



**CITY OF JACKSONVILLE BEACH
FLORIDA**

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, November 14, 2016

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), Terry Deloach (Vice Chair), Bill Callan, Dave Dahl, Georgette Dumont;
Alternates: Britton Sanders, Margo Moehring
3. **Approval of Minutes:** October 24, 2016
4. **Correspondence:** None
5. **Old Business:** None
6. **New Business:**
 - (A) **PC#36-16 335 5th Avenue South**
Conditional Use Application for a new two-family dwelling unit located in a *Commercial, limited: C-1* zoning district pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.
 - (B) **PC#37-16 314 12th Avenue North.**
Conditional Use Application for a new two-family dwelling unit located in a *Commercial, limited: C-1* zoning district pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.
 - (C) **PC#35-16 Ordinance 2016-8084**
Temporary Moratorium consideration, on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations within the City of Jacksonville Beach.

7. Planning Department Report: The next possible meeting is on December 12, 2016.

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.

**Minutes of Planning Commission Meeting
held Monday, October 24, 2016, 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 Chairman Greg Sutton.

Roll Call

Greg Sutton (Chairperson)
Terry DeLoach (Vice Chairperson)
Bill Callan (*absent*)
David Dahl
Georgette Dumont

Alternates
Britton Sanders
Margo Moehring

Also present were Heather Ireland, Senior Planner, Catherine Ponson, Assistant City Clerk, and Jodilynn Byrd, Administrative Assistant.

Approval of Minutes

It was moved by seconded by to approve the following minutes as presented:

- Planning Commission meeting held on September 12, 2016
- Planning Commission meeting held on September 26, 2016
- Planning Commission meeting held on October 10, 2016

Correspondence

None

Old Business:

(A) PC #28-16 – 1198 Beach Boulevard

Conditional Use Application for outdoor seating at a new commercial shopping center located in a *Commercial, general: C-2* zoning district pursuant to Section 32-343(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read into the record the following:

The applicant owns vacant commercial property at 1198 Beach Boulevard. The site is a 30,000 square foot outparcel in the northeast corner of Beach Plaza shopping center, at the corner of 12th Street South. The property owner plans to develop the site into a 12,375 square foot commercial center. The proposed commercial building will contain multiple tenants, including prospective restaurants. The owner would like to provide the availability of outdoor seating space for his prospective tenants, specifically on the rooftop of the building.

Pursuant to Section 34-407 of the Land Development Code, the area of outdoor seating shall not exceed 20% of the first 3,000 square feet of total enclosed area, plus 10% of the enclosed area over 3,000 square feet. Based on the proposed size of the enclosed commercial building, the maximum amount of outdoor seating that could be permitted, if all tenants are restaurants, is 1,538 square feet. Each separate future restaurant tenant, pending conditional use approval, would then receive their proportionate share of the total allowable outside seating, based on the code allowances at the time of their application.

The applicant has been made aware that all restaurant tenants that want outdoor seating would have to apply for conditional use approval in their name for their allowable space, as conditional use approvals are not transferable. The applicant is applying now so he can plan for the potential outdoor space during the development plan process. He is considering placing the outdoor seating on the roof of the proposed building. The applicant is aware that all outdoor seating areas are required to be enclosed by a 42-inch high wall or fence if alcoholic beverages will be consumed and/or if the outdoor areas are on an upper level, and also that there is currently no amplification of sound or music allowed in outdoor seating areas. He is also aware that each conditional use outdoor seating area that is included as a licensed alcoholic beverage premises for an establishment must be maintained as distinctly separate from any other such approved seating area on the same property.

Adjacent uses to the north, south, east and west are all commercial. The proposed outdoor seating should not negatively impact adjacent properties. If approved, a parking variance would be required for the additional parking requirement generated by the approved outdoor seating, because additional on-site parking cannot be accommodated.

Applicant:

The attorney representing the applicant, Richard Withers, 6426 Bowden Road, Suite 201-A, Jacksonville, stated that all the information was covered in the staff report.

Ms. Dumont asked Ms. Ireland about the specific requirements for the outdoor seating. Ms. Ireland answered the same 42-inch wall or fence would be required.

Mr. Sanders asked about the parking concern from the September 26 Planning Commission meeting. Mr. Ireland there was a parking easement agreement between the property owner of this application and the property owner for the balance of the shopping center. The parking in the Department of Transportation right-of-way cannot be counted in the required parking.

Mr. Withers stated there is an easement that allows the applicant to park anywhere in the parking lot. He added that the applicant will go before the Board of Adjustment for parking approval due to rooftop seating being added.

Ms. Dumont asked if the parking agreement is still in effect upon sale of the property. Mr. Withers answered the agreement is perpetual.

Public Hearing:

Mr. Sutton opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

No one was present to address the application.

Motion: Mr. Dahl made a motion to approve the application. The motion to approve was seconded by Mr. DeLoach.

Roll call vote: Ayes – Dahl, DeLoach, Dumont, Sutton, and Sanders.
The motion was approved unanimously.

New Business:

(A) **PC #34-16 – 200 N. First Street**

Conditional Use Application for modification of approved outdoor seating at a restaurant and drinking establishment located in the *Central Business District: CBD* zoning district pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code.

Staff Report:

The subject property is located in the Central Business District on the northwest corner of 1st Street North and 1st Avenue North. The subject property is the former location of *Freebird Live*, and is the future location of *Surfer the Bar*. The applicant received conditional use approval for transfer of ownership of an existing drinking establishment with outdoor seating in 2015 under PC#24-15. At that time the only existing outdoor seating area was on the second floor balcony along the east and south sides of the building.

The applicants are proposing to reconfigure their approved outdoor seating by adding additional outdoor seating on the north side of the building at ground level while also decreasing the balcony space used for outdoor seating. The proposed patio would be fenced

and would be accessible through the first floor dining area and from 1st Street North. Due to the reconfiguration of the collective outdoor seating areas, the applicant was advised by staff that conditional use approval would be required for the new reconfigured space. The proposed second floor outdoor space is now 414 square feet. Based on the total size of the enclosed restaurant space, pursuant to Section 34-407 of the Land Development Code, the total allowable outdoor space is 1,153 square feet. This provides the additional availability of 739 square feet for the proposed first floor outdoor seating.

