



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda City Council

Monday, February 5, 2018

7:00 PM

Council Chambers

MEMORANDUM TO:

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

Council Members:

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

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- a. **18-011** City Council Briefing Held January 16, 2018
- b. **18-012** Regular City Council Meeting Held January 16, 2018

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- a. **18-013** Consider Removing the Street Barricade at 16th Avenue North and 1st Street

- b. 18-014 Authorize Water Main Upgrade for Increased Fire Flow for Seascape Condominiums (16th Avenue South - Ocean Drive) with *G&H Construction, Inc.*
- c. 18-015 Award Bid Number 1718-03 Fiber Optic Cable - Sampson to Ft. Diego for Beaches Energy Services (BES) Guana Substation Expansion
- d. 18-016 Award Bid Number 1718-06 to the Lowest Responsive Bidder, Playspace Services for the Construction of the Splash Pad Expansion at South Beach Park

RESOLUTIONS

- a. 18-017 RESOLUTION NO. 2002-2018

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT FINANCIALLY TO A SPECIFIED PORTION OF THE SOLAR ENERGY ACQUIRED BY THE FLORIDA MUNICIPAL POWER AGENCY IN THE EVENT FLORIDA MUNICIPAL POWER AGENCY ACQUIRES SUCH SOLAR ENERGY; PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT TO BEING BOUND BY SECTION [X] OF RATE SCHEDULE B-1 OF THE ALL-REQUIREMENTS POWER SUPPLY CONTRACT; DESIGNATING AUTHORIZED OFFICERS; APPROVING AND TAKING CERTAIN OTHER ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- b. 18-018 RESOLUTION NO. 2003-2018

A RESOLUTION REVISING ELECTRIC RATES FOR BEACHES ENERGY SERVICES.

ORDINANCES

- a. 18-019 ORDINANCE NO. 2018-8103 (First Reading) (PUBLIC HEARING)

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII, DIVISION 2. SECTION 34-347.

REDEVELOPMENT DISTRICT: RD TO AFFIRM AND STATE THAT ARTICLE VI, DIVISION E. ZONING ATLAS AND TEXT AMENDMENTS REGULATIONS ARE APPLICABLE TO THE REVIEW AND APPROVAL OF APPLICATIONS FOR REDEVELOPMENT DISTRICT: RD ZONING DESIGNATION, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (Requires rezonings to RD be approved or denied based on the same standards as other rezoning requests.)

b. 18-020 ORDINANCE NO. 2018-8102 (First Reading) (PUBLIC HEARING)

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NUMBER 2011-8001, AS AMENDED BY ORDINANCE NO. 2017-8086, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (Updated proposed site plan for the Baptist Medical Center Beaches.)

c. 18-021 ORDINANCE NO. 2018-8104 (First Reading) (PUBLIC HEARING)

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE IV. DEFINITIONS TO ADD DEFINITIONS FOR "MEDICAL MARIJUANA TREATMENT CENTER", "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY" AND "PHARMACY", BY AMENDING ARTICLE VIII, SECTION 34-343 TO ADD "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY" AND "PHARMACY" TO THE LIST OF PERMITTED USES IN THE COMMERCIAL GENERAL: C-2 ZONING DISTRICT, BY AMENDING SECTIONS 34-342 AND 34-345 TO ADD "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY" AND "PHARMACY" TO THE LIST OF CONDITIONAL USES IN COMMERCIAL LIMITED: C-1 AND CENTRAL BUSINESS DISTRICT: CBD ZONING DISTRICTS, BY AMENDING ARTICLE VIII SUPPLEMENTAL STANDARDS, DIVISION 2, TO CREATE A NEW SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES FOR THE INCORPORATED AREA OF THE CITY, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ADJOURNMENT**NOTICE**

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

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

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

The Council Briefing began at 6:05 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, Director of Public Works Ty Edwards, Director of Beaches Energy Services Allen Putnam and Chief Financial Officer Karen Nelson.

Purpose of Briefing

The purpose of the briefing was to update the Council Members on projects including the following items:

City Manager

Sampson Substation

Mr. Forbes stated a tap changer for one of the large transformers at the Sampson Substation has failed causing the transformer to be no longer be operable. Quotes for pricing the repairs are underway, and Mr. Forbes would approve the cost of the emergency repair.

Waste Treatment Plant

Mr. Forbes stated one of the three blowers providing the air for the sequential batch reaction process at the waste treatment plant had a catastrophic failure. The City Manager approved a replacement at the reduced cost of \$26,650. He also indicated that he would not be bringing this item back to Council for formal approval since this is a repair/maintenance item. Ty Edwards, Director of Public Works, stated a new blower could cost upwards of \$250,000. The manufacturer would also be on site to assure the installation of the new parts is correct and would be inspecting the other two blowers at that time.

Water Plant

Mr. Forbes explained, during a draining and cleaning process of one of the 500,000-gallon water tanks at Water Plant #2 (work authorized by Council in April 2017), it was discovered the inside coating and ceiling were more deteriorated than was originally anticipated (due to the hydrogen sulfide gasses). The initial repairs were estimated to cost approximately \$260,000. The cost of the additional repairs, as estimated by the contractor is about \$200,000. After staff review of the estimate, Mr. Forbes approved a change order for the work; he stated the repairs are critical to maintaining the interior of the water tanks. The total cost of repairs will still be below the budgeted amount of \$550,000.

Two Over-hire positions

Karen Nelson, Chief Financial Officer, explained that one position is needed due to an extended absence of a current employee in the Purchasing Department. The new position would be a Purchasing and Procurement Assistant. Ms. Nelson explained the current position would eventually be eliminated. The new position of Procurement Assistant would be brought to the City Council for approval.

Mr. Forbes explained he had approved an over-hire position for a Beaches Energy Systems Operator position due to a potential vacancy. Mr. Forbes emphasized the need to fill the position quickly.

Beaches Energy and Shepherd Marketing

Trish Roberts, Deputy City Manager, explained the upcoming marketing plan with Shepherd, Beaches Energy Services' marketing contractor to promote Beaches Energy's E-Billing and the My Energy Planner service. Information regarding these programs would be advertised via social media, local newspapers and magazines and through HGTV programming. As part of the new marketing feature, there would be a monthly drawing for prizes. Ms. Roberts stated Shepherd would be tracking the click-through rates and completion rates for this initiative.

Ms. Roberts stated staff would be meeting with Shepherd to discuss updating the website for Beaches Energy; an update of the City of Jacksonville Beach's website would be considered in the near future.

Upcoming February 5th Council meeting

Mr. Forbes stated the following topics would possibly be on the agenda for the upcoming Council meeting on February 5th:

- Solar power project
- Medical marijuana
- Hospital PUD
- Barrier at 1st Street and 16th Avenue North

The briefing adjourned at 6:30 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant, City Clerk's Office

Approved:

William C. Latham, MAYOR

Date: _____

**Minutes of Regular City Council Meeting
held Tuesday, January 16, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES

A moment of silence was held in memory of Captain Ronnie Rabon of the Jacksonville Beach Fire Department, followed by the salute to the flag.

CALL TO ORDER

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

ROLL CALL

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, Chief Financial Officer Karen Nelson, Planning and Development Director Bill Mann, Police Commander Mark Evans, Parks and Recreation Director Jason Phitides, Public Works Director Ty Edwards, Beaches Energy Director Allen Putnam, City Clerk Laurie Scott, and Staff Assistant Mandy Murnane.

APPROVAL OF MINUTES

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

- City Council Briefing held December 18, 2017
- Regular City Council Meeting held December 18, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

- (a) **Item #18-003: Fletcher Middle School Lego Robotics Team Presentation - Their Solution for Pharmaceuticals in Drinking Water**

The Mayor introduced the all-girls Lego Robotics Team from Fletcher Middle School. Adrienne Mathis, Bella Pantfooter, Chloe Gilwood, Katie Walton, and Mariel Perry explained the impact pharmaceutical waste has on drinking and ocean waters and their solutions for the issue.

(b) Item #18-004: Fletcher Middle School Lego Robotics Team Presentation - Their Solution for Algae Blooms in the St. Johns River

Due to illness, the all-boys Lego-Robotics Team was unable to attend the meeting.

CITY CLERK

CITY MANAGER

(a) Item #18-005 – Accept the Monthly Financial Reports for the Month of December 2017

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to accept the monthly financial reports for the month of December 2017, as submitted by the Chief Financial Officer.

Discussion: Mayor Latham called for a roll call vote, as there was no discussion on the agenda item.

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

RESOLUTIONS:

(a) Item #18-006 – RESOLUTION NO. 2001-2018

Mayor Latham requested that the City Clerk read Resolution No. 2001-2018, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 2001-2018, urging the Florida Legislature to enact legislation that would make texting while driving a primary offense.

Discussion: Mr. Forbes explained that Florida law currently authorizes law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving, but only as a secondary offense. This means that the officer can only issue a citation if the driver has been pulled over for committing another traffic violation. Two bills in the Florida Legislature would remove the “secondary offense” provision, thereby making texting while driving a primary offense.

Mayor Latham reviewed the impact the initiative would have on the Jacksonville Beach Community. He stated that this is a significant issue for the City’s Public Works and Beaches Energy workers. He stated that he will be testifying at the Senate’s Transportation meeting Thursday on the importance the legislation would be to those people who work roadside.

A brief discussion ensued where Mr. Thomason, Mr. Doherty, and Ms. Wilson stated their support to ban cell phone use while driving.

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

(b) Item #18-007 – RESOLUTION NO. 1999-2018

Mayor Latham requested that the City Clerk read Resolution No. 1999-2018, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION ESTABLISHING RULES FOR THE TENNIS COURT AT SOUTH BEACH PARK.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1999-2018 establishing tennis court rules for South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated December 28, 2017.

Summary: Mr. Forbes explained the rules and the reservation system initiative is an effort to resolve the number of complaints made about the availability of the South Beach Park tennis court.

Speakers:

- Suzanne Nixon, 1604 6th St South, Jacksonville Beach, spoke in opposition to the agenda item.

Carol Kelley, 1965 Sevilla Boulevard West, Atlantic Beach, was opposed to the agenda item but did not wish to address the Council.

Discussion: Ms. Wilson reviewed the concerns brought to her attention by Richard Lamb; a Jacksonville Beach resident and tennis instructor who was unable to attend the meeting.

Jason Phitides, Parks and Recreation Director, responded to the concerns and stated the Staff would monitor the reservation system, and coordinate the daily timetable updates and paperwork.

Mr. Phitides added that as the process evolved, the court schedule would become self-regulating, and the regulation updates would be beneficial to court users.

Mayor Latham asked the Council if they would like to make a motion to table the item until the next meeting. There was no motion made.

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

(c) **Item #18-008 – RESOLUTION NO. 2000-2018**

Mayor Latham requested that the City Clerk read Resolution No. 2000-2018, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION ESTABLISHING RATES FOR THE MUNICIPAL COMMUNITY CENTER AND EXHIBITION HALL AT SOUTH BEACH PARK.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 2000-2018 revising rates for the Community Center and Exhibition Hall at South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated December 28, 2017.

Summary: Mr. Forbes said the adoption of the resolution would be beneficial towards facility revenue and contract longevity while also providing a discounted rate for long-term lessees of the South Beach Park Community Center and Exhibition Hall.

Roll call vote: Ayes – Thomason, Vogelsang, Wilson, Buck, Doherty, Hoffman, and Mayor Latham.

The motion passed unanimously.

ORDINANCES:

(a) **Item #17-220 - ORDINANCE NO. 2017-8100 (Second Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8100, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE II. - DOGS AND CATS, DIVISION 1. - IN GENERAL, SECTION 5-33 "DOGS ON THE BEACH; REQUIREMENTS AND HOURS" SECTION 5-33(a)(b), PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Adopt City Ordinance 2017-8100, amending sections of 5-33, “Dogs on the beach; requirements and hours” of the Code of Ordinances of the City of Jacksonville Beach, Florida.

Summary: The proposed ordinance would change regulations to allow dogs on the beach anytime from October 1 through March 31; and from April 1 through September 30, the regulations only allow dogs on the beach from 5:00 P.M. to 9:00 A.M. It also requires dogs to be on a leash not more than 16 feet in length, and the owner must carry suitable materials to clean up any waste from their dog.

Speakers:

The following individuals stated their support for the ordinance:

- Mark Russo, 245 34th Avenue South, Jacksonville Beach
- Susan Russo, 245 34th Avenue South, Jacksonville Beach
- Dan Elmalel, 1879 1st Street South, Jacksonville Beach
- Karen DeLoach, 405 32nd Avenue South, Jacksonville Beach
- Scott Carnes, 153 34th Avenue South, Jacksonville Beach
- Allyson Carnes, 153 34th Avenue South, Jacksonville Beach
- Donna Fluegel, 1301 1st Street South, # 1702, Jacksonville Beach
- Nancy Kern, 3409 1st Street South, Jacksonville Beach
- Mary Phillips, 934 10th Street North, Jacksonville Beach
- Terry DeLoach, 405 32nd Avenue South, Jacksonville Beach
- Cathryn Elmaleh, 1879 1st Street South, Jacksonville Beach

The following individuals addressed the Council in opposition to the ordinance:

- Rita Giblin, 1901 1st Street North, #1406, Jacksonville Beach
- Debi Cunningham, 3001 1st Street South, Jacksonville Beach
- Gary Allen, 2026 2nd Street South, Jacksonville Beach
- Eric Geller, 204 30th Avenue South, Jacksonville Beach
- David Zuckerman, 1794- A Ocean Drive, Jacksonville Beach

The following individuals were in support of the agenda item but did not wish to address the council:

- Blair Landry, 3413 1st Street South, Jacksonville Beach
- Jesse Hanson, 1033 13th Avenue North, Jacksonville Beach
- J.R. Bourne, 802 6th Street North, Jacksonville Beach
- Susan Bashford, 702 9th Avenue North, Jacksonville Beach
- Michelle Neary, 1004 7th Street North, Jacksonville Beach
- Lisa Grossman, 851 14th Avenue North, Jacksonville Beach
- Trey Phillips, 934 10th Street North, Jacksonville Beach
- Judy Chrisman, 1807 1st Street South, Jacksonville Beach
- Carol Ackis, 1808 1st Street South, Jacksonville Beach
- Mary Alexander, 15 30th Avenue South, Jacksonville Beach

Discussion: Commander Evans of the Jacksonville Beach Police Department reported on the prior years' beach patrol statistics, briefed the Council on the operating procedures in place for controlling dogs on the beach, and encouraged the proper communication, signage and public education regarding this change.

Each of the Council Members and Mayor Latham stated their support for the ordinance, as well as the importance of citizen accountability while quickly and effectively placing signage.

Roll call vote: Ayes – Vogelsang, Wilson, Buck, Doherty, Hoffman, Thomason, and Mayor Latham.

The motion, as amended, passed unanimously.

(b) **Item #17-221 - ORDINANCE NO. 2017-8101 (Second Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8101, 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, TO ADD DEFINITIONS FOR "PERSONAL WIRELESS SERVICE," "PERSONAL WIRELESS SERVICE FACILITY OR PERSONAL WIRELESS SERVICE FACILITIES" AND "PERSONAL WIRELESS SERVICE PROVIDER" TO ARTICLE IV, DEFINITIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH; AND BY AMENDING ARTICLE VIII, DIVISION 2, SUPPLEMENTAL STANDARDS BY CREATING A NEW SECTION 34-409. PERSONAL WIRELESS SERVICE FACILITIES, AND A NEW SECTION 34-410. PERSONAL WIRELESS FACILITY DEVELOPMENT STANDARDS; 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. 2017-8101, amending the Land Development Code by adding definitions and development standards for the regulation of Personal Wireless Service Facilities.

Summary: Mr. Forbes explained the amendment to Florida Statutes Chapter 337.401 passed by the State legislature in June of 2017, which created regulations called the “Advanced Wireless Infrastructure Deployment Act.” The new law preempts local government control of city-owned rights-of-way for the placement of “small” or “micro” wireless antennas and equipment and bans local governments from prohibiting such facilities from existing near or on existing towers and utility poles within rights-of-way.

This ordinance proposes a hierarchy of “preferred” options for the placement of personal wireless service facilities in the city, with the number of restrictions and regulations increasing as you go from most preferred to least preferred. The locational preference, in order from most to least preferred, is:

1. Antennae located on or in an existing building.
2. The co-location of antennae on an existing freestanding facility.
3. Installation of a new freestanding facility.

The ordinance also restricts the placement of new freestanding facilities to City or School Board-owned properties, including public schools, city parks and cemeteries, and most public rights-of-way in commercial and industrial zoning districts.

These regulations intend to keep any new freestanding facilities, as much as possible, out of the lower density residential areas of the city. The ordinance also requires that a new freestanding facility is sited at least one foot away from the nearest residential property boundary for every foot of height of the facility.

The Mayor opened the Public Hearing at 8:57 P.M.

Speakers: There were no requests to speak on the agenda item.

The Mayor closed the Public Hearing at 8:58 P.M.

Discussion: Mr. Doherty reiterated the home rule rights being affected by the nature of the origin of this ordinance.

Mayor Latham, who was recently elected by his peers at the Florida League of Mayors to the Board of Directors, said he will continue working towards holding the state legislature accountable, especially when they vote with legislature's leadership and not with constituents.

Roll call vote: Ayes – Wilson, Buck, Doherty, Hoffman, Thomason, Vogelsang, and Mayor Latham.

The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:10 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

City of
Jacksonville Beach
2508 South Beach
Parkway

Jacksonville Beach
FL 32250
Phone: 904.247.6236
Fax: 904.247.6143

www.jacksonvillebeach.org

TO: Mayor and City Council

FROM: George D. Forbes
City Manager

DATE: January 23, 2018

SUBJECT: Street Barricade at 1st Street and 16th Avenue

ACTION REQUESTED:

Consider removing the street barricade at 16th Avenue North and 1st Street.

BACKGROUND:

The street barricade at 1st Street and 16th Avenue North has existed since 1988 and was originally placed at this location to discourage cruising down 1st Street.

The City Council has discussed removing the barricade if it is no longer needed for its original purpose, and requested we send letters to area residents informing citizens that this matter will be considered by the Council at the February 5, 2018 meeting.

A copy of the letter we sent and citizen responses are attached.

RECOMMENDATION:

Based on the citizen responses, leave the barricade in place at 1st Street and 16th Avenue North.





