

Introduced by: Council Member Sandy Golding
1st Reading: February 20, 2024
2nd Reading: March 4, 2024

ORDINANCE NO. 2024-8209

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jacksonville Beach, Florida, heretofore enacted and established a Land Development Code and Zoning Atlas for said City; and

WHEREAS, the owners of certain lands in the City, more particularly described herein, have applied to the City Council for the rezoning of those lands from Commercial Service: CS to Planned Unit Development: PUD; and

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

WHEREAS, all future development actions on the lands described herein shall be in accordance herewith, the City's Comprehensive Plan and Land Development Code, as applicable.

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

SECTION 1. The City Council has considered the adoption of this Ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that this rezoning will not result in an adverse change in the community in which it is located.

SECTION 2. The City Council has considered the adoption of this Ordinance based on the standards listed in Section 34-348(j)(3) of the Land Development Code and hereby finds that the preliminary development plan for the PUD complies with the standards therein.

SECTION 3. The Land Development Code and Zoning Atlas previously adopted by the City Council of the City of Jacksonville Beach, Florida, be and the same is hereby amended and, as amended, shall henceforth read as follows:

That all of the certain land in the City of Jacksonville Beach, Florida, described in the "Legal Description of Applicant's Property" attached hereto as Exhibit "A", that is heretofore zoned as CS be and the same is hereby designated as Planned Unit Development: PUD, so that henceforth the same shall be classified and construed to be embraced within the meaning and subject of the general provisions of the Planned Unit Development: PUD zoning category as provided in Article VII, Section 34-348 of the Jacksonville Beach Land Development Code (Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach, Florida), subject to the following additional limitations:

- A. The rezoning application dated September 20, 2023, attached hereto as Exhibit "B" (including project narrative description as amended), and Preliminary PUD Development Plan titled "Site Plan" dated September 20, 2023 (attached thereto), which have been submitted to the City of Jacksonville Beach Planning and Development Department, are hereby adopted and incorporated as part of this amendment to the Jacksonville Beach Land Development Code and Zoning Atlas.
- B. The project shall be generally carried out in accordance with the presentments of the rezoning application, the project narrative, and the preliminary site development plan.

SECTION 4. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 6. SCRIVENER'S ERRORS. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager without the need for a public hearing or further action by the City Council.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED this 4th day of March, 2024.


Christine H. Hoffman, Mayor


Sheri Gosselin, City Clerk

Exhibit 1

Legal Description

Lot 1, Block 16, Pablo Beach South, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 28, of the Public Records of Duval County, Florida.



REZONING APPLICATION

Ordinance No. 2024-8209 Exhibit "B"

RECEIVEDPC No. 19-23AS/400# 23-100110PC HEARING 10/11/23

This form is intended for use by persons applying for a change in the boundaries of a specific property or group of properties under the person or persons control. A rezoning 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 may be approved except in conformance with the Jacksonville Beach 2030 Comprehensive Plan Elements. An application for a rezoning 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. A separate fee for advertising costs will be assessed accordingly.

APPLICANT INFORMATION

Land Owner's Name: South Jax Rentals, LLC.Telephone: 904-746-7002Mailing Address: 504 1st Ave. South

Fax:

Jax Beach, FL. 32250

E-Mail:

Applicant Name: Brad WesterTelephone: 904 294 3768Mailing Address: 1 Independent Dr. Suite 1200

Fax:

Jax, FL. 32202E-Mail: bwester@drivermc2fee.com

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

Agent Name: See above.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 professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: 175616-0000 (504 1st Ave South)Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): See attachedCurrent Zoning Classification: CS Future Land Use Map Designation: CommercialProposed Zoning Classification: PUD

REQUIRED INFORMATION

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

Applicant Signature: [Signature]Date: Sept 20, 2023

Agent Authorization


City of Jacksonville Beach
 Planning and Development Department
 City Hall First Floor
 11 North Third Street
 Jacksonville Beach, Florida 32250

Re: **Agent Authorization for 504 1st Avenue South, Jacksonville Beach, FL 32250
 (RE# 175616-0000)**

Ladies and Gentlemen:

You are hereby advised that Benjamin S. Groshell, a manager of South Jax Rentals, LLC, a Florida limited liability company, hereby authorizes and empowers Driver, McAfee, Hawthorne & Diebenow, PLLC, to act as agent to file an application for rezoning and such other entitlements as may be required for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change to accommodate a 'commissary' and similar 'provisions' for restaurant operations as submitted to the Jacksonville Beach Planning and Development Department.


