



**Agenda**

**Community Redevelopment Agency**

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Monday, March 27, 2017

5:00 PM

Council Chambers

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**MEMORANDUM TO:**

Members of the Community Redevelopment Agency  
City of Jacksonville Beach, Florida

Board Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Community Redevelopment Agency.

**CALL TO ORDER**

**ROLL CALL**

Art Graham (Chairperson), Frances Povloski (Vice-Chairperson), Scott Gay, Jeffrey Jones, Cory Nichols

**APPROVAL OF MINUTES**

- a. Special Community Redevelopment Agency Meeting Held November 28, 2016
- b. Regular Community Redevelopment Agency Meeting Held January 23, 2017

**OLD BUSINESS**

**NEW BUSINESS**

- a. **Redevelopment District: RD Zoning Amendment Application** – Review and recommendation to the City Council on the consistency with the Downtown Community Redevelopment Plan of the application to amend *Redevelopment District: RD* Ordinance No. 2016- 8070, governing the vacant property on the west side of North 1<sup>st</sup> Street, between 6<sup>th</sup> and 7<sup>th</sup> Avenues North. (*Dolphin Depot, LLC* - applicant)

**INFORMATION ITEMS**

**COURTESY OF THE FLOOR TO VISITORS**

**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 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.*

cc: George D. Forbes, City Manager; Susan Erdelyi, City Attorney; Press



Draft Meeting Minutes

Community Redevelopment Agency

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Monday, November 28, 2016

5:00 PM

Council Chambers

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**CALL TO ORDER**

Chairperson Graham called the meeting to order at 5:02 P.M.

**ROLL CALL**

**Present:** 5- Chairperson, Art Graham  
Vice Chairperson, Frances Povloski  
Mr. Scott Gay  
Mr. Jeffrey Jones  
Mr. Cory Nichols

Also present were CRA Administrator William Mann, Deputy City Manager Trish Roberts, Councilman Keith Doherty, Jacksonville Transportation Authority Principal Planner, Suraya Teeple, and Recording Secretary Chandra Medford.

**APPROVAL OF MINUTES**

a. Special Community Redevelopment Agency Meeting Held September 12, 2016

**It was moved by Mrs. Povloski, and seconded by Mr. Nichols, and after a short discussion, it passed unanimously by voice vote, to approve the September 12, 2016, minutes as presented.**

Discussion:

Mrs. Povloski stated she was pleased to read that public charging stations were discussed as part of Resolution No. 2016-13. Mr. Graham asked Mr. Mann if any determinations were made as to whether or not charging locations would be part of the plan. Mr. Mann stated there are few options for motorcycle and electric cart parking and there is a possibility that electric car charging stations may be added to the wall of the proposed police storage building, but that will require a meeting with the contractor to discuss what can be completed under contingency and perhaps what may need to be done to obtain additional funding for it. He added to proceed with the project, no additional input from the Board will be required unless specific options are presented. He clarified that the three proposed electric cart parking spaces were not planned to be charging stations, but if they were they would have to be metered. Mrs. Povloski said she would like to see future parking geared towards local residents that have enforceable restrictions. Mr. Jones stated the City Council would need to approve an ordinance regulating the length of time a low speed vehicle could park in one of these spaces. Mr. Mann mentioned incentivizing the private sector to add charging locations to existing lots. Mr. Gay asked if electric charging spaces could be assumed as part of required parking demand. Mr. Mann replied that it could require a formal Land Development Code Amendment because it would affect the entire City, not just the Redevelopment Districts. He indicated the proposed lot would accommodate electric cars by providing a one e-car charging station however, there could be potential to add additional charging station and spaces in the future.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

There was no new business.

**INFORMATION ITEMS****a. JTA presentation – Bus Rapid Transit (BRT) *First Coast Flyer* route and stop improvements.**

Suraya Teeple presented the plans for the 2<sup>nd</sup> Street frontage of the proposed parking lot located at 4<sup>th</sup> Avenue North and 2<sup>nd</sup> Street North. She stated this program is part of the First Coast Flyer transit system and is part of a Jacksonville Transit Authority (JTA) cooperative agreement to utilize funds on property that it does not own. JTA is responsible for its facilities maintenance, but the City would maintain the street and paving markings. Mr. Graham asked what a BRT system is in comparison to a regular bus transit system. Ms. Teeple replied it is standard buses and stations with limited stop service and reliable route schedules as well as traffic signal priority. Mrs. Povloski asked how users find out about delays; Ms. Teeple replied there are station totems with real-time information as well as a smartphone application called NextBus.

Ms. Teeple stated there would be two proposed BRT locations in Jacksonville Beach; one on either side of Beach Boulevard near Penman Road and one at 2<sup>nd</sup> Street North and 3<sup>rd</sup> Avenue North. Mr. Jones stated the parking lot seems like it will be a commuter lot during the weekday. Mr. Mann estimated that roughly one-quarter of the parking lot spaces might be used for this purpose on a weekday basis. Mr. Nichols asked if CRA funds would be used for the project. Mr. Mann replied that no CRA funds will be for the JTA improvements. Ms. Teeple added the proposed BRT location on the south side of Beach Boulevard would utilize the existing stop located adjacent to City property by expanding the concrete a little onto the City property to accommodate one shelter and an information totem.

**b. *Joe's Crab Shack* parking lot parcel – Proposed CRA property purchase of portion of adjacent alley.**

Mr. Mann said it was discovered that the public alley that lies south and adjacent to the Joe's Crab Shack parking lot contains a 14' x 62.5' sliver of land owned by Eastern Coastal Properties, LLC (ECP). He stated he obtained an appraisal and is now prepared to make an offer to ECP to purchase the property in order to finish paving the public alley.