City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268
Fax: 904.270.1642

www.jacksonvillebeach.org

January 17, 2018

[Address Block]

Dear Resident,

The City Council of the City of Jacksonville Beach will be considering a request to open the street barricade at 1st Street and 16th Avenue North by your home. This barricade has existed since 1988 and was originally placed at this location to discourage cruising down 1st Street.

The City Council is considering removing the barricade if it is no longer needed for its original purpose. This matter will be considered by the City Council at their February 5, 2018 meeting. This meeting will take place at 7:00 p.m., in the City Council Chamber, 11 North 3rd Street in Jacksonville Beach. If you cannot attend, please feel free to email us at cm@jaxbchfl.net with your opinion.

Thank you for your consideration.

All the best,

Charlie Latham
Mayor

CL:sg



Sheri Gosselin

From: Warren Anderson, Jr. <taowalkerwarren@gmail.com>
Sent: Friday, January 19, 2018 11:40 AM
To: City Manager's Office
Subject: regarding the barricade at 1st street and 16th Avenue North

Dear Mayor Latham:

I am writing to let you know that I am strongly in favor of retaining the barrier at 1st Street and 16th Avenue North.

I lived in Neptune Beach for over 20 years and have had my law office here at 20th Street and 3rd for over 3 decades. I remember very well how awful it was when vehicles cruised all the way through Neptune and Jacksonville Beach.

I strongly oppose lifting the barrier.

Thank you.

Warren Anderson 1/19/18

--
Warren K. Anderson, Jr., Esq.
2029 North Third Street
Jacksonville Beach, Florida 32250
(904) 247.1972

Sheri Gosselin

From: Terry Smith <htims1784@att.net>
Sent: Friday, January 19, 2018 2:11 PM
To: City Manager's Office
Subject: 1st street and 16th Avenue barricade.

Mayor Latham:

We would oppose the removal of the barricade. We, and many others, enjoy cruising 1st street on our bikes, and feel much safer with the barricade in place. We sincerely believe that removal would result in many more accidents, injuries, and potential fatalities involving bikes and motor vehicles. This also realizing that motor vehicles operators are not solely to blame for accidents. As a frequent biker, I'm finding it more and more difficult to find a place where I feel safe riding my bike.

Terry Smith
Owner - 2077 2nd Street North.

Sheri Gosselin

From: City Manager's Office
Sent: Sunday, January 21, 2018 11:26 AM
To: Sheri Gosselin
Cc: CPAAA - Charlie Latham
Subject: FW: Barricade at 1st &16th

-----Original Message-----

From: William Gallagher [mailto:william.gallagher34@comcast.net]
Sent: Sunday, January 21, 2018 9:23 AM
To: City Manager's Office <CityManager'sOffice@jaxbchfi.net>
Subject: Barricade at 1st &16th

As I resident living near the barricade at 1st and 16th I strongly support keeping the barricade.

First Street is more than a road, it is a way of life at Jax Beach, with walkers, joggers, bicyclists using First street for transportation and enjoyment. This helps keep the pedestrians safe.

The barricade helps keep non 1st Street residents from "cruising". Also with the three hotels and other commercial properties nearby the barricade keeps traffic on 3rd Street.

To help protect the "Beach Life" that Jacksonville Beach is trying to promote, I would think we would want more barricades - not less.

I am hopeful to attend the meeting on February 5th, but wanted to send my thoughts in case I am unable.

Regards
Bill Gallagher
1737 1st Street North
904-372-0565
Sent from my iPhone

Sheri Gosselin

From: City Manager's Office
Sent: Sunday, January 21, 2018 12:37 PM
To: Sheri Gosselin
Subject: FW: Opening of Barricade at 1st St and 16th Ave N

From: Ron Burnette [mailto:Ron_Burnette@comcast.net]
Sent: Sunday, January 21, 2018 12:34 PM
To: City Manager's Office
Subject: Opening of Barricade at 1st St and 16th Ave N

To The City of Jacksonville Beach,

I'd like to voice my concern with the proposed opening of the barricade at 1st St and 16th Ave N. The barricade was previously placed there to deter dragging 1st St and promote a nice residential area in N Jax Beach. Removing the barricade would encourage some people to cruise the entire length of Jax Beach. Currently, the traffic from the hotels on N 1st St is limited to the area of the hotels but opening the barricade would remove the barrier between a purely residential area and a commercial/residential area. Additionally, I think the opening of the barricade would greatly increase the traffic on 1st Street North and 20th Ave North. Traffic would increase the noise level and would increase the potential of vehicular accidents with pedestrians/bicyclists. Currently, they have a 'safe' zone where they can walk/ride.

Thanks,
Ron

Ron Burnette, RPh, MBA, PMP
Pharmacy Consulting Group, LLC
Cell: 904-403-9315
PharmacyConsultingGroup@comcast.net

This message and its contents are confidential. If you received this message in error, please inform the sender and immediately delete the message. Please do not use or reply to this message.

Sheri Gosselin

From: Jeanne Coster <radgeplus@bellsouth.net>
Sent: Monday, January 22, 2018 9:46 AM
To: City Manager's Office
Subject: 1st Street and 16th Avenue North Barricade Removal

Dear City Council,

I am **AGAINST REMOVING THE BARRICADE** from 1st Street and 16th Ave., N Jacksonville Beach.

I love having the barricade there to discourage fast traffic and cruising. It is a nice safety feature for the local children when riding their bikes and walking to school. I also like having the barricade there for the beach community that take advantage of feeling safe when enjoying the beach life by actively riding bikes, skating, running and walking without too much of a concern with the cruising traffic.

PLEASE DO NOT REMOVE THE BARRICADE.

Thank you.

Jeanne Coster
114 N. 18th Avenue
Condo C
Jacksonville Beach, FL 32250

Sheri Gosselin

From: Mlmika@comcast.net
Sent: Monday, January 22, 2018 11:14 AM
To: City Manager's Office
Subject: 2/5 City Council Meeting re: 1st St & 16th Ave Barricade

To: Members of Jacksonville Beach City Council
From: Mary Lynn Mika
Re: 1st St & 16th Ave N Barricade

I have been a resident of Beach Terraces @ 116 19th Ave N for 13 years and I am very opposed and upset that removal of the Barricade at 1st St & 16th Ave N is under consideration!

I bought my home at this building because this 4 block area was a relatively quiet neighborhood for the past 3 decades. To remove this Barricade will subject our neighborhood to more commercial and cruiser traffic that will impact the quality of life that we have enjoyed here!

Everyone who is renting or owns a home has moved here knowingly with knowledge that this Barricade is here. It presents no problems to us and I feel sure that the majority greatly appreciate the limited access this provides.

Please consider those of us who make this area our home and enjoy the neighborhood atmosphere and lighter traffic flows. Don't placate hotels or businesses in this area that may think of this as a barrier to their business needs. None of us need more traffic congestion or a negative impact on the quality of our lives!

Sincerely,
Mary Lynn Mika

Sent from my iPhone

Sheri Gosselin

From: JEAN FRANCIS <jmfrancis72@msn.com>
Sent: Monday, January 22, 2018 12:22 PM
To: City Manager's Office
Subject: Barricade at 16th Avenue North & 1st Street.

As a Jacksonville Beach resident who will be impacted if the barrier at 16th Ave N and 1st Street is removed, I strongly urge the City Council to vote no on this proposal. The barrier has existed since 1988 and forms a natural break between commercial properties and the completely residential properties on its north side. Further, Neptune Beach has no intention of removing the barrier at 20th Ave N and 1st Street, so I see no advantage to opening only 4 additional blocks on the Jacksonville Beach side.

Again, I strongly urge the Council to vote NO!

Jean Francis
116 19th Ave N Unit 201
Jacksonville Beach FL 32250

Sheri Gosselin

From: Adams, Kathleen <eadam01@emory.edu>
Sent: Monday, January 22, 2018 12:25 PM
To: City Manager's Office
Subject: Barrier at 1st St & 16th Ave North

Dear Sir/Madam:

As a owner of residential property in Jacksonville Beach, I am writing to you because of our concern with the removal of the traffic barrier at 1st St & 16th Ave North. This barrier has been in place for over 30 years and is highly instrumental in keeping the traffic at a reasonable level along 1st street. This is important due to the residential nature of Jacksonville and the other beaches along the coast. Not only do these barriers affect the safety our children, bikers and walkers but it helps keep the noise and perhaps, crime levels, low. One of the many beauties of Jacksonville Beach is that is it not predominantly commercial but rather, people who live and play here also work at businesses close by and in the city. This has been true for decades but with the more recent development of Jacksonville Beach it as grown in terms of residents working in the area. A large part of its attraction is the lack of fast or overwhelming traffic in many residential areas of the beach.

As owners and taxpayers, we respectively petition you to consider the needs and demands of residents above those of new commercial interests coming into this beautiful area. Please work to keep this barrier, along with others that exist along the beach, in place.

Thank you,
Dr. Kathleen Adams

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Sheri Gosselin

From: Becker, Edmund R <ebeck01@emory.edu>
Sent: Monday, January 22, 2018 1:11 PM
To: City Manager's Office
Subject: Barriers at the Beach

To Whom It May Concern:

As a residential property owner in Jacksonville Beach, I write to express my concern at the prospect of removing the traffic barrier at 1st St & 16th Ave North. Having lived in Jax Beach for over 10 years, the barrier on 1st street as well as other barriers on 1st street, are a welcome relief from the constant through traffic that seriously impacts the quality of life at the beach. I'm sure as you are well aware, as designed about 30 years ago, barriers use physical design to improve safety for motorists, pedestrians and cyclists. Their aim is to encourage safer, more responsible driving, and potentially reduce traffic flow and speeds – all which I think are laudable goals for our beach community.

One only has to look at the levels of traffic on 3rd street to see that a solid stream of traffic (or the potential for such traffic) on certain adjacent streets seriously impacts the quality of life and safety for residents and neighborhoods near the beach. It is hard to imagine in this day and age that we need more access or the noise and pollution associated with motorized transportation. The high-traffic access highways to the beach like Beach Boulevard and Atlantic Boulevard are already congested most days – why would we want that kind of congestion and hazard closer to the beach? One of the enduring aspects of Jacksonville Beach that keeps our family here is the beauty, tranquility, and uniqueness in the beach area.

As an owner, I would appeal to you to reflect on the needs and stresses of your residents and I respectfully request you keep barriers the way they are currently configured.

Thank you for your attention and consideration in this matter.

Sincerely yours,

Dr. Edmund R. Becker
116 19th Avenue North

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Sheri Gosselin

From: Shelia Parenton <sheliaparenton@gmail.com>
Sent: Monday, January 22, 2018 1:12 PM
To: City Manager's Office
Subject: Barrier Removal on 1st Street & 16th Avenue North

Thank you for taking a moment to review this request to deny the option of removing the street barricade at 1st Street and 16th Avenue North.

Since the barrier has been in this location for 30 years, it makes sense to assume that most people living in that area (either owners or renters) were aware of the situation they invested in, rented in or built in. For those of us who would be affected negatively by the removal of the barrier, the situation is the exact opposite. One of the biggest selling points for our home purchase in 2010 was the fact that the barrier was there! We didn't want to be in a high traffic area. I feel very sure that our investment will diminish not only in a financial way but even more importantly in the enjoyment of our neighborhood if that barrier is removed.

My husband and I urge you to deny the request to remove the 1st Street and 16 Avenue North Barrier.

Thank you

Shelia and Tim Parenton
116 19th Avenue North #401
Jacksonville Beach, FL

Sheri Gosselin

From: Eric Harris <eharris@pinnaclesales-marketing.com>
Sent: Tuesday, January 23, 2018 2:20 PM
To: City Manager's Office
Subject: Fw: 1st Street and 16th Avenue North Barricade

Importance: High

From: Eric Harris
Sent: Tuesday, January 23, 2018 2:09 PM
To: cm@jaxbeachfl.net
Subject: 1st Street and 16th Avenue North Barricade

To Charlie Latham and Jax Beach City Council,

My name is Eric Harris and I live at 116 19th Avenue North. I am contacting you to vienimently OPPOSE the removal of the barricade at 1st and 16th. The COJB placed this barricade here with purpose. To keep the commercial district traffic from cruising our residential neighborhood. The over 30 year old barricade has been serving the City's purpose all along and should not be taken away. Taking this barricade away will only serve the desires of few on City Council whose Political Futures have fallen under the scrutiny of business constituents in the commercial district to the south.

My family moved to 19th Avenue North about 13 years ago form 14th North and 1st. We made this move because the traffic at 14th N and 1st was horrific and dangerous at times.

Please understand, removing the barricade will strike a new cord with the residents of the North Beach area. One that will surely hurt and council person's future hopes of re-election. The people of this neighborhood are organized and steadfast in their concerns.

We will see you at the meeting.

Be sure to vote "NO" on this initiative.

Best,

Eric Harris

Sheri Gosselin

From: Shirrie <momandkai@aol.com>
Sent: Tuesday, January 23, 2018 4:45 PM
To: City Manager's Office
Subject: 16th Ave barricade

As a resident of Beach Terraces and living on 19th Ave n, I'd like to express my concerns regarding the removal of the barricade which hinders thru traffic on 1st st- we love our peaceful little section of the beach and an increase in traffic would cause great concerns for our children and pedestrians in the area. Please let this barricade remain where it's been for years and keep our area and streets the way they are.

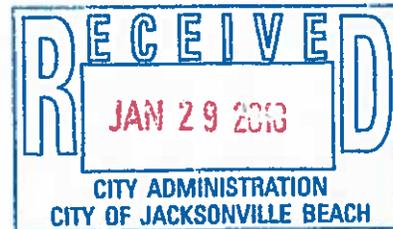
Thank you,
Shirrie Stenklyft

Sent from my iPhone

ROBERT AND RAE MARIE WARDROP

116 19TH Avenue North, #403
Jacksonville Beach, FL 32250

January 23, 2017



Hon. Charlie Latham
Mayor
City of Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach, FL 32250

RE: Barricade at 1st Street and 16th Avenue North

Dear Members of the City Council:

I am writing to you regarding the request to open the street barricade at 1st Street and 16th Avenue North.

In our mind, there is absolutely no reason why this should even be considered.

The barricade does exactly what it was meant to do. It prevents cruising on 1st Street. It provides a great traffic break that slows down cars. It provides a significantly increased level of safety to the numerous bikers, runners and others who use the street.

For safety reasons alone, the barricade should be kept in place.

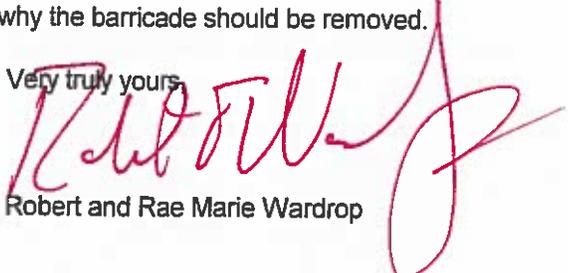
If anything, more barricades should be placed on 1st Street. Our thought is that a barricade should be placed at 9th Street North (North side) so that people who are exiting the center city are directed away from the neighborhoods and onto 3rd Street (which should be used for moving traffic North and South). Similarly, a barricade should be placed at 6th Street South (South side) to also direct downtown traffic out of the neighborhoods and onto 3rd Street.

1st Street best serves the interest of the community, and reflects the beach attitude, by not being a through street. Traffic from the commercial area zone from 9th Street North to 6th Street South should be restricted to that area and directed onto 3rd Street for ingress and egress to the center of the City. The rest of 1st Street should be a safe zone for bikers, runners and others. Traffic should be limited, not expanded.

The only reason that anyone would ever suggest removing the street barricade at 1st Street and 16th Avenue North is for some individuals' commercial benefit. The good of the community as a whole, and of the property owners in the area of the barricade, is surely best served by maintaining the barricade. The barricade clearly accomplishes its purpose, and more. It prevents cruising. It promotes safety. It provides a benefit to the entire beach community.

We cannot think of a single good reason why the barricade should be removed.

Very truly yours,


Robert and Rae Marie Wardrop

Sheri Gosselin

From: David Robinson <dmrz1938@gmail.com>
Sent: Wednesday, January 24, 2018 1:14 AM
To: City Manager's Office
Subject: 1st Street Barricade

Mayor and City Council:

When the barricades on 1st Street were put in, we were told that they were necessary. What has changed that there will no longer be a cruising problem?

The police will have to control any cruising that resumes on 1st Street. What are their thoughts on this plan?

Based on the number of bikers on 1st Street on the 4th of July, what happens when cars are added to the mix?

I would rather tolerate the barricades than go back to the traffic jams, exhaust fumes, and noise of the cars on 1st Street.

David Robinson
1828/1830 1st Street North

Sheri Gosselin

From: Rudy Broekhuis <rudyb@globalconcepts.com>
Sent: Wednesday, January 24, 2018 8:45 AM
To: City Manager's Office
Cc: Traute Sprungmann (traute@brauinvestments.com); Chris Sprungmann (chris@brauinvestments.com); 'Diane Broekhuis'; 'Dawn'; 'chad joldersma'
Subject: 1st and 16th Barricade Removal

Dear Mayor Latham

We own the homes at 1809, 1811 and 1813 2nd Street North in Jacksonville Beach. We received your letter dated January 17 regarding the consideration of removing the barricade at 1st Street North and 16th Avenue North. Work and travel schedules will likely prevent us from attending the hearing on this topic, but we wanted to express our opinion concerning removal of the barricade.

While we have not experienced the "car cruising" on 1st Street that the barricade was installed to limit in 1988, we have come to appreciate the traffic dampening effect the barricade has created in our neighborhood. We would strongly encourage the Council to maintain the barricade.

1. As new homes have been built in our neighborhood attracting families who enjoy walking to the beach with children, the fact that there is not a lot of higher speed traffic going down 1st Street makes going to the beach access points much safer.
2. The slower speeds also make bicycle riding safer.
3. It is unlikely the city of Jacksonville Beach will increase patrols to monitor speed and stop sign adherence if the barricade is removed.
4. The barricade acts as a "shunt" to have hotel guests and beach goers who park their cars in the public parking area to immediately take 16th Avenue to 3rd Street to get to other points in the surrounding area.

We find no compelling reason to remove the barricade that will lead to improved safety or other improved quality of life in our neighborhood. We hope the barricade will be maintained as it is.