**South Jax Rentals, LLC, a Florida limited
 liability company**

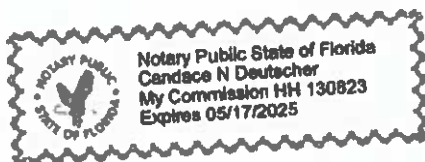

 Benjamin S. Groshell, manager

STATE OF Florida
 COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 17th day of October, 2022 by, Benjamin S. Groshell, a manager of South Jax Rentals, LLC, a Florida limited liability company, on behalf of the company, who is ☒ personally known to me or ☐ has produced _____ as identification.

[Notary Seal]


 (Notary Signature)



Agent Authorization

City of Jacksonville Beach
 Planning and Development Department
 City Hall First Floor
 11 North Third Street
 Jacksonville Beach, Florida 32250

**Re: Agent Authorization for 504 1st Avenue South, Jacksonville Beach, FL 32250
 (RE# 175616-0000)**

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South Jax Rentals, LLC, a Florida limited liability company

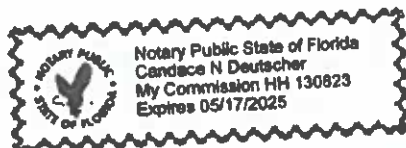

 Benjamin S. Groshell, manager

STATE OF Florida
 COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☐ physical presence or online notarization, this 17th day of October, 2022 by, Benjamin S. Groshell, a manager of South Jax Rentals, LLC, a Florida limited liability company, on behalf of the company, who is ☒ personally known to me or ☐ has produced _____ as identification.

[Notary Seal]


 (Notary Signature)




File Number: 15-9642C

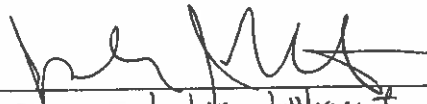
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.


Signed, sealed and delivered in our presence:


Witness Printed Name DEBORAH A. CARROLL

 (Seal)
Wayne Knight Ramsay, III, individually
and as Trustee of the Ramsay Family
Revocable Trust under agreement dated
September 6, 2012

Address: 803 6th Avenue North, Jacksonville Beach, Florida
32250

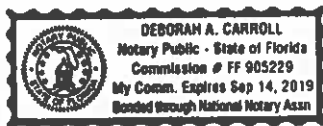

Witness Printed Name Joshua J. Nugent

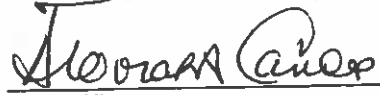
 (Seal)
Debra Ann Ramsay, individually and as
Trustee of the Ramsay Family Revocable
Trust under agreement dated September 6,
2012

Address: 803 6th Avenue North, Jacksonville Beach, Florida
32250

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 14th day of September, 2015, by Wayne Knight Ramsay, III, and Debra Ann Ramsay, individually and as Trustees of the Ramsay Family Revocable Trust under agreement dated September 6, 2012, who are personally known to me or who have produced drivers license as identification.




Notary Public
Print Name: _____
My Commission Expires: _____
Notary Seal

NARRATIVE DESCRIPTION
Southern Provisions Commissary
Proposed Rezoning from CS to PUD District
February 22, 2024

South Jax Rentals, LLC ("Owner") proposes to rezone approximately 0.14 acres of property from Commercial Service ("CS") to Planned Unit Development ("PUD") at 504 1st Avenue South, (RE# 175616-0000, the "Property"). The following is a description of the proposed PUD and the Preliminary Development Plan ("PDP") supporting same. Also included is an explanation of why the proposed development complies with the standards governing PUD rezonings and PDPs in the City of Jacksonville Beach ("City") Land Development Code ("LDC").

