



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, June 25, 2018

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

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

1. **Call to Order**
2. **Roll Call:** Greg Sutton (Chair), Dave Dahl (Vice-Chair), Bill Callan, Georgette Dumont, Britton Sanders
Alternates: Margo Moehring, Jason Lee
3. **Approval of Minutes:** April 23, 2018, and May 29, 2018
4. **Correspondence:** None
5. **Old Business:** None
6. **New Business:**
 - (A) **PC#17-18 1704 North 3rd Street**
Conditional Use Application for transfer of approved outdoor restaurant seating at a new restaurant, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342 (d)(20) of the Jacksonville Beach Land Development Code.
 - (B) **PC#18-18 502 North 1st Street**
Conditional Use Application for outdoor restaurant seating at a new restaurant, located in the *Central Business District: CBD* zoning district, pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code.
 - (C) **Finding of Fact for PC#10-18**

7. Planning Department Report:

(A) The next meeting is scheduled for Monday, July 9, 2018.

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.

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: June 18, 2018
RE: June 25, 2018 - Planning Commission Meeting

The following information is provided for your consideration regarding two agenda items for the upcoming Monday, June 25, 2018 Planning Commission meeting.

NEW BUSINESS:

PC#17-18 Conditional Use Application

Owner: Heritage Retail, LLC
10739 Deerwood Park Blvd, Suite 300
Jacksonville, FL 32256

Applicant: Que Pasa of Jax Beach, LLC
1704 North 3rd Street
Jacksonville Beach, FL 32250

Location: 1704 North 3rd Street

Request: **Conditional Use Approval** for transfer of approved outdoor restaurant seating at a new restaurant, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Comments: The subject property is located on the west side of North 3rd Street between 16th and 17th Avenues North. The subject tenant space is located at the southernmost end of the Holiday Plaza shopping center where a previous restaurant (*Spicy Juicy Crawfish*) existed. The applicant would like to use the existing patio, located to the east of the restaurant and installed by the previous tenant, for outdoor seating. The applicant was informed by staff that conditional use approvals are not transferable from owner to owner and that they would have to apply for approval in their name.

Adjacent uses include commercial in the balance of the shopping center, a medical office and a gas station to the south across 16th Avenue, commercial to the east across North 3rd Street, a communications facility to the north across 17th Avenue, and single family residential to the west behind the shopping center. The proposed use of the existing outdoor seating area is consistent with the existing seating area at the drinking establishment at the other end of the shopping center, and adjacent properties should not be negatively impacted. There are no documented issues with the previous tenants use of the outdoor seating area.

PC#18-18 Conditional Use Application

Owner: Jax Beach AF, LLC
177 4th Avenue North
Jacksonville Beach, FL 32250

Applicant: North 1st Street, LLC
177 4th Avenue North
Jacksonville Beach, FL 32250

Agent: Steve Diebenow and Cyndy Trimmer
1 Independent Drive, Suite 1200
Jacksonville, FL 32202

Location: 502 1st Street North

Request: **Conditional Use Approval** for outdoor restaurant seating at a new restaurant, located in the *Central Business District: CBD* zoning district, pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code.

Comments: The subject property is located in the northwest corner of 1st Street North and 4th Avenue North, and has existed as a commercial shopping center since 1960. The new owners of the property plan to replace the existing commercial building with a new commercial building containing retail and restaurant space. The applicant was advised by staff that conditional use approval for any proposed outdoor seating would be required. The second floor of the proposed new building would contain indoor and outdoor restaurant space.

Adjacent uses include a public parking lot and apartments to the south, the pier parking lot to the east across North 1st Street, the currently vacant Zenith Gallery to the west, and commercial to the north. The proposed use of a new outdoor restaurant seating area is consistent with other outdoor seating areas in the downtown area and adjacent properties should not be negatively impacted.

**Minutes of Planning Commission Meeting
Held Monday, April 23, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:00 P.M. by Board Member Greg Sutton.

Roll Call

Chairman: Greg Sutton

Board Members: Bill Callan David Dahl Georgette Dumont Britton Sanders
Alternates: Jason Lee (*absent*) Margo Moehring (*absent*)

Also present were Senior Planner Heather Ireland, and City Clerk Laurie Scott.

Approval of Minutes

It was moved by Ms. Dumont, seconded by Mr. Dahl, and passed unanimously, to approve the following minutes:

- March 12, 2018
- March 26, 2018

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business

(A) **PC#9-18** Redevelopment District: RD Zoning Amendment

Redevelopment District: RD Rezoning Amendment Approval to amend RD Rezoning Ordinance No. 2008-7951 for property located at the southeast corner of Beach Boulevard and South 3rd Street, providing a new project narrative and site plan, for a new proposed hotel use. (*Element Hotel*)

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the southeast corner of Beach Boulevard and A1A / 3rd Street South, and is currently vacant. The site was most recently occupied by a gasoline service station (Texaco). In 1994 the applicant applied to rezone the subject property to *Redevelopment District: RD* zoning in order to construct a five-story office and retail center. That project was never completed, and in 2008, the applicant applied to amend the RD zoning to develop a hotel project. The hotel was also never constructed due to the downturn in the economy.

The actual amendment to the existing RD ordinance consists of the approval of a new project narrative and site plan for a proposed *Element Hotel*. The hotel would be approximately 10,000 square feet, three stories (35 feet), and would have 80 rooms with a mix of open and covered ground level parking. Vehicular access to the property will be from 2nd Street only. The applicant also proposes to share use of the existing alley on the south side of the property with

the adjacent property, McDonald's. The hotel would also have limited food service and other guest amenities. The anticipated construction start date is October 2018. The proposed site plan provided with the application shows the building footprint and required parking. The proposed hotel project is consistent with the City's Comprehensive Plan and Land Development Code, and furthers the objectives of the Downtown Community Redevelopment Plan.

