



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, April 24, 2017

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:** March 13, 2017
4. **Correspondence:** None
5. **Old Business:** None
6. **New Business:**
 - (A) **PC#12-17** **Parcels: 174255-0000, 174257-0000, and 173944-0000**
Redevelopment District: RD Amendment Application to amend RD rezoning Ordinance No. 2016-8070 for property located at the northwest corner of 1st Street North and 6th Avenue North. (former *Dolphin Depot* and adjacent properties)
 - (B) **PC#15-17** **Southwest corner of 11th Street North and 8th Avenue North**
Conditional Use Application for an essential public facility (*water well*), located in a *Residential, single family: RS-1* zoning district, pursuant to Section 34-336(d)(4) of the Jacksonville Beach Land Development Code.
7. **Planning Department Report:**
 - (A) The next meeting is tentatively scheduled for May 8, 2017.

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, March 13, 2017, 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 by 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 and Amber Lehman, Recording Secretary.

Approval of Minutes

None

Correspondence

None

Old Business

(A) Findings of Fact – PC #3-17

Ms. Ireland presented the findings of fact for PC #3-17. Ms. Dumont stated that the reasoning was that the applicant was not consistent with the Comprehensive Plan's goals.

New Business

Mr. Sutton stated that item PC #9-17 would be moved up as Item B. Mr. Dahl moved that Item 9, PC #9-17, be moved and addressed as Item B under New Business. The motion was seconded by Mr. DeLoach. The motion was approved unanimously

(A) **PC #6-17- 333 and 335 5th Avenue South**

Conditional Use Application for multiple family residential, for a five-unit townhouse, 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 applicant has purchased two adjacent lots on the north side of 5th Avenue South between 3rd and 4th Streets South, and wishes to redevelop them into a fee-simple five-unit townhouse development pursuant to LDC Section 34-339 Residential, multiple family: RM-1 zoning standard. The subject property previously contained a single-family residential dwelling unit on one lot and a commercial building on the other lot. The application was approved a conditional use for a two-family dwelling on 333 5th Avenue South. A different applicant was approved a conditional use for a two-family dwelling on 335 5th Avenue South. Since conditional use approvals are not transferable, the applicant was advised by staff that he would need to reapply to develop the two lots together for his multifamily residential project.

Adjacent uses include multifamily residential and commercial uses to the east, commercial to the north, commercial and residential to the south, and residential, commercial and new multifamily residential to the west. A five-unit townhouse on the combined subject lots is within the character of the existing mix of multiple-family residential and commercial uses on surrounding properties. The proposed lot sizes are sufficient for a five-unit townhouse project per *RM-1* zoning standards. Adjacent property values should not be negatively impacted by a new five-unit townhouse development.

Applicant:

The agent for the applicant, Mr. Curtis Hart, 8051 Tara Lane, Jacksonville, stated that this is an existing commercial lot with a vacant parcel. The current hair salon will be removed to accommodate the residential development.

Mr. Dahl asked where the garages were. Mr. Hart responded that they are single-garages and are located in the front. He added that they are not asking for any variances.

Public Hearing:

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

Ms. Mary Cutter, 330 5th Avenue South, Jacksonville Beach, stated that parking is the main issue. She said that the existing parking at the multifamily next to the parcel is a problem, with many people parking in the street. She stated that more units would just create an additional parking problem.

Mr. Tony Komarek, 533 11th Avenue South, Jacksonville Beach, provided the Commission with handouts that noted that the conditional use has to be consistent with the character of the area. He noted that there are no five-unit dwellings in this area. He thought that this proposal was not consistent with the area and should not be approved.

Mr. Hart stated that there should be plenty of space for two people to park. He then explained the surrounding area. Mr. Dahl asked about the square footage.

Discussion:

Ms. Dumont asked Ms. Ireland about lot coverage for a townhouse. Ms. Ireland responded that it was 65% and that these were fee simple and could be sold on their own.

Mr. DeLoach asked what else could go in C-1 zoning. Ms. Ireland noted the types of uses that could go there.

Mr. DeLoach noted that he was well within his right to develop a project with one-car garages because that is consistent with the code. He added that the zoning is commercial so something that could go in there could be more intense than what was proposed. Ms. Dumont responded that anything commercial there would have to have enough parking as required for the type of commercial. Mr. Dahl noted that we were talking about parking not traffic and he had concerns with the parking from a residential project such as this.

Ms. Dumont stated that she would defer to the people that live in the neighborhood to judge the character of the neighborhood.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to deny the application.

Roll call vote: Ayes – Dahl and Dumont.
Nays – DeLoach, Sutton, and Sanders.
The motion to deny was denied 3-2.

Second Motion: It was moved by Mr. DeLoach and seconded by Mr. Sanders, to approve the application.

Roll call vote: Ayes – DeLoach, Sutton, and Sanders.
Nays –Dumont and Dahl.
The motion was approved 3-2.

(B) PC #9-17- 322 and 314 12th Avenue North

Concept Plat Application for a proposed five-unit townhouse project, 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 consists of two adjacent lots, the westerly one with a triplex, and the easterly one is vacant. Both are located on the south side of 12th Avenue North between 3rd and 4th Streets, in a Commercial, limited: C-1 zoning district. The vacant lot previously existed as a single-family residential property, but the house was demolished in 1998. The applicant has received conditional use approval to construct a new five-unit townhouse project on the combined lots via PC#1-17, subject to the RM-1 zoning standards. The subject property meets the minimum lot size and street frontage requirement for the proposed development, pursuant to the RM-1 zoning standards.

Adjacent uses include residential and a church to the west, commercial to the south and east, and residential and commercial uses to the north. A new multiple family dwelling should not negatively impact the existing mixed-use character of the surrounding neighborhood.

Applicant:

The agent for the applicant, Mr. Curtis Hart, 8051 Tara Lane, Jacksonville, stated that this is an existing triplex that they are tearing down, and is adjacent to the commercial projects along 3rd Street. He stated that the conditional use for the project has been previously approved.

