

Introduced by: Council Member Jeanell Wilson

1st Reading: April 4, 2016

2nd Reading: April 18, 2016

**AS AMENDED**

**ORDINANCE NO. 2016-8070**

**AN ORDINANCE ESTABLISHING A *REDEVELOPMENT DISTRICT: RD* ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.**

**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 limited: C-1* to *Redevelopment District: RD*.

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

**SECTION 1.** That 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 amendment will not result in an adverse change in the community in which it is located.

**SECTION 2.** That 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 territory in the City of Jacksonville Beach, Florida, described as follows, to wit:

Parcel One

Lots 46, 47, 48 and 49, *Flagler Tract*, according to the Plat thereof as recorded in Plat Book 15, Page 50 of the current records of Duval County, Florida; and

Parcel Two

Lots 1 and 2, Block 72, and Lot 7, Block 72 except that part conveyed in Official Records Book 170, pages 518; and the north 50 feet of Lot 8 Block 72, *Pablo Beach North*, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said *Pablo Beach North*, the alley abandoned by Ordinance No. 7298.

#### Parcel Three

Part of Lot 7, Block 72, *Pablo Beach North*, according to the plat thereof, as recorded in Plat Book 3, Page 28, Public Records of Duval County, Florida, being more particularly described as follows:

Beginning at a point where the east line of the right of way of the Florida East Coast Railway crosses the north line of Mier Avenue; thence running east 75 feet to the east line of said Lot 7; thence North along the east line of said Lot 7 a distance of 77 feet to a point; thence west to a point in the west line of said Lot 7 (which point is 80 feet north of said Mier Avenue); thence South along the west line of said Lot 7, a distance of 80 feet to the Point of Beginning.

and

The south 75 feet of Lot 8, Block 72, *Pablo Beach North*, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

(Parcel Two and Parcel Three combined described as follows):

Lots 1, 2, 7, and 8, Block 72, *Pablo Beach North*, according to the plat thereof recorded in Plat Book 3, Page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1, and 2 and north of Lots 7 and 8, Block 72, said *Pablo Beach North*, abandoned by Ordinance No. 7298 (said Ordinance referred to as Ordinance No. 075 in the Certificate of Title recorded in Official Records Book 6942, Page 815, Public Records of Duval County, Florida.

Heretofore zoned as *Commercial limited: C-1*, be and the same is hereby designated as *Redevelopment District: RD*, so that henceforth the same shall be classified and construed to be embraced within the meaning and subject of the general provisions of the *Redevelopment District: RD* zoning category as provided in Article VII, Section 34-347 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 January 22, 2016, including project narrative dated January 22, 2016, attached hereto as Exhibit A, and Conceptual Site Development Plan and color Project Rendering sheets, both dated January 22, 2016 and together attached hereto as Exhibit B, 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.

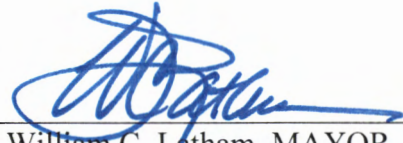
- B. The project shall be generally carried out in accordance with the presentments of the rezoning application, project narrative, and conceptual site development plan, including but not limited to the following:
1. Maximum building height – Sixty-eight (68) feet.
  2. Permitted structure(s) shall be set back a minimum of six (6) feet from the easterly boundary line of the subject property, and a minimum of fifty-nine (59) feet from the westerly boundary lines of the subject property.
  3. A minimum of one hundred and sixty-three (163) off-street parking spaces shall be provided.
- C. Permitted uses shall be limited to a maximum of fifty-four (54) residential dwelling units, a maximum of thirty-six (36) hotel rooms, and a maximum of 2,500 square feet of commercial space. Permitted uses within the commercial space shall be limited to the permitted uses of the *Commercial limited: C-1* zoning district, pursuant to Land Development Code Section 34-342(b), except for those uses specifically prohibited within *Redevelopment District: RD* zoning districts pursuant to Land Development Code Section 34-347(c)(3) i. 2. ii.
- D. Signage within the subject property shall comply with the standards of Land Development Code Article VIII, Division 4. – Sign Standards.