I. INTRODUCTION

The Property is located within the Commercial functional land use category according to the Future Land Use Map ("FLUM") series adopted as part of the 2030 Comprehensive Plan and is zoned CS.

Owner requests this PUD rezoning to permit improvements to the site, including replacing the old converted single-story residential structure (circa 1928) and accessory structures at the corner of 1st Avenue South and 5th Street South with a new building and parking on the Property for the existing allowable uses within CS zoning and add commissary use (the "Project").

Currently, the Property is used for office, warehouse, processing and distribution of provisions for restaurants. However, commissary use, as needed and described specific to cooking, preparation, packaging and distribution of cooked food items, is not a listed use in CS zoning. Commissary use will be included in this PUD.

The Property is in a predominantly commercial area generally southwest of the Beach Boulevard and 3rd Street intersection. Other uses in the immediate area include mini-warehouse storage to the east, Publix grocery store and retail shopping center to the northeast, C Side plant and garden nursery to the north, vacant land and Quadraplex residential unit to the west, and an existing residence to the south, separated by a 12' open alley.

II. PRELIMINARY DEVELOPMENT PLAN

- A. Submission of application.* Following the preapplication conference, an application for rezoning and a PDP for PUD zoning district classification shall be submitted to the Planning and Development Director, along with a nonrefundable application fee which is established from time to time by the City Council to defray the actual cost of processing the application.
- B. Contents of application.* The rezoning and PDP application shall include the following information:
 1. The names, address and telephone number of the owners of record of the land proposed for development.

Owner: South Jax Rentals, LLC
 504 1st Avenue South
 Jacksonville Beach, FL 32250
 (904) 746-7002

2. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.

There is no difference between the Owner and developer.

3. The name, address and telephone number of the agent of the applicant, if there is an agent.

Applicant/Agent: Brad Wester & Steve Diebenow
 Driver, McAfee, Hawthorne & Diebenow, PLLC
 One Independent Drive, Suite 1200
 Jacksonville, FL 32202
 bwester@drivermcafee.com
 sdiebenow@drivermcafee.com
 (904) 301-1269

4. The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting with the application.

General Contractor: Ronnie Leinwohl, PE
 Urban Partners
 13553 Atlantic Blvd.
 Jacksonville, FL 32225
 904-270-2225

Civil Engineer: Robert K. Phillips, PE
 1550 Selva Marina Drive
 Atlantic Beach, FL 32233
 904-903-8715

Architect: Kevin Connors
 Connors Design Group, LLC
 106B Canal Boulevard
 Ponte Vedra Beach, FL 32082
 904-484-8659

5. The name, address and legal description of the land on which the PDP is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.

The Property includes the addresses as defined above. The legal description and deeds are attached hereto as Exhibit 1.

6. A copy of the relevant Duval County Property Appraiser map, showing the exact location of the land proposed for development, with the boundaries already marked.

The Property Appraiser Map and Aerial is attached hereto as Exhibit 2.

7. An eight and one-half (8 ½) by eleven (11) vicinity map locating the proposed land for development.

The vicinity map is attached hereto as Exhibit 3.

8. A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Comprehensive Plan. The statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.

- i. Description of Character of Proposed Development.

The Property is located generally southwest of the Beach Boulevard and 3rd Street intersection, within a predominantly commercial area and currently designated Commercial by the 2030 Comprehensive Plan and zoned CS. Consistent with its location, the Project proposes to replace the old single-story residential structure and accessory structures with a new two-story metal building and parking on the Property.

Currently, the Property is used for office, warehouse, processing and distribution of provisions for restaurants. The commissary use, to be included in the PUD, is needed for cooking, preparation, packaging and distribution of food items. The cooking, preparation and packaging work related to the commissary use will be limited to the interior of the structure. The existing use and proposed commissary use is compatible with various commercial uses in the immediate area, including grocery, restaurant, landscaping/nursery supply, and brewery/distribution type establishments.

The Project contemplates a single phase of development.

- ii. Consistency with Jacksonville Beach Community Redevelopment Plan.

The Project is not within the community redevelopment area.

9. A statement of the applicant's intention with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.

The Project is intended to remain in a similar form of ownership when constructed for the purposes previously described.