Adjacent property uses include the Latham Plaza public park and City parking lot across 1st Avenue to the south, a small hotel to the immediate west, restaurants across 1st Street to the east, and a retail store and a small City parking lot to the north across the alley. The reconfiguration of the proposed outdoor seating areas to provide outside first floor patio space is consistent with other downtown businesses and should not negatively impact adjacent properties.

Applicant:

The applicant's representative, Austin Towery, 115 9th Avenue South, Jacksonville Beach, stated he had nothing to add to Ms. Ireland's report.

Mr. Sutton asked Ms. Ireland if this property was part of the original purchase. Ms. Ireland answered it is a reconfiguration of the outdoor space. The patio area has been reduced to allow for an additional stairwell.

Ms. Dumont asked about the patio area. Mr. Towery answered it had always been planned for outdoor space.

Mr. Dahl asked about the gate on the north side. Mr. Towery answered that was to the parking area. Mr. Dahl asked if someone was walking on 1st Street North could they enter through that gate. Mr. Towery confirmed yes and someone would be at the gate.

Mr. Sutton asked Ms. Ireland if access from 1st Street through the gate is acceptable. Ms. Ireland confirmed it is.

Public Hearing:

Mr. Sutton opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

No one was present to address the application.

Motion: Mr. DeLoach made a motion to approve the application. The motion to approve was seconded by Mr. Dahl.

Roll call vote: Ayes – DeLoach, Dumont, Sutton, Sanders, and Dahl.
The motion was approved unanimously.

(B) PC #35-16 Land Development Code Text Amendment

This agenda item was withdrawn.

Planning & Development Director's Report

The November 14, 2016, Planning Commission meeting has one agenda item.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:20 P.M.

Submitted by: Catherine Ponson
Assistant City Clerk

Approval:

Chairman

Date: _____

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: November 7, 2016
RE: November 14, 2016 Planning Commission Meeting

The following information is provided for your consideration regarding three agenda item for the upcoming November 14, 2016 Planning Commission meeting.

NEW BUSINESS:

PC#36-16 **Conditional Use Application**

Owner/
Applicant: DB&B Investments, LLC
1639 Beach Blvd., Suite 101
Jacksonville Beach, FL 32250

Agent: Brian Phillips
1639 Beach Blvd., Suite 101
Jacksonville Beach, FL 32250

Location: 335 5th Avenue South

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

Comments: The subject property is a corner lot located on the northeast corner of 5th Avenue South and 4th Street South. The subject property is located in a *Commercial, limited: C-1* zoning district, and existed as a residential property converted in to a hair salon. The applicant is requesting conditional use approval to construct a new two-family dwelling unit on the subject property. If approved, the residential development would be subject to the *Residential, multiple family: RM-1* zoning standards. The parcel meets the minimum lot size requirements for a two-family dwelling, per *RM-1* zoning standards.

Adjacent properties include residential and commercial to the east, and south, commercial to the north, and new and existing residential uses to the west. Several other lots in the area have been redeveloped with two-family dwelling units. A new two-family dwelling at this location should not negatively impact adjacent properties and is consistent with the character of other newly developed two-family dwelling units in the immediate vicinity.

PC#37-16

Conditional Use Application

Owner: Hoose Homes and Investments, LLC
7563 Philips Highway Suite 109
Jacksonville, FL 32256

Applicant/
Agent: Lisandro Rosales
7563 Philips Highway Suite 109
Jacksonville, FL 32256

Location: 314 12th Avenue North

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

Comments: The subject property is a vacant lot located on the south side of 12th Avenue North between 3rd and 4th Streets. The subject property is located in a *Commercial, limited: C-1* zoning district, and previously existed as a single family residential property. The single family dwelling was demolished in 1998. The applicant is requesting conditional use approval to construct a new two-family dwelling on the subject property. If approved, the residential development would be subject to the *Residential, multiple family: RM-1* zoning standards. The parcel meets the minimum lot size requirement for a two-family dwelling, per *RM-1* zoning standards.

Adjacent properties include residential and religious uses to the west, commercial to the south, commercial to the east, and residential and commercial uses to the north. A new two-family dwelling should not negatively impact adjacent properties and is consistent with the character of other multiple family dwelling units in the immediate vicinity and is consistent with other conditional uses granted in *C-1* zoning districts on similarly sized lots.

PC#35-16

Moratorium on Medical Marijuana Businesses

Applicant: Planning and Development Department
11 N 3rd Street
Jacksonville Beach, FL 32250

Request: **Declaration of a Temporary Moratorium** on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations within the City of Jacksonville Beach.

Comments: Amendment 2, or the Florida Medical Marijuana Legalization Initiative is on the November 8, 2016 ballot as an initiated constitutional amendment. Upon voter approval, the measure would legalize the medical use of marijuana throughout the State of Florida and authorize the cultivation, processing, distribution and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers."

The City Attorney has prepared the attached ordinance which establishes a temporary one (1) year moratorium for medical marijuana treatment centers and dispensing organizations. The City's Land Development Code does not currently have regulations governing the use of property for the purposes of cultivating, processing, distributing or selling medical marijuana or related activities (treatment centers and dispensing operations). The requested moratorium period will allow the City to review and consider whatever enabling legislation the State Legislature formulates during its next session, should Amendment 2 pass on November 8. The

moratorium will also allow the City time to better analyze the potential impacts of medical marijuana treatment centers and dispensing organizations upon adjacent uses and surrounding areas, and then formulate appropriate regulations to accommodate these types of businesses.

On June 16, 2014, Governor Rick Scott signed Senate Bill 1030, also known as the "Compassionate Medical Cannabis Act of 2014 ("2014 Act")." The legislation legalized low-tetrahydrocannabinol (THC) cannabis, such as the strain Charlotte's Web, for medical patients suffering from cancer or "a physical medical condition that chronically produces symptoms of seizures," such as epilepsy, "or severe and persistent muscle spasms." The law authorized a very limited number of large nurseries to cultivate, process, and dispense low-THC cannabis and operate as "dispensing organizations." The measure became effective on January 1, 2015.