**SECTION 3.** ~~In the event that a building permit application for the development proposed in Rezoning Application PC#4-16 has not been accepted by the City within thirty-six (36) months following the adoption of this ordinance, the rezoning shall be rendered null and void, and the *Commercial limited: C-1* zoning designation of the subject property shall be re-instated. Time limitations for the development order for the preliminary development plan for RD zoning district classification shall be as set forth in Land Development Code Section 34-347(c)(3) m. Time limitations.~~

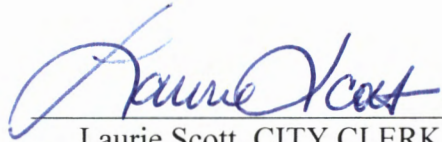
**SECTION 4.** All ordinances or parts of ordinances in conflict herewith be, and the same are, to the extent the same may be in conflict, hereby repealed.

**SECTION 5.** This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED THIS 18<sup>th</sup> DAY OF April, 2016.

A handwritten signature in blue ink, appearing to read "W. Latham", written over a horizontal line.

William C. Latham, MAYOR

A handwritten signature in blue ink, appearing to read "Laurie Scott", written over a horizontal line.

Laurie Scott, CITY CLERK



# REZONING/TEXT AMENDMENT APPLICATION

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

## APPLICANT INFORMATION

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

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

Telephone: (904) 249-1003

Fax: (904) 249-6789

E-Mail: scott@jbritz.com

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

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

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

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

## TEXT AMENDMENT DATA

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

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

Applicant Signature: 

Date: 1/22/16

## Exhibit A

## Parcel One (173944-0000)

- c Lots 46, 47, 48 and 49, Flagler Tract, according to the plat thereof recorded in Plat Book 15, page 50, Public Records of Duval County, Florida.

## Parcel Two (174255-0000)

Lots 1 and 2, Block 72, Lot 7, Block 72 except that part conveyed in Official Records Book 170, page 518; and the north 50 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, the alley abandoned by Ordinance No. 7298.

## Parcel Three (174257-0000)

- a A part of Lot 7, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida, being more particularly described as follows:

Beginning at a point where the east line of the right of way of the Florida East Coast Railway crosses the north line of Mier Avenue; thence running east 75 feet to the east line of said Lot 7; thence North along the east line of said Lot 7 a distance of 77 feet to a point; thence west to a point in the west line of said Lot 7 (which point is 80 feet north of said Mier Avenue); thence South along the west line of said Lot 7, a distance of 80 feet to the Point of Beginning.

and

- c The south 75 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

(Parcel Two and Parcel Three combined described as follows:)

Lots 1, 2, 7 and 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, abandoned by Ordinance No. 7298 (said Ordinance referred to as Ordinance No. 7075 in the Certificate of Title recorded in Official Records Book 6942, page 815, Public Records of Duval County, Florida.

DEED - Special Warranty Deed - Corporate

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EXHIBIT "A"

## NARRATIVE DESCRIPTION

### PROPOSED AMENDMENT TO THE ZONING MAP DESIGNATION

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

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

**See Attached Exhibit #2.**

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

**See Attached Exhibit #3.**

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

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

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

**B. Existing Surrounding Uses:**

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

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

The owner of the subject property is proposing a six story, mixed use project with approximately 2,500 sf of commercial space, 54 multi-family units, and a maximum of 36 Hotel Rooms. A pool & deck will be located outside on the 3rd floor in the Southeast corner of the structure.

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

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

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

*General Objectives:*

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

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

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

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

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

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

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

The development follows already established street and utility patterns.

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

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

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

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

It is consistent with the Future Land Use Map Designation and the current CBD zoning.