Sincerely

Trudy and Chris Sprungmann
1809 2nd Street North

Diane and Rudy Broekhuis
1811 2nd Street North

Dawn and Chad Joldersma
1813 2nd Street North

Sheri Gosselin

From: Pete Dalton <pete_dalton@hotmail.com>
Sent: Wednesday, January 24, 2018 9:32 PM
To: City Manager's Office
Subject: Feb 5 City Council Meeting Re: Barrier at 1st Street and 16th Avenue North

To the Jacksonville Beach City Council—

We are opposed to the removal of the existing barrier at 1st Street and 16th Avenue North.

We bought our current residence on 19th Avenue North in 2005 and have lived here through the present date. One of the key factors in our decision to purchase this property was the controlled traffic flow on 1st Street caused by the two barriers; one at 16th Avenue and the other at 20th Avenue.

The presence of these barriers has significantly hampered vehicular traffic from speeding and making excessive exhaust noise in the area. They have also deterred any substantial increase in traffic volume throughout the last 12+ years. We also believe these barriers enhance the safe operation and use of this portion of 1st Street by people on bicycles and by skateboarders and in-line skaters. We feel these factors enhance the desirability of living within two blocks of the ocean and that the entire City benefits as a result.

The removal of the 16th Avenue barrier would lessen the quality of life for the residents, guests and daily visitors in the immediate area while increasing the vehicular dangers to the overall safety of the people who reside in the adjacent residences, as well as the safety of all people using 1st Street for transport. As if that is not bad enough, we also believe our property values would fall as a result of this action and that would reduce tax revenues available to the entire city.

For the above reasons, we vehemently oppose the removal of the 16th Street barrier! We plan to attend the City Council Meeting on February 5 but, in case any scheduling conflict arises, we are sending this email to ensure the Council is aware of our position on this issue.

Thank you for your work in helping our City and for taking the time to review our opinion prior to taking action on this matter.

Sincerely,

Peter and Linda Dalton
116 19th Avenue North, Unit 301
Jacksonville Beach, Florida 32250
(904) 246-4361

Sheri Gosselin

From: Vaghefi, Reza <rvaghefi@unf.edu>
Sent: Thursday, January 25, 2018 9:07 AM
To: City Manager's Office
Subject: Fw: Feb 5 City Council Meeting Re: Barrier at 1st Street and 16th Avenue North

Dear Council Members:

I seriously support the Statement made by Mr. Dalton regarding the barriers at 1st Street and 16th Avenue.

There is absolutely no credible reason to remove these that have worked so well for so many years.

Respectfully,

*M. Reza Vaghefi, Ph.D.
Professor Emeritus of Management and
International Business. and
Prime F. Osborn III Distinguished Professor
Coggin College of Business
University of North Florida*

From: Pete Dalton <pete_dalton@hotmail.com>
Sent: Thursday, January 25, 2018 8:59 AM
To: Vaghefi, Reza
Subject: Fwd: Feb 5 City Council Meeting Re: Barrier at 1st Street and 16th Avenue North

As requested. Please see address below. Happy New Year!
Pete

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: Feb 5 City Council Meeting Re: Barrier at 1st Street and 16th Avenue North
From: Pete Dalton <pete_dalton@hotmail.com>
To: cm@jaxbchfl.net
CC:

To the Jacksonville Beach City Council—

We are opposed to the removal of the existing barrier at 1st Street and 16th Avenue North.

We bought our current residence on 19th Avenue North in 2005 and have lived here through the present date. One of the key factors in our decision to purchase this property was the controlled traffic flow on 1st Street caused by the two barriers; one at 16th Avenue and the other at 20th Avenue.

The presence of these barriers has significantly hampered vehicular traffic from speeding and making excessive exhaust noise in the area. They have also deterred any substantial increase in traffic volume throughout the last 12+ years. We also believe these barriers enhance the safe operation and use of this portion of 1st Street by

people on bicycles and by skateboarders and in-line skaters. We feel these factors enhance the desirability of living within two blocks of the ocean and that the entire City benefits as a result.

The removal of the 16th Avenue barrier would lessen the quality of life for the residents, guests and daily visitors in the immediate area while increasing the vehicular dangers to the overall safety of the people who reside in the adjacent residences, as well as the safety of all people using 1st Street for transport. As if that is not bad enough, we also believe our property values would fall as a result of this action and that would reduce tax revenues available to the entire city.

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Thank you for your work in helping our City and for taking the time to review our opinion prior to taking action on this matter.

Sincerely,

Peter and Linda Dalton
116 19th Avenue North, Unit 301
Jacksonville Beach, Florida 32250
(904) 246-4361

Sheri Gosselin

From: Dorothy L Wurster <bandlland@aol.com>
Sent: Thursday, January 25, 2018 11:37 AM
To: City Manager's Office
Subject: Removal of Barrier on 1st Street close to 19th

I will not be able to make the meeting concerning removal of the barrier.

We own a condo at Beaches Terrace on 19th st.

I was around when the barrier was put up in 1988. There was a reason for it then and a stronger reason for the barrier staying in place.

My cousin owned a condo at The Pelican and she was one of the driving forces to have the barrier put up. Cars, trucks and other vehicles would speed down first street without taking caution to the runners, walkers, riders, etc. It became very dangerous.

I feel with all of the construction and the growth at Jax Beach, there is even a stronger need for this barrier.

My husband and I strongly oppose the removal of the barrier. Our taxes are very high and we feel that our voices need to be heard.

Thanks again for your consideration.

Sincerely,

Louise Wurster
Unit #602, Beaches Terrace

Sheri Gosselin

From: Don Martin <don.martin@gmail.com>
Sent: Friday, January 26, 2018 12:36 PM
To: City Manager's Office
Subject: Regarding the Barricade at 1st and 16th

I am a resident of the Pelican Point Condominiums for the past 4 years. **I am opposed to the removal of the barricade.** The only possible benefit would be to the drug traffickers between 16th and 17th streets. My unit overlooks the area in question.

Sincerely,

Donald Martin
1901 1st St N #1106
Jax Beach, FL 32250

cell: 301.717.2890

Sheri Gosselin

From: Susan <swiegers4@yahoo.com>
Sent: Friday, January 26, 2018 12:59 PM
To: City Manager's Office
Subject: Removing the barricade on first Street.

Dear Mayor,

I own a condo at Seaquest at 1701 N. 1st St. The barricade you are considering removing is directly in front of our complex.

I am shocked that the city of Jacksonville Beach would even consider such a drastic change. What makes you think something has changed since it was originally erected? With the advancement of today's sound systems, I can only imagine the noise pollution going up and down First Street, continuously. This is a quiet, family oriented section on the north end of Jacksonville Beach and blends nicely into Neptune Beach. Please keep it this way. The removal of the barrier would change the total dynamics of this area.

We all want Jacksonville Beach to be a beautiful place to live. If you want to change this barrier in anyway, you should make it more aesthetically pleasing. Make it more like the ones in Neptune Beach by removing the ugly concrete yellow posts and planting beachy vegetation.

Please reconsider this possible change on First Street. We want to move Jacksonville Beach forward, not revert back to the 80's.

Sincerely,
Susan Wiegers
1701 N 1st St. Unit 6B

Sent from my iPhone

Sheri Gosselin

From: Brett Harper <harp423@gmail.com>
Sent: Friday, January 26, 2018 2:55 PM
To: City Manager's Office
Cc: Brett Harper
Subject: Barrier Removal Concern

To whom it may concern,

I recently learned that the City Council is considering the removal of the street barriers at 1st and 16th Ave. My wife and I are residents of Beaches Terrace on 19th Ave. N.

The removal of those barriers, We believe, will cause a major safety issue not only for us but all of first street. With the barriers in place cars have a shorter distance to drive before making a turn which we believe forces them to drive slower. With out the barriers people will have one long straight road to drive on and with out any obstacles they will tend to hit a higher speed as they will not have to make a change for some time.

Folks out for a bike ride or a walk will then have to deal with more vehicles coming at them.

We would ask the barriers be left as is.

Thanks for listening,

Brett & Cindy Harper
1616 19th Ave. N #502
Jacksonville Beach, FL. 32250

Sent from my iPad

Sheri Gosselin

From: Geneva Jacobs <evalynn@gmail.com>
Sent: Saturday, January 27, 2018 3:50 PM
To: City Manager's Office; Matthew Tonuzi
Subject: Street Barricade 1st Street / 16th Ave N

Hello! Thank you for your letter regarding the request to open the street barricade at 1st Street and 16th Avenue North by our home. The original purpose of placing this barricade in 1988 was to discourage cruising down 1st street. The City Council is considering removing the barricade if it is no longer needed for this purpose.

We personally see frequent cruising along 1st street, especially at nights, on the weekends and in the summer. If it weren't for this barrier, we would have a significant traffic increase by our home. Due to our location at 20th Ave N, the traffic would then be diverted to pass directly by our home (as the next barrier exists at our corner where Jax Beach meets Neptune Beach). This would result in persons cruising along our corner with significantly increased noise disruption from the restaurants and bars just down the road. We are very against this prospect. Jacksonville Beach has significantly grown since the barricades were placed in 1988 and they help significantly in negating unnecessary driving into our quiet neighborhoods. We would like to keep it exactly the way it is at this time.

Thus, we strongly discourage the removal of this barricade as we greatly appreciate the reduction in traffic that it has created. We are hopeful that the City Council will agree to leave the barricade in place at this time.

Sincerely,
Matthew and Geneva Tonuzi
110 20th Ave N
Jacksonville Beach, FL 32250

Sheri Gosselin

From: Monica <mawaibel@gmail.com>
Sent: Saturday, January 27, 2018 7:46 PM
To: City Manager's Office
Subject: Possible removal of barricade at 1st St and 16th Ave N

I am a resident of Pelican Point Condos and I am against removal of the barricade. It still serves the purpose of slowing traffic down in our residential area. With the barricade in place, access for residents and beach-goers is available while providing a quiet street for walking and cycling.

It is a small inconvenience to drive a block around the barricade and since it has been there for so many years most people are aware of the route around it.

Therefore, I ask to please keep the barricade at 1st St and 16th Ave N in place.

Thank you,
Monica Waibel

Sent from Mail for Windows 10

Sheri Gosselin

From: Brittany Manning <brittany@gypsetandpearl.com>
Sent: Sunday, January 28, 2018 3:02 PM
To: City Manager's Office
Subject: 16th Ave. Barricade

Please don't remove barricade. We have small children and dogs and by removing the barricade it would encourage more traffic. We are at 17th Ave. North and First. Please keep barricade standing, and put the money into more Doggie Waste stations ;)

--

Brittany Cramer Manning
Founder & CEO, Gypset and Pearl
Office: (904) 477-2475
Cell: (814) 380-6220
Email: brittany@gypsetandpearl.com

gypsetandpearl.com

Sheri Gosselin

From: josh.manning7@gmail.com on behalf of Josh Manning <Josh@liontutors.com>
Sent: Monday, January 29, 2018 8:21 AM
To: City Manager's Office
Subject: Baricade at 1st and 16th

Hello,

I received a letter letting me know the city is considering taking down the barricade at 1st and 16th. As a resident living at 1810 1st St N, I can assure you this is a terrible idea. It seems like a complete waste of money with no benefit to anyone. I could understand a debate if the barricade should be installed because of the cost to the city; however, I am adamantly against the city spending any money to take it down. It would be greatly appreciated if someone could explain to me how it would be beneficial to take it down, and why that benefit would justify the financial cost along with the cost of additional "cruising" along 1st street.

As a resident living on 1st St, I can assure you that there is still way too much cruising happening along 1st street. I do find the barricade an effective way reduce cruising. It is common for me to watch people in their car clearly not from the beach driving down 1st street honking and cursing at people on bikes. These same people typically drive through 17th trying to continue cruising down 1st St because they don't know the barricade is there. They then make a U-Turn and are forced on to 2nd street. Please continue to protect the safety and good-vibes culture we love out here at the beach with the barricades. I would support placing additional barricade throughout 1st St in Jax Beach. We certainly don't need fewer barricades!

The fact that 1st St is such a biking and walking friendly street is one of the many things that makes Jax Beach one of the best beach communities in the world. Jax Beach residents should be much more of a concern than people from out of town who want to cruise up and down 1st St. I feel strongly that 1st St should only be used for local traffic driving a few blocks. People can use 2nd and 3rd street as through streets. If anything, please consider adding more barricades along 1st Street.

Finally, the barricades are essential for ensuring safety during the 4th of July. When we first moved to the beach, the 4th was a fun holiday. However, the group of people who enjoy consuming alcohol and then starting violence have ruined the holiday for us. We have watched extremely violent physical altercations in front of our home for the last three years. We have had to give police reports, and we have seen people taken away in ambulances. As long as the beach continues to do fireworks and encourage people out for the 4th, we need to do everything we can to have controls in place to limit traffic on 1st St. Last year I had a guy throw a full bottle of beer at my house because a neighbors kid threw a water balloon that didn't even hit him. Going forward, I'm locking up the house, setting the alarm, and putting up the hurricane shutters for the 4th. Please don't take away the barricade that is the only thing helping reduce some of the traffic on what has become an extremely violent holiday. Ever single person that has start violence has not been from the Beaches community. It is sad that this is how these people celebrate our nation's birthday. Please continue to help protect the residents from what has become a dangerous holiday.

Sincerely,

Josh Manning
810 1st St N

--
Josh Manning
Managing Partner
LionTutors LLC
www.LionTutors.com
444 E College Ave Ste 380
State College, PA 16801
Josh@LionTutors.com

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Sheri Gosselin

From: Diane Halstead <diane.halstead@live.com>
Sent: Monday, January 29, 2018 6:44 PM
To: City Manager's Office
Subject: Street Barricade

Importance: High

Charlie Latham, Mayor
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach, FL 32250
(904) 247-6268

Mayor Latham,

I received a copy of your email regarding a request to open the street barricade at 1st Street and 16th Avenue North.

As stated, the barricade was placed to discourage cruising down 1st Street. To that point, there is no evidence to my knowledge that the barricade is no longer needed for its original purpose. Although I have found it inconvenient at times while driving north on 1st Street to have to turn left onto 16th Avenue and take 2nd Street North and 18th Street back to 1st Street, to return to Pelican Point Condominiums. I would much prefer this slight inconvenience, rather than having the barricade removed and allowing more traffic past Pelican Point. That said, I do not support removing the barricade for the following reasons:

- 1) There are many individuals on bicycles, skate boards, and on foot using 1st Street North between 16th Avenue and 20th Avenue North. To jeopardize their enjoyment, not to mention their lives with through traffic, would be a safety hazard.
- 2) We can expect more traffic with several hotels just south of the barricade.
- 3) One of our condominium owners told us at our homeowners meeting on 1/25, that individuals with golf carts were promoting the removal of the barricade. Do we really want to spend money to remove the barricade for a few individuals who may find it more convenient? The money can be used to take care of more critical issues.
- 4) Where is the evidence that removing the wall would not bring more traffic north of the barricade.
- 5) The barricade provides a barrier to cruising and speeding.

I appreciate your consideration and trust the City Council will vote "No" to removing the barricade.

Sincere regards,

Dr. Diane C. Halstead
Pelican Point Homeowner
1901 1st Street North
Jacksonville Beach, FL 32250

(904) 881-9142 cell

cc: President, Pelican Point (PP) Condominiums
PP Association Secretary

Sheri Gosselin

From: Diane Halstead <diane.halstead@live.com>
Sent: Monday, January 29, 2018 7:35 PM
To: City Manager's Office
Subject: Updated Letter - Street Barricade

Importance: High

Diane Halstead has shared a OneDrive file with you. To view it, click the link below.

 [MayorLatham.Barricade2018.docx](#)

Mayor Latham,

Please ignore my previous email sent this evening at 6:41 pm. I have attached a somewhat revised email for your review and consideration.

Thank you,
Dr. Diane C. Halstead
(904) 881-9142

January 29, 2018

Charlie Latham, Mayor
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach, FL 32250
(904) 247-6268

Mayor Latham,

RE: STREET BARRICADE

I received a copy of your email regarding a request to open the street barricade at 1st Street and 16th Avenue North. As stated, the barricade was placed to discourage cruising down 1st Street. To that point, there is no evidence to my knowledge that the barricade is no longer needed for its original purpose. Although I have found it inconvenient at times while driving north on 1st Street to have to turn left onto 16th Avenue and take 2nd Street North and 18th Street back to 1st Street, to return to Pelican Point Condominiums, I would much prefer this slight inconvenience, rather than having the barricade removed and allowing more traffic past Pelican Point. That said, I do not support removing the barricade for the following reasons:

- 1) There are many individuals on bicycles, skate boards, and on foot using 1st Street North between 16th Avenue and 20th Avenue North. To jeopardize their enjoyment, not to mention their lives with through traffic, would be a safety hazard.
- 2) We can expect more traffic with several hotels just south of the barricade.
- 3) One of our condominium owners told us at our homeowners meeting on 1/25, that individuals with golf carts were promoting the removal of the barricade. Do we really want to spend money to remove the barricade for a few individuals who may find it more convenient? The money can be used to take care of more critical issues.
- 4) Where is the evidence that removing the wall would not bring more traffic north of the barricade.
- 5) The barricade provides a barrier to cruising and speeding.

I appreciate your consideration and trust the City Council will vote "No" to removing the barricade.

Sincere regards,

Dr. Diane C. Halstead
Pelican Point Homeowner
1901 1st Street North
Jacksonville Beach, FL 32250
(904) 881-9142 cell

cc: President, Pelican Point (PP) Condominiums
PP Association Secretary

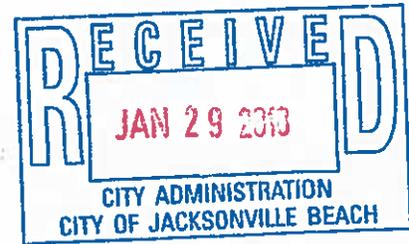
Stacy McFarland

Wallis Farraday

116 19th Avenue N #203

Jacksonville Beach, FL

904 838 2082



January 22, 2018

To Whom It May Concern:

We are writing in response to your letter dated January 17, 2018, regarding the removal of the traffic barricade at 1st Street and 16th Street North.

We object to the removal of this barricade. These barricades have prevented unnecessary traffic on 1st street. This has helped to maintain a "neighborhood feeling" and helps keep the streets safe for children and pets. This is one of the reasons I have lived her since 2005.

Please consider our wishes when reviewing this request.