10. A description of the proposed development, including:

- i. The number and type of residential dwelling units. Currently, the Project contemplates the commercial use only, as previously described.
- ii. The approximate gross density for the residential development. The Project does not include any residential use.
- iii. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.

Current Future Land Use:

Commercial – 0.14 Acres

Current Zoning:

CS – 0.14 Acres

Current Square Footage:

±912 sf commercial building (converted residence structure to be replaced with new ±2,046 sf metal building). The existing ±1,515 sf commercial building will remain. There are two structures on the property now and there will be two structures when the project is completed. The structures will be attached and appear as one as depicted on the site plan and floor plan exhibits.

Current Lot Coverage:

67.56%

Proposed Zoning:

PUD – 0.14 acres

Proposed Square Footage:

±2,046 sf commercial building (after replacing the existing ±912 sf converted residence structure). There are two structures on the property now and there will be two structures when the project is completed. The structures will be attached and appear as one as depicted on the site plan and floor plan exhibits.

Proposed Maximum Lot Coverage:

81.25%

11. A concept plan showing the location of all proposed buildings, the proposed traffic circulation system, and parking facilities.

The site plan showing the location of structures is attached hereto as Exhibit 4.

12. A tentative development schedule indicating:

- i. The approximate date when construction of the development can be expected to begin.

Construction will commence immediately after the PUD and or construction plans are approved.

- ii. The stages in which the development will be built and the approximate date when construction each stage can be expected to begin.

Construction will commence in a single stage with demolition and new construction immediately after the PUD and or construction plans are approved.

- iii. The approximate date when each stage of development will be completed.

Completion of the single stage demolition and new construction is anticipated to be within 1 year after the PUD and or construction plans are approved.

C. *Standards.* This PUD zoning district shall comply with the following standards:

1. *Land Area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
2. *Uses.* Permitted Uses including the following:
 - a. Commissary use which includes cooking, preparation, packaging and or distribution of provisions for eating off-premises.
 - b. Uses in the CS zoning district as permitted by right and permitted as accessory uses. Conditional uses are allowed subject to the CS zoning district standards and procedures.
3. *Traffic circulation control and parking.* Traffic circulation and parking is to be provided by way of 1st Avenue South and 5th Street South with direct connections to surrounding streets including Beach Boulevard and 3rd Street, as shown on the site plan attached hereto as Exhibit 4.
4. *Site design and lot layout standards.* Site design and lot layout standards are shown on the site plan attached hereto as Exhibit 4.

5. *Off-street parking and loading.* Four (4) parking spaces total to include two (2) standard spaces, one (1) ADA space, and one (1) van parking space. Parking and loading is provided as shown on the site plan attached hereto as Exhibit 4.
6. *Open space requirements.* Not applicable.
7. *Signage.* All signs erected shall be consistent with standards of Article VIII, Division 4.
8. *Landscaping.* Consistent with the standards of Article VIII, Division 3.
9. *Environmental.* The stormwater management and flood protection standards shall be consistent with the standards in Article VIII, Division 5.
10. *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary and adequately service the development.
11. *Adequate public facilities.* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article X, Adequate public facilities standards. Solid waste will be collected on site within appropriate dumpster and or compactor facilities.
12. *Comprehensive plan consistency.* The proposed redevelopment is consistent with and furthers the general purpose and intent of the 2030 Comprehensive Plan, specifically contributing to the following goals, objectives and policies:

Future Land Use Element:

- i. Goal LU.1 – Provide for a continued high quality of life in Jacksonville Beach by planning for population growth, public and private development and redevelopment, energy conservation; and the proper distribution, location, and extent of land uses by type, density, and intensity consistent with efficient and adequate levels of services and facilities, and the protection of natural and environmental resources.
- ii. Policy LU.1.2.2 – An adequate amount of land exists in developed areas or areas being developed for neighborhood and general commercial, office and service, lodging, and industrial use in the City, or is planned for assembly and redevelopment to meet the needs of the projected resident, seasonal and day visitor populations through the planning period. Future commercial space needs of this type shall be met through in-fill development adjacent to similar uses or through redevelopment in designated areas.
- iii. Policy LU.1.2.3 – The intensity of development in areas where in-fill development for commercial, office, service, or industrial use is proposed shall conform to the level of intensity on adjacent properties or as specified in the adopted Community Redevelopment Plans. A market analysis shall be required to accompany any

application involving a proposed Future Land Use Map change from a residential land use category to a commercial land use category.