Mr. Sutton asked about the commercial use to the south. Ms. Ireland stated that it was a barbershop, with an auto shop to the east.

Public Hearing:

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

There was no one present to speak in favor of or in opposition to the application.

Motion: It was moved by Mr. DeLoach and seconded by Mr. Sanders, to approve the application.

Roll call vote: Ayes – Dumont, Sutton, Sanders, and DeLoach.
Nays – Dahl.
The motion was approved 4-1.

(C) **PC #7-17- 419 5th Avenue North**

Conditional Use Application for a private middle and high school in a Residential, multiple family: RM-1 zoning district, pursuant to Section 34-339(d)(6) 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 5th Avenue North between 3rd Street and 4th Street North. The subject property has existed as a licensed day care center for over 40 years at this location, and has conditional use approval under PC#19-97 for the Red School House. The site was a day care center for 21 years prior to the 1997 conditional use approval. The site was also granted a parking variance in 1998 to accommodate a 1,800 square foot expansion. The applicant wishes to now operate the site as a private middle and high school for students with learning disabilities. She currently operates the school at 1572 Penman Road but would like to relocate the school to the subject property.

Secondary schools are a permitted conditional use in RM-1 zoning districts per Section 34-339(d)(6) of the Land Development Code. According to the applicant, the proposed school will accept a maximum of 24 students, and there will be three staff members on site. They will have two full time class rooms, one small group teaching room, a library room and a lunch room. There are no plans to expand the size of the current facility.

Adjacent uses include residential and commercial to the east, residential to the north and west, and religious use and residential to the south. Continued use of the subject property as a small educational facility for the community, should not negatively impact the mixed-use neighborhood and surrounding properties. There are no records of any problems or issues related to the school's current location on Penman Road since it was established there in 2009 (approved via PC#11-09).

Applicant:

The agent for the applicant, Ms. Lisa Pardee, 10 11th Avenue North, #306, introduced herself.

Ms. Pardee stated that this building will be 3,600 square feet, and currently they use 2,100 square feet. In response to Ms. Dumont, she added that they would not have more than 24 students at the school.

Mr. DeLoach asked if they were going to change the little red schoolhouse façade.

Ms. Pardee stated that she thought that once you remove the children's toys, etc., it shouldn't look like a daycare.

Mr. Dahl asked if there were any fire code rules that would need to be addressed. Ms. Ireland stated that the Fire Marshall would have to address that. Ms. Pardee stated that they would be installing a sprinkler system.

Ms. Dumont asked if there would be traffic issues from the new use versus the daycare. Ms. Ireland stated that the day care was licensed for 75 students currently. Ms. Pardee stated that they only had one student who drove to their current facility.

Public Hearing:

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

Ms. Sharon Hayes, 529 4th Street North, Jacksonville Beach, stated that she was mistaken about the parcel that was under consideration but did note that they had traffic issues in this area. She thought that this proposal might be okay, even though they currently have people parking on her property.

Mr. Rick Knight, 827 8th Avenue North, Jacksonville Beach, expressed his support for this type of learning facility.

Motion: It was moved by Mr. Dumont and seconded by Mr. DeLoach, to approve the application.

Roll call vote: Ayes – Sanders, Dahl, DeLoach, Dumont and Sutton.

The motion was approved unanimously.

(D) PC #8-17- Comprehensive Plan Text Amendment Application

Comprehensive Plan Text Amendment proposing to change Future Land Use Element (FLUE) Policy L.U. 1.2.7 to provide a floor area (FAR) of 0.55 for hospitals and related buildings.

Staff Report:

Ms. Ireland read the following into the record:

The applicant is requesting a text amendment to the Jacksonville Beach 2030 Comprehensive Plan, Future Land Use Element (FLUE) Policy L.U 1.2.7 to increase floor area ratio (far) for hospitals and related buildings. Floor area ratio is the ratio of a building's total area to the size of a piece of land it is built on. Currently, the FAR for all public and institutional buildings, (not within the Downtown Community Redevelopment Area), within the City is limited to 0.35, pursuant to Policy L.U. 1.2.7 of the 2030 Comprehensive Plan. The hospital parcels (A, B and C) have vested rights set forth through approved Ordinances, (2004-7873, 2005-8907, 2011-8005, and 2017-8086) that if exercised to maximum capacity, would exceed the existing 0.35 FAR limitation of the 2030 Comprehensive Plan. In order for the hospital to maximize the vested rights of square footage and beds, the Comprehensive Plan has to be amended. The applicant is proposing an addition to Policy 1.2.7. of the FLUE that provides 0.55 FAR for Hospitals and related buildings.

Provided in the application materials are several examples of floor area ratios for hospitals in other cities in the area, and they range from 0.50 to 3.00. In order to expand and continue to provide valuable services to the community, the hospital will need to be able to utilize the vested rights provided. This increase to the FAR would provide the opportunity for future services to be located on the main hospital campus, instead of finding new land. This is consistent with FLUE Policy 1.2.5, which states that new institutional uses will locate where sufficient land area is available to provide adequate parking, landscaping, and drainage.

This requested amendment to the Comprehensive Plan to provide for an increase in FAR specifically, and only, for hospitals and related buildings, should not negatively impact the surrounding area, as adequate infrastructure exists for the proposed future development.

Applicant:

The agent for the applicant, Mr. Paul Harden, 501 Riverside Avenue, Suite 901, Jacksonville, stated that they received a change in the site plan a few months ago, and they had plans for additional buildings for what they were vested for.

Public Hearing:

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

There was no one present to speak in favor of or in opposition to the application.

Motion: It was moved by Mr. DeLoach and seconded by Ms. Dumont, to approve the application.

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

Planning & Development Director’s Report

Ms. Ireland announced that the next meeting is April 10 as noted in the agenda.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:48 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

Chairman:

Date:

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: April 17, 2017
RE: April 24, 2017 - Planning Commission Meeting

The following information is provided for your consideration regarding two agenda items for the upcoming April 24, 2017 Planning Commission meeting.

