

RESOLUTION 2018-394

A RESOLUTION CONCERNING AN APPEAL FILED BY LAVERANUES COLES, AGENT, APPEALING THE FINAL ORDER ISSUED BY THE PLANNING COMMISSION DENYING ZONING EXCEPTION APPLICATION E-18-31 TO TOLEMAC, INC., AN APPLICATION TO ALLOW THE OUTSIDE SALES AND SERVICE FOR ON PREMISES CONSUMPTION OF ALL ALCOHOLIC BEVERAGES LOCATED AT 3535 ST. JOHNS BLUFF ROAD, DISTRICT 11 PURSUANT TO SECTION 656.141, *ORDINANCE CODE*; ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND USE AND ZONING COMMITTEE; PROVIDING AN EFFECTIVE DATE.

Record of the Proceedings Before the Planning Commission

Prepared by:
The Office of the General Counsel

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4 **RESOLUTION 2018-394**

5 A RESOLUTION CONCERNING AN APPEAL FILED BY
6 LAVERANUES COLES, AGENT, APPEALING THE FINAL
7 ORDER ISSUED BY THE PLANNING COMMISSION
8 DENYING ZONING EXCEPTION APPLICATION E-18-31
9 TO TOLEMAC, INC., AN APPLICATION TO ALLOW THE
10 OUTSIDE SALES AND SERVICE FOR ON PREMISES
11 CONSUMPTION OF ALL ALCOHOLIC BEVERAGES LOCATED
12 AT 3535 ST. JOHNS BLUFF ROAD, DISTRICT 11
13 PURSUANT TO SECTION 656.141, *ORDINANCE CODE*;
14 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS
15 OF THE LAND USE AND ZONING COMMITTEE;
16 PROVIDING AN EFFECTIVE DATE.
17

18 **WHEREAS**, ToleMac, Inc., applied to the Planning Commission for
19 a Zoning Exception (Application E-18-31) to allow the outside sales
20 and service for on premises consumption of all alcoholic beverages,
21 in the Commercial Community/General-1 (CCG-1) Zoning District; and

22 **WHEREAS**, the Planning Commission denied Application E-18-31 by
23 Final Order dated May 3, 2018; and

24 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*,
25 Laveranues Coles filed a notice of appeal; and

26 **WHEREAS**, such appeal was timely filed and the appellant, as
27 applicant, has standing to appeal; now therefore

28 **BE IT RESOLVED** by the Council of the City of Jacksonville:

29 **Section 1. Adoption of recommended findings and**
30 **conclusions.** The Council has reviewed the record of proceedings
31 regarding Zoning Exception Application E-18-31, which is **on file** in

1 the City Council Legislative Services Division and the Planning and
2 Development Department, and has considered the recommended findings
3 and conclusions of the Land Use and Zoning Committee. The
4 recommended findings and conclusions of the Land Use and Zoning
5 Committee are hereby adopted and shall become effective
6 immediately. This resolution is the final action of the Council.

7 **Section 2. Effective Date.** The adoption of this
8 resolution shall be deemed to constitute a quasi-judicial action of
9 the City Council and shall become effective upon signature by the
10 Council President and Council Secretary.

11
12 Form Approved:

13
14 /s/ Susan C. Grandin

15 Office of General Counsel

16 Legislation Prepared by: Susan C. Grandin

17 GC-#1211176-v1-E-18-31_Coles_Appeal.doc

DATE AND TIME STAMP

**NOTICE OF APPEAL FROM A
FINAL ORDER OF THE
JACKSONVILLE PLANNING COMMISSION**

2018 MAY 14
10:51 AM

I. INSTRUCTIONS

As provided in §656.140, Ordinance Code, any person with standing may appeal a Jacksonville Planning Commission final order with respect to an application for zoning exception, variance, or waiver to the City Council. An appeal must be filed within 21 calendar days after the order granting, granting conditions, or denying an application is signed by the Commission Chairman. To appeal a Commission final order, complete and submit this form to the Legislative Services Division, Suite 430, City Hall, St. James, 117 W. Duval Street, Jacksonville, Florida 32202 with the supporting documents (see Section III) and appropriate fees (see Section IV). A copy of the order and the list of persons who testified before or wrote to the Commission about the application (see Sec. III (1) and (4)) may be obtained from the Secretary to the Planning Commission at the Planning and Development Department, 3rd Floor, Edward Ball Building, 2814 North Hogan Street, Suite 300, Jacksonville, Florida 32202. For questions regarding the Appeal process, please contact the Secretary to the Planning Commission at (904) 255-7800.

II. NOTICE OF APPEAL

I, LAVERANNE COLES, hereby file this Notice of Appeal from the final order of the City of Jacksonville Planning Commission concerning Exception/Variance/Waiver Number E-18-31

I am (Please circle one):

- (a) The person who filed the application for the zoning exception, variance, or waiver;
- (b) A person who owns, lives, or operates a business on property within 350 feet of the property which has been granted or denied a zoning exception, variance, or waiver;
- (c) A person, other than a member of the City Council, who provided a qualifying written statement or who testified before the Planning Commission. The statement must have been in writing, expressing a position on the merits of the application for zoning exception, variance, or waiver, other than a petition, such as a letter, a memo or an e-mail, containing a reference to the specific application number and the name and mailing address of the person making the statement. The statement must have been specifically addressed to the City's Chief, Current Planning Division, or any member of the Planning Commission (with a copy to the Chief, Comprehensive Planning Division), and which was delivered to and received by the City's Planning and Development Department by hand delivery, mail, facsimile, or e-mail at least two working days before the public hearing at which the Commission took final action on the application, or which is read into the record at the public hearing, or distributed to the Commission at the hearing with a copy to the Commission's staff.

III. SUPPORTING DOCUMENTS

To complete your Notice of Appeal, you must submit the following documents with this form:

- (1) A copy of the Final Order you are appealing.
- (2) If you circled II(c) above, you must provide a statement of your interest sufficient to show how you are or will be *adversely* affected by the Commission's decision. Please provide this statement in the space below:

SEE ATTACHED FORM

If you need additional space, please attach a separate sheet.

(3) A description of the specific error(s) you believe the Commission committed. Please provide this description in the space below:

SEE ATTACHED FORM

If you need additional space, please attach a separate sheet.

(4) The list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who testified before the Commission about the application, or who provided a qualifying written statement to the Commission about the application. (You must pay a \$7.00 notification fee for each person on the list.)

(5) A list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who own real property within three hundred and fifty feet of the boundaries of the land which is the subject of the appeal, and if the appeal concerns an application for a waiver of the minimum distance requirements from a church or school for a liquor license, the list shall include all churches and schools within one thousand five hundred feet identified pursuant to Section 656.804. (You must pay a \$7.00 notification fee for each person on the list.)

IV. FILING AND NOTIFICATION FEES

Section 656.147, Ordinance Code, requires persons appealing Final Orders to pay filing and notification fees. These fees must be paid at the time you file your Notice of Appeal with the Legislative Services Division or your Appeal will not be accepted. You may include the filing and notification fees in one payment. Make checks payable to TAX COLLECTOR.

Filing Fee: \$1,161.00

Notification Fee: \$7.00 for each notification.

V. Contact Information

Name (Printed): LAVERANNE COLES

Address: 80 COLES COURT
SAINT JOHNS, FL 32259

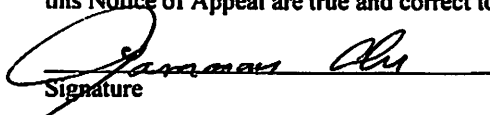
Daytime Phone: (904) 874-8662

Evening Phone: (904) 874-8662

E-mail address: LC.COLES@7C.org.com

VI. CERTIFICATION (Please read, sign and date the following statement)

I have read and understand the information contained in this Notice of Appeal. I hereby certify that I have provided all the information required under §656.141, Ordinance Code, and I understand that if this Notice of Appeal is incomplete, my appeal will not be processed until it is complete, and that it may be rejected for incompleteness. I further certify that all my statements in this Notice of Appeal are true and correct to the best of my knowledge.


Signature

5/14/18
Date

<END OF FORM>

May 11, 2018

From: Laveranues Coles Jr.
as owner of 3535 St. Johns Bluff Rd.
Jacksonville, FL 32224

To: City of Jacksonville
Planning and Development Department
Current Planning Division
214 North Hagan St., Suite 300
Jacksonville, FL 32202

Subject: 3535 St. Johns Bluff Rd., Appeal for Zoning Exception Denial
Request in response to denial on May 3, 2018

Hearing request before the Planning Commission
File # E-18-31 and AD-18-21

Dear Mr. Huxford and Planning Commission Members,

Please accept my appeal of the denial of the requested exception based on the following:

Addressing your concerns from the meeting specifically:

1. *Staff does have some concerns regarding introducing an outdoor component in the area where there is no other existing outdoor entertainment.*
2. *The deviation would greatly increase the number of patrons allowed on site, but yet the available parking is being reduced. The concern is that the overflow would have an impact on neighboring properties.*
3. *Uncertain of what time of impact of having patrons drinking and smoking into the night might have on the neighboring area.*

I respectfully disagree. I have made contact with each of the neighboring businesses to the left and right of my establishment and they are both willing to share parking due to my request to use during offset hours. After speaking with the Sears manager, it was verbally agreed that patrons could not park in front of the building but are welcome to use rear parking. Because Sears is a corporate entity, the corporate approval would take time to secure but a temporary agreement has been reached in the interim. The manager from Sears has provided a letter of support to provide evidence of compliance until an official approval can be secured from the corporate office. I also met with Mr. Charley Akel, present owner of Seafood Express & More, and he too is willing to allow patrons to use this parking lot to accommodate, if needed. Mr. Akel has agreed to provide a formal, written statement of support if that is required. Additionally, I would like to add that I have diligently tried to do everything within my power to be compliant with the rules. The total occupancy of the building is 317; however, I have been operating at approximately half of the full capacity. Based on some exceptions in the

past, it appears that the Commission has granted parking reductions significantly greater than what I am requesting. Also, I conceded to increase the number of parking spaces to 20 more than my original ask to further support my willingness to comply.

Although there is no other existing outdoor entertainment in the area, I would like to state that my current facility has been operating without any incidents that would pose any threat to the neighboring area. The clientele that currently supports my business are a well behaved crowd and I feel that adding an outdoor extension would not pose any other threats to the community. For each opening night, I am staffed with two JSO officers to help with security and crowd control and again, there have been no issues since the facility's inception. This is a one of a kind, pioneer move for the city of Jacksonville that will add value to its nightlife and make it a major contender among tourists.

Since there are no abutting residential properties, the risk for noise pollution, increased traffic or other concerns will be minimal, if any.

Conclusion

The current location has 156 off street parking spaces and we are requesting to reduce the number of spaces to 84 in order to modify the current deck to meet safety standards and broaden customer options. This ask is respectfully in line with room to spare but in the event that additional spaces are needed, the risk would be minimal or non-existent, with the cooperation of the neighboring businesses.

I believe that I have brought numerous good and rational arguments in our correspondence with the Planning Department and can provide supporting documents of backing, if needed. In the spirit of fairness, I believe that an exception should be granted. I would also like to add, if there are any further suggestions that you all can recommend to move forward, I am open to them in order to reach a mutual agreement.