Adjacent uses include McDonald's to the south, the parking lot for Joe's Crab Shack to the east, *Walgreens* to the north and *Burrito Gallery* to the west. Redevelopment of the subject property as proposed in the *RD* zoning amendment application would have a positive impact on adjacent properties and would have a positive effect on the visual character of the surrounding area and the "entrance" to the City. The proposed project should not negatively impact adjacent properties.

Agent:

Ed Goodson, 10175 Parkway, Suite 402, Jacksonville, FL 32256. Mr. Sanders asked about which level the parking would be on. Mr. Goodson stated parking will be on the ground level, partially covered under the hotel structure.

Public Hearing:

The following person spoke in favor of the application:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach, FL 32250

Mr. Sutton closed the public meeting.

Discussion:

Ms. Dumont asked how they could make the statement you have arrived in Jacksonville Beach. Mr. Goodson referred to the owner Suni Bhikha.

Owner:

Sunny Bhikha, 3608 Marsh Court, Jacksonville, explained the Element Hotel is by Westin, which requires them to follow specific landscape and planning. They are working very hard with Westin to stay true to their specs and at the same time be cognizant of what we are all trying to achieve here.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to approve PC#9-18 *Redevelopment District: RD Zoning Amendment*.

Roll call vote: Ayes - Bill Callan, David Dahl, Georgette Dumont, Britton Sanders, and Greg Sutton.

The motion passed unanimously.

(B) PC#10-18 122 South 9th Street

Concept Plat Approval for a proposed six-unit, fee-simple townhouse development for property located in a *Residential, multi-family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the northwest corner of 9th Street South and 2nd Avenue South and is currently vacant. The applicant is proposing to develop the vacant residential property with a six-unit, fee-simple townhouse project, and subdivide it into six new residential

townhouse lots. Each of the lots shown on the proposed concept plat exceeds the minimum lot size and street frontage standards for townhouse lots in *RM-1* zoning districts.

Adjacent uses include single-family directly to the west, single- and multiple-family to the north, single-family, multiple-family and a church to the east, and single- and multiple-family to the south. The subdivision of the subject property into six fee-simple townhouse lots is consistent with similar townhouse developments in *RM-1* zoning districts.

Applicant:

David Palaj, 12480 Arrowleaf Lane, Jacksonville, was present. Mr. Callan asked if each unit would have a garage. Mr. Palaj stated each townhouse would have a single car garage and clarified the property is currently vacant.

Public Hearing:

The following people spoke in opposition to the agenda item:

- Shandy Thompson, 522 South 3rd Avenue, Jacksonville Beach
- Tony Komarek, 533 South 11th Avenue, Jacksonville Beach
- Sam Thomas, 2249 South Beach Parkway, Jacksonville Beach

Mr. Sutton closed the public hearing.

Discussion:

The applicant stated the reason for subdividing the property to a fee-simple townhome structure is to avoid renters and draw in homeowners. Mr. Palaj stated that if the concept plat application was denied, they would build an eight (8) unit, three-story apartment on the property instead under current zoning.

To complete the proposed project, no variances would be needed due to 5-foot setbacks on the driveways. In regards to the 100-foot-long building, Mr. Palaj stated the building would be long no matter what is built on the property and the option was chosen because it would present the least negative impact on the area. Each parcel provides parking that complies with building code requirements to provide sufficient parking for each unit and the bus stop has 10-foot city right-of-way and there is a 20-foot setback from that area.

Mr. Sutton added that no one has control over whether the units are occupied by the owner or rented out after they are sold.

Ms. Dumont reviewed her concerns, stating a six-plex is not compatible with the surrounding land uses and it should be compatible with the surrounding land use and the closeness of the school and residents having to back out onto the road.

Mr. Palaj reviewed the site alternatives should the concept plat approval fail, adding that the parking and garages of an apartment project would be the same as the current townhome layout. Out of both options, the six-unit townhomes would have the least impact on the area.

A discussion ensued regarding the parking layout and the traffic safety issue of the various project layouts.

Ms. Ireland stated that if the applicant built exactly what is proposed, whether they are fee-simple condos, the code states that single-family or townhouses, they can back up into the

right-of-way. She added no other configurations for the property have been submitted to determine if the alternatives discussed would meet the requirements of the code.

Mr. Dahl asked staff if it was possible to move from a fee simple townhome to a condo style and meet the parking requirements.

Ms. Ireland responded from a density perspective, yes, but it has not been shown on paper if the applicant would meet the other requirements parking, landscaping, and lot coverage. The requirements are layout dependent.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to deny PC#10-18 Concept Plat Application.

Roll call vote: Ayes - David Dahl, Georgette Dumont, Britton Sanders, and Bill Callan.
Nays - Greg Sutton
The motion was denied with a 4-1 vote.

(C) **PC#11-18** 217 North 18th Avenue

Conditional Use Approval for a multiple-family residential use located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the north side of 18th Avenue North, between 2nd and 3rd Streets North, and contains a nonconforming single-family home constructed in 1938. The owners wish to elevate the existing building and add a unit onto the first floor, creating a multiple-family use of the property. The applicant was informed by staff that conditional use approval would be required for a multi-family use in a C-1 zoning district.

Adjacent uses include office to the west, multi- and single-family to the north and east, and multi-family and office to the south. The proposed multi-family use of the subject property as multi-family is consistent with the mixed-use character of the surrounding area and should not negatively impact adjacent properties.

Applicant:

Scott Glawe, 217 N 18th Avenue, Jacksonville Beach, was present. Ms. Dumont asked Mr. Glawe to clarify why he is not just adding to the top of the existing structure instead of adding a new unit underneath. Mr. Glawe explained the current house is on stilts and it needs the foundation redone for more support. He wants to preserve the history of his current home from the 1930's instead of tearing it down as so many others in the neighborhood.