On November 4, 2014, Amendment 2 or the Florida Right to Medical Marijuana Initiative, a statewide referendum to amend the Florida Constitution ("Referendum"), did not obtain voter approval. The measure proposed to legalize the medical use of marijuana throughout the State of Florida and authorize the cultivation, processing, distribution and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers." Regardless of the results of the Referendum, per the 2014 Act, limited dispensary organizations are still authorized to operate in the State of Florida.

On March 25, 2016, the Florida Legislature amended Fla. Stat. § 381.986, to make various revisions including a revision to the definition of "dispensing organization" to allow dispensing organizations to transport cannabis and to include "medical cannabis" for eligible patients with terminal conditions.



CONDITIONAL USE APPLICATION

OCT 12 2016

PC No. 36-16
AS/400# 16-100185
HEARING DATE 11/14/16

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: DB:B Investments, LLC Telephone: 904-465-2505
 Mailing Address: 1639 Beach Blvd., (Ste 101) PLANNING & DEVELOPMENT DEPARTMENT N/A
JACKSONVILLE Bch., FL 32250 E-Mail: jbrianphillips@msn.com

Applicant Name: DB:B INVESTMENTS, LLC Telephone: 904-465-2505
 Mailing Address: 1639 BEACH BLVD., (STE 101) Fax: N/A
JACKSONVILLE Bch., FL 32250 E-Mail: jbrianphillips@msn.com

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

Agent Name: BRIAN PHILLIPS Telephone: 904-465-2505
 Mailing Address: 1639 BEACH BLVD., (STE 101) Fax: N/A
JACKSONVILLE Bch., FL 32250 E-Mail: jbrianphillips@msn.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: 335 5TH AVE S. (Re #175899-0000)

Legal Description of property (attach copy of deed): LOT 7, BLK 44, PABLO BEACH SOUTH

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

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) (15)

Describe the proposed conditional use and the reason for the request: WE ARE REQUESTING CHANGE FROM COMMERCIAL TO MULTIFAMILY TO CONSTRUCT A DUPLEX.

Applicant Signature: J. Brian Phillips Date: 10/12/2016

E-RECORDED simplifile

Prepared by and return to:
Lawrence V. Ansbacher, Esq.
Ansbacher & Schneider, P.A.
5150 Belfort Road, Building 100
Jacksonville, FL 32256

16094035

ID: 2016230552
County: Duval
Date: 10-16 Time: 4:27pm

SPECIAL WARRANTY DEED

1. **Grantor's name and address is:**

CENTERSTATE BANK OF FLORIDA, N.A., a National Banking Corporation,

1234 King Street
Jacksonville, FL 32204

RECEIVED

ACT 36-16
OCT 12 2016

2. **Grantee's name and address is:**

DB&B Investments, LLC, a Florida limited liability company **PLANNING & DEVELOPMENT**

1639 Beach Blvd., Suite 101
Jacksonville Beach, FL 32250

The terms Grantor and Grantee shall be non-gender specific, singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

3. The real property ("Property") conveyed hereby is described as follows:

Lot 7, Block 44, Pablo Beach South, a subdivision according to the plat thereof recorded at Plat Book 3, Page 28, in the Public Records of Duval County, Florida;

together with all tenements, hereditaments, easements, and appurtenances belonging to or benefiting such property.

The Property Appraiser's Parcel Identification Number is: 175899-0000.

4. Grantor for good and valuable consideration plus the sum of \$10.00 the receipt whereof is hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee the Property to have and to hold in fee simple forever.
5. Grantor fully warrants title to the Property and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise, except for (i) real property taxes subsequent to December 31, 2015 which are not yet due and payable, (ii) Permitted Exceptions set forth on Exhibit I attached hereto and (iii) covenants, reservations, restrictions and easements of record, if any, with reference thereto not serving to reimpose same.

EXCEPT AS EXPRESSLY SET FORTH IN THIS DEED, GRANTOR HAS MADE NO, AND EXPRESSLY DISCLAIMS ALL, REPRESENTATIONS, WARRANTIES, COVENANTS AND CONTRACTS OF EVERY KIND AND CHARACTER, EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW, WITH RESPECT TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, REPRESENTATIONS OR WARRANTIES AS TO MATTERS OF TITLE (OTHER THAN AS SPECIFICALLY SET FORTH ABOVE), ZONING, TAX CONSEQUENCES, PHYSICAL OR ENVIRONMENTAL CONDITIONS, AVAILABILITY OF ACCESS, INGRESS OR EGRESS,



DB&B INVESTMENTS, LLC

904-465-2505 1639 Beach Blvd., Jacksonville Beach, FL 32250 jbrianphillips@msn.com

RECEIVED

PC#36-16

OCT 12 2016

September 20, 2016

DB&B INVESTMENTS, LLC
1639 BEACH BLVD., (STE 101)
Jacksonville Bch., FL 32250

PLANNING & DEVELOPMENT

OWNER/AGENT AUTHORIZATION

Subject Property: 335 5th Ave. S., Jacksonville Beach, FL 32250

I certify that I am the Owner/Agent of the property referenced above. I hereby authorize J. Brian Phillips to act as my agent to initiate Conditional Use Application, Variance, and Vested Rights requests on the above subject property.

(Owner of Subject Property)

10-11-2016

(Date)

DAVID PHILLIPS

(Print Name)

PC#36-16

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Limited Liability Company**

DB&B INVESTMENTS, LLC

Filing Information

Document Number	L16000162494
FEI/EIN Number	NONE
Date Filed	08/30/2016
State	FL
Status	ACTIVE

Principal Address

1639 BEACH BLVD.
SUITE #101
JACKSONVILLE BEACH, FL 32250

Mailing Address

1639 BEACH BLVD.
SUITE #101
JACKSONVILLE BEACH, FL 32250

Registered Agent Name & Address

PHILLIPS, BRIAN J
1639 BEACH BLVD.
SUITE #101
JACKSONVILLE BEACH, FL 32250

Authorized Person(s) Detail**Name & Address**

Title MGR

PHILLIPS, DAVID B
1639 BEACH BLVD.
JACKSONVILLE BEACH, FL 32250

Annual Reports

4TH AVENUE
(FORMERLY SUSKIND AVENUE BY PLAT)
80' RIGHT-OF-WAY

RECEIVED

PC #36-16
OCT 12 2016

PLANNING & DEVELOPMENT

FOUND 1/2" IRON PIPE
NO IDENTIFICATION

125.00' N.T.S.