NEW BUSINESS:

PC#12-17 Redevelopment District: RD Zoning Amendment Application

Owner/
Applicant: Dolphin Depot, LLC
 P.O. Box 50338
 Jacksonville Beach, FL 32240

Agent: Scott Gay
 P.O. Box 50338
 Jacksonville Beach, FL 32240

Location: 778 North 1st Street, 704 North 1st Street, and 705 North 2nd Street

Request: **Redevelopment District: RD Amendment Application** to amend RD rezoning Ordinance No. 2016-8070 for property located at the northwest corner of 1st Street North and 6th Avenue North. (former *Dolphin Depot* and adjacent properties)

Comments: The applicant owns three contiguous vacant parcels on the west side of 1st Street North between 6th and 7th Avenues North. The subject property was approved by City Council for *Redevelopment District: RD* rezoning via Ordinance 2016-8070 in April 2016. The 2016 application was for a six-story mixed-use project with 2,500 square feet of commercial space, parking on the ground floor and second floor, 54 multiple family units, and a maximum of 36 hotel rooms. The maximum allowable height on the subject property is 68 feet, pursuant to a judicial order. The applicant now wishes to amend the scope of the project and was informed by staff that an amendment to the approved *RD* ordinance would be required.

Since the current *RD* ordinance was approved in April of 2016, the applicant has determined that they would like to increase the number of hotel rooms provided, and have made changes to the final design of the project. The *RD* amendment application seeks to amend the project scope to provide 57 hotel rooms, instead of 36 and increase the parking spaces from 164 to 193 spaces. The applicant has also selected a different architect and would like to replace the building site plan and elevation drawings with the new final design for the project.

Adjacent property uses include a vacant oceanfront commercial block to the east across 1st Street North (former *Atlantis* hotel), which has recently been rezoned to *Redevelopment District: RD*, a newly renovated and fully occupied retail strip center to the south across 6th

Avenue North, new two-family dwellings to the west across 2nd Street North, multiple family units to the north along 7th Avenue North, an ocean front condominium to the Northeast, and a historic hotel to the southeast. The area has undergone significant revitalization since 2012.

The proposed project, as amended, will serve to continue the revitalization of the downtown area, would complement the character of the surrounding neighborhood, and would fit within the context of the Downtown Vision Plan goals and objectives. Adjacent property values should be enhanced by the proposed development of the subject property.

The Community Redevelopment Agency (CRA) recommended approval by City Council of this rezoning application at their March 27th meeting.

PC#15-17 Conditional Use Application

Owner/
Applicant: City of Jacksonville Beach
11 North 3rd Street
Jacksonville Beach, FL 32250

Location: Southwest corner of the intersection of 11th Street and 8th Avenue North (ROW)

Request: **Conditional Use Approval** for an essential public facility, located in a *Residential, single family*: *RS-1* zoning district, pursuant to Section 34-336(d)(4) of the Jacksonville Beach Land Development Code.

Comments: The City of Jacksonville Beach receives its raw water supply from six wells that extend into the Floridan Aquifer. These wells are permitted through the St. Johns River Water Management District (SJRWMD) via a Consumptive Use Permit, 2-031-793-3 (CUP). The location for the proposed well (#16) was approved by the SJRWMD in 1999 as a raw water well location, and as part of the approved CUP. Well #16 was never constructed at the location, as it has not been needed until now.

The City has been informed by the SJRWMD that it must abandon production well #11 due to salt water intrusion, and deterioration of the well piping, and must now activate the already approved location of production well #16 on the subject property. Conditional Use approval is required for essential public services in *RS-1* zoning districts.

The subject location is in the southwest corner of the intersection of 11th Street North, and 8th Avenue North. The location is generally adjacent to the east side of a single family dwelling on the corner of Palm Circle and 11th Street North. Adjacent uses are all single family residential. The proposed well infrastructure will be enclosed with a building similar to production well #23, as shown in the photo provided with the application. The enclosure will mitigate any potential noise from the well, and provide improved aesthetics of the facility. Adjacent properties should not be negatively impacted by the construction of production well #16 at the subject location within the City right-of-way.

RECEIVED



REZONING/TEXT AMENDMENT APPLICATION

MAR - 7 2017

PC No. 12-17

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

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

APPLICANT INFORMATION

Land Owner's Name: Dolphin Depot, LLC
Mailing Address: P.O. Box 50338, Jacksonville Bch, FL 32240

Telephone: (904) 249-1003
Fax: (904) 249-6789
E-Mail: scott@jbritz.com

Applicant Name: Dolphin Depot, LLC
Mailing Address: P.O. Box 50338, Jacksonville Bch, FL 32240

Telephone: (904) 249-1003
Fax: (904) 249-6789
E-Mail: scott@jbritz.com

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

Agent Name:
Mailing Address:

Telephone:
Fax:
E-Mail:

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

REZONING DATA

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

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

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

TEXT AMENDMENT DATA

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

Table with 3 columns: Requested Information, Yes, No. Rows include: 1. A copy of the relevant Duval County Property Assessment Map... 2. An 8 1/2" x 11" vicinity map... 3. An aerial photograph... 4. For a rezoning, include a narrative description... 5. For an LDC text amendment, include the current text...

Applicant Signature:

Date: 3/7/17

Dolphin Depot LLC
RD Zoning Application
Consultants

Civil Engineer

Joe Mecca & Brian Deitsch

12740 Gran Bay Parkway West, Suite 2350

Jacksonville, FL 32258

904-828-3900

Architect:

Kelly Osburn

Humphreys & Partners Architects, L.P.

5339 Alpha Rd, Suite 300

Dallas, TX 75240

Attorney:

Steve Greenhut

Balch & Bingham

841 Prudential Dr, Suite 1400

Jacksonville, FL 32202

Land Development Consultant:

Scott Gay, CPA

3948 S Third St #291

Jacksonville Bch, FL 32250

NARRATIVE DESCRIPTION

AMENDMENT TO RD ZONING DESIGNATION

March 7, 2017

Mixed Use Facility @ 1st Street North and 6th Avenue North

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

See Attached Exhibit #2.