**c. Developer interest in CRA-owned property – Parcel located at Southeast corner of 2<sup>nd</sup> Street and 4<sup>th</sup> Avenue North; and****d. Downtown Parking Garage/Oceanfront Hotel concept**

Mr. Mann stated the owner of the former Zenith Gallery building has approached the City with interest to purchase a small parcel of CRA-owned land located at the southeast corner of 2<sup>nd</sup> Street and 4<sup>th</sup> Avenue North (just west of the Wavecrest Apartments and north of the Ritz Bar). After speaking with the City Manager, the City is inclined to accept an offer to begin discussions. He stated selling the parcel would put the property back on the tax rolls and that any owner would have exclusive use of it. If the City is willing to

sell the property, one condition of that sale may be that the City reserve air rights over the property, and the owner would have sole use of the ground floor level; if we do pursue developing a hotel on part of the pier parking lot, we would replace the existing parking that would be displaced in a structured parking garage on the City-owned parking lot next to the Ritz Bar. If the City purchased the adjacent Wavecrest parcel, we would then have the potential to develop second and third story structure parking over the subject lot. Another restriction would be that the lot be deed restricted to Zenith Gallery parcel. He added a list of conditions would be provided to the interested party to make an offer to the Redevelopment Agency. The money received from this purchase could potentially be used for the either the purchase of the Wavecrest Apartments or for general redevelopment projects in the Downtown District, south of Beach Boulevard.

Mr. Jones asked what is going on with the vacant lot that is adjacent to the Gallery. Mr. Mann replied the Johnson Gallery property has a variance on the property for a gallery use, but the new owner indicated that in four to five years, he intends to have a higher-end restaurant in the gallery-portion of the building. Mrs. Povloski said we would not get the same amount of money for the property as we did when we initially authorized a bid to purchase it if we reserve air rights on it. She asked if we leased the ground floor, will the proposed parking structure mathematically work. Mr. Mann stated due to the parking requirements in the CBD, if the City constructed a parking garage, a portion of its street frontage is required to be leasable space.

Mr. Nichols asked who is responsible for exploring development opportunities for City and CRA-owned properties located in the Downtown District, including a hotel at the pier oceanfront surface parking lot. He suggested a parking garage be constructed between 2<sup>nd</sup> and 3<sup>rd</sup> Street rather than between 1<sup>st</sup> Street and 2<sup>nd</sup> Street to reduce vehicular traffic to the heart of our downtown business district. Mr. Mann replied if parking is displaced on the oceanfront, the location of the proposed parking garage is proposed to be adjacent to the Ritz Bar due to the closer proximity to the beach. Mr. Nichols asked Mr. Mann to research the value of the property located adjacent to 465 3<sup>rd</sup> Street North. Mr. Mann stated during Glatting Jackson's first downtown assessment it was deemed to be less than ideal to have surface parking on the oceanfront.

Mr. Graham expressed his concern about selling or leasing the property across from Zenith Gallery before exploring all development possibilities in the affected area. He asked if there was conversation with the new gallery owner about leasing parking inside of the proposed parking garage. Mr. Mann said no and explained that the gallery's new owner approached the City about the possibility of purchasing the property or leasing spaces if the proposed parking garage is constructed. Councilman Doherty recalled there being issues with previous land sales being denied and asked if there could be a bidding war. Mr. Mann replied if the City entered into an agreement with the seller of a property, an advertisement must be posted for 30 days before the closing to allow others to tender offers.

Mr. Nichols asked if anyone from the City spoke directly with developers about the pier parking lot and it's development. Mr. Mann replied he spoke with two local restaurant/hospitality industry people who broker and represent hotel chains to get an idea of what can be expected and that he has not been soliciting for use of that property yet. Mr. Nichols stated if a hotel were developed at the pier, the value of the vacant lot would increase. Mr. Mann stated a long-term land lease would likely be required for a 60 to 80 room oceanfront hotel concept to be financially feasible. He said with the 35-foot building height limit, a three story oceanfront hotel could only have hotel rooms on the second and third floors. Councilman Doherty asked why couldn't the proposed parking garage be used for hotel parking. Mr. Mann stated part of the requirement for the proposed parking garage would be to replace the displaced oceanfront public parking, and if the first floor of the proposed hotel were to have habitable area then the parking garage would also provide the required parking for the hotel.

Mr. Graham asked when the Board should expect action items to be presented. Mr. Mann stated the gallery owner's attorney calls weekly regarding moving forward. Mrs. Povloski said the Board should not move forward until a decision is made on the other properties. Mr. Jones added the Board could also consider leasing the land with minimal improvements until the plans are finalized for the whole area.

e. **Dix.Hite + Partners workshop** – December 5, 2016 from 5:00-7:00 PM in the Council Chambers

Mr. Mann explained the Board previously authorized Dix.Hite + Partners to create an implementation and management plan regarding multiple components of the Downtown Action Plan. He said a public workshop is scheduled to present their concepts. He said a survey was posted on [www.jaxbeachliving.net](http://www.jaxbeachliving.net) to answer questions to obtain feedback from the community about possible improvements such as landscaping, lighting, bicycle plans, logos and signage, etc. Mr. Nichols suggested scheduling public workshops for the development opportunities for the pier and CRA-owned properties.

Mr. Mann also informed the Board that a Public Works' led workshop for the second phase of the infrastructure redevelopment project should be scheduled after the first of the year.

Mr. Nichols expressed concern regarding the impact on the success of small, locally owned businesses in the Downtown area if vehicular traffic is increased due to anticipated private and public development projects, rather than utilizing a walking, pedestrian-friendly area. He then asked if a developer acquired the Pier Cantina property and partnered with the City, could they create one parcel and change the maximum height on the pier parking lot to fifty-five feet? Mr. Mann replied no.

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

- Shandy Thompson, 522 South 3<sup>rd</sup> Avenue, she expressed concerns about bicycle safety in the Downtown area and would like to see this area become more of a family-friendly community, with additional shops and activities to do. She said she loves this town and believes we need more good restaurants, especially within walking distance of residential neighborhoods instead of travelling to adjacent cities. She stated our beach is evolving and she loves how much we have progressed and would like to keep seeing it improve. She said rather than have an oceanfront hotel or parking garage, she would like to see a park with swings for her children. She agrees that parking is an issue, especially on weekends and during festivals, and hopes a resolution can be found that can accommodate both parties. She suggested changing the free public restrooms to pay public restrooms such as those found in Europe.