SET 1/2" IRON PIPE
DURDEN L.B. #6696

FOUND 1/2" IRON PIPE
NO IDENTIFICATION (BENT)

12' ALLEY BY PLAT
50.00'
CONCRETE

4TH STREET SOUTH
(ALSO KNOWN AS FOURTH STREET BY PLAT)
50' RIGHT-OF-WAY

125.00'

125.00'

PROPOSED
2 STORY
DUPLEX
RESIDENCE

PROPOSED
PERMEABLE PAVER
WALKWAY (TYP.)

PROPOSED
CONCRETE
DRIVEWAY
(TYP.)

3RD STREET SOUTH
(ALSO KNOWN AS THIRD STREET BY PLAT)
100' RIGHT-OF-WAY

FOUND 1/2" IRON PIPE
NO IDENTIFICATION

50.00'

FOUND 1/2" IRON PIPE
NO IDENTIFICATION

250.00' N.T.S.

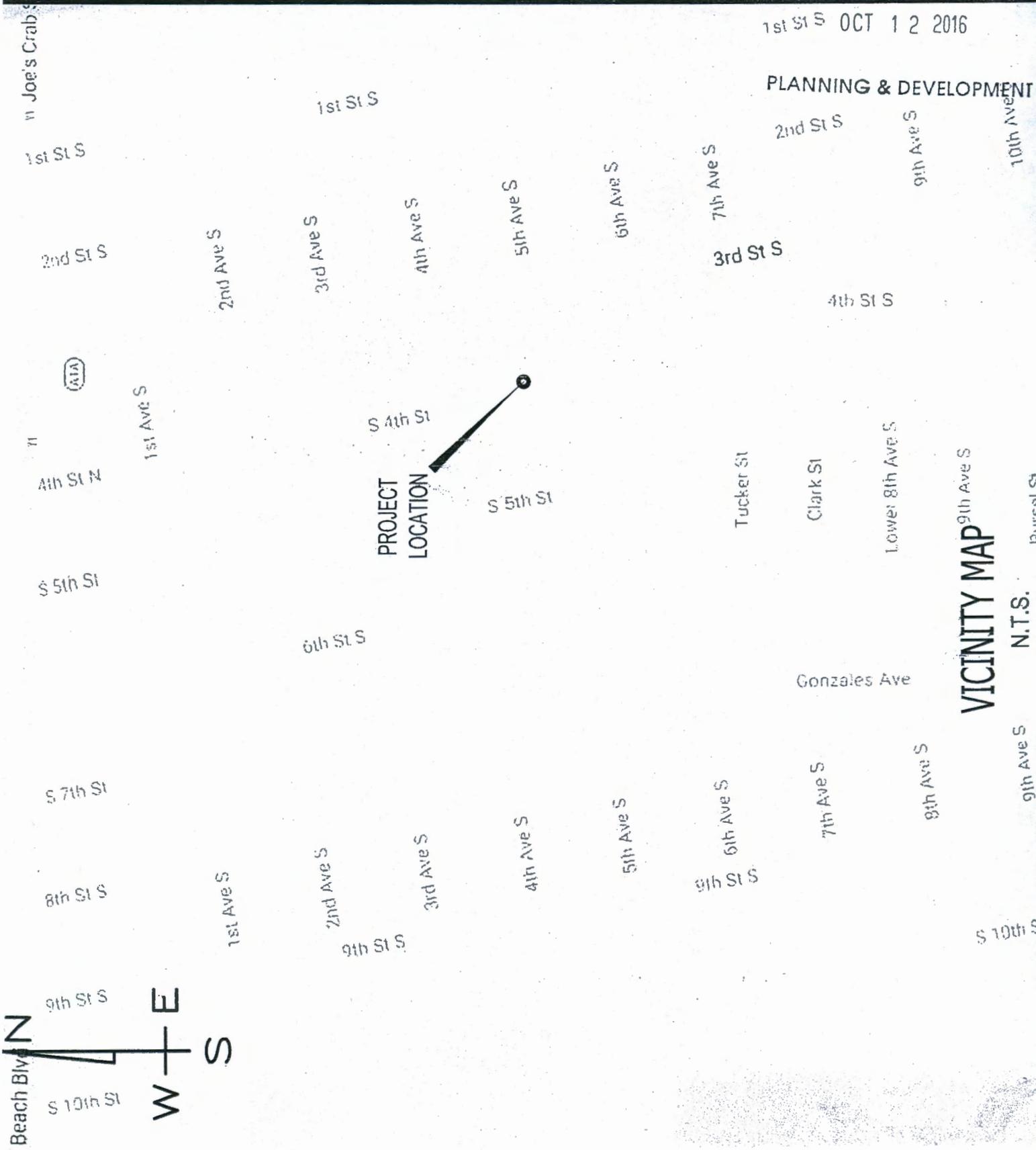
5TH AVENUE SOUTH
(FORMERLY MANN AVENUE BY PLAT)
80' RIGHT-OF-WAY

RECEIVED

PC# 36-16

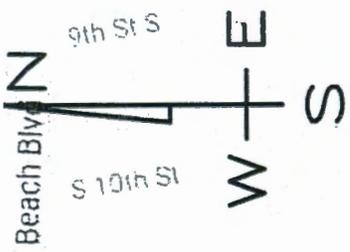
1st St S OCT 12 2016

PLANNING & DEVELOPMENT



PROJECT LOCATION

VICINITY MAP



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Pursel St

N.T.S.

S 10th St

8th Ave S

Gonzales Ave

7th Ave S

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N.T.S.

