



**Agenda
City Council**

Monday, April 18, 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

16-348 Regular City Council Meeting Held April 4, 2016

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- a. **16-349** Accept the Monthly Financial Reports for the Month of March 2016
- b. **16-350** Authorize the City Manager and the Police Chief to Expand the Marked Police Car Take Home Vehicle Program for the Police Department
- c. **16-351** Award Contracts to the Lowest Bidders, by Bid Section, for Bid Number 1516-07, Continuing Services for Landscape Maintenance

RESOLUTIONS**16-352 RESOLUTION NO. 1959-2016****A RESOLUTION REVISING ELECTRIC RATES FOR BEACHES ENERGY SERVICES.****ORDINANCES****a. 16-353 ORDINANCE NO. 2016-8069 (Second 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. 16-354 ORDINANCE NO. 2016-8070 (Second Reading)****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. 16-355 ORDINANCE NO. 2016-8071 (Second 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, April 4, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



OPENING CEREMONIES:

Council Member Wilson gave the invocation, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:03 P.M.

ROLL CALL:

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman
Bruce Thomason Phil Vogelsang (*absent*) Jeanell Wilson

Also present were City Manager George Forbes, City Clerk Laurie Scott, and Assistant City Clerk Catherine Ponson.

APPROVAL OF MINUTES

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

- Regular City Council Meeting held on March 21, 2016

ANNOUNCEMENTS

Council Member Hoffman thanked everyone who helped the Beaches Museum and History Park celebrate its 10th anniversary. She thanked the City of Jacksonville Beach for supporting the museum. She announced the Fletcher All-Class Block Party will be held at the Beaches Museum and History Park on Saturday, April 23, 2016, at 6:00 P.M.

Council Member Wilson announced she attended the last opening of the J. Johnson Gallery on Friday, April 1, 2016. She also commended Sam Veal and his group for another successful Springing the Blues event held April 1-3, 2016, at Jacksonville Beach. She also attended the signing over of the St. Johns River Ferry from the City of Jacksonville to the Jacksonville Transportation Authority.

Mayor Latham made the following announcements:

- He thanked Sam Veal and his team for another great job for the Springing the Blues event.
- He met with several local elementary school students earlier that morning. The students wrote letters sharing their concerns with the transfer of the animals from Sunshine Park pond to neighboring ponds. The letters were distributed to the Council Members. [on file]
- He and City Manager George Forbes met with the City of Jacksonville Mayor Lenny Curry and his Chief of Staff Kerry Stewart. They also met with Mike Miller of the Jacksonville Transportation Authority and the mayors of Atlantic Beach and Neptune Beach regarding the implementation of the trolley schedule.

MAYOR AND CITY COUNCIL

16-337 Recognition – Summer DiStefano

Summer DiStefano, a seventh grader at Fletcher Middle School, was the third place winner of the “If I Were Elected Mayor” essay contest open to all seventh graders in the State of Florida sponsored by the Florida League of Cities and the Florida League of Mayors. Mayor Latham read her award-winning essay and presented Summer with a City of Jacksonville Beach pin.

COURTESY OF THE FLOOR TO VISITORS:

Speaker(s):

- Brian Bausch, 1100 Seagate Avenue, # 66, Neptune Beach, spoke regarding the Lee Kirkland Cemetery, located at 300 Palm Tree Road, Jacksonville Beach. He was concerned about the condition of the tombstones and grave markers, particularly those of the veterans. He requested the City’s assistance in maintaining and preserving those tombstones and grave markers. [photos on file]

CITY CLERK:

CITY MANAGER:

- (a) **Item #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.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the Mayor and City Manager to submit a Community Development Block Grant application for the fiscal year 2016-2017 as described in a memorandum from the Parks & Recreation Director dated March 29, 2016.

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

Mr. Forbes explained Mary Ellen Donner, Parks and Recreation Director, has applied for a Community Development Block Grant (CDBG) for facilities improvements at the Community Services Center. If approved, the City is requesting \$50,000 from the CDBG and the City would match that funding with \$50,000.

Mr. Doherty asked if we do not get approved for this grant would the entire \$100,000 come from the General Fund. Mr. Forbes answered money has been put aside for capital projects for building improvements, and it would come from there.

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

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

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the replacement of the 12-inch water main on 2nd Street South from Beach Boulevard to 4th Avenue South with *J.B. Coxwell Contracting*, as described in the memorandum from the Public Works Director dated March 27, 2016.

Mr. Forbes explained this is part of a project recently contracted to J.B. Coxwell Contracting to rebuild the street, including stormwater and public facilities within the area on 2nd Street South between Beach Boulevard and 4th Avenue South. The project did not include replacing the 12-inch water main on 2nd Street South that has been there since 1982. This water main experienced a major break on February 21, 2016. This change order includes the rebuilding of a damaged 12-inch water main.

Mr. Doherty asked if this repair went out for bid. Mr. Forbes stated that a bid was put out for the original project. This is a change order for that project and unit prices from the existing contract are being used as feasible.

Ty Edwards, Public Works Director, explained that in February 2016, the longitudinal break occurred. He also said unit pricing would be utilized and the project would not be delayed.

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

- (c) **Item #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.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize design services for Project 2, 1st and 2nd Streets from 4th Avenue South to 16th Avenue South, 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.

Mr. Forbes explained that Project 1 is currently underway. The next part of the project includes a drainage study and modeling to take all the drainage from these streets to the 12th Avenue South drainage channel. This is a multi-year project.

Ty Edwards, Public Works Director, stated that actual phasing for the construction work being done would be 1st and 2nd Street between 11th Avenue South and 13th Avenue South, including crossing A1A to construct a stormwater pipe into the 12th Avenue South drainage channel.

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

- (d) **Item # 16-341, Authorize Final Design Services with Jones Edmunds to Construct a New Lift Station #7 (at the Corner of 4th Street North and 18th Avenue), Demolish Old Lift Stations #7, #8 and #20, and Construct Associated Wastewater, Water and Stormwater Improvements Along and Adjacent to 4th Street North and 18th Avenue.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to 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 a memorandum from the Public Works Director dated March 24, 2016.

Mr. Forbes stated that this project was developed to turn three (3) sewer lift stations into one (1) lift station. The current Lift Station #7, located at the corner of 3rd Street North and 18th Avenue, would be moved to the corner of 4th Street North and 18th Avenue North.

Mr. Doherty asked if there would be an issue if these lift stations are consolidated and there was a malfunction. Mr. Forbes answered that the lift stations are monitored, and there are at least two (2) pumps on each lift station.

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

- (e) **Item #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.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to 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.

Mr. Forbes explained these projects involve improving City park facilities. Much of these projects include work on irrigation systems, lighting and facility improvements.