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

The structure will be 65' in height which will consist of 2 levels of parking, 4 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 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 will 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:

Charlan Brock & Assoc

Butch Charlan

1770 Fennell St

Maitland, FL 32751

407-660-8900

Attorney:

Balch & Bingham

Steve Greenhut

841 Prudential Dr, Suite 1400

Jacksonville, FL

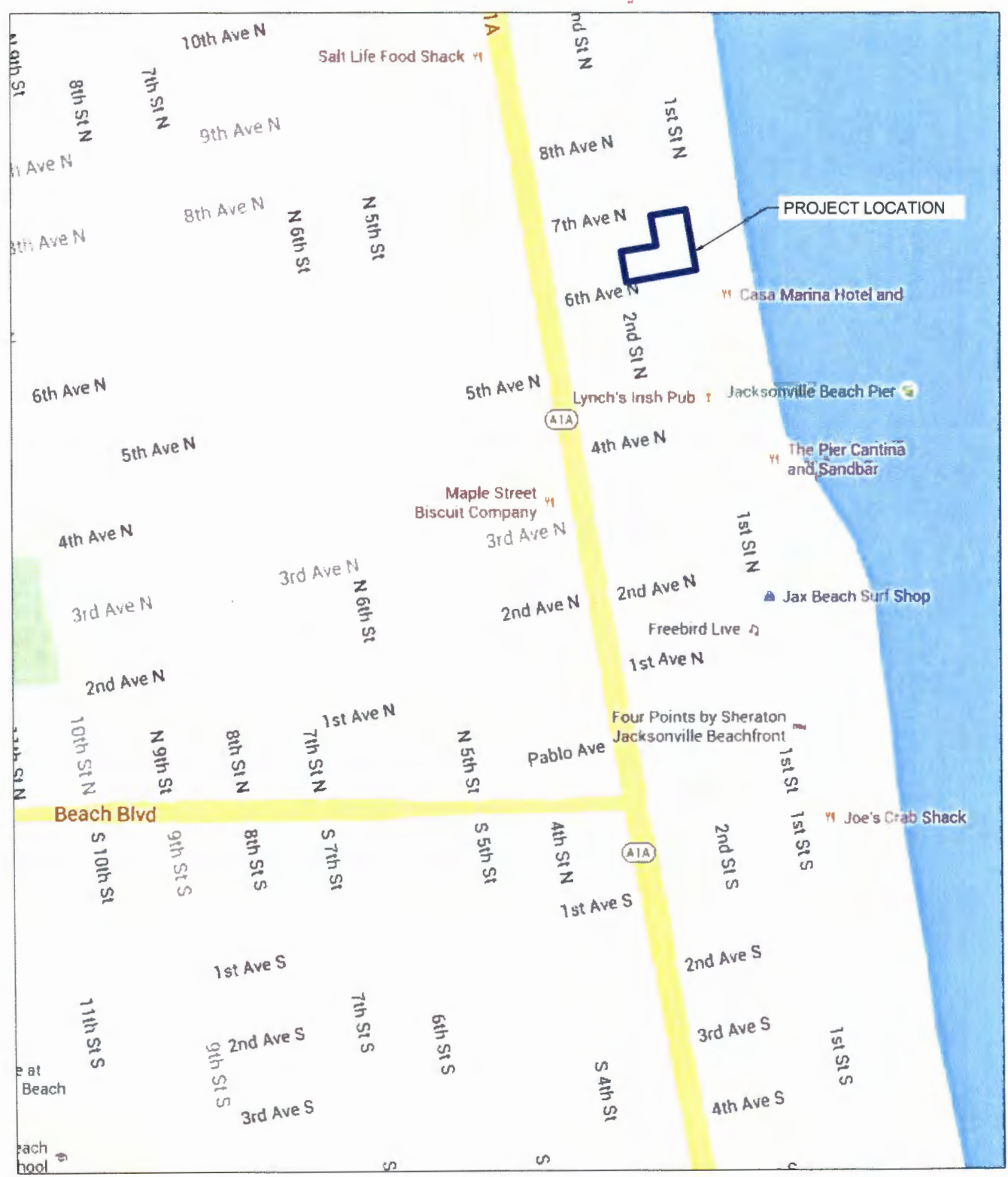
904-348-6855

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LOCATION MAP

Drawing name: K:\JAX\_Civd\045379003 - Dolphin Depot\Cadd\Exhibits\2015 Aerial.dwg SITE LOCATION Jan 19, 2016 3:45pm by: brian.deltach

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0 60  
SCALE FEET



2015 AERIAL

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

THIS DOCUMENT PREPARED  
BY AND RETURN TO:

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

**DRAFT**

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JAN 22 2016

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## 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, thirty-six 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"), thirty-six (36) 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

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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.