Sincerely yours,
Laveranues Coles Jr.
Owner, 3535 St. Johns Bluff Rd

HEAVY MAN LLC
3535 SAINT JOHNS BLUFF RD. S
JACKSONVILLE, FL 32224-2815

63-8413/2870

DATE 5/14/14

PAY TO THE
ORDER OF

Duval County Tax Collector

\$ 1,280⁰⁰

DOLLARS



one thousand two hundred & eighty two

CHASE

JPMorgan Chase Bank, N.A.
www.Chase.com

FOR

Appeal of denial

[Signature]

63

Owens, Carol

From: Sales, Patricia <PMacer@coj.net>
Sent: Monday, May 14, 2018 10:37 AM
To: Owens, Carol
Subject: 350 list for E-18-31
Attachments: 350 list for E 18-31.pdf

Carol,

Here is the 350 list for E-18-31, I won't have the speaker cards from that meeting until this Thursday, but you should be able to use the transcript to get the names and address of everyone that spoke.

Thanks,

Patricia A. Sales

Executive Secretary I

City of Jacksonville | Planning and Development Department

214 N. Hogan Street, Suite 300

Jacksonville, Florida 32202

Phone:904-255-7829



ONE CITY. ONE JACKSONVILLE.

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: John J. Turson DATE: 5/3/18
(First Name) (Last Name) (Month/Day/Year)
 ADDRESS: 8401 Southside Blvd Jax FL 32256
(Street) (City) (State) (Zip Code)
 PHONE: (904) 536-5909
(area code) (Phone Number)
 REPRESENTING: XO Lounge
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER E-18-31 PAGE NUMBER: 5
(E-77-777 THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check if in support) (Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
 PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Frank Fiening DATE: 5/3/18
(First Name) (Last Name) (Month/Day/Year)
 ADDRESS: 7547 Yellow Fern DR unit 106 Jacksonville, FL 32256
(Street) (City) (State) (Zip Code)
 PHONE: (904) 203-9026
(area code) (Phone Number)
 REPRESENTING: XO Lounge
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER E-18-31 PAGE NUMBER: 5
(E-77-777 THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check if in support) (Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
 PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing
or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Maureen McGinnes DATE: 5/3/18
(First Name) (Last Name) (Month/Day/Year)
 ADDRESS: 14107 Waverly Falls Ln W Jacksonville FL 32224
(Street) (City) (State) (Zip Code)
 PHONE: (494) 256-5793
(area code) (Phone Number)

REPRESENTING: L. Coles / XO Jacksonville / 3535 St. Johns Bluff Rd. S. / Parking
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER F-18-31 PAGE NUMBER: 5
(E-77-?? THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check if in support) (Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
 PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing
or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: LAURENCE Carol DATE: 12/29/17
(First Name) (Last Name) (Month/Day/Year)
 ADDRESS: 50 Cole Court N. Jacksonville FL 32259
(Street) (City) (State) (Zip Code)
 PHONE: ()
(area code) (Phone Number)

REPRESENTING: Telmar / 60
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER F-18-31 AD-18-21 PAGE NUMBER: 5
(E-77-?? THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION I OPPOSE THIS APPLICATION
(Check if in support) (Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER
 PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD → → → →

165412 0010
AMERICAN FEDERAL PROPERTIES INC
1 SLEIMAN PKWY STE 270
JACKSONVILLE, FL 32216

165412 0140
EAST PARK OWNERS ASSOCIATION INC
11655 CENTRAL PKWY #302
ATTN CLIFF MCGEHEE
JACKSONVILLE, FL 32224-2686

165411 9135
POPWELL WARREN LEE TRUST
154 PILOT RD
GREENVILLE, SC 29609

165412 0800
SRB EAST PARK INC
10739 DEERWOOD PARK BLVD SUITE 310
JACKSONVILLE, FL 32256

165412 0015
ST JOHNS SQUARE TRUST
1 SLEIMAN PKY STE 270
JACKSONVILLE, FL 32216-8046

WINDY HILL CIVIC ASSOCIATION
ROBERTA BARNET
10540 ANDERS BV
JACKSONVILLE, FL 32224

E-18-31 / AD-18-21
TOLEMAC INC
C/O CLIFF MCGEHEE
7520 STATE ROAD 13 NORTH
ST. AUGUSTINE, FL 32092

E-18-31 / AD-18-21
LAVERANUES COLES
80 COLES COURT
ST. JOHNS, FL 32259

165412 0400
BLOW JOHN CARL
C/O HCFS - TIM SHANLEY
26525 N RIVERWOODS
METTAWA, IL 60045

165412 1100
LOGANS POINTE ASSOCIATES LTD
2100 HOLLYWOOD BLVD
HOLLYWOOD, FL 33020

165411 9010
SHOPPES EAST POINTE LANDING CONDO ASSOCIATION INC
11202 ST JOHNS INDUSTRIAL PY N
SUITE 1
JACKSONVILLE, FL 32246

165412 0600
SRC FACILITIES STATUTORY TRUST NO 2003 A
C/O US BANK TRUST CORPORATE TRUST SERVICES
190 S LASALLE ST 7TH FLR MAIL STATION MK-IL-SL7R
CHICAGO, IL 60603

165412 0700
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PO BOX 1089
LAKE CITY, FL 32056-1089

WINDY HILL CIVIC ASSOCIATION
ROBERTA BARNET
10540 ANDERS BV
JACKSONVILLE, FL 32224

E-18-31 / AD-18-21
TOLEMAC INC
C/O CLIFF MCGEHEE
7520 STATE ROAD 13 NORTH
ST. AUGUSTINE, FL 32092

E-18-31 / AD-18-21
LAVERANUES COLES
80 COLES COURT
ST. JOHNS, FL 32259

E-18-31

E-18-31

AD-18-21

Laveranues Coles 9171 9690 0935 0188 7722 15 2831

AD 18 21
Tolemac 9171 9690 0935 0188 7722 22

CITY OF JACKSONVILLE
PLANNING COMMISSION
MEETING

Proceedings held on Thursday, May 3, 2018,
commencing at 1:15 p.m., City Hall, Council Chambers,
1st Floor, 117 West Duval Street, Jacksonville, Florida,
before Diane M. Tropa, a Notary Public in and for the
State of Florida at Large.

PRESENT:

- DANIEL BLANCHARD, Chairman.
- NICOLE PADGETT, Vice Chair.
- JOSHUA GARRISON, Secretary.
- CHRIS HAGAN, Commission Member.
- MARSHALL ADKISON, Commission Member.
- DAWN NOTES, Commission Member.
- BEN DAVIS, Commission Member.
- DAVID HACKER, Commission Member.

ALSO PRESENT:

- FOLKS HUXFORD, Chief, Current Planning.
- KRISTEN REED, Chief, Community Planning Div.
- BRUCE LEHIS, Planning and Development Dept.
- DEVIN SCOTT, Transportation Planning Div.
- PAIGE JOHNSTON, Office of General Counsel.
- MATT SCHELLHORN, Military Representative.
- RANDY GALLUP, Duval County Public Schools.
- PATRICIA SALES, Planning and Development Dept.

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

1 Thank you, Commissioner Padgett, for
2 making a special trip. She just flew in here a
3 couple of hours ago to be sure to attend this
4 meeting, so we appreciate you being here.

5 Also in attendance is our Duval County
6 Public Schools representative, Mr. Randy
7 Gallup; our military representative, Mr. Matt
8 Schellhorn; and members of the City's Planning
9 and Development Department, as well as the
10 Office of General Counsel.

11 This commission's bylaws provide that each
12 member of the public who speaks before this
13 commission is limited to a three-minute
14 presentation. It's important that an accurate
15 record must be kept of the speakers and what is
16 said.

17 Everyone who wishes to speak must fill out
18 blue speaker's card, place them in the basket
19 beside the speakers' podium up front. The
20 cards are located up front as well as in the
21 back of the room.

22 The speaker's testimony is taken down by
23 our court reporter, Ms. Tropa, and it's
24 important that participants speak clearly into
25 the microphone and that only one person should

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

3

2 PROCEEDINGS

1 May 3, 2018 1:15 p.m.

2 - - -

3 THE CHAIRMAN: Welcome to the May 3rd,
4 2018 meeting of the Jacksonville Planning
5 Commission.

6 As a courtesy, please place any mobile
7 phones, tablets, or audible devices on silent
8 mode.

9 Please join me now as we stand to recite
10 the Pledge of Allegiance, and remain standing
11 for a brief moment of silence.

12 (Recitation of the Pledge of Allegiance.)

13 THE CHAIRMAN: Thank you.

14 Apologize for getting started late. We
15 had the Day of Prayer meeting here before. We
16 wanted to give them some time to cycle out.
17 And we also moved the meeting from across the
18 hall, so we wanted to give time for everybody
19 to find their way here, which we hope they've
20 done.

21 Let the record reflect that we have a
22 quorum with Commissioners Adkison -- thank you
23 for not being in the hospital again --
24 Blanchard, Davis, Garrison, Hacker, Hagan,
25 Motes and Padgett.

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

1 speak at a time.

2 Any tangible material submitted with a
3 presentation will become a part of the public
4 record and will be kept by this commission.
5 Therefore, please retain a copy of anything
6 submitted if it is needed.

7 The public hearings on exceptions,
8 variances, waivers, administrative deviations
9 and minor modifications are quasi-judicial
10 where you will be sworn in prior to your
11 testimony and the decisions by the Planning
12 Commission today will be final.

13 Decisions by this commission on rezonings
14 and land use amendments are recommendations
15 only. These recommendations are transmitted to
16 City Council's Land Use and Zoning Committee
17 which ultimately votes on these matters.

18 LUZ may or may not follow the
19 recommendations of the Planning Commission.
20 And unless specifically deferred by LUZ, items
21 voted on by the Planning Commission today are
22 heard before LUZ in two weeks. That meeting
23 will be here, May 15th, for another public
24 hearing and vote in this room, in City Hall, at
25 5 p.m.

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

4

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1 Avenue, right near Normandy Boulevard, on the
2 Westside.

3 The zoning exception is seeking a school,
4 specifically for kindergarten through Grade 5
5 in the CCG-2 zoning district. The deviation is
6 seeking to reduce the minimum lot size for a
7 school from two acres down to an acre and a
8 half to accommodate the existing development
9 out there. It's previously been used as a
10 church, and the Broach School would like to go
11 in there.

12 Staff reviewed the application. We
13 believe that changing from one institutional
14 use to another is perfectly appropriate, and we
15 are recommending approval of both applications
16 with no conditions.

17 THE CHAIRMAN: Thank you, Folks.
18 Mr. and Mrs. Hutchinson, come on up.
19 (Audience members approach the podium.)

20 THE CHAIRMAN: We'll take you one at a
21 time if that's all right, but come on up.

22 Give me your name and address for the
23 record, whoever wants to go first.

24 AUDIENCE MEMBER: My name is LaTanya
25 Hutchinson, 9745 Touchton Road, Jacksonville,
Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

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1 Florida 32246.

2 THE CHAIRMAN: Ms. Tropa will swear you
3 in.

4 THE REPORTER: Do you affirm that the
5 testimony you are about to give will be the
6 truth, the whole truth, and nothing but the
7 truth?

8 MS. HUTCHINSON: Yes.

9 THE REPORTER: Thank you.

10 THE CHAIRMAN: Go ahead, Ms. Hutchinson.

11 AUDIENCE MEMBER: Yes, sir.

12 DeWayne Hutchinson. Address, 9745
13 Touchton Road, Jacksonville, Florida 32246.

14 THE CHAIRMAN: Okay. We'll swear you in
15 as well.

16 Go ahead, Ms. Tropa.

17 THE REPORTER: Do you affirm that the
18 testimony you are about to give will be the
19 truth, the whole truth, and nothing but the
20 truth?