Public Hearing:

There was no one from the public present to speak about the application.

Mr. Sutton closed the public hearing.

Discussion:

There was no discussion on the agenda item.

Motion: It was moved by Mr. Dahl and seconded by Ms. Dumont, to approve PC#11-18 Conditional Use Application.

Roll call vote: Ayes - Georgette Dumont, Britton Sanders, Greg Sutton, Bill Callan, and David Dahl.

The motion was approved unanimously.

(D) PC#12-18 216 S 1st Street

Conditional Use Approval for a single-family residential use located in a *Residential, multiple-family: RM-2* zoning district, pursuant to Section 34-340(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the west side of 1st Street South between 2nd and 3rd Avenues South, and currently contains a nonconforming single-family dwelling constructed in 1941. The applicant plans to purchase the property and is proposing to rebuild a new single-family dwelling on the same footprint as the existing house. The agent for the applicant was informed by staff that conditional use approval would be required for the proposed single-family use in *Residential, multiple-family: RM-2* zoning.

Adjacent uses include multi-family residential to the north, south, and west, and oceanfront residential condominiums to the east. The proposed continued use of single-family residential represents a reasonable use of the subject property, as opposed to a multi-family use, and should not negatively impact adjacent properties.

Agent:

Scott Gay, 3948 South 3rd Street #291, Jacksonville Beach

Public Hearing:

- Shandy Thompson, 522 Sout 3rd Avenue, Jacksonville Beach, spoke in favor of the application.

Mr. Sutton closed the public hearing.

Discussion:

There was no discussion on the agenda item.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to approve the Conditional Use Application.

Roll call vote: Ayes - Britton Sanders, Greg Sutton, Bill Callan, David Dahl, and Georgette Dumont.

The motion was approved unanimously.

PLANNING & DEVELOPMENT DIRECTOR'S REPORT

Ms. Ireland noted the next meeting is scheduled for Tuesday, May 29, 2018.

ADJOURNMENT

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:50 P.M.

Submitted by: Paula Emminger

Approval:

Chairman: _____

Date: _____

Draft

**Minutes of Planning Commission Meeting
Held Tuesday, May 29, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:00 P.M. by Board Member Greg Sutton.

Roll Call

Chairman: Greg Sutton
Board Members: Bill Callan David Dahl Georgette Dumont Britton Sanders
Alternates: Jason Lee (*absent*) Margo Moehring (*absent*)

Also present were Senior Planner Heather Ireland, and Staff Assistant Mandy Murrane.

Approval of Minutes

It was moved by Ms. Dumont, seconded by Mr. Dahl, and passed unanimously, to approve the June 13, 2016 minutes and table to April 23, 2018 minutes for further edits.

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business

(A) PC#14-18 223 South 11th Avenue

Concept Plat Approval for a proposed four-unit fee-simple townhouse development for property located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located in the north side of 11th Avenue South between 2nd and 3rd Streets South and exists as a non-conforming single-family dwelling built in 1964. The property owners received conditional use approval for a proposed townhouse development via PC#35-17 in August of 2017. The owners are now requesting approval for the replat of Lots 9 and 10, Block 103, Pablo Beach South into four fee-simple townhouse lots. The proposed townhouse lots, as shown, comply with the *Residential, multi-family: RM-1* zoning townhouse standards.

Adjacent uses include the property owner's medical office directly to the west and commercial further to the west across 3rd Street, an office, restaurant, and multi-family residential to the south across 11th Avenue South, townhouses to the east, and commercial and multi-family to the north. The proposed concept plat is consistent with the *RM-1* zoning townhouse standards and the proposed project fits with the mixed-use character of the area. Adjacent properties should not be negatively impacted.

Owner: Rick Harrison, 223 South 11th Avenue, Jacksonville Beach, was present.

Public Hearing: No one wished to speak in support of or in opposition of the agenda item.

Mr. Sutton closed the public meeting.

Discussion: Ms. Ireland explained the previous application was a *C-1* Conditional Use and the next step would be to re-subdivide.

Motion: It was moved by Ms. Dumont and seconded by Mr. Sanders, to approve PC#14-18 Concept Plat Approval.

Roll call vote: Ayes - Bill Callan, David Dahl, Georgette Dumont, Britton Sanders, and Greg Sutton.
The motion passed unanimously.

(B) **PC#15-18** 2017 North 3rd Street

Conditional Use Approval for a four-unit, fee-simple townhouse development for property located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the records:

The subject property is located on the east side of North 3rd Street between Seagate Avenue/20th Avenue North and 19th Avenue North and exists as a vacant commercially zoning lot, approximately 12,000 square feet in size. The applicant is proposing a four-unit, fee-simple townhouse project on the property, and was advised by staff that conditional use approval would be required. In 2005, a different applicant applied for and received conditional use approval under PC#18-05 for a multi-family residential development. That application was approved with a condition of approval that the project provides access to 3rd Street using a one-way pair of driveways shown on the site plan submitted with the application. That project was never developed.

Adjacent uses include medical office and multi-family residential to the south, single and multi-family to the east, commercial office to the north, and Fletcher Middle School directly to the west across 3rd Street. The school zone passes directly in front of the subject property. The proposed use of a four-unit townhouse development is consistent with the *RM-1* zoning standards and is consistent with surrounding multi-family development.

Applicant:

Ryan Wetherhold, 19 South 12th Street, Jacksonville Beach, presented the proposed project to the board and explained the challenges they face with the Florida Department of Transportation and requesting a variance with the Board of Adjustment.

Mr. Wetherhold confirmed the units would have single car garages.

Mr. Dahl asked Mr. Wetherhold to explain the concept of operations for parking and which direction the garages would be facing, as well as the main entrance and exit location.