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

Signed, sealed and delivered  
in the presence of:

**“DECLARANT”**

DOLPHIN DEPOT, LLC, a Florida limited  
liability company

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

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

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

STATE OF FLORIDA

COUNTY OF DUVAL

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

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

NOTARY PUBLIC

State of Florida at Large

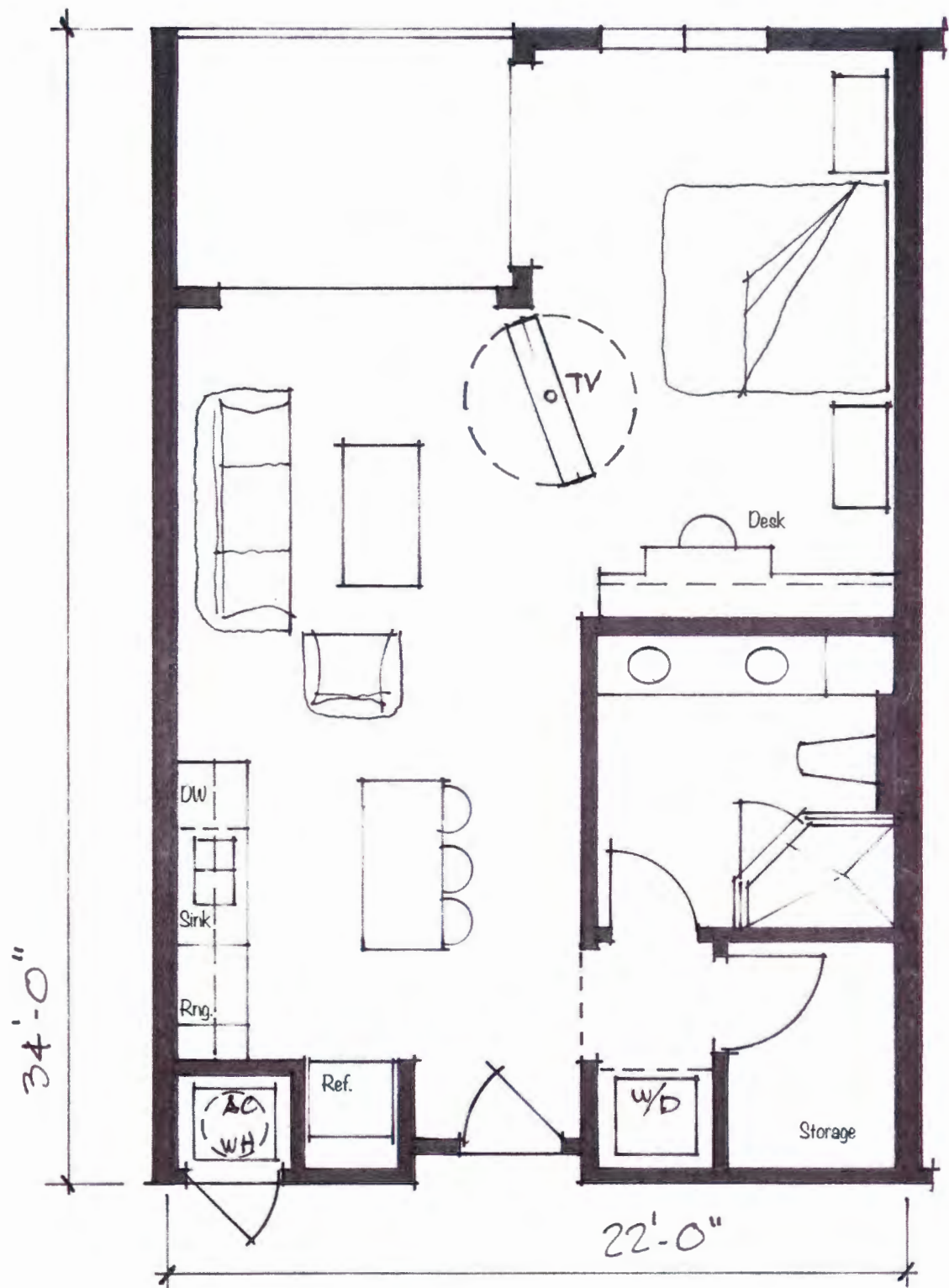
Commission # \_\_\_\_\_

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

Personally Known ☐ or

Produced ID ☐

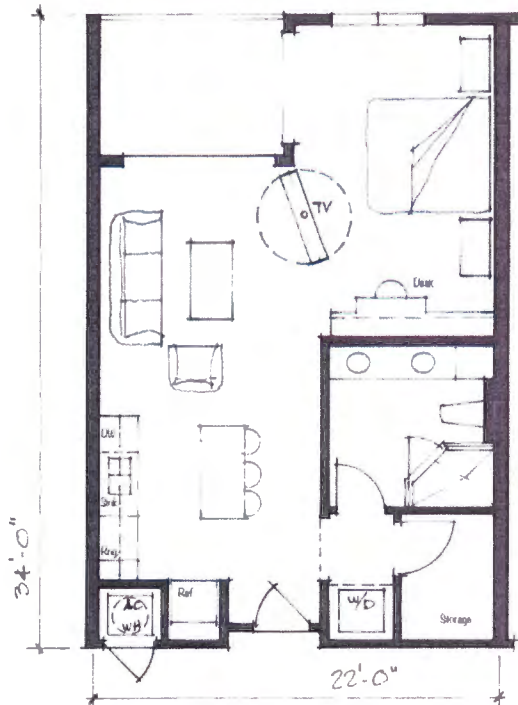
Type of Identification Produced: \_\_\_\_\_



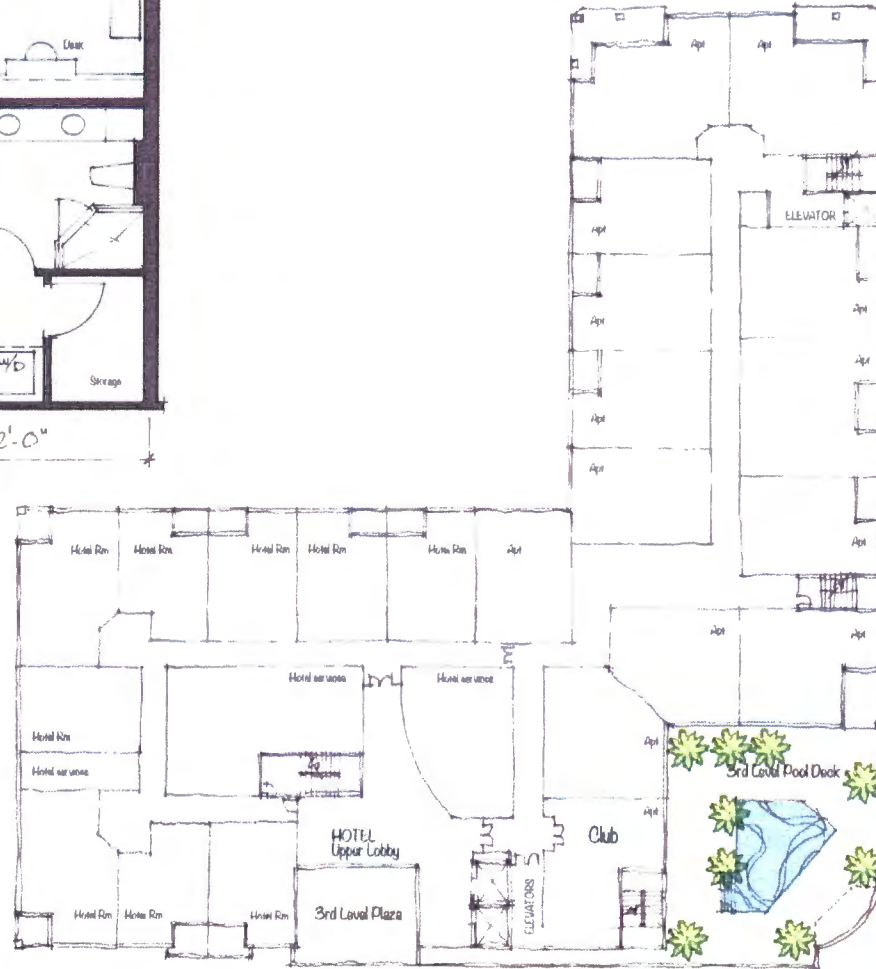
Typical Hotel Rm.  
670 sq. ft. ac

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Typical Hotel Rm.  
670 sq. ft. ac