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

RESOLUTIONS:

Item #16-343, RESOLUTION NO. 1958-2016

Mayor Latham requested that the City Clerk read Resolution No. 1958-2016, by title only, whereupon Ms. Scott read the following:

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.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1958-2016, opposing extreme methods of oil and gas extraction, including fracking within the State of Florida and its adjacent waters.

Mayor Latham explained this resolution is important because we do not want to see fracking in our Community or our State and it sends a signal to the Governor and Legislature that the City feels very strongly about Home Rule.

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

ORDINANCES:

(a) Item # 16-344, 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

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, 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.

Mayor Latham opened the public hearing to give the audience a chance to address the ordinance.

Speaker(s):

Mr. James Sorrell, 428 North 10th Avenue, Jacksonville Beach, spoke in favor of Ordinance No. 2016-8069.

Mayor Latham closed the public hearing.

Mr. Forbes explained private parks are allowed in single family districts and not multiple family districts, RM-2, which is where this property is located. This request was made because a citizen would like to put in a private park near Oceanfront Park to display sculptures.

Mr. Thomason asked why RM-1 was not included in the ordinance. Bill Mann, Planning and Development Director, answered that the RM-1 district would be the only area that did not allow private parks as a conditional use and an applicant for that district would go through the same rezoning process.

Ms. Wilson asked if these private parks were open to the public. Mr. Mann explained that would be answered during the conditional use application process.

Mr. Doherty inquired if this park could ever become commercial and need a business license. Mr. Mann stated that a commercial park would be a recreational service, and those are not allowed in single family or multifamily districts.

Ms. Hoffman stated she is in support of this change and the City has an opportunity to have public art installed through private dollars.

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

(b) Item # 16-345, ORDINANCE NO. 2016-8070 (First Reading - PUBLIC HEARING)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8070 (First Reading), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (This property is a six-story mixed multifamily residential, hotel and commercial building. It is located at the northwest corner of 1st Street North and 6th Avenue North)

Mayor Latham read the following statement for the record:

“This ordinance for the Redevelopment District: RD rezoning of property is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an application to amend the zoning regulations or map governing a property is handled as a ‘quasi-judicial’ proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision makers hearing

testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

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

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

I will now open the public hearing on Ordinance No. 2016-8070."

Mayor Latham opened the public hearing.

Scott Gay, representing Dolphin Depot, LLC, 814 North First Street, # 101, Jacksonville Beach, FL.

Mr. Gay explained that this same piece of property was granted RD zoning four (4) years ago, and that has expired. He stated that when the property obtained the RD zoning in 2012, Dolphin Depot, LLC did not own the property. They have constructed other condominiums in Jacksonville Beach. The proposed project would consist of a six-story mixed-use structure with approximately 2,500 square feet of commercial space and parking on the ground floor, parking on the second floor, 54 multiple family units and a maximum of 36 hotel rooms on the upper floors. The project has been approved by the Planning Commission and Community Redevelopment Agency.

Speakers:

Grace Stewart, 710 2nd Street North, Jacksonville Beach, FL, opposes the ordinance but did not wish to address the Council.

Sharon Sherwood, 734 2nd Street North, Jacksonville Beach, FL, opposes the ordinance but did not wish to address the Council.

George Sherwood, 734 2nd Street North, Jacksonville Beach, FL, spoke in opposition of Ordinance No. 2016-8070.

Lynn Hileman, 712 2nd Street North, Jacksonville Beach, FL, spoke and is neither opposed or in favor of Ordinance No. 2016-8070.

James Sorrell, 1410 Pinewood Road., Jacksonville Beach, FL, spoke in opposition of Ordinance No. 2016-8070.

Michael Leach, 710 2nd Street North, Jacksonville Beach, FL, spoke and is neither opposed or in favor of Ordinance No. 2016-8070.

Richard Landes, 736 2nd Street North, Jacksonville Beach, FL, spoke in opposition of Ordinance No. 2016-8070.

Jim Overby, 21 Burling Way, Jacksonville Beach, FL, spoke and is neither opposed or in favor of Ordinance No. 2016-8070.

John Tipton, 503 6th Street North, Jacksonville Beach, FL, spoke and is for Ordinance No. 2016-8070.

Sara Uselman, 602 11th Street North, Jacksonville Beach, FL, spoke and is for Ordinance No. 2016-8070.

Julie Williams, 2608 Madrid Street, Jacksonville Beach, FL, spoke and is for Ordinance No. 2016-8070.

Bill Mann, Planning and Development Director, responded to the comments. He stated that the parking garage will direct traffic onto 7th Avenue North, not 2nd Street North. The parking was calculated correctly and is adequate. The maximum number of hotel units and residential dwelling units is reflected in the ordinance. He also stated the project is driven by the City's Downtown Design Guidelines.

Mr. Gay responded to the comments. He stated that Dolphin Depot, LLC has a history of doing positive projects in the City, and he respectfully requests the Council approve the ordinance as written.

Mayor Latham closed the public hearing.

Ex parte communications:

Mayor Latham read the following statement:

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

Mayor Latham, Council Members Hoffman, Doherty and Thomason reported they had a discussion with Sandy Golding. Council Member Wilson reported she had a discussion with Raymond Bragg. Council Member Buck reported he had a discussion with Lynn Hileman.

Mayor Latham asked if the City Clerk had received any written communications. Ms. Scott responded that she had not.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to 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

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

Council Member discussion ensued regarding the following issues:

Mr. Thomason:

- Consulting with Chief of Police Pat Dooley concerning issues with the increase in traffic and crowds;
- If designation as a hotel is defined by length of stay;
- Time of approval of the development plan and building permit issuance; and
- Water retention.

Mr. Doherty:

- The number of parcels are left that in the City that can build over 35 feet; and

- The ability for the developer to substantially modify the plans.

Ms. Wilson:

- The distinction between hotel and apartment;
- Parking space requirements for apartments;
- Lack of setbacks; and
- Hotel operation.

Mr. Buck:

- Setbacks and height; and
- Support of the project.

Ms. Hoffman:

- Height of the Atlantis property; and
- Frame street concept.

Mayor Latham:

- Hotel branding; and
- Setback length.

Following the discussion from Council Members, Bill Mann and Scott Gray on the proposed development, Mayor Latham called for the vote.

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

(c) Item # 16-346, ORDINANCE NO. 2016-8071 (First Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8071 (First Reading), by title only, whereupon Ms. Scott read the following:

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.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8071, abandoning and closing the 12-foot wide alley

located in Block 15, *Pablo Beach South* Subdivision.

Mr. Forbes explained the City does not often close alleys unless there is a major public purpose. This owner is developing a CubeSmart Self Storage and as a condition of that closure, the owner is giving a 12-foot wide utility easement to replace the abandoned alley. The City will not issue a building permit for the storage facility until the easement for the City is obtained.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:20 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6274
Fax: 904.270.1642

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Karen Nelson, Chief Financial Officer
SUBJECT: Monthly Financial Reports for March 2016
DATE: April 6, 2016

Action Requested

Accept the monthly financial reports for the month of March 2016.