### **ADJOURNMENT**

There being no further business, Mr. Graham adjourned the meeting at 6:19 P.M.

Submitted by: Chandra Medford, Recording Secretary

Approval:

\_\_\_\_\_  
Art Graham, Chairperson

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



Draft Meeting Minutes

Community Redevelopment Agency

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Monday January 23, 2017

5:00 PM

Council Chambers

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**CALL TO ORDER**

Chairperson Graham called the meeting to order at 5:04 P.M.

**ROLL CALL**

**Present:** 4- Vice Chairperson, Frances Povloski  
Mr. Scott Gay  
Mr. Jeffrey Jones  
Mr. Cory Nichols

**Present:** 1- Chairperson, Art Graham

Also present were CRA Administrator William Mann, Deputy City Manager Trish Roberts, Senior Planner Heather Ireland, and Recording Secretary Chandra Medford.

**EX-PARTE COMMUNICATIONS**

Ex-parte communications were disclosed by Scott Gay and Cory Nichols. Mr. Gay had discussions with Mark Shelton and Bill Schilling and did not respond to an e-mail from one of the owner's representatives regarding agenda item c. Mr. Nichols had discussion with Mr. Jeff Klotz regarding a general overview of development in the area affecting agenda item c.

**APPROVAL OF MINUTES**

a. Special Community Redevelopment Agency Meeting Held November 28, 2016

**It was moved by Mr. Nichols, and seconded by Mr. Jones to postpone approving the November 28, 2016 minutes until the next scheduled meeting, and passed unanimously by voice vote.**

Discussion:

Mrs. Nichols stated he had not a chance to review the minutes and would like additional time to review them before approval.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

- a. **Resolution No. 2017-1** - A Resolution Recommending that the Jacksonville Beach City Council Amend the Community Redevelopment Plan for the City's South Beach Redevelopment District to add "Maintenance of Tax Increment Funded Facilities and Improvements" as a Capital Improvement in said Community Redevelopment Plan.

**It was moved by Mr. Jones and seconded by Mr. Nichols, to approve CRA Resolution No. 2017-1. After a brief discussion, the motion carried unanimously by voice vote.**

Mr. Mann provided a brief explanation about the necessity of implementing a regular maintenance plan for TIF funded improvements in the South Beach District, including but not limited to the new skate park and splash pad, at the South Beach Park. He added that a similar provision already existed in the Downtown District. He stated this resolution adds maintenance of TIF funded improvements as an allowable funding item. Trish Roberts said Robin Smith, of the Public Works Department, provided her with a list of examples of potential maintenance items at the skate park, such as resealing concrete, repainting metal edges, annual trimming of vegetation, etc.

- b. **Authorize CRA Administrator to submit a purchase** offer for a 14 x 62.5 foot parcel of vacant land located within the alignment of the platted public alley running east to west in the block bounded by Beach Boulevard, 1<sup>st</sup> Avenue South, and 1<sup>st</sup> and 2<sup>nd</sup> Streets South.

**It was moved by Mr. Nichols, and seconded by Mr. Jones to amend the CRA Administrator's authorization to submit a purchase offer contingent upon confirming whether adverse possession is applicable to the parcel or not. After a short discussion, the amended motion carried unanimously by voice vote.**

Mr. Mann stated Ennis Appraisal Associates, Inc. appraised the 875 square foot parcel of vacant land at \$44,000. Members discussed the possibility of initially making an offer lower than the appraised value, given that the parcel is of no practical use to its owners.

- c. **Redevelopment District: RD Rezoning Application** - Review and report to the City Council on the site plan and building elevations for a RD: Redevelopment District rezoning of the vacant oceanfront block located on the east side of 1<sup>st</sup> Street North between 6<sup>th</sup> and 7<sup>th</sup> Avenues North to allow development of a proposed eight-story mixed use hotel, residential and commercial project.

**It was moved by Mr. Gay, and seconded by Mr. Nichols, to find the Atlantis Beach Partners, LLC.'s . RD Rezoning Application to be consistent with the Downtown Community Redevelopment Plan and to recommend the City Council approve the application. After a brief discussion, the motion carried unanimously by voice vote.**

Mr. Mann explained this development proposal is for property formerly known as the *Atlantis* hotel. He invited Mark Shelton, of Kimley-Horn and Associates, Inc. to present the application to the Board. Mr. Shelton explained the property was granted a settlement agreement in 2010, allowing a maximum building height of 89 feet and pursuant to that agreement, a redevelopment district rezoning application is required due to the proposed development size. He stated the project is comprised of ground floor retail along 6<sup>th</sup> Avenue North, up to 220 hotel rooms, associated parking and ancillary uses. He stated the developer is proposing an allowance to convert 64 of the hotel rooms into 32 condominiums. He explained that all of the proposed property uses are permitted in an RD district and further all of the development standards

meet or exceed the current Land Development Code standards, including setbacks, signage, pedestrian-oriented streets, landscaping, and etc. He added the project has a planned commencement date of the year 2018.

**INFORMATION ITEMS**

There were no information items.

**COURTESY OF THE FLOOR TO VISITORS**

No one wished to speak under Courtesy of the Floor.