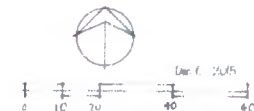
6th AVENUE NORTH

1st STREET NORTH

54 APARTMENTS  
36 HOTEL ROOMS  
2,500 SQ. FT. RETAIL

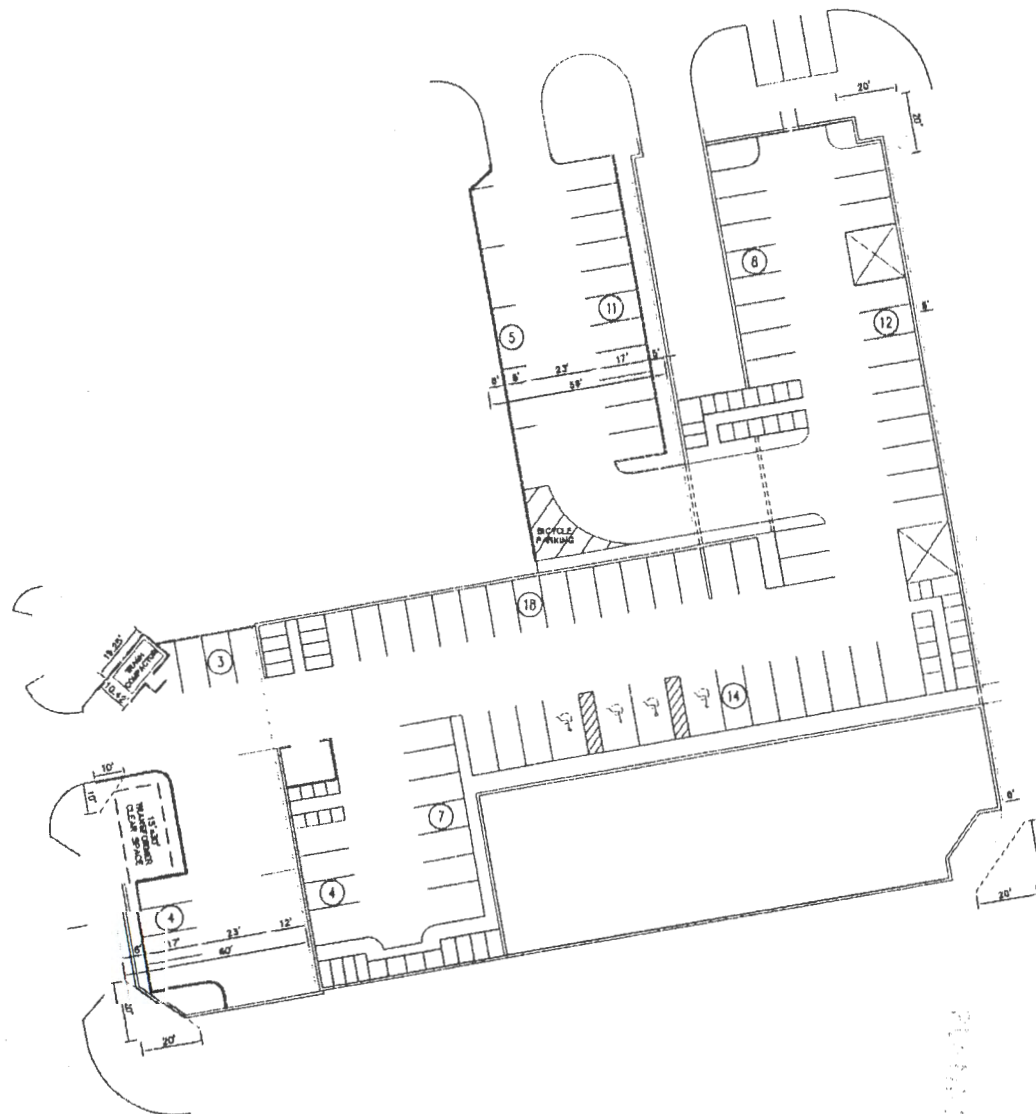
1ST LEVEL PARKING	
inside Bldg.	62
outside Bldg.	26
2ND LEVEL PARKING	77
TOTAL PARKING	165
REQ. PARKING	163