21 MR. HUTCHINSON: Yes.

22 THE REPORTER: Thank you.

23 THE CHAIRMAN: All right. You guys are a
24 team. I like it.

25 Okay. Anything else to share with us
Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

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1 today?

2 MR. HUTCHINSON: No. We're here just --
3 like to -- appreciate the recommendation thus
4 far and hope for an approval.

5 THE CHAIRMAN: Anyone else here today to
6 speak on E-18-30 or AD-18-22?

7 AUDIENCE MEMBERS: (No response.)

8 THE CHAIRMAN: Seeing none, we will close
9 the brief public hearing and bring it back to
10 the Commission.

11 COMMISSIONER PADGETT: Mr. Chairman, I
12 move approval of E-18-30.

13 COMMISSIONER GARRISON: Second.

14 THE CHAIRMAN: I've got a motion and
15 second for approval of E-18-30.

16 Questions, comments from the Commission?

17 COMMISSION MEMBERS: (No response.)

18 THE CHAIRMAN: All those in favor, say
19 aye.

20 COMMISSION MEMBERS: Aye.

21 THE CHAIRMAN: Any opposed?

22 COMMISSION MEMBERS: (No response.)

23 THE CHAIRMAN: Motion passes.

24 COMMISSIONER PADGETT: Mr. Chairman, I
25 move approval of AD-18-22.

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

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1 COMMISSIONER GARRISON: Second.

2 THE CHAIRMAN: Questions, comments?

3 COMMISSION MEMBERS: (No response.)

4 THE CHAIRMAN: All those in favor, say
5 aye.

6 COMMISSION MEMBERS: Aye.

7 THE CHAIRMAN: Any opposed?

8 COMMISSION MEMBERS: (No response.)

9 THE CHAIRMAN: Motion passes.

10 Thank you, Mr. and Mrs. Hutchinson.

11 Appreciate you being here.

12 Okay. Everybody still awake? You guys
13 with me? Let's keep going. You guys fell
14 asleep on the last one there. That's fine.

15 E-18-31 and AD-18-21, on St. Johns Bluff
16 Road, if the applicant could come forward.

17 And, Folks, let's open the public hearing
18 on that.

19 MR. HUXFORD: Thank you, Mr. Chairman.

20 Application for zoning exception E-18-31
21 and its companion AD-18-21 for property at 3535
22 St. Johns Bluff Road. This is south of Beach
23 Boulevard and north of UNF.

24 The zoning exception is seeking outside
25 sales and service of all alcoholic beverages

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1 for on-premises consumption in a CCG-2 zoning
 2 district. I think that's a typo. I believe
 3 it's CCG-1. And the deviation is seeking to
 4 reduce the minimum number of off-street parking
 5 spaces from 156 on site down to 84.
 6 Staff reviewed the application, and we do
 7 note that there is some zoning history to the
 8 property, both with the approvals and denials.
 9 Alcohol sales has been approved in the past.
 10 There was a request a couple of years ago for a
 11 bikini bar, which was denied by the Planning
 12 Commission. They are currently operating with
 13 a zoning exception granted by PC by way of
 14 zoning exception E-17-42 for inside sales and
 15 service.
 16 Staff does have some concern about this.
 17 We would be introducing an outdoor component in
 18 an area where we didn't find that there is
 19 other existing outdoor entertainment. And also
 20 with the deviation, it would be -- they would
 21 greatly increase the number of patrons they
 22 could have on site, but yet they're reducing
 23 the parking, and we have concerns that this
 24 would have an overflow effect and have a
 25 negative impact on neighboring properties when
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1 people -- or the patrons go and park on other
 2 sites, which could then further lead to legal
 3 issues in the event that there's some incident
 4 on neighboring properties.
 5 So for those particular reasons, staff has
 6 forwarded to you a recommendation to deny both
 7 applications.
 8 THE CHAIRMAN: Thank you, Folks.
 9 (Audience member approaches the podium.)
 10 THE CHAIRMAN: Sir, give us your name and
 11 address for the record, if you would, please.
 12 Laveranues Coles, 80 Coles Court, St.
 13 Johns, Florida 32259.
 14 THE CHAIRMAN: All right, sir. Ms. Tropa
 15 will swear you in.
 16 THE REPORTER: Do you affirm that the
 17 testimony you are about to give will be the
 18 truth, the whole truth, and nothing but the
 19 truth?
 20 MR. COLES: Yes.
 21 THE REPORTER: Thank you.
 22 THE CHAIRMAN: Go ahead, sir.
 23 MR. COLES: I'm here to address some of
 24 the questions and issues that came up in the
 25 staff report.
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1 I've spoken with my neighbors, went and
 2 got permission from them for my patrons to park
 3 on their property. I have a letter here. I
 4 also spoke to the manager over at Sears. He
 5 came by the property the other day. We worked
 6 out a parking issue where my patrons are not
 7 allowed to park in the front of Sears before
 8 8 o'clock until they closed, but he allowed us
 9 to park in the back. Of course, they are a
 10 corporate company, so getting permission from
 11 them would take quite some time, and they're
 12 also up for sale. So that was something that
 13 we just had to verbally agree upon.
 14 But again, I met with Charley Akel,
 15 present owner at Seafood Express & More, and he
 16 was willing to give me his letterhead and card
 17 saying that my patrons are allowed to park
 18 there, and they have over 50 parking spaces
 19 next door.
 20 THE CHAIRMAN: All right, sir. Thank you
 21 for that.
 22 I've got a few other speakers cards. I
 23 will invite those folks up as well.
 24 Ms. Maureen McGinnes, would you like to
 25 come up? Would you like to speak? Is Maureen
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1 McGinnes here?
 2 AUDIENCE MEMBER: (Indicating.)
 3 THE CHAIRMAN: You filled out a card.
 4 I've got one right here. Look. Come on.
 5 Followed by Frank Fleming and John Tutson.
 6 (Audience member approaches the podium.)
 7 THE CHAIRMAN: Ms. McGinnes.
 8 AUDIENCE MEMBER: Yes. You don't have to
 9 speak if you don't want to.
 10 Give us your name and address for the
 11 record, please, ma'am.
 12 AUDIENCE MEMBER: Maureen McGinnes, 14107
 13 Waverly Falls Lane West, Jacksonville, Florida
 14 32224.
 15 THE CHAIRMAN: Ms. Tropa will swear you
 16 in.
 17 THE REPORTER: Ma'am, would you raise your
 18 right hand for me, please.
 19 MS. MCGINNES: (Complies.)
 20 THE CHAIRMAN: Do you affirm that the
 21 testimony you are about to give will be the
 22 truth, the whole truth, and nothing but the
 23 truth?
 24 MS. MCGINNES: Yes, ma'am.
 25 THE REPORTER: Thank you.
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1 THE CHAIRMAN: Go ahead, ma'am.
 2 MS. MCGINNES: I was just here, as well
 3 as -- for support and any questions that may
 4 arise.
 5 THE CHAIRMAN: Okay. Just for the record,
 6 you are in support.
 7 Do you work for this organization or
 8 something?
 9 MS. MCGINNES: Yes.
 10 THE CHAIRMAN: All right.
 11 MS. MCGINNES: We're all here for support.
 12 THE CHAIRMAN: Okay.
 13 MS. MCGINNES: (Inaudible.)
 14 THE CHAIRMAN: Thank you, Ms. McGinnes.
 15 Appreciate that.
 16 Next we've got Mr. Fleming. Mr. Fleming,
 17 come on up, sir.
 18 (Audience member approaches the podium.)
 19 THE CHAIRMAN: Give us your name and
 20 address, if you would.
 21 AUDIENCE MEMBER: Frank Fleming, 7547
 22 Yellow Fin Drive, Unit 106, Jacksonville,
 23 Florida 32256.
 24 THE CHAIRMAN: And Ms. Tropa will swear
 25 you in.
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1 THE REPORTER: Do you affirm that the
 2 testimony you are about to give will be the
 3 truth, the whole truth, and nothing but the
 4 truth?
 5 MR. FLEMING: So help me God, yes.
 6 THE REPORTER: Thank you.
 7 THE CHAIRMAN: Mr. Fleming, what do you
 8 have to share with us today, sir?
 9 MR. FLEMING: I'm here for support for
 10 XO Lounge. I am a third-party employee there,
 11 and I just want to speak -- well, not on behalf
 12 of the company, but just support and answer any
 13 questions as well.
 14 THE CHAIRMAN: Sorry. Say that again.
 15 You are a --
 16 MR. FLEMING: I help with marketing with
 17 the company.
 18 THE CHAIRMAN: Oh, you said employee?
 19 MR. FLEMING: Yes.
 20 THE CHAIRMAN: All right, sir. I
 21 appreciate that. Thank you for being here.
 22 MR. FLEMING: Yes.
 23 THE CHAIRMAN: And last I have Mr. John
 24 Tutson, is it?
 25 MR. COLES: He had to leave.
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1 THE CHAIRMAN: Did he go? Okay.
 2 Just for the record, Mr. Tutson is in
 3 support of the application.
 4 Okay. Anyone else here today to speak on
 5 E-18-31 or AD-18-21?
 6 AUDIENCE MEMBERS: (No response.)
 7 THE CHAIRMAN: Seeing none, we will close
 8 the public hearing and bring it back to the
 9 Commission.
 10 COMMISSIONER PADGETT: Mr. Chairman, I
 11 move E-18-31 for denial.
 12 COMMISSIONER GARRISON: Second.
 13 THE CHAIRMAN: Okay. We've got a motion
 14 and second for denial.
 15 Questions, comments from the Commission?
 16 Commissioner Motes.
 17 COMMISSIONER MOTES: Through the Chair,
 18 could you please step back up?
 19 (Mr. Coles approaches the podium.)
 20 COMMISSIONER MOTES: Tell me -- I'm trying
 21 to figure out -- are you next to the UPS
 22 building --
 23 MR. COLES: Yes.
 24 COMMISSIONER MOTES: -- or on the other
 25 side of the Sears building?
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1 MR. COLES: I'm next to the UP- -- well,
 2 okay. You're confusing me. There's my
 3 building -- well, if you look, it's 3505, which
 4 is the Seafood Express. Do you see that?
 5 MR. HUXFORD: That's to the north. He's
 6 south of the Seafood Express.
 7 COMMISSIONER MOTES: That's to the north.
 8 Okay.
 9 MR. COLES: Right next door to them. And
 10 then it's the UPS building, and then there's
 11 the Sears.
 12 COMMISSIONER MOTES: All right.
 13 Thank you.
 14 THE CHAIRMAN: Other questions, comments
 15 from the Commission?
 16 Commissioner Garrison.
 17 COMMISSIONER GARRISON: Through the Chair
 18 to staff, to Folks. Mr. Huxford, could you
 19 maybe explain for me some of the reasons for
 20 denial so I can better understand?
 21 MR. HUXFORD: We don't have any record of
 22 approvals of outside sales and service of -- in
 23 this area in the first place. We don't know
 24 what kind of impacts necessarily that the
 25 outside -- having patrons out there drinking
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1 and smoking way into the night might have on
2 the neighboring area. There's no abutting
3 residential, but there are some residential
4 areas in the vicinity. We don't know what
5 impact that would have. And with the reduction
6 in parking, we have a concern that there's --
7 there simply wouldn't be enough parking.