Sincerely,


Stacy McFarland

Wallis Farraday

Sheri Gosselin

From: Shelly Mulick <scmulick@gmail.com>
Sent: Wednesday, January 31, 2018 2:25 PM
To: City Manager's Office
Cc: Cyndi Catir
Subject: Barricade removal consideration

I am a resident of Seaquest Condominiums at 1701 N. First St. I am writing to you to give my opinion on the request to reopen the street barricade at 1st Street and 16th Avenue North.

I am definitely not in favor of reopening this barricade. Since its placement in 1988, traffic on 16th street has been kept to a minimum. There has been a considerable decline in vandalism, illegal parking, noise disturbances and other security problems for our property at Seaquest.

I don't see how reopening the barricade will have any positive effect for the community.

Thank you for your consideration,

Shelly C. Mulick

Sheri Gosselin

From: Amy Turci <ATurci@fordharrison.com>
Sent: Wednesday, January 31, 2018 2:53 PM
To: City Manager's Office
Cc: Charlie Latham; Luca Turci (turcil@yahoo.com); FRANCO TURCI
Subject: Street Barricade (1st Street/16th Avenue N)
Attachments: 5-16-13 Removal of 1st ST Roadblock Suggested.pdf; 11-22-17 JB Barricade May Go.pdf

Dear Mayor and City Council Members,

My husband and I are longtime residents of and property owners in Jacksonville Beach (1908 1st ST N). It has come to our attention that the city council is considering removing the barricade/barrier at 1st Street and 16th Avenue North. According to the November 20, 2017, Minutes of City Council Briefing, City Manager George Forbes stated that an unspecified member of the city council requested the council consider removing that barrier. The November 22, 2017, edition of The Beaches Leader states that Mr. Forbes "likened the concrete barrier to the Berlin Wall." (See attached). We understand that this is not the first campaign for removal of the barrier. According to the May 16, 2013, edition of The Beaches Leader, now Councilman Lee Buck requested the barrier be removed. (See attached) Mr. Buck claimed that motor vehicle "cruising" is no longer an issue. At that time, in a strikingly similar comment to Mr. Forbes' 2017 comment, Mr. Buck also likened the barrier to the Berlin Wall.

We have two concerns about removing the barrier. First, we strenuously disagree with Mr. Buck's statement that cruising is no longer an issue on First Street. As noted by Visit Jacksonville and in multiple online sources, tourism in Jacksonville Beach is at an all-time high. Recent developments in downtown Jacksonville Beach include the construction of a surface parking lot for motor vehicles and the opening of Surfer the Bar. The Comfort Inn at 1515 1st Street North was recently renovated and transformed into a Hampton Inn. Further, the property at 715 First Street North was recently sold to Elite Hospitality, which has plans to open a 220-room hotel at that site. All of this portends ongoing, significant, and increasing motor vehicle traffic on North 1st Street. As noted in the same 2013 article from The Beaches Leader that quoted Mr. Buck, the barrier was installed after property owner complaints of cruising. There is no objective basis for concluding that this concern has dissipated, or that motor vehicle traffic in the area has decreased or is expected to decrease.

We have known Councilman Lee Buck for years, having rented one of his homes at the corner of 2nd Street and 17th Avenue North. We have always had a positive relationship with Mr. Buck and appreciate his service to our city. We are concerned, however, that Mr. Buck's campaign to remove the barricade is one that serves his own interests above those of the citizens of Jacksonville Beach. Mr. Buck lives at the corner of 17th Avenue North and 2nd Street. Motor vehicles that cruise on 1st Street arrive at the 16th Avenue barrier and must turn West, heading to 2nd Street. If those vehicles continue on 2nd Street, they pass right by Mr. Buck's home. We believe that this is the underlying reason why Mr. Buck wants the barrier demolished – not because cruising is no longer an issue, but because there is too much cruising going on by his home. If Mr. Buck has an issue with cruising, he should be honest about it, and come up with a positive, proactive response to address his concerns for property owners on 2nd Street. The appropriate and ethical response is not to remove an effective solution combating continued cruising in Jacksonville Beach, a move that would detrimentally affect those of us who live on 1st Street.

We have spoken with multiple property owners in the area that will be affected by this proposal. We are unanimously against this proposal and believe it will have a negative impact on property owners in north Jacksonville Beach and Neptune Beach. We will be paying attention to the news for any updates on this matter and will attend any relevant city council meetings, including the February 5th meeting.

Thank you for your attention in this matter.

Best regards,
Amy Turci



Amy R. Turci
Attorney at Law



Ius Laboris USA Global HR Lawyers

FordHarrison

225 Water Street, Suite 710 | Jacksonville, FL 32202
ATurci@fordharrison.com | P: 904-357-2004



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The BEACHES LEADER PONTE VEDRA LEADER



Serving the communities of Atlantic Beach, Jacksonville Beach, Neptune Beach, Mayport and Ponte Vedra Beach since 1963

Archive Search Result

Removal of 1st St. roadblock suggested

DATE: May 16, 2013

FROM STAFF

PUBLICATION: Beaches Leader (Jacksonville, FL)

SECTION: Police logs

Former Jacksonville Beach City Councilor **Lee Buck** asked his former colleagues last week to consider removing the road block on 1st Street at the north end of the city.

Page: 5A

Noting that a contractor is about to work on nearby 17th Avenue North, **Buck** said

now is the ideal time to remove the road block, which he called "an insult to the integrity of what we're trying to achieve" in terms of road appearance and utility.

During the public comment portion of last week's council meeting, **Buck** asked councilors to remove the road block on 16th Avenue North at 1st Street, but they made no comment and took no action on his request.

Buck, who lives near the road block, sought to have it removed several years ago, while he was on the council. At that time, the mayor of neighboring Neptune Beach objected to removing the traffic barrier, and Mayor Harriett Pruette said last week she is still opposed as cars would speed in the area if the road block was removed.

The road block was installed, along with others, 21 years ago after citizens complained that young people were "cruising" along 1st Street between Jacksonville Beach and Neptune Beach, creating safety, traffic and noise concerns. About the same time, Neptune Beach also blocked traffic at Seagate Avenue.

Buck noted the addition of the road block created a safety issue, as emergency responders have limited access, between 16th and 17th Avenue North, creating delays of three minutes, which, he said, can make a significant difference in case of fire or health issues.

In a memo to council, he said the police chief recommended in 1992 eliminating the road block in the area, including one at 2nd Avenue North at 2nd Street, but it was decided to leave the road block at 16th and 1st Street in place.

"Cruising is no longer an issue," **Buck** said. "By removing the one remaining road block, traffic flow would be enhanced from one end of the beach to the other. Past surveys have indicated that First Street has more bicycle traffic than vehicles on the north end of the beach.

"We finally got rid of the **Berlin Wall** under Ronald Reagan. It is time to get rid of the unsightly and useless road block in 2013."

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Archives

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[Print this page](#)

JB barricade may go

Author(s): FROM STAFF **Date:** November 22, 2017 **Section:** News

The Jacksonville Beach City Council decided this week that the removal of the **barricade** at 16th Avenue North and 1st Street will be explored in the new year.

The item was discussed during Monday's briefing as City Manager George Forbes reminded the council that the action had been proposed to previous councils but was ultimately not carried out. Forbes also likened the concrete **barricade** to the Berlin Wall.

Councilor Keith Doherty said because of the increase of golf carts, bicyclists and joggers, the width of the "eyesore" is not conducive for traffic flow. He said if removal is not favored by the majority of residents, he suggested making the **barricade** smaller. Councilor Phil Vogelsang said those living in the immediate area are not likely to be in favor of the **barricade's** removal due to the "private drive" it creates for them.

Forbes said a letter will be sent to residents in the area to notify them of what is being proposed and when it will be discussed, possibly in January, he said.

Technical problems: If you have a technical problem with your account please e-mail newslibrary@newsbank.com.

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January 19, 2018

TO: George Forbes, City Manager
 FROM: Ty Edwards, Public Works
 SUBJECT: Authorize Water Main Upgrade for Increased Fire Flow for Seascape Condominiums (16th Avenue South - Ocean Drive)

City of
 Jacksonville Beach
 City Hall
 11 North Third Street
 Jacksonville Beach
 FL 32250
 [P] 904.247.6268
 [P] 904.247.6276

www.jacksonvillebeach.org

ACTION REQUESTED:

Authorize Water Main Upgrade for Increased Fire Flow for Seascape Condominiums (16th Avenue South - Ocean Drive) with *G&H Construction, Inc.*

BACKGROUND:

In April 2017, the Fire Marshall notified Public Works that Seascape Condominiums had failed its annual fire pump test. After reviewing the water infrastructure in the area, Public Works staff realized that the existing water mains that served the condominium on 1st Street South and 17th Avenue South (1st St. to Ocean Dr.) consist of heavily tuberculated, old cast iron piping. To improve water volume for fire flow to the condominium, it was determined necessary to design and install a new 8-inch PVC water main loop along 16th Ave. S. (starting at 1st St.) and along Ocean Drive (between 16th and 17th Avenues). Public Works staff designed the project in-house, obtained the necessary permit from the Florida Department of Environmental Protection and purchased the project materials. (See attached Project Overview Map.)

Staff requested price proposals for labor and equipment from four (4) contractors that are currently constructing projects for the City. Price quotes for installing the City-furnished material and removing / replacing pavement and sodding, and providing Performance and Payment bond are shown in the following chart.

SUMMARY of PRICE QUOTES for Change Order to install 8" PVC Water Main Loop to improve Fire Flow in the vicinity of the Seascape Condominiums				
	G & H Construction	Jax Utilities	Baker Klein	J.B. Coxwell
Construction Cost	\$68,380.00	\$81,240.00	\$87,143.00	\$121,068.00
Bond Cost	\$1,025.70	\$1,218.60	\$1,096.26	\$1,816.02
Grand Total Cost:	\$69,405.70	\$82,458.60	\$88,239.26	\$122,884.02
<ul style="list-style-type: none"> Staff recommends authorizing a change order to the lowest quoter, <i>G & H Construction, Inc.</i>, at a cost of \$69,405.70 plus a 10% contingency, for a total cost not to exceed \$76,346.27. 				



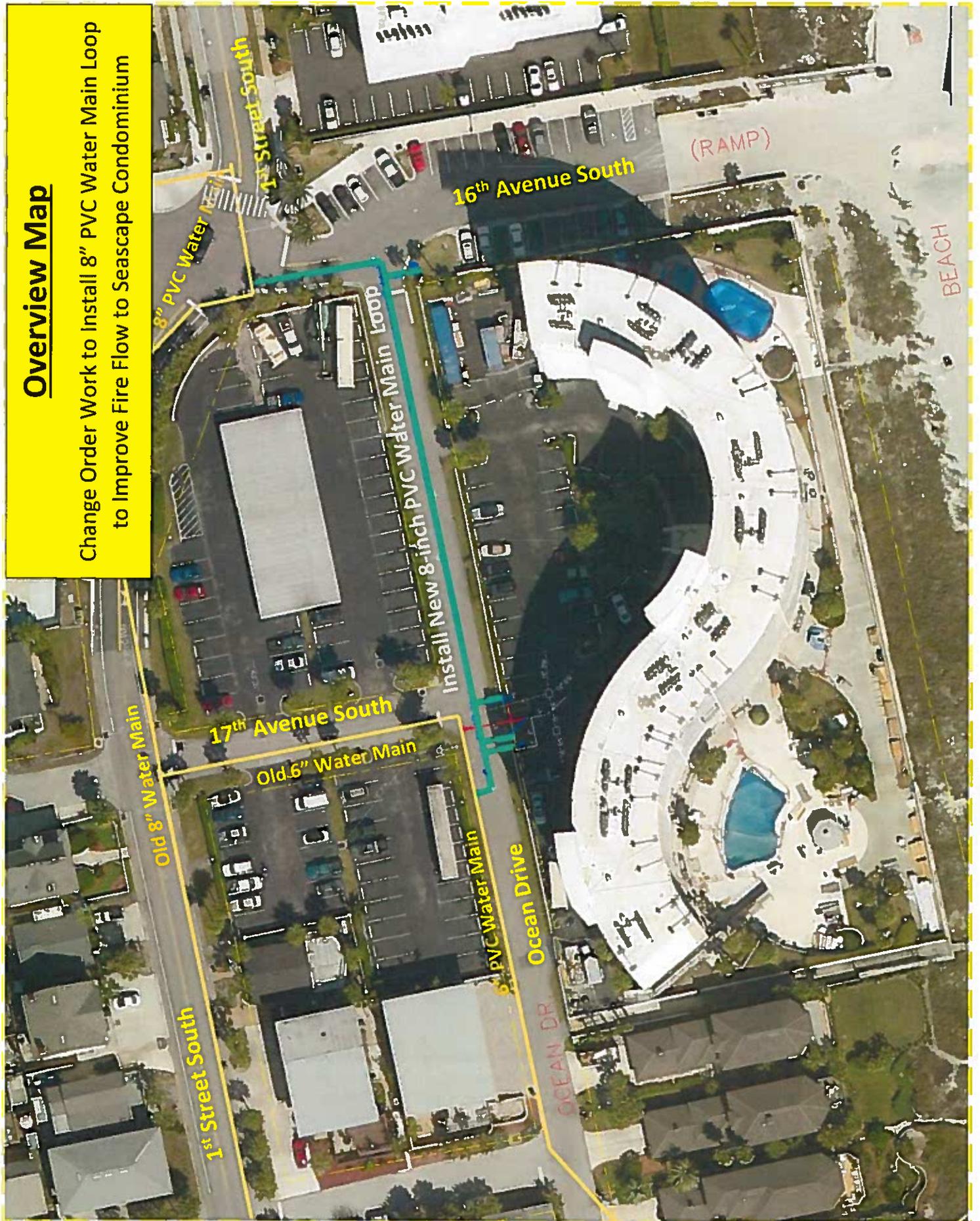
Funds are available in the Water & Sewer Fund. The FY2018 Water & Sewer Budget will be adjusted accordingly at mid-year.

RECOMMENDATION:

Authorize the construction of an 8-inch PVC Water Main loop to improve fire flow to Seascope Condominiums by change order to our contract with *G & H Construction, Incorporated*, titled "Bid 1617-03, Miscellaneous Water Main Improvements – Phase D Project," in the amount of \$69,405.70 plus a 10% contingency, for a total cost not to exceed \$76,346.27, as described in the memorandum from the Public Works Director dated January 19, 2018.

Overview Map

Change Order Work to Install 8" PVC Water Main Loop to Improve Fire Flow to Seascape Condominium





BEACHES ENERGY
SERVICES

MEMORANDUM

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director of Beaches Energy Services

DATE: January 23, 2018

RE: Bid No. 1718-03 Fiber Optic Cable – Sampson to Ft. Diego

ACTION REQUESTED:

Award Bid Number 1718-03 Fiber Optic Cable – Sampson to Ft. Diego for Beaches Energy Services (BES) Guana Substation Expansion.

BACKGROUND:

Communications schemes between electric utility substations provide for enhanced protection and control capabilities. As part of Beaches Energy Guana substation expansion, high-speed microprocessor protective relays have been incorporated into the relaying design scheme for the transmission lines connecting Guana substation to the Sampson substation and Ft. Diego substation.

The transmission protective relaying scheme will utilize a fiber optic medium which will allow for high-speed operations (or tripping) on both ends of the line should a fault occur. Except for the 17-mile Sampson to Ft. Diego line, all of Beaches Energy Service transmission lines utilize a fiber optic medium for high-speed protection. Upon completion of this project, all of Beaches Energy Service substations will have fiber optic communications between them.

For this reason, the Beaches Energy Services Capital Improvement Plan for FY2017-2018 includes the communications scheme upgrade in support of the Guana substation expansion.

In December 2017, bids were received for the fiber optic cable necessary for this project, and Gresco was the lowest bidder.

Following is the bid tabulation sheet:

VENDOR	AMOUNT
Gresco	\$80,217.90
Stuart C Irby	\$81,962.00
Wesco Distribution	\$82,176.00
Power & Tel	\$92,448.00
Fibernet Inc.	\$98,440.00

George D. Forbes
January 23, 2018
Page 2

RECOMMENDATION:

Award Bid 1718-03 – Fiber Optic Cable – Sampson to Ft. Diego to the lowest responsive bidder, Gresco.

City of

Jacksonville Beach

2508 South Beach

Parkway

Jacksonville Beach

FL 32250

Phone: 904.247.6236

Fax: 904.247.6143

www.jacksonvillebeach.org

TO: George Forbes
City Manager

FROM: Jason Phitides
Parks and Recreation

DATE: January 24, 2018

RE: Splash Pad Expansion at South Beach Park

ACTION REQUESTED:

Award Bid Number 1718-06 to the lowest responsive bidder, Playspace Services for the construction of the splash pad expansion at South Beach Park.

BACKGROUND:

South Beach Park has a splash pad that has become a very popular attraction for children in the summer months. The splash pad is approximately 1,385 square feet and has one stand-up fountain feature with a water flow rate of 300 gallons per minute. Due to the relatively high flow rate and especially on crowded days, it becomes difficult for the younger children, particularly toddlers to enjoy as much of the water feature.

The current splash pad was designed by Wet Engineering. In August 2017, the City contracted the same firm to design an enlargement to the splash pad in order to create an area specifically for toddlers. The design includes four (4) water features with a lower water flow rate of 98 gallons per minute, suitable for toddlers. The expansion area is 825 square feet and the two splash pads will be separated by an access gate.

In October 2017, we advertised a bid for a splash pad expansion to include all construction, equipment and features. Bid invitations were sent to ten (10) qualified contractors and one (1) response was received in the amount of \$231,000. The bid was rejected due to the high prices, and other options were considered.

It was decided that the City can purchase the water features and the operating equipment directly from the suppliers, thereby saving contractor's mark-up and eliminating sales tax.

For this reason, a revised solicitation (Bid Number 1718-06) was published which limited bid specifications to the construction of the splash pad. The water features and operating equipment were excluded from the bid. Invitations were sent to twelve (12) bidders and we received three (3) responses.



Playspace Services submitted the lowest bid for **construction** in the amount of \$67,500. Although the City will purchase the water features and operating system, the contractor will be responsible for the installation.

Water Odyssey provided the lowest quote for **four (4) water features** including a wireless activator in the amount of \$16,966. The price includes shipping and a warranty period of one (1) year from the date of shipment.