THE CONCEPT IS 4 LEVELS OF  
RESIDENTIAL OVER RETAIL AND  
2 LEVELS PARKING

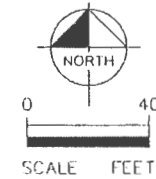


DOLPHIN DEPOT MIXED-USE APARTMENTS/HOTEL/RETAIL CONCEPTUAL SITE PLAN  
DEVELOPER JBI RITZ ARCHITECT CHARLAIN BRACK ASSOCIATES

3rd FLOOR, 4th, 5th and 6th similar



**DOLPHIN DEPOT**  
SITE PLAN



TOTAL SITE AREA: 1.36 ACRES

**LOT COVERAGE RATIO**

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

**PARKING**

**ONSITE:**

1ST LEVEL PARKING	
INSIDE BLDG.	63
OUTSIDE BLDG.	23
2ND LEVEL PARKING	78
TOTAL PARKING	164

**REQUIRED PARKING:**

54 UNITS	108 SPACES
2,500 SQ. FT. RETAIL	10 SPACES
36 HOTEL ROOMS	45 SPACES
TOTAL REQUIRED SPACES	163 SPACES
TOTAL PROVIDED SPACES	164 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'

**Kimley»Horn**



Dolphin Depot Mixed-Use  
Landscape & Site Plan

Conceptual Elevation - Sixth Avenue

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JAN 22 2016

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# FINDINGS OF FACT

April 18, 2016

**SUBJECT:** Ordinance No. 2016-8070, establishing a *Redevelopment District: RD* zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Pursuant to Article VI, Section 34-211(c) of the Land Development Code of the Jacksonville Beach Code of Ordinances, the City Council shall consider the adoption of an ordinance enacting an amendment to the Zoning Atlas or Code based on only one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.

- (1) Whether the proposed amendment is consistent with the comprehensive plan;
- (2) Whether the proposed amendment is in conflict with any portion of the LDC;
- (3) Whether and the extent to which the proposed amendment is consistent with existing and proposed land uses;
- (4) Whether and the extent to which there are any changed conditions that require an amendment;
- (5) Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether and the extent to which the proposed amendment would exceed the level of service standards established for public facilities in the comprehensive plan;
- (6) Whether, and the extent to which, zoning district boundaries are not properly drawn on the official zoning atlas;
- (7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the coastal environment;
- (8) Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
- (9) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;
- (10) Whether it is impossible to find other lands in the city for the proposed use in a zoning district that permits such use as of right.

Based on a review of the application, staff analysis of the information submitted, and a Planning Commission public hearing on the rezoning conducted on March 14, 2016, Community Redevelopment Agency review and approval on March 21, 2016, and a City Council Public Hearing conducted on April 4, 2016, the City Council has found that the applicant has fulfilled their burden to show that the project should be approved as follows:

1. The applicant has demonstrated significant experience relative to the management of, and demand for, residential rental properties through his existing businesses in the city.
2. Adequate public facilities are available to serve the proposed development.
3. The proposed permitted residential and commercial uses of the subject property are deemed to be consistent with the Downtown Community Redevelopment Plan and the Future Land Use Element and Map for the Jacksonville Beach 2030 Comprehensive Plan.
4. The proposed residential and commercial uses are consistent with existing land uses in the surrounding neighborhood.
5. No evidence was presented that demonstrated that the rezoning and proposed redevelopment of the subject property will have an adverse impact on property values in the area.