Mr. Wetherhold stated the Department of Transportation would determine the access point location as Third Street is a state road.

Mr. Dahl added the project design was refreshing.

Public Hearing:

- Tony Komarek, 533 11th Avenue South, Jacksonville Beach, stated his opposition to the application.

Mr. Sutton closed the public hearing.

Discussion:

Mr. Sanders stated the bus stop would aid in avoiding the off-site parking and would require adequate on-site parking.

Motion: It was moved by Mr. Sanders and seconded by Mr. Dahl, to approve PC#15-18 Conditional Use Application.

Ms. Dumont stated the fee-simple lot concept is an uphill battle on a steep hill. The location of the island would also force drivers north.

Mr. Dahl expressed concern over rectifying the traffic and parking issues and asked if the item could be held until approval could concur with DOT plans.

Ms. Ireland responded there are additional approvals to allow for shifting while applying for variances with the Board of Adjustment and working with the DOT. Ms. Ireland added the item being considered today is the use of the four townhomes on the commercially zoned property.

Roll call vote: Ayes - David Dahl, Georgette Dumont, Britton Sanders, Greg Sutton, and Bill Callan.

The motion passed unanimously.

(C) Finding of Fact for PC#10-18

Staff Report:

Ms. Ireland stated the item is for the Concept Plat Application which was reviewed on April 23, 2018.

Mr. Dahl stated the board did not enumerate verbally on the record a list of reasons for the decline, however, Mr. Dahl had provided a written list to staff for the denial which was as follows: parking, school, traffic, viewshed, and character.

Discussion:

City Attorney, Susan Erdelyi, explained the importance of the Findings of Fact to support the decision to approve or deny. For example, what are the fact-based supports for a standard concept plan for plats; one is 'compatible with surrounding land uses.' What fact(s) supports your position that it is or is not compatible with surrounding land uses?

Mr. Dahl responded with school traffic, bus stop, ingress and egress, and monolithic character of the building.

Ms. Erdelyi stated a training session for the board, as well as the public, to educate what is considered competent evidence in court versus speculative.

A discussion ensued between regarding examples of what is considered competent evidence, resulting in evidence by experience being more powerful in a courtroom.

Mr. Dahl and Ms. Dumont stated their support towards the opportunity to train the board and the public on competent evidence and testimony during the meetings, and the use of video-based training.

Additionally, Mr. Sanders requested a tip sheet to aid the board in the process.

Mr. Sutton thanked Ms. Erdelyi for her time and opportunity to schedule the training during a previously canceled upcoming meeting at 6:00 P.M.

PLANNING & DEVELOPMENT DIRECTOR'S REPORT

Ms. Ireland noted the next meeting is scheduled for Monday, June 11, 2018.

ADJOURNMENT

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:02 P.M.

Submitted by: Mandy Murnane

Approval: _____

Chairman: _____

Date: _____

DRAFT

FINDINGS OF FACT

PC# 10-18

June 25, 2018

SUBJECT: Concept Plat Application for a proposed six-unit townhouse development located in a Residential, multiple family: RM-1 zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code. The subject property is located at 122 South 9th Street.

Pursuant to Article IX, Section 34-503(6) of the Land Development Code of the Jacksonville Beach Code of Ordinances, when considering an application for development permit for a concept plan for plat, the planning commission shall consider the following:

- (6) Standards. A concept plan for plat shall comply with the following standards.
- a. Consistency with comprehensive plan. It shall be consistent with the goals, objectives and policies of the comprehensive plan.
 - b. Compatible with surrounding land uses. It shall be compatible with surrounding land uses.
 - c. Design and layout. It shall be adequately designed so that the general layout of the proposed development will be compatible with surrounding land uses and not be at such variance with other development so as to cause a substantial depreciation in property values.

Based on a review and discussion of the application, staff report, and applicant and public testimony received at the public hearing on Application PC#10-18 on April 23, 2018, the Planning Commission denied the application, finding that:

1. Based on testimony from the public, and personal observations presented at the meeting, the proposed 6-unit residential townhouse development is not consistent with the goals, objectives, and policies of the Comprehensive Plan.
2. Based on testimony from the public, the proposed 6-unit residential townhouse development is not compatible with the developed uses of the surrounding neighborhood.
3. Due to concerns about increased traffic, parking, driveway locations, and the proximity of the existing elementary school and church, the design and layout was deemed to be at a variance with other developments.



RECEIVED CONDITIONAL USE APPLICATION

MAY 25 2018

PC No. 17-18
AS/400# 18-100109
HEARING DATE 6/25/18

PLANNING & DEVELOPMENT

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

APPLICANT INFORMATION

Land Owner's Name: Heritage Metal LLC Telephone: 904-367-5959
Mailing Address: 10739 Deerwood Park Boulevard Fax: _____
Suite 300 Jacksonville, 32256 E-Mail: _____

Applicant Name: One Pasa of Jax Beach, LLC Telephone: 386-846-3377
Mailing Address: 1704 3rd Street N Fax: _____
Jacksonville, FL 32250 E-Mail: sal.sas.restaurants@gmail.com

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

Agent Name: _____ Telephone: _____
Mailing Address: _____ Fax: _____
E-Mail: _____

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

PROJECT DATA

Street address of property and/or Real Estate Number: 1704 3rd Street N

Legal Description of property (attach copy of deed): _____

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

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34-342 (d) (20)

Describe the proposed conditional use and the reason for the request: We are requesting a
Patio seating for the restaurant. (Transfer)

Applicant Signature: J. Jesus Valencia Date: 5-24-2018

Heritage Retail, LLC

10739 Deerwood Park Boulevard, Suite 300
Jacksonville, Florida 32256
Phone: 904-367-5959
Fax: 904-367-5958

RECEIVED

PC#17-18
MAY 25 2018

May 25, 2018

City of Jacksonville Beach
Planning and Development
City Hall
11 North 3rd Street
Jacksonville Beach, FL 32250

PLANNING & DEVELOPMENT

RE: Letter of Authorization
Que Pasa Mexican Kitchen & Tequila

To Whom It May Concern:

This letter authorizes Que Pasa of Jax Beach, LLC and Jesus Valencia to act as agent to obtain a conditional use permit for outdoor seating for the property referenced below.