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

See Attached Exhibit #3.

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

A. Existing conditions on the property:

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

B. Existing Surrounding Uses:

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

C. Proposed Mixed-Use Development:

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

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

Parking spaces will be located on the ground level and the 2nd level.

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

General Objectives:

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

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

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

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

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

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

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

The development follows already established street and utility patterns.

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

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

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

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

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

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

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

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

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

Civil Engineer:

Kimley Horn & Associates

Joe Mecca & Brian Deitsch

12740 Gran Bay Parkway West, Suite 2350

Jacksonville, FL 32258

904-828-3900

Architect:

Humphreys & Partners

Dallas, TX

Attorney:

Balch & Bingham

Steve Greenhut

841 Prudential Dr, Suite 1400

Jacksonville, FL

904-348-6855

THIS DOCUMENT PREPARED
BY AND RETURN TO:

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

DECLARATION OF COVENANTS AND RESTRICTIONS

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

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signed, sealed and delivered
in the presence of:

“DECLARANT”

DOLPHIN DEPOT, LLC, a Florida limited
liability company

Name Printed: _____

By: _____

Print Name: _____

Its: _____

Name Printed: _____

STATE OF FLORIDA

COUNTY OF DUVAL

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

Print Name: _____

NOTARY PUBLIC

State of Florida at Large

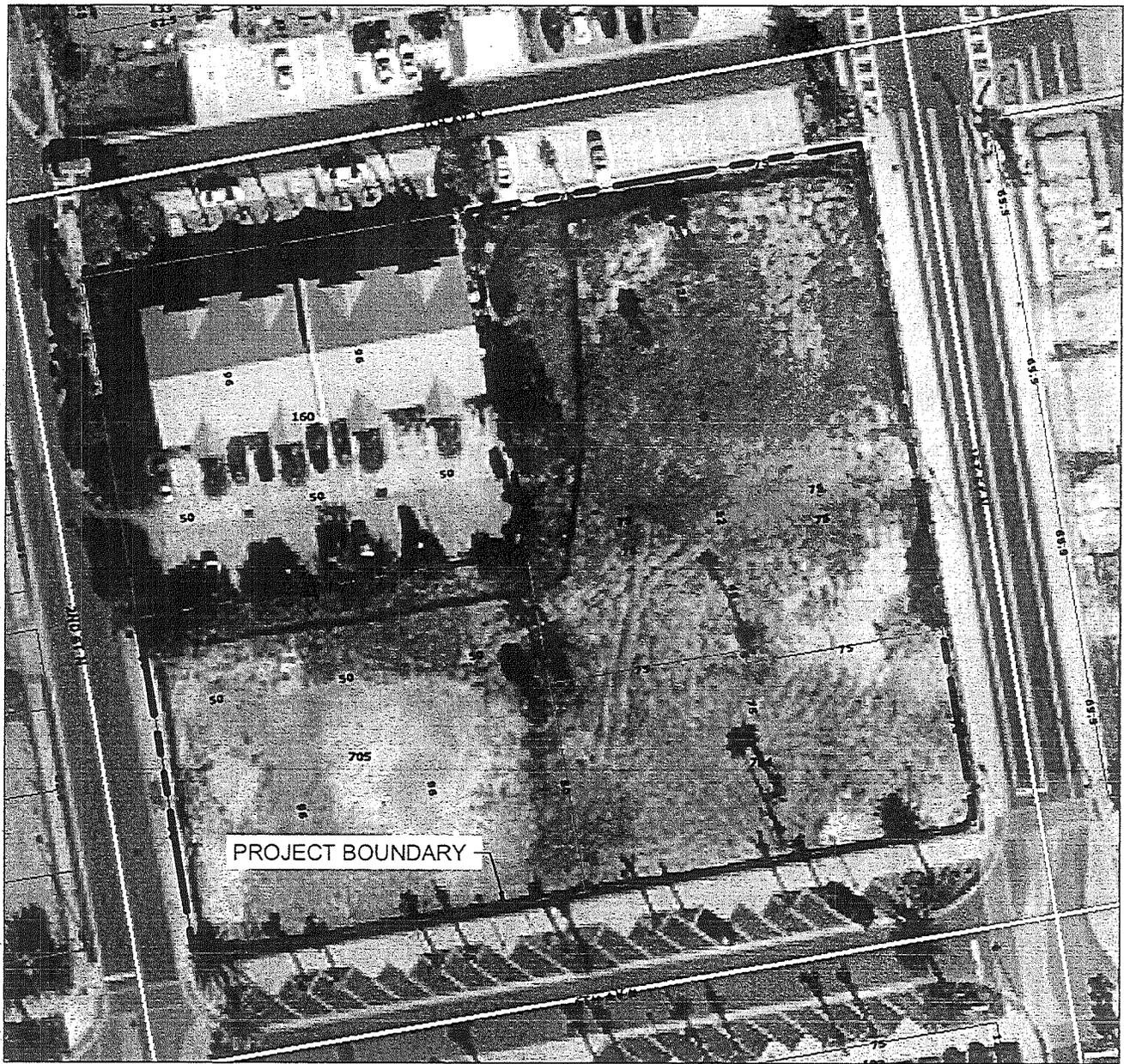
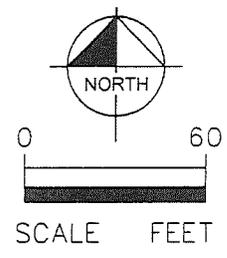
Commission # _____