**ADJOURNMENT**

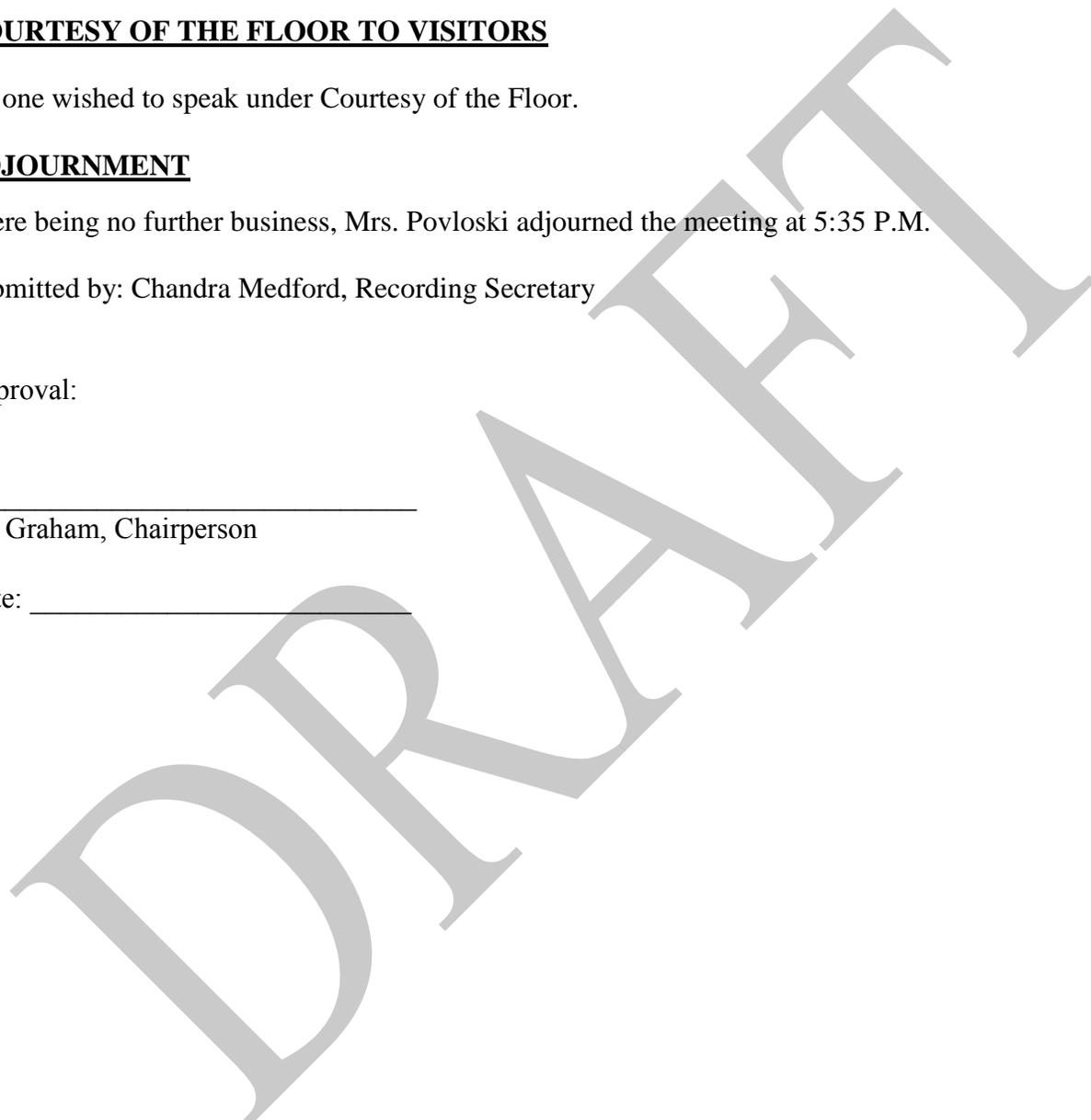
There being no further business, Mrs. Povloski adjourned the meeting at 5:35 P.M.

Submitted by: Chandra Medford, Recording Secretary

Approval:

\_\_\_\_\_  
Art Graham, Chairperson

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



## MEMORANDUM

**TO:** Jacksonville Beach Community Redevelopment Agency Members

**FROM:** Bill Mann, Planning and Development Director, CRA Administrator

**RE:** March 27, 2017 Community Redevelopment Agency Meeting

**DATE:** March 17, 2017

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Please consider the following information and staff recommendation relative to the following single item to be considered at the upcoming March 27, 2017 meeting:

1. **Redevelopment District: RD Zoning Amendment Application** – Review and recommendation to the City Council on the consistency with the Downtown Community Redevelopment Plan of the application to amend *Redevelopment District: RD* Ordinance No. 2016-8070, governing the vacant property on the west side of North 1<sup>st</sup> Street, between 6<sup>th</sup> and 7<sup>th</sup> Avenues North. (*Dolphin Depot, LLC* - applicant)

This application constitutes a requested amendment to the approved RD rezoning of the vacant property on the northwest corner of 1<sup>st</sup> Street and 6<sup>th</sup> Avenue North. That property was rezoned to *Redevelopment District: RD* in April of 2016, approving the development of the subject property into a six story mixed-use building containing 54 residential apartments, 36 hotel rooms, resident and guest amenities, 2,500 s.f. of commercial space, and surface and garage parking.

Since April of 2016, the applicants have been refining their project construction plans, and they have now determined that they would like to increase the number of hotel rooms provided in the building, and they have switched to a different architect to prepare the final building plans for the project.

The attached RD amendment application seeks only to increase the number of hotels rooms allowed within the project from 36 to 57, increase the parking provided from 164 spaces to 200 spaces (188 required), and to replace the building site plan and elevation drawings with their new final design for the project.

Attached for your review is the subject RD amendment application. None of the changes proposed therein would cause the development approved via *RD* Ordinance 2016-8070 to now be viewed as being inconsistent with the Downtown Redevelopment Plan.

City of  
Jacksonville Beach  
City Hall  
11 North Third Street  
Jacksonville Beach  
FL 32250  
Phone: 904.247.6231  
Fax: 904.247.6107  
Planning@jaxbchfl.net

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



Staff recommends that the CRA finds the *Redevelopment District: RD Zoning Amendment Application PC#12-17* consistent with the Downtown Community Redevelopment Plan and recommend its approval by the City Council.