Background

The monthly financial reports for March 2016 are being provided for your information and review. These reports can be found in the "Reports and Information" portion of this agenda.

Recommendation

Accept the monthly financial reports for the month of March 2016, as submitted by the Chief Financial Officer.



City of
Jacksonville Beach
Police Department
101 Penman Road, South
Jacksonville Beach
FL 32250
Phone: 904.247.6343
Fax: 904.247.6342

www.jacksonvillebeach.org

To: George D. Forbes, City Manager

From: Patrick K. Dooley, Chief of Police

Subject: Request to Authorize the City Manager and Police Chief to Expand the Current Marked Take Home Vehicle Policy for the Police Department.

Date: April 9, 2016

ACTION REQUESTED

Authorize the City Manager and the Police Chief to expand the marked police car take home vehicle program for the police department.

BACKGROUND

The police department's current take home vehicle policy for marked police cars allows officers to drive their cars to and from work if they live within 5 miles of Jacksonville Beach as follows:

- From the Jacksonville Beach city limits west to the east side of Kernan Boulevard;
- The northern boundary west of the ICW is McCormick Road (any address on McCormick Road); and
- The southern boundary is the Duval County line.

In recent years, the job market for police officers has become very competitive in northeast Florida. Over the next couple of years, the Jacksonville Sheriff's Office is projected to hire several hundred new officers from an already competitive job market. In order for the Jacksonville Beach Police Department to compete in the job market and to aid in retaining current employees, the permissible boundaries for the extended take home marked vehicle program should be expanded as follows (See attached map):

- The western boundary will be from the west side of Kernan Boulevard to the St. Johns River;



- The northern boundary will be from McCormick Road to the St. Johns River;
- The southern boundary will be 15 miles south, into St Johns County. This will be verified/measured by the Services Sergeant before a vehicle is assigned; and
- Employees who will be changing their place of residence will be required to notify the Services Sergeant 10 days in advance of the change. Employees will provide the address of the new location and have it approved prior to relocating if they choose to participate in the take home vehicle program.

If approved, the following additional conditions will apply:

- The use of the vehicle is restricted to *business purposes only*. The vehicle may not be used for any personal business;
- Employees will be required to pay \$25.00 per pay period to cover the cost of gasoline. The payment will be made through payroll deduction. This fee is subject to change based upon the cost of gasoline; and
- Vehicle assignment is based on availability, and may be revoked by the Chief of Police at any time.

In addition, the extended marked police car take home vehicle policy will not require any additional vehicle purchases. Ten additional officers will be eligible to participate in the new program.

RECOMMEDATION

Authorize the City Manager and the Chief of Police to amend the marked take home vehicle policy for the police department as outlined in a memorandum from the Chief of Police, dated April 9, 2016.



Current Take-home Vehicle Program Defined Area in Green

Proposed Extended Take-home Marked Patrol Vehicle Program in Yellow

City of

Jacksonville Beach

1460A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6226

Fax: 904.270.1639

www.jacksonvillebeach.org

TO: George Forbes, City Manager

FROM: Jason Phitides, Property and Procurement Officer

DATE: April 8, 2016

RE: Award Bid No.1516-07 Continuing Service for Landscape Maintenance

ACTION REQUESTED:

Award contracts to the lowest bidders, by bid section, for Bid Number 1516-07, Continuing Services for Landscape Maintenance.

BACKGROUND:

The City employs private contractors to provide landscape maintenance for multiple city facilities.

Each facility was grouped by section within the bid, according to Department responsibility and geographic location. There were nine (9) bid sections which included:

1. Downtown
2. Operation & Maintenance Grounds
3. Parks & Recreation Grounds
4. Huguenot Park
5. Pollution Control Plant and Lift Stations
6. Water Plants and Monitoring Stations
7. Medians
8. Ditches
9. Storm Water Drainage

A list of addresses and locations associated with each section is attached. The bid included a unique scope of work for each section, which contained service frequencies as well as specifications for mowing, trimming, fertilizer, mulch, herbicide and pesticide applications etc.

The bid also requested pricing for trimming Medjool, Cabbage and Canary Palm Trees, on an as needed basis. Palm tree maintenance includes pesticide and fertilizer applications.

The contract term is five (5) years. Pricing will remain fixed in the first year and may be adjusted in subsequent years based on the Consumer Price Index.



We mailed bid invitations to twenty-eight (28) bidders and received seven (7) bid responses. However, one bidder chose to withdraw when it was discovered their bid was incomplete. The bid tabulation sheet is attached.

Staff recommends awarding each bid section to a Primary Contractor and to a Secondary Contractor. The Primary Contractor is the lowest bidder and the Secondary Contractor is the next lowest bidder. The Secondary Contractor will be used if the Primary Contractor is unable to adequately perform, or the primary contract is prematurely terminated.

Following is the recommended bid award by section:

Section	Primary Contractor	Secondary Contractor
1. Downtown	R & D Landscape	Valleycrest
2. O&M Grounds	Valleycrest	Chad Brock
3. Parks & Rec	R & D Landscape	TNT Landscape
4. Huguenot Park	Valleycrest	R & D Landscape
5. PCP & Lift Stations	Continental Landscape	TNT Landscape
6. Water Plant & Wells	Valleycrest	TNT Landscape
7. Medians	Valleycrest	TNT Landscape
8. Ditches	TNT Landscape	R & D Landscape
9. Storm Drainage	TNT Landscape	Valleycrest
Palm Tree Trimming	Odom's Beaches Tree	Valleycrest

Funds are budgeted in the Contract Services Accounts for Public Works and Grounds Maintenance.

RECOMMENDATION:

Award Bid Number 1516-07, entitled Continuing Service for Landscape Maintenance, as recommended in the memorandum from the Property and Procurement Officer, dated April 8th 2016.