My Commission Expires: _____

Personally Known or

Produced ID

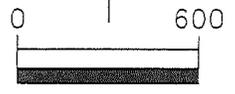
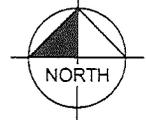
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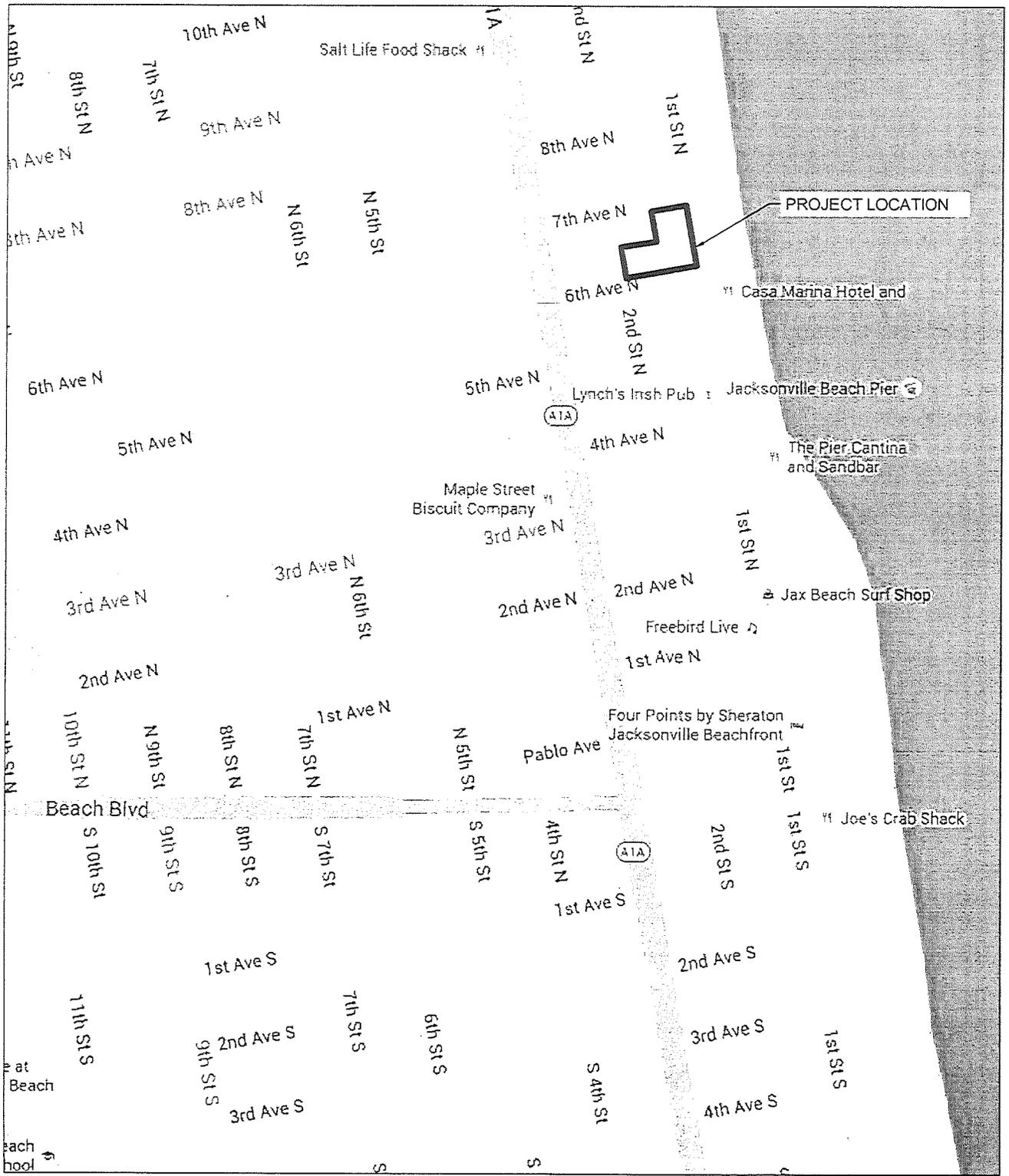
PROJECT BOUNDARY