Attachment: RD zoning amendment application PC#12-17



# REZONING/TEXT AMENDMENT APPLICATION

RECEIVED

MAR - 7 2017

PC No. 12-17

AS/400# 17-100045  
4/24/2017 PC

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

### APPLICANT INFORMATION

Land Owner's Name: Dolphin Depot, LLC

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

Applicant Name: Dolphin Depot, LLC

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

Telephone: (904) 249-1003

Fax: (904) 249-6789

E-Mail: scott@jbritz.com

Telephone: (904) 249-1003

Fax: (904) 249-6789

E-Mail: scott@jbritz.com

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

Agent Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

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

### REZONING DATA

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

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

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

### TEXT AMENDMENT DATA

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

	<u>REQUESTED INFORMATION</u>		<u>Attached?</u>	
	Yes	No	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;	✓			
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;	✓			
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;	✓			
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.	✓			
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.				

Applicant Signature: \_\_\_\_\_

Date: 3/7/17

Dolphin Depot LLC  
RD Zoning Application  
Consultants

Civil Engineer

Joe Mecca & Brian Deitsch

12740 Gran Bay Parkway West, Suite 2350

Jacksonville, FL 32258

904-828-3900

Architect:

Kelly Osburn

Humphreys & Partners Architects, L.P.

5339 Alpha Rd, Suite 300

Dallas, TX 75240

Attorney:

Steve Greenhut

Balch & Bingham

841 Prudential Dr, Suite 1400

Jacksonville, FL 32202

Land Development Consultant:

Scott Gay, CPA

3948 S Third St #291

Jacksonville Bch, FL 32250

# NARRATIVE DESCRIPTION

## AMENDMENT TO RD ZONING DESIGNATION

*March 7, 2017*

Mixed Use Facility @ 1<sup>st</sup> Street North and 6<sup>th</sup> Avenue North

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

**See Attached Exhibit #2.**

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

**See Attached Exhibit #3.**

4. *For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC:*

**A. Existing conditions on the property:**

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

**B. Existing Surrounding Uses:**

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

**C. Proposed Mixed-Use Development:**

The owner of the subject property is proposing a six story, mixed use project with approximately 2,500 sf of commercial space, 54 multi-family units, and a maximum of 57 hotel rooms. A pool & deck will be located outside on the 3rd floor on the south side of the structure.

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

Parking spaces will be located on the ground level and the 2<sup>nd</sup> level.

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

*General Objectives:*

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

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

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

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

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

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

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

The development follows already established street and utility patterns.

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

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

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

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

It is consistent with the Future Land Use Map Designation and C-1 zoning designation of the subject property, and is also consistent with the CBD zoning district site design and lot layout standards.

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

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

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

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

Civil Engineer:

Kimley Horn & Associates

Joe Mecca & Brian Deitsch

12740 Gran Bay Parkway West, Suite 2350

Jacksonville, FL 32258

904-828-3900

Architect:

Humphreys & Partners

Dallas, TX

Attorney:

Balch & Bingham

Steve Greenhut

841 Prudential Dr, Suite 1400

Jacksonville, FL

904-348-6855

THIS DOCUMENT PREPARED  
BY AND RETURN TO:

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

## DECLARATION OF COVENANTS AND RESTRICTIONS

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

### RECITALS:

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

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

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

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

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

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

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

**Use Restriction.** The Property may be developed with up to fifty-four (54) residential units ("Residential Units"), fifty-seven (57) hotel suites ("Hotel Units"), and twenty-five hundred (2,500) square feet of commercial and/or office ("Commercial/Office Space"). Without the prior approval of the City, which approval

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

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

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

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

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

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

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

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

Signed, sealed and delivered  
in the presence of:

**“DECLARANT”**

DOLPHIN DEPOT, LLC, a Florida limited  
liability company

\_\_\_\_\_  
Name Printed: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Name Printed: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF DUVAL

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

\_\_\_\_\_  
Print Name: \_\_\_\_\_

NOTARY PUBLIC

State of Florida at Large

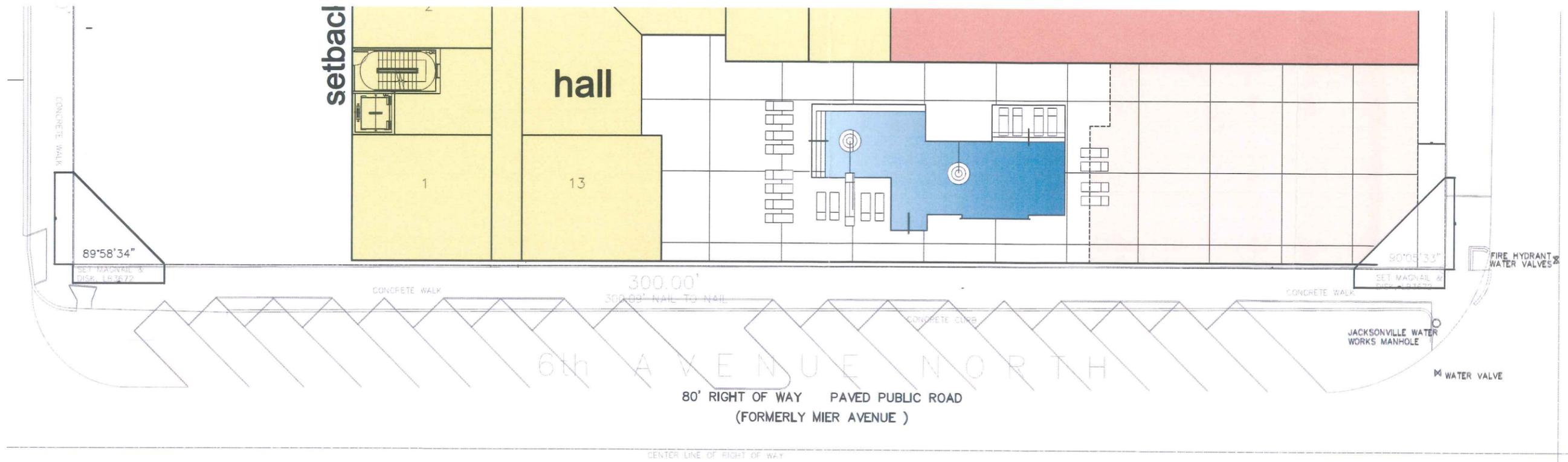
Commission # \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Personally Known  or