*Holiday Plaza
1704 3rd Street
Jacksonville Beach, FL*

Heritage Retail, LLC

By:

Carrie L. Manley
Carrie L. Manley, Manager

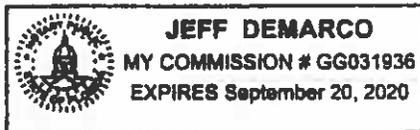
STATE OF FLORIDA
COUNTY OF DUVAL

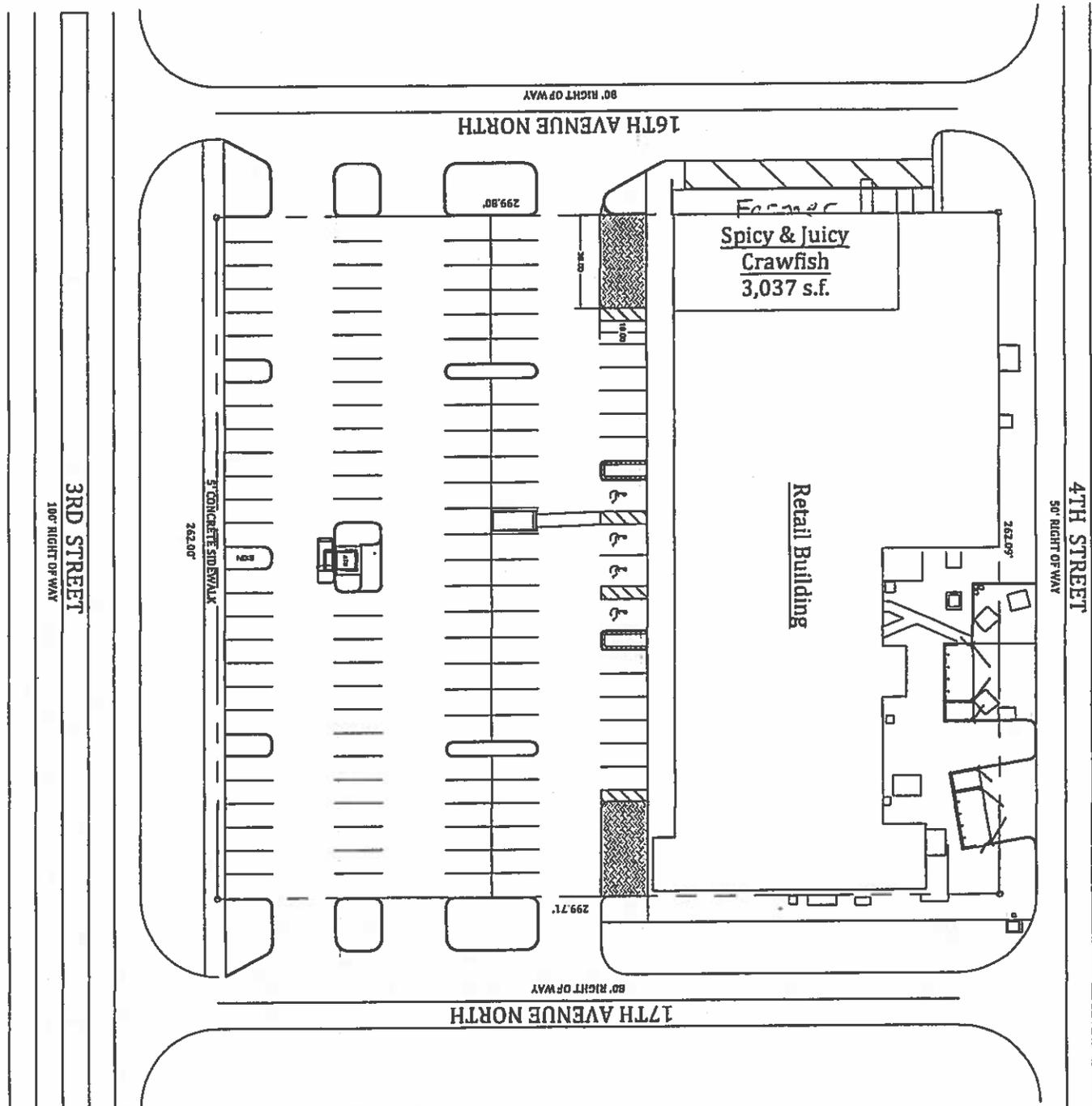
The foregoing instrument was acknowledged before me this 25 day of May 2018, by Carrie L. Manley, as Manager of Heritage Retail, LLC, a Florida limited liability company, on behalf of said company, who did not take an oath and who:

X is personally known to me.
 Produced current Florida driver's license as identification.