S 10th St

8th Ave S

Gonzales Ave

7th Ave S

6th St S

6th Ave S

5th Ave S

4th Ave S

3rd Ave S

2nd Ave S

MAP SHOWING BOUNDARY SURVEY OF:
 LOT 7, BLOCK 44, PABLO BEACH SOUTH, AS RECORDED IN PLAT BOOK 3, PAGE
 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA
4TH AVENUE
 (FORMERLY SUSKIND AVENUE BY PLAT)
 80' RIGHT-OF-WAY

RECEIVED

PC# 36-16
 OCT 12 2016

PLANNING & DEVELOPMENT



FOUND 1/2" IRON PIPE
 NO IDENTIFICATION

N.T.S.
 125.00'

LOT 6

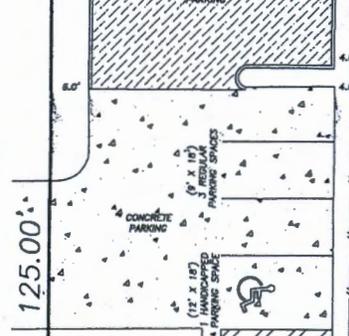
LOT 5

12' ALLEY BY PLAT
 50.00'
 CONCRETE

SET 1/2" IRON PIPE
 DURDEN L.B. #6696

FOUND 1/2" IRON PIPE
 NO IDENTIFICATION (BENT)

4TH STREET SOUTH
 (ALSO KNOWN AS FOURTH STREET BY PLAT)
 50' RIGHT-OF-WAY



LOT 8

3RD STREET SOUTH
 (ALSO KNOWN AS THIRD STREET BY PLAT)
 100' RIGHT-OF-WAY

FOUND 1/2" IRON PIPE
 NO IDENTIFICATION

50.00'

FOUND 1/2" IRON PIPE
 NO IDENTIFICATION

5TH AVENUE SOUTH
 (FORMERLY MANN AVENUE BY PLAT)
 80' RIGHT-OF-WAY

NOTES:

THIS PROPERTY LIES IN FLOOD ZONE "X" BY FLOOD MAP
 REVISED APRIL 17, 1988, COMMUNITY PANEL NO. 120078
 0001 D

ALL INTERIOR LOT ANGLES ARE 90°00'00" AS FIELD MEASURED AND POSSESSED

NO BUILDING RESTRICTION LINE BY PLAT

N.T.S. DENOTES NOT TO SCALE

ALL LOTS SHOWN HEREON LIE WITHIN BLOCK 44

-X- DENOTES 4' CHAIN LINK FENCE

-//- DENOTES 6" WOOD FENCE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON
 THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
 DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

SHERRY H. DIEDRICH, INC.
 STEWART TITLE GUARANTY COMPANY
 BARTLETT & DEAL TITLE SERVICES, LLC



DURDEN
 SURVEYING AND MAPPING, INC.
 8150 Lane Star Road, Suite 3
 Jacksonville, Florida 32211
 (904) 724-5588 Fax 724-9154
 LICENSED BUSINESS NO. 6696

I hereby certify that this survey meets the
 minimum technical standards as set forth by
 the Florida Board of Land Surveyors, pursuant to
 Section 472.027 Florida Statutes and Chapter
 61g17 Florida Administration Code

FLORIDA REGISTERED SURVEYOR No. 4707
 H. BRUCE DURDEN, JR.

SIGNED MARCH 31, 2008
 SCALE: 1" = 20'

THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

B-5179



CONDITIONAL USE APPLICATION

PC No. PC#37-16
AS/400# 16-10020
HEARING DATE 11/14/11

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: Hoose Homes and Investments, LLC
Mailing Address: 7563 Philips Highway Suite 109
Jacksonville, FL 32256

Telephone: _____
Fax: _____
E-Mail: newconstruction@jwbcompanies.com

RECEIVED

Applicant Name: Lisandro Rosales
Mailing Address: 7563 Philips Highway Suite 109
Jacksonville, FL 32256

OCT 25 2016

Telephone: (904) 677-6777
Fax: _____
E-Mail: newconstruction@jwbcompanies.com

PLANNING & DEVELOPMENT

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

Agent Name: Lisandro Rosales
Mailing Address: 7563 Philips Highway Suite 109
Jacksonville, FL 32256

Telephone: (904) 677-6777
Fax: _____
E-Mail: newconstruction@jwbcompanies.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

(174616-000)

Street address of property and/or Real Estate Number: 0 N 12th Ave, Jacksonville Beach, FL 32250
(314)

Legal Description of property (attach copy of deed): 5-66 28-2S-29E
Pablo Beach North R/P, Lot 3 BLK 124

Current Zoning Classification: JC-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: Sec. 34-342(d)(15)

Describe the proposed conditional use and the reason for the request: _____
Proposed conditional use to allow the construction of a two-family dwelling under Sec. 34-339 under the land development code.

Applicant Signature: [Signature] Date: 10-25-16

Prepared By and Return To:
David J Heekin, Esq.
Landmark Title
4540 Southside Boulevard, Suite 202
Jacksonville, Florida 32216

File No.: LMT 16-1579
Grantee's TIN: _____

General Warranty Deed

Made this September 16, 2016, By **Anya Johnson, a single woman**, whose address is: 1015 Atlantic Boulevard, Suite 214, Atlantic Beach, Florida 32233, hereinafter called the Grantor, to **Hoose Homes and Investments, LLC, a Florida limited liability company**, whose address is: 7563 Philips Highway, Suite 109, Jacksonville, Florida 32256, hereinafter called the Grantee:

(Whenever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Duval County, Florida, more particularly described as follows:

Lots 3, 4 and 9, Block 124 of PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF PART OF NORTHERN PORTION OF PABLO BEACH, according to the Plat thereof as recorded in Plat Book 5, Page(s) 66, of the Public Records of Duval County, Florida.

Parcel ID Number: 174616-0000, 174617-0000, and 174622-0000

Subject to taxes accruing subsequent to December 31, 2015.

Subject to covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

RECEIVED

PCH# 37-16

OCT 25 2016

16-100201

PLANNING & DEVELOPMENT

In Witness Whereof, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]

Witness Printed Name David J. Heekin

[Signature]

Anya Johnson

(Seal)

[Signature]

Witness Printed Name Kate Richardson

(Seal)

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 16th day of September, 2016, by Anya Johnson, who is/are personally known to me or who has produced _____ as identification.