In order to be compatible with the current **filtration system**, the operating equipment for the expansion needs to be purchased from **Vak Pak, Inc.** The cost for the operating system is \$41,460. It includes shipping and a one (1) year warranty from date of delivery, or from date the operating permit is issued by the Department of Health, whichever is longer.

By purchasing the equipment and water features directly from the suppliers and reducing the contractor's scope of work, the City will save approximately \$105,000.

Staff recommend a contingency fund of 10%.

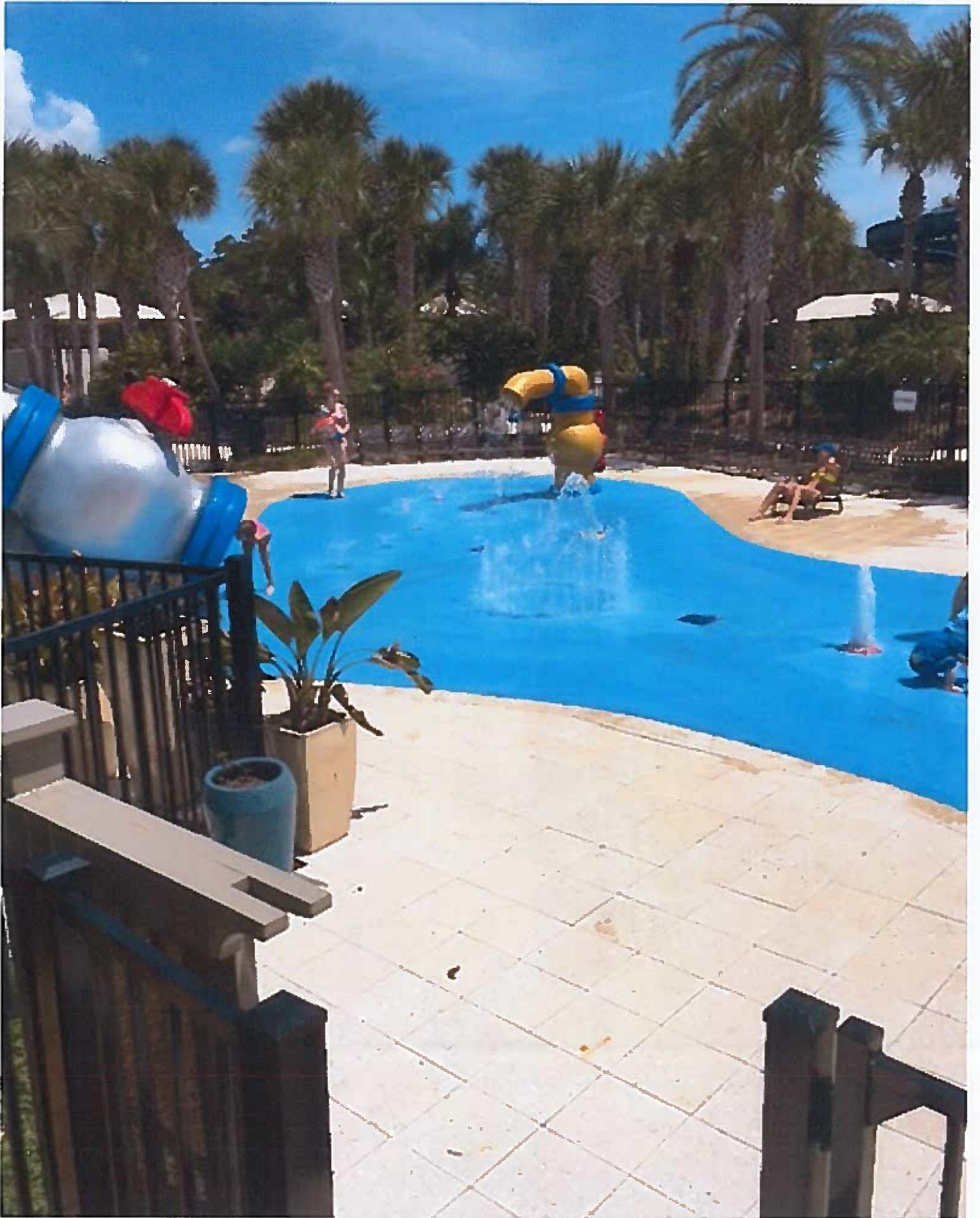
Following is a summary of the costs for the splash pad expansion:

Item	Vendor	Cost
Operating System	Vak Pak, Inc.	\$ 41,460
Water Features	Water Odyssey	\$ 16,966
Construction	Playspace Services	\$ 67,500
	Subtotal	\$ 125,926
	10% Contingency	\$ 12,592
	Total	\$ 138,518

Funding was approved by the Community Redevelopment Agency and will be provided from the South Beach Capital Improvement Budget.

RECOMMENDATION:

Approve the purchase of splash pad water features and operating equipment, and award Bid Number 1718-06 to the lowest responsive bidder, Playspace Services for the construction of the splash pad expansion at South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated January 24th, 2018.









BEACHES | ENERGY
SERVICES

MEMORANDUM

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director of Beaches Energy Services

DATE: January 20, 2018

RE: Resolution 2002-2018 – Purchase of 10 Mega-watts (MW) of solar energy

ACTION REQUESTED:

Adopt Resolution 2002-2018 to authorize Beaches Energy to purchase 10 Mega-watts (MW) through the Florida Municipal Power Agency (FMPA).

BACKGROUND:

The cost of solar energy has decreased dramatically over the last 10 years. The original project assumed the cost of solar at \$90 per mega-watt hour (MWh). Today, pricing for similar projects has dropped below \$38 per MWh. As a result, interest from members has increased.

FMPA will enter into a Power Purchase Agreement with a third-party solar generating utility to supply solar power to participating FMPA members. The price per MWh will be determined in the Purchase Agreement and will not change over the life of the contract. We anticipate it will be a 20-30 year contract at less than \$38 per MWh. If the proposed cost is greater than \$38 per MWh, Beaches Energy reserves the option of withdrawing from the project without penalty.

In order to finalize the contract FMPA has requested that the commitment be memorialized in a Resolution. The Resolution binds the City to a share of no more than 10 megawatts provided the dollar per megawatt share does not exceed \$38/MW hour. The Resolution also authorizes the Mayor and City Manager to execute the FMPA-All-Requirements Project (ARP) Solar Project Participation Agreement and other related documents.

Our intent is to add this 10 MW to our existing generation mix as a green renewable energy resource. Although the cost of solar energy is above our current cost of producing energy it is a good hedge against higher natural gas prices. Additionally, our customer satisfaction survey results in 2015 highlighted the fact that our customers want us to add renewable energy to our portfolio without increasing prices. This Power Purchase Agreement will allow us to accomplish that.

RECOMMENDATION:

Adopt Resolution 2002-2018 to authorize the City of Jacksonville Beach's Community Solar Power Purchase Agreement

Introduced By: _____

Adopted: _____

RESOLUTION 2002-2018

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT FINANCIALLY TO A SPECIFIED PORTION OF THE SOLAR ENERGY ACQUIRED BY THE FLORIDA MUNICIPAL POWER AGENCY IN THE EVENT FLORIDA MUNICIPAL POWER AGENCY ACQUIRES SUCH SOLAR ENERGY; PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT TO BEING BOUND BY SECTION [X] OF RATE SCHEDULE B-1 OF THE ALL-REQUIREMENTS POWER SUPPLY CONTRACT; DESIGNATING AUTHORIZED OFFICERS; APPROVING AND TAKING CERTAIN OTHER ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, THE CITY OF JACKSONVILLE BEACH encourages the development of renewable energy resources within the State of Florida, and desires to serve its electric customers with clean, reliable, and affordable energy resources that include a mix of renewable energy resources; and

WHEREAS, THE CITY OF JACKSONVILLE BEACH is a member of the Florida Municipal Power Agency ("FMPA") All-Requirements Power Supply Project ("ARP Project"); and

WHEREAS, as an ARP Participant, THE CITY OF JACKSONVILLE BEACH receives all of its power supply needs from the ARP Project; and

WHEREAS, THE CITY OF JACKSONVILLE BEACH desires that FMPA, as its wholesale power supply provider, include within its energy resource portfolio renewable energy resources; and

WHEREAS, FMPA is in the final stages of negotiating a Power Purchase Agreement between FMPA and a solar developer for the output of a photovoltaic electric generating facility having a nameplate capacity of 74.5 MW alternating current ("ac"); and

WHEREAS, FMPA has revised Rate Schedule B-1 of the All-Requirement Power Supply Contract to permit ARP Participants to voluntarily commit to financial responsibility for a percentage share of the costs incurred by FMPA pursuant to the Solar PPA (the "Solar Rate Commitment"); and

WHEREAS, THE CITY OF JACKSONVILLE BEACH hereby determines that it is in the best interests of the health, safety, and welfare of the citizens and residents of THE CITY OF

JACKSONVILLE BEACH to commit financially, subject to the conditions set forth in this Resolution, to the Solar Rate Commitment set forth in the revised Rate Schedule B-1.

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

Section 1. Solar Power Entitlement Share. The City of Jacksonville Beach desires to commit financially to a portion of the potential FMPA solar energy entitlement acquired by FMPA pursuant to a solar power purchase agreement, to the extent one is entered into by FMPA, at a Solar Rate Commitment of 10 MW, provided that the dollar-per-MWh amount for the City of Jacksonville Beach's Solar Rate Commitment does not exceed \$38/MWh.

Section 2. Acknowledgement. The City of Jacksonville Beach acknowledges that its Solar Rate Commitment is dependent upon FMPA entering into, and subject to the terms and conditions of, a power purchase agreement between FMPA and a solar developer (the "Solar PPA"). Such Solar PPA is subject to approval by the FMPA Executive Committee. The City of Jacksonville Beach shall not be bound by the Solar PPA, its Solar Rate Commitment, the Solar Rate provisions of Rate Schedule B-1 of the ARP Contract, or any other agreements unless and until they have been reviewed and are acceptable to The City of Jacksonville Beach.

Section 3. Solar Rate Commitment. In the event FMPA enters into the Solar PPA and the Solar Rate Commitment does not exceed the dollar-per-MWh price set forth in Section 1 of this Resolution, and The City of Jacksonville Beach has reviewed and finds acceptable (1) the Solar PPA, (2) Rate Schedule B-1 of the ARP Contract, and (3) the ARP Solar Participant Agreement, provided that all the conditions of this Resolution are met, The City of Jacksonville Beach hereby commits to the Solar Rate Commitment.

Section 4. Designation of Authorized Officers. The Mayor and City Manager are each hereby designated as "Authorized Officers" of the City of Jacksonville Beach for the purposes of executing and delivering the documents, agreements, or instruments necessary to commit to the Solar Rate Commitment in the manner specified therein and taking any other actions authorized by this Resolution.

Section 5. Further Actions. Each Authorized Officer of the City of Jacksonville Beach is hereby authorized and empowered to take all further actions as may be necessary or desirable in carrying out the terms and provisions of this Resolution and each of the documents, agreements or instruments necessary to commit to the Solar Rate Commitment at their sole discretion.

Section 6. Severability. If one or more provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, such provisions shall be deemed to be severable from the remaining provisions hereof, and shall in no way affect the validity or enforceability of such remaining provisions.

Section 7. Effectiveness. This Resolution shall take effect immediately upon its adoption.

AUTHENTICATED this _____ day of _____, 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

Fax: 904.270.1642

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Karen Nelson, CFO
SUBJECT: Resolution No. 2003-2018 Revising Electric Rates
DATE: January 24, 2018

ACTION REQUESTED

Adopt Resolution No. 2003-2018 revising the electric rates for Beaches Energy Services.

BACKGROUND

For the past several years, Beaches Energy Services has been diligently rebuilding our electric distribution system to improve customer service and reliability. 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 \$21 per 1,000-kilowatt hours. We accomplished this reduction by decreasing the bulk power cost adjustment to reflect decreases in the cost of power purchased for resale by Beaches Energy Services.

Due to a recent internal rate 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 cost adjustment by \$4.00 per thousand kilowatt-hours, which will equate to a net dollar decrease of \$3.00 per 1,000-kilowatt hours. After this change, the cumulative reduction in electric rates since 2010 will be \$24 per 1,000-kilowatt hours. This represents an average decrease of \$288 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.



Memo to George D. Forbes
Electric Rates Revision
January 24, 2018

Page 2

Rate Component	<i>Before Change</i>	<i>After Change</i>
Residential Base Charge	\$4.50	\$4.50
KWh Base Charge	\$78.57	\$79.57
Bulk Power Cost Adjustment	\$33.84	\$29.84
Total Rate Billed per 1,000 kwh	\$116.91	\$113.91

RECOMMENDATION

Adopt Resolution No. 2003-2018 revising electric rates for Beaches Energy Services.

Introduced by: _____

Adopted: _____

RESOLUTION NO. 2003-2018

**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. 1971-2017 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 ...~~\$0.07857~~07957
 - 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 ... ~~\$0.0785707957~~
 - 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 ... ~~\$0.06427~~ 06527
- 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 (BPCI). 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 March 1, 2018.

AUTHENTICATED this _____ day of _____, AD, 2018.

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

Fax: 904.247.6107

MEMORANDUM

To: George D. Forbes, City Manager

From: William C. Mann, Planning and Development Director



Re: **Ordinance No. 2018-8103**, amending the text of the Land Development Code Section 34-347, to reference Article VI, Division 3, "Zoning Atlas and Code Amendments" regulations as being applicable standards for processing *Redevelopment District: RD* rezoning applications.

Date: January 22, 2018

ACTION REQUESTED:

Adopt Ordinance No. 2018-8103, amending the text of the Land Development Code Section 34-347, to reference Article VI, Division 3, "Zoning Atlas and Code Amendments" regulations as being applicable standards for processing *Redevelopment District: RD* rezoning applications.

BACKGROUND:

Staff has completed a review with the City Attorney of the recently issued judicial order overturning a prior judicial decision that upheld the City Council's denial of the then proposed *Surfer the Bar Redevelopment District: RD* rezoning application for the *Mango's Bar* property on the northwest corner of 1st Street and 1st Avenue North. One of the key points made by the prevailing judges in that order was that the City Council erred when it based its decision on the rezoning standards found in Land Development Code (LDC) Section 34-211(c). Two of the three appellate judges concluded that the City Council should have based any decision that they made on the application solely on the standards contained in Land Development Code Section 34-347 addressing *Redevelopment District: RD* districts (Sec 34-347). The lower court judge and the third appellate judge concluded that the City Council correctly applied the standards found in Section 34-211.

Section 34-211 is contained in Land Development Code Article VI, Division 3-*Zoning Atlas and Code Amendments*. That division deals with the review and approval of ALL land development code text changes and amendments to the official zoning atlas/map for the City (rezonings). It has historically and consistently been the interpretation of staff that because a request for *RD* zoning designation



is at its core a rezoning request, changing the zoning designation from a parcel's current zoning designation (*CBD, C-1, etc. to Redevelopment District: RD*), it should be reviewed and approved or denied based on the same standards as are all other rezoning requests.

Accordingly, consistent with its prior interpretation of its code, staff proposes to amend the Section 34-347 Redevelopment District: RD district zoning regulations to specifically reference and incorporate Article VI, Division 3- *Zoning Atlas And Code Amendments* procedures and standards into the process for reviewing and approving/denying *Redevelopment District: RD* zoning designation requests. The proposed changes to Land Development Code Section 34-347, incorporating reference to Article VI, Division 3, including Section 334-211(c) specifically, is included for your reference. Proposed revisions are presented in the Ordinance in underline addition/~~strike-through~~ deletion format.

The Planning Commission met to consider the proposed Land Development Code text amendment on January 8, 2018 and voted to recommend approval of the amendment to the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2018-8103, amending the text of the Land Development Code Section 34-347, to reference Article VI, Division 3, "*Zoning Atlas and Code Amendments*" regulations as being applicable standards for processing *Redevelopment District: RD* rezoning applications.

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

ORDINANCE NO. 2018-8103

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, DIVISION 2. SECTION 34-347. REDEVELOPMENT DISTRICT: RD TO AFFIRM AND STATE THAT ARTICLE VI, DIVISION 3. ZONING ATLAS AND TEXT AMENDMENTS REGULATIONS ARE APPLICABLE TO THE REVIEW AND APPROVAL OF APPLICATIONS FOR REDEVELOPMENT DISTRICT: RD ZONING DESIGNATION, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE:

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

WHEREAS, Land Development Code Article VI. Division 3. Zoning Atlas and Code Amendments is intended to provide a means for changing the boundaries of the official zoning atlas; and

WHEREAS, an application to change the zoning designation of a parcel of land located in the Downtown Community Redevelopment District portion of the City of Jacksonville Beach from its present zoning designation to that of *Redevelopment District: RD* should be reviewed and approved or denied based on the standards and procedures applicable to all applications to change the boundaries of the official zoning atlas, and

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance and has presented its recommendation to the City Council;

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

SECTION 1. That Article VII, Division 2, Section 34-347 *Redevelopment District: RD* of the Land Development Code is hereby amended to incorporate reference to Article VI, Division 3. Zoning Atlas and Code Amendments regulations as follows¹:

Sec. 34-347. Redevelopment district: RD.

(a) *Purpose and intent.* The RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan.

(b) *RD zoning district boundaries.*

(1) *General.* The RD zoning district boundaries include all lands lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A-1-A), and Ninth Avenue North.

(2) *Subdistricts.* The boundaries of the RD zoning district may be further described by the following subdistricts:

a. *Downtown subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: First Avenue South, Third Street (State Route A1A), and Fifth Avenue North.

b. *North subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Fifth Avenue North, Third Street (State Route A1A), and Ninth Avenue North.

c. *South subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A1A), and First Avenue South.

(c) *Procedure.*

(1) *General overview.* Prior to receipt of an RD zoning district classification Land that is not zoned RD but seeks to be rezoned to Redevelopment District: RD must comply with Article VI, Division 3 standards and must also receive approval of a preliminary development plan pursuant to the procedures and standards of this

¹ (~~strikethrough~~ text indicates deletions, underline text indicates additions).

section. The preliminary development plan for an RD zoning district classification must then receive approval of a development plan pursuant to the procedures and standards of section 34-251 et seq.

(2) *Preapplication conference.*

- a. *Submission of application.* Before submitting an application **for rezoning and a preliminary development plan for an RD zoning district classification**, an applicant shall request in writing a preapplication conference with the planning and development director. Accompanying the request for a preapplication conference shall be an application in the form established by the planning and development director and made available to the public, and a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of the preapplication conference.
- b. *Scheduling of preapplication conference.* Within ten (10) working days after the planning and development director determines that the application is sufficient, a preapplication conference shall be scheduled with the applicant, representatives of the Jacksonville Beach Community Redevelopment Agency, such other city departments and, state or federal agencies that may be involved in the review and processing of the application. The applicant shall be notified in advance by the planning and development director about which other city departments, state and federal agencies will be involved in the preapplication conference and the time, date and place of the conference.
- c. *Preapplication conference issues.* At the preapplication conference, the planning and development director, the applicant, representatives of the Jacksonville Beach Community Redevelopment Agency, and the representatives from other city departments, state and federal **state** agencies shall discuss the proposed development and the following issues as they relate to the application for an RD zoning district designation:
 1. The existing characteristics of the site proposed for development or redevelopment including but not limited to existing built land uses, vacant areas, land ownership and existing densities;
 2. The relationship between the proposed development, existing land uses, and surrounding land uses;
 3. The status of existing and proposed on-site streets, utilities or other public and private facilities to serve the proposed development; and
 4. The status of public facilities that would serve the proposed

development, specifically as it relates to the CIE of the comprehensive plan;

- d. *Written summary.* Within ten (10) working days of the preapplication conference, the planning and development director shall provide the applicant with a written summary of the preapplication conference. One (1) copy of this written summary shall be submitted by the applicant to the planning and development director at the time of submission of the application for development permit.

(3) *Preliminary development plan for an RD zoning district.*

- a. *Submission of application.* **Subsequent to Following** the preapplication conference, an application for **rezoning and a** preliminary development plan for **a** RD zoning district classification shall be submitted to the planning and development director, along with a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of processing the application.
- b. *Contents of application.* The **rezoning and** preliminary development plan **application** shall include the following information:
 - 1. The names, address, and telephone number of the owners of record of the land proposed for development.
 - 2. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.
 - 3. The name, address and telephone number of the agent of the applicant, if there is an agent.
 - 4. The name, address, and telephone number of the all land use, environmental, engineering, economic, or other professionals that are assisting with the application.
 - 5. The name, address and legal description of the land on which the preliminary development plan is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.
 - 6. A copy of the relevant Duval County property assessment map, showing the exact location of the land proposed for development, with the boundaries already marked.

7. An eight and one-half (8 1/2) by eleven (11) vicinity map locating the proposed land for development.
8. A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Community Redevelopment Plan. The statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.
9. A statement of the applicant's intentions with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.
10. A description of the proposed development, including:
 - i. The number and type of residential dwelling units.
 - ii. The approximate gross density for the residential development.
 - iii. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.
 - iv. Calculations showing the total lot coverage for building and accessory uses.
11. A concept plan showing the location of all proposed buildings, the proposed traffic circulation system, and parking facilities.
12. A tentative development schedule indicating:
 - i. The approximate date when construction of the development can be expected to begin.
 - ii. The stages in which the development will be built and the approximate date when construction on each stage can be expected to begin.
 - iii. The approximate date when each stage of development will be completed.

- c. **Determination of sufficiency.** The planning and development director shall determine if the application is sufficient within ten (10) working days after it is submitted.
 - 1. If the planning and development director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.
 - 2. When the application is determined sufficient, the planning and development director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to this section.
- d. **Review and report.** On the day the application is determined sufficient, the planning and development director shall forward the application to the Jacksonville Beach Redevelopment Agency for its review and recommendation. Within twenty-five (25) working days after the receipt of the application, the Jacksonville Beach Redevelopment Agency shall review the application and prepare a report recommending approval, approval with conditions or denial, based on the standards in section 34-347(c)(3)(i). The planning and development director shall mail a copy of the redevelopment agency report to the applicant on the day the report is completed, along with written notification of the time and place the application will be considered by the planning commission at a public hearing.
- e. **Public hearings.** The planning commission shall hold one (1) public hearing and the city council shall hold two (2) public hearings on a preliminary development plan for a RD zoning district classification when the amendment would affect five (5) percent or more of the total land area of the city. The second public hearing before the city council shall be held approximately two (2) weeks after the first public hearing. The day, time, and place at which the second city council public hearing will be held shall be announced at the first public hearing. The planning commission and the city council each shall hold at least one (1) public hearing on a proposed preliminary development plan for a RD zoning district when that amendment would affect less than five (5) percent of land in the city. The public hearings shall be held after 5:00 p.m. on a weekday.
- f. **Notice.** The planning and development director shall provide notice of the public hearings pursuant to the requirements of section 34-154(b).
- g. **Action by planning commission.** The planning commission public hearing on the application shall be conducted pursuant to the procedures in section

34-151 et seq. At the public hearing, the planning commission shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, comments of the applicant and city staff, and public testimony. After close of the public hearing, the planning commission shall recommend to the city council approval, approval with conditions, or denial of the **requested rezoning and** preliminary development plan for the RD zoning district classification. In reviewing and making a recommendation, the planning commission shall apply the standards in section 34-211 governing rezonings. **section 34-347(e)(3)(i)**

h. *Action by the city council.*

1. *Scheduling of public hearing.* Upon notification of the recommendation of the planning commission, the application and recommendation shall be forwarded to the city council for the scheduling of a public hearing at the first available regularly scheduled meeting by which time the public notice requirements can be satisfied, or such time as it is mutually agreed upon by the applicant and planning and development director.

2. *Decision.* At the public hearing, the city council shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, the recommendation of the planning commission, and comments of the applicant and city staff. After the close of the public hearing, the city council shall approve, approve with conditions, or deny the **rezoning** application and preliminary development plan pursuant to the standards in section 34-211. 347(e)(3)(i).

i. *Standards.* A preliminary development plan for a RD zoning district designation shall comply with the following standards:

1. *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.

2. *Permitted uses.*

i. Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.

ii. The following uses are specifically prohibited:

- a) Manufacturing., except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.
 - b) Outdoor storage yards of any kind, including junk yards.
 - c) Wholesale trade, warehouse, and distribution establishments.
 - d) Cemeteries.
 - e) Mobile home parks.
 - f) Motor vehicle repair, services, and garages.
 - g) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.
 - h) Petroleum and petroleum products receiving, storage/and distribution.
 - i) Veterinary services and kennels.
 - j) Recreational vehicle or travel trailer parks.
 - k) Commercial and industrial laundries.
 - l) Cold storage and ice processing plants.
 - m) Contract construction establishments.
 - n) Rooming and boarding houses.
3. *Residential density.* The maximum density allowed for residential development shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is the strictest.
4. *Area and setback requirements.* Minimum lot area, minimum width, yard setbacks, and maximum lot coverage shall be consistent with the goals, objectives and policies of the Jacksonville Beach Community Redevelopment Plan, comparable

to the remainder of the planned redevelopment, and comparable to the existing and proposed development of the surrounding area. The maximum building height allowed shall be thirty-five (35) feet.

5. *Traffic circulation control and parking.*
 - i. A suitable transportation and traffic control plan shall be provided showing the utilization of existing roads for access to the proposed development, and their relationship to on-site driveways, parking and loading areas, refuse collection points, sidewalks, bike paths, and other traffic-related facilities. The suitability of the proposed traffic management system shall be determined, in part, by the potential impact of the development on safety, traffic flow and control, accessibility for emergency vehicles, and consistency of the development with the provisions of the Jacksonville Beach Community Redevelopment Plan.
 - ii. Principal vehicular access points shall be designed to permit smooth traffic flow and minimize hazards to vehicular and pedestrian ways. Minor streets within a Preliminary Development Plan shall not be connected to streets outside the site in such a way as to encourage their use by through traffic.
6. *Off-street parking and loading.* Off-street parking and loading shall be provided in a planned and coordinated manner consistent with the provisions of the Jacksonville Beach Community Redevelopment Plan.
7. *Open space requirements.* All residential developments shall provide common open space for amenities or recreational purposes. The use of the open space or recreational areas shall be appropriate for the scale and character of the proposed residential development based on consideration of the size, density, anticipated population, topography, and the type of dwelling units. The common open space or recreational area shall be suitably improved for its intended use and the buildings, structures, and improvements permitted in the common areas shall be appropriate to the uses which are authorized for such areas.
8. *Signage.* All signs erected shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Redevelopment Plan and the standards of Article VIII, Division 4.

9. *Landscape.* Landscaping shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards of Article VIII, Division 3.
 10. *Environmental.* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards in Article VIII, Division 5.
 11. *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
 12. *Adequate public facilities.* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article IX, Adequate public facilities standards.
 13. *Comprehensive plan consistency.* The proposed development shall be consistent with the future land use map and the goals, objectives, and policies of the comprehensive plan.
- j. *Conditions.* The Jacksonville Beach Redevelopment Agency and the planning commission shall have the authority to recommend, and the city council shall have the authority to impose such conditions on a preliminary development plan for an RD zoning district designation that are necessary to accomplish the purposes of this section, this code, and the comprehensive plan.
 - k. *Effect of development order for ~~preliminary development plan for~~ an RD zoning district designation.* Issuance of a development order for a ~~preliminary development plan for an~~ RD zoning district classification shall constitute an amendment to the official zoning map to RD zoning district. It shall also be deemed to authorize the applicant to submit to the planning and development director an application for development permit for the approved preliminary RD development plan pursuant to section 34-251 et seq. No development plan shall be accepted for review and consideration unless the preliminary RD zoning district classification and preliminary RD development plan have ~~has~~ been approved and remains valid and in effect.
 - l. *Recordation.* The preliminary development plan adopted Redevelopment District: RD ordinance shall be recorded in the office of the Duval County Clerk, and shall be binding upon the property owners subject to the development order, their successors and assigns, and shall constitute the

development regulations for the property. Development of the property shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the adopted preliminary RD development plan. Failure on the part of the applicant to record the ~~preliminary development plan~~ Redevelopment District: RD ordinance within a period of one hundred eighty (180) days following its approval adoption by the city council shall render the plan invalid.

- m. *Time limitations.* Receipt of a development order for a preliminary development plan for an RD zoning district classification shall expire at the end of one (1) year after the date of its initial approval unless an application for a development permit for a development plan has been submitted to the planning and development director. Only one (1), one-year extension shall be granted for the preliminary development plan for an RD zoning district classification by the city council, upon written application to the planning and development director. Written application requesting the extension shall be submitted to the planning and development director no later than thirty (30) working days prior to before the date that the development order is to expire. Failure to submit an application for a final development plan within the time limits established by this section shall render null and void the development order for the preliminary development plan for an and RD zoning district classification.
- n. *Minor deviation to preliminary development plan for an RD zoning district designation.* A minor deviation may be made from the preliminary development plan upon written approval of the planning and development director. Minor deviations which shall be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development that are not reasonably anticipated during the initial approval process, and shall be limited to the following:
1. Alteration of the location of any road or walkway by not more than five (5) feet;
 2. Alteration of the building envelope of up to five (5) percent, provided such alteration complies with the requirements of this Code.
 3. Reduction of the total amount of open space by not more than five (5) percent, provided that such reduction does not permit the required open space to be less than that required by this Code.
 4. Alterations of the location, type, or quality of required landscaping elements, if it complies with this Code.

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

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

SECTION 2. That this ordinance shall take effect upon its adoption by the City Council.

SECTION 3. That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2018.

William C. Latham, Mayor

Laurie Scott, City Clerk

City of

MEMORANDUM

Jacksonville Beach

To: George D. Forbes, City Manager

City Hall

From: William C. Mann, Planning and Development Director 

11 North Third Street

Re: **Ordinance No. 2018-8102**, amending *Planned Unit Development: PUD Ordinance (Ordinance No. 2011-8001)*, as amended, by revising the approved Preliminary PUD Development Plan to provide updated proposed building footprints for the hospital campus. (*Baptist Medical Center of the Beaches – Applicant*)

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Date: January 22, 2018

Fax: 904.247.6107

ACTION REQUESTED:

Adopt Ordinance No. 2018-8102, amending *Planned Unit Development: PUD Ordinance (Ordinance No. 2011-8001)*, as amended, by revising the approved Preliminary PUD Development Plan to provide updated proposed building footprints for the hospital campus.

BACKGROUND:

The hospital's Planned Unit Development (PUD) Amendment application is an anticipated follow-up to the Comprehensive Plan Text Amendment application that was approved for the Baptist Medical Center of the Beaches (applicant) on August 7, 2017, via Ordinance No. 2017-8091. That amendment increased the allowable maximum floor area ratio for "Hospital – Institutional" land uses in the city from 0.35 to 0.55, to accommodate the anticipated future growth and build-out of the hospital campus. With that amendment in place, and based on the hospital campus size of approximately 27.12 acres, the campus could ultimately support just under 650,000 square feet of hospital, office and ancillary/support space.

As described in the submitted application narrative and shown on the proposed Preliminary PUD Development Plan, the applicant proposes to modify the existing PUD ordinance governing the campus as follows:

1. Convert the proposed five-story parking garage located between Medical Office Building B and Medical Office Building C to a new Medical Office Building (D), not to exceed 65,000 square feet.



2. Relocate/redesign the currently approved parking garage to a maximum 35' height structure to be oriented along Roberts Drive as shown on the proposed Preliminary PUD Development Plan, providing a minimum 10' garage and/or surface parking setback along Roberts Drive. All other structures will require a 20' setback.
3. Provide an additional 27,000 square feet of support and ancillary space to the main hospital building.
4. Provide an addition to the four-story East Pavilion annex of the hospital building, adding an additional 50 beds to the hospital's current 136 beds. This would increase the maximum bed capacity at the hospital from the currently approved 182 beds to 186 beds.
5. Provide for the expansion of the Central Energy Plant, shown as "CEP expansion" on the proposed Preliminary PUD Development Plan. This is considered a utilities expansion for development monitoring purposes.
6. Provide for a maximum building area on Parcel B of 12,000 square feet, and on Parcel C (across Roberts Drive) a maximum building area of 60,000 square feet, with both facilities limited to a maximum 35' height.
7. Replace the two driveways entering Parcel B (former Jehovah's Witness building on 16th Ave S.) with a single driveway access from 16th Ave South to the easterly surface parking lot.

These proposed uses and the addition of a new medical office building D, were the driving forces of the applicant seeking their 2017 Comprehensive Plan amendment. That amendment was approved by both the City and the state reviewing agencies with no objection. **The most significant element of the proposed development** is the replacement of the five-story parking garage building with a medical office building, and moving the garage location to the west along the Roberts Drive frontage of the campus.

Staff does not object to the applicant's proposal to convert the approved garage structure to an office building. The height of that structure is vested at 55 feet, as it was approved as a component of the hospital campus in April of 2004, prior to a City Charter Amendment approved by voters in November of 2004. That charter amendment enacted a city-wide 35 feet height cap for all new buildings, but provided that existing Planned Unit Developments adopted prior to the amendment with building heights exceeding 35 feet could be completed. The amendment does not regulate the contents or use of vested buildings.

The relocation of the proposed garage along Roberts Drive is considered a preferable location for that facility, in terms of visual impact to adjacent noncommercial uses. The western edge of the main campus is bordered by hospital facilities and other professional office uses on the west side of Roberts Drive, whereas potential other locations for a garage could border established single-family neighborhoods along 16th Avenue South or 10th Street South. The relocated garage structure would be limited to a maximum 35' height, as it was not a component of the April 2004 Planned Unit Development.

This Planned Unit Development amendment represents a positive long-term commitment on the part of the applicant to provide broad-based and high quality healthcare to the residents of Jacksonville Beach, and will offer employment opportunities from what is already the City's largest employer. Adequate infrastructure capacity exists to serve the existing and planned facilities, and any new development within the campus over previously approved levels would be subject to the City's Mobility fee.

The Planning Commission met to consider the proposed Planned Unit Development amendment on January 8, 2018 and voted unanimously to recommend approval of the amendment to the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2018-8102, amending *Planned Unit Development*: PUD Ordinance (Ordinance No. 2011-8001), as amended, by revising the approved Preliminary PUD Development Plan to provide updated proposed building footprints for the hospital campus.

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

ORDINANCE NO. 2018-8102

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NUMBER 2011-8001, AS AMENDED BY ORDINANCE NO. 2017-8086, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR 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 City Council approved the rezoning of certain lands in the City from *Residential, multiple family: RM-1 to Planned Unit Development: PUD* on April 19, 2004 via Ordinance No. 2004-7873, for the hospital and related facilities of Baptist Medical Center - Beaches; and

WHEREAS, Baptist Medical Center of the Beaches, Inc. subsequently acquired additional property adjacent to the established hospital PUD and gained approval by the City Council for its hospital-related use on August 15, 2005, via *Planned Unit Development: PUD* Ordinance No. 2005-7907; and

WHEREAS, Baptist Medical Center of the Beaches, Inc. consolidated its three Jacksonville Beach properties into a single comprehensive *Planned Unit Development: PUD* on September 6, 2011, via *Planned Unit Development: PUD* Ordinance No. 2011-8001, and also amended the approved Preliminary PUD Development Plan, and gained approval of an overall site directional and identification signage plan for the consolidated properties; and

WHEREAS, Baptist Medical Center of the Beaches, Inc. applied for, and received approval of, a 2030 Comprehensive Plan text amendment to increase the allowable floor area ratio for Hospital - Institutional land uses in anticipation of future growth and development of the overall hospital properties; and

WHEREAS, Baptist Medical Center of the Beaches, Inc. now desires to replace the PUD Application Narrative approved via Ordinance No. 2011-8001 and Preliminary PUD Development Plan approved via Ordinance No. 2017-8086 to increase the maximum number of beds at the hospital, and to describe and show the location of a fourth medical office building, relocated parking garage, and expansion of other facilities; and

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

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

SECTION 1. 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. The City Council further finds that the PUD Zoning Amendment application dated September 14, 2017 complies with the standards set forth in Section 34-348(j)(3) of the Land Development Code.

SECTION 3. That the PUD Zoning Amendment application dated September 14, 2017, including parcel ownership documentation, PUD Modification Narrative dated January 2, 2018, and revised Preliminary PUD Development Plan dated November 6, 2017, collectively attached as Exhibit A to this Ordinance, is hereby adopted and incorporated as part of this amendment to the Jacksonville Beach Land Development Code and Atlas, subject to the following additional limitations:

- A. A maximum of 186 hospital beds are permitted.
- B. Notwithstanding presentments in Exhibit A which may be in conflict, the maximum heights of buildings within the PUD are as follows:

- Hospital, including South and East Pavilion additions— 65 feet
 - Medical Office Building C and Proposed Medical Office Building – 55 feet
 - All other buildings – 35 feet

- Building height measurement shall be consistent with the provisions of City Charter Chapter IX, Section 52(2)b.

- C. Parking - Parking for the hospital shall be required at a ratio of one space per hospital bed. Parking for medical, professional and business offices shall be required at a ratio of one space per 250 gross square feet of floor area. Surface and structured parking provided within the PUD shall also comply with the design standards of Land Development Code Section 34-373, and the Parking for Disabled Persons standards of Land Development Code Section 34-378.
- D. Landscaping - Landscaping within the PUD shall comply with Land Development Code Division 3. Site Clearing and Landscape Standards.

- E. Signage – Signage within the PUD shall conform to the Master Signage Plan approved as Exhibit E to Ordinance No. 2011-8001. Signage not indicated on said Exhibit E to Ordinance No. 2011-8001 shall comply with Land Development Code Article VIII, Division 4. Sign Standards.
- F. Open Space – A minimum of twenty (20) percent of the gross land in the development plan shall be reserved as common and useable open space, consistent with Land Development Code Section 34-348(j)(3)h standards.

SECTION 4. Except as provided herein, all other portions of the Jacksonville Beach Land Development Code and Zoning Atlas remain in effect.

SECTION 5. All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent the same may in conflict, hereby repealed.

SECTION 6. This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED THIS _____ day of _____, 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK



REZONING/TEXT AMENDMENT APPLICATION

PC No. 55-17

AS/400# 17-100226

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: Baptist Medical Center of the Beaches, Inc.; Baptist Health Properties, Inc.
Baptist Beaches Medical Condominium Association, Inc.
 Mailing Address: _____
3563 Philips Highway Building F Suite 608 Jacksonville, Florida 32207

Telephone: 904-627-2900

Fax: _____

E-Mail: _____

RECEIVED

Applicant Name: Baptist Medical Center of the Beaches, Inc.
 Mailing Address: 3563 Philips Highway Building F Suite 608
Jacksonville, Florida 32207

Telephone: _____

Fax: _____

E-Mail: _____

SEP 18 2017

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

PLANNING & DEVELOPMENT

Agent Name: Paul M. Harden, Esq.; Zach Miller, Esq.
 Mailing Address: 501 Riverside Avenue, Suite 901
Jacksonville, Florida 32250

Telephone: 904-396-5731

Fax: 904-399-5461

E-Mail: paul_harden@bellsouth.net

zach_miller@bellsouth.net

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: 179780 0010; 179602 1000; 179758 0000; 179451 0030; 179602 1100; 179602 1200; 179602 1400
179602 1300; 179602 1500; 179802 1600; 179602 1700

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

Current Zoning Classification: PUD Future Land Use Map Designation: Institutional

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Not Applicable

REQUESTED INFORMATION	Attached?	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;	X	
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;	X	
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;	X	
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.	X	
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.		X

Applicant Signature: Paul M. Harden Date: 9.14.17

AUTHORIZATIONS

AGENT AUTHORIZATION

November 23, 2016

To Whom It May Concern:

This letter is to authorize Paul M. Harden, Esq. to sign and act as agent for submittal, amendment and approval of applications in connection with a PUD which affects the properties with the following real estate numbers: 179756 0000, 179760 0010; 179451 0030.

**BAPTIST MEDICAL CENTER
OF THE BEACHES, INC., a Florida not-for-profit Corporation**

By: Scott Wester

Name: Scott Wester

Title: CEO

COUNTY OF DUVAL
STATE OF FLORIDA

The foregoing was acknowledged before me this 21st day of Nov 2016 by Scott Wester as CEO of Baptist Medical Center of the Beaches, Inc., a Florida not-for-profit Corporation on behalf of the corporation. He/She is personally known to me or produced as identification.

Kathy J. Brown
Notary Public Signature
Print Name: Kathy J. Brown
Commission Expires: 7/21/2020



AGENT AUTHORIZATION

November 23, 2016

To Whom It May Concern:

This letter is to authorize Paul M. Harden, Esq. to sign and act as agent for submittal, amendment and approval of applications in connection with a PUD which affects the properties with the following real estate numbers: 179602 1000, 179602 1500 and 179602 1600.

**BAPTIST BEACHES MEDICAL
CONDOMINIUM ASSOCIATION, INC.,
a Florida not-for-profit Corporation**

By: *[Signature]*

Name: Keith A. Tickell

Title: Vice President

COUNTY OF DUVAL
STATE OF FLORIDA

The foregoing was acknowledged before me this 17th day of Nov. 2016 by Keith A. Tickell as Vice President of Baptist Beaches Medical Condominium Association, Inc., a Florida not-for-profit Corporation on behalf of the corporation. He/She is personally known to me or produced as identification.

Kathy J Brown
Notary Public Signature

Print Name: KATHY J BROWN

Commission Expires: July 21, 2020



AGENT AUTHORIZATION

November 23, 2016

To Whom It May Concern:

This letter is to authorize Paul M. Harden, Esq. to sign and act as agent for submittal, amendment and approval of applications in connection with a PUD which affects the properties with the following real estate numbers: 179602 1700, 179602 1400; 179602 1300; 179602 1200 and 179602 1100.

BAPTIST HEALTH PROPERTIES INC.,
a Florida not-for-profit Corporation

By: *[Signature]*

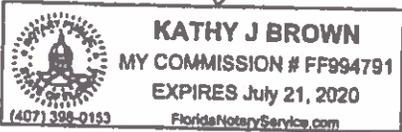
Name: Keith A. Tickell

Title: Vice President

COUNTY OF DUVAL
STATE OF FLORIDA

The foregoing was acknowledged before me this 17th day of Nov 2016 by Keith Tickell as Vice President of Baptist Health Properties, Inc., a Florida not-for-profit Corporation on behalf of the corporation. He/She is personally known to me or produced _____ as identification.

Kathy J Brown
Notary Public Signature
Print Name: Kathy J. Brown
Commission Expires: July 21, 2020



REVISED PUD NARRATIVE

PUD MODIFICATION NARRATIVE

January 2, 2018

Owners: Baptist Medical Center of the Beaches, Inc.
3563 Philips Highway Building F Suite 608
Jacksonville, Florida 32207

Baptist Health Properties, Inc.
3563 Philips Highway Building F Suite 608
Jacksonville, Florida 32207

Baptist Beaches Medical Condominium Association, Inc.
3563 Philips Highway Building F Suite 608
Jacksonville, Florida 32207

Agent: Paul M. Harden, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32250

Applicant: Baptist Medical Center of the Beaches, Inc.
3563 Philips Highway Building F Suite 608
Jacksonville, Florida 32207

Project Name: Baptist Beaches Hospital

Parcel(s) Size: Approximately 27.12 acres

Project location: 1350 13th Avenue South, Jacksonville Beach, Florida 32250
1127 16th Avenue South, Jacksonville Beach, Florida 32250
1370 13th Avenue South, Jacksonville Beach, Florida 32250
1320 Roberts Drive, Jacksonville Beach, Florida 32250
1577 Roberts Drive, Jacksonville Beach, Florida 32250
1375 Roberts Drive, Jacksonville Beach, Florida 32250

See Attached Property Assessment Map and Vicinity Map

Legal Description: *See Attached Deeds and Legal Descriptions*

Existing Zoning: PUD Ordinance 2017-8086, with development rights vested pursuant to PUD Ordinance 2011-8001, PUD Ordinance 2005-7907 and PUD Ordinance 2004-7873

Future Land Use: Institutional

Preliminary PUD

Development Plan: See attached Preliminary PUD Development Plan.

Signage Plan: Please refer to Signage Plan attached to previous PUD as Exhibit "E."

Request: The owners are requesting to modify the existing PUD by replacing the Preliminary PUD Development Plan attached as Exhibit "D" to Ordinance 2017-8086 with the revised Preliminary PUD Development Plan ("Preliminary Development Plan") attached to this application as Exhibit "D." The owners are further requesting amendment to the PUD narrative as written herein.

Nothing contained herein shall diminish or reduce any uses or buildings currently in use as of the date this PUD is approved nor shall anything contained herein diminish or reduce any unused development rights or buildings nor the scope of said unused development rights or buildings allotted pursuant to Ordinances 2017-8086, 2011-8001, 2005-7907 and 2004-7873.

Ordinance 2004-7873, as amended by Ordinance 2005-8907, 2011-8005, and 2017-8086 entitles Parcel A to the following uses:

- 62,000 square feet of medical, business and professional offices (Medical Office Buildings "A" and "B" on the original site plan.) Currently 48,993 square feet of these development rights are used. 13,007 square feet of unused entitlements.
- 182 hospital beds with ancillary uses, including medical and business offices. Currently 136 hospital beds are used on the property.
- 60,000 square feet of medical, business and professional offices serving affiliated/community physicians and professionals (Medical Office Building "C"). Currently 48,344 square feet of these development rights are used. 11,666 square feet of unused entitlements.
- A 60-foot tall, five-story parking garage located between Medical Office Building "C" and Medical Office Building "B." Currently these development rights are unused on the property.

- 63,000 square feet of non-ancillary medical, business and professional offices. Currently these development rights are unused on the property.

The existing uses include support functions along with ancillary and auxiliary services reasonably needed to serve patients and/or office tenants, as applicable, including but not limited to, the pharmacy, kitchen, cafeteria and gift shop. This PUD Modification does not extinguish these entitlements.

The modifications proposed herein will allow the following proposed additions on Parcel A:

- A medical office building containing up to 65,000 square feet of non-ancillary medical, business and/or professional offices serving affiliated/community physicians and professionals. The new building, as shown on the Preliminary Development Plan, will be in the general location of the proposed sixty (60) foot tall parking garage as shown on the Preliminary Development Plan attached to Ordinance 2017-8086. (“Medical Office Building D”).
- An addition to the main building containing 7,000 square feet of imaging services and additional hospital and ancillary/non-ancillary uses (“East Pavilion Imaging Addition”).
- An addition to the main building containing 10,000 square feet of support services and additional hospital and ancillary/non-ancillary uses. (“Support Services Addition 1”).
- An addition to the main building containing 10,000 square feet of support services and additional hospital and ancillary/non-ancillary uses. (“Support Services Addition 2”).
- CEP expansion.
- An addition to the four-story East Pavilion. The addition shall contain up to additional 50 hospital beds, additional hospital and ancillary/non-ancillary uses and shall be the same height as the East Pavilion.
- One parking garage. Parapets and walls may be placed on top deck and the garage may contain storage and support services ancillary to normal garage operations.

- New access point on Roberts Drive and new access point on 16th Avenue South which shall replace the current entrance to Parcel B.

The additions listed above may include support functions along with ancillary and auxiliary services reasonably needed to serve patients and/or office tenants, as applicable, including but not limited to, expansion or relocation of the, CEP uses, pharmacy, kitchen, cafeteria and gift shop. Such uses shall be contained within the building footprints as shown on the preliminary development plan. Any portion of the unused development rights may be used in any of the additions provided herein.

The modifications proposed herein will allow the following with respect to Parcels B and C:

- Parcels B and C shall be allowed all uses permitted for Parcel A and the uses permitted in Ordinances 2005-7907 and 2011-8001, respectively. Parcel B shall have a maximum gross building area of 12,000 square feet and Parcel C shall have a maximum gross building area of 60,000 square feet. Structures on Parcels B and C may be removed and the parcels may also be used to meet the parking demands and emergency access necessary for all three parcels.

To the extent any restrictions, terms or conditions for the property subject to this written description or in the attached Preliminary Development Plan conflict with the provisions of Ordinances 2004-7873, 2005-7907, 2011-8001 and 2017-8086 this written description and Preliminary Development Plan shall control, so long as it does not limit entitlements contained in Ordinances 2004-7873, 2005-7907, 2011-8001 and 2017-8086.

The attached modified Preliminary PUD Development Plan, to be approved, depicts:

- The conceptual location of Medical Office Building D.
- The conceptual location of parking garage.
- The conceptual location of: new parking, including potential surface parking on Parcels B and C; internal driveway design; and curb cuts needed to accommodate the additions and improve access to the hospital.
- The conceptual additions to existing buildings and new entrances.

The attached Preliminary PUD Development Plan is conceptual. The final location and configuration of proposed buildings and additions shown on the Preliminary PUD Development Plan and described herein may be adjusted prior to final permit. Any changes to the preliminary development plan shall not exceed the standards set forth in Section 34-348(m), Land Development Code.

Setbacks:

Additions to Parcel A will comply with the following setbacks:

- Front: 20 feet (13th Avenue South and 16th Avenue South)
- Rear: None
- Side: 20 feet Roberts Drive and 10th Street
- Corner: None
- Parking garage or other vehicular use areas: 10 feet from any property line.
- Accessory Structures: None

Parcel B: As provided in Ordinance 2005-7907, no setbacks are required. However, to the extent Parcel B is used for parking for Parcel A, a minimum 20 foot setback shall be provided from the property line to 16th Avenue South.

Parcel C: As provided in Ordinance 2011-8001, no setbacks are required.

Height:

Medical office building "D" shall not exceed sixty (60) feet in height.

The buildings on Parcels B and C shall not exceed thirty-five (35) feet in height.

Additions to the "East Pavilion" shall not exceed sixty-five (65) feet.

Additions to the main building shall not exceed sixty-five (65) feet.

Building height excludes spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, elevator hoistways, decorative architectural features, parapets, safety equipment, HVAC equipment and other structures and appurtenances not intended for human occupancy pursuant to "Height

Limit Exemptions” allowed under the land development code or currently in use on the property.

**Maximum
Impervious
Surface
Coverage:**

85%

Utilities:

All new utilities serving the site will be installed underground.

Access:

Access shall be provided to the site as shown on the attached Preliminary Development Plan.

Parking:

One parking space shall be provided for every 250 square feet of medical office, business and professional offices. One parking space shall be provided for every hospital bed. Parking may be located in the multi-level parking garage shown on the Preliminary Development Plan. Adequate parking pursuant to these parameters shall be provided on-site.

Parcel A:

- The East Pavilion Imaging Services Addition and Support Service Additions 1 and 2) will not increase demand for parking as they do not increase staff or patient use of the hospital.
- Surface parking on Parcels B and C may be used to accommodate the parking needs for Parcel A.

Parcel B

- Parking needs for Parcel B may be accommodated through surface parking on Parcels A or C or by spaces in the parking garage.

Parcel C

- Parking needs for Parcel C may be accommodated through surface parking on Parcels A or B or by spaces in the parking garage.

Public Facilities:

Water mains adjacent to the site are adequate for the proposed development. The existing storm water systems are adequate for the

proposed development. Sanitary sewers adjacent to the site are adequate for the proposed development.

The current development rights are vested with respect to all applicable concurrency matters. As to the additional development rights proposed pursuant to this PUD, there is adequate sewer, water, solid waste, storm water and other public facilities to meet concurrency requirements.

With respect to transportation and roads, Parcel A is vested to serve 182 hospital beds and 185,000 square feet of non-ancillary medical, business and professional office space. Parcel B is vested to serve 12,000 square feet of non-ancillary medical business and professional office space. Parcel C is vested to serve 28,000 square feet of non-ancillary medical business and professional office space. Sufficient capacity currently exists to serve the proposed additions to the main building described herein and the attached Preliminary Development Plan.

A minimum of twenty (20) percent of gross land area of the site will be used as open space. This may consist of pervious and impervious areas, stormwater facilities and other on-site bodies of water.

**Landscaping/
Buffers:**

Landscaping with suitable and appropriate vegetation shall be provided as generally shown in the Preliminary Development Plan. Alterations of landscaping shall be subject to approval by the Planning Department Director, however, such approval shall not be unreasonably withheld. Landscaping shall be permitted within the required setbacks. Landscaping shall be provided on the southern border of the property in order to sufficiently buffer the hospital and related uses from the area residents.

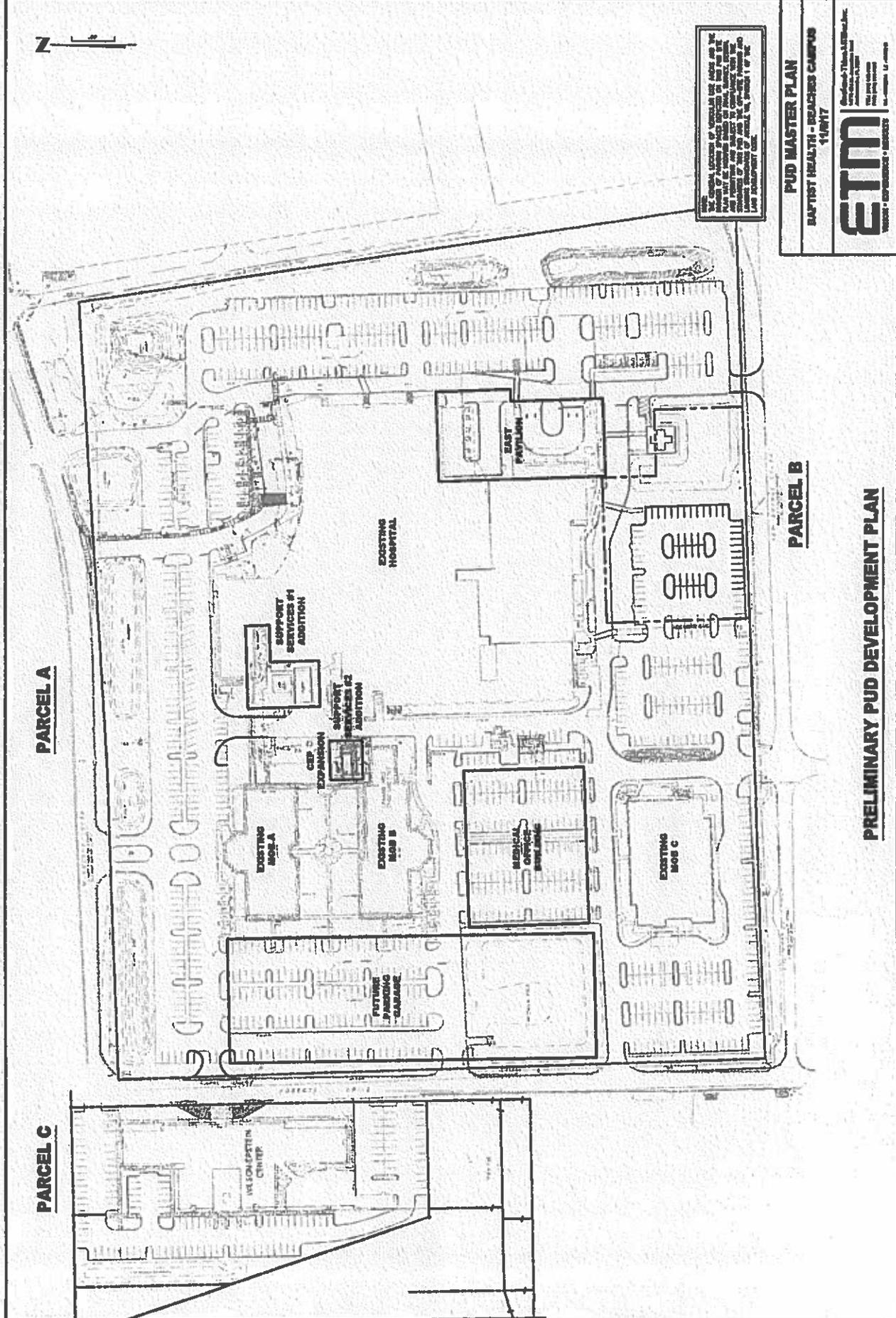
Phasing:

Phasing will occur as dictated by community needs.

REVISED SITE PLAN

Approved by the Board of Directors on 11/15/17

Approved by the Board of Directors on 11/15/17



THE GENERAL LOCATION OF UTILITIES FOR THIS AND THE ADJACENT PARCELS IS SHOWN ON THIS PLAN. THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE LOCATION OF UTILITIES. THE LOCATION OF UTILITIES IS SUBJECT TO THE RESULTS OF A UTILITY LOCATING SURVEY.

PUD MASTER PLAN
BAPTIST HEALTH - BEACHES CAMPUS
 11/15/17

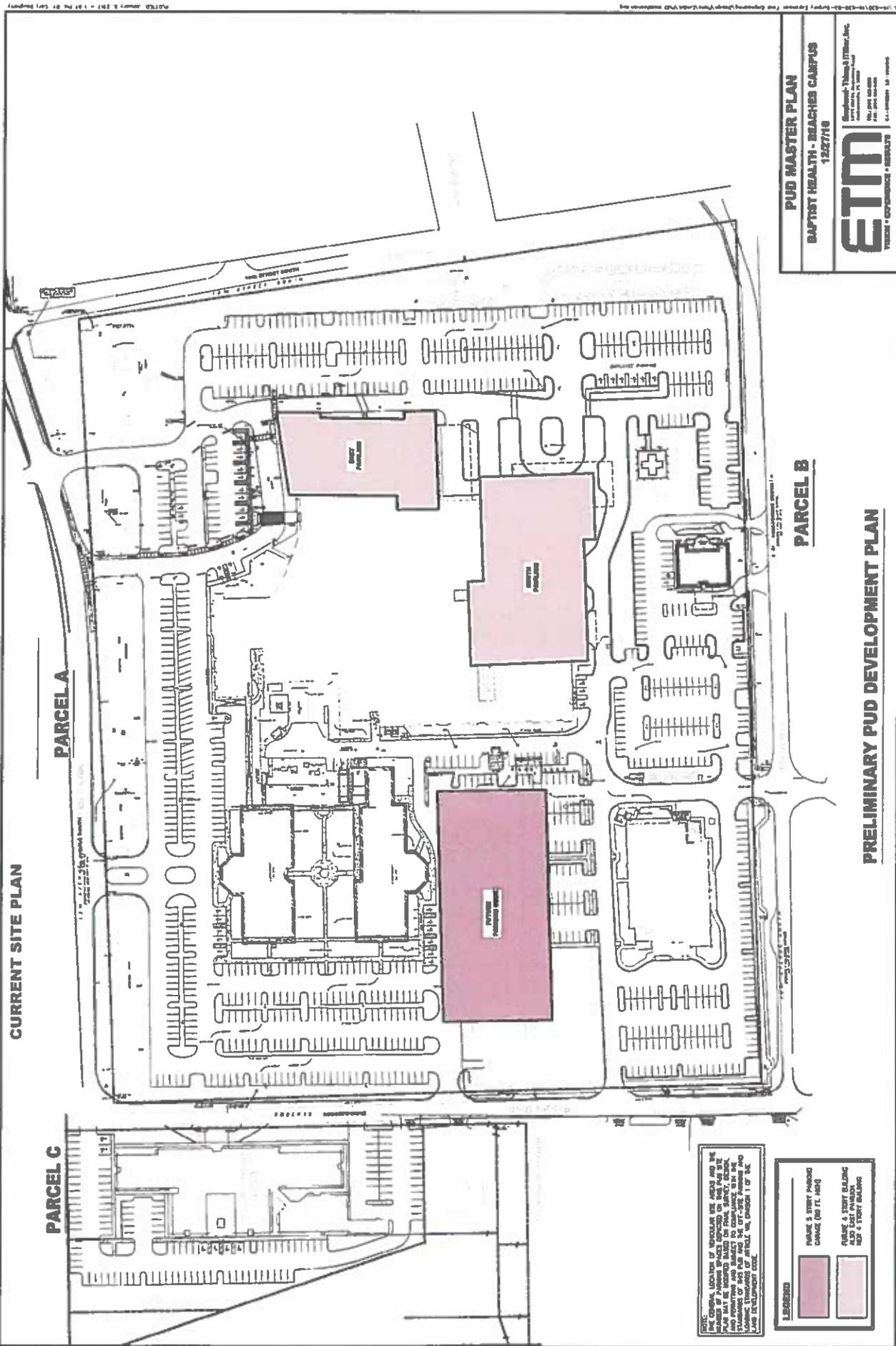
ETM
 Engineering & Technical Management, Inc.
 10000 W. 11th Avenue, Suite 100
 Denver, CO 80202
 Tel: 303.755.1234
 Fax: 303.755.1235

PRELIMINARY PUD DEVELOPMENT PLAN

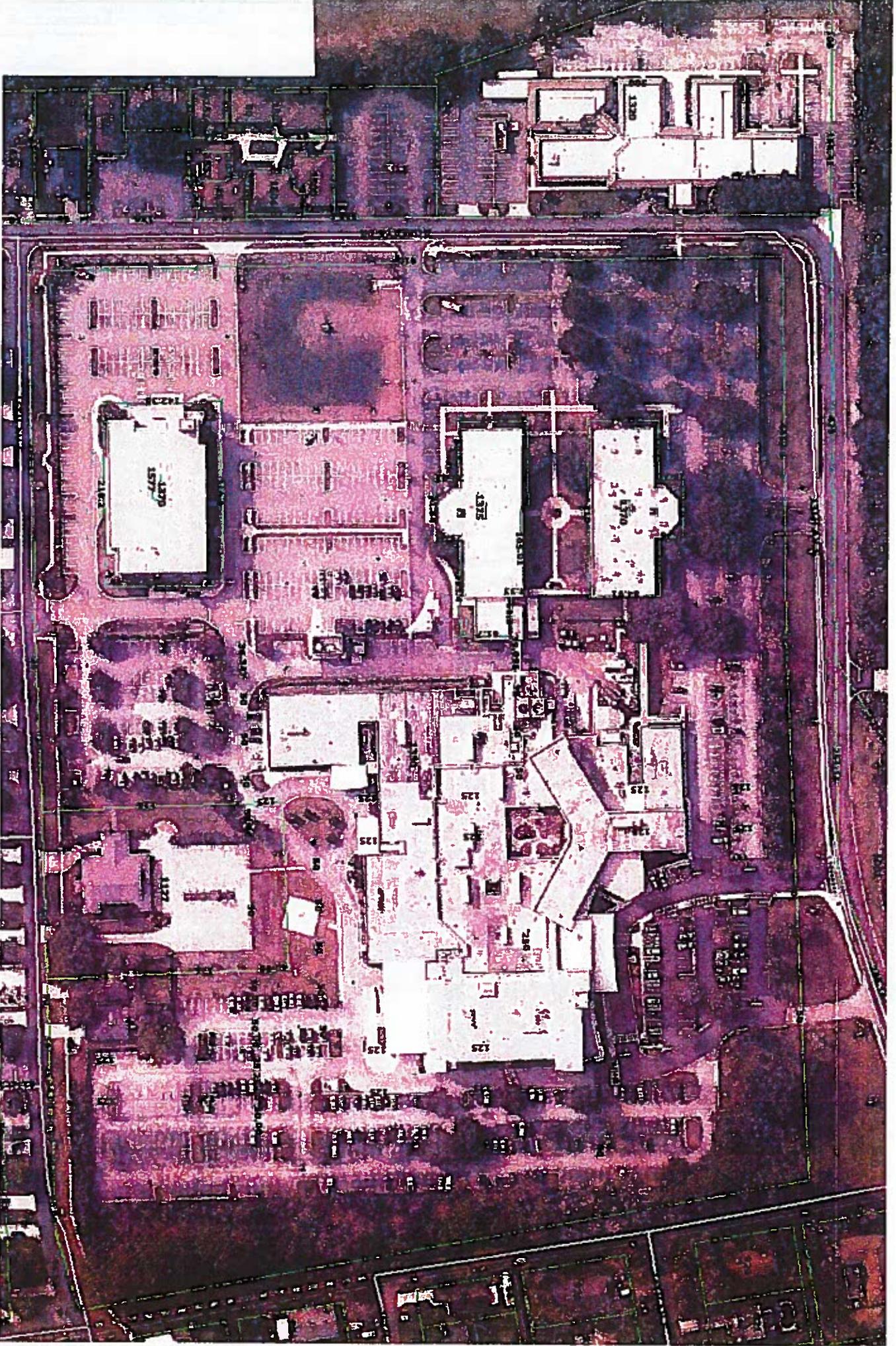
**DIVISION OF PROPERTY
OWNERSHIP**

VICINITY MAP

CURRENT SITE PLAN



**AERIAL OF THE
PROPERTY**





City of

MEMORANDUM

Jacksonville Beach

To: George D. Forbes, City Manager

City Hall

From: William C. Mann, Planning and Development Director 

11 North Third Street

Re: **Ordinance No. 2018-8104** amending the text of the Land Development Code by adding new definitions, and permitting and regulatory language regarding Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

Jacksonville Beach

FL 32250

Date: January 22, 2018

Phone: 904.247.6231

Fax: 904.247.6107

ACTION REQUESTED:

Adopt Ordinance No. 2018-8104, amending the text of the Land Development Code by adding new definitions, and permitting and regulatory language regarding Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

BACKGROUND:

In November of 2016, voters approved an amendment to the Florida Constitution (Amendment 2) that legalizes the use of medically certified marijuana in the State of Florida. It authorizes the cultivation, processing, distribution and sale of related products by licensed "Medical Marijuana Treatment Centers". The Florida Legislature passed Senate Bill 8-A in 2017 in response to Amendment 2, which governs the licensure and application process for the growth, processing, transportation, administration, and dispensing of medical marijuana products to qualifying patients in the State.

Senate Bill 8-A provides local jurisdictions with two options regarding dispensing facilities. Local jurisdictions can either regulate dispensing facilities no more stringently than they regulate pharmacies, or they can choose ban them. City Council has directed staff to move forward with changes to the Land Development Code that would permit medical marijuana treatment center dispensing facilities within the City, in certain zoning districts only.

Currently the Land Development Code does not define a "pharmacy", nor are pharmacies listed separately as a permitted or conditional use. This use is covered currently under Retail Establishments as "drugs" or "drug stores". The proposed changes to the Land Development Code would include the following:



1. Add the following definitions to Article IV. Definitions:
 - Medical Marijuana Treatment Center
 - Medical Marijuana Treatment Center Dispensing Facility
 - Pharmacy
2. Add "Pharmacy" and "Medical Marijuana Treatment Center Dispensing Facility" as permitted uses in:
 - *Commercial, general: C-2*
3. Add "Pharmacy" and "Medical Marijuana Treatment Center Dispensing Facility" as conditional uses in:
 - *Commercial, limited: C-1*
 - *Central Business District*
4. In *C-1*, *C-2* and *CBD* zoning districts, change "drugs" and "drug stores" under retail establishments, to "non-prescription drugs" to differentiate this from a "Pharmacy" which sells prescription medications, in order to permit the continued retail sale of over-the-counter medications by non-pharmacy retail establishments.

The proposed changes to the Land Development Code also include regulations for the new uses, under a new Section 34-408. These additions include hours of operation limitations (may not operate between 9:00 pm and 7:00 am), and proximity requirements (cannot be located within 500 feet from another dispensing facility, or public or private school) that are consistent with Florida Statutes, and a provision that the changes will not impact any existing pharmacy locations.

The Planning Commission met to consider the proposed Land Development Code Text Amendment on January 8, 2018 and voted unanimously to recommend approval of the amendment to the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2018-8104, amending the text of the Land Development code by adding new definitions, and permitting and regulatory language regarding Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

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

ORDINANCE NO. 2018-8104

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 IV. DEFINITIONS TO ADD DEFINITIONS FOR “MEDICAL MARIJUANA TREATMENT CENTER”, “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY” AND “PHARMACY”, BY AMENDING ARTICLE VIII, SECTION 34-343 TO ADD “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY” AND “PHARMACY” TO THE LIST OF PERMITTED USES IN THE COMMERCIAL GENERAL: C-2 ZONING DISTRICT, BY AMENDING SECTIONS 34-342 AND 34-345 TO ADD “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY” AND “PHARMACY” TO THE LIST OF CONDITIONAL USES IN COMMERCIAL LIMITED: C-1 AND CENTRAL BUSINESS DISTRICT: CBD ZONING DISTRICTS, BY AMENDING ARTICLE VIII SUPPLEMENTAL STANDARDS, DIVISION 2, TO CREATE A NEW SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES FOR THE INCORPORATED AREA OF THE CITY, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE:

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

WHEREAS, the voters of Florida and the City of Jacksonville Beach approved Amendment 2 titled “Use of Marijuana for Debilitating Medical Conditions” in November 2016, authorizing the use of medical marijuana in the State of Florida; and

WHEREAS, the Florida legislature passed Senate Bill 8-A in reponse to Amendment 2, which governs the licensure and application process for the growth, processing, administering and dispensing of qualifying medical marijuana products in the State of Florida; and

WHEREAS, the State has provided local jurisdictions with the option to allow medical marijuana treatment center dispensing facilities within their jurisdictional boundaries regulated no more stringently than pharmacies, or to ban them altogether; and

WHEREAS, the City has conducted public meetings regarding Medical Marijuana Treatment Center Dispensing Facilities before the Planning Commission and the City Council where residents and interested persons were given an opportunity to be heard; and

WHEREAS, the City recognizes the desire of its voters to have access to medical marijuana to treat debilitating medical conditions; and

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

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

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

SECTION 2. Amendment of City Code. That Article IV. Definitions is hereby amended to add definitions, in proper alphabetical order, new definitions for *Medical Marijuana Treatment Center* and *Medical Marijuana Treatment Center Dispensing Facility*, and *Pharmacy* as follows¹:

Section 34-41. General

Medical Marijuana Treatment Center means a facility licensed by the Florida Department of Health that can cultivate, process, transport, or dispense marijuana or marijuana related products.

Medical Marijuana Treatment Center Dispensing Facility means a facility or business operated by a Medical Marijuana Treatment Center (MMTC), or other organization or business holding all necessary state licenses and permits and where marijuana and products derived therefrom are dispensed at retail in accordance with all other applicable local, state and federal laws.

Pharmacy means a retail store where prescription and other medicines and related products are dispensed and sold retail as the principal use, and where the retail sale of other miscellaneous goods may also be permitted.

SECTION 3. That Article VII, Section 34-342 of the City of Jacksonville Beach Code of Ordinances or Land Development Code is hereby amended to add the following provisions:

Section 34-342. Commercial Limited: C-1.

(b) Permitted uses.

(6) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise; food; apparel and accessories; home furniture, furnishing and equipment stores; non-prescription drugs; used merchandise; miscellaneous shopping

¹ (~~strike through~~ text indicates deletions, underline text indicates additions).

goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.

(d) Conditional uses.

(22) Pharmacy

(23) Medical Marijuana Treatment Center Dispensing Facilities

SECTION 4. That Article VII, Section 34-343 of the City of Jacksonville Beach Code of Ordinances or Land Development Code is hereby amended to add the following provisions:

Section 34-343 Commercial General: C-2.

(b) Permitted uses.

(10) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise; food; motor vehicle dealers, new and/or used; auto and home supply stores; gasoline service stations; and boat, recreational vehicle and motorcycle dealers; apparel and accessories; home furniture, furnishing and equipment stores; non-prescription drugs; used merchandise; miscellaneous shopping goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.

(31) Pharmacy

(32) Medical Marijuana Treatment Center Dispensing Facilities

SECTION 5. That Article VII Section 34-345 of the City of Jacksonville Beach Code of Ordinances or Land Development Code is hereby amended to add the following provisions:

Section 34-345 Central business district: CBD.

(b) Permitted uses.

(4) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise stores; apparel and accessory stores; home furniture, furnishing and equipment stores; restaurants; non-prescription drugs stores; florists; tobacco stands and newsstands; optical goods stores; and miscellaneous retail goods.

(d) Conditional uses.

(10) Pharmacy

(11) Medical Marijuana Treatment Center Dispensing Facilities

SECTION 6. That Article VIII, Section 34-408 is hereby added to the City of Jacksonville Beach Code of Ordinances or Land Development Code and is hereby amended to add the following new provisions:

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

a) **Medical Marijuana Treatment Center Dispensing Facilities**

- 1) **Proximity.** A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises another medical marijuana treatment center dispensing facility, or a public or private elementary school, middle school, or secondary school, pursuant to Florida Statutes 381.986 (11)(c).
- 2) **Hours of Operation.** A medical marijuana treatment center dispensing facility may not operate between the hours of 9:00 pm and 7:00 am, as set forth in Florida Statute 381.986 (8)(f)(4)

b) **Pharmacies**

- 1) **Hours of Operation.** A pharmacy may not operate between the hours of 9:00 pm and 7:00 am.
- 2) **A pharmacy operating legally before the date of adoption is exempt from complying from the above restriction related to hours of operation.**

SECTION 7. That this ordinance shall take effect upon its adoption by the City Council.

SECTION 8. That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 9. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2018.

William C. Latham, Mayor

Laurie Scott, City Clerk