Notary Public

Jeff Demarco
Print Name: Jeff Demarco
My Commission expires: 9.20.20
Commission Number: GG031936



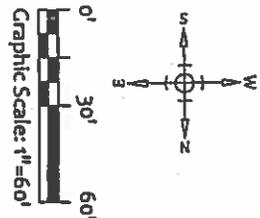


RECEIVED
PC#17-18
MAY 25 2018

RECEIVED
PC#45-17
AUG 8 2017

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT



C-1

August 1, 2017
Site Plan

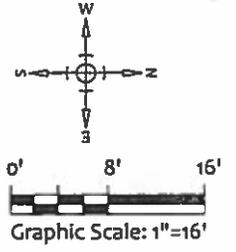
Holiday Plaza
1700 Third Street
Jacksonville Beach, FL 32250



10739 Deerwood Park Blvd., Suite 300
Jacksonville, FL 32256
P: (904) 367-5959
F: (904) 367-5958

16TH AVENUE NORTH

Que Pasa



RECEIVED

PC#17-18

MAY 25 2018

PLANNING & DEVELOPMENT

18.00'

40.87'



CONDITIONAL USE APPLICATION

PC No. 18-18
AS/400# 18-100116
HEARING DATE 6/25/18

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

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APPLICANT INFORMATION

Land Owner's Name: Jax Beach AF LLC
Mailing Address: 177 N 4th Avenue, Jacksonville Beach, FL 32250

Telephone: _____
Fax: PLANNING & DEVELOPMENT
E-Mail: _____

Applicant Name: North 1st Street LLC
Mailing Address: 177 N 4th Avenue, Jacksonville Beach, FL 32250

Telephone: _____
Fax: _____
E-Mail: _____

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

Agent Name: Steve Diebenow and Cyndy Trimmer
Mailing Address: Driver, McAfee, Hawthorne & Diebenow, PLLC
1 Independent Drive, Suite 1200, Jacksonville, FL 32202

Telephone: (904) 301-1269
Fax: (904) 301-1279
E-Mail: sd@dmpflaw.com/ckt@dmpflaw.com

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

PROJECT DATA

Street address of property and/or Real Estate Number: 502 N 1st St and 0 N 4th Ave (RE# 174090 0000, 174091 0000, 174091 0010)

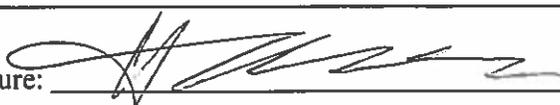
Legal Description of property (attach copy of deed): South 67.25 ft of the East 26.5 ft of the West 37.5 ft, and the East one-half of the South one-half of Lot 7, and the South one-half of Lot 8, Block 52, Pablo Beach North, according to plat thereof recorded in Plat Book 3, Page 28, Public Records of Duval County, Florida

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

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34.345(d)(7) and 34-407

Describe the proposed conditional use and the reason for the request: Applicant requests approval for conditional use to redevelop the property as a restaurant to include on-site outdoor/rooftop service as depicted in the attached conceptual site plan

Applicant Signature:  Date: 6/1/18

**Conditional Use Application
502 N 1st Street, Jacksonville Beach, FL 32250**

Name, address and telephone number of all land use, environmental, engineering architectural, economic or other professionals assisting in the application:

Joseph Stephen Cronk, AIA Assoc, ICCA
Cronk Dutch Architecture
1936 San Marco Blvd., Suite 101
San Marco, FL 32207
904-626-3452

William I (Tripp) Gulliford III
CBRE
225 Water Street, Suite 110
Jacksonville, FL 32202
904-630-6344

Steve Diebenow and Cyndy Trimmer
Driver, McAfee, Hawthorne & Diebenow, PLLC
1 Independent Drive, Suite 1200
Jacksonville, FL 32202
904-301-1269

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PC # 18-18
JUN - 5 2018

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Section 34-231 Standards Applicable to All Conditional Uses

- a) The conditional use is consistent with the goals, objectives and policies of the comprehensive plan, including standards for building and structural intensities and densities, and intensities of use.

The proposed use furthers objectives of the CBD zoning district and comprehensive plan by increasing the diversity of rooftop dining options. The proposed use also furthers the following objectives and policies of the Future Land Use Element of 2030 Comprehensive Plan:

- 1) Policy LU.1.2.6 – Allow for mixed use development where appropriate, and support the redevelopment or revitalization of existing commercial areas.
 - 2) Policy LU.1.5.10 – Provide a central core for the city, with a diversity of uses, and to promote flexibility in design and quality in development.
- b) The conditional use is consistent with the character of the immediate vicinity of the land proposed for development and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed.

The proposed use is consistent with other facilities in Jacksonville Beach providing open air dining options and offering beach views for patrons. At the same time, the proposed rooftop setting will provide a unique option enhancing the experience for visitors in the CBD and solidifying its role as a core destination.

- c) The design of the proposed conditional use minimizes adverse effects, including visual impact, of the proposed use on adjacent properties, and provides adequate screening and buffering.

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PC# 18-18

As indicated by the attached conceptual plans, the site has been designed to improve the aesthetic of the corner while creating a harmonious connectivity with the remaining development along 4th Avenue.

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- d) The proposed conditional use will have an adverse effect on the permitted uses of the zoning district where it is located.

The proposed use is consistent and compatible with existing uses within the CBD. As such, it will not have an adverse effect on the permitted uses.

- e) The proposed conditional use will have an adverse effect on the value of adjacent property.

The proposed use will enhance the value of adjacent properties by greatly improving the appearance of the structure and activating the corner at N 1st Street and N 4th Avenue.

- f) There are adequate public facilities and services pursuant to Article X, Adequate Public Facility Standards.

There are adequate public facilities and services pursuant to Article X for redevelopment of the property with continued mixed restaurant and retail use.

- g) The proposed conditional use will require signs or exterior lighting, which will cause glare or adversely impact area traffic safety.

Site lighting shall be designed and installed to minimize impacts on area traffic safety.

- h) There is adequate ingress and egress to the proposed conditional use, and it is designed so as to minimize traffic congestion on the city's roads.

The proposed use will not impact traffic congestion on the city's roads.

- i) The proposed conditional use is consistent with the requirements of the LDC.

The proposed use is consistent with the requirements of the LDC and an appropriate conditional use in the CBD pursuant to Section 34-345(d)(7) given the projects compatibility with the surrounding area.