[Signature]

Notary Public



RECEIVED

PC#37-16

OCT 25 2016

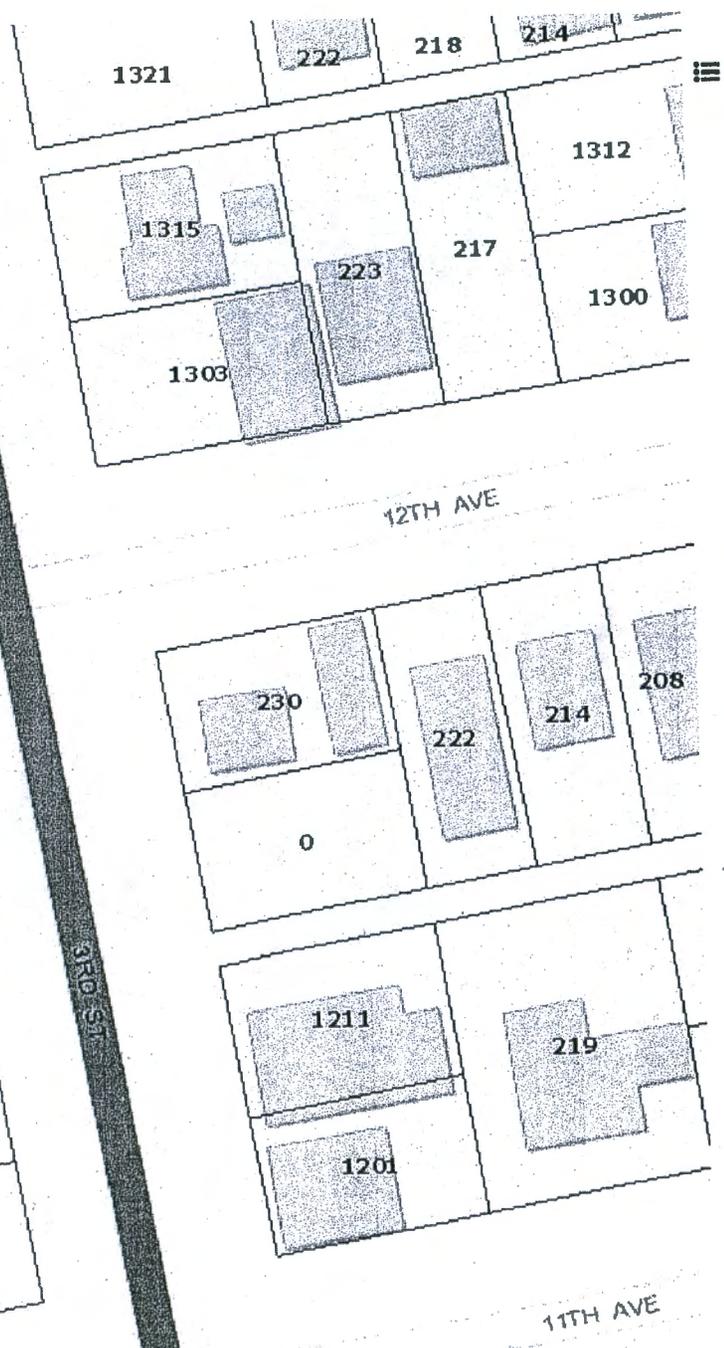
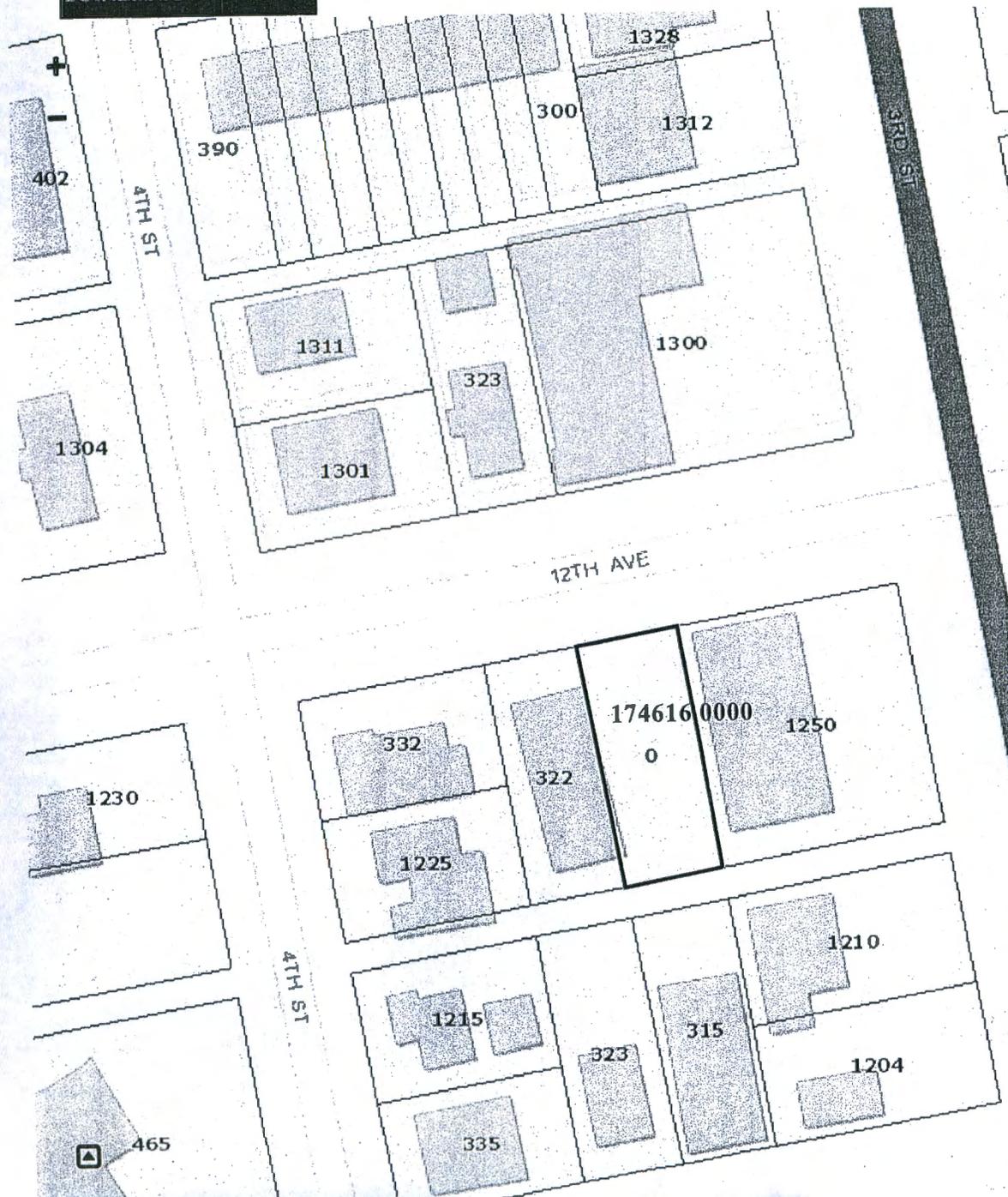
16-100201