8 It sounds like Mr. Coles has tried to make
9 arrangements with his neighbors, but all the
10 same, they could have some external impacts
11 based on that. And with that, we couldn't
12 support the deviation. And Criteria Number 9
13 in the exception asked if it is consistent with
14 the zoning code. If we can't find it -- if we
15 can't go with an approval on the deviation,
16 then we would go with a denial on the exception
17 as well, so ...

18 COMMISSIONER GARRISON: Thank you.

19 THE CHAIRMAN: Other questions, comments
20 from the Commission?

21 Commissioner Hagan.

22 COMMISSIONER HAGAN: Thank you,
23 Mr. Chairman.

24 To the staff or Folks, were you made aware
25 of the agreement, the written agreement that he
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1 has in his hand before you made the
2 recommendation?

3 MR. HUXFORD: I'm not personally aware.

4 COMMISSIONER HAGAN: Okay. Would that
5 weigh on your decision? I'm not sure how
6 those -- because I really don't know how many
7 spots he would be off for the deviation, and
8 I'm not sure how many of these -- how many
9 of -- the neighboring seafood place or -- I'm
10 not even sure what it is, but I think there was
11 seafood in there. How many spots this would
12 give him, and then if this would alleviate the
13 issue that you may have.

14 MR. HUXFORD: I haven't seen the document,
15 so I don't know the legal standing of it and
16 whether it would be binding. Normally, if
17 there's a parking agreement -- if it's in a
18 gentleman's agreement, that's one thing, but in
19 order for it to apply in the code, in order for
20 it to have an impact on our parking
21 calculations, it would actually need to be
22 recorded at the courthouse. It would
23 essentially need to demonstrate that the
24 adjacent property owner is giving away some of
25 their parking spaces to the neighbor. I don't

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1 know that the neighbor would necessarily want
2 to do that. Mr. Coles could speak to that
3 better than I could. But I would imagine,
4 given the establishment that he has, that the
5 parking demand would have offset hours.

6 But, again, our real concern is patrons
7 coming and parking all over the place, up and
8 down the street on other properties, and how
9 the neighbors may feel about that.

10 COMMISSIONER HAGAN: And then to
11 Mr. Coles, the nightclub is currently in
12 operation, correct?

13 MR. COLES: Yes, sir.

14 COMMISSIONER HAGAN: And to staff, has
15 there been any -- that we know of, any
16 incidents, crime that has been coming from
17 this, or maybe Mr. Coles can answer some of
18 those questions, but --

19 MR. HUXFORD: I would rather have
20 Mr. Coles answer that. I'm not aware of
21 anything, but at the same time I haven't
22 looked.

23 COMMISSIONER HAGAN: Right.

24 Mr. Coles, can you address that?

25 MR. COLES: No, sir, we haven't had any
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1 incidents. I actually have a JSO officer in
2 the building, which helps me schedule officers
3 off duty to come alleviate that. That's one
4 thing I truly believe in, is keeping our
5 community safe. He helps me with pretty much
6 anything we need at XO. He's not allowed
7 really to speak, but he's here in support of
8 what I've been doing. We've had several other
9 officers and firemen and upstanding citizens in
10 our community come in and support the business.

11 COMMISSIONER HAGAN: I understand.

12 And you have -- so there's always at least
13 one off-duty JSO officer --

14 MR. COLES: They're not allowed to have
15 just one. You have to have at least two when
16 there's alcohol consumption on the premises.

17 COMMISSIONER HAGAN: Okay. Because I
18 believe you came before us with another issue
19 on a different site maybe and you had the same
20 situation where you were having JSO officers,
21 but, I mean, I guess really my concern would
22 be, you know, is there any crime coming from
23 it. If there -- I mean, I don't see outside
24 service just creating any more crime -- you
25 know, if there's none there now, I don't see

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1 that this is going to create crime on the
 2 neighboring businesses around there. And if
 3 you've got something saying that you're going
 4 to alleviate some of the parking issues,
 5 then -- I mean, I'm really trying to find a --
 6 it's hard for me to deny it when he's trying to
 7 do everything he can to make it right, so ...
 8 THE CHAIRMAN: Any other questions,
 9 comments from the Commission?
 10 Commissioner Adkison, go right ahead.
 11 COMMISSIONER ADKISON: Through the Chair
 12 to staff, is that a copy of his site plan which
 13 is showing the one ADA parking spot that's in
 14 the staff report?
 15 MR. HUXFORD: I was going to say yes, but
 16 I heard Bruce make a noise.
 17 Yes, sir, it is.
 18 COMMISSIONER ADKISON: So you've got one
 19 ADA spot. Did I miss something about the
 20 traffic or something? Sir, how many occupants
 21 will you be allowed in this place?
 22 MR. COLES: Actually, the occupancy load
 23 is 317, but currently we're only operating at a
 24 half of the building. And right now I'm only
 25 allowing probably 100 to 125 people in the
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1 building. I think the most we've had so far in
 2 the building at one time has been 118
 3 occupants.
 4 COMMISSIONER ADKISON: All right. And
 5 that's acceptable to staff to -- for parking
 6 like that?
 7 MR. HUXFORD: As best I'm aware, the way
 8 he's operating right now is in compliance with
 9 code. That would not be reviewed by me. That
 10 would be our Zoning Administrator when the
 11 Certificate of Use comes through.
 12 COMMISSIONER ADKISON: Okay.
 13 THE CHAIRMAN: But clearly the AD says
 14 he's applying for a reduction -- the minimum
 15 number of off-street parking from 156 to 84,
 16 about half.
 17 MR. HUXFORD: That's correct.
 18 COMMISSIONER ADKISON: I was just checking
 19 the ADA side of this and making sure because
 20 with one there -- and it doesn't need a -- it
 21 doesn't sound like on the ADA side of it.
 22 THE CHAIRMAN: Yeah. I don't think it
 23 meets it currently, but clearly if you add
 24 occupancy, based on the exception, it would
 25 make it worse, but -- he's made some attempts
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1 with the neighbors, but it is what it is.
 2 MR. HUXFORD: The ADA would be reviewed by
 3 Building Inspection when he comes in for his
 4 permits.
 5 THE CHAIRMAN: Other questions, comments
 6 from the Commission?
 7 Commissioner Davis.
 8 COMMISSIONER DAVIS: Thank you,
 9 Mr. Chairman.
 10 I guess my first thought is, we've done
 11 significantly greater parking reductions than
 12 what they're asking for, it seems like, in the
 13 past, so -- I mean, I am concerned about the
 14 overflow and potentially creating problems with
 15 people parking at the Sears or other
 16 businesses, but, I mean, I'm just not sure what
 17 to do about that, so -- I think I'm -- I'm in
 18 support of the deviation and the exception.
 19 THE CHAIRMAN: Okay. Others?
 20 Hagan.
 21 COMMISSIONER HAGAN: I just want to be
 22 real quick on this. Can we put exceptions -- I
 23 mean, conditions on this?
 24 MR. HUXFORD: Yes.
 25 COMMISSIONER HAGAN: Could we condition
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1 the amount of occupants that he can have and
 2 the -- on site at one -- at a given time?
 3 Because, I mean, if we say, okay, you can only
 4 have half of what's allowed, then that kind of
 5 helps with the parking as well because you're
 6 only going to have half the cars that he's
 7 going to be required to have.
 8 MR. HUXFORD: Through the Chair to
 9 Commissioner Hagan, yes, you can put conditions
 10 on it, but I would caution you that a condition
 11 like that would be very difficult for us to
 12 enforce.
 13 THE CHAIRMAN: Okay. We've got a motion
 14 and a second for denial of E-18-31.
 15 All those in favor of the denial, say aye.
 16 UNIDENTIFIED COMMISSION MEMBERS: Aye.
 17 THE CHAIRMAN: All those opposed to the
 18 denial, just raise your hand.
 19 COMMISSIONER HAGAN: (Indicating.)
 20 COMMISSIONER DAVIS: (Indicating.)
 21 COMMISSIONER HACKER: (Indicating.)
 22 THE CHAIRMAN: Okay. Hagan, Davis and
 23 Hacker are against the denial.
 24 And just for clarity, Motes, Adkison,
 25 Garrison, Blanchard and Padgett were for the
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1 denial.

2 Is that correct, everyone? Speak now.

3 Okay. Motion passes. The exception is

4 denied.

5 Let's take up the AD or does the AD fail

6 by -- it does not. It was the other way

7 around.

8 COMMISSIONER PADGETT: Mr. Chairman, I

9 move AD-18-21 for denial.

10 COMMISSIONER GARRISON: Second.

11 THE CHAIRMAN: Okay. I've got a motion

12 and second for denial of the administrative

13 deviation.

14 Questions, comments from the Commission.

15 COMMISSION MEMBERS: (No response.)

16 THE CHAIRMAN: All those in favor of

17 denying the AD, say aye.

18 UNIDENTIFIED COMMISSION MEMBERS: Aye.

19 THE CHAIRMAN: Any opposed?

20 UNIDENTIFIED COMMISSION MEMBERS: Aye.

21 THE CHAIRMAN: Same.

22 In opposition is Hacker, Davis and Hagan.

23 The AD is denied.

24 MR. HUXFORD: Mr. Chairman, I believe

25 there are some folks in the audience that were

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1 speaking to Mr. Coles. He may ask for a

2 reconsideration and a withdrawal. I'd let him

3 speak.

4 MR. COLES: Yes, withdraw.

5 THE CHAIRMAN: I'm sorry?

6 MR. COLES: Withdraw the application.

7 THE CHAIRMAN: It's been denied. It's

8 been voted -- it's been voted down. Both items

9 have been voted down. It has been denied.

10 There's no withdrawal.

11 MR. COLES: Okay.

12 THE CHAIRMAN: Okay?

13 Let's move on. I apologize, sir, that

14 didn't go through.

15 Next item, Page 6 of your agenda,

16 2018-222, the land use amendment on Yellow

17 Water Road.

18 MR. HUXFORD: Mr. Chairman, before we get

19 to that, can we remind the audience, that is an

20 appealable decision and it can be appealed, but

21 there's a 21-day window to City Council.

22 THE CHAIRMAN: Thank you for the public

23 service announcement, Folks.

24 Let's open the public hearing on 2018-222.

25 Ms. Reed.

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1 MS. REED: Thank you, Chairman.

2 Ordinance 2018-222 is a land use amendment

3 for a 41-and-a-half-acre site located on the

4 west side of Yellow Water Road, approximately

5 halfway between Normandy Boulevard to the south

6 and I-10 to the north.

7 The amendment request is to change the

8 land use from AGR-3 to AGR-4. AGR-3 permits

9 all agricultural uses, along with residential

10 development, at up to one unit per acre. The

11 AGR-4 allows similar uses, but the residential

12 density is up to one unit per 2-and-a-half

13 acres.

14 The area surrounding the site is rural in

15 nature and is characterized by a mix of

16 agricultural, residential, conservation and

17 recreational uses. There's a small portion of

18 wetlands on the site, Category 3 wetlands,

19 which do allow for residential uses.

20 Staff has reviewed the proposed amendment

21 and finds that it is consistent with the

22 Comprehensive Plan for the following reasons:

23 The proposed amendment is consistent with the

24 overall intent of the agricultural land use

25 category and the rural nature of the area

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1 surrounding the site, and the proposed

2 amendment is located adjacent to lands within

3 the Agriculture 4 category and, therefore, is a

4 logical transition of land use densities and is

5 consistent and compatible with the immediate

6 area.

7 Based on these findings, the Department

8 recommends approval.

9 THE CHAIRMAN: Thank you, Kristen.

10 And this is just the land use, correct?

11 No companion rezoning?

12 MS. REED: (Inaudible.)

13 (Mr. Atwill approaches the podium.)