- j) The applicant has the financial and technical capacity to complete the conditional use as proposed, and has made adequate legal provision to guarantee the provision of open space and other improvements associated with the proposed conditional use.

Applicant is an established developer with adequate capacity to complete the conditional use as proposed including provision of all improvements required for the proposed conditional use.

- k) The proposed conditional use complies with all additional standards imposed on it by the particular provision of the comprehensive plan authorizing such use and all other applicable requirements of the LDC.

The proposed conditional use complies with all LDC requirements including the limitations imposed by Section 34-407.

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Agent Authorization

City of Jacksonville Beach
Planning and Development Department
11 N. 3rd Street
Jacksonville Beach, FL 32250

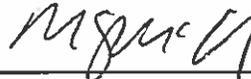
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Re: Agent Authorization for 502 N. 1st St. and 0 N. 4th Ave., Jacksonville Beach, FL 32250
RE# 174090 0000, 174091 0000, 174091 0010)

To Whom It May Concern:

You are hereby advised that Matthew S. McAfee, as Vice President/Authorized Representative of Jax Beach AF LLC, a limited liability company organized under the laws of the State of Florida, hereby authorizes and empowers Driver, McAfee, Hawthorne & Diebenow, PLLC to act as agent to file a conditional use application for the above referenced property and in connection with such authorization to file such applications, papers, documents, request and other matters necessary for such requested change.

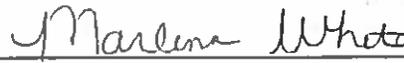
JAX BEACH AF LLC



Matthew S. McAfee
Vice President/Authorized Representative

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 24th day of May, 2017 by Matthew S. McAfee as Vice President/Authorized Representative of Jax Beach AF LLC, who is personally known to me or has produced _____ as identification.



Notary Signature



Marlena White
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG110381
Expires 5/31/2021

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JUN - 5 2018

Prepared by and return to
Kenneth M. Keefe, Jr.
McGuireWoods LLP
50 N. Laura St., Suite 3300
Jacksonville, Florida 32202

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Taxpayer I.D. No. : N/A
Parcel I.D. Nos. 174091-0000 and 174090-0000
Consideration: \$700,000

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 10th day of October, 2016, between EAST VIEW, INC., a Florida corporation, whose address is 830-13 A1A North, PMB 391, Ponte Vedra, FL 32082, herein the Grantor, and JAX BEACH AF LLC, a Florida limited liability company, whose address is 177 4th Avenue North, Jacksonville Beach, FL 32250, herein the Grantee.

The Grantor, for and in consideration of the sum of \$10.00, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents does grant, bargain, sell and convey to the Grantee, its successors and assigns forever, the land, situate, lying and being in the County of Duval, State of Florida, described as:

Parcel 1:

The South 67.25 feet of the East 26.5 feet of the West 37.5 feet of Lot 7, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Parcel 2:

The East one-half of the South one-half of Lot 7 and the South one-half of Lot 8, Block 52, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with all the tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining, including all improvements and betterments thereon.

The Grantor hereby covenants with Grantee, except as set forth herein, that at the time of the delivery of this deed, the land was free from all encumbrances made by it, and that it will warrant and defend the title to the land against the lawful claims of all persons claiming by, through or under the Grantor, but against none other. This conveyance is made subject to taxes assessed subsequent to December 31, 2015.

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VICINITY MAP

0 4th Avenue North



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PC# 18-18

JUL - 5 2018

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VICINITY MAP
502 N 1st Street



Proposed



A Full Service A & E Firm
 Civil, Mechanical, Electrical, Plumbing, Fire Protection, Energy, and Environmental Engineering
 1000 N. W. 10th St., Suite 100
 Ft. Lauderdale, FL 33304
 Phone: (954) 561-1111
 Fax: (954) 561-1112
 www.cphinc.com

Project Prepared By:
 CPH Inc.
 Date of Review/Revision:
 08/14/18
 Revision No.: 1.0
 Drawing No.: A-100000
 Landscape No.: L-000000

Scale: 1" = 10'-0"

