



Agenda
City Council

Monday, April 4, 2016

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

ROLL CALL

APPROVAL OF MINUTES

16-336 Regular City Council Meeting Held March 21, 2016

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

16-337 Recognition - Summer DiStefano

CITY CLERK

CITY MANAGER

- a. 16-338 **Public Hearing** - City Council Approval to Submit a Public Facilities Improvement Project for Inclusion in the FY 2016-2017 Community Development Block Grant (CDBG) Application to the City of Jacksonville.

- b. 16-339 Authorize Change Order with *J.B. Coxwell Contracting, Inc.*, for Replacement of 12-inch Water Main on 2nd Street South

- c. 16-340 Authorize Design of Project 2, Rebuilding 1st and 2nd Streets, from 4th Avenue South to 16th Avenue South, with the Program Design Firm, *GAI Consultants, Inc.*
- d. 16-341 Authorize Final Design Services with *Jones Edmunds* to Construct a New Lift Station #7 (at the Corner of 4th St. N. and 18th Ave.), Demolish Old Lift Stations #7, #8 and #20, and Construct Associated Wastewater, Water and Stormwater Improvements Along and Adjacent to 4th St. N. and 18th Ave.
- e. 16-342 Approve Projects to Restore (a) Latham Plaza by Replacing the Irrigation System and the Drainage Channel in Front of the SeaWalk Pavilion Stage and (b) Oceanfront Park by Replacing the Irrigation System and the Park's Lighting and Other Improvements

RESOLUTIONS

16-343 RESOLUTION NO. 1958-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, OPPOSING EXTREME METHODS OF OIL AND GAS EXTRACTION, INCLUDING HYDRAULIC AND ACIDIC FRACTURING OR "FRACKING" WITHIN THE STATE OF FLORIDA AND ITS ADJACENT WATERS.

ORDINANCES

a. 16-344 ORDINANCE NO. 2016-8069 (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 34-340. RESIDENTIAL, MULTIPLE FAMILY: RM-2, PARAGRAPH (d) *CONDITIONAL USES* TO ADD "PRIVATE PARKS" TO SUBPARAGRAPH (26) PUBLIC PARKS, PLAYGROUNDS, AND RECREATIONAL FACILITIES; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

b. 16-345 ORDINANCE NO. 2016-8070 (First 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. (This property is a six-story

mixed multifamily residential, hotel and commercial building. It is located at the northwest corner of 1st Street N. and 6th Avenue N.)

c. 16-346 **ORDINANCE NO. 2016-8071 (First Reading)**

AN ORDINANCE VACATING, DISCONTINUING, ABANDONING AND CLOSING A CERTAIN TWELVE (12) FOOT WIDE PUBLIC ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION THROUGH THAT CERTAIN PROPERTY IN THE CITY OF JACKSONVILLE BEACH, FLORIDA, KNOWN AS BLOCK 15, PABLO BEACH SOUTH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

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.

**Minutes of Regular City Council Meeting
held Monday, March 21, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



OPENING CEREMONIES:

Council Member Buck gave the invocation, 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: Lee Buck Keith Doherty Christine Hoffman (*absent*)
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes and City Clerk Laurie Scott.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Mr. Vogelsang, and passed unanimously, to approve the following minutes as presented:

- City Council Workshop held on March 7, 2016
- Regular City Council Meeting held on March 7, 2016

ANNOUNCEMENTS

Council Member Wilson announced she and City Manager George Forbes attended the Florida Inland Navigation District (F.I.N.D.) Reception on Thursday, March 17, 2016.

Council Member Vogelsang stated the potential agreement between the City of Jacksonville Beach and the City of Jacksonville regarding fire service would not diminish the level of service and would be contractual. He will not support an agreement that diminishes the level of service. He is confident any agreement would address all concerns. He asked citizens to keep an open mind until a contract was negotiated and reviewed.

Council Member Doherty commented that Lynch's Irish Pub had the of honor of hosting a Cancer Relief Fundraiser for Kate Amato. The Jacksonville Women's and Men's Rugby Team raised \$2,500

for Team Kate. Lynch's Irish Pub also hosted their 21st St. Patrick's Day event and had 3,000 to 4,000 people in attendance.

Mayor Latham announced the end of the Florida Legislative session on Friday, March 11, 2016. He thanked Mayor Pro Tem Wilson for filling in during his absence while in Tallahassee attending the session. He also thanked the Atlantic Beach Experimental Theatre (ABET) for sponsoring a performance of their play, Tuna Does Vegas, for the Dial-a-Ride organization, on Saturday, March 19, 2016.

COURTESY OF THE FLOOR TO VISITORS:

Speaker(s):

- Mr. Kurtis Loftus, 1948 Horn Street, Jacksonville Beach, spoke regarding Deck the Chairs Event. He is now the official director of the event. For the last three months, there has been strategic planning and budgeting for the six-week event. He stated he was grateful to the City of Jacksonville Beach for the services provided. He will be meeting with over 40 sponsors regarding the event.

MAYOR AND CITY COUNCIL

CITY CLERK:

CITY MANAGER:

- (a) **Item #16-303, Accept the Monthly Financial Reports for the Month of February 2016**

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang to accept the monthly financial reports for the month of February 2016, as submitted by the Chief Financial Officer.

Roll call vote: Ayes – Buck, Doherty, Thomason, Vogelsang, Wilson, and Mayor Latham. The motion carried unanimously.

- (b) **Item #16-313, Authorize the Project Development Agreement with *Johnson Controls, Inc.*, to Conduct an Investment Grade Audit of the City's Water Utility System and Develop a List of Potential Benefit Initiatives for the City to Consider for Implementation**

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang to authorize the Mayor and City Manager to execute the Project Development

Agreement with *Johnson Controls, Incorporated*, to perform an investment grade audit of the City's water utility system and develop a list of potential benefit initiatives, as explained in the memorandum from the Public Works Director dated March 14, 2016.

Mr. Forbes explained the investment grade audit process is an opportunity for professional experts to look over the City's water infrastructure and facilities which includes a water meter replacement program, an automated water meter reading system, and an automated water main leak detection system. The City has never had a water meter replacement program.

The project will fund itself with energy, water, or wastewater cost savings over a maximum period of 20 years. The project timeline is 120 days; then the City would have 180 days to review the audit. Once an implementation contract is executed, Johnson Controls has one year to complete the project. If the City does not decide to go forward with the implementation project, then the total audit fee of \$247,900 is due to Johnson Controls.

Justin Newbern, an engineer with Johnson Controls, explained that this project is defined by Florida Statute 489.145, which provides for city, counties, municipalities, colleges, universities and school districts to develop projects that are self-funding via contractors that are preapproved on a state list. Although the City has continued to grow, there has been a 3.3% average annual decrease in monthly residential consumption since 2003. A portion of that is due to conservation, but another reason could be an inaccuracy in meter readings. The number of customers has grown by 9%. There is a 13% difference in the amount of water produced and what is being billed.

Mr. Newbern explained there were three key steps to this phase of the project which are analysis and development, implementation planning, and ongoing accountability planning.

Mr. Vogelsang questioned if the City had looked at agreements other cities had entered into. Mr. Forbes stated that he and Ty Edwards, Public Works Director, had both reviewed the agreement, and Mr. Edwards put the agreement together based on agreements other cities had implemented.

Mr. Thomason inquired if all of the meters would be replaced regardless of their age and function. Mr. Newbern explained that standardization is important and all of the residential meters should be the same style.

Mr. Thomason stated that due to the more correct readings of the new water meters, customers should be made aware of what has occurred. Mr. Forbes explained that

Johnson Controls informed him that the increase would be 5% to 10% due to improved meter readings.

Mr. Doherty questioned if the water pressure could be improved and if the rates would increase due to this project. Mr. Newbern answered that the pressure is another scope of work that can be looked at later or be added to the contract. Mr. Newbern also explained that the rates would not increase as a part of this project.

Note: At 7:45 P.M., an unplanned computer shutdown occurred affecting the audio recording. Recording resumed after ten minutes.

Mr. Buck commented that to see savings within 20 years is important. Mr. Newbern stated the goal was to make the payback as best as possible. Their project range for payback is 10 to 20 years. The program is about water accountability and improved customer service.

Mayor Latham stated that tonight's vote was for approval of Phase B, the investment grade audit report. Once the report is submitted, there will be another City Council meeting to discuss Phase C of the project.

Roll call vote: Ayes – Doherty, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham. The motion carried unanimously.

(c) Item #16-308, Award Bid No. 1516-05 Beaches Energy 138kV Breaker Replacements to the Lowest Responsive Bidder, J.L. Malone & Associates, LLC

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang to award Bid Number 1516-05, titled Beaches Energy 138kV Breaker Replacements to the lowest responsive bidder, *J.L. Malone & Associates, LLC*, as explained in the memorandum from the Director of Beaches Energy Services dated March 11, 2016.

Mr. Forbes explained the City has four (4) 138kV breakers at the Jacksonville Beach Substation that need to be replaced. These are oil circuit breakers, and the new ones are SF6 gas-filled breakers. Beaches Energy is in a major phase of upgrading the substations.

Roll call vote: Ayes – Thomason, Vogelsang, Wilson, Buck, Doherty, and Mayor Latham. The motion carried unanimously.

(d) Item # 16-309, Award Bid No. 1516-06 Replacement of Load Tap Changers at Substations to the Lowest Responsible Bidder, ABB, Inc.

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang to award Bid Number 1516-06, titled Replacement of Load Tap Changers at Substations to the lowest responsive bidder, *ABB, Inc.*, as explained in the memorandum from the Director of Beaches Energy Services dated March 11, 2016.

Mr. Forbes explained the City has 12 large substation transformers that have load tap changers. Load tap changers adjust the voltage based on weather conditions. The City needs to replace four (4) of the load tap changers at three (3) substations as part of substation maintenance.

Roll call vote: Ayes – Vogelsang, Wilson, Buck, Doherty, Thomason, and Mayor Latham. The motion carried unanimously.

(e) Item #16-312, Award Bid No. 1516-03 Distribution Transformers to the Lowest Responsive Bidders

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang to award Bid Number 1516-03, titled Distribution Transformers to the lowest responsive bidders by line item as follows: line items 1 through 21 to *Central Maloney*; line items 22 through 24 and 26 to *Wesco Distribution*; and line items 25, 27 and 28 to *CG Power Systems*, as explained in the memorandum from the Director of Beaches Energy Services dated March 3, 2016.

Mr. Forbes explained these were the non-substation type transformers. There are 28 different types of transformers used by the City. The City would save about \$60,000 by awarding the lowest bidder of each different type of transformer.

Roll call vote: Ayes – Wilson, Buck, Doherty, Thomason, Vogelsang, and Mayor Latham. The motion carried unanimously.

RESOLUTIONS:

(a) Item #16-307, RESOLUTION 1957-2016

Mayor Latham requested that the City Clerk read Resolution No. 1957-2016, by title only, whereupon Ms. Scott read the following:

A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang to adopt Resolution 1957-2016 authorizing the mid-year budget adjustment.

Mr. Forbes stated that every year, the City makes two budget adjustments as additional revenues or expenses are approved by the Council. Everything in this adjustment has been approved except two items. One is \$20,000 for the Fire Department as a firefighter is going on maternity leave and this will pay for the difference for overtime. The second is \$9,237 for the Building Department to pay for a part-time employee to cover the staffing shortage in that department.

Roll call vote: Ayes – Buck, Doherty, Thomason, Vogelsang, Wilson, and Mayor Latham. The motion carried unanimously

ORDINANCES:

(a) Item # 16-310, ORDINANCE NO. 2016-8069 (First Reading) (PUBLIC HEARING)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8069 (First Reading), by title only, whereupon Ms. Scott read the following:

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 34-340, RESIDENTIAL, MULTIPLE FAMILY: RM-2, PARAGRAPH (d) *CONDITIONAL USES* TO ADD "PRIVATE PARKS" TO SUBPARAGRAPH (26) PUBLIC PARKS, PLAYGROUNDS, AND RECREATIONAL FACILITIES; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND FOR OTHER PURPOSES

Mayor Latham opened the public hearing to give the audience a chance to address the ordinance. No one came forward, and Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to adopt Ordinance No. 2016-8069, amending the Land Development Code to add private parks as a listed conditional use in *Residential, multiple family: RM-2* zoning districts.

Mr. Forbes explained that if the Council approves this tonight, it will be just for the first reading and then in two weeks it will be back for a second reading. Ordinances require two readings. This ordinance adds private parks as a conditional use in Residential, multiple family: RM-2 zones. A resident wants to put in a sculpture park on private property across from the Oceanfront Park. The conditional use application would still have to go to a public hearing before the Planning Commission.

Mr. Vogelsang asked if private parks pay property taxes. Mr. Forbes answered that they do based on the value of the property.