14 THE CHAIRMAN: Mr. Atwill, give us your

15 name and address for the record, sir.

16 MR. ATWILL: Good afternoon.

17 Fred Atwill, Jr., 9001 Forest Acres Lane,

18 Jacksonville, 32234.

19 THE CHAIRMAN: Fred, what are we doing

20 here?

21 MR. ATWILL: We're doing -- we're asking

22 for a switch to AGR-4 to accommodate a

23 potential -- four 5-acre farmettes, residential

24 in nature, and there's two 10-acre pieces laid

25 out here as well. So it's a total of

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Date Submitted:	4/9/2018
Date Filed:	4/12/2017

Application Number:	E-18-31
Public Hearing:	5/3/18

Application for Zoning Exception
 City of Jacksonville, Florida
 Planning and Development Department

E-18-31
AD-18-

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only			
Current Zoning District:	CCG1	Current Land Use Category:	CGC
Exception Sought:	Permanent or restricted outside sale and service, Meeting Part 4.	Applicable Section of Ordinance Code:	656.313 A, IV (c) (2)
Council District:	11	Planning District:	3
Previous Zoning Applications Filed (provide application numbers):			
none E-2017-42			
Notice of Violation(s):			
none AD-17-34			
Number of Signs to Post:	1	Amount of Fee:	\$2195.
Neighborhood Associations:		Zoning Asst. Initials:	
Windy Hill Civic Association		DIR	
Overlay:			
none			

PROPERTY INFORMATION	
1. Complete Property Address:	2. Real Estate Number:
3535 ST Johns Bluff RD. Jacksonville, FL 32224	169412 0610
3. Land Area (Acres):	4. Date Lot was Recorded:
71071	
5. Property Located Between Streets:	6. Utility Services Provider:
TOWN CENTER Pkwy AND BEACH BLVD	City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Current Property Use:	
CIGAR BAR / LOUNGE	
8. Exception Sought:	
ZONING EXCEPTION FOR OUTDOOR SERVICE IN CCG1	
9. In whose name will the Exception be granted:	
E. CAROL PATE	

AGENT AUTHORIZATION FORM

3535 and 3545 ST JOHNS BLUFF RD S IMPROMVEMENT

(Project Name)

(City Development Number)

Property Legal Description: See attached legal description.

The undersigned, registered property owner(s) of said property described on the

attachment to this Agent Authorization Form, do hereby authorize

LAVERANEUES COLES of XO

(Registered Professional/Contractor / Agent)

(Name of Firm)

to act on my/our behalf and take all actions necessary with the City of

Jacksonville, Florida, regarding the development of the property described in the

attached legal description.

Property Owner's Address:

7520 SR 13 N ST AUGUSTINE, FL 32092

Telephone: (904) 239-8485

TOLEMAC INC , CLIFFORD G MCGEHEE VP

Printed Name of Property Owner

Printed Name of Property Owner

Signature of Property Owner

Signature of Property Owner

Date: 4.11.18

Date: _____

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 11 day of

April

2018

by Clifford G. McGehee

(name/names)

[Signature]
(Signature of Notary Public, State of Florida)
(Notary Stamp)



Personally known 1 OR produced identification _____
Type of identification produced _____

EXHIBIT A - Property Ownership Affidavit

Date: 4.11.18

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location:
3535 c 3545 ST JONAS BLUFF RD 5

To Whom it May Concern:

I Clifford G Melchior hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for 20 CUBI DELI submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

Tolerny Inc

By _____

By C Jay

Print Name: _____

Print Name: Clifford G Melchior

Its: VP

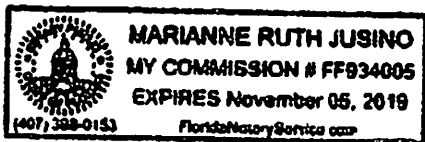
*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 11th day of April 2018 by Clifford G Melchior, who is personally known to me or who has produced id as identification and who took an oath.

[Signature]
(Signature of NOTARY PUBLIC)

Marianne Jusino
(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: NOV 5, 2019

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
10. Name: Tolernac INC c/o Cliff McGehee	11. E-mail:
12. Address (including city, state, zip): 7520 STATE RD 13 N ST. AUGUSTINE, FL 32092	13. Preferred Telephone:

APPLICANT'S INFORMATION (if different from owner)	
14. Name: LAVERAUBS COLES	15. E-mail: LCOLES87@aol.com
16. Address (including city, state, zip): 80 COLES COURT SAINT JOHN'S, FL 32259	17. Preferred Telephone: (904) 874-8462

CRITERIA
<p>Section 656.101(i), Ordinance Code, defines an exception as "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare."</p> <p>Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:</p> <ul style="list-style-type: none"> (i) Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto; (ii) Will be compatible with the existing contiguous uses or zoning and compatible with the general character of the area considering population, density, design, scale, and orientation of the structures to the area, property values and existing similar uses; (iii) Will not have an environmental impact inconsistent with the health, safety and welfare of the community; (iv) Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community; (v) Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto; (vi) Will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities taking into account existing uses or zoning in the vicinity; (vii) Will not overburden existing public services and facilities; (viii) Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and

other services; and
(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification in which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

18. Given the above definition of an "exception" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the request is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth may result in a denial.

SAFE & ADA ACCISSIBLE AREA
FOR PATRONS TO SMOKE

AUTHORIZATION

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

I hereby certify that I have read and understand the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

<p>Owner(s) Print name: _____ Signature: _____</p>	<p>Applicant or Agent (if different than owner) Print name: <u>LAWERANNE COLE</u> Signature: <u>[Signature]</u></p>
<p>Owner(s) Print name: _____ Signature: _____</p>	<p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>

SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to:
 Planning and Development Department, Zoning Section
 214 North Hogan Street, 2nd Floor
 Jacksonville, Florida 32202
 (904) 255-8300

Tolemac, Inc.

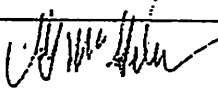
April 4, 2018

To Whom it may concern,

This letter gives permission to act as Tolemac, Inc.'s Agent in dealing with The City of Jacksonville Duval County Florida regarding any business concerning the property and buildings located at 3535 and 3545 St Johns Bluff Rd. S. including all permitting, zoning, and construction matters to the individual listed below.

Agent: Laveranues Coles

Sincerely,



Clifford McGehee
President
Tolemac, Inc

Notary:

Before me this day 4th of April


In the county of Duval State of Florida has previously

Appeared _____ by himself and

Affirms all statements and declarations herein are true and accurate.

Notary Public at Large, State of Florida, County of Duval
Personally Known or Produced ID _____

ID Type _____

 Marianne Jusino

7520 State Road 13 N
St. Augustine FL 32092

(904)-307-5859
Fax(904)-217-8173

TOLEMAC INC
C/O CLIFF MCGEHEE
ST AUGUSTINE, FL 32092

Primary Site Address
3535 ST JOHNS BLUFF RD
Jacksonville FL 32224

Official Record Book/Page
08096-00462

Title #
8431

3535 ST JOHNS BLUFF RD

Property Detail

RE #	165412-0610
Tax District	GS
Property Use	1700 Office 1-2 Story
# of Buildings	2
Legal Desc.	31-2S-28E 1.641 PT GOVT LOT 11 RECD O/R 8096-462
Subdivision	00000 SECTION LAND
Total Area	71071

Value Summary

Value Method	2017 Certified Income	2018 In Progress Income
Total Building Value	\$0.00	\$0.00
Extra Feature Value	\$0.00	\$0.00
Land Value (Market)	\$605,767.00	\$605,767.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$849,800.00	\$849,800.00
Assessed Value	\$849,800.00	\$849,800.00
Cap Exp/Portability Amt	\$0.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$849,800.00	See below

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#). 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification. [Learn how the Property Appraiser's Office values property.](#)

Taxable Values and Exemptions - In Progress

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value
 No applicable exemptions

SJRWMD/FIND Taxable Value
 No applicable exemptions

School Taxable Value
 No applicable exemptions

Sales History

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
08096-00462	5/12/1995	\$214,500.00	SW - Special Warranty	Qualified	Vacant

Extn Features

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	PVAC1	Paving Asphalt	1	0	0	33,878.00	\$21,343.00
2	PVCC1	Paving Concrete	1	0	0	1,692.00	\$2,233.00
3	SWSC6	Sprinkler Wet System	1	0	0	5,078.00	\$9,851.00
4	FCLC1	Fence Chain Link	2	0	0	150.00	\$1,975.00

Land & Legal

Land

LN	Code	Use Description	Zoning	Front	Depth	Category	Land Units	Land Type	Land Value
1	1000	COMMERCIAL	CCG-1	0.00	0.00	Common	71,482.00	Square Footage	\$605,767.00

Legal

LN	Legal Description
1	31-2S-28E 1.641
2	PT GOVT LOT 11 RECD O/R 8096-462

Buildings

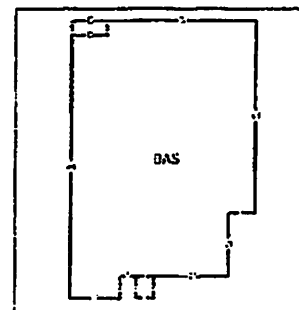
Building 1

Building 1 Site Address
3535 ST JOHNS BLUFF RD Unit
Jacksonville FL 32224

Building Type	3301 - NIGHT CLUB / BAR
Year Built	1995
Building Value	\$16,120.00

Type	Gross Area	Heated Area	Effective Area
Base Area	5078	5078	5078
Canopy	60	0	15
Total	5138	5078	5103

Element	Code	Detail
Exterior Wall	17	17 C B. Stucco
Roof Struct	9	9 Rigid Fr/Bar J
Roofing Cover	4	4 Built Up/T&G
Interior Wall	5	5 Drywall
Int Flooring	11	11 Cer Clay Tile
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	3	3 Central
Ceiling Wall Finish	5	5 S Cel Wall Fin
Comm Ht		
Comm Fra		



Element	Code
Stories	1 000
Baths	13 000
Rooms / Units	3 000
Avg Story Height	12 000

2017 Notice of Proposed Property Taxes Notice (TRIM Notice)

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
Gen Govt Ex B&B	\$849,800.00	\$0 00	\$849,800 00	\$9,836.60	\$9,723.33	\$9,265 20
Public Schools: By State Law	\$849,800.00	\$0 00	\$849,800 00	\$3,915 07	\$3,600 60	\$3,669 86
By Local Board	\$849,800.00	\$0 00	\$849,800.00	\$1,932.61	\$1,910 35	\$1,811.60
FL Inland Navigation Dist.	\$849,800.00	\$0 00	\$849,800 00	\$27.51	\$27.19	\$25 49
Water Mgmt Dist. SJRWMD	\$849,800.00	\$0 00	\$849,800.00	\$248.02	\$231.49	\$231.49
Gen Gov Voted	\$849,800.00	\$0 00	\$849,800.00	\$0.00	\$0.00	\$0.00
School Board Voted	\$849,800.00	\$0 00	\$849,800.00	\$0.00	\$0.00	\$0.00
			Totals	\$15,959.81	\$15,492.96	\$15,003 64

	Last Year	Just Value	Assessed Value	Exemptions	Taxable Value
		\$859,700.00	\$859,700.00	\$0.00	\$859,700.00
	Current Year	\$849,800.00	\$849,800.00	\$0.00	\$849,800 00

2017 TRIM Property Record Card (PRC)

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

Property Record Card (PRC)

The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

- [2017](#)
- [2016](#)
- [2015](#)
- [2014](#)

• To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here:

More Information

[Contact Us](#) | [Parcel Tax Record](#) | [GIS Map](#) | [Map this property on Google Maps](#) | [City Fees Record](#)

EXHIBIT 1Legal DescriptionEXHIBIT A

Book 8096 Pg 454

A PART OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SECTION 11 WITH THE SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD, STATE ROAD 212 (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 89°18'20" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 785.93 FEET TO THE NORTHEASTERLY CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 3424, PAGE 723 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 02°30'53" WEST, ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 200.11 FEET; THENCE SOUTH 89°18'20" WEST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 169.16 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ST. JOHNS BLUFF ROAD (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 03°02'18" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 112.43 FEET; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°41'40" EAST, A DISTANCE OF 112.87 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°18'20" EAST, A DISTANCE OF 224.30 FEET; THENCE SOUTH 00°41'40" EAST, A DISTANCE OF 320.00 FEET; THENCE SOUTH 89°18'20" WEST, A DISTANCE OF 220.00 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE OF ST. JOHNS BLUFF ROAD, SAID POINT LYING ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 5629.98 FEET; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 230.01 FEET, MAKING A CENTRAL ANGLE OF 02°14'21" AND HAVING A CHORD BEARING OF NORTH 01°48'51" WEST AND A CHORD DISTANCE OF 219.99 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 00°41'40" WEST, A DISTANCE OF 100.09 FEET TO THE POINT OF BEGINNING.