DATE: 08/14/18
 TIME: 10:00 AM
 DRAWN BY: J. GARDNER
 CHECKED BY: J. GARDNER
 PROJECT NO.: A-100000

PROJECT: THE GALLERY RENOVATIONS AND CITY COMMENTS
 SHEET: C1.1

DATE: 08/14/18
 TIME: 10:00 AM
 DRAWN BY: J. GARDNER
 CHECKED BY: J. GARDNER
 PROJECT NO.: A-100000

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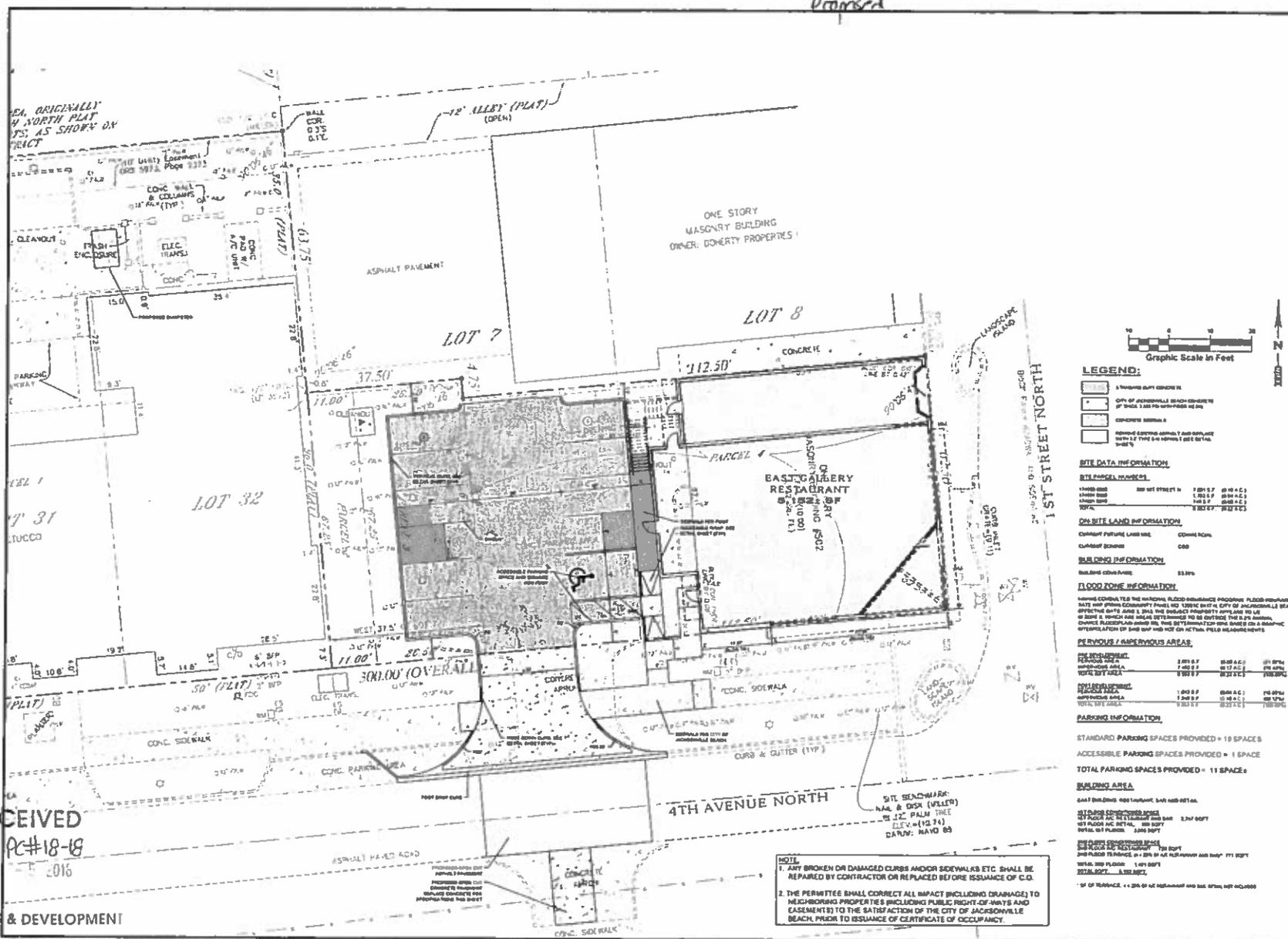
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LEGEND:

- EXISTING BUILT STRUCTURE
- CITY OF JACKSONVILLE STRUCTURES (PER 2012 AND PREVIOUS EDITIONS)
- CONCRETE SURFACE
- ASPHALT DRIVEWAY WITH 1" AND 2" CURBS (PER 2012 AND PREVIOUS EDITIONS)

SITE DATA INFORMATION

SITE PARCEL NUMBERS

11400-000	000-001-0001	1.00 AC ±	0.00 AC ±
11400-000	000-001-0002	1.00 AC ±	0.00 AC ±
11400-000	000-001-0003	1.00 AC ±	0.00 AC ±
11400-000	000-001-0004	1.00 AC ±	0.00 AC ±

ON-SITE LAND INFORMATION

CONCRETE PAVING	0.00 AC ±
ASPHALT DRIVEWAY	0.00 AC ±

BUILDING INFORMATION

EXISTING BLDG AREA	0.00 AC ±
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FLOOD ZONE INFORMATION

THE CITY OF JACKSONVILLE HAS THE HONOR OF RECORDING THIS PLAN. THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THE PROPOSED IMPROVEMENTS ARE IN ACCORDANCE WITH THE CITY OF JACKSONVILLE'S FLOOD DAMAGE PREVENTION AND MITIGATION ACT. THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THE PROPOSED IMPROVEMENTS ARE IN ACCORDANCE WITH THE CITY OF JACKSONVILLE'S FLOOD DAMAGE PREVENTION AND MITIGATION ACT.

PERVIOUS / IMPERVIOUS AREAS

EXISTING IMPERVIOUS AREA	1.00 AC ±	0.00 AC ±	0.00 AC ±
EXISTING PERVIOUS AREA	1.00 AC ±	0.00 AC ±	0.00 AC ±
PROPOSED IMPERVIOUS AREA	1.00 AC ±	0.00 AC ±	0.00 AC ±
PROPOSED PERVIOUS AREA	1.00 AC ±	0.00 AC ±	0.00 AC ±

PARKING INFORMATION

STANDARD PARKING SPACES PROVIDED = 10 SPACES
 ACCESSIBLE PARKING SPACES PROVIDED = 1 SPACE
 TOTAL PARKING SPACES PROVIDED = 11 SPACES

BUILDING AREA

EXISTING BLDG AREA	0.00 AC ±
PROPOSED BLDG AREA	0.00 AC ±
TOTAL BLDG AREA	0.00 AC ±

NOTE
 1. ANY BROKEN OR DAMAGED CURBS AND/OR SIDEWALKS ETC. SHALL BE REPAIRED BY CONTRACTOR OR REPLACED BEFORE ISSUANCE OF C.O.
 2. THE PERMITTEE SHALL CORRECT ALL IMPACT (INCLUDING DRAINAGE) TO NEIGHBORING PROPERTIES (INCLUDING PUBLIC RIGHT-OF-WAY'S AND EASEMENTS) TO THE SATISFACTION OF THE CITY OF JACKSONVILLE BEACH, PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

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SITE DIMENSION PLAN
 THE GALLERY RENOVATIONS
 EAST GALLERY
 CITY OF JACKSONVILLE BEACH, FLORIDA

Sheet No
C1.1