City of Jacksonville Beach
 Bid Tabulation
 Bid No. 1516-07 - Continuing Services for Landscape Maintenance

ANNUAL COSTS

Chad Brock Enterprises Inc	R&D Landscape	TNT Landscape	Valleycrest	Continental Lawn	Odom's Beaches Tree	TOTALS by Low Bid
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ITEM No. 1

Section 1: Downtown	\$ 76,000	\$ 55,679	\$ 66,700	\$ 56,304	no bid	no bid	\$ 55,679
Section 2: O & M Grounds	\$ 32,800	\$ 34,425	\$ 34,833	\$ 31,608	no bid	no bid	\$ 31,608
Section 3: Parks & Rec Grounds	\$ 33,600	\$ 16,131	\$ 16,880	\$ 28,674	no bid	no bid	\$ 16,131
Section 4: Huguenot Park	\$ 39,600	\$ 16,356	\$ 25,200	\$ 15,582	no bid	no bid	\$ 15,582
Section 5: PCP and Lift Stations	\$ 27,600	\$ 21,063	\$ 13,380	\$ 24,132	\$ 12,960	no bid	\$ 12,960
Section 6: Water Plant & Wells	\$ 26,400	\$ 27,720	\$ 22,746	\$ 16,740	no bid	no bid	\$ 16,740
Section 7: Medians	\$ 51,600	\$ 43,689	\$ 42,000	\$ 30,732	no bid	no bid	\$ 30,732
Section 8: Ditches	\$ 10,400	\$ 7,416	\$ 2,816	\$ 36,012	no bid	no bid	\$ 2,816
Section 9: Storm Drainage	\$ 33,750	\$ 29,842	\$ 12,989	\$ 18,912	no bid	no bid	\$ 12,989
TOTALS	\$ 331,750	\$ 252,321	\$ 237,544	\$ 258,696	\$ 12,960		\$195,237

ITEM No. 2 *

Palm Tree - Medjool	\$ 48.00	\$ 25.00	\$ 20.00	\$ 156.00	no bid	\$ 110.00
Palm Tree - Cabage	\$ 36.00	\$ 25.00	no bid	\$ 32.50	no bid	\$ 17.50
Palm Tree - Canary	\$ 75.00	\$ 25.00	no bid	\$ 156.00	no bid	\$ 145.00

* Only Odom's Beaches Tree and Valleycrest include pesticide and fertilizer.

SECTION 1: DOWNTOWN

<u>Location</u>	<u>Address</u>
1. City Hall	11 North 3rd Street
2. Latham Plaza	109 North 2 nd Street
3. Seawalk Pavilion	154 North 1 st Street
4. Pier Parking Lot	503 North 1 st Street
5. Medians and Plantings 1	1st Street to 6th Street
6. Medians and Plantings 2	Avenues 3, 4, 5 6, 7 to A1A
7. Ocean Front Park	555 South 1 st Street

SECTION 2: OPERATIONS & MAINTENANCE GROUNDS

<u>Location</u>	<u>Address</u>
1. O&M Facility	1460 Shetter Ave
2. Police Department	101 S. Penman Rd
3. Parking Areas	Police to Golf Course
4. Community Center	850 9th Street South

SECTION 3: PARKS & RECREATION GROUNDS

<u>Location</u>	<u>Address</u>
1. Parks & Recreation	2508 South Beach Parkway
2. Fire Station # 2	2500 South Beach Parkway
3.SOUTH BEACH PARK	

SECTION 4: HUGUENOT PARK

<u>Location</u>	<u>Address</u>
1. Huguenot Park & Tennis	218 South 16 th Avenue
2. Gonzales Park	2 nd Ave North (10 th Ave & 2 nd Ave North)
3. Penman Park	321 Penman Road

SECTION 5: POLLUTION CONTROL PLANT and LIFT STATIONS

<u>Location</u>	<u>Address</u>
1. PCP Plant	910 10th Street South
2. Lift Station # 2	688 4th Street North
3. Lift Station # 3	1024 4th Street South
4. Lift Station # 5	50 37th Avenue South
6. Lift Station # 9	1850 Tanglewood Rd
6. Lift Station # 10	300 Palm Tree Rd
7. Lift Station # 11	251 20th Street North
8. Lift Station # 15	11 Hopson Rd
9. Lift Station # 18	901 22nd Street North
10. Lift Station # 19	33 Rosewood Drive

SECTION 6: WATER PLANT and MONITORING WELLS

<u>Location</u>	<u>Address</u>
1. Elevated Tank # 1	1320 11th Avenue North
2. Elevated Tank # 2	2120 Gordon Avenue
3. Monitoring Well # 1	1107 4th Avenue North (NW corner)
4. Monitoring Well # 11	590 Shetter Avenue
5. Water Plant # 1	337 1st Avenue South
6. Ground Storage Tank	368 2nd Avenue South
7. Fire Station # 1	326 1st Avenue South
8. Well # 12	390 4th Street South
9. Well # 13	590 4th Street South
10. Well # 14	Gonzales Park
11. Well # 15	South corner behind SE corner of O&M
12. Well # 22	1706 South Beach Parkway
13. Water Plant # 2	1050 Osceola Avenue
14. Well # 23	2771 Pullian Street
15. Storm Water Station	161 Beach Blvd
16. Pump Station	32nd Avenue and A1A
17. Police Station Pond	101 S. Penman Rd

SECTION 7: MEDIANS

1. Beach Blvd from 1st Street to A1A
2. Avenues 3rd, 4th, 5th, 6th and 7th up to A1A
3. 15th Avenue North Median
4. A1A from J.Turner North to Fletcher Middle School
5. Including sign on corner of A1A South & Ponte Vedra Blvd.
6. SOUTH BEACH PARKWAY
7.JACKSONVILLE DRIVE

SECTION 8: DITCHES

1. Right of way at 15th Street North across from Dog Park
2. Right of way on Fairway Lane where ditch crosses Golf Course
3. Ocean Cay ditch
4. East side ditch at Pinewood Rd
5. Vacant lot 1087 17th Street North

SECTION 9: STORM WATER DRAINAGE AREAS

1. Tallwood Road Storm Water Pond
2. Storm Water both sides 9 th St South next to 12 th Ave South
3. Both sides South Beach Pkwy behind Bank of America
4. Wingate Park drainage area
5. Lake Mildred – Sandra Drive and 6 th St South
6. 9 th Avenue North Storm Water Station



B E A C H E S E N E R G Y
S E R V I C E S

April 8, 2016

MEMORANDUM

TO: George Forbes
City Manager

FROM: Allen Putnam
Managing Director

RE: Resolution No. 1959-2016 - Amending Electric Energy Rates

ACTION REQUESTED:

Approve Resolution No. 1959-2016 amending the electric energy rates for Beaches Energy.

BACKGROUND:

For the past several years Beaches Energy Services has been diligently rebuilding our electric distribution system to improve customer service and reliability which is reflected in our operations and maintenance costs. Periodically we have adjusted the operations and maintenance portion of our rates to reflect operating costs. Since March of 2010 the total rate charged to the customer has decreased by \$18 per 1,000 kilowatt hours. This reduction was accomplished by decreasing the bulk power cost adjustment to reflect decreases in the cost of power purchased for resale by Beaches Energy Services.

This past spring, we again engaged in internal discussion to review our electric rates. As a result of this review, staff is proposing to increase the non-fuel portion of the energy rate by \$1.00 per thousand kilowatt hours to offset the increase in operating costs and planned capital improvements.

At the same time, we will reduce the bulk power adjustment by \$3.00 per thousand kilowatt hours which will equate to a **net dollar decrease of \$2.00 per 1,000 kilowatt hours**. **This means that we have reduced our electric rates by \$20 per 1,000 kilowatt hours since 2010.** This represents a decrease of \$140 to \$280 annually per residential customer, and much more for commercial customers depending upon their usage.