3

Book 8096 Pg 462

81 8096
Pg 462 - 465
Doc# 98096835
Filed & Recorded
05/23/95
10:41:57 A.M.
HEBERT V. CRICK
CLERK CHIEF CLERK
DUVAL COUNTY, FL.
REC. \$ 19.50
DEED) 1,591.50

Property Appraiser's
Parcel Identification
No. 165412-0500

SPECIAL WARRANTY DEED

THIS DEED is made as of May 12, 1995, between MCGEEBEE FAMILY PARTNERSHIP, a Florida general partnership ("Grantor"), and TOLEMAC, INC., a Georgia corporation, post office address 6740 Spring Forest Way, Villa 114, Jacksonville, Florida 32217 ("Grantee"). (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, legal representatives, successors, or assigns.)

19.50

Prepared By And After Recording
Please Return To:
JIMMIE A. BURLEIGH
Post Office Box 52
Jacksonville, Florida 32202

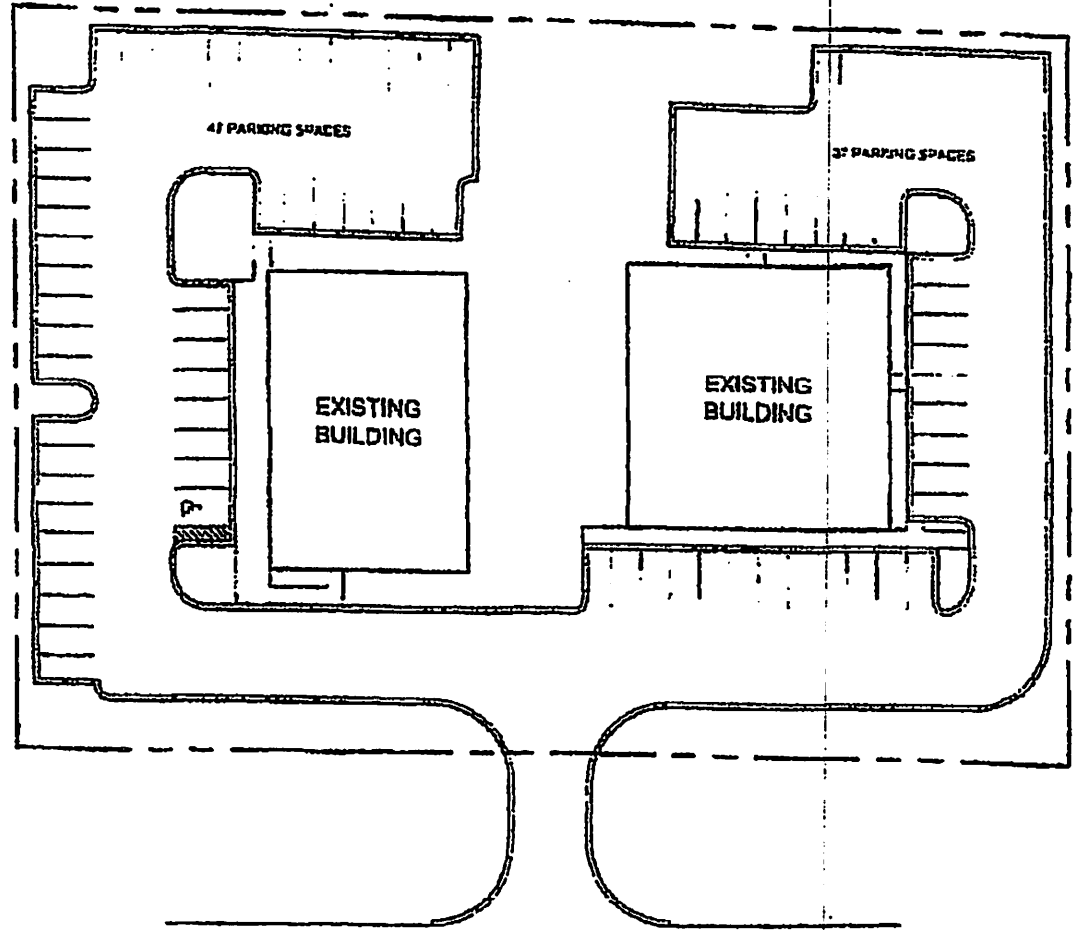
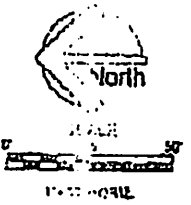
WITNESSETH, that Grantor in consideration of \$214,406.00, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto Grantee forever all of that certain property in Duval County, Florida, described in Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto Grantee in fee simple. And Grantor fully warrants the title to said property and will warrant and defend the same against the lawful claims of all persons whomsoever claiming by, through, or under Grantor, but not otherwise.

4

This conveyance is subject to (a) ad valorem taxes levied or which may become a lien subsequent to December 31, 1994; (b) conditions, restrictions, reservations, limitations, and easements of record, if any, but this provision shall not operate to reimpose

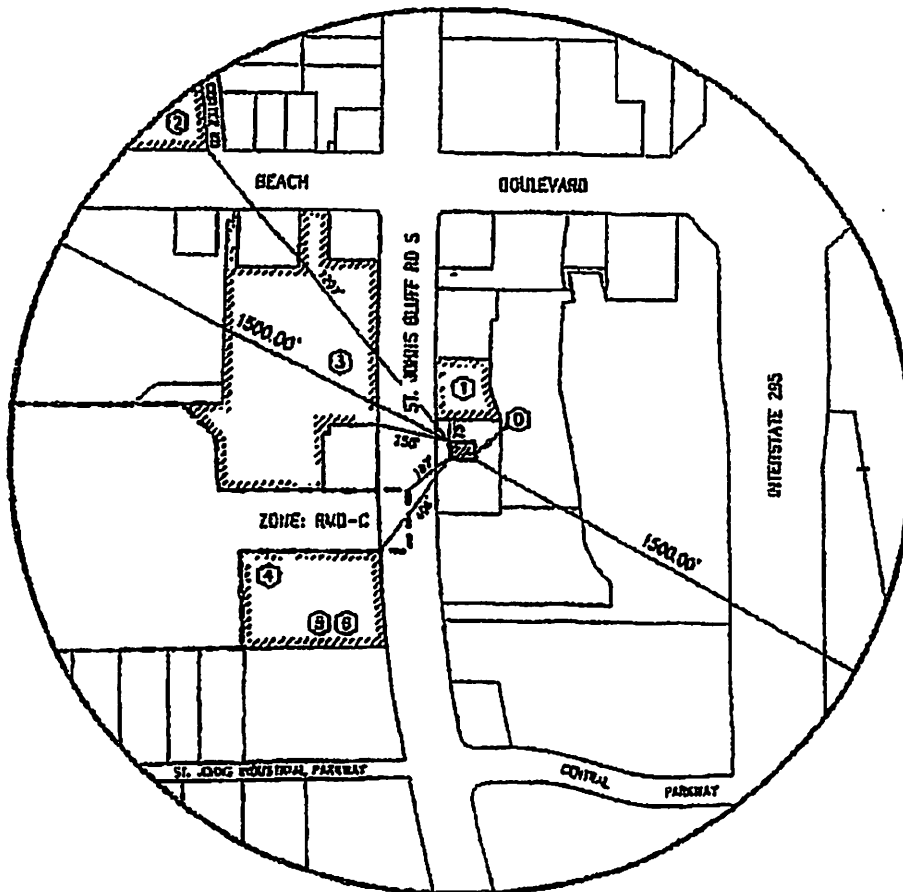
1501 5.1



ST. JOHN'S BLUF ROAD SOUTH

84 PARKING SPACES

MAP SHOWING SPECIAL PURPOSE LIQUOR LICENSE SURVEY



DATE: APRIL 6, 2017

SCALE: 1" = 500'

prepared for:
HEAVY MAN, LLC

prepared by:
PREPARED BY:
CROASDELL COMPANY
ENGINEERS • SURVEYORS • PLANNERS
419 EAST ADAMS STREET, JACKSONVILLE, FLORIDA 32202
PHONE 904.336.6649 • FAX 904.336.7324
WEBSITE: WWW.CROASDELL.COM • 6-12-17

CERTIFICATION: The undersigned certifies that she is a land surveyor registered by the State of Florida, and that this drawing was prepared by her pursuant to Section 658.804, Jacksonville Ordinance Code, that all locations of schools, churches and adult entertainment facilities within a radius of 1500 feet are shown, that the distances shown hereon are in accordance with the requirements of Section 658.805, Jacksonville Ordinance Code to the best of my knowledge and belief.

DRAWN BY: Lera A. Davis 4-12-17
Lera A. Davis, Professional Engineer & Mapper No. 6197

MAP SHOWING SPECIAL PURPOSE LIQUOR LICENSE SURVEY

ESTABLISHMENT	DISTANCE FROM 0 IN FEET
0. PROPOSED LICENSE LOCATION 3515 ST JOHNS BLUFF RD. S.	0'
1. SEAFOOD EXPRESS & MORE RESTAURANT 3505 ST JOHNS BLUFF RD S.	75'
2. PUNTO RICO 11233 BEACH BLVD, SUITE 4	1297'
3. MARIANAS CRISPS 11380-7 BEACH BLVD.	250'
4. JOHNNY ANGELS 3546 ST. JOHNS BLUFF RD. S. SUITE 120	405'
5. CREEK STREET CAFE 3546 ST. JOHNS BLUFF RD. S. SUITE 105	405'
6. SI SENOR FRESH MEX 3546 ST JOHNS BLUFF RD. S., SUITE 103	103'

*THESE ESTABLISHMENTS ARE LEASED.