- iv. Policy LU.1.2.4 Land development regulations for commercial and industrial areas shall be revised utilizing the Standard Industrial Classification system as the basis for recognizing both the similarities and differences among the various types of economic activity within the community. The range of permitted uses shall be revised and additional zoning classifications created in necessary to acknowledge the performance characteristics of different land uses.
- v. Policy LU.1.2.6 The City recognizes that urban sprawl; as evidenced by the incidence of "leapfrog" development, strip commercial development, and large expanses of low-density, single dimensional land uses presents a fiscally and environmentally unsound urban form. However, in a mature community like Jacksonville Beach, development patterns have long been set. Nevertheless, it is the intent of the City to enforce its land development regulations in a manner which will discourage the development or extension of commercial strips, allow for mixed use development where appropriate, and support the redevelopment or revitalization of existing commercial areas.
- vi. Objective LU.1.4 – Future land development activities shall be directed to appropriate areas as described in this Future Land Use Element or as depicted on the Future Land Use Map. All future land use shall be consistent with sound planning principles and the limitations of the natural environment including sensitivity to problems posed by greenhouse gas generation, topographic and soil conditions, conservation-protected lands such as estuarine wetlands and the beach, and conservation-restricted lands such as palustrine wetlands and flood prone areas including the coastal zones. Future land development activities shall be considerate of the need to preserve and protect historic resources; the desired community character, and the goals, objectives, and policies relating to the development of the land embodied in the other Elements of this Plan.
- vii. Objective LU.1.9 – Design of Commercial and Industrial Developments. Commercial and industrial development/ redevelopment will be designed to enhance access and circulation, and result in a positive and attractive built environment.

Transportation Element

- i. Objective TE 1.4 – Provide for safe and convenient traffic flow and parking.
 - ii. Policy TE 1.4.6 – The City shall require all new commercial, institutional, and industrial uses to provide off-street loading zones. Such zones shall have minimum dimensions of twelve (12) feet by forty (40) feet.
13. *Time limitations.* The receipt of a development order for this PUD zoning shall expire at the end of one (1) year after the date of its initial approval, which is to begin the day after the appeal period ends, unless an application for a development permit for a development plan has been submitted to the planning and development director. Only one (1), one (1) year extension shall be granted by the City Council upon written application to the Planning

and Development Director. Written application requesting the extension shall be submitted to the Planning and Development Director no later than thirty (30) working days before the date that the development order is to expire. The timelines and year-long extension herein shall be in addition to any pause, tolling and/or extension provided by federal, state or local law regarding state of emergencies, including but not limited to such relief offered in section 252.363, *Florida Statutes* (2021). Once a timely application for a development permit for a development plan has been submitted, any subsequent application may be filed notwithstanding the time provisions herein.

14. *Minor deviation to PDP.* Minor deviations shall be allowed pursuant to the LDC.
15. *Amendments to PDP.* Amendments to the preliminary development plan shall be allowed pursuant to the LDC.
16. *Development plan.* An application for development plan shall be filed according to the time limitations set forth in section III.C.14. of this PUD rezoning.

Exhibit 1

Legal Description

Lot 1, Block 16, Pablo Beach South, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 28, of the Public Records of Duval County, Florida.