The chart below shows the change a residential customer would pay for 1,000 kilowatt hours of electricity.

	Before Change	After Change
Residential Base Charge	\$ 4.50	\$ 4.50
KWh Base Charge	76.57	77.50
Bulk Power Cost Adjustment	38.84	35.84
Total Rate	\$119.91	\$117.91

The only change in the attached rate resolution is to the base rate for each rate class which will take effect May 1, 2016. The decrease in the bulk power adjustment will take effect on the same date.

RECOMMENDATION:

Adopt Resolution No. 1959-2016 amending the energy rate for Beaches Energy.

Introduced by: _____

Adopted: _____

RESOLUTION NO. 1959-2016

**A RESOLUTION REVISING ELECTRIC RATES FOR
BEACHES ENERGY SERVICES**

WHEREAS, the City desires to establish electric rates, charges, and fees for Beaches Energy Services by resolution.

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

Section 1. That the schedule of fees, and charges for the electric utility previously established by Resolution No. 1923-2013 be revised as follows:

A. Monthly Electric Rates. The following schedule of rates and charges to be imposed, assessed and collected by the City for electric energy, facilities and services furnished by the City to its consumers, including the initial cut-in charges, deposit, line extension and other connection and service charges, is hereby adopted and established:

1. Residential service as defined in section 32-56 for the following:
 - a. *Character of service.* Alternating current; regulated frequency of sixty (60) cycles; delivered at approximately 120/240 volts, 3-wire, single-phase; or 3- phase, 4-wire service, as available and at the option of the City.
 - b. *Available.* In Jacksonville Beach, Neptune Beach, Ponte Vedra Beach, Palm Valley and other territories served by the City.
 - c. *Monthly meter reading.* All quantities of electrical energy shown by regular monthly watt-hour meter readings to have been delivered shall be charged for at the following rate in subsection d.
 - d. *Rate per month:*
 - i. Customer service charge ...\$4.50
 - ii. Energy charge (all kWh), per kWh ...~~\$0.07657~~ **\$0.07757**
 - e. *Minimum monthly bill.* A minimum monthly electric bill shall be rendered to each consumer whose application has been approved for residential service for an amount equal to the customer service charge.
 - f. *Bulk Power Cost Base (BPCB).* Those power related costs that are embedded within the base rate stated in cost per kilowatt-hour.
 - g. *Bulk Power Cost Adjustment (BPCA).* The amount per kilowatt hour by which the rate billed for consumption of electrical energy increases or decreases the Bulk Power Cost Base rate in order to recover the actual cost of the bulk power supply of electricity to the City as approved by the City Manager.

- h. Bulk Power Cost True-Up (BPCT). The difference between the bulk power cost actually incurred (BPC) and the bulk power cost recovered through the bulk power cost base (BPCB) and the bulk power cost adjustment (BPCA).
 - i. Rate Stabilization Account (RSA). Extraordinary power cost recoveries, other than routine wholesale true-ups, may be deposited into or withdrawn from a Rate Stabilization Account to be used to offset sudden and temporary changes in the cost of power. The City may retain unusual or extraordinary power cost recoveries in excess of amounts transferred to the rate stabilization **account** at its discretion but can only use these moneys for items which are directly related to the electric utility.
 - j. Calculation of BPCA-The bulk power cost adjustment is the difference between the bulk power costs and the bulk power cost base (all stated in cost per kilowatt hour) as determined periodically. The formula for the calculation of the bulk power cost adjustment per kilowatt hour is calculated as follows: $(BPC + BPCT + RSA) / \text{kilowatt hours sold} - BPCB = BPCA$ per kilowatt hour.
2. General service non-demand service as defined in section 32-56 for the following:
- a. *Character of service.* Alternating current; regulated frequency of sixty (60) cycles, delivered at approximately 120/240 volts, 3-wire, single-phase; 4-wire, 3- phase, 240 or 208 volts, as available, and at the option of the City.
 - b. *Available.* In Jacksonville Beach, Neptune Beach, Ponte Vedra Beach, Palm Valley and other territories served by the City.
 - c. *Monthly meter reading.* All quantities of electrical energy shown by regular monthly watt-hour meter readings to have been delivered shall be charged for at the rate in subsection d.
 - d. *Rate per month:*
 - i. Customer service charge ... \$ 6.00
 - ii. Energy charge (all kWh), per kWh ... ~~\$0.07657~~ **\$0.07757**
 - e. *Minimum monthly bill.* A minimum monthly electric bill shall be rendered to each consumer whose application has been approved for general service non-demand service for an amount equal to the customer service charge.
 - f. Bulk Power Cost Base (BPCB). See Section 1.A.1.f.
 - g. Bulk Power Cost Adjustment (BPCA). See Section 1.A.1. g.
 - h. Bulk Power Cost True-Up (BPCT). See Section 1.A.1. h.
 - i. Rate Stabilization Account (RFA). See Section 1.A.1.i
 - j. Calculation of BPCA. See Section 1.A.1.j. Limitations applicable to all classes of service: Auxiliary and standby service or resale of electric energy delivered by the City shall not be permitted except by written consent expressly authorized by the City Council.
3. General service demand as defined in section 32-56 for the following:
- a. *Character of service.* AC, 60 cycles, single-or 3-phase, 120/208 volts and above as required and as available.
 - b. *Available.* Within the service area of the electric utility of the City.
 - c. *Monthly meter reading.* All quantities of electrical energy shown by regular monthly watt-hour meter readings to have been delivered shall be charged for at the following rate in subsection d.

- d. *Rate per month:* The charge per month shall consist of the total of the demand, energy, and customer service charge as follows:
 - i. Customer service charge ... \$16.25
 - ii. Demand charge (all kWh), per kW ... \$8.50
 - iii. Energy charge (all kWh), per kWh ... ~~\$0.06227~~ \$0.06327
- e. *Minimum bill.* The minimum bill shall be equal to the customer service charge.
- f. *High load factor credit.* The monthly per kW demand credit to those general service demand customers whose annual load factor is as follows:

TABLE INSET:

Load Factor	Monthly Demand Credit
15 percent & higher	\$2.00 per kW demand charged
70 to 74 percent	\$1.50 per kW demand charged
65 to 69 percent	\$1.00 per kW demand charged
60 to 64 percent	\$0.50 per kW demand charged

The load factor will be established after the initial twelve (12) months of service for new customers and the previous twelve (12) months for existing customers. Existing demand customers' load factor will be reviewed and recalculated annually.

- g. Bulk Power Cost Base (BPCB). See Section 1.A.1.f.
 - h. Bulk Power Cost Adjustment (BPCA). See Section 1.A.1.g.
 - i. Bulk Power Cost True-Up (BPCT). See Section 1.A.1.h.
 - j. Rate Stabilization Account (RSA). See Section 1.A.1.i.
 - k. Calculation of BPCA. See Section 1.A.1.j.
 - l. Should the customer demonstrate that the future metered demand is expected to be reduced below the fifty (50) kW thresholds then the customer's account may be reclassified to either residential or general service, as applicable, at the option of the City.
4. Rental lights. Rental lights will be furnished on sites approved by the City electric department, including installation, maintenance, replacement when necessary, and electrical energy consumed, including a rate schedule as provided by City resolution.

B. Installation charges.

- 1. *Underground installation charges.* Jacksonville Beach and other service areas: Underground residential installation, single-phase, 240-volt, 125-ampere, up to and including 200 ampere service class:
 - a. Initial charge for new installation in this class...\$400.00
 - b. Initial installation charge, additional apartments or services on the same service line, whether new or existing, each ...\$5.00

- c. Service replacement as the result of additional demand:
 - i. Customer may at his/her option obtain the services of a licensed electrician to install necessary wiring from meter to the termination point designated by the City. Charge for initial cut-in when complete service is installed by an electrical contractor...\$20.00
 - ii. Customer may request that his/her service be increased to a maximum 200-ampere single-phase class for residential use. Charge for this service performed by the City ...\$200.00
 - d. Temporary service charge... \$20.00
 - e. All underground services other than residential 125-ampere through 200- ampere single-phase must be installed by a licensed electrician from meter to the termination point designated by the City.
 - f. Underground service laterals. All underground service laterals to be installed by the utility shall be installed in a conduit provided at owner expense, size, and quantity to be determined by the utility.
2. *Overhead installation charges.* Jacksonville Beach and other service areas: Overhead installation charge when permitted, single-phase, 240-volt, up to and including 200- ampere class:
- a. Initial charge for new installation in this class ...\$50.00
 - b. Initial installation charge, additional apartments or services on the same service line, whether new or existing, each ...\$5.00
 - c. Temporary service charge ... \$20.00
3. *Overhead installations over two hundred amperes.* Jacksonville Beach and other service areas: Overhead installation, when permitted, other than single-phase or in excess of 200-ampere class:
- a. Initial installation charge shall be the estimated actual cost of such service as determined by the electrical utility.
 - b. Initial installation charge, additional apartments or services on the same service line, whether new or existing, each ... \$5.00
 - c. Temporary service: Temporary service charge shall be the estimated actual cost of such service as determined by the electric utility.
 - d. Service replacements as the result of additional demand: Installation charge shall be the estimated actual cost of such service as determined by the electric utility.
4. *City and other service areas.* Available to customers having a three-phase demand meter and providing for customer's access to meter real time energy and demand values. Initial charge for installation of a KYZ contact assembly...\$170.00

C. Fuel adjustment and rates for service outside limits.

- 1. Bulk Power Cost Base (BPCB). See Section 1.A.1.f.
- 2. Bulk Power Cost Adjustment (BPCA). See Section 1.A.1.g.
- 3. Bulk Power Cost True-Up (BPC1). See Section 1.A.1.h.
- 4. Rate Stabilization Account (RSA). See Section 1.A.1.i.
- 5. Calculation of BPCA. See Section 1.A.1.j.

6. Rates for service outside limits. The rates to be charged and collected by the city for electric energy furnished by the City to customers outside of its corporate limits shall be such as are fixed by the City, to be applicable within certain designated areas, or upon a schedule adopted for such specific extensions as may be constructed by the City or by contract with any person taking electric energy from the City through their own or through the City's distribution system.

D. Testing of meters; payment of costs; special readings.

Upon written notice a meter will be tested by the City and in the event the meter when tested is found to be not more than two (2) percent fast, the expense of the test shall be paid by the customer at a cost of ten dollars (\$10.00); otherwise, the expense of the test will be borne by the City and billing adjustments for a period not to exceed six (6) months will be made. Special meter readings requested by the customer will be made upon application and upon payment of ten dollars (\$10.00) to the City.

Section 2. All Resolutions in conflict with this resolution are hereby repealed.

Section 3. This resolution shall take effect May 1, 2016.

AUTHENTICATED this _____ day of _____, AD, 2016.

William C. Latham,
MAYOR

Laurie Scott,
CITY CLERK

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
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Planning@jaxbchfl.net

www.jacksonvillebeach.org

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
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: Council Member Wilson
1st Reading: April 4, 2016
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

www.jacksonvillebeach.org

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: April 11, 2016

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.
- Approve the Findings of Fact for Ordinance No. 2016-8070, dated April 18, 2016

FINDINGS OF FACT- Ordinance No. 2016-8070

April 18, 2016

SUBJECT: 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.

Pursuant to Article VI, Section 34-231(c) of the Land Development Code of the Jacksonville Beach Code of Ordinances,

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

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

Based on a review of the application, staff analysis of the information submitted, and a Planning Commission public hearing on the rezoning conducted on March 14, 2016, Community Redevelopment Agency review and approval on March 21, 2016, and a City Council Public Hearing conducted on April 4, 2016, the City Council has found that the applicant has fulfilled their burden to show that the project should be approved as follows:

1. The applicant has demonstrated significant experience relative to the management of, and demand for, residential rental properties through his existing businesses in the city.
2. Adequate public facilities are available to serve the proposed development.
3. The proposed permitted residential and commercial uses of the subject property are deemed to be consistent with the Downtown Community Redevelopment Plan and the Future Land Use Element and Map for the Jacksonville Beach 2030 Comprehensive Plan.
4. The proposed residential and commercial uses are consistent with existing land uses in the surrounding neighborhood.
5. No evidence was presented that demonstrated that the rezoning and proposed redevelopment of the subject property will have an adverse impact on property values in the area.

Introduced by: Council Member Wilson
1st Reading: April 4, 2016
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

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)

- o 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)

- o 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

- o 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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PLANNING & DEVELOPMENT SCALE FEET



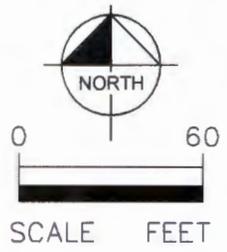
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LOCATION MAP

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PROJECT BOUNDARY

2015 AERIAL

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

THIS DOCUMENT PREPARED
BY AND RETURN TO:

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

DRAFT

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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

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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.

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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

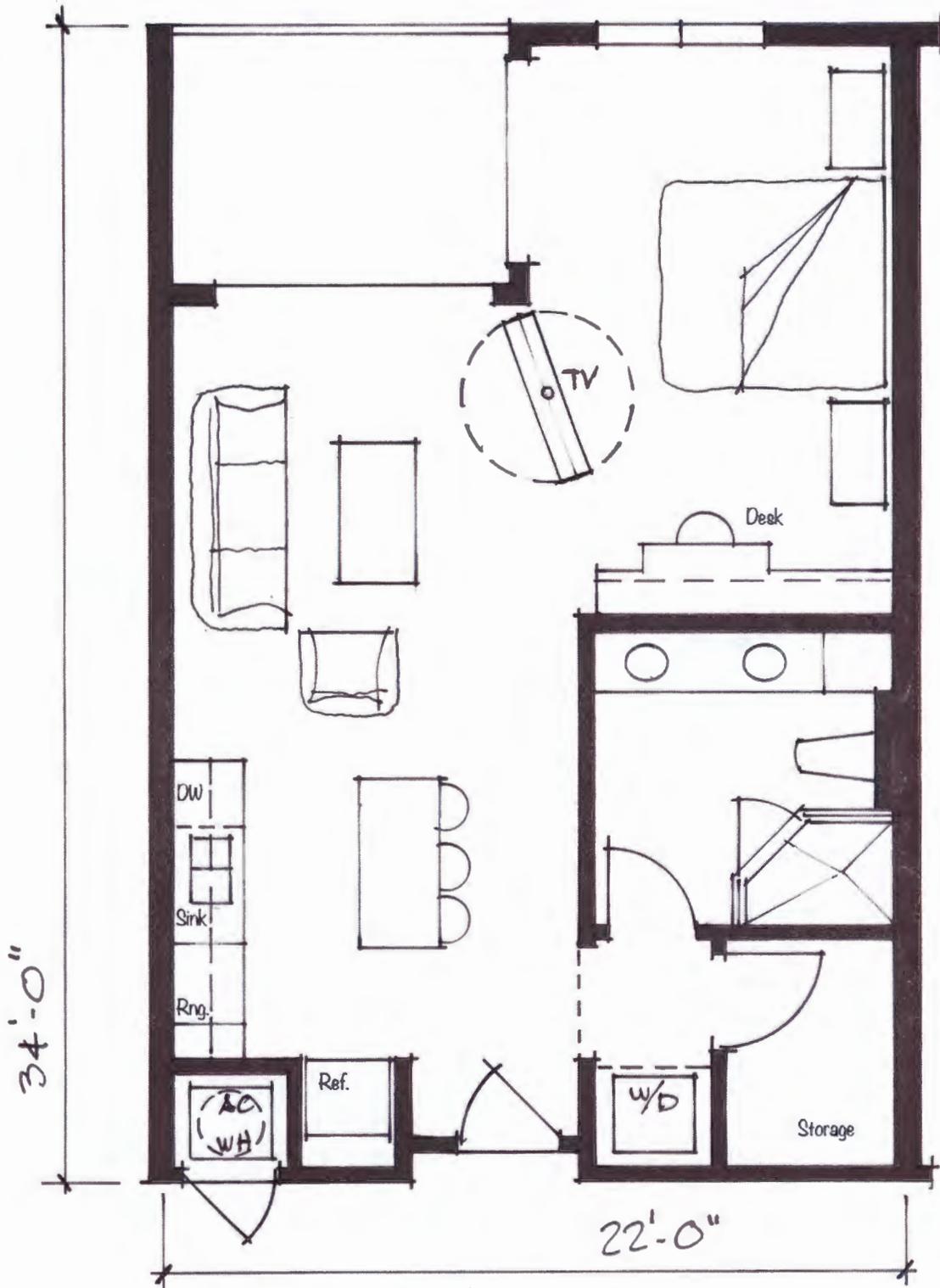
Commission # _____

My Commission Expires: _____

Personally Known or

Produced ID

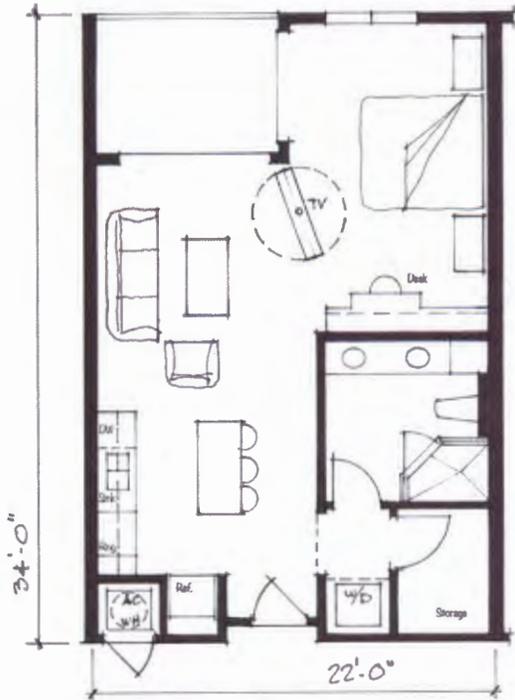
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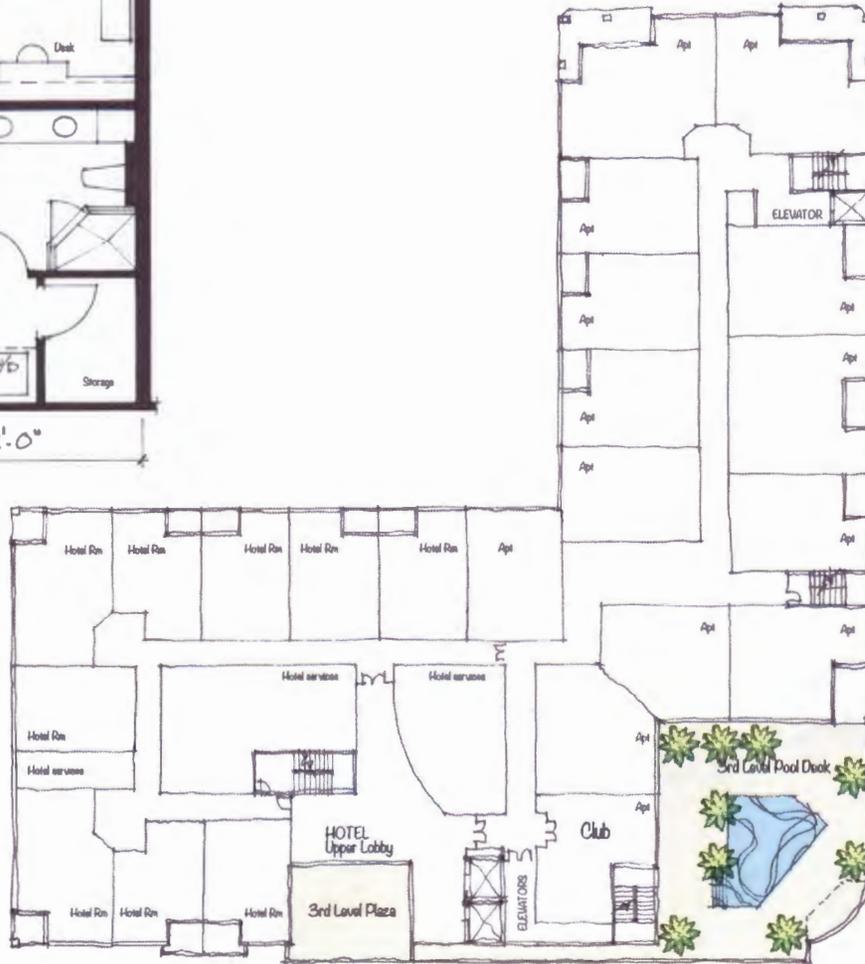
Typical Hotel Rm.
670 sq. ft. ac