Produced ID

Type of Identification Produced:  
\_\_\_\_\_



**SOUTH ELEVATION**

**A-401**

**TABULATION:**  
**6 STORY**

**TOTAL SITE AREA:** 1.36 ACRES

**LOT COVERAGE RATIO:**

IMPERVIOUS AREA: 1.25 ACRES (92%)  
 PERVIOUS AREA: 0.11 ACRES (8%)

RETAIL : 2500 SQ.FT  
 CLUB HOUSE : 3734 SQ.FT

**TOTAL NO. OF UNITS APARTMENTS:** 54 UNITS ( 980 SF AVG) 50% 1BR/1BA - 50% 2BR/2BA

**TOTAL NO. OF ROOMS HOTEL:** 57 UNITS  
 32 UNITS - 450 SF AVG  
 25 UNITS - 550 SF AVG

**TOTAL:** 111 UNITS

**PARKING:**

ONSITE:  
 1ST LEVEL PARKING  
 INSIDE BLDG. 77  
 OUTSIDE BLDG. 26

2ND LEVEL PARKING 97

TOTAL PARKING PODIUM 174  
 TOTAL PARKING 200 SPACES (including 8 HC spaces)  
 REQUIRED 188 SPACES

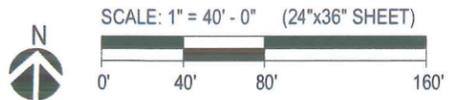
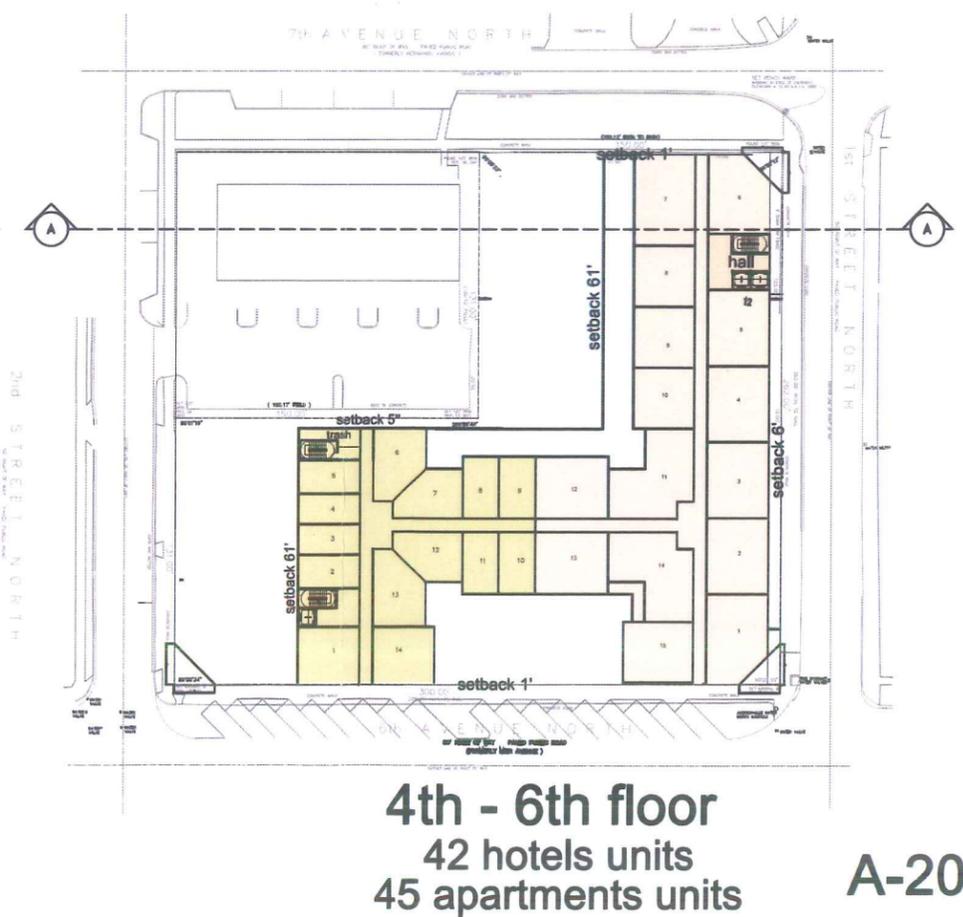
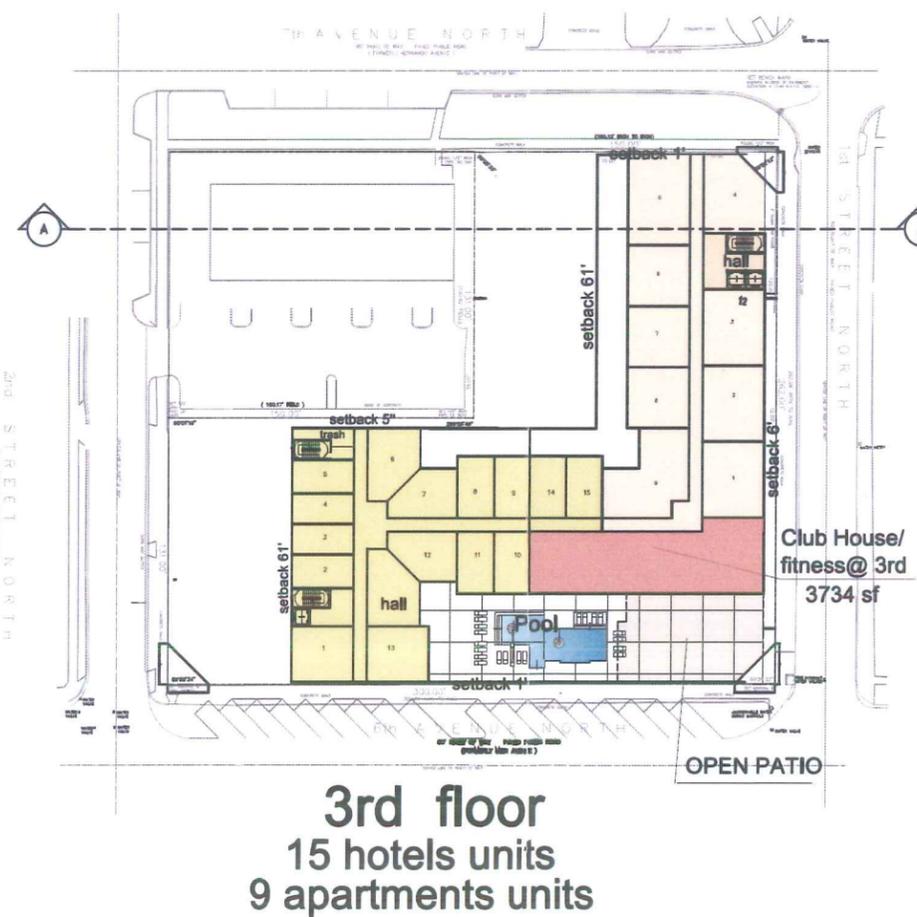
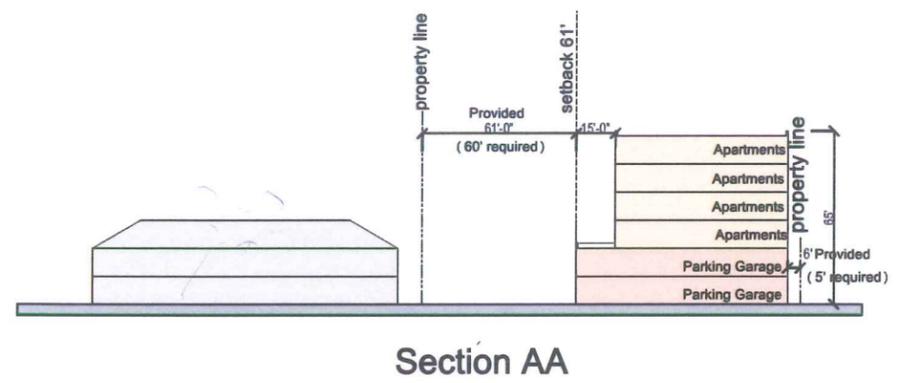
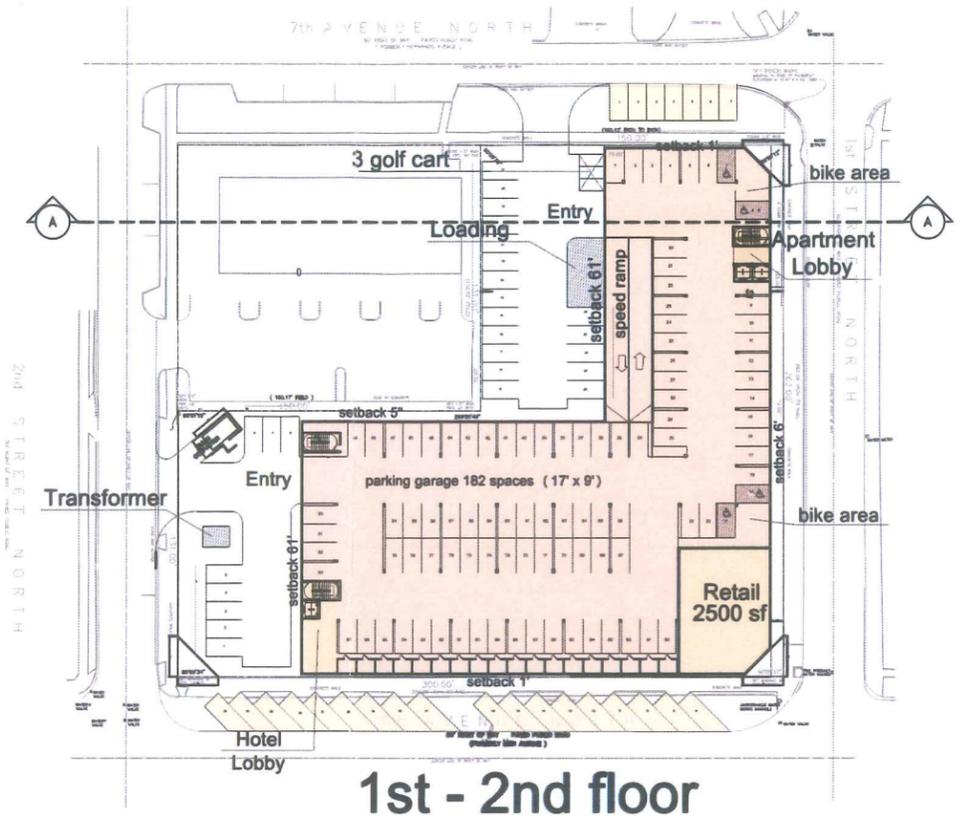
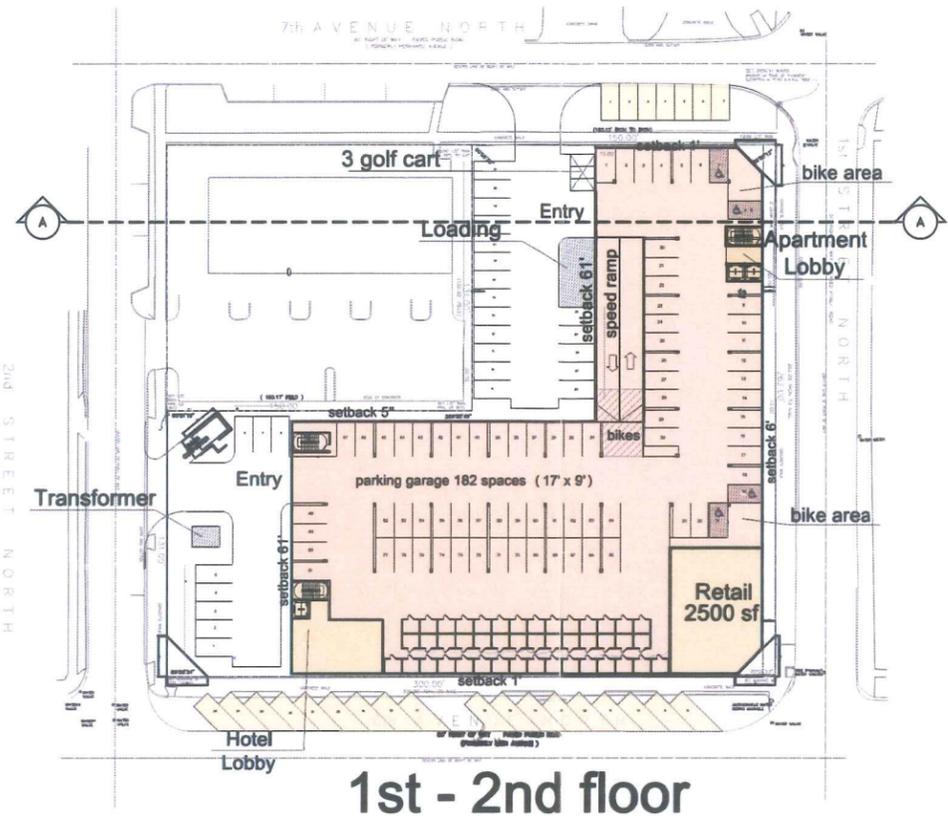
Calculation parking spaces required:  
 Apartments 54x2=108 spaces  
 50 Hotel Units 50x1.25=63 spaces  
 7 Hotel Units 7x1=7 spaces  
 2500 sf retail 2500/250=10 spaces  
 Total 188 spaces

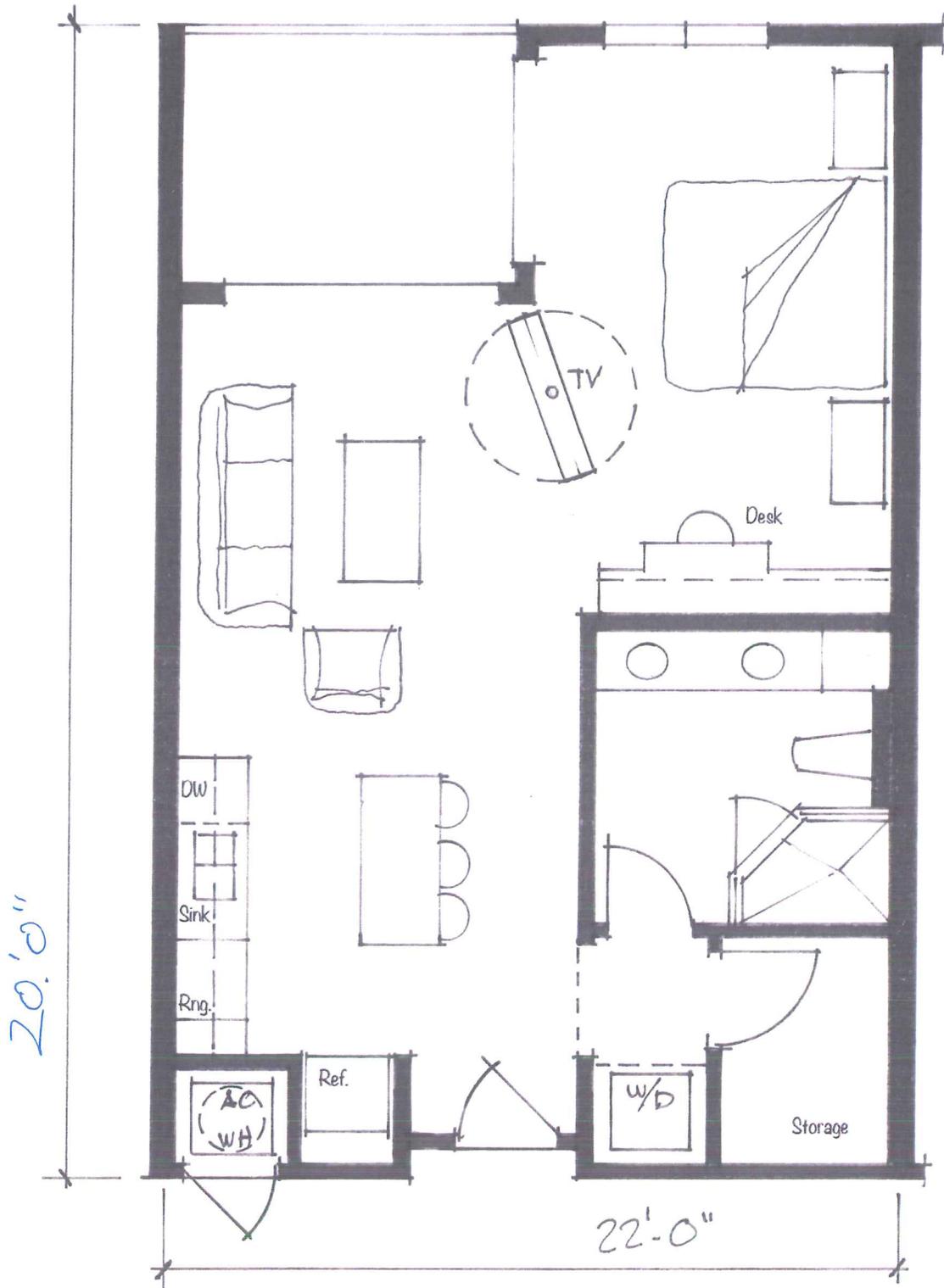
EXTERIOR PARKING :25 SPACES

**SIDE YARD SETBACK**

**NORTH PORTION OF BUILDING:**  
 EAST SIDE YARD: 6'  
 WEST SIDE YARD: 59'  
 TOTAL: 65'

**SOUTH PORTION OF BUILDING:**  
 EAST SIDE YARD: 6'  
 WEST SIDE YARD: 60'  
 TOTAL: 66'





Typical Hotel Rm.  
44'0 sq. ft. ac