Exhibit 3
Vicinity Map

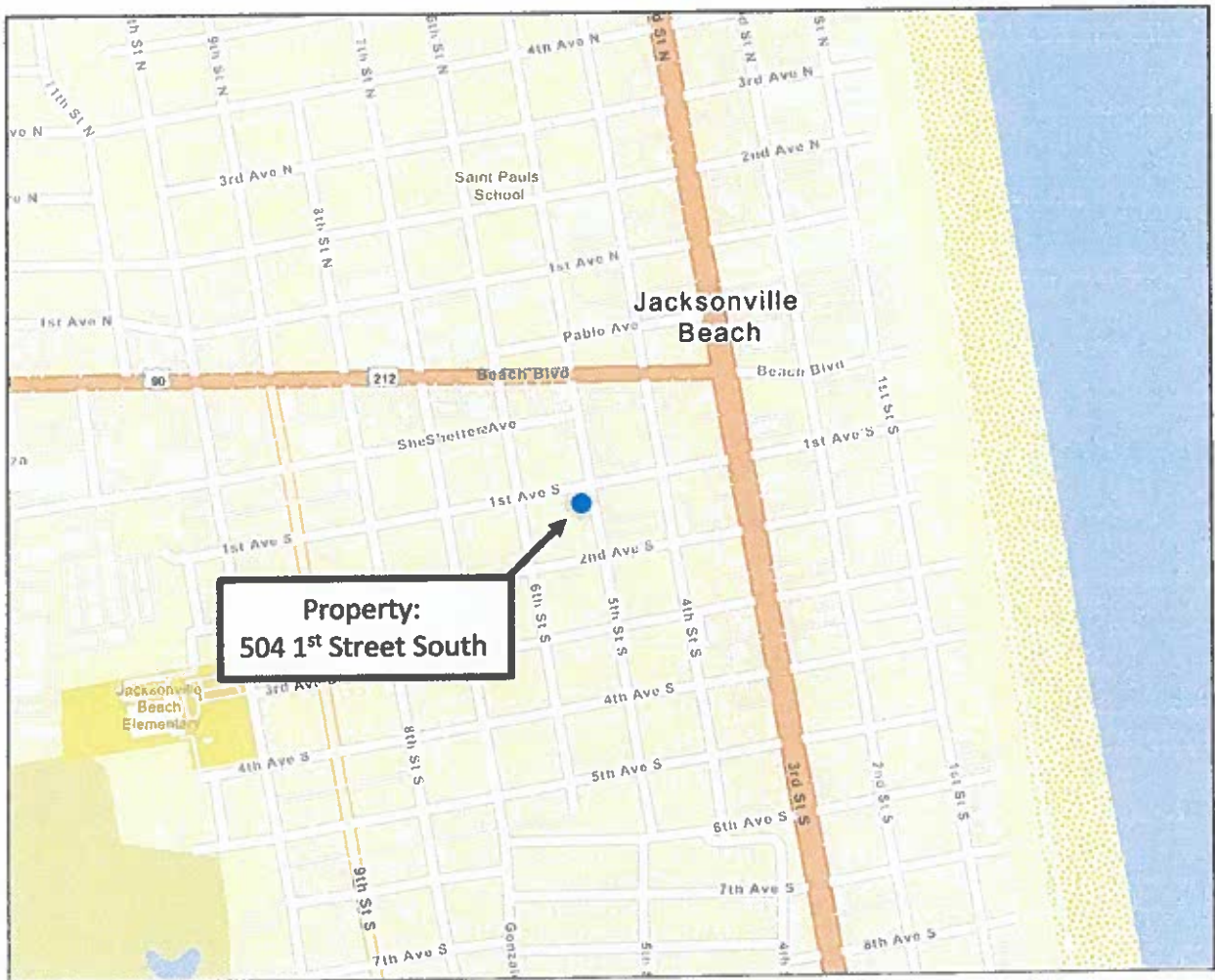
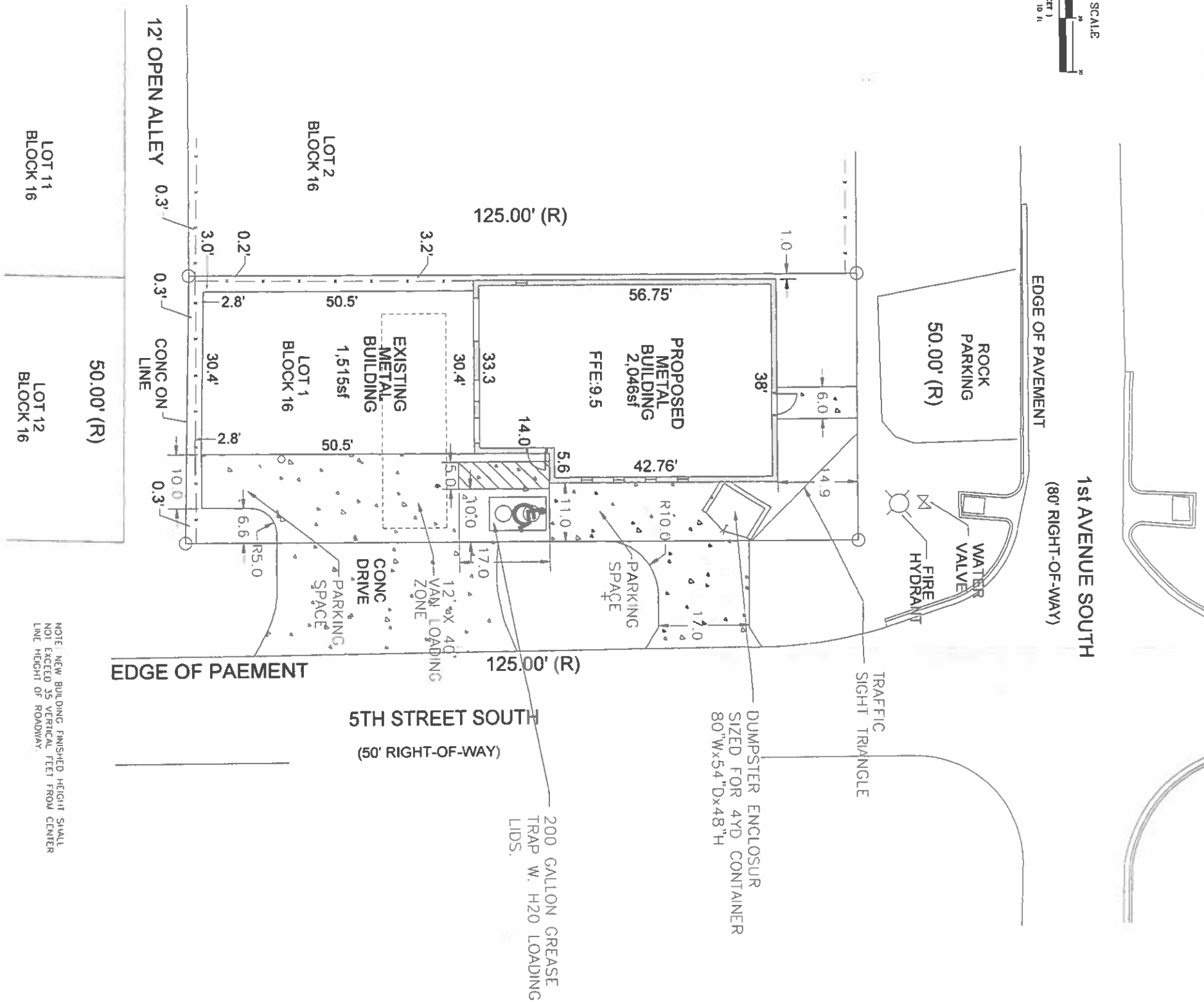
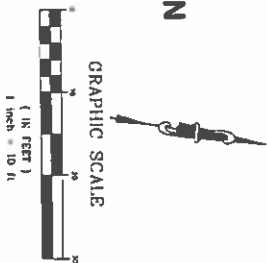


EXHIBIT 4
PUD SITE PLAN



NOTE: NEW BUILDING FINISHED HEIGHT SHALL NOT EXCEED 35 VERTICAL FEET FROM CENTER LINE HEIGHT OF ROADWAY.

504 1ST AVE. S. COMMERCIAL BUILDING
504 1ST AVENUE SOUTH
JACKSONVILLE BEACH, FLORIDA

EXHIBIT 4 PUD SITE PLAN

REVISIONS:

JAX BEACH MOD 6/22



Robert K. Phillips, PE
1550 Selva Marina Drive
Atlantic Beach, Florida 32233
(904) 903-8715 • rkphillipspe@gmail.com
FL PE 48898

DATE: **SEPT 20 2023**
SCALE: **1" = 10'**

PROJECT NO.: **3000-22**
DRAWING NUMBER: **5**