PLANNING & DEVELOPMENT

PROPERTIES

DUVAL MAPS

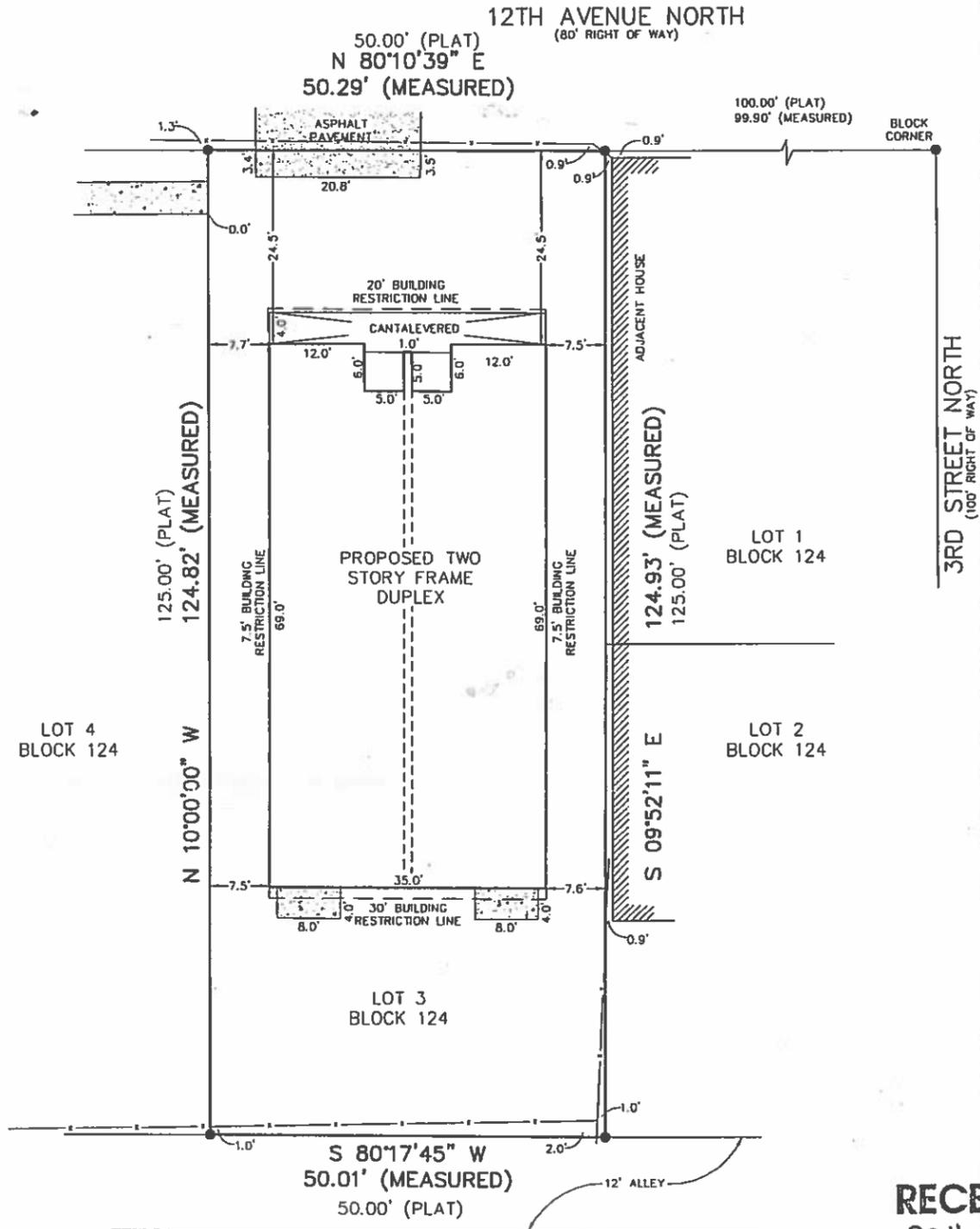
PC# 37-16



MAP SHOWING BOUNDARY SURVEY OF

LOT 3, BLOCK 124, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF PART OF NORTHERN PORTION OF PABLO BEACH, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 66, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
 HOOSE HOMES & INVESTMENTS, LLC
 MCKILLOP LAW FIRM
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



- LEGEND:**
- x - = FENCE
 - (---) = CONCRETE
 - = SET 1/2" REBAR STAMPED P5M#6146
 - = FOUND 1/2" IRON PIPE NO IDENTIFICATION (UNLESS OTHERWISE NOTED)
 - = 4"x4" CONCRETE MONUMENT
 - A/C = AIR CONDITIONER

- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- PRC = POINT OF REVERSE CURVATURE
- PCC = POINT OF COMPOUND CURVATURE

NOTES:

- BEARINGS ARE BASED ON THE ASSUMED BEARING OF N 10°00'00" W ALONG THE WESTERLY BOUNDARY LINE OF SUBJECT PARCEL.
- BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X" AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED JUNE 3, 2013, COMMUNITY NUMBER 120078, PANEL 0417.H
- THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

REVISIONS	
DATE	DESCRIPTION
10-12-16	SITE PLAN

JOB # 30992-A | DATE OF FIELD SURVEY: 9-13-2016 | SCALE: 1" = 20'



Ray Thompson SURVEYING, Inc.
 Going the DISTANCE for You
 1825 University Boulevard West
 Jacksonville, Florida 32217
 (Phone) 904-448-5125
 (Fax) 904-448-5178

CERTIFICATE
 I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 402.17, FLORIDA STATUTES.
 No. 8146

 RAYMOND THOMPSON
 REGISTERED SURVEYOR AND MAPPER #5146 STATE OF FLORIDA
 LICENSE BUSINESS #37469

LAND SURVEYS ○ CONSTRUCTION SURVEYS ○ SUBDIVISIONS

RECEIVED
 PC# 37-16
 OCT 25 2016
 16-100201
 PLANNING & DEVELOPMENT

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

ORDINANCE NO. 2016-8084

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH
DECLARING A TEMPORARY MORATORIUM ON THE OPERATION
OF MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL
MARIJUANA DISPENSING ORGANIZATIONS WITHIN THE CITY FOR
A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE:**

WHEREAS, on November 8, 2016, Florida voters will consider an amendment to the Florida Constitution (“Amendment 2”) entitled “Use of Marijuana for Debilitating Medical Conditions”; and

WHEREAS, if approved by Florida voters, Amendment 2 would legalize the use of medically certified marijuana in the State of Florida and authorize the cultivation, processing, distribution, and sale of marijuana and related activities, by licensed “Medical Marijuana Treatment Centers”; and

WHEREAS, on March 25, 2016, the Florida Legislature amended numerous provisions of Section 381.986, Florida Statutes to make various revisions including a revision to the definition of “dispensing organization” to allow dispensing organizations to transport cannabis, and to include “medical cannabis” for eligible patients with terminal conditions and to provide additional regulation of the Department of Health with regard to medical cannabis; and

WHEREAS, Chapter 64-4 “Compassionate Use” of the Florida Administrative Code has been enacted to regulate the Department of Health with regard to the requirements for dispensing organizations, including procedures for application, review, approval, inspection, and authorization of dispensing organizations, and the Department of Health has commenced its application and review process; and

WHEREAS, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

WHEREAS, future constitutional amendments and legislation may further expand the legal use of cannabis in Florida; and

WHEREAS the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance; and

WHEREAS, due to the historical prohibition of marijuana, the City of Jacksonville Beach does not currently have any land development regulations governing the use of real property for the purposes of cultivating, processing, distributing, or selling marijuana or related activities, and such uses are not permissible within the City; and

WHEREAS, if approved, Amendment 2 would legalize the medical use of marijuana and or cannabis throughout the State of Florida for individuals with debilitating medical conditions as determined by a licensed Florida physician and authorize the registration and regulation of centers that cultivate, process, distribute, and sell marijuana products for medical purposes; and

WHEREAS, in order to promote effective land use planning if Amendment 2 passes (or if a dispensing organization should seek to operate within the City), the City Council wishes to preserve the status quo while researching, studying and analyzing the potential impact of Medical Marijuana Treatment Centers and dispensing organizations upon adjacent uses and the surrounding area and the effect of Medical Marijuana Treatment Centers and dispensing organizations on traffic, congestion, surrounding property values, demand for City services and other aspects of the general welfare; and

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance imposing a temporary moratorium on the operation of Medical Marijuana Treatment Centers and dispensing organizations and has presented its recommendation to the City Council; and

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state regulated cannabis operations in the 2012 "Cole Memorandum," and;

WHEREAS, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of cannabis exist, potentially including, offensive odors, trespassing, theft, fire hazards, increased crime in and about the dispensary, robberies, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

WHEREAS, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by cannabis businesses in obtaining banking services necessitating such businesses to operate on a cash basis; and

WHEREAS, there exists the potential for misappropriation of medical cannabis to non-medical uses; and

WHEREAS, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

WHEREAS, the City Council finds that a temporary moratorium on the operation of Medical Marijuana Treatment Centers and dispensing organizations will allow the City a sufficient period of time to determine what uses are best suited to particular zoning categories and how best to formulate land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing or selling marijuana or related activities;

WHEREAS, it is not the purpose or intent of this Ordinance to restrict or deny access to cannabis products as permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health, safety, and welfare and it is unknown at this time whether Amendment 2 will pass and if it passes, what the enacting legislation will provide and when that enacting legislation will be effective.

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

SECTION 1. A temporary moratorium is imposed on the operation of Medical Marijuana Treatment Centers and dispensing organizations within the city limits of the City of Jacksonville Beach. While the temporary moratorium is in effect, the City shall not accept, process or approve any application relating to the operation of a Medical Marijuana Treatment Center or dispensing organization. Nothing in this temporary moratorium shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Fla. Stat. §381.986 or other Florida law.

SECTION 2. For purposes of the temporary moratorium, a "Medical Marijuana Treatment Center" means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health. "Dispensing organization" means an organization approved by the Florida Department of Health to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to Fla. Stat. § 381.986.

SECTION 3. During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to open or cause to be opened any cannabis dispensing business within the City. It is also unlawful and a violation of this ordinance for any person or entity to relocate or cause to be relocated any cannabis dispensing business within the City or to be expanded in the City.

SECTION 4. That this ordinance shall take effect upon its adoption by the City Council. The temporary moratorium shall terminate one (1) year from the effective date of this ordinance, unless the City Council rescinds or extends the moratorium by a subsequent ordinance. In the event that Amendment 2 is not approved by Florida's voters on November 8, 2016, the temporary

moratorium on the operation of Medical Marijuana Treatment Centers shall terminate immediately, but the temporary moratorium on the operation of dispensing organizations shall remain in effect in accordance with this section.

SECTION 5. That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the city or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

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

William C. Latham, Mayor

Laurie Scott, City Clerk

DRAFT