Mr. Doherty asked if the City would have the right to approve the types of sculptures on display. Mr. Forbes said he did not believe the City would have the ability to disapprove the sculptures due to First Amendment rights.

Mr. Thomason stated he looked at the conditional use requirements and commented they were vague and open to wide interpretation. Mr. Thomason questioned if the City wants to get involved in First Amendment issues.

Motion: It was moved by Council Member Vogelsang and seconded by Mr. Buck, to table Ordinance 2016-8069 for two weeks. The motion carried unanimously.

Mayor Latham recognized students from Ms. Phillips' class and a group of Eagle Scout candidates attending the Council meeting.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:22 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

From: Jenny Anderson <JAnderson@flcities.com>
Sent: Monday, March 14, 2016 11:53 AM
To: phillipsm3@duvalschools.org; purplebeachhouse@gmail.com
Cc: Charlie Latham
Subject: Congratulations! Your student Summer DiStefano is the 3rd Place Winner of the "If I Were Elected Mayor" statewide contest!



March 14, 2016

Dear Ms. Phillips: (second year in a row your student is a winner – congrats!!)

Congratulations! Your student **Summer DiStefano** is the **3rd Place Winner** of the ***"If I Were Elected Mayor"*** statewide contest!

The ***"If I Were Elected Mayor"*** contest is sponsored by the Florida League of Cities and Florida League of Mayors associations. The contest was open statewide to all 7th graders in a Florida public school.

We received more than 1,000 essays from across the state. From that number, the judges selected your student as our third place winner!

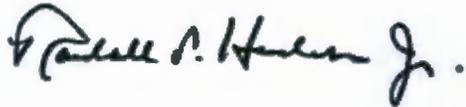
As the third place winner your student will receive a \$25 gift card. She will also receive a joint resolution from the Florida League of Cities and the Florida League of Mayors to be presented by the mayor at a hometown commission meeting.

Anabelle will also be highlighted in a news release, featured in the statewide *QC* magazine; and have her essay presented on the League's website and *Facebook* and *Twitter* accounts.

The goal of the contest was for Florida's youth to step into the role of Mayor and present their ideas and commitment to their community. All essays had to begin with the statement, "If I were elected Mayor...." and could not be more than 250 words long and fit on one page. Students were required to describe what they would do if they were elected as mayor of their city, town or village to make their community a better place to live. Her essay is excellent!

Thank you for all you do as a great educator and for encouraging your students to participate. If you have any questions, please call or e-mail Jenny Anderson at the League at (850) 222-9684 or email her at janderson@flicities.com

Sincerely,



Mathew Surrency, President
Florida League of Cities
Mayor, City of Hawthorne

Randall Henderson, President
Florida League of Mayors
Mayor, City of Fort Myers

Jenny Anderson
Administrative Coordinator/Florida League of Mayors Relations
Florida League of Cities
Phone: (850) 701-3624

 No trees were harmed in the sending of this message, however a large number of electrons were inconvenienced. 

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City of
Jacksonville Beach
2508 South Beach
Parkway
Jacksonville Beach
FL 32250
Phone: 904.247.6236
Fax: 904.247.6143

www.jacksonvillebeach.org

TO: George D. Forbes
City Manager

FROM: Mary Ellen Donner
Director, Parks & Recreation

DATE: March 29, 2016

SUBJECT: Proposed Community Development Block Grant Public Facilities Improvement Project for FY 2016-2017

ACTION REQUESTED

Public Hearing and City Council approval to submit a Public Facilities Improvement project for inclusion in the FY 2016-2017 Community Development Block Grant (CDBG) Application to the City of Jacksonville.

BACKGROUND

The Community Services Center located at 850 6th Avenue South, was built in 1985 by the City to provide office suites to organizations that provide services to low and moderate income residents of the community. It currently leases space to Beaches Emergency Assistance Ministry (BEAM) and to the Sulzbacher Center. BEAM provides rent and utility assistance and operates a food pantry; The Sulzbacher Center provides medical, dental and mental health services. The building is now in need of repairs that are expected to cost approximately \$100,000. The repairs are eligible to be considered for a Community Development Block Grant.

The City would like to make the following repairs to the building:

Proposed Project	Proposed Funding	Priority Level
Community Services Center:		
• Roof & Parapet Wall Repair	\$50,000	#1
• Exterior Wall Repair & Stucco Replacement	\$50,000	#1
GRAND TOTAL	\$100,000	

Community Development Block Grant monies must be spent to improve the quality of life for people with low and moderate incomes. The City currently receives annual CDBG funding for the Carver Center and a CAPE Officer through the Duval County entitlement program. We would now like to apply for a Public Facilities Improvement Grant to provide funding for the building repairs.



Public Facilities Improvement Grants are awarded through a competitive process that is a separate program from the funding for the Carver Center and CAPE Officer. This grant is one hundred percent (100%) cash match. The City would contribute \$50,000 and, if the application is successful, CDBG would contribute \$50,000. If approved, funding for the City's match would come from the General Capital Projects Fund Building Repair & Maintenance Reserve and the project will be included in the FY2016-2017 budget.

RECOMMENDATION:

Authorize the Mayor and City Manager to submit a Community Development Block Grant application for fiscal year 2016-2017 as described in a memorandum from the Parks & Recreation Director dated March 29, 2016.

JACKSONVILLE BEACH

City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6219

Fax: 904.247.6117

www.jacksonvillebeach.org

March 27, 2016

TO: George Forbes, City Manager**FROM:** Ty Edwards, Public Works**SUBJECT:** Authorize Change Order to Phase IIIC - Project 1,
Downtown Redevelopment District Vision Master Plan**ACTION REQUESTED:**

Authorize Change Order with *J.B. Coxwell Contracting, Inc.*, for replacement of 12-inch water main on 2nd Street S.

BACKGROUND:

On February 21, 2016 a 12-inch PVC water main located on 2nd Street South near its intersection with 3rd Avenue experienced a major longitudinal break causing significant damage and localized flooding. (See attached photo.) City crews responded quickly, isolated the water main break and accomplished the point repair.

A historical review revealed that this water main was installed in 1982, which is about the time that the industry introduced the use of PVC pipe for water mains. Also, another major longitudinal break on this water main occurred several blocks to the south about 10 (+/-) years ago. There is concern that additional breaks or other problems could occur on this existing water main in the future. For these reasons, staff recommends adding the replacement of this water main to our downtown infrastructure project (Beach to 4th Ave. S.), for which construction work is just now getting underway. (See attached overview map.)

Staff worked with our contractor, *J.B. Coxwell Contracting*, to develop scope and pricing for adding the water main replacement work using contract unit prices where applicable.

CHANGE ORDER		
Unit Price Bid # 1516-01, Phase IIIC - Project 1 Contract Downtown Redevelopment District Vision Master Plan		
DESCRIPTION	COST ¹	RECOMMENDATION
• Replace 12-inch PVC Water Main, 2 nd St. S. (Beach Blvd. to 4 th Ave.)	\$361,771.38	Authorize Change Order with <i>JB Coxwell Contracting, Inc.</i>
¹ Cost is based on estimated quantities. 60 days to be added to the contract time.		



The Community Redevelopment Agency appropriated funds for this change order from the Downtown Redevelopment Tax Increment Trust Fund at its meeting held on 3/21/2016.

It is recommended that the work to replace the 12-inch water main on 2nd St. S. (Beach Blvd. to 4th Ave. S.) be authorized as a change order to Unit Price Bid 1516-01, "Downtown Redevelopment District Infrastructure Improvements, Phase IIIC – Project 1" contract with *JB Coxwell Contracting, Inc.*, at an estimated cost of \$361,771.38.

RECOMMENDATION:

Authorize the replacement of the 12-inch water main on 2nd Street South from Beach Boulevard to 4th Avenue South with *JB Coxwell Contracting*, as described in the memorandum from the Public Works Director dated March 27, 2016.

**OVERVIEW MAP,
Bid 1516-01, Phase IIIC – Project 1
Downtown Redevelopment District Vision Plan**

3RD STREET S. (SR A1A)

CHANGE ORDER

- Replace 12-inch water main on 2nd Street South (Beach Boulevard to 4th Avenue)

2nd STREET SOUTH

4TH AVENUE S

3RD AVENUE S

2ND AVENUE S

1ST AVENUE S

BEACH BLVD

1ST STREET S

N





JACKSONVILLE BEACH

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www.jacksonvillebeach.org

March 25, 2016

TO: George Forbes, City Manager**FROM:** Ty Edwards, Public Works**SUBJECT:** Authorize Design of Project 2, Rebuilding 1st and 2nd Streets (from 4th Avenue South to 16th Avenue South)**ACTION REQUESTED:**

Authorize design of Project 2, rebuilding 1st and 2nd Streets (from 4th Avenue South to 16th Avenue South), with the program design firm, *GAI Consultants, Inc.*

BACKGROUND:

For many years, the design and construction projects for the Downtown Redevelopment District were focused north of Beach Boulevard in the Central Business District. We now plan to revitalize the public infrastructure in the residential areas on 1st and 2nd Streets, south of Beach Boulevard through 16th Ave. S. A critical priority in this area is to redirect stormwater drainage, currently flowing east directly into the Atlantic Ocean, to flowing west to the Intracoastal Waterway. This project consists of a series of design and construction projects over 6 to 10 years.

Recently, the contractor for Project 1 (Beach Blvd. to 4th Ave. S.) mobilized and began construction. Meanwhile, staff and *GAI Consultants* have been working diligently on the design scope and consultant fee for Project 2, 1st and 2nd Streets from 4th Ave. S. to 16th Ave. S. (See Overview Maps). Project 2 design scope includes:

DESIGN OVERVIEW Phase IIIC - Project 2 DOWNTOWN VISION MASTER PLAN	
Part 1 <i>(in District)</i>	<ul style="list-style-type: none"> • Stormwater modeling analysis for the drainage flows into / through the City's Central Stormwater Basin at 12th Ave. S. to its outfall at the Intracoastal Waterway <ul style="list-style-type: none"> ○ Reversal of City drainage east of A1A to beach (4th to 16th Ave. S.) ○ FDOT A1A drainage (south of Beach Blvd.) ○ City drainage west of A1A to vicinity of 9th St. S. (Beach Blvd. to vicinity of 17th Ave.)
Part 2 <i>(in District)</i>	<ul style="list-style-type: none"> • Rebuild & reshape public infrastructure (11th to 13th Ave. S.) • Reverse drainage from east to west crossing A1A • Detailed drainage analysis (4th to 13th Ave. S.)
Part 3 <i>(not in District)</i>	<ul style="list-style-type: none"> • Enclose drainage ditch with new drainage piping on 4th St. S. (10th to 12th Ave.) • Add right-of-way parking on 4th St. S. (11th to 12th Ave.) • Line old cast iron sanitary sewer main • Rebuild road to improve drainage
Part 4 <i>(in District)</i>	<ul style="list-style-type: none"> • Upgrade Beach Blvd. Stormwater Pump Station



The proposed design costs are summarized as follows:

DESIGN COSTS PHASE IIIC – Project 2 DOWNTOWN VISION MASTER PLAN				
<u>Description</u>	<u>Proposed Price</u>	<u>10% Contingency</u>	<u>Sub-Total Est. Cost</u>	<u>Recommendation</u>
Part 1	\$284,621.38			
Part 2	\$580,833.00			
Part 4	\$109,185.00			
Sub-Total:	\$974,639.38	\$97,463.62	\$1,072,103.00	funded by CRA ¹
Part 3 Total:	\$42,990.00	\$4,299.00	\$47,289.00	funded by City SW Utility ²
GRAND TOTAL:	\$1,017,629.38	\$101,762.62	\$1,119,392.00	with <i>GAI Consultants, Inc.</i>
¹ CRA = Community Redevelopment Agency; funding available in the Downtown Redevelopment Tax Increment Fund and appropriated by CRA on 3/21/2016; budget is to be adjusted at year-end ² City SW Utility = City Stormwater Utility; funding available in the Stormwater Fund balance; budget is to be adjusted at year-end				

Parts 1, 2 and 4 are in and/or related to the Downtown Redevelopment District work. Part 3 limits are outside this district. For this reason, it is proposed that funding be shared as shown above proportionally by the:

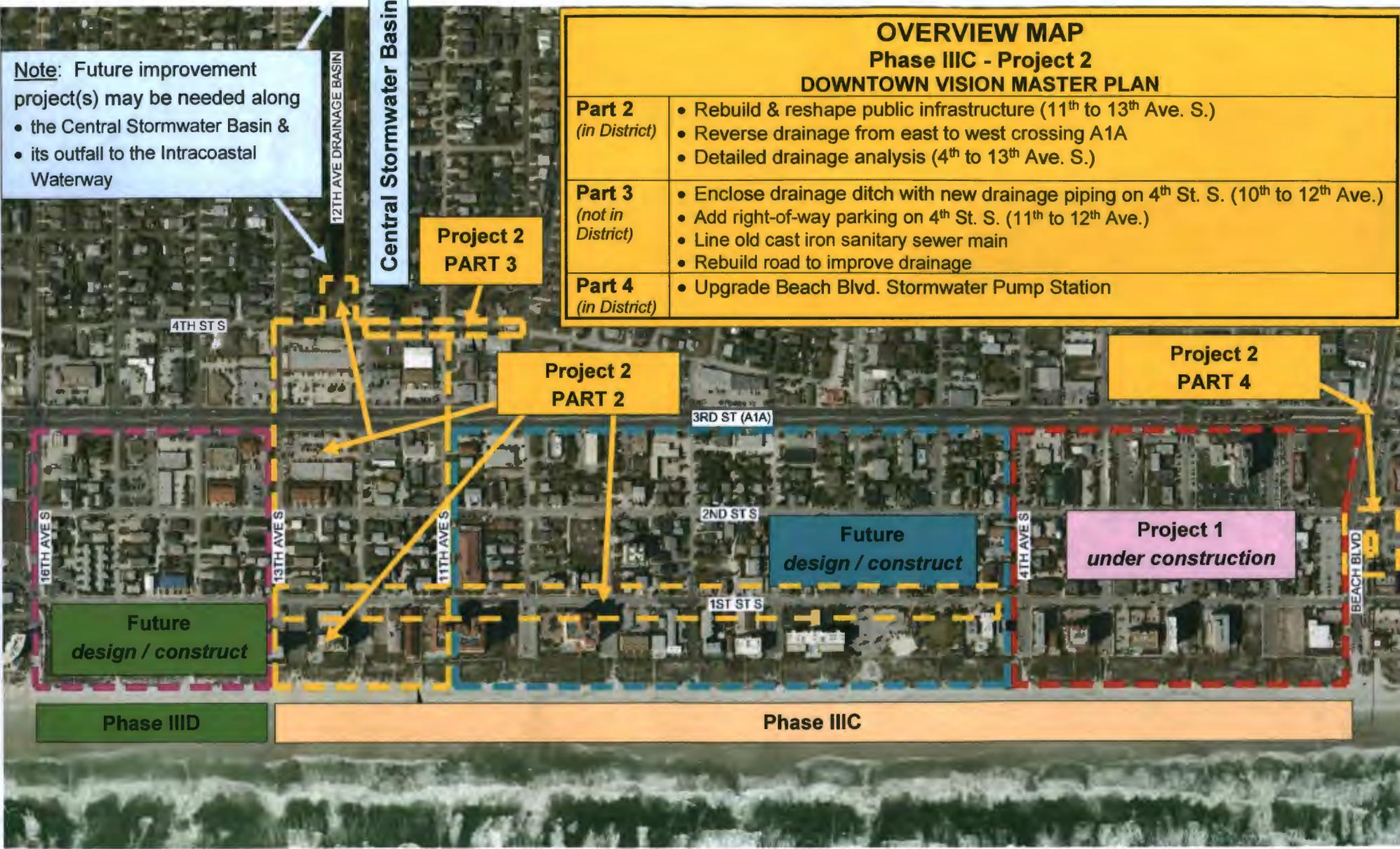
- Community Redevelopment Agency (\$1,072,103.00) and,
- City Stormwater Utility (\$47,289.00).

The Community Redevelopment Agency appropriated funds for its portion of the design funding from the Downtown Redevelopment Tax Increment Trust Fund at its meeting held on 3/21/2016.

It is recommended that **design services** for **Project 2** be authorized with **GAI Consultants, Inc.** at a cost of **\$1,017,629.38** plus a 10% contingency, for a total cost not to exceed **\$1,119,392.00**.

RECOMMENDATION:

Authorize design services for Project 2, 1st and 2nd Streets from 4th Ave. S. to 16th Ave. S., of the Downtown Redevelopment District Master Plan, with *GAI Consultants, Incorporated*, as described in the memorandum from the Public Works Director dated March 25, 2016.



Note: Future improvement project(s) may be needed along

- the Central Stormwater Basin &
- its outfall to the Intracoastal Waterway

Central Stormwater Basin

OVERVIEW MAP Phase IIIC - Project 2 DOWNTOWN VISION MASTER PLAN	
Part 2 <i>(in District)</i>	<ul style="list-style-type: none"> • Rebuild & reshape public infrastructure (11th to 13th Ave. S.) • Reverse drainage from east to west crossing A1A • Detailed drainage analysis (4th to 13th Ave. S.)
Part 3 <i>(not in District)</i>	<ul style="list-style-type: none"> • Enclose drainage ditch with new drainage piping on 4th St. S. (10th to 12th Ave.) • Add right-of-way parking on 4th St. S. (11th to 12th Ave.) • Line old cast iron sanitary sewer main • Rebuild road to improve drainage
Part 4 <i>(in District)</i>	<ul style="list-style-type: none"> • Upgrade Beach Blvd. Stormwater Pump Station

**Project 2
PART 3**

**Project 2
PART 2**

**Project 2
PART 4**

**Future
design / construct**

**Future
design / construct**

**Project 1
under construction**

Phase IIID

Phase IIIC

4TH ST S

12TH AVE DRAINAGE BASIN

16TH AVES S

13TH AVES S

11TH AVES S

3RD ST (A1A)

2ND ST S

1ST ST S

4TH AVES S

BEACH BLVD

OVERVIEW MAP Phase IIIC – Project 2

Part 1 – Stormwater Modeling Analysis

For drainage flows through the City's Central Stormwater Basin
to its outfall at Cradle Creek

- Reversal of City drainage east of A1A to beach (4th to 16th Ave. S.)
- FDOT A1A drainage (south of Beach Blvd.)
- City drainage west of A1A to vicinity of 9th St. S. (Beach Blvd. to vicinity of 17th Ave.)
- Any other significant flows into the Central Stormwater Basin and its outfall to Cradle Creek





March 24, 2016

TO: George Forbes, City Manager

FROM: Ty Edwards, Public Works

SUBJECT: Authorize Design Services to:

- Construct New Sewage Lift Station # 7
- Demolish old Sewage Lift Stations #7, #8, #20
- Build Associated Wastewater, Water & Stormwater Improvements

ACTION REQUESTED:

Authorize final design services with *Jones Edmunds* to construct a New Lift Station #7 (at the corner of 4th St. N. and 18th Ave.), demolish old Lift Stations # 7, #8 and #20, and construct associated wastewater, water and stormwater improvements along and adjacent to 4th St. N. and 18th Ave. *Jones Edmunds* is a firm under a continuing contract with the City to provide engineering services.

BACKGROUND:

The primary objective of this work is to replace three (3) old wastewater lift stations with a single modern lift station on City owned property at the southwest corner of 4th Street N. and 18th Avenue. The vacant site was previously used by Beaches Energy Services. The New Lift Station #7 will be more efficient and effective in conveying wastewater to the City's Pollution Control Plant, and improve wastewater treatment quality. It will also include a standby generator for better emergency management capabilities.

The planned work is separated into two projects for construction purposes as shown on the attached concept overview map and as outlined below:

PROJECT 1 Design Scope Overview	PROJECT 2 Design Scope Overview
• New Lift Station #7 with stand-by generator	• New gravity sewer on 18 th Ave.
• New gravity sewer & force mains on 4 th St	• Stormwater improvements on 18 th Ave.
• Replace old water mains on 4 th St.	• Demolish old LS #8
• Stormwater improvements on 4 th St.	• Reconstruct road system
• Demolish old LS #7 & LS #20	
• Reconstruct road system	

These projects are identified in the FY2016 Public Works 5-Year Capital Improvement Plan for construction start in FY2017. Although construction will be performed separately, the designs for Project 1 and Project 2 need to be

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integrated to ensure that the new Lift Station #7 is adequate for the gravity sewage flow from the three old lift station areas. In addition, both projects need to be construction ready in FY2017, so that construction work on our two projects does not impact or conflict with the construction of the Florida Department of Transportation A1A Drainage Improvements Project. For these reasons, staff recommends utilizing a City continuing engineering services firm to start design now. Design costs are summarized in the following chart:

<u>Project</u>	DESIGN COSTS			<u>Recommendation</u>
	Water & Sewer Fund¹	Stormwater Fund²	Total Project Design Cost	
Project 1 fee	\$186,564		\$186,564	Authorize design with <i>Jones Edmunds</i>
10% Contingency	<u>\$ 18,656</u>		<u>\$18,656</u>	
Project 1 Total:	\$205,220		\$ 205,220	
Project 2 fee	\$68,807	\$45,871	\$114,678	Authorize design with <i>Jones Edmunds</i>
10% Contingency	<u>\$6,881</u>	<u>\$4,587</u>	<u>\$11,468</u>	
Project 2 Total:	\$75,688	\$50,458	\$126,146	
GRAND TOTAL:	\$280,908	\$50,458	\$331,366	
¹ Funding is available in the City Water & Sewer Utility Enterprise Fund; the FY2016 budget is to be adjusted at year-end ² Funding is available in the City Stormwater Utility Enterprise Fund; the FY2016 budget is to be adjusted at year-end				

It is recommended that final design services be authorized with *Jones Edmunds* for:

- **Project 1** at a cost of **\$186,564**, plus a 10% contingency, for a total cost not to exceed **\$205,220**.
- **Project 2** at a cost of **\$114,678**, plus a 10% contingency, for a total cost not to exceed **\$126,146**.

RECOMMENDATION:

Authorize design services with Jones Edmunds to construct a New Sewage Lift Station Number 7, to demolish old Sewage Lift Stations Number 7, Number 8 and Number 20, as described in the memorandum from the Public Works Director dated March 24, 2016.

Overview Map
Proposed Relocation of Lift Station # 7

Fletcher Middle School
Property

Existing
LS# 7 Site

Route of New Sewer Main Piping with 2 manholes
from Existing to New LS#7 Site

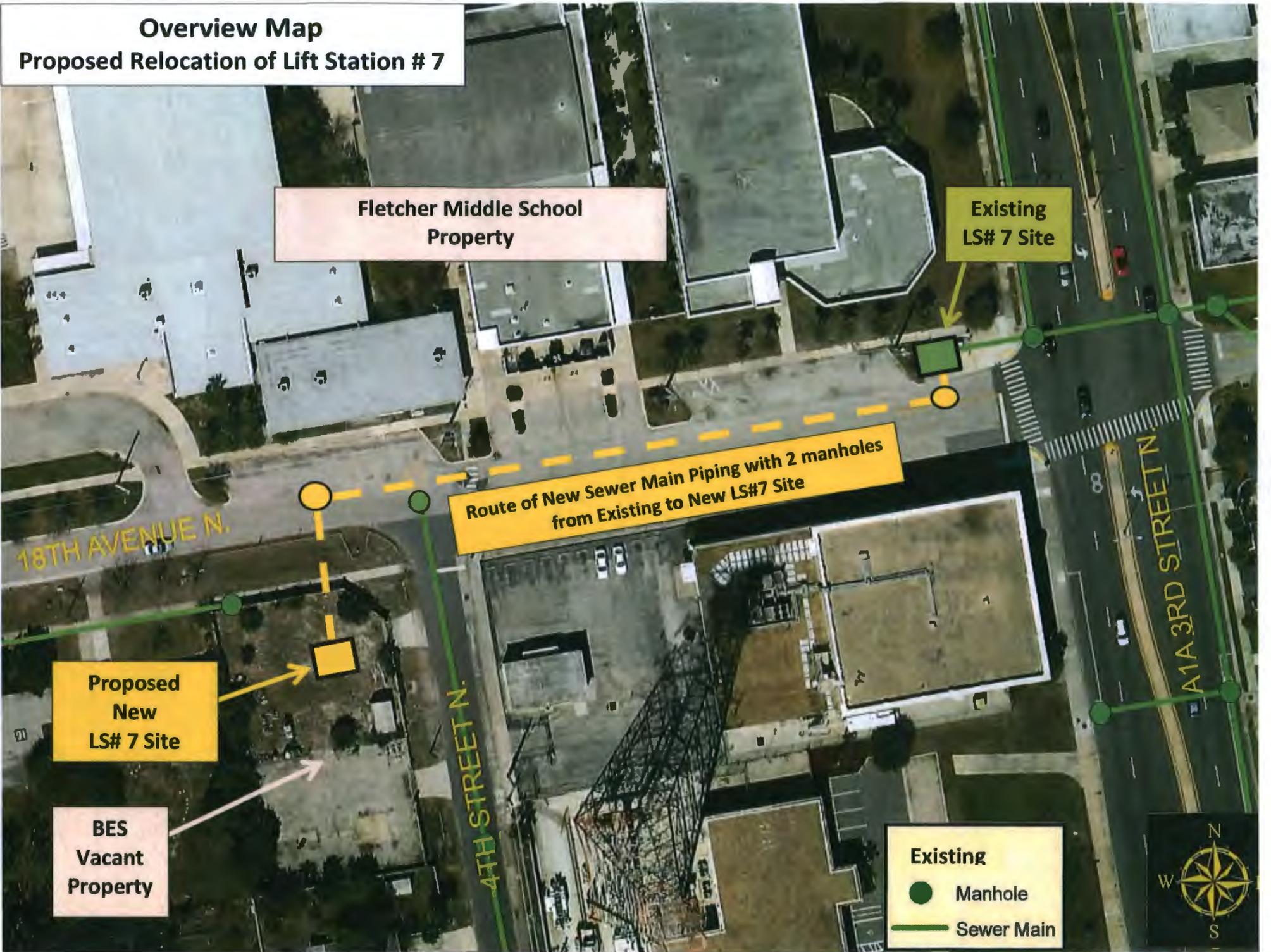
Proposed
New
LS# 7 Site

BES
Vacant
Property

Existing

● Manhole

— Sewer Main



CONCEPT OVERVIEW MAP

Project 1 - Design Objectives

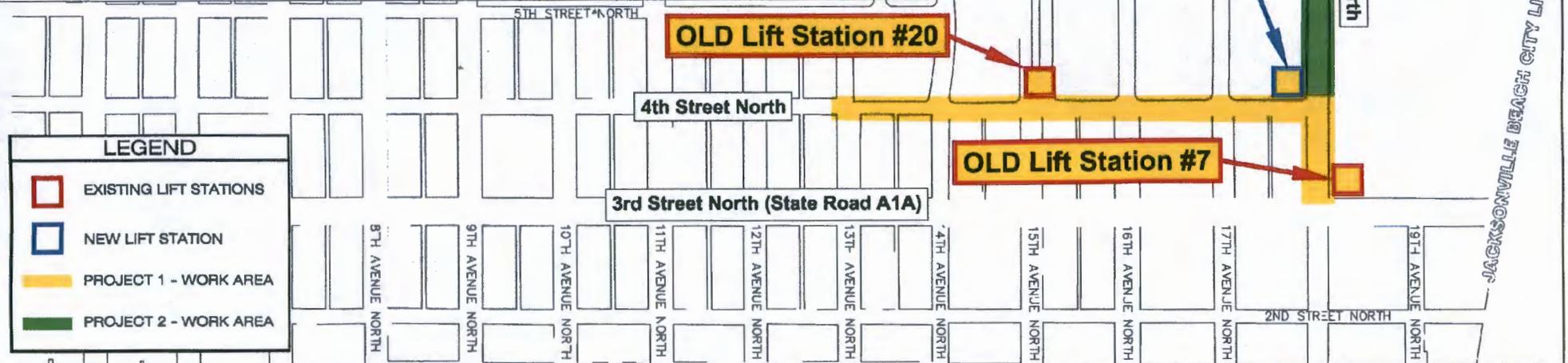
LS #7 Replacement, LS #20 Abandonment, and 4th Street North Improvements

- New Lift Station #7 with stand-by generator
- New gravity sewer and force main on 4th Street North
- Replacement of existing water mains on 4th Street North
- Stormwater management improvements on 4th Street North
- Abandonment and removal of old LS #7 & old LS #20
- Reconstruction of roadway

Project 2 - Design Objectives

LS #8 Abandonment and 18th Avenue North Improvements

- New gravity sewer on 18th Avenue North
- Stormwater management improvements on 18th Avenue North
- Abandonment and removal of old LS #8
- Reconstruction of roadway



LEGEND

- EXISTING LIFT STATIONS
- NEW LIFT STATION
- PROJECT 1 - WORK AREA
- PROJECT 2 - WORK AREA

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MEMORANDUM

TO: Mayor Latham
City Council Members

FROM: Trish Roberts
City Manager

DATE: March 25, 2016

SUBJECT: Approve projects to restore Latham Plaza, the SeaWalk Pavilion area and Oceanfront Park

ACTION REQUESTED:

Approve projects to restore (a) Latham Plaza by replacing the irrigation system and the drainage channel in front of the SeaWalk Pavilion stage and (b) Oceanfront Park by replacing the irrigation system and the park's lighting and other improvements.

BACKGROUND:

Significant repairs are needed to restore the functionality of Latham Plaza, the spectator area of the SeaWalk Pavilion, and Oceanfront Park. These facilities were originally constructed with Downtown Redevelopment monies and are therefore eligible to be maintained and enhanced through the Community Redevelopment Agency. The project components listed below will enhance and update the amenities of these popular parks and visitor areas.

LATHAM PLAZA AND SEAWALK PAVILION

Enhancements in Latham Plaza, which was built in 1999 will consist primarily of replacing the original irrigation system. The new irrigation system will be designed to improve the geographic coverage of water, and to provide irrigation specifically for the medjool palms.

In addition, the wiring chase and drainage channel in front of the SeaWalk Pavilion stage needs new support angle iron and grating. This chase/channel allows for sound and lighting cable to run underground to the mixing equipment



which is set up in the middle of the seating area. Also, the channel portion serves as the drainage outlet for rain that accumulates in front of the stage.

LATHAM PLAZA/SEAWALK PAVILION ENHANCEMENTS		
Project Component	Estimated Cost	Description
Irrigation System Design	\$3,500.00	Via existing continuing engineering services contract
Installation of New Irrigation Systems	\$34,000.00	Add task to existing landscape maintenance contract
Installation of New Angle Iron Supports and Grating in Wiring Chase/Drainage Channel	\$28,700.00	Work performed by City's carpentry/general contractor
SUBTOTAL	\$66,200.00	
10% Contingency	\$6,620.00	
GRAND TOTAL	\$72,820.00	

OCEANFRONT PARK

Oceanfront Park was completed in 2004. The existing irrigation and lighting systems in the park are original. The Oceanfront Park renovation project will include new light bollards, irrigation system, renovation of the shade structure and picnic shelters, restoration of the "fall zone" areas around the playground and volleyball facilities, poured in place concrete pads, and replacement wiring as needed.

The existing bollards have deteriorated to the point that the majority are not working and not repairable. The light bollards are the only lights for the parking lot and park area. Because of the proximity to the ocean, there are strict limits on the type of light fixtures that can be used. It is possible that only bollard-type lighting with shielding can be used. However, staff will explore the idea of using turtle-friendly lighting (similar to what was approved a few years ago for the SeaWalk reconstruction project) in the parking lot area of the park, as it may be less susceptible to being hit by cars or to being damaged by the salt environment.

The new irrigation system will be designed to improve coverage of the areas that are watered. The picnic shelters will be renovated and painted, new shade fabric will be installed, and concrete aprons will be added. The renovation of the "fall

zone” area around the volleyball and playground equipment will include removal of existing sand and vegetation, installation of a firm base material, and then filling the area with clean sand.

OCEANFRONT PARK ENHANCEMENTS		
Project Component	Estimated Cost	Description
Irrigation System Design	\$3,000.00	Via existing continuing engineering services contract
Installation of New Irrigation System	\$29,000.00	Add task to existing landscape maintenance contract
New Lighting (Bollards and/or SeaWalk type fixtures)	\$120,000.00	Purchased through City's normal procurement process
Renovation of Shade / Picnic Shelters	\$26,100.00	Work performed by City's carpentry/general contractor
Renovation of the fall zone areas around playground and volleyball facilities	\$37,900.00	Work performed by City's carpentry/general contractor
SUBTOTAL	\$216,000.00	
10% Contingency	\$21,600.00	
GRAND TOTAL	\$237,600.00	

The Community Redevelopment Agency approved \$310,420 in combined funding for both projects at its March 21, 2016 meeting.

RECOMMENDATION:

Approve projects to restore Latham Plaza, the SeaWalk Pavilion, and the Oceanfront Park as described in a memo from the Deputy City Manager dated March 25, 2016.

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TO: Mayor Latham
City Council Members

FROM: George Forbes
City Manager

DATE: March 28, 2016

SUBJECT: Resolution 1958-2016 opposing extreme methods of oil and gas extraction, including hydraulic and acidic fracturing or "fracking" within the State of Florida and its adjacent waters

ACTION REQUESTED:

Adopt Resolution 1958-2016 opposing extreme methods of oil and gas extraction, including hydraulic and acidic fracturing or "fracking" within the State of Florida and its adjacent waters.

BACKGROUND:

In the most recent state legislative session, bills were introduced in both the House and the Senate that would have revised and updated the state's oil and gas laws (Part I of Chapter 373). These bills would have increased state oversight and the permitting requirements for fracking. The bills would also have preempted the ability of local governments to apply local zoning ordinances and land development regulations to regulate proposed drilling or fracking activities (See attached news articles and legislative brief).

This resolution does the following:

- Expresses the City's opposition to fracking and other similar methods of oil and gas extraction
- Requests that no State agency issue permits for such purpose and urges the State Legislature to pass legislation that would prohibit fracking
- Requests the Governor of the State of Florida to sign such legislation.

Because the issues related to fracking are likely to be reconsidered in the 2017 state legislative session, Mayor Latham has requested that the City Council consider adopting Resolution 1958-2016, opposing extreme oil and gas extraction methods, including fracking within the State of Florida and its adjacent waters.

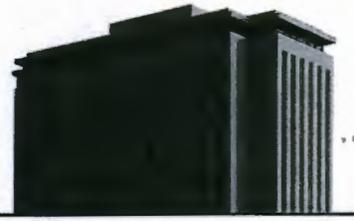


RECOMMENDATION:

Adopt Resolution 1958-2016 opposing extreme methods of oil and gas extraction, including hydraulic and acidic fracturing within the State of Florida and its adjacent waters.



LEGISLATIVE ISSUE BRIEFS



Hydraulic Fracturing (Fracking)

The Florida League of Cities SUPPORTS maintaining municipal authority to apply zoning and land development regulations to oil and gas operations proposed within municipal boundaries.

Background:

Oil and gas exploration and production has occurred in Florida since the 1940s. Underground oil and gas often exists within rock formations. Processes known as “well stimulation” are used to access these deposits. Hydraulic fracturing and acid fracturing (collectively, “fracking”) are two types of well stimulation. Fracking involves the pressurized injection of fluids and chemicals to create fractures in rock formations in order to allow for oil and gas to escape and migrate up the well. There are currently 161 oil and gas wells actively operating in Florida. Both hydraulic and acid fracturing have been used in Florida, although not to the degree seen in other parts of the country. Fracking has received increased attention due to concerns about the environmental impacts associated with the activity and increased efforts by the oil and gas industry to engage in fracking. Many state oil and gas regulatory programs, including Florida’s, have not been updated to address issues unique to the activity of fracking.

Part I of Chapter 373, Florida Statutes, establishes state regulatory oversight of oil and gas operations by the Florida Department of Environmental Protection (DEP). Pursuant to state law, DEP has adopted rules and permitting requirements necessary to prevent the spillage of oil or other pollutants during the drilling, extraction and storage phases of an oil or gas operation, to protect water and natural resources from potential impacts of these operations, and to ensure complete restoration of the area when the operations are completed. DEP permits are required prior to commencing an oil or gas operation. It is well established that oil and mineral rights are property interests protected by the Takings Clause of the U.S. Constitution. When evaluating a permit application, DEP must consider and weigh a variety of criteria in order to balance environmental interests against the applicant’s right to explore for oil or gas. DEP requires payment of a surety from the applicant to ensure the permitted activities will be conducted in a safe and environmentally compatible manner. DEP monitors and inspects drilling operations and wells once the activity is underway and throughout the life of the operation. A person who violates a permit is liable to the State for damages and civil penalties.

DEP may not issue a permit for drilling:

- In Florida’s territorial waters of the Gulf of Mexico or the Atlantic Ocean, in bays or estuaries, within one mile of the coastline, or within one mile of any local, state or federal park or aquatic or wildlife preserve;
- Within one mile inland from the Gulf, Atlantic, any bay or estuary, or one mile of any lake, river or stream, unless DEP is satisfied the natural resources of these areas will be adequately protected;
- Within the corporate limits of a municipality unless the municipality adopts a resolution approving the permit;

- In tidal waters abutting or immediately adjacent to the corporate limits of a municipality unless the municipality adopts a resolution approving the permit;
- On any improved beach or in tidal waters abutting or adjacent to an improved beach that is located outside of a municipality, unless the affected county adopts a resolution approving the permit.

Role of Municipalities

Given the comprehensive state permitting scheme, cities and counties do not operate oil and gas permitting programs. The role of cities and counties arises in the application of local zoning ordinances and land development codes. Oil and gas operations are typically characterized in local codes as Industrial Uses or Heavy Industrial Uses (like incinerators, landfills, industrial or manufacturing operations). As such, cities and counties have been able to impose reasonable time, place and manner restrictions on these activities. Zoning and land use controls ensure the proposed activity does not unreasonably diminish the private property rights of adjacent landowners, interfere with nearby land uses (such as schools and churches), unduly burden public infrastructure, or adversely impact areas designated for protection or special consideration in the local comprehensive plan.

Last year, the legislature was minutes away from passing HB 1205, which would have increased DEP's oversight and permitting functions with respect to fracking. In addition, the bill expressed a clear intent to preempt the matter of oil and gas permitting to the State of Florida. Notably, the bill did not limit traditional local government power to require oil and gas activities to comply with local zoning ordinances and land development codes. HB 1205 passed the House (82-34) but died awaiting action in the Senate.

Current Status:

Multiple bills concerning fracking have been filed for the 2016 session. **HB 19** (Jenne), **SB 166** (Soto), **SB 358** (Ring), **HB 453** (Rodriguez) and **SB 688** (Sobel) essentially propose bans on fracking. HB 191 (Rodrigues) and SB 318 (Richter) resemble **HB 1205** from the 2015 session and are discussed in further detail below.

In response to several municipalities that acted recently to ban fracking, HB 191 and SB 318 expand the scope of the preemption seen in the 2015 bill. The bills specify that local governments may continue to enforce "zoning ordinances" adopted prior to January 2015, but otherwise preempt local governments from regulating any activity related to oil and gas exploration, development, production, processing, storage, and transportation. The bill voids any existing ordinance that regulates such matters. In addition, the bills delete from existing law provisions that prohibit DEP from issuing a permit for activity within certain areas unless the applicable local government has passed a resolution authorizing the permit. The bills DO NOT "grandfather" any ordinances that impose a ban on fracking, irrespective of the date of their adoption.

Both bills were amended the week of January 25th as a result of negotiations among House and Senate bill sponsors, industry stakeholders, the League of Cities and the Association of Counties. As amended, the bills provide the following with respect to preemption: (1) the regulation of oil and gas operations are preempted to DEP; (2) Existing and future ordinances that ban or impose moratoria on fracking are prohibited; and (3) Local governments may apply land use and zoning requirements to oil and gas operations, so long as the requirements do not effectively ban or inordinately burden the proposed activity. In addition, an applicant for a permit from DEP must provide the affected

local government written notice of the permit application, and DEP is required to consider comments submitted by a local government in its review of a permit application.

Aside from the preemption, the majority of the bills' provisions update state law so that DEP can address issues associated with fracking in its permitting program. Noteworthy changes include the following:

- DEP shall consider a permit applicant's past history of violations and may use evidence of past violations as a basis for permit denial;
- Well operators must obtain a permit before engaging in fracking;
- DEP must conduct a study on the potential effects of fracking;
- Certain individuals must report information regarding the chemical ingredients used in fracking;
- DEP shall adopt the "FracFocus" national chemical registry for chemical disclosure on wells where fracking is performed;
- Increases in the amount of civil penalties for permit violations;
- DEP shall adopt rules to implement the statutory changes set forth in the bills; and
- DEP may not issue permits for fracking until such rules are adopted.

CS/HB 191 passed the full House on January 27 by a vote of 73-45, and is now awaiting action by the Senate. CS/CS/SB 318 failed to pass the Senate Appropriations Committee by a vote of 9-10 on February 25. On March 1, the bill was withdrawn from further consideration by the Senate sponsor.

Revised: 3/1/2016

Hydraulic Fracturing (Fracking) (Priority – Oppose – Preemption)

CS/HB 191 (Rodrigues) and CS/CS/SB 318 (Richter) would have revised and updated the state's oil and gas laws to increase state oversight and permitting requirements for fracking, following a statewide study and rulemaking. In addition, the bills would have limited local government regulation of fracking as follows: (1) preempt the regulation of oil and gas operations to the state; (2) void existing and prohibit future ordinances that ban fracking; and (3) authorize local governments to apply land use and zoning requirements to oil and gas operations, so long as the requirements would not effectively ban or inordinately burden the operation. CS/HB 191 passed the House (73-45). CS/CS/SB 318 died in committee. (O'Hara)

ENERGY, ENVIRONMENT & NATURAL RESOURCES NEWS

In Fla., fracking starts a fight before it even happens

E&E Publishing

The oil industry and environmentalists in Florida, who fought to a draw in the state Legislature over a bill that would allow hydraulic fracturing in the state, are maneuvering for a rematch. The bill drew some of the most heated disputes in Tallahassee, even though Florida has a tiny amount of oil and gas production and it's not likely that there would be widespread drilling even if a law passes. The bill would allow hydraulic fracturing and would prohibit cities from regulating the practice. "The word 'fracking' has become one of those issues that immediately sends people into their respective corners – facts be damned, and it doesn't matter what side you're on," said Rebecca O'Hara, a lobbyist for the Florida League of Cities Inc. State Sen. Garrett Richter, a Republican from Collier County who sponsored the bill, pulled it from consideration during a hearing March 1. The Legislature reconvenes in 2017, and the issue of fracking is likely to come back. Fracking is currently allowed under the Florida Department of Environmental Protection's regulations. It's classified as a "workover" – one of a group of tasks that generally involve re-entering an old well to repair it or squeeze more oil out of it. But no one has fractured a well in the state since 2003, according to an analysis by the state Senate Appropriations Committee staff. S.B. 318 would have provided \$1 million for the DEP to conduct a peer-reviewed study of fracking, matrix acidization and other techniques to see if they could be safely used in Florida. It would require companies to notify the state in advance of certain drilling operations, so that inspectors could be on site when they happen. Drillers would have to report the chemicals they use to FracFocus, a nationwide database. The bill would pre-empt local cities from regulating any aspect of oil drilling, though, and would void any existing regulation. That would wipe out dozens of local ordinances that have been passed to ban fracking in cities and counties. The pre-emption language caught the eye of two groups that have significant sway in Tallahassee: the Florida League of Cities and the Florida Association of Counties. The issue eventually derailed Richter's bill in its final Senate committee, when one member floated an amendment to remove the pre-emption language. O'Hara with the League of Cities said there are some positive aspects of the bill. It would give Florida a chance to update its oil and gas regulations, for instance. But the idea of pre-empting any local control of drilling is a nonstarter, O'Hara said. An earlier version of the bill was more narrowly tailored – it would have given the state sole authority to issue drilling permits but would have allowed cities to control some aspects of drilling, such as the location of drill sites, she said.

Fracking back next year? Bill sponsor not sure

Politico Florida

TALLAHASSEE - The state representative who unsuccessfully has championed fracking legislation for the past four years says he's not sure he'll introduce it again for a fifth year. HB 191, pushed by Rep. Ray Rodrigues, would have placed a two-year moratorium on oil and gas hydraulic fracturing while a study was conducted and regulations were drafted. The bill passed the House 73-45, but the Senate version failed on a 10-9 committee vote. "Not sure," Rodrigues, a Republican from Estero, told POLITICO Florida after the session ended on Friday. "It depends on whether I have the appetite to do this a fifth year or not - that's what it depends on," he said. Rodrigues introduced fracking bills each year beginning in 2013. They passed the House each year except for 2014 but never passed the Senate. While Rodrigues doesn't face opposition yet for re-election, the Senate bill sponsor, Sen. Garret Richter, will not be back next year. He is leaving the Senate because of term limits. Rodrigues said he was disappointed his bill this year didn't pass the Senate. "I'm disappointed because had we passed that, we would have received a moratorium, we would have funded a study and we would have made our decisions based on science rather than emotion," he said. "The bill failed so we don't get the moratorium, we don't get the disclosure and we don't get the regulations we need." Opponents said the bill wouldn't have covered all forms of fracking so there wouldn't have been a true moratorium. And some of those opponents say they expect fracking will be back as an issue in the 2017 legislative session, either with similar industry-backed bills that would provide for regulations or legislation that would ban it. "It would be nice if [the legislature's] leadership would actually consider giving a hearing to the bills that would propose a ban," Sierra Club lobbyist David Cullen said. "That is a legitimate policy question and should be aired and given a chance for folks to both vet it and go on record in committees." [Source](#)

Introduced By: Council member _____

Adopted: _____

RESOLUTION NO. 1958-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, OPPOSING EXTREME METHODS OF OIL AND GAS EXTRACTION, INCLUDING HYDRAULIC AND ACIDIC FRACTURING OR "FRACKING" WITHIN THE STATE OF FLORIDA AND ITS ADJACENT WATERS.

WHEREAS, the City of Jacksonville Beach is composed of a large section of waterfront property and is a low-lying coastal community; and

WHEREAS, Florida's aquifer is already compromised from its overuse and polluted by continued runoff; and

WHEREAS, the limestone layer covering much of the aquifer has proven vulnerable to the sinkhole activity; and

WHEREAS, the potential for a damaging event to the aquifer and limestone layer could prove to be beyond the ability to mitigate no matter how great or small the risk of occurrence of such an event; and

WHEREAS, such events could affect water and land far outside the confines of the area permitted for hydraulic and acidic fracturing, or "fracking" other extreme methods of oil and gas extraction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council and the City of Jacksonville Beach formally declares its opposition to hydraulic and acidic fracturing or "fracking," or other extreme methods of oil and gas extraction anywhere within the State of Florida or in the waters adjacent to the State.

SECTION 2. The City Council of the City of Jacksonville Beach requests that no State

agency issue permits for such purpose, and urge the Legislators of the State of Florida to pass legislation prohibiting hydraulic and acidic fracturing, or other extreme methods of oil and gas extraction. This includes the disposal of related materials and by-products, anywhere within the State of Florida, or in the waters adjacent to the State, and allocate sufficient appropriations to ensure success of the legislation.

SECTION 3. The City Council of the City of Jacksonville Beach further requests the Governor of the State of Florida to sign such legislation.

ADOPTED in Regular Session of the City Council for the City of Jacksonville Beach, Florida, this 4th day of April, 2016.

William C. Latham , MAYOR

Laurie Scott, CITY CLERK

City of

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MEMORANDUM

To: George D. Forbes, City Manager

From: William C. Mann, Planning and Development Director 

Re: Ordinance No. 2016-8069, amending the Land Development Code by adding private parks to the list of conditional uses in the City's *Residential, multiple family: RM-2* zoning districts.

Date: March 25, 2016

ACTION REQUESTED:

Adoption of Ordinance No. 2016-8069, amending Land Development Code Article VII, Division 2, Section 34-340, Paragraph (d)(26) to add "private parks" to the list of conditional uses in *Residential, multiple family: RM-2* zoning districts. (Applicant – William C. Mann, Planning and Development Director)

BACKGROUND:

Staff was recently approached by the owner of the small vacant lot on the corner of 5th Avenue South and 1st Street. He is interested in using the property as a sculpture park, and has been working with the University of North Florida Art Department for the provision of sculptural pieces to place on the property, in a park-like setting. He was informed that private parks were not listed as either permitted or conditional uses, so the *RM-2* district regulations would have to be amended in order for him to use his property as a private park.

Private and public parks and recreational facilities are both currently allowed as conditional uses in all three of the City's single family zoning districts (*RS-1*, *RS-2*, *RS-3*), but only public parks and recreational facilities are allowed in the two multifamily districts (*RM-1*, *RM-2*). The addition of private parks as a conditional use in *RM-2* districts should not impact the overall character of these districts. Since any individual interested in establishing such a use would have to apply for conditional use approval for a specific *RM-2* location, the Planning Commission



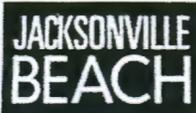
would be able to review each request in terms of what was being proposed for the park, and the context and surroundings in which it was being proposed.

The Planning Commission conducted a required public hearing on this proposed amendment on Monday, March 14, 2016 and recommended its approval by City Council.

At their March 21st City Council meeting, the City Council tabled this item until the April 4, 2016 meeting.

RECOMMENDATION:

Adopt Ordinance No. 2016-8069, amending the Land Development Code to add private parks as a listed conditional use in *Residential, multiple family: RM-2* zoning districts.



REZONING/TEXT AMENDMENT APPLICATION

PC No. 8-16

AS/400# 16-100042

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: N/A

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

Applicant Name: William C. Mann, AICP, Planning and Dev. Director

Telephone: (904) 247-6231

Mailing Address: 11 N 3rd St. - City Hall

Fax: (904) 247-6107

Jacksonville Beach, FL

E-Mail: planning@jaxbchfl.net

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

Agent Name: N/A

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

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

REZONING DATA

Street address of property and/or Real Estate Number: _____

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

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

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Sec. 34-340 (d)(26), request to add Private Parks

	<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 8½" x 11" vicinity map identifying the property proposed for amendment;			✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;			✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.			✓
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: [Signature]

Date: 2/12/16

Proposed Text Amendment to the Land Development Code

Current Text: Section 34-340(d)(26) Public parks, playgrounds and recreational facilities

Proposed Text: Section 34-340(d)(26) Public and private parks, playgrounds and recreational facilities

Narrative Statement:

“Public parks, playgrounds and recreational facilities” are currently listed as conditional use in *RM-2* districts. Private and Public Parks are both currently allowed as conditional uses in all three of our single family zoning districts (*RS-1*, *RS-2*, *RS-3*), but only public parks are allowed in the two multifamily districts (*RM-1*, *RM-2*). The addition of private parks as a conditional use in *RM-2* districts, should not impact the overall character of these districts. Since any individual interested in establishing such a use would have to apply for conditional use approval for a particular location, the Planning Commission would be able to review the request in terms of what was being proposed for the park, and the context and surroundings in which it was being proposed.

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

ORDINANCE NO. 2016-8069

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 34-340. RESIDENTIAL, MULTIPLE FAMILY: RM-2, PARAGRAPH (d) *CONDITIONAL USES* TO ADD "PRIVATE PARKS" TO SUBPARAGRAPH (26) PUBLIC PARKS, PLAYGROUNDS, AND RECREATIONAL FACILITIES; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES:

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

SECTION 1. That Division 2, Section 34-340. Residential, multiple family: RM-2, Paragraph (d) *Conditional uses*, Subparagraph (26) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is hereby amended and shall henceforth read as follows:

Sec 34-340 Residential, multiple family: RM-2

(d) *Conditional uses*

(26) Public and private parks, playgrounds and recreational facilities

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

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

AUTHENTICATED THIS __th DAY OF _____, A.D., 2016.

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

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

To: George D. Forbes, City Manager

From: William C. Mann, Planning and Development Director 

Re: Ordinance No. 2016-8070, establishing a *Redevelopment District: RD* zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Date: March 22, 2016

www.jacksonvillebeach.org

ACTION REQUESTED:

Adopt Ordinance No. 2016-8070, establishing a *Redevelopment District: RD* zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City, to allow the development of a six-story, mixed multifamily residential, hotel and commercial use project. (Applicant – *Dolphin Depot, LLC*)

BACKGROUND:

The applicants own three contiguous parcels on the northwest corner of 1st Street North and 6th Avenue North in a *Commercial limited: C-1* zoning district. They would like to develop the combined properties into a mixed use multifamily, hotel and commercial use building. A previous RD rezoning application was approved for a similar use of the subject property in 2012, via PC#25-12. However, a condition was placed on that rezoning approval that a building permit application for the proposed development had to be accepted before April 1, 2014, or the rezoning would be rendered null and void. The applicants were informed by staff that since the former RD rezoning had lapsed, they would have to reapply for RD rezoning in order to proceed with their currently proposed development.

As the applicants' project narrative describes, the proposed project would consist of a six-story, mixed-use structure with approximately 2,500 sq. ft. of commercial space and parking on the ground floor, parking on the second floor, and 54 multiple family apartment units and a maximum of 36 hotel rooms on the top four floors. The applicants provide in their proposed Covenants and Restrictions for the development that the hotel units may not be converted to residential to the extent that it would result in more than 54 residential units on the property. The intent is that there shall at no time be more than 54 residential units on the property, ensuring compliance with both Land Development Code and Comprehensive Plan density regulations.



The maximum allowable height on the subject property is 68 feet, pursuant to a 2010 judicial order. The proposed project calls for a building height of 65 feet. A minimum of two feet of side yard setback has been provided for each foot of building height in excess of 35 feet, as required in conjunction with the 2010 judicial order.

The project includes an outdoor pool and deck at the southeast corner of the 3rd floor of the building. Surface and garage parking spaces are located on the ground level and garage parking spaces are located on the 2nd floor. A minimum of 163 parking spaces will be provided, including 108 residential spaces, 10 commercial spaces, and 45 hotel spaces, consistent with Land Development Code off-street parking requirements. Vehicular access to the property is provided from 2nd Street North and 7th Avenue North.

Adjacent property uses include a vacant oceanfront commercial block to the east across 1st Street North (former *Atlantis* hotel), a recently renovated retail strip center to the south across 6th Avenue North, new multiple family units to the west across 2nd Street North, multiple family residential uses to the north across 7th Avenue North, an oceanfront condominium to the northeast, and a historic hotel to the southeast. Since the approval of the previous rezoning application in 2012, the properties to the south, west and north have been redeveloped and new projects have been completed.

The proposed project would significantly contribute to the revitalization of the downtown area. The project, as shown on the submitted application, would complement the character of the surrounding neighborhood and is consistent with the City's Downtown Vision Plan objectives. Adjacent property values should be enhanced by the proposed development of the subject property.

The Planning Commission conducted a public hearing on this application on March 14, 2016, and recommended approval to the City Council. The Community Redevelopment Agency (CRA) subsequently met to consider the application at their March 21, 2016 meeting and also voted to recommend approval, finding the project consistent with the Downtown Community Redevelopment Plan.

RECOMMENDATION:

Adopt Ordinance No. 2016-8070, establishing a Redevelopment District: RD zoning district on property located on the northwest corner of 1st Street North and 6th Avenue North, pursuant to Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach.

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

ORDINANCE NO. 2016-8070

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 *Commercial limited: C-1* 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:

Parcel One

Lots 46, 47, 48 and 49, *Flagler Tract*, according to the Plat thereof as recorded in Plat Book 15, Page 50 of the current records of Duval County, Florida; and

Parcel Two

Lots 1 and 2, Block 72, and Lot 7, Block 72 except that part conveyed in Official Records Book 170, pages 518; and the north 50 feet of Lot 8 Block 72, *Pablo Beach North*, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said *Pablo Beach North*, the alley abandoned by Ordinance No. 7298.

Parcel Three

Part of Lot 7, Block 72, *Pablo Beach North*, according to the plat thereof, as recorded in Plat Book 3, Page 28, Public Records of Duval County, Florida, being more particularly described as follows:

Beginning at a point where the east line of the right of way of the Florida East Coast Railway crosses the north line of Mier Avenue; thence running east 75 feet to the east line of said Lot 7; thence North along the east line of said Lot 7 a distance of 77 feet to a point; thence west to a point in the west line of said Lot 7 (which point is 80 feet north of said Mier Avenue); thence South along the west line of said Lot 7, a distance of 80 feet to the Point of Beginning.

and

The south 75 feet of Lot 8, Block 72, *Pablo Beach North*, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

(Parcel Two and Parcel Three combined described as follows):

Lots 1, 2, 7, and 8, Block 72, *Pablo Beach North*, according to the plat thereof recorded in Plat Book 3, Page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1, and 2 and north of Lots 7 and 8, Block 72, said *Pablo Beach North*, abandoned by Ordinance No. 7298 (said Ordinance referred to as Ordinance No. 075 in the Certificate of Title recorded in Official Records Book 6942, Page 815, Public Records of Duval County, Florida.

Heretofore zoned as *Commercial limited: C-1*, 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 January 22, 2016, including project narrative dated January 22, 2016, attached hereto as Exhibit A, and Conceptual Site Development Plan and color Project Rendering sheets, both dated January 22, 2016 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. 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 – Sixty-eight (68) feet.
 2. Permitted structure(s) shall be set back a minimum of six (6) feet from the easterly boundary line of the subject property, and a minimum of fifty-nine (59) feet from the westerly boundary lines of the subject property.
 3. A minimum of one hundred and sixty-three (163) off-street parking spaces shall be provided.
- C. Permitted uses shall be limited to a maximum of fifty-four (54) residential dwelling units, a maximum of thirty-six (36) hotel rooms, and a maximum of 2,500 square feet of commercial space. Permitted uses within the commercial space shall be limited to the permitted uses of the *Commercial limited: C-1* zoning district, pursuant to Land Development Code Section 34-342(b), except for those uses specifically prohibited within *Redevelopment District: RD* zoning districts pursuant to Land Development Code Section 34-347(c)(3) i. 2. ii.
- D. Signage within the subject property shall comply with the standards of Land Development Code Article VIII, Division 4. – Sign Standards.

SECTION 3. In the event that a building permit application for the development proposed in Rezoning Application PC#4-16 has not been accepted by the City within thirty-six (36) months following the adoption of this ordinance, the rezoning shall be rendered null and void, and the *Commercial limited: C-1* 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 _____, 2016.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK



REZONING/TEXT AMENDMENT APPLICATION

PC No. 4-16
 AS/400# 16-100017

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: Dolphin Depot, LLC
 Mailing Address: P.O. Box 50338, Jacksonville Bch, FL 32240

Telephone: (904) 249-1003
 Fax: (904) 249-6789
 E-Mail: scott@jbritz.com

Applicant Name: Dolphin Depot, LLC
 Mailing Address: P.O. Box 50338, Jacksonville Bch, FL 32240

Telephone: (904) 249-1003
 Fax: (904) 249-6789
 E-Mail: scott@jbritz.com

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

Agent Name: Scott Gay
 Mailing Address: P.O. Box 50338, Jacksonville Bch, FL 32240

Telephone: (904) 249-1003
 Fax: (904) 249-6789
 E-Mail: scott@jbritz.com

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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.

JAN 22 2016

REZONING DATA

PLANNING & DEVELOPMENT

Street address of property and/or Real Estate Number: 174255-0000, 174257-0000, 173944-0000

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

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

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Chapter 34, Art VII; sec 34-347

	<u>REQUESTED INFORMATION</u>	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;	✓	
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;	✓	
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;	✓	
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.	✓	
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: 1/22/16

Exhibit A

Parcel One (173944-0000)

- Lots 46, 47, 48 and 49, Flagler Tract, according to the plat thereof recorded in Plat Book 15, page 50, Public Records of Duval County, Florida.

Parcel Two (174255-0000)

Lots 1 and 2, Block 72, Lot 7, Block 72 except that part conveyed in Official Records Book 170, page 518; and the north 50 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, the alley abandoned by Ordinance No. 7298.

Parcel Three (174257-0000)

- A part of Lot 7, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida, being more particularly described as follows:

Beginning at a point where the east line of the right of way of the Florida East Coast Railway crosses the north line of Mier Avenue; thence running east 75 feet to the east line of said Lot 7; thence North along the east line of said Lot 7 a distance of 77 feet to a point; thence west to a point in the west line of said Lot 7 (which point is 80 feet north of said Mier Avenue); thence South along the west line of said Lot 7, a distance of 80 feet to the Point of Beginning.

and

- The south 75 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

(Parcel Two and Parcel Three combined described as follows:)

Lots 1, 2, 7 and 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, abandoned by Ordinance No. 7298 (said Ordinance referred to as Ordinance No. 7075 in the Certificate of Title recorded in Official Records Book 6942, page 815, Public Records of Duval County, Florida.

DEED - Special Warranty Deed - Corporate

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EXHIBIT "A"

NARRATIVE DESCRIPTION

PROPOSED AMENDMENT TO THE ZONING MAP DESIGNATION

Mixed Use Facility @ 1st Street North and 6th Avenue North

2. *An 8 1/2 "x 11" vicinity map identifying the property proposed for amendment:*

See Attached Exhibit #2.

3. *An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked:*

See Attached Exhibit #3.

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:*

A. Existing conditions on the property:

The subject property is bounded on the North by 7th Avenue North; on the East by 1st Street North, on the West by 2nd St North, and on the South by 6th Ave North. The site is vacant land. The property is not landscaped and has been an eyesore to the surrounding neighborhood for years.

B. Existing Surrounding Uses:

The existing surrounding use of this property is single family & commercial to the West; multi-family to the North; commercial to the east and the Casa Marina hotel to the Southeast; commercial to the South.

C. Proposed Mixed-Use Development:

The owner of the subject property is proposing a six story, mixed use project with approximately 2,500 sf of commercial space, 54 multi-family units, and a maximum of 36 Hotel Rooms. A pool & deck will be located outside on the 3rd floor in the Southeast corner of the structure.

The subject property has a maximum allowed height of 68'. The allowable height is greater than 35' due to the negotiated settlement with the previous owner and the City of Jacksonville Bch. The site plan attached herein contemplates a building height of 65'.

Parking spaces will be located on the ground level and the 2nd level.

D. Consistency w/ the Jacksonville Beach Community Redevelopment Plan:

General Objectives:

Aids in elimination of "Blight" conditions created by the vacant parcel.

Augments the growth of the vibrant Mixed-Use residential/commercial community that has developed in the downtown "core" district during the last several years.

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The creation of an attractive exterior design to encourage standards of high quality for future redevelopment in the area.

The addition of residents to help make the overall neighborhood safer and provide patrons to the nearby businesses. It will also provide an increased tax base, foster the growing mixed-use community, generate a hub of activity in the neighborhood, and turn a long-standing eyesore into an attractive mixed-use community in the downtown core area.

The current owner has completed development of a mixed use building in the block to the North, and 2 apartment buildings each containing 22 residential units on 9th Ave S, and 2nd Ave S.

The owner has received numerous inquiries from prospects about renting the fully appointed units at these projects on a short term basis. There is demand for fully appointed units that are available for a term less than 7 months.

The Hotel units will provide temporary housing with the conveniences of home for the existing visitor traffic to sporting events, health care clinics, military temporary duty assignments, corporate relocations, and colleges and universities in the area.

The development follows already established street and utility patterns.

The new proposed development promotes pedestrian activity through improved paving and an appropriately scaled building which will be compatible with the current downtown environment.

E. Consistency w/ the LDC applicable to RD District designation:

The proposed project maintains consistency with the objectives of the Redevelopment District designation, the major elements of which, are shown below and represent key components of the zoning code.

The proposed development is appropriate to the Jacksonville Beach Community Redevelopment Plan and is compatible with the surrounding uses. Furthermore, it does not propose one of the specifically prohibited uses listed in LDC Sec 34-347 (c)(3)i.

It is consistent with the Future Land Use Map Designation and the current CBD zoning.

The proposed zoning will be RD (Redevelopment District), Downtown Subdistrict and is consistent with all the permitted uses.

The structure will be 65' in height which will consist of 2 levels of parking, 4 levels of multi-family and hotel space, and commercial space on the ground level. 2' of side yard setback has been provided for each foot in excess of 35' as required by the LDC. The minimum side yard requirement for the project is 60', the current site plan provides a minimum side yard of 65' of total side yard.

The Hotel Units will be restricted to hotel use only via a document acceptable to the City and the Owner, executed by the owner to run in perpetuity with the property.

Any signage related to the new development will be consistent with the Jacksonville Beach Community Redevelopment Plan and standards of Article VIII, Division 4.

Civil Engineer:**Kimley Horn & Associates****Joe Mecca & Brian Deitsch****12740 Gran Bay Parkway West, Suite 2350****Jacksonville, FL 32258****904-828-3900****Architect:****Charlan Brock & Assoc****Butch Charlan****1770 Fennell St****Maitland, FL 32751****407-660-8900****Attorney:****Balch & Bingham****Steve Greenhut****841 Prudential Dr, Suite 1400****Jacksonville, FL****904-348-6855**

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JAN 22 2016



PLANNING & DEVELOPMENT SCALE FEET

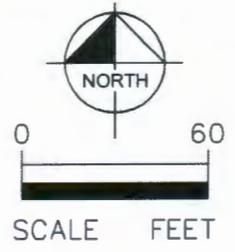


Drawing name: K:\JAX_Civ\045379003 - Dolphin Depot\Cadd\Exhibits\2015 Aerial.dwg SITE LOCATION Jan 19, 2016 3:45pm by: brin.deitch

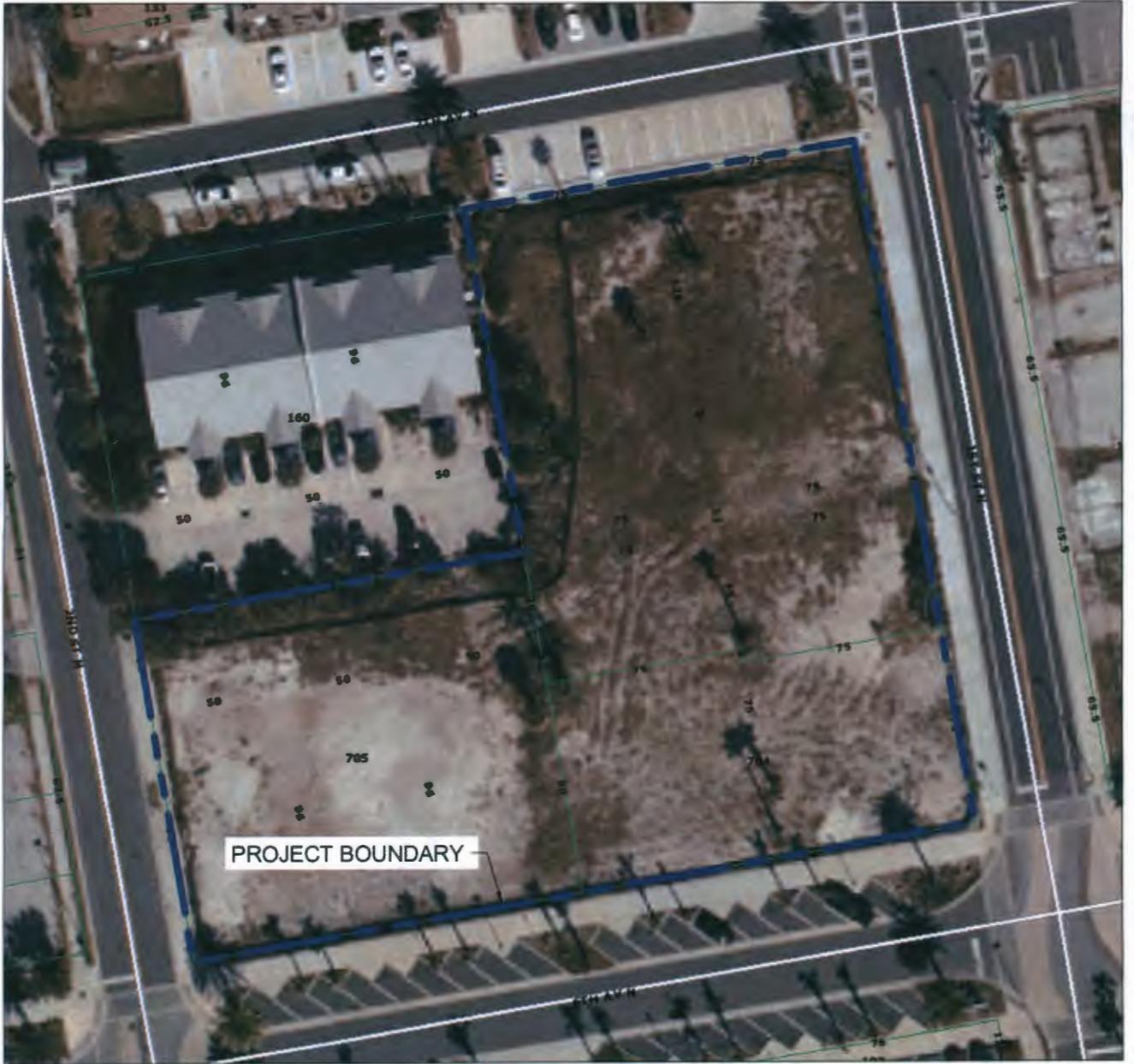
LOCATION MAP

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JAN 22 2016



PLANNING & DEVELOPMENT



2015 AERIAL

Drawing name: K:\JAX_Civil\045379003 - Dolphin Depot\Cadd\Exhibits\2015 Aerial.dwg AERIAL Jan 19, 2016 3:36pm by: brian.deitach

THIS DOCUMENT PREPARED
BY AND RETURN TO:

Steven B. Greenhut
Balch & Bingham, LLP
841 Prudential Drive, Suite 1400
JACKSONVILLE, FLORIDA 32202

DRAFT

RECEIVED

JAN 22 2016

PLANNING & DEVELOPMENT

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (this "Declaration") is made effective as of _____, 20__ (the "Effective Date"), by DOLPHIN DEPOT, LLC, a Florida limited liability company (the "Declarant"), whose address for notice purposes is P.O. Box 50338 Jacksonville Beach, Florida 32240.

RECITALS:

A. Declarant is the owner of certain real property located in Duval County, Florida, more particularly described on **Exhibit A** attached hereto (the "Property").

B. Declarant wishes to develop the Property with up to fifty-four residential units, thirty-six hotel suites, and twenty-five hundred square feet of commercial and/or office (the "Proposed Development").

C. As part of the requirements necessary to obtain the approval of the Proposed Development from the City of Jacksonville Beach, Florida (the "City"), the City requires that Property be restricted in such a manner that none of the approved hotel suites can be subsequently converted to residential units.

D. Declarant desire to execute, deliver and record this Declaration on the Property in order to provide public record notice of the existence and terms of the Declarant's covenants and agreements regarding the Property and the Proposed Development.

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

1. Recitals; Exhibits. The above stated recitals are true and correct and, together with all exhibits attached hereto, are hereby incorporated by reference.

2. Covenants. The following covenants (the "Covenants") are hereby imposed upon the Property:

Use Restriction. The Property may be developed with up to fifty-four (54) residential units ("Residential Units"), thirty-six (36) hotel suites ("Hotel Units"), and twenty-five hundred (2,500) square feet of commercial and/or office ("Commercial/Office Space"). Without the prior approval of the City, which approval

DRAFT

may be withheld at the sole discretion of the City, Hotel Units may not be converted to Residential Unit to the extent that this would result in more than fifty-four (54) Residential Units on the Property, the intent being that at no time shall there be more than fifty-four (54) Residential Units on the Property as any one time.

3. Burdens and Benefits; Term. Subject to the term set forth below, the benefit and right to enforce the terms of this Declaration are for the benefit of the City. The Covenants are a burden upon and shall run with the title to the Property. Nothing contained in this Declaration is intended to create any rights in the general public or in favor of anyone other than the City. Unless sooner terminated by the Declarant and the City, this Declaration shall terminate automatically end thirty (30) years from the Effective Date.

4. Number and Gender. The captions and headings are for convenience only and are not intended to be used in construing any provision of this Declaration. Singular and plural shall each include the other where appropriate, words of any gender shall include other genders when the context so permits.

5. Governing Law and Venue. Florida law (excluding its conflicts of law principles) shall govern the validity, interpretation and enforcement of this Declaration. Venue for any litigation arising under this Declaration or for the interpretation or enforcement of this Declaration shall lie solely in courts located in Duval County, Florida, and the courts of appeal therefrom.

6. Attorneys' Fees and Costs. In the event of any litigation between the parties relating to or arising out of this Declaration, the prevailing party shall be entitled to reasonable attorneys' and paralegals' fees and court costs at pre-trial, trial and all appellate levels, any bankruptcy proceeding or collection proceedings.

7. Modifications. This Declaration cannot be altered, amended or modified except by written instrument executed by both Declarant or its designated successors and assigns and the City.

8. Counterparts. This Declaration may be executed by the parties hereto individually or in combination or in one or more counterparts, each of which shall be an original, and all of which shall constitute one and the same instrument.

DRAFT

IN WITNESS WHEREOF, this Declaration has been signed by the parties as of the date written above.

Signed, sealed and delivered
in the presence of:

“DECLARANT”

DOLPHIN DEPOT, LLC, a Florida limited
liability company

Name Printed: _____

By: _____
Print Name: _____
Its: _____

Name Printed: _____

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this ___ day of _____, 20___,
by Joseph P. Eckstein, Manager of Dolphin Depot, LLC, a Florida limited liability company,
on behalf of the limited liability companies.

Print Name: _____

NOTARY PUBLIC

State of Florida at Large

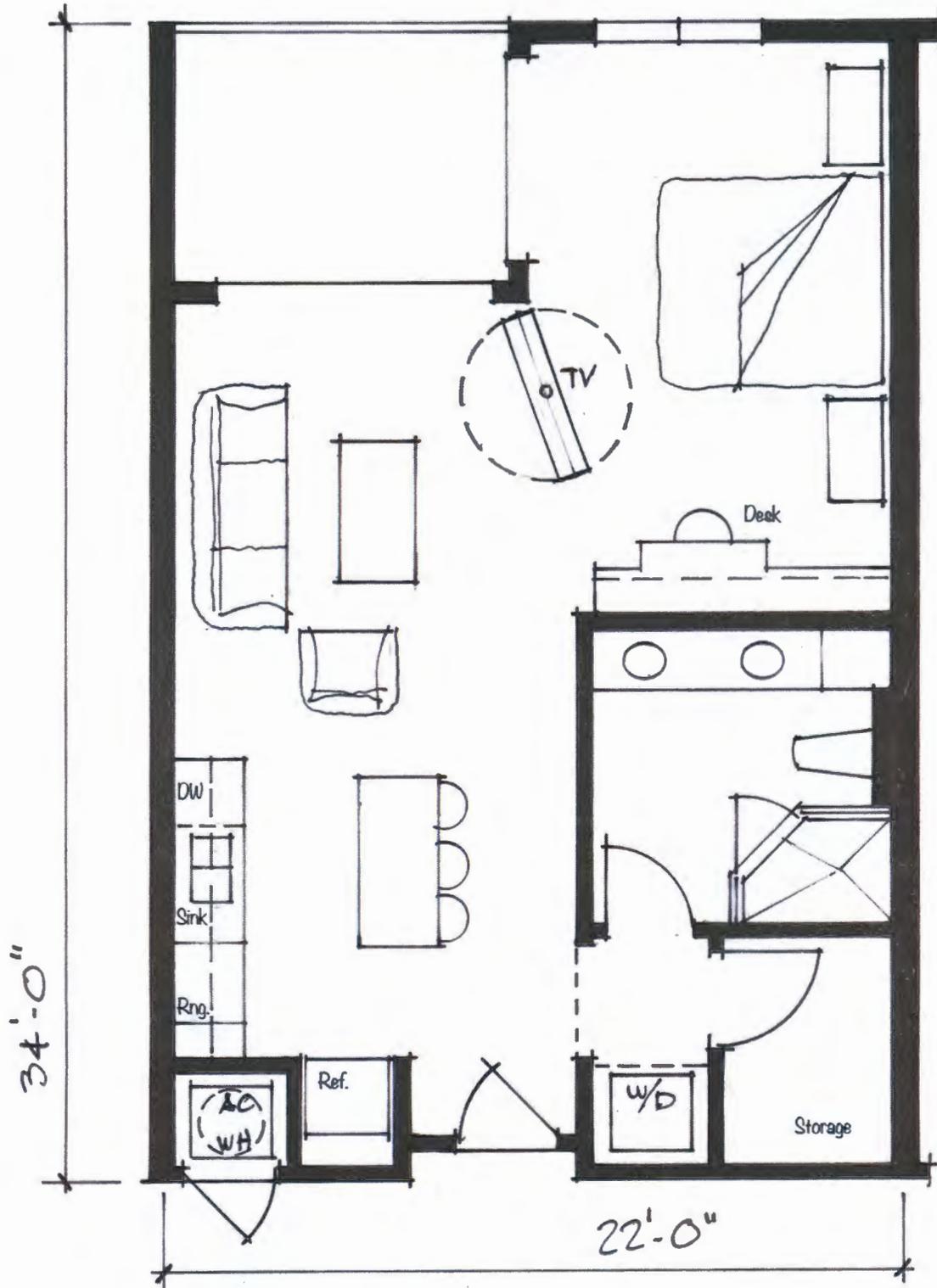
Commission # _____

My Commission Expires: _____

Personally Known or

Produced ID

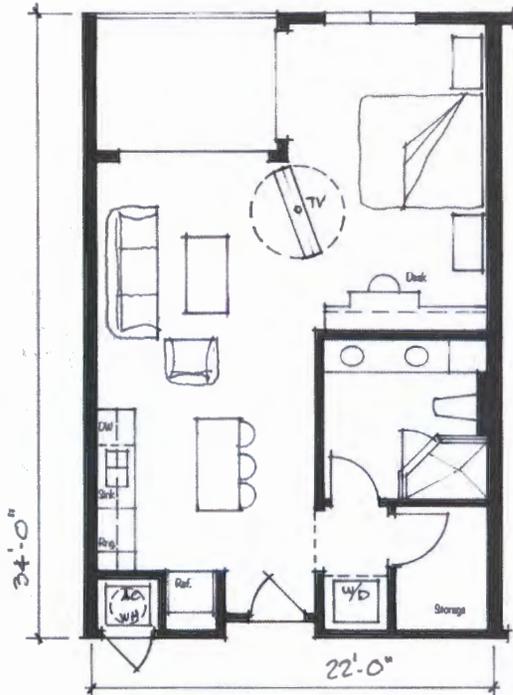
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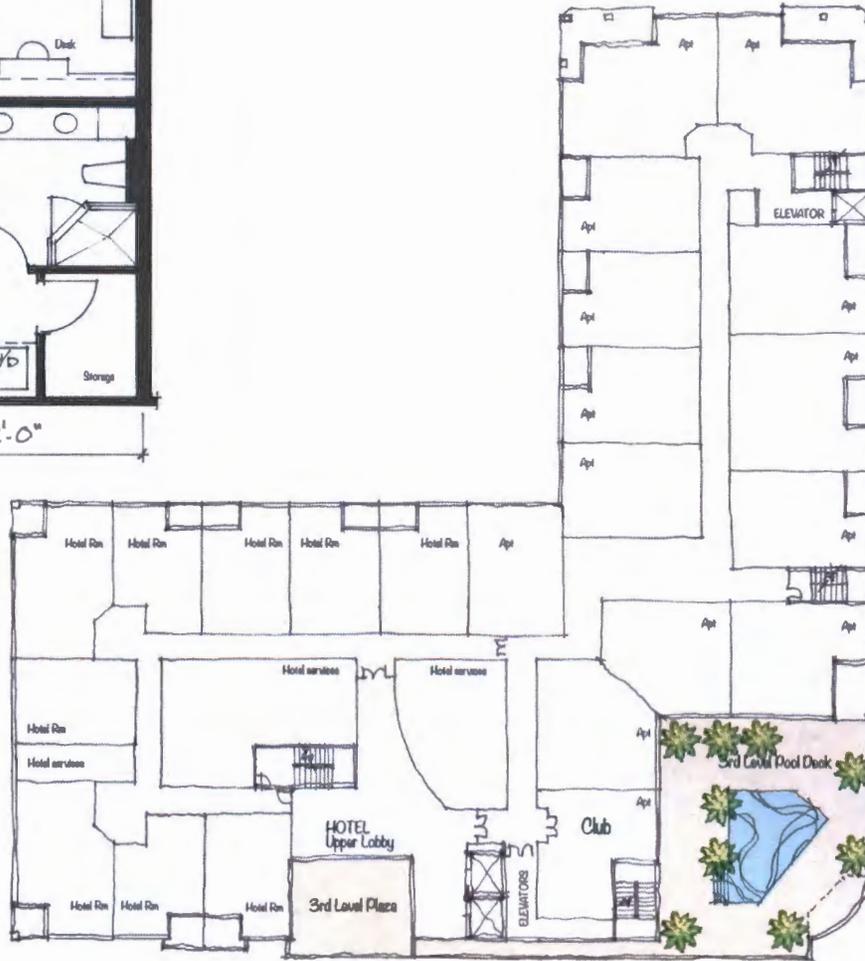
Typical Hotel Rm.
670 sq. ft. ac

RECEIVED

JAN 22 2016



Typical Hotel Rm.
670 sq. ft. ac



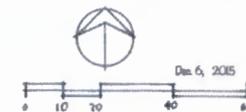
6th AVENUE NORTH

1st STREET NORTH

54 APARTMENTS
36 HOTEL ROOMS
2,500 SQ. FT. RETAIL

1ST LEVEL PARKING	
inside Bldg	62
outside Bldg.	26
2ND LEVEL PARKING	77
TOTAL PARKING	165
REQ. PARKING	163

THE CONCEPT IS 4 LEVELS OF
RESIDENTIAL OVER RETAIL AND
2 LEVELS PARKING



DOLPHIN DEPOT MIXED-USE APARTMENTS/HOTEL/RETAIL CONCEPTUAL SITE PLAN
DEVELOPER - JB RITZ ARCHITECT - CHARLAN BROOK ASSOCIATES

3rd FLOOR, 4th, 5th and 6th similar

JAN 22 2016

RECEIVED



Elevator

Bar

Dolphin Depot Mixed-Use

Conceptual Elevation - Sixth Avenue

RECEIVED

JAN 22 2016

PLANNING & DEVELOPMENT



RECEIVED

JAN 22 2016

PLANNING & DEVELOPMENT

City of Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

[Phone] 904.247.6231

[Fax] 904.247.6107

[E-Mail

Planning@jaxbcfl.net]

www.jacksonvillebeach.org



MEMORANDUM

To: George D. Forbes, City Manager

From: William C. Mann, Planning and Development Director

Re: Ordinance No.2016-8071, abandoning the undeveloped 12-foot wide public alley located in Block 15, *Pablo Beach South* subdivision.

Date: April 28, 2013

ACTION REQUESTED:

Adopt Ordinance No. 2016-8071, abandoning the undeveloped 12-foot wide public alley located in Block 15, *Pablo Beach South* Subdivision.
(TSO Jacksonville Self Storage, LP - applicant)

BACKGROUND:

Staff recently approved Development Plan Application SP#15-4 for a proposed new *CubeSmart* self-storage facility on the block bounded by 1st and 2nd Avenues South and 4th and 5th Streets South. This is the undeveloped block just south of the Publix shopping center on Beach Boulevard. (See attached location map) As part of his proposed project, the applicant has filed to have the platted alley in the middle of the block abandoned, in order to accommodate his proposed building layout.

The City does not normally abandon public rights-of-ways or alleys, but in the case of this application, the requested abandonment would serve to allow the reasonable development of an industrially zoned block that has been vacant for many years, in a manner that would not negatively impact surrounding residential and commercial uses. As discussed below, the applicant is also willing to give the City a 12' wide utilities easement to replace the abandoned alley.

The alley abandonment application was routed to the Public Works, Electric, Fire and Police Departments and all have recommended approval of the abandonment of the subject alley. As a condition of the alley abandonment, Public Works did request that the applicant provide a 12' public utilities easement somewhere else on the property. The applicant and Public Works have agreed upon the location of the requested easement, and it will be formally dedicated to

the City by the applicant as a condition of Public Works' approval of the building permit for the project.

RECOMMENDATION:

Adopt Ordinance No. 2016-8071, abandoning and closing the 12-foot wide public alley located in Block 15, *Pablo Beach South* Subdivision.

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

ORDINANCE NO. 2016-8071

AN ORDINANCE VACATING, DISCONTINUING, ABANDONING AND CLOSING A CERTAIN TWELVE (12) FOOT WIDE PUBLIC ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION THROUGH THAT CERTAIN PROPERTY IN THE CITY OF JACKSONVILLE BEACH, FLORIDA, KNOWN AS BLOCK 15, *PABLO BEACH SOUTH* SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

WHEREAS, on December 2, 1996, the Jacksonville Beach City Council adopted Resolution No. 1514-96 setting forth a policy for closing street rights of way and alleys, and

WHEREAS, Resolution No. 1514-96 established certain principles to apply to the closing or abandonment of rights of way and alleys, and

WHEREAS, said Resolution states that the City's interest will be retained unless there is an overwhelming public interest that is served and the rights of abutting property owners will not be impaired, and

WHEREAS, the alley located within said Block 15 is not paved, is not maintained, contains no public utilities, and its future public use would be compromised by the proposed development of a storage facility in said block.

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

SECTION 1. That the twelve (12) foot wide public alley running in an Easterly and Westerly direction through Block 15, *Pablo Beach South* Subdivision, as recorded in Plat Book 3, Page 28 of the current public records of Duval County, Florida, be and the same is hereby abandoned as a public alley, and the owner of the properties adjacent to aforesaid abandonment are hereby authorized to enter upon and use the land contained therein to the same extent and purpose as if the same had never been platted.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are, insofar as the same may conflict, hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication according to the law.

AUTHENTICATED THIS ____TH DAY OF _____, A.D., 2016.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

LOCATION MAP



CITY OF JACKSONVILLE BEACH, FLORIDA
APPLICATION TO CLOSE RIGHT OF WAY/EASEMENT

15-100126

Application Number

This form is intended for submittal, along with the \$350.00 nonrefundable application fee, for all requests for the abandonment or closing of a public street or alley right of way, or any public access or utility easement. This application must be submitted to the Jacksonville Beach Planning and Development Department for processing. Following an evaluation for completeness, the Department will send a copy of the application to all property owners who might be affected by the proposed right of way or easement closing along with a request for their comments on the request. If there are no significant objections received from the affected property owners, the Planning and Development Department will request comments and recommendations from the Electric Utility, Fire, Police, and Public Works Department with respect to the effect of the proposed abandonment on their operations. The public comment and departmental review period process may take as much as 45 days to complete. If the administrative review indicates that the right of way or easement can be closed, then all of the information received is compiled into a report to the City Manager for inclusion, with a draft ordinance, on the agenda for consideration by the City Council.

APPLICANT INFORMATION

Applicant's Name(Please type or print):

TSO Jacksonville Self Storage, LP

Telephone Number:

404-872-3990

Mailing Address: 1401 Peachtree Street, Suite 400
Atlanta, GA 30309

RECEIVED

JUN 22 2015

PROPERTY INFORMATION

PLANNING & DEVELOPMENT

Street Address of Your Property:

430 1st Avenue South, Jacksonville Beach, FL 32250

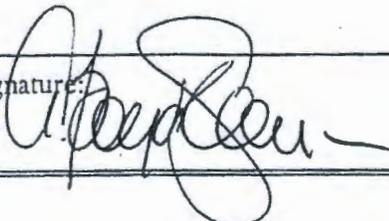
Legal description of your property (lot, block, subdivision name) and the location of the right of way or easement that you are applying to abandon or close. Please attach a boundary survey or plat of your property if one is readily obtainable:

Block 15 Lots 1-12 Pablo Beach S PB 3 Pg 28

Please state the reason(s) why you are requesting that this right of way or easement be abandoned (Attach additional pages if necessary to fully explain why this application should be approved):

Proposed self storage facility will be located in the middle of the existing alley right-of-way. Please reference previous development application SP#08-5. See attached site plan.

Applicant's Signature:



Date of Application:

5/1/15

SITE PLAN