DATE: APRIL 6, 2017

prepared for:
HEAVY MAN, LLC

SCALE: 1" = 100'

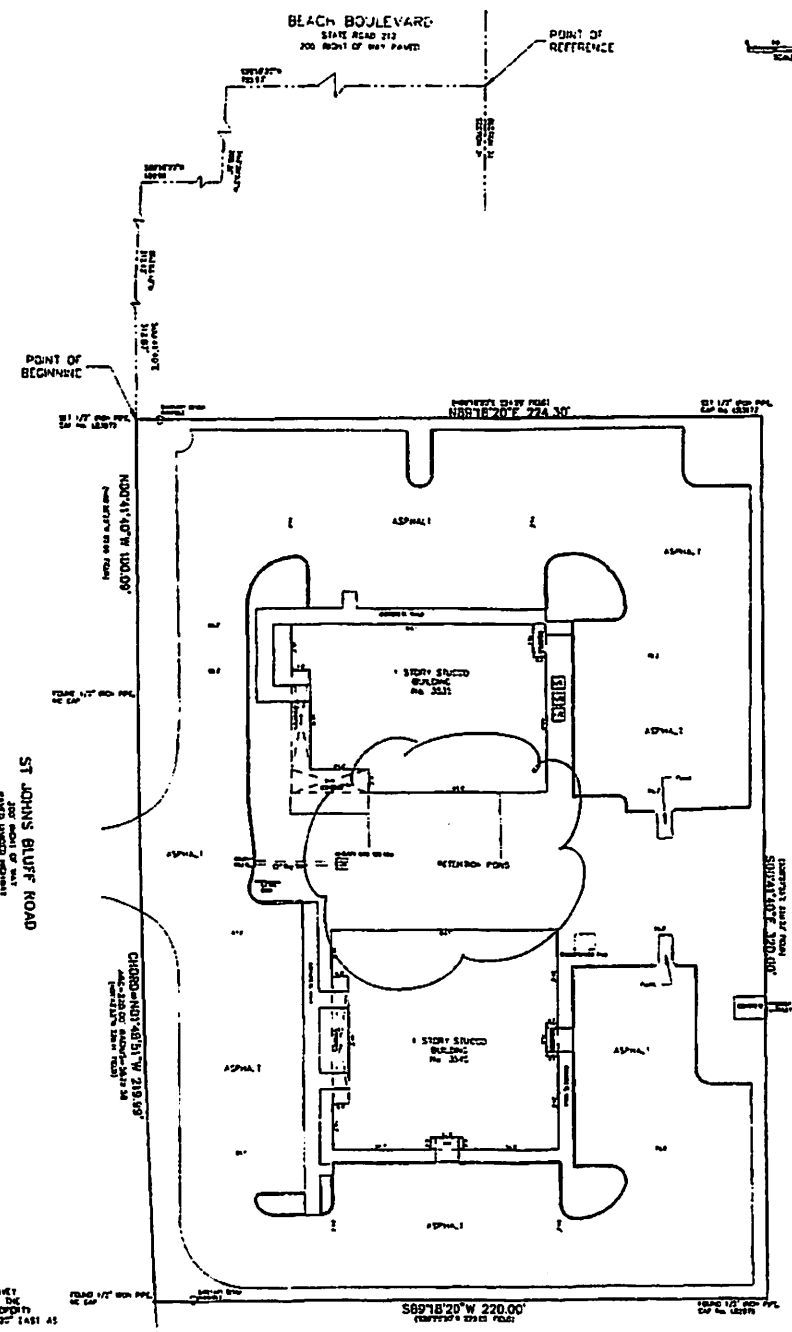
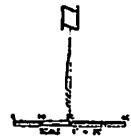
prepared by:
1
PREPARED BY:
CROASDELL COMPANY
ENGINEERS - SURVEYORS - PLANNERS
430 EAST ADAMS STREET JACKSONVILLE, FLORIDA 32202
PHONE 904.736.6649 • FAX 904.356.7024
LIC#16 • WWW.CROASDELL.COM • SINCE 1928

CERTIFICATION: The undersigned certifies that this is a land surveyor registered by the State of Florida, and that this drawing was prepared by her pursuant to Section 656.804, Jacksonville Ordinance Code, that all locations of schools, churches and adult entertainment facilities within a radius of 1500 feet are shown, that the distances shown herein are true and comply with the requirements of all Sections

DATE: April 12, 2017
Miss A. Davis
Miss A. Davis, Professional Surveyor & Mapper No. 6182

MAP SHOWING SURVEY OF

A PART OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 22 EAST, DUVAL COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 OF A POINT OF REFERENCE ESTABLISHED AT THE EASTERN END OF SECTION 21 WITH "N. SOUTHERN" MONUMENTS OF 100' OF BEACH BOULEVARD, STATE ROAD 212 (A 200 FOOT RIGHT OF WAY IS NOW ESTABLISHED) THENCE SOUTH 06° 19' 31" WEST ALONG SAID BOUNDARY RIGHT OF WAY LINE A DISTANCE OF 183.97 FEET TO THE CORNER OF SAID MONUMENTS DESCRIBED IN OFFICIAL RECORDS VOLUME 3431 PAGE 723 OF THE PUBLIC RECORDS OF SAID COUNTY, THENCE SOUTH 02° 20' 11" WEST ALONG THE EASTERN LINE OF SAID LANDS A DISTANCE OF 702.34 FEET THENCE SOUTH 83° 17' 27" WEST ALONG THE SOUTHWEST CORNER OF SAID LANDS A DISTANCE OF 187.94 FEET TO THE EASTERN RIGHT OF WAY LINE OF SAID BOULEVARD (A 200 FOOT RIGHT OF WAY IS NOW ESTABLISHED) THENCE SOUTH 06° 19' 31" WEST ALONG SAID BOUNDARY RIGHT OF WAY LINE A DISTANCE OF 318.87 FEET TO THE POINT OF BEGINNING, THENCE NORTH 83° 17' 27" EAST A DISTANCE OF 124.30 FEET THENCE SOUTH 02° 20' 11" WEST A DISTANCE OF 230.00 FEET THENCE SOUTH 83° 17' 27" WEST A DISTANCE OF 223.00 FEET TO A POINT ON SAID EASTERN RIGHT OF WAY LINE OF ST. JOHN'S BLUFF ROAD SAID POINT LING ON A CURVE FORECAST EASTWARD HAVING A RADIUS OF 2812.50 FEET THENCE IMMEDIATELY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE A DISTANCE OF 220.00 FEET, MAKING A CENTRAL ANGLE OF 02° 17' 31" AND HAVING A CHORD BEARING OF NORTH 11° 45' 31" WEST AND A CHORD DISTANCE OF 219.99 FEET TO THE POINT OF BEGINNING OF SAID QUARL BEACH CONTRACT ALONG SAID EASTERN RIGHT OF WAY LINE NORTH 02° 41' 43" WEST A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.



NOTES
 1. THIS IS A BOUNDARY SURVEY
 2. BENCHMARKS ARE BASED ON THE
 HORIZONTAL LINE OF THE PROPERTY
 SHOWING BEING NORTH 86° 13' 32" (AS SET AS
 PER RECORDS)
 THE PROPERTY SHOWN HEREON APPEARS
 TO BE IN FLOOD ZONE "X" (AREA OUTSIDE
 OF 0.25 ANNUAL CHANCE FLOODPLAIN AS
 WELL AS CAN BE ESTABLISHED FROM THE
 FLOOD INSURANCE RATE MAP OF
 FLORIDA, REVISED LINE 3, 2011 FOR
 DUVAL COUNTY, FLORIDA.
 THIS MAP SHOWS THE BOUNDARY AND
 THE CORNER MARKED BY "N" SYMBOLS
 LOCATED HEREON AND THEREON.

THIS SURVEY WAS MADE FOR THE CLIENT BY PERSONS LAW,
 J.S.C., LLC, FIDELITY NATIONAL TITLE INSURANCE COMPANY,
 LANDOWN, D.L.L., TULSA, OK.

CHECKED BY: [] FILED [] DRAWN BY: []

BOATWRIGHT LAND SURVEYORS, inc.
 1500 ROBERTS DRIVE JACKSONVILLE BEACH, FLORIDA (904)241-8550

DATE: MARCH 21, 2014 SHEET 1 OF 1 (884)2741-8330

DOWN W. BDATWRIGHT, P.S.M.
 FLA. LIC. SURVEYOR AND MAPPER NO. LS 3285
 FLORIDA LICENSE SURVEYING AND MAPPING BUSINESS NO. LD 2672

Date Submitted:	4/9/2018
Date Filed:	4/12/2018

Application Number:	AD-18-21
Public Hearing:	5/3/18

Zoning Application for an Administrative Deviation

City of Jacksonville, Florida
 Planning and Development Department

AD-18-21
 E-18-

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only			
Current Zoning District:	CCG1	Current Land Use Category:	CCG
Deviation Sought:	Decrease minimum number of parking spaces 156 to 87	Applicable Section of Ordinance Code:	656.604
Council District:	11	Planning District:	3
Previous Zoning Applications Filed (provide application numbers):			
AD-17-42 AD-17-34			
Notice of Violation(s):			
none			
Number of Signs to Post:	1	Amount of Fee:	\$2195.
Neighborhood Associations:		Zoning Asst. Initials:	
Windy Hill Civic Association		CIR	
Overlay:			
none			

PROPERTY INFORMATION	
1. Complete Property Address:	2. Real Estate Number:
3535 3T John Bluff Jacksonville, FL 32224	165412 0610
3. Land Area (Acres):	4. Date Lot was Recorded:
71071	
5. Property Located Between Streets:	6. Utility Services Provider:
TOWN CENTER PKWY AND BEACH BLVD	City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. In whose name will the Deviation be granted:	
Telenia INC	
8. Is transferability requested? If approved, the administrative deviation is transferred with the property.	
Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

EXHIBIT A - Property Ownership Affidavit

Date: 4.11.18

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location:
3535 c 3545 ST JOHN'S BLUFF RD S

To Whom it May Concern:

I Clifford G Melchior hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for 20 CLUB DECK submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

Tolerman Inc

By _____

By C Jay

Print Name: _____

Print Name: Clifford G Melchior

Its: VP

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 11th day of April 2018 by Clifford G Melchior, who is personally known to me or who has produced id as identification and who took an oath.

[Signature]
(Signature of NOTARY PUBLIC)

Marianne Jusino
(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: NOV 5, 2019

AGENT AUTHORIZATION FORM

3535 and 3545 ST JOHNS BLUFF RD S IMPROMVEMENT

(Project Name)

(City Development Number)

Property Legal Description: See attached legal description.

The undersigned, registered property owner(s) of said property described on the attachment to this Agent Authorization Form, do hereby authorize

LAVERANEUES COLES

of XO

(Registered Professional/Contractor / Agent)

(Name of Firm)

to act on my/our behalf and take all actions necessary with the City of Jacksonville, Florida, regarding the development of the property described in the attached legal description.