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Typical Hotel Rm.
670 sq. ft. ac

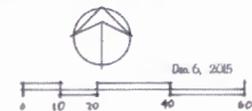


1st STREET NORTH

6th AVENUE 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

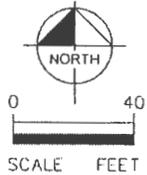
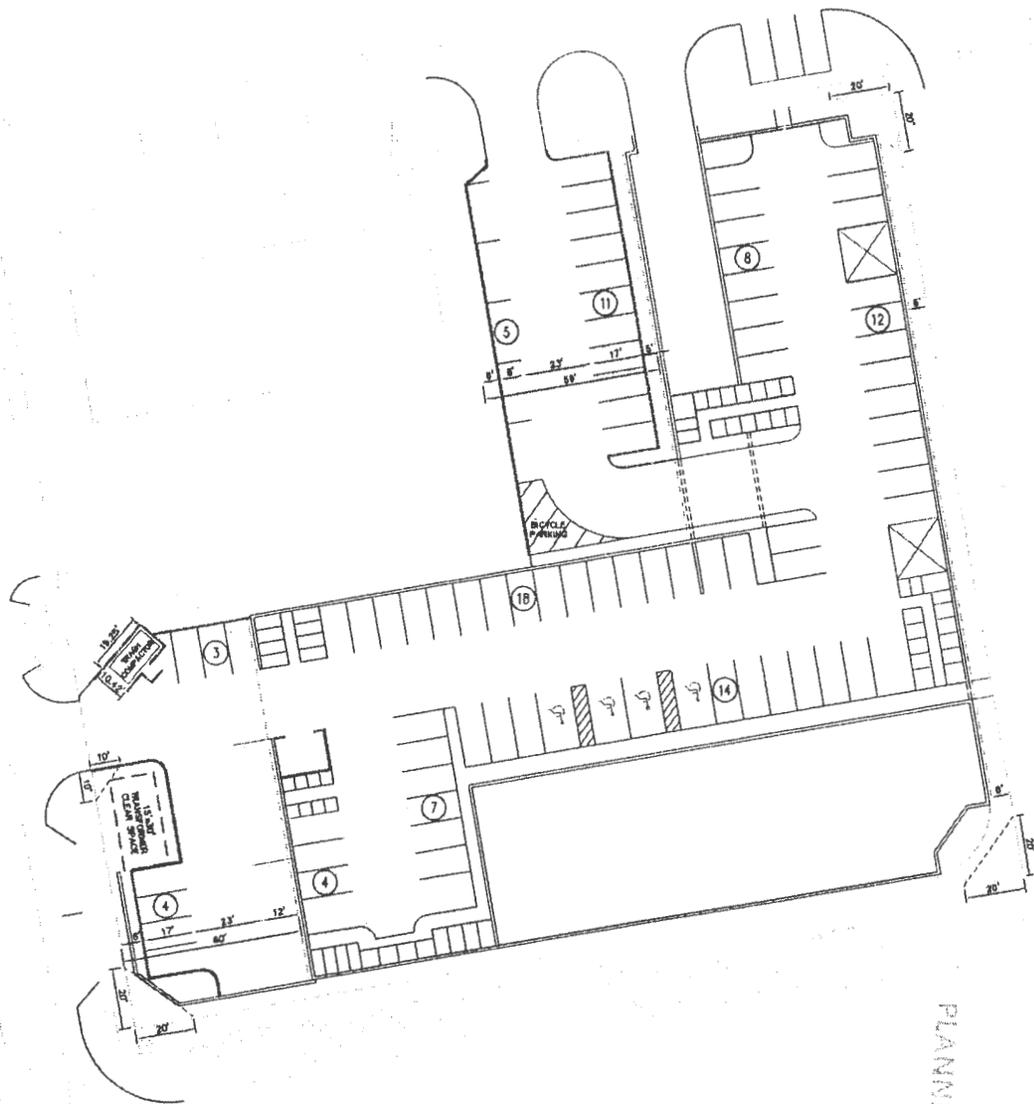
DEVELOPER - JIB RITZ ARCHITECT - CHARLAN BROCK ASSOCIATES

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

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PLANNING & DEVELOPMENT



TOTAL SITE AREA: 1.36 ACRES
LOT COVERAGE RATIO
 IMPERVIOUS AREA: 1.25 ACRES (92%)
 PERVIOUS AREA: 0.11 ACRES (8%)

PARKING
 ONSITE:
 1ST LEVEL PARKING
 INSIDE BLDG. 63
 OUTSIDE BLDG. 23
 2ND LEVEL PARKING 78
 TOTAL PARKING 164

REQUIRED PARKING:
 54 UNITS 108 SPACES
 2,500 SQ. FT. RETAIL 10 SPACES
 36 HOTEL ROOMS 45 SPACES
 TOTAL REQUIRED SPACES 163 SPACES
 TOTAL PROVIDED SPACES 164 SPACES

SIDE YARD SETBACK
 NORTH PORTION OF BUILDING:
 EAST SIDE YARD 6'
 WEST SIDE YARD 59'
 TOTAL 65'
 SOUTH PORTION OF BUILDING:
 EAST SIDE YARD 6'
 WEST SIDE YARD 60'
 TOTAL 66'

DOLPHIN DEPOT
 SITE PLAN

PLANNING & DEVELOPMENT

JAN 22 2016

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Kimley»Horn



Dolphin Depot Mixed-Use
 Planning & Design

Conceptual Elevation - Sixth Avenue
 September 2015, 2014

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JAN 22 2016

PLANNING & DEVELOPMENT



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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@jaxbchfl.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: March 28, 2016

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: Council Member Wilson
1st Reading: April 4, 2016
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

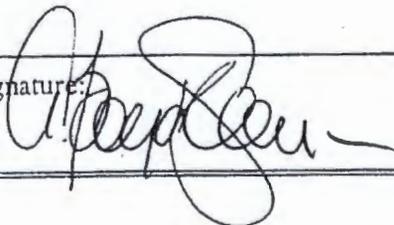
Legal description of your property (lot, block, subdivision name) and the location of the right of way or easement that you are applying to abandon or close. Please attach a boundary survey or plat of your property if one is readily obtainable:

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