2015 AERIAL

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

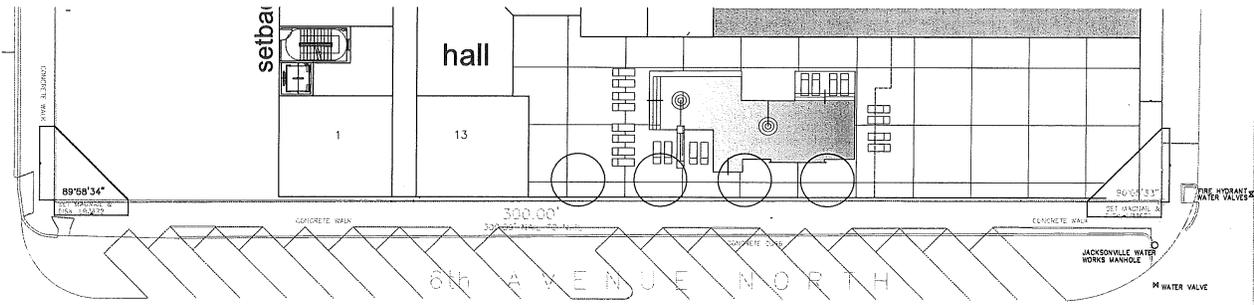


SCALE FEET



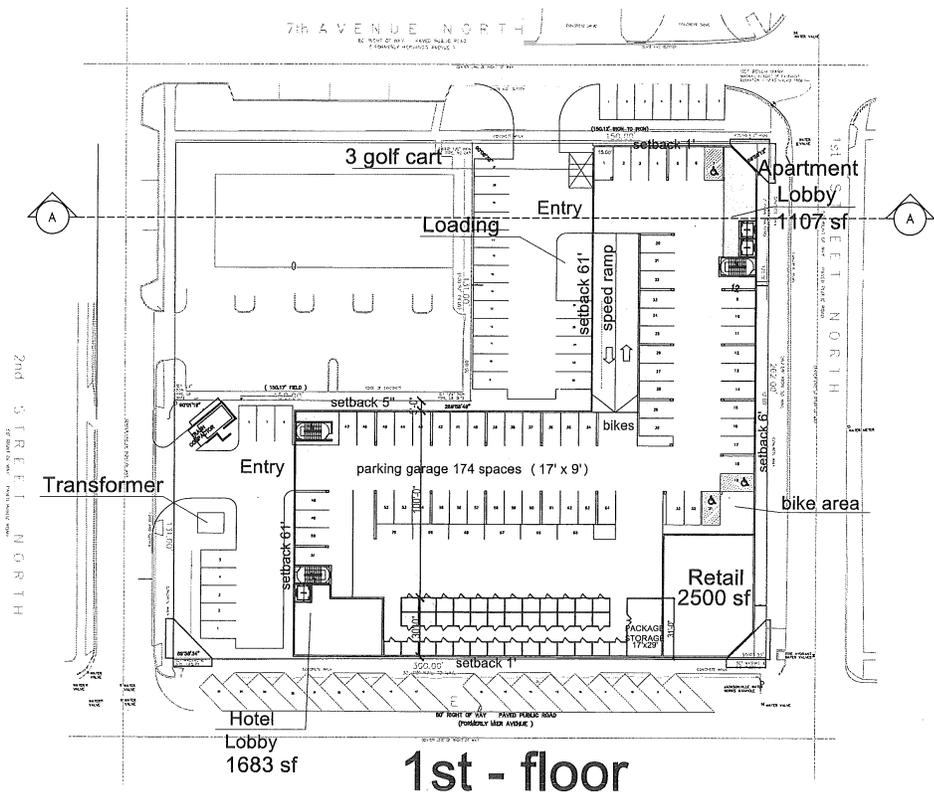
Drawing name: K:\JAX_Civil\045379003 - Dolphin Depot\Cadd\Exhibits\2015 Aerial.dwg SITE LOCATION Jan 19, 2016 3:45pm by: brion.dollsch

LOCATION MAP

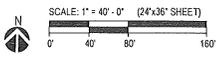


SOUTH ELEVATION

A-204



1st - floor



A-202

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5213 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.761.9638 | www.humphreys.com

DOLPHIN DEPOT, LLC

ARCHITECTURAL SITEPLAN
 SCHEME 07
 March 23, 2017

DOLPHIN DEPOT
 Jacksonville Beach, FL
 HPA# 16001

TABULATION:
6 STORY

TOTAL SITE AREA: 1.36 ACRES

LOT COVERAGE RATIO:

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

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

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

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

TOTAL : 111 UNITS

PARKING:

ONSITE:
1ST LEVEL PARKING
INSIDE BLDG. 69
OUTSIDE BLDG. 26

2ND LEVEL PARKING 98

TOTAL PARKING PODIUM 167
TOTAL PARKING 193 SPACES (including 8 HC spaces)
REQUIRED 188 SPACES

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

OFF SITE STREET PARKING :25 SPACES

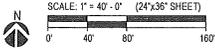
SIDE YARD SETBACK

NORTH PORTION OF BUILDING:

EAST SIDE YARD: 6'
WEST SIDE YARD: 59'
TOTAL: 65'

SOUTH PORTION OF BUILDING:

EAST SIDE YARD: 6'
WEST SIDE YARD: 60'
TOTAL 66'



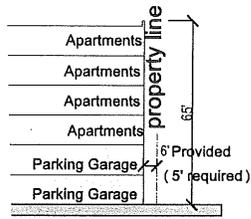
HUMPHREYS & PARTNERS ARCHITECTS, L.P.
5339 Alpha Rd., Suite 300, Dallas, TX 75240 | 972.761.9525 | www.humphreys.com

DOLPHIN DEPOT, LLC

ARCHITECTURAL SITEPLAN
SCHEME 07
March 23, 2017

DOLPHIN DEPOT
Jacksonville Beach, FL
HPAF 1601

A-201





CONDITIONAL USE APPLICATION

PC No. 15-17
AS/400# 17-100046
HEARING DATE 4-24-17

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: City of Jacksonville Beach
Mailing Address: 11 North 3rd Street

Telephone: (904) 247-6231
Fax: _____
E-Mail: hireland@jaxbchfl.net

Applicant Name: City of Jacksonville Beach, Planning & Development
Mailing Address: 11 North 3rd Street

Telephone: (904) 247-6231
Fax: _____
E-Mail: hireland@jaxbchfl.net

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

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

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

PROJECT DATA

Street address of property and/or Real Estate Number: Right-of-way adjacent to 11th Street N. and 8th Avenue N.

Legal Description of property (attach copy of deed): South west corner of intersection of 11th Street and 8th Avenue North.

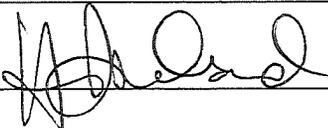
Current Zoning Classification: RS-1 Future Land Use Map Designation: LDR

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: Section 34-336 (d) (4)

Describe the proposed conditional use and the reason for the request: _____

Request is for essential public service in RS-1 to install a new raw water well in the right-of-way located on the southwest corner of the intersection of 11th Street N. and 8th Avenue N. Well #16.

Applicant Signature: 

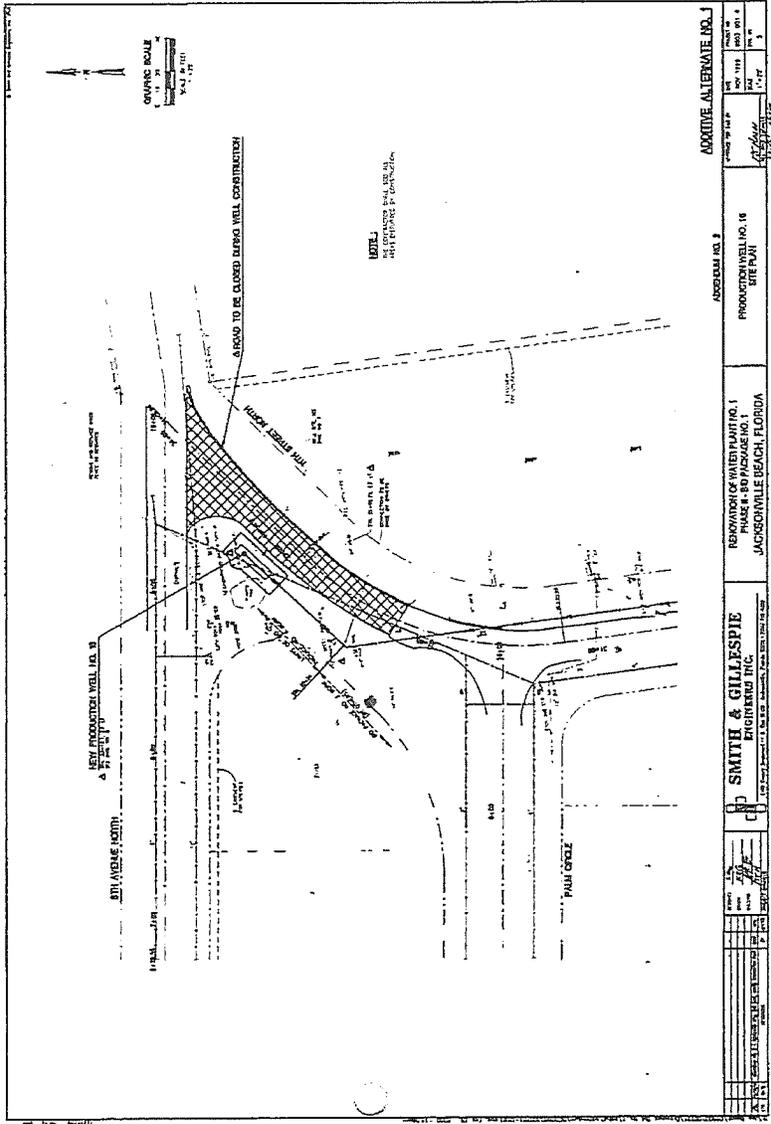
Date: 3/22/17

PROPERTIES
DUVAL MAPS

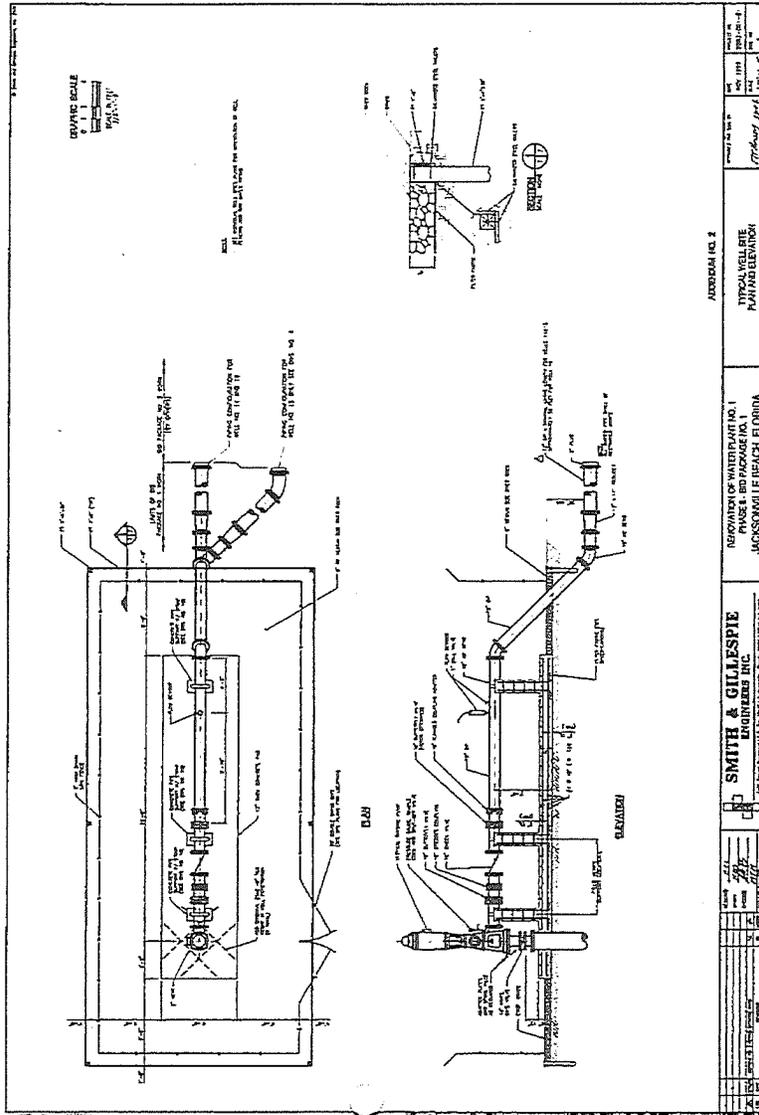
PC# 15-17



PC# 15-17

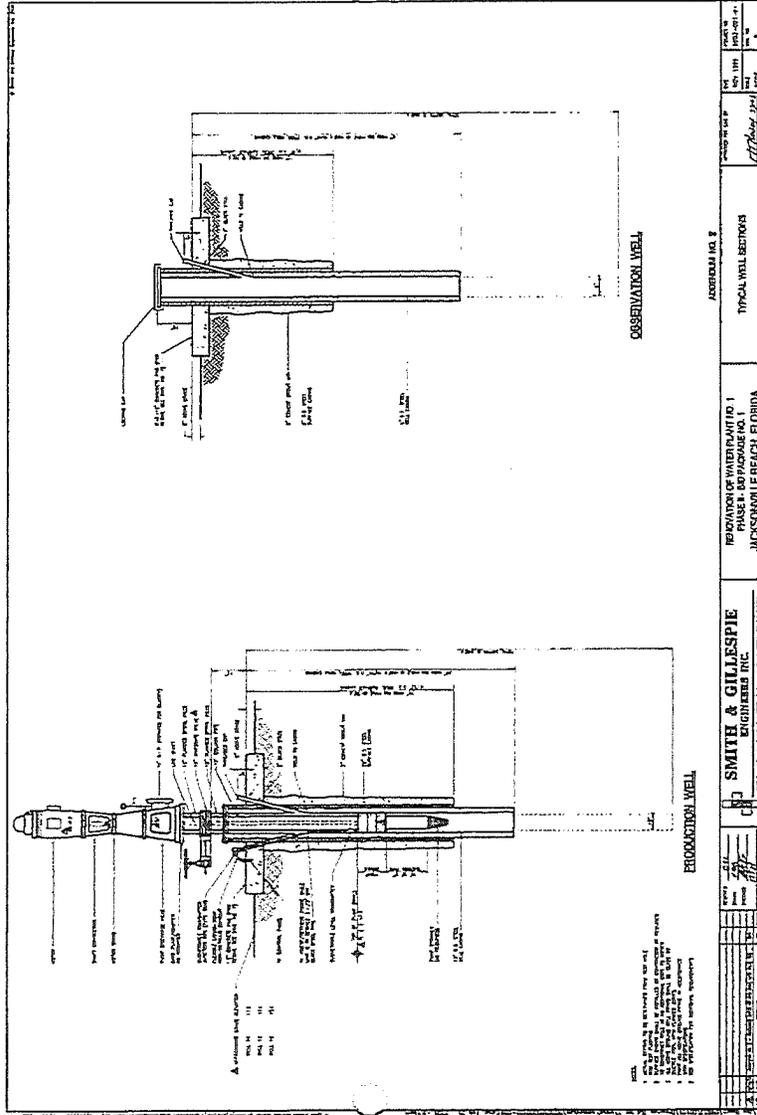


PC# 1517



SMITH & GILLESPIE ENGINEERS 1000 N. GULF BLVD. JACKSONVILLE, FLORIDA 32202		PROJECT NO. 1517 SHEET NO. 1	
PROJECT NO. 1517 SHEET NO. 1		ADDRESS NO. 2 TYPICAL WELLBORE PUMP AND ELEVATOR	
PROJECT NO. 1517 SHEET NO. 1		PROJECT NO. 1517 SHEET NO. 1	

PC#15-17



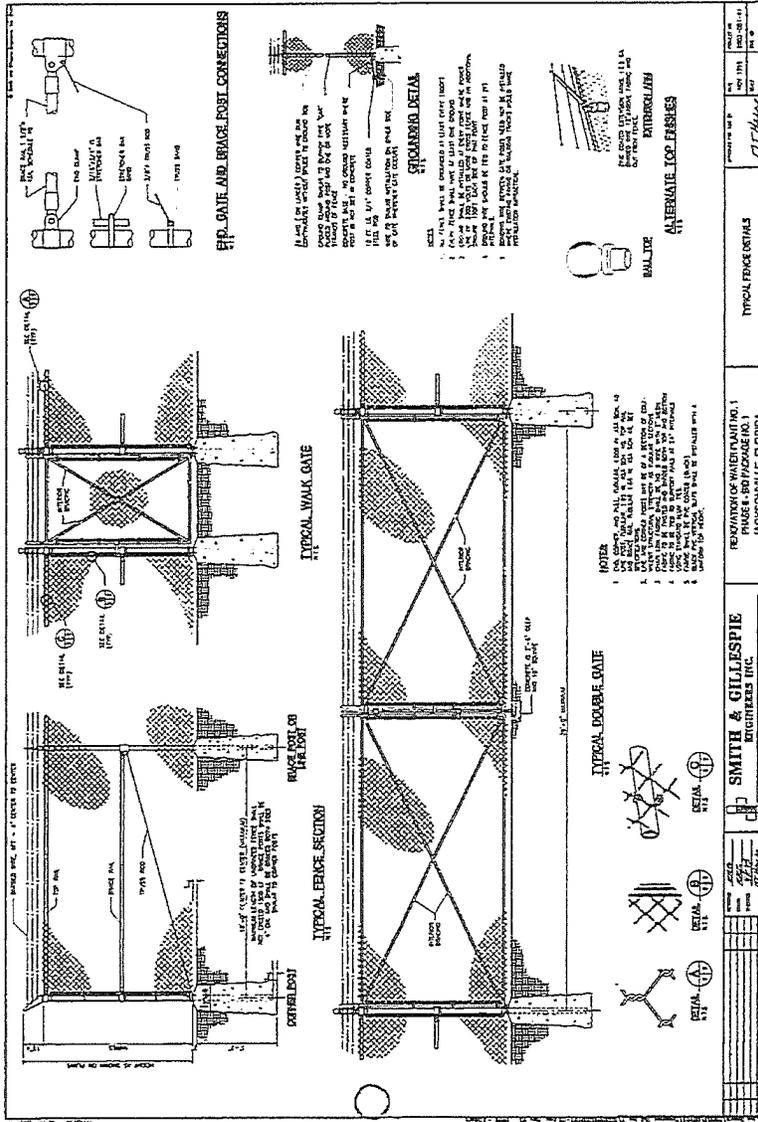
- NOTES:
1. See drawing for details of well.
 2. All materials shall be of standard quality.
 3. All work shall be done in accordance with the Florida Building Code.
 4. All work shall be done in accordance with the Florida Electrical Code.
 5. All work shall be done in accordance with the Florida Mechanical Code.

REGULATED WELL

OBSERVATION WELL

SMITH & GILLESPIE ENGINEERS INC. 1000 W. UNIVERSITY BLVD., SUITE 200 JACKSONVILLE, FLORIDA 32211		ADDRESS: HA 2 TYPICAL WELL DETAILS		DRAWN BY: [Signature] CHECKED BY: [Signature]
PROJECT NO. 15-17	SHEET NO. 1	DATE: 11/11/17	SCALE: AS SHOWN	TOTAL SHEETS: 1

PC#15-17



RIGHT TURN PER 11.00

PC#15-17