Property Owner's Address:

7520 SR 13 N ST AUGUSTINE, FL 32092

Telephone: (904) 239-8485

TOLEMAC INC , CLIFFORD G MCGEHEE VP

Printed Name of Property Owner

Printed Name of Property Owner

Signature of Property Owner

Signature of Property Owner

Date:

4.11.18

Date:

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 11 day of

April

2018

by Clifford G. McGehee

(name/names)

(Signature of Notary Public, State of Florida)
(Notary Stamp)



Personally known OR produced identification _____
Type of identification produced _____

9. Deviation Sought:

- Reduce Required Minimum Lot Area from _____ to _____ feet.
- Increase Maximum Lot Coverage from _____ % to _____ %.
- Increase Maximum Height of Structure from _____ to _____ feet.
- Reduce Required Yard(s) _____
- Reduce Minimum Number of Off-street Parking Spaces from 156 to 84.
- Increase the Maximum Number of Off-street Parking Spaces from _____ to _____.
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-1 zoning district from a residential zoning district from a minimum of 15 feet to _____.
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-2 zoning district from a residential zoning district from a minimum of 25 feet to _____.
- Decrease minimum number of loading spaces from _____ required to _____ loading spaces.
- Reduce the dumpster setback along _____ from the required 5 feet to _____ feet.
- Decrease the minimum number of bicycle parking spaces from _____ required to _____ spaces.
- Reduce the minimum width of drive from _____ feet required to _____ feet.
- Reduce vehicle use area interior landscape from _____ sq. ft. required to _____ sq. ft.
- Increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to _____ provided as indicated on the Landscape Site Plan dated _____.
- Reduce the number of terminal island trees from _____ terminal islands required to _____ terminal islands as indicated on the Landscape Site Plan dated _____.
- Reduce the landscape buffer between vehicle use area along _____ from 10 feet per linear feet of frontage and 5 feet minimum width required to _____ feet per linear feet of frontage and _____ feet minimum width.
- Reduce the number of shrubs along _____ from _____ required to _____ shrubs and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the number of trees along _____ from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the perimeter landscape buffer area between vehicle use area and abutting property along the north / east / south / west property boundary from 5 feet minimum width required to _____ feet.
- Reduce the number of trees along the north / east / south / west property boundary from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access from _____ from 24 / 36 / 48 feet required to _____ feet.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access to adjoining property along the north / east / south / west property boundary from 24 feet required to _____ feet.

(Circle)

Reduce the uncomplimentary land use buffer width along the north / east / south / west property boundary from 10 feet wide required to _____ feet wide.

(Circle)

Reduce the uncomplimentary land use buffer trees along the north / east / south / west property boundary from _____ required to _____ trees.

(Circle)

Reduce the uncomplimentary land use buffer visual screen along the north / east / south / west property boundary from 6 feet tall and 85 % opaque required to _____ feet tall and _____ %.

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

10. Name:	11. E-mail:
12. Address (including city, state, zip):	13. Preferred Telephone:

APPLICANT'S INFORMATION (if different from owner)

14. Name: <i>LAVERANLIES COLES</i>	15. E-mail: <i>LLCOLES87@aol.com</i>
16. Address (including city, state, zip): <i>80 COLES COURT SAINT JOHN, FL 32259</i>	17. Preferred Telephone: <i>(904) 874-8662</i>

Tolemac, Inc.

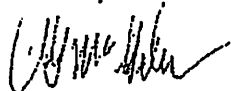
April 4, 2013

To Whom it may concern,

This letter gives permission to act as Tolemac, Inc.'s Agent in dealing with The City of Jacksonville Duval County Florida regarding any business concerning the property and buildings located at 3535 and 3545 St. Johns Bluff Rd. S. including all permitting, zoning, and construction matters to the individual listed below.

Agent: Laveranties Coles

Sincerely



Clifford McGehee
President
Tolemac, Inc.

Notary:

Before me this day 4th of April

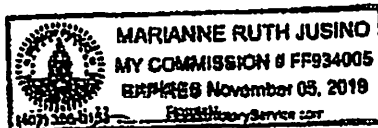
In the county of Duval, State of Florida has previously

Appeared _____ by himself and

Affirms all statements and declarations herein are true and accurate

Notary Public at Large, State of Florida, County of Duval
Personally Known or Produced ID _____

ID Type _____



Marianne Jusino

7520 State Road 13 N
St. Augustine, FL 32092

(904)-307-5859
Fax(904)-217-8173

EXHIBIT 1Legal DescriptionEXHIBIT A

Book 8096 Pd 454

A PART OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SECTION 31 WITH THE SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD, STATE ROAD 212 (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 82°18'20" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 705.93 FEET TO THE NORTHEASTERLY CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 1424, PAGE 773 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 07°30'53" WEST, ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 100.31 FEET; THENCE SOUTH 89°18'20" WEST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 189.96 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ST. JOHN'S BLUFF ROAD (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 03°02'10" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 212.43 FEET; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°41'40" EAST, A DISTANCE OF 112.87 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°18'20" EAST, A DISTANCE OF 234.30 FEET; THENCE SOUTH 00°41'40" EAST, A DISTANCE OF 320.00 FEET; THENCE SOUTH 89°18'20" WEST, A DISTANCE OF 220.00 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE OF ST. JOHN'S BLUFF ROAD, SAID POINT LYING ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 5629.98 FEET; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 220.01 FEET, MAKING A CENTRAL ANGLE OF 07°14'21" AND HAVING A CHORD BEARING OF NORTH 01°48'51" WEST AND A CHORD DISTANCE OF 219.99 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 00°41'40" WEST, A DISTANCE OF 100.09 FEET TO THE POINT OF BEGINNING.

3

Book 8096 Pg 462

8096
Pg 462 - 465
Doc# 95096835
Filed 12/21/95
10:41:59 A.M.
ROBT W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. FEE \$ 19.50
1,501.30

Property Appraiser's
Parcel Identification
No. 165412-0500

SPECIAL WARRANTY DEED

THIS DEED is made as of May 12, 1995, between MCGHEE FAMILY PARTNERSHIP, a Florida general partnership ("Grantor"), and TOLEMAC, INC., a Georgia corporation, post office address 6740 Epping Forest Way, Villa 114, Jacksonville, Florida 32217 ("Grantee"). (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, legal representatives, successors, or assigns.)

19-50

Prepared By And After Recording
Please Return To:
THOMAS A. BURLEIGH
Post Office Box 59
Jacksonville, Florida 32201

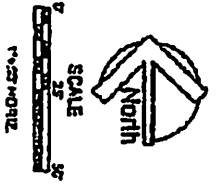
WITNESSETH, that Grantor in consideration of \$214,404.00, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto Grantee forever all of that certain property in Duval County, Florida, described in Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the same, together with the hereditaments and appurtenances, unto Grantee in fee simple. And Grantor fully warrants the title to said property and will warrant and defend the same against the lawful claims of all persons whomsoever claiming by, through, or under Grantor, but not otherwise.

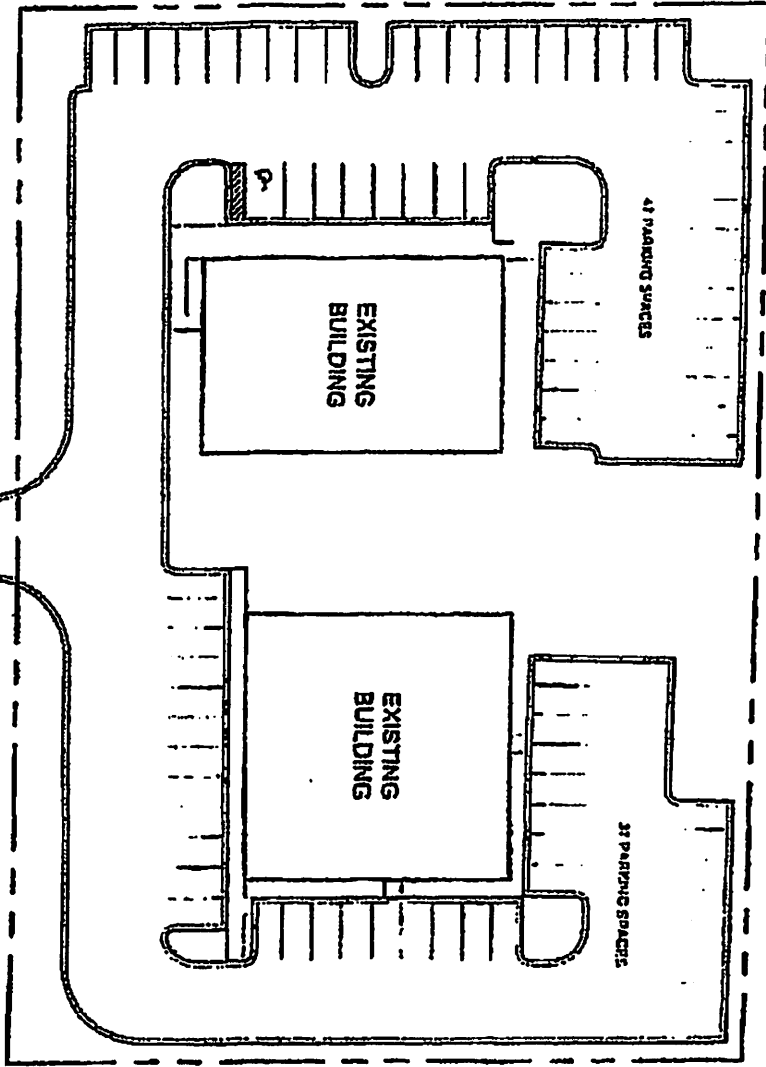
4

This conveyance is subject to (a) ad valorem taxes levied or which may become a lien subsequent to December 31, 1994; (b) conditions, restrictions, reservations, limitations, and easements of record, if any, but this provision shall not operate to reimpose

1401 FA

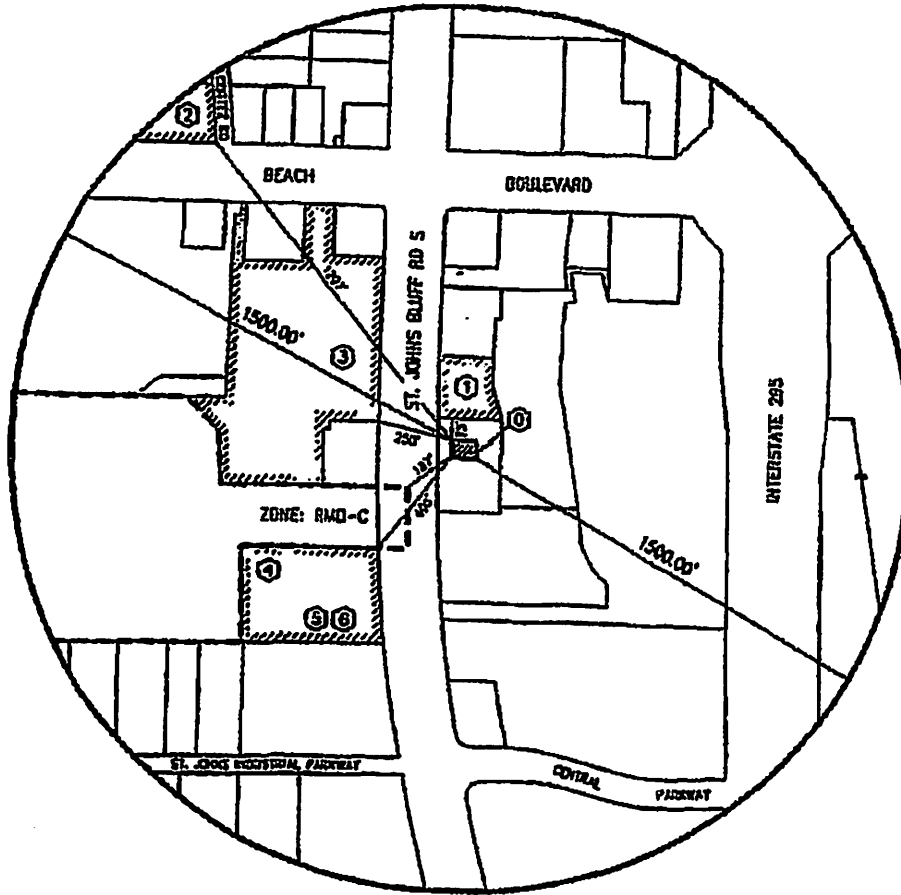


ST. JