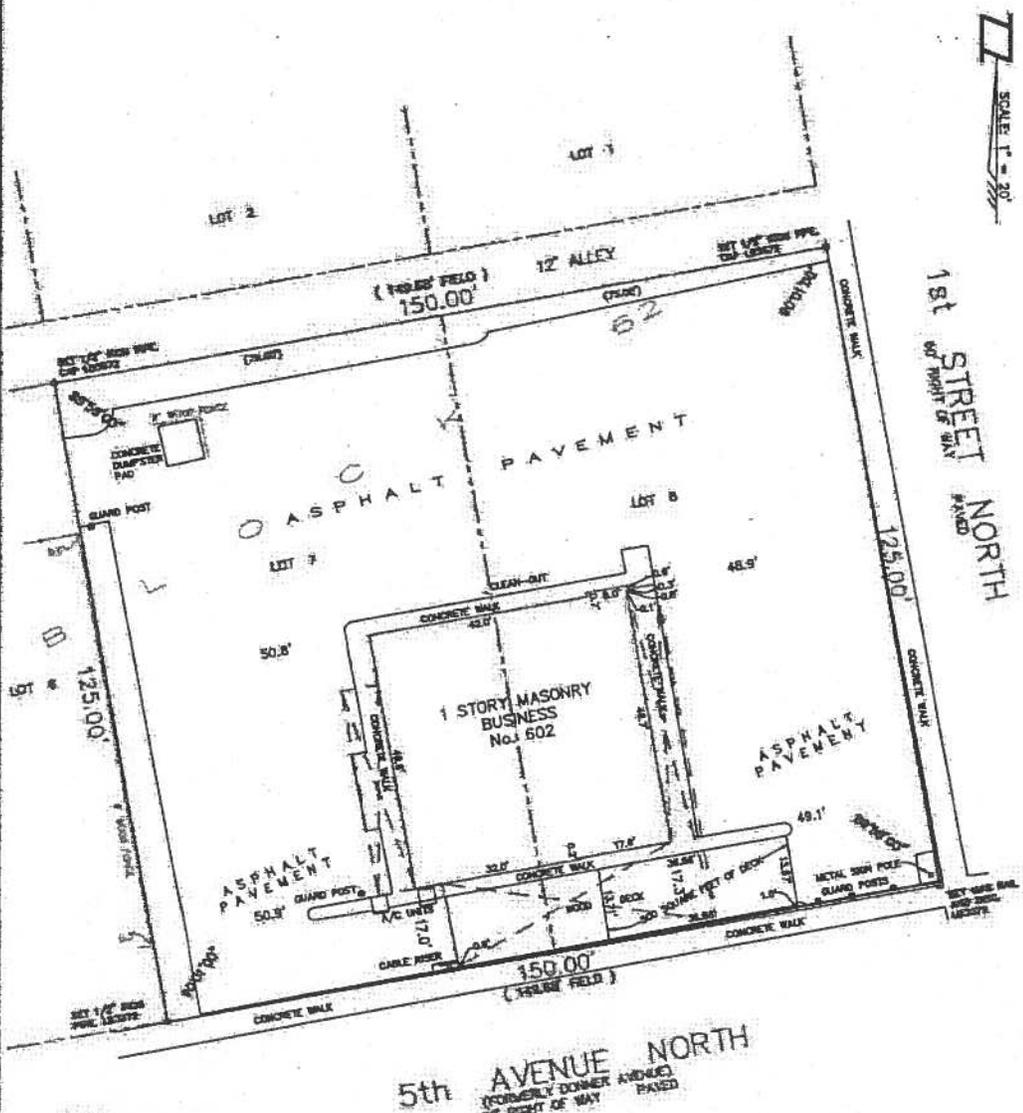
Attachment 5 – Floor Plans

Attachment 6 – Illustrative Building Perspective and Elevation Drawings

Attachment 7 – Mobile Food Vending Regulations

**MAP SHOWING SURVEY OF**

LOTS 7 AND 8, BLOCK 62, PABLO BEACH NORTH AS RECORDED IN PLAT BOOK 3,  
PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



SCALE 1" = 20'

- NOTES
1. THIS IS A BOUNDARY SURVEY.
  2. ANGLES AS PER FIELD SURVEY.
  3. NORTH PROTRACTED FROM PLAT.
  4. NO BUILDING RESTRICTION LINES PER PLAT.

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0417H, REVISED JUNE 3, 2013 FOR DUVAL COUNTY, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF GREG SAIG.

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

DONN W. BOATWRIGHT, P.S.M.  
FLORIDA LIC. SURVEYOR and MAPPER No. LS 3285  
FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

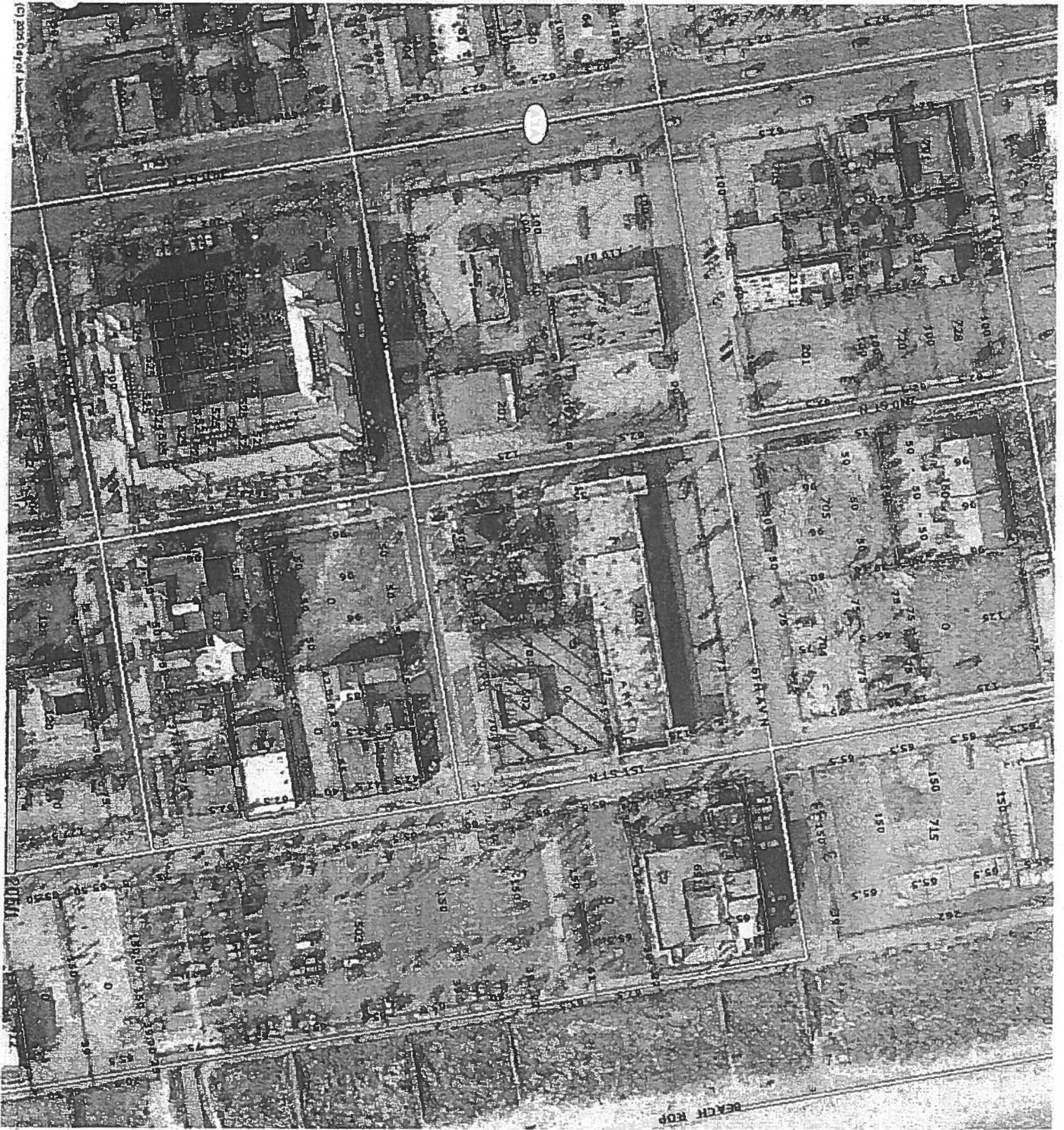
BOUNDARY WITH IMPROVEMENTS—DECEMBER 30, 2013

CHECKED BY: \_\_\_\_\_  
DRAWN BY: CL  
FILE: 2003-1219

**BOATWRIGHT LAND SURVEYORS, INC.**  
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32418-8550

DATE: NOVEMBER 29, 2007  
SHEET 1 OF 1

VICINITY MAP





Google earth



## Surfer Magazine History | SURFLINE.COM

## Surfing A to Z

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



## Surfer Magazine

Sometimes referred to as the "bible of the sport," *Surfer* magazine began life as a modest accompaniment to John Severson's third surf film, *Surf Fever*. Titled *The Surfer*, 10,000 copies of the 32-page First Annual Surf Photo Book were printed in 1960. The little magazine was packed with still photos and screen-grabs from Severson's 16mm footage, depicting surfers and waves of all stripes in a frenzy of stoke, crazy humor and death-defying bit-wave antics.

When the garage-born publication proved an immediate success, Severson -- a painter, art teacher and cinematographer -- was determined to try his hand at serious publishing. He launched *The Surfer Quarterly* (out of the same garage) in 1961, but with rapidly building demand in an expanding niche, he took the young magazine to six times a year in 1962 as *Surfer Bi-Monthly*. In 1976, *Surfer* magazine went monthly and has published 12 issues a year (plus calendars) ever since.

*Surfer* had competition over the years, but Severson won pole position. Although *Surfer* has been generally recognized as the authority in its field, *Surfing* magazine has an equivalent circulation, and *The Surfer's Journal* has acquired a unique historic authority in its decade of publishing.

But it was arguably *Surfer's* success that spawned the lifestyle and industry now known worldwide as surf culture. The magazine created a medium for advertising, which allowed surf-related businesses to talk to a specific audience. It also allowed editors to give shape to the amorphous and expanding network of surfers.

While polyurethane foam, fiberglass and other developments allowed the manufacturing of lightweight and inexpensive surfboards and Gidget fanned the fires of the sport's growing popularity, *Surfer* was a medium for commerce and information in the new subculture. Severson had opened a forum where money could be made and heroes created. The *Surfer* Poll -- a popularity contest to determine the best male and female surfers of the year -- began in 1964 and became the sport's most prestigious awards ceremony.

Severson's *Surfer* was also the platform that launched the environmental movement in surfing. Assorted articles dealing with harbors, pollution and access issues in the mid- and late-'60s led to a regular editorial section -- Our Mother Ocean -- in the '70s, which in turn stoked the fires of the founders of the Surfrider Foundation in the '80s.

John Severson sold *Surfer* to For Better Living, Inc. -- a leisure industries conglomerate -- in 1972, turning the reins over to Steve Pezman, an especially articulate former surfboard shaper. As publisher and editor, Pezman nursed the magazine through the '70s doldrums and into the boom times of the '80s, when surf culture suddenly became hip across the country and around the world.

Over the years, the *Surfer* Publishing Group ventured into other magazine publishing endeavors, some more successful than others. These included *Powder*, *Blitz*, *Skateboarder*, *Snowboarder* and *Beach Culture* magazines, as well as a number of books, including *The Book of Waves* (1989) and *Surfriders: In Search of the Perfect Wave* (1997). *Surfer* also has been involved with creating a number of surfing-related shows for television.

In the late '70s and '80s, Pezman gave over the editorial chores to a succession of talented editors, including Kurt Lederman, Mike Perry, Jim Kempton, Paul Holmes, Matt Warsaw, Steve Hawk and Evan Slater. Under Pezman's publishing tenure, *Surfer* enjoyed several transformations, notably a controversial graphics reworking that came with a new art director, David Carson, in the October 1991 issue. In the following issue, Pezman announced his retirement from *Surfer*. He and his wife, Debbie, now publish *The Surfer's Journal*.

Now past its first half-century, *Surfer* has undergone recent staff and ownership changes but still remains, by most accounts, the bible of the sport. -- Drew Kampton

PC#15-14

**NEW DESIGN (PLAN 2)**  
 MAXIMUM ALLOWABLE OCCUPANCY  
 COUNT PER FBC 2010 - TABLE 1004.1.1

**1ST FLOOR:**  
 STANDINGS - 1153 (SQ.FT.) / 5 = 231 PP  
 SEATINGS - 1211 (SQ.FT.) / 15 = 81 PP  
 TOTAL - 2164 (SQ.FT.) = 296 PP

**2ND FLOOR:**  
 STANDINGS - 610 (SQ.FT.) / 5 = 122 PP  
 SEATINGS - 802 (SQ.FT.) / 15 = 53 PP  
 TOTAL - 1,412 (SQ.FT.) = 175 PP

**TOTAL 1ST AND 2ND FLOOR**  
 ALLOWABLE OCCUPANCY = 478 PP (1510 PP)

**OWNER PROVIDED OCCUPANCY**

SURF WORKS LLC. AGREES NOT  
 EXCEED A TOTAL OCCUPANT LOAD  
 OF 325 PEOPLE.

**FINAL DESIGN (PLAN 3)**  
 MAXIMUM ALLOWABLE OCCUPANCY  
 COUNT PER FBC 2010 - TABLE 1004.1.1

**1ST FLOOR:**  
 STANDINGS - 1153 (SQ.FT.) / 7 = 165 PP  
 SEATINGS - 648 (SQ.FT.) / 15 = 43 PP  
 TOTAL - 1251 (SQ.FT.) = 212 PP

**2ND FLOOR:**  
 STANDINGS - 610 (SQ.FT.) / 7 = 87 PP  
 SEATINGS - 802 (SQ.FT.) / 15 = 53 PP  
 TOTAL - 1,412 (SQ.FT.) = 140 PP

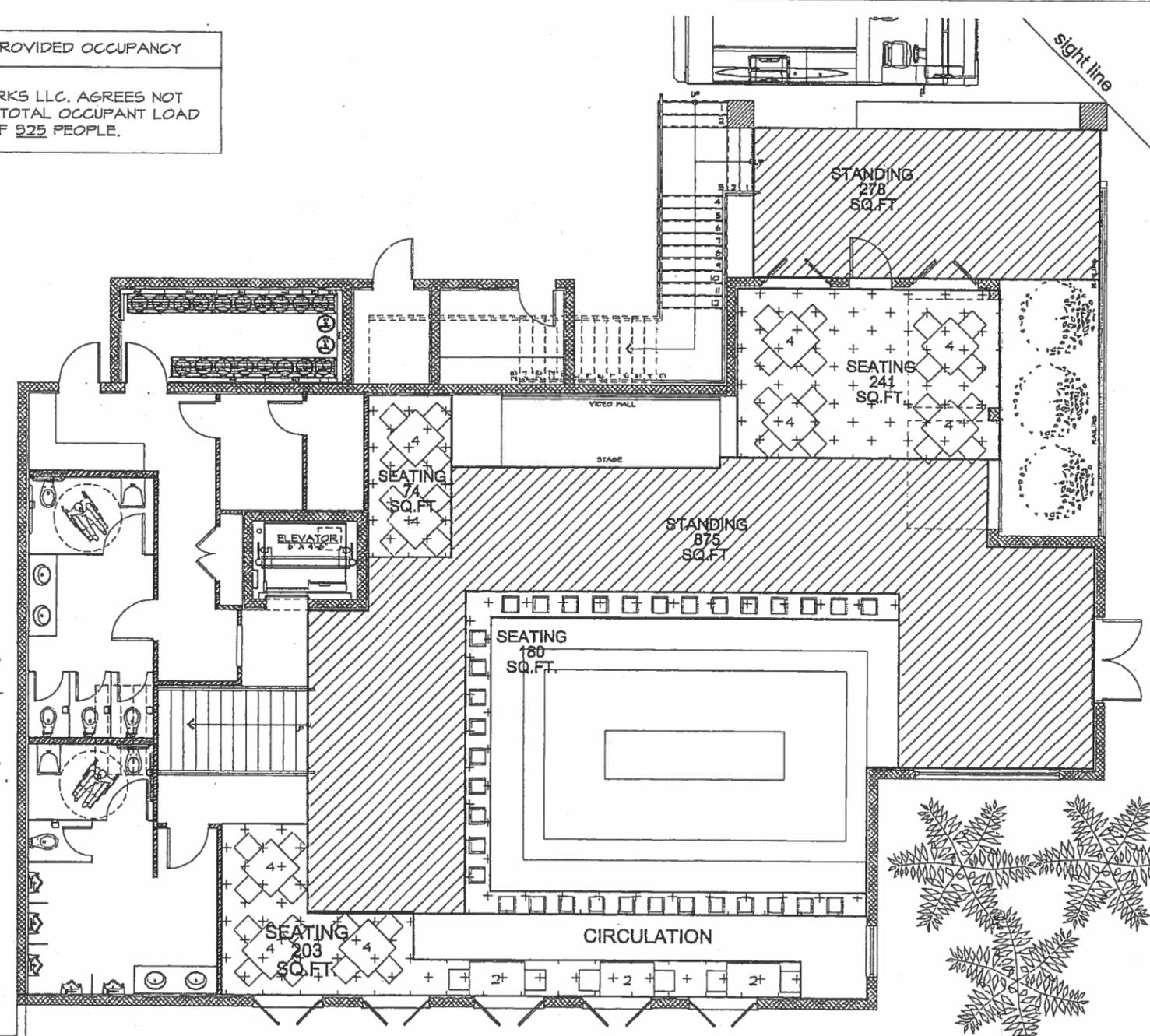
**TOTAL 1ST AND 2ND FLOOR**  
 TOTAL CUSTOMER AREA SQ.FT. = >>>3,263<<<  
 ALLOWABLE OCCUPANCY = 352 PP

IN RESPONSE TO  
 FIRE MARSHALL  
 COMMENT, F.M.  
 CHOOSES TO  
 IMPLEMENT NFPA  
 101 IN LEAU OF  
 (FBC 2010)  
 RESULTING IN A  
 DENOMINATOR OF  
 7 INSTEAD OF 5.

**FURNITURE LEGEND**

SEATING COUNT		TYPE
FIRST FLOOR	SECOND FLOOR	
4 x 4 = 24	4 x 4 = 24	
11	4	
2 x 3 = 10	2 x 3 = 10	
24	2	
61	71	TOTAL SEAT = 132 SEATS (ON 1ST AND 2ND FLOORS)

OFFICE /  
 RETAIL  
 UP TO  
 1,500 SQ. FT.



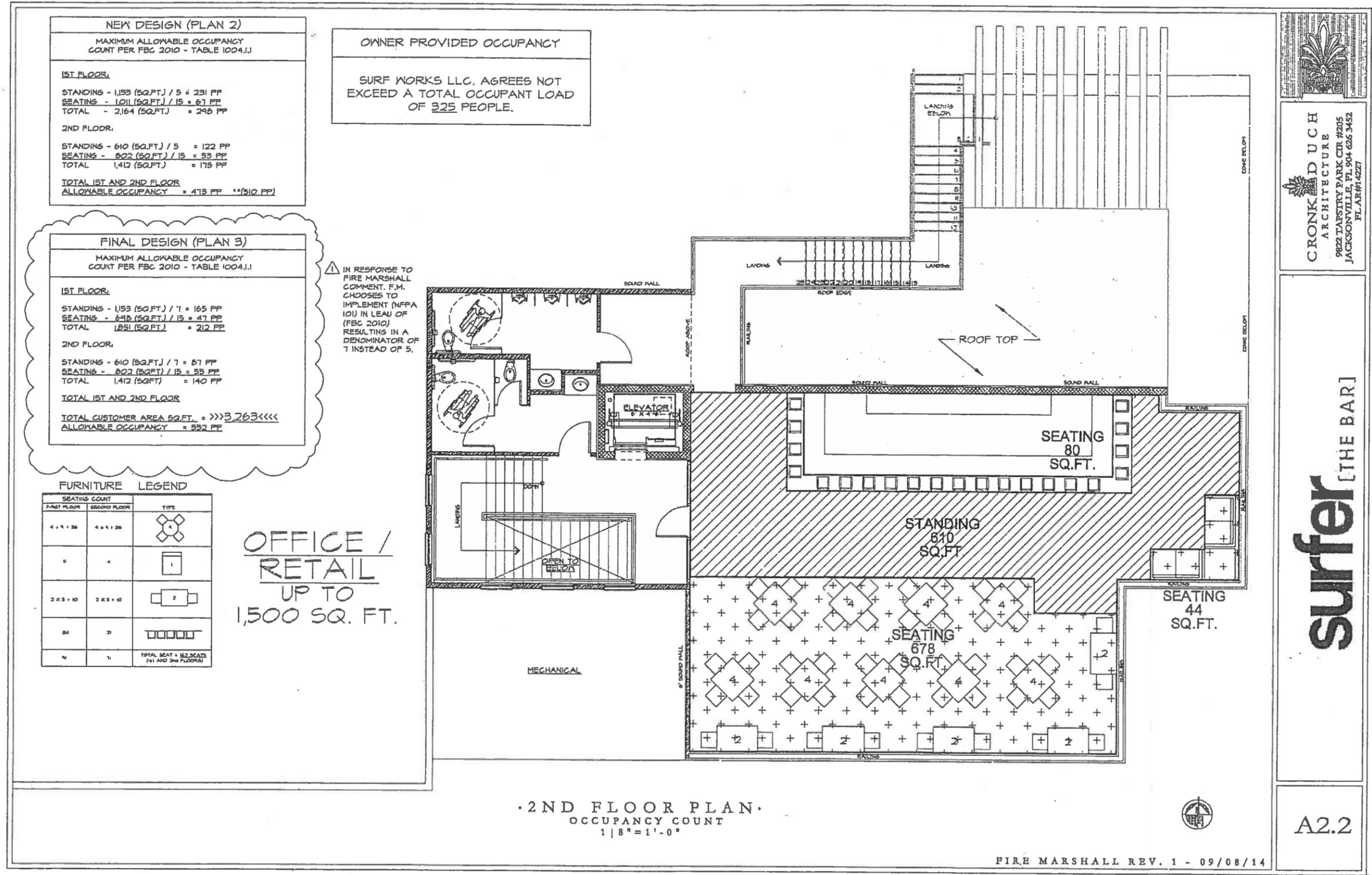
**CRONK DUCH**  
 ARCHITECTURE  
 9822 TARBERRY PARK CIR #205  
 JACKSONVILLE, FL 32256-3452  
 FL ARCH 14227

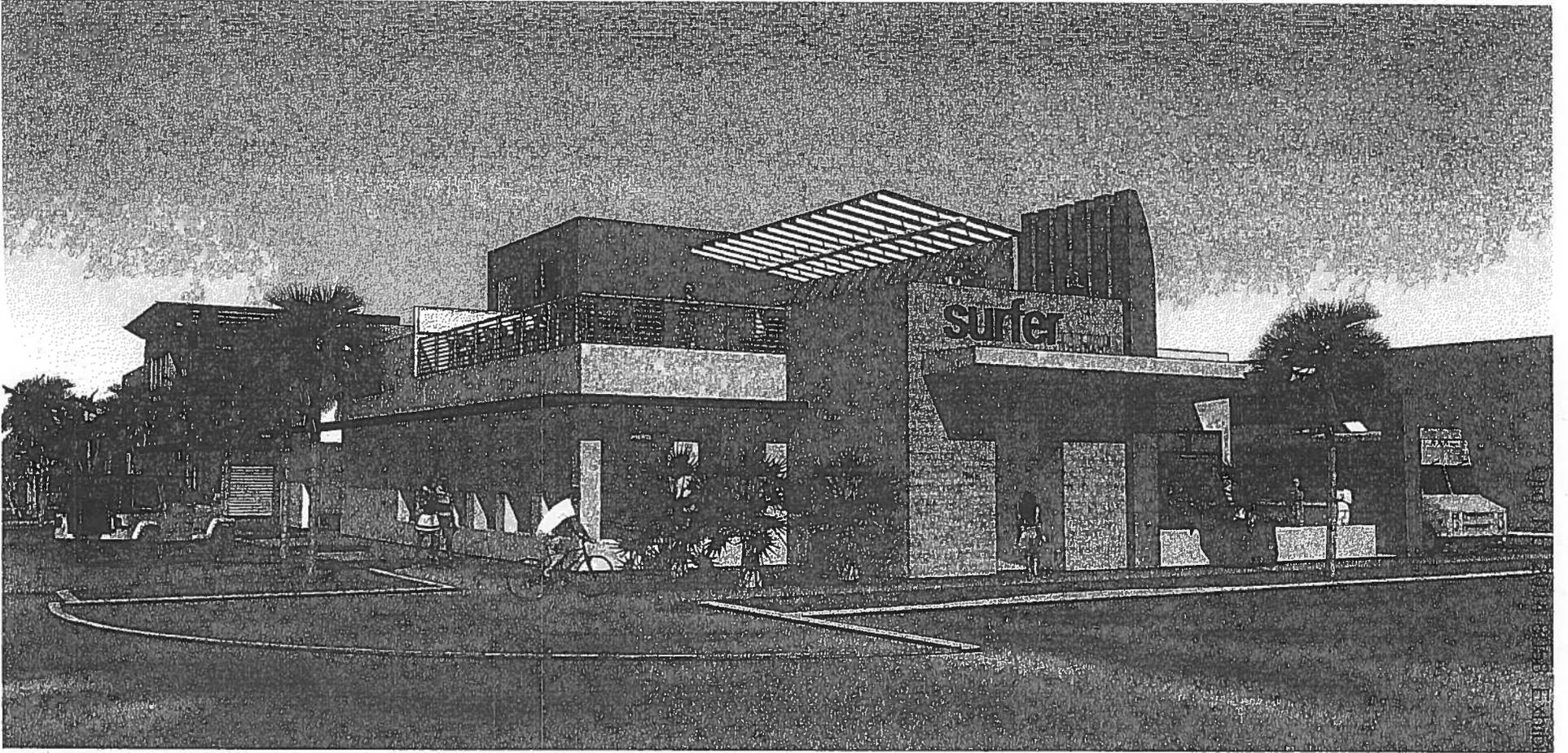
**surfer** [THE BAR]

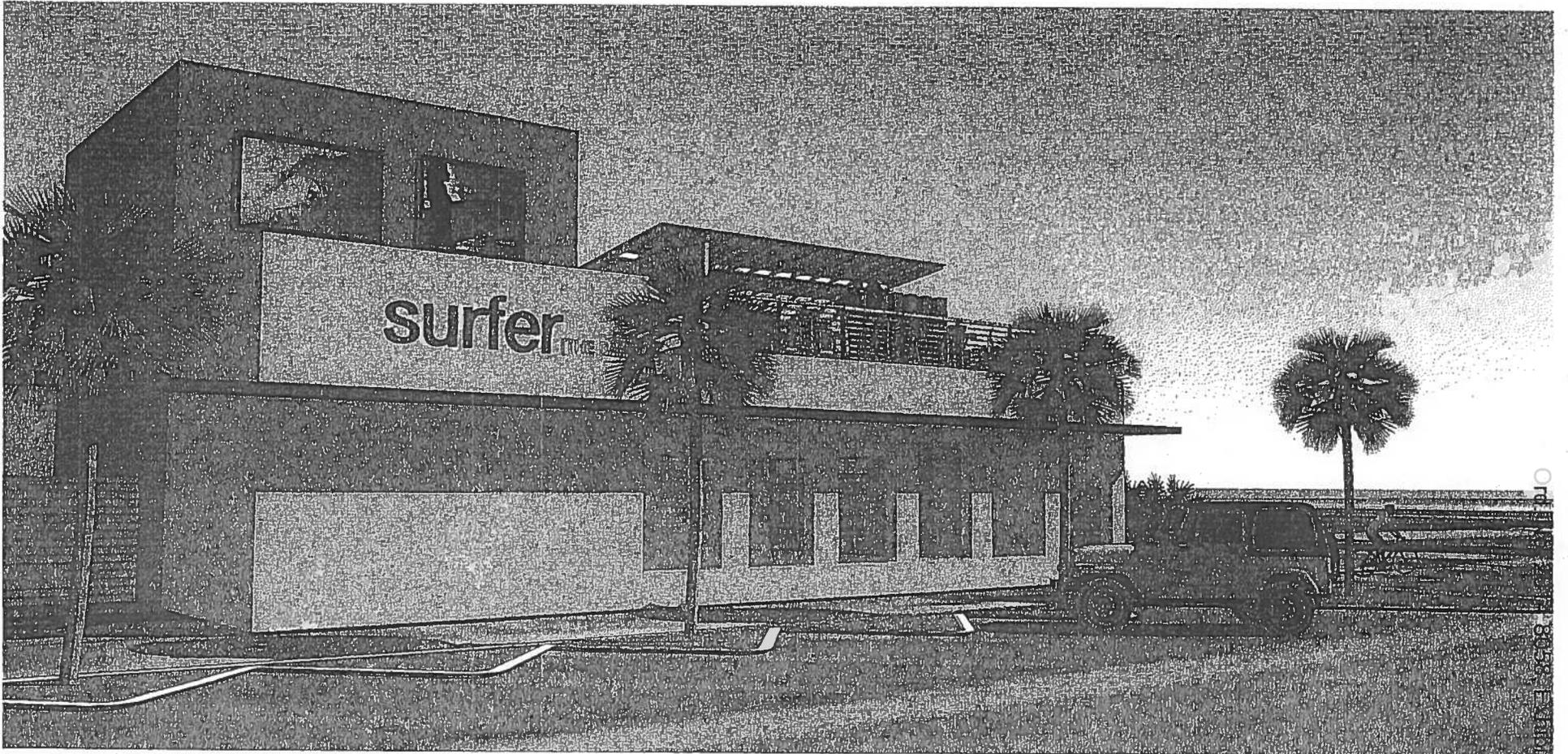
• 1ST FLOOR PLAN •  
 OCCUPANCY COUNT  
 1/8" = 1'-0"

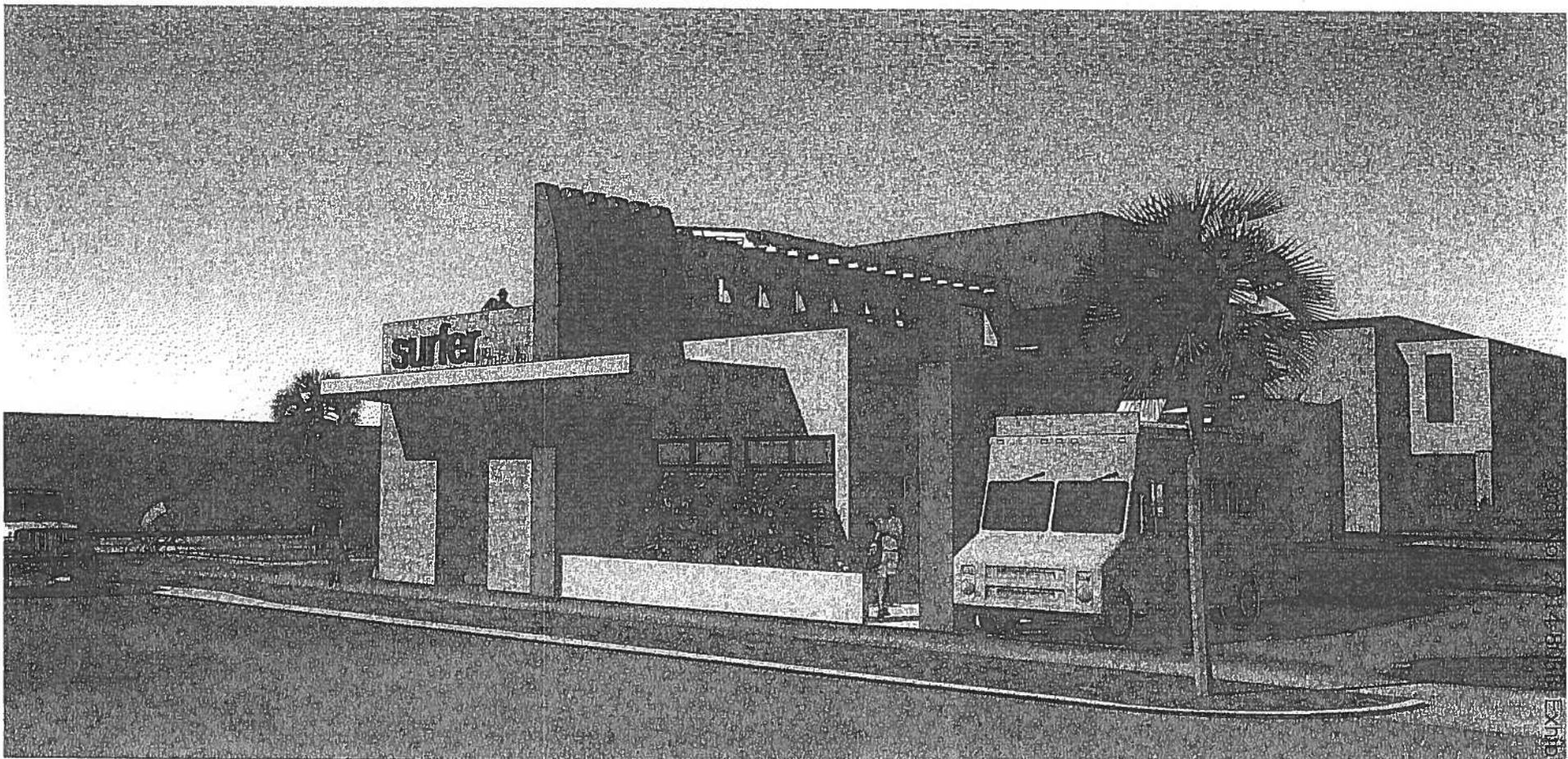
FIRE MARSHALL REV. 1 - 09/08/14

A1.1









## ATTACHMENT 7

### MOBILE FOOD VENDING REGULATIONS

**Mobile food vending.** One proprietary mobile food vendor shall be allowed within this RD zoning district. The mobile food vendor shall conform to the following conditions:

(1) **Definitions.**

- a. *Commissary* means an approved facility that provides support services for specific required functions of a mobile food vendor. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store, or similar establishment, or any other approved facility where food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. A private residence may not be used as a commissary.
- b. *Mobile food vending vehicle* means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. A mobile food vending vehicle is further defined as having, as part of the vehicle, a three-compartment sink for washing, rinsing and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank; and a means for liquid waste containment and disposal.
- c. *Mobile food vendor* means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.

(2) **Location, permit, and separation requirements.**

- a. The approved permit must be attached to the mobile food vending vehicle where it is readily visible and shall include the name, mailing address, and valid phone number of the mobile food vending vehicle owner and shall list the address and parcel identification number where the permit is valid.
- b. Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on the mobile food vending vehicle at any time and at any frequency deemed appropriate by the City.
- c. The mobile food vending vehicle must be located at least one-hundred (100) feet from the main entrance to any eating establishment or similar food service business and one-hundred (100) feet from any outdoor dining area. This separation requirement shall apply only during the normal hours of operation of the eating establishment or similar food service business or outdoor dining area.
- d. The mobile food vending vehicle is not allowed to be located within a required sight visibility triangle at the intersection of a driveway, alleyway, or public street with another public street as set forth in Chapter 34 of this Code of Ordinances; or within five (5) feet of a public sidewalk, utility box or vault, handicapped ramp, building entrance, or exit or emergency access/exit way; and must not locate within any area of the Property that impedes, endangers, or interferes with pedestrian or vehicular traffic. The mobile food

vending vehicle must be located a minimum distance of fifteen (15) feet in all directions away from a fire hydrant.

- e. The mobile food vending vehicle may not occupy or prevent access to any handicap accessible parking space.
- (3) **Signage and noise.** One (1) free-standing sandwich board or A-frame type sign is permitted on the Property. The total size of the sign may not exceed forty-two (42") inches in height or thirty-six (36") inches in width. No audio amplification is permitted as part of the mobile food vending operation.
- (4) **Hours of operation.**
- a. Hours of operation are limited to the hours between 7:00 a.m. and 2:00 a.m.
  - b. The mobile food vending operator or his or her designee must be present at all times.
  - c. The mobile food vending vehicle and any associated outdoor seating must be removed from its permitted location during impermissible hours of operation; and must not be stored, parked, or left overnight on any public street or sidewalk.
- (5) **Waste management.**
- a. The mobile food vendor is responsible for the proper disposal of waste and trash associated with the permitted operation. City trash receptacles shall not be used for this purpose. At a minimum, the vendor must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas within twenty-five (25) feet of the vehicle and any associated seating areas clean of grease, trash, paper, cups or cans associated with the vending operation.
  - b. Liquid waste or grease shall be disposed of at an approved location (for example, an approved commissary) and shall not be placed in tree pits, storm drains, or onto any sidewalk, street, or any other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary or storm sewer systems. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the responsible mobile food vending business will be required to cease operation immediately, clean up the improperly disposed material to the satisfaction of the City, and shall not resume operation until an alternate method of disposal has been approved by the Public Works Department.
  - c. All equipment required for the operation must be contained within, attached to or within three (3) feet of the mobile food vending vehicle; and all food preparation, storage, and sales/distribution shall be in compliance with all applicable sanitary regulations.
- (6) **Licenses and permits required.** A City of Jacksonville Beach business tax receipt for the mobile food vending business must be obtained; and all required State of Florida, Duval County, and City of Jacksonville Beach permits, licenses, and business tax receipt must be clearly displayed on the mobile food vending unit. Prior to the issuance of a City of Jacksonville Beach mobile food vending business tax receipt, the vendor shall provide evidence of having obtained all applicable State of Florida and Duval County licenses and permits, and obtained approval

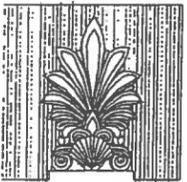
from the City of Jacksonville Beach Public Works Department for the method for the disposal of grease within an approved grease disposal facility if the approved grease disposal facility is within the City of Jacksonville Beach. The mobile food vending business tax receipt shall be renewed annually.

- (7) **Application submittal requirements.** The Application for mobile food vendor permit must include the following information:
- a. Name, address, telephone number, and email address of the applicant and the owner of the vehicle if not the same as the applicant.
  - b. Description of the type of food and/or beverages to be sold.
  - c. Color photograph of the mobile food vending vehicle depicting the current condition of the unit.
  - d. Address of the proposed vending site, including the property address, property owner's name and telephone number, and the name of the principal business located on the property where applicable.
  - e. Site plan for the proposed vending site, drawn to scale, depicting the following information:
    - i. Total square footage of the property;
    - ii. Location and square footage of the existing principal and accessory use(s), where applicable;
    - iii. Proposed location for the mobile food vending vehicle; and
    - iv. Location of ingress/egress to the site.
  - f. Address of proposed location to store the mobile food vending vehicle when not in use.
  - g. Copies of all permits and business licenses required by the State of Florida and Duval County.
  - h. Notarized commissary agreement confirming the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable. All commissaries must be pre-approved by the City prior to issuance of a mobile food vendor permit.
  - i. Notarized affidavit signed by each property owner indicating that the vendor has permission to vend on his or her property. The affidavit must also indicate that the property owner acknowledges the following requirements:
    - i. The property owner shall comply with all ordinances regarding solid waste disposal, and shall provide the vendor access to solid waste collection on the subject property.
    - ii. The property owner shall require that the vendors meet all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding his or her specific business:
    - iii. The property owner shall acknowledge that she/he understands the regulations governing mobile food vendors and shall be held responsible, along with the vendor, for any code violations; and,
    - iv. The property owner shall ensure that the property is continuously maintained in a neat, clean, and orderly manner.
  - j. Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, and which protects the applicant from all claims for damages

to property and bodily injury, including death, which may arise from operations under or in connection with mobile food vendor.

(8) **Enforcement procedure.**

- a. **Revocation.** If at any time, the State of Florida or Duval County revokes or suspends the issued mobile food vending permit, the City of Jacksonville Beach business tax receipt for the mobile food vending business will be simultaneously revoked or suspended. If mobile food vendor has his or her permit declared null and void or revoked for any of the reasons set forth in this section, the mobile food vendor shall not be allowed to reapply for a mobile food vending permit for a period of ninety (90) days after the effective date of such action.
- b. **Other violations.** If at any time evidence is provided that the mobile food vending business is being operated in a way that does not comply with these regulations, a notice of violation shall be issued to the Property owner and mobile food vendor and the violation shall be referred to the Special Magistrate for a hearing and disposition in accordance with the provisions of Article VI *Code Enforcement* of Chapter 2 *Administration* of this Code of Ordinances.

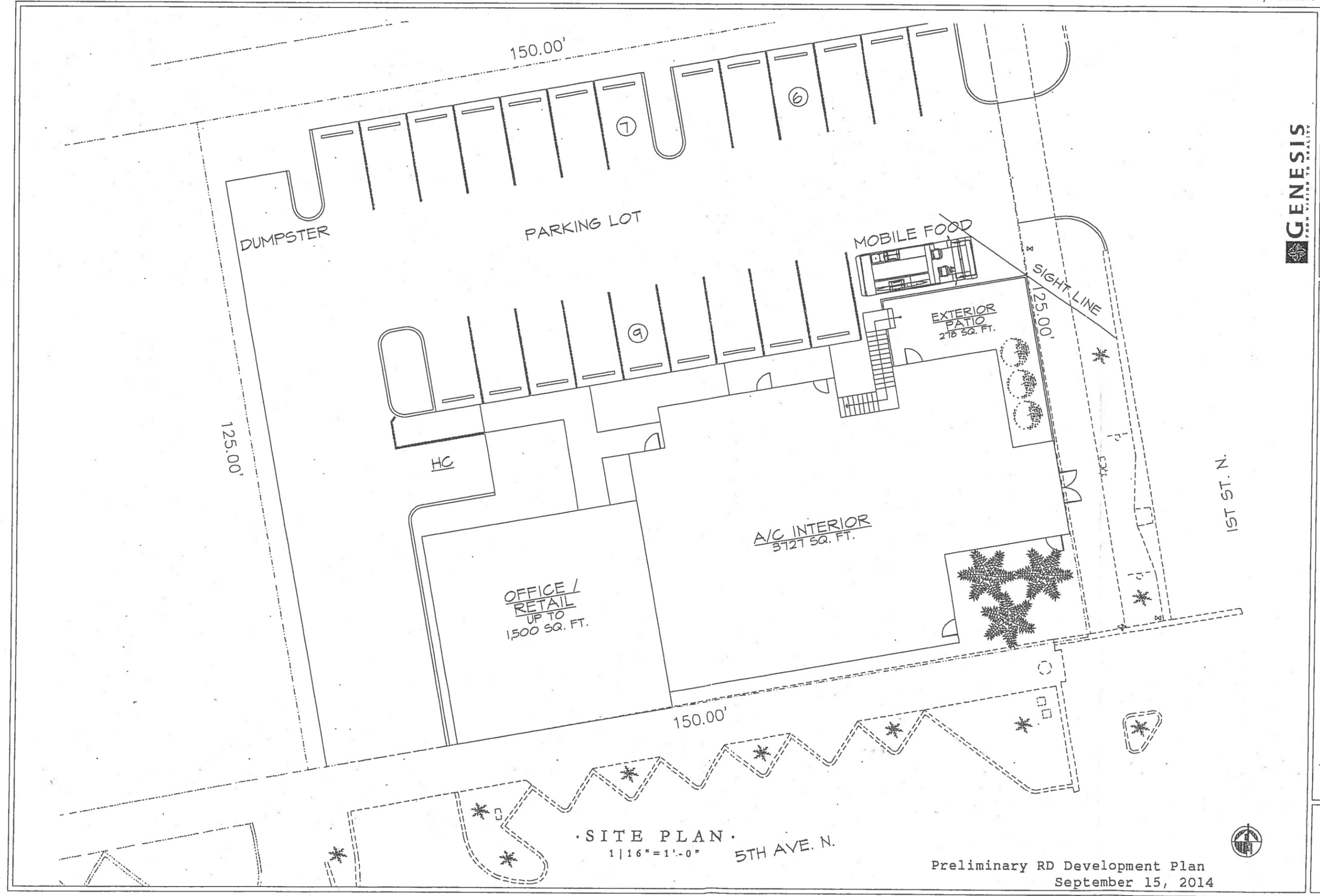


**GENESIS**  
FROM VISION TO REALITY

**CRONK D UCH**  
ARCHITECTURE  
9822 TAPSTRY PARK CIR #205  
JACKSONVILLE, FL 904 626 3452  
FL AR#14227

**surfer** [THE BAR]

AS1



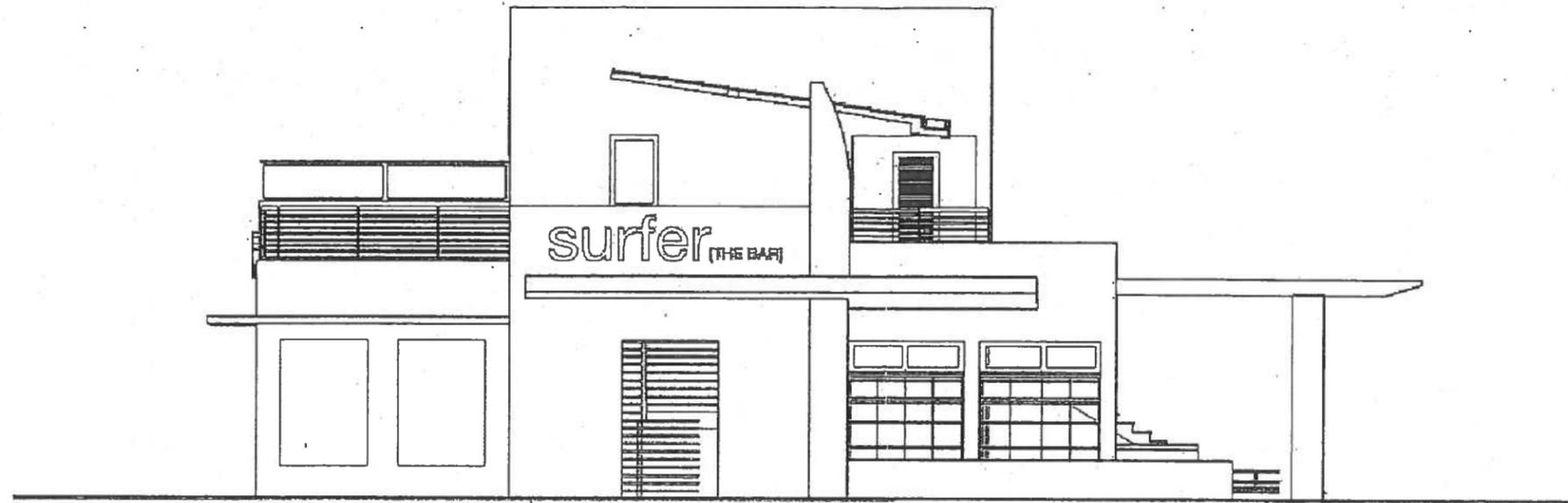
**· SITE PLAN ·**  
1/16" = 1'-0" 5TH AVE. N.

Preliminary RD Development Plan  
September 15, 2014

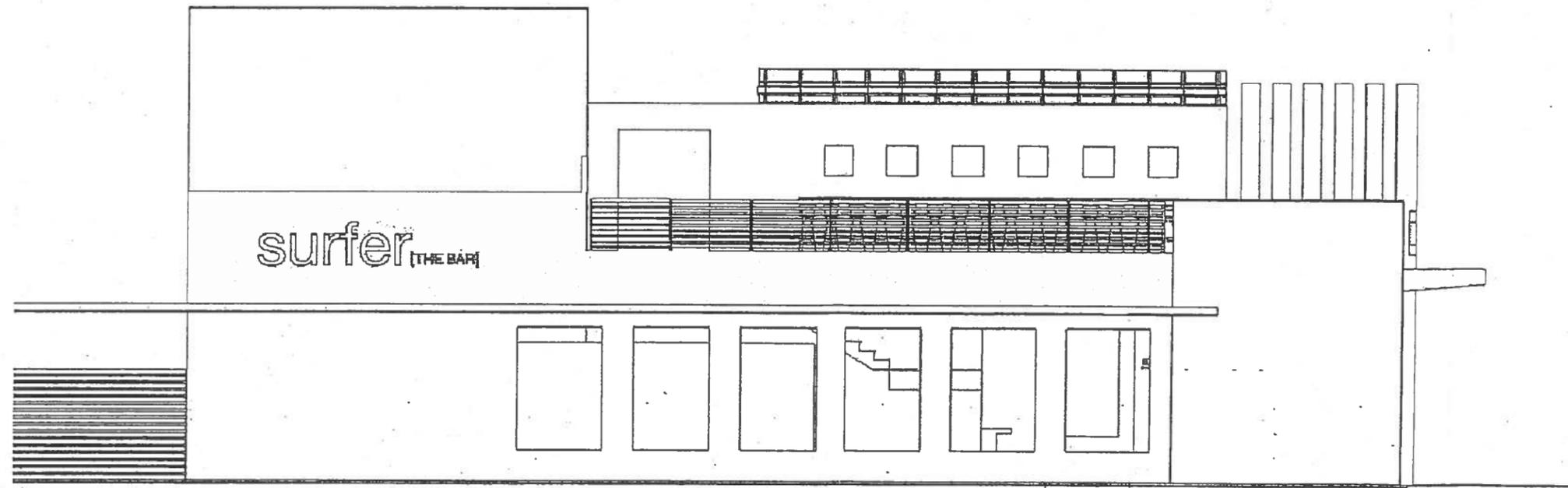




CRONK D UGH  
ARCHITECTURE  
9822 TAPSTRY PARK CIR #205  
JACKSONVILLE, FL 904 626 3452  
FL.AR.#14227



· EAST ELEVATION ·  
N.T.S.

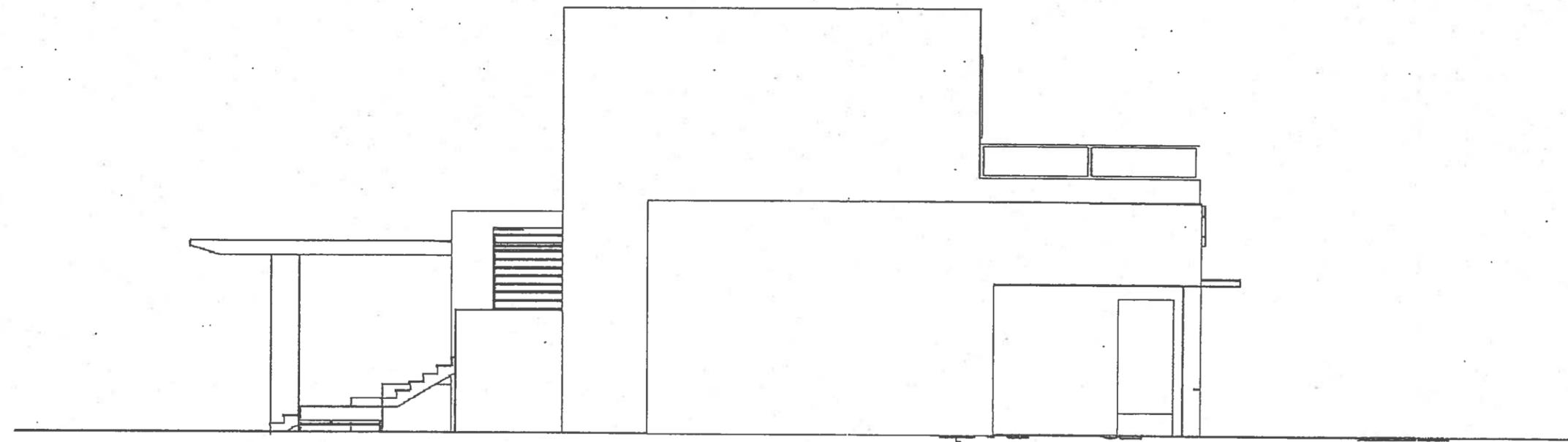


· SOUTH ELEVATION ·  
N.T.S.

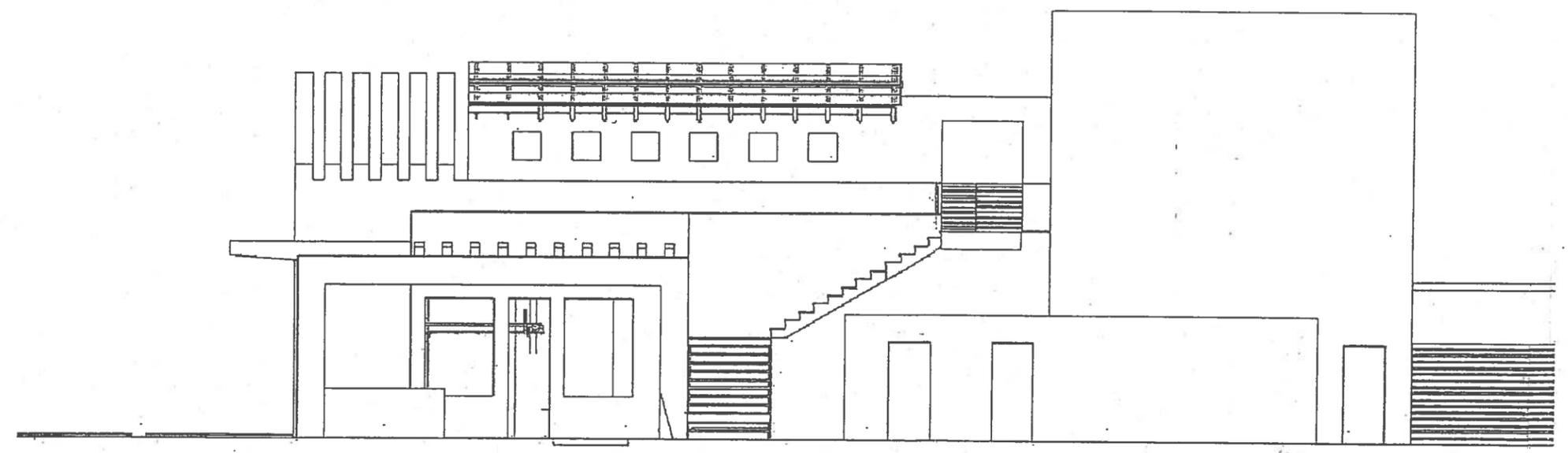
**surfer** [THE BAR]

A3.1

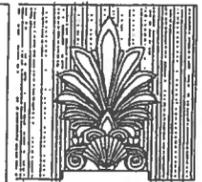
September 15, 2014



· WEST ELEVATION ·  
N.T.S.



· NORTH ELEVATION ·  
N.T.S.



CRONK D UCH  
ARCHITECTURE  
9822 TAPSTRY PARK CIR #205  
JACKSONVILLE, FL 904 626 3452  
FL AR#14227

surfer [THE BAR]

A3.2

September 15, 2014

FINAL BUILDING DATA (PLAN 3)

SURFER THE BAR SPACE	INTERIOR (SF)	EXTERIOR	CUSTOMER AREA
1ST FLOOR (BAR)	3,727	278	1,749
2ND FLOOR (BAR)	669	1,755	1,412
TOTAL (NEW SURFER THE BAR)	4,396	2,033	3,161
TOTAL (INTERIOR/EXTERIOR)	6,429 SQFT.		
OFFICE SPACE			
1ST FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
2ND FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
TOTAL (OFFICE/RETAIL SPACE)	UP TO 3,000	0	
TOTAL 1ST & 2ND FLOORS	9,307 sqft.		

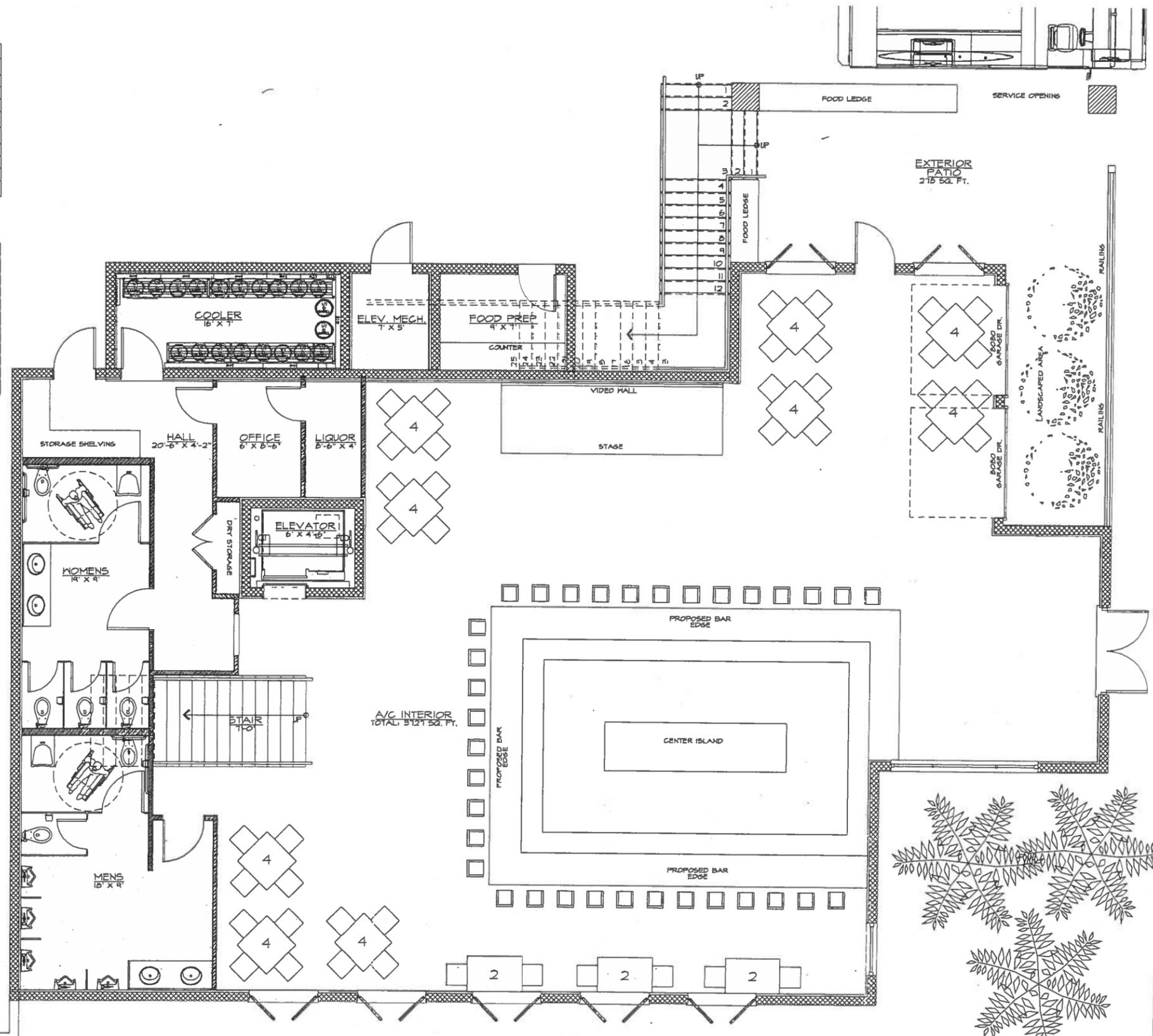
NEW BUILDING DATA (PLAN 2)

SURFER THE BAR SPACE	INTERIOR (SF)	EXTERIOR	CUSTOMER AREA
1ST FLOOR (BAR)	3,727	796	2,164
2ND FLOOR (BAR)	669	1,755	1,412
TOTAL (NEW SURFER THE BAR)	4,396	2,551	3,576
TOTAL (INTERIOR/EXTERIOR)	6,947 SQFT.		
OFFICE SPACE			
1ST FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
2ND FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
TOTAL (OFFICE/RETAIL SPACE)	UP TO 3,000	0	
TOTAL 1ST & 2ND FLOORS	9,947 sqft.		

OLD BUILDING DATA

SURFER THE BAR SPACE	INTERIOR (SF)	EXTERIOR
1ST FLOOR (BAR)	3,605	918
2ND FLOOR (BAR)	669	2,697
TOTAL (OLD SURFER THE BAR)	4,274	3,615
TOTAL (INTERIOR/EXTERIOR)	7,889 SQFT.	
OFFICE SPACE		
1ST FLOOR (OFFICE/RETAIL)	UP TO 1,500	0
2ND FLOOR (OFFICE/RETAIL)	UP TO 1,500	0
TOTAL (OFFICE/RETAIL SPACE)	UP TO 3,000	0
TOTAL 1ST & 2ND FLOORS	10,889 sqft.	

OFFICE /  
RETAIL  
UP TO  
1,500 SQ. FT.



• 1ST FLOOR PLAN •  
FINAL PLAN 3  
1/8" = 1'-0"

SEATING PLAN

**CRONK D UCH**  
ARCHITECTURE  
9822 TAPSTRY PARK CIR #205  
JACKSONVILLE, FL 904 626 3452  
FL AR#14227

**surfer** [THE BAR]

A1.0

FINAL BUILDING DATA (PLAN 3)

SURFER THE BAR SPACE	INTERIOR (SF)	EXTERIOR	CUSTOMER AREA
1ST FLOOR (BAR)	3,727	278	1,749
2ND FLOOR (BAR)	669	1,755	1,412
TOTAL (NEW SURFER THE BAR)	4,396	2,033	3,161
TOTAL (INTERIOR/EXTERIOR)	6,429 SQFT.		
OFFICE SPACE			
1ST FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
2ND FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
TOTAL (OFFICE/RETAIL SPACE)	UP TO 3,000	0	
TOTAL 1ST & 2ND FLOORS	9,307 sqft.		

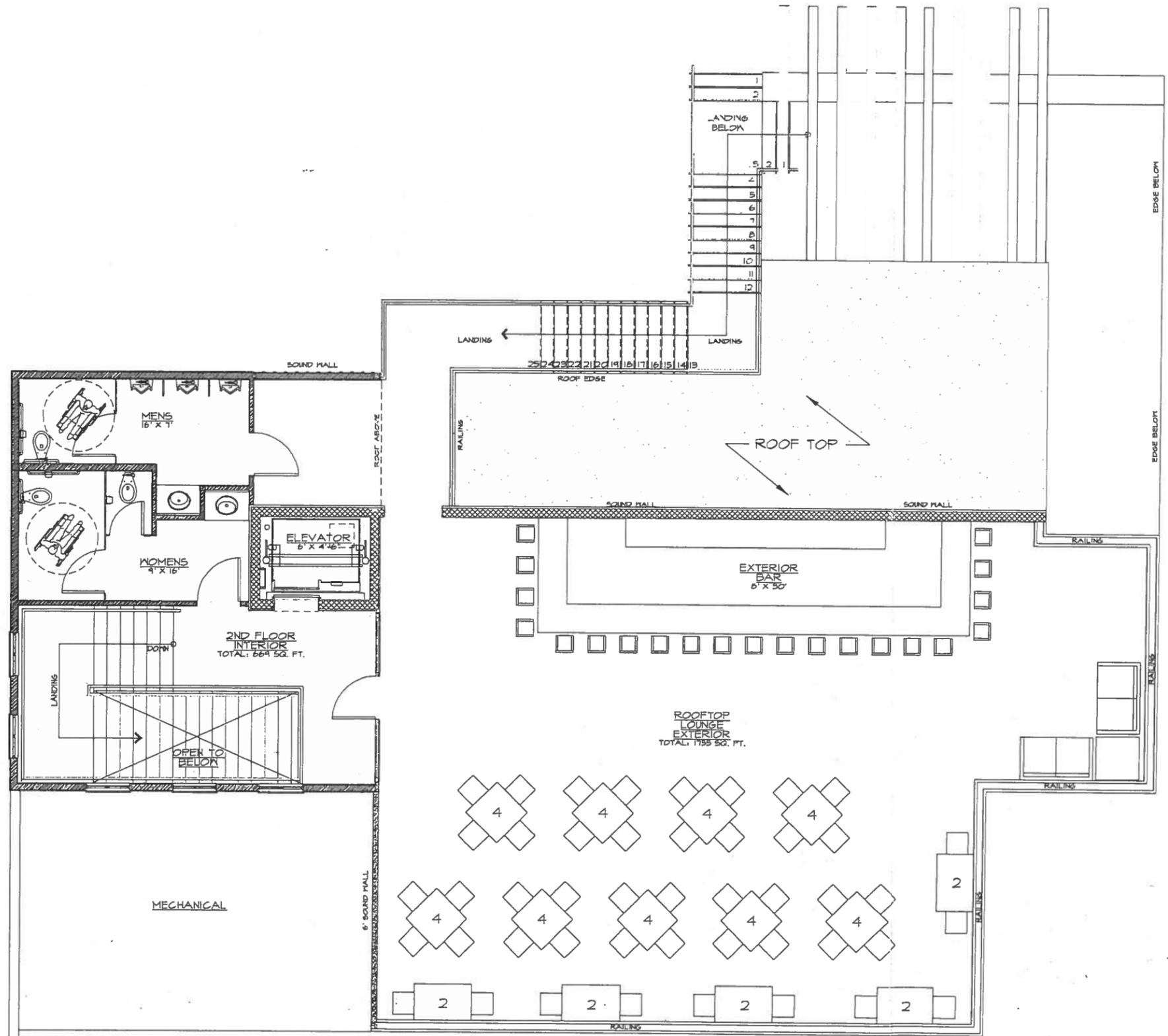
NEW BUILDING DATA (PLAN 2)

SURFER THE BAR SPACE	INTERIOR (SF)	EXTERIOR	CUSTOMER AREA
1ST FLOOR (BAR)	3,727	796	2,164
2ND FLOOR (BAR)	669	1,755	1,412
TOTAL (NEW SURFER THE BAR)	4,396	2,551	3,576
TOTAL (INTERIOR/EXTERIOR)	6,947 SQFT.		
OFFICE SPACE			
1ST FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
2ND FLOOR (OFFICE/RETAIL)	UP TO 1,500	0	
TOTAL (OFFICE/RETAIL SPACE)	UP TO 3,000	0	
TOTAL 1ST & 2ND FLOORS	9,947 sqft.		

OLD BUILDING DATA

SURFER THE BAR SPACE	INTERIOR (SF)	EXTERIOR
1ST FLOOR (BAR)	3,605	918
2ND FLOOR (BAR)	669	2,697
TOTAL (OLD SURFER THE BAR)	4,274	3,615
TOTAL (INTERIOR/EXTERIOR)	7,889 SQFT.	
OFFICE SPACE		
1ST FLOOR (OFFICE/RETAIL)	UP TO 1,500	0
2ND FLOOR (OFFICE/RETAIL)	UP TO 1,500	0
TOTAL (OFFICE/RETAIL SPACE)	UP TO 3,000	0
TOTAL 1ST & 2ND FLOORS	10,889 sqft.	

OFFICE /  
RETAIL  
UP TO  
1,500 SQ. FT.



• 2ND FLOOR PLAN •  
FINAL PLAN 3  
1/8" = 1'-0"

SEATING PLAN



**CRONK & DUCH**  
ARCHITECTURE  
9822 TAPSTRY PARK CIR #205  
JACKSONVILLE, FL 32256 3452  
FL. AR.#14227

**surfer** [THE BAR]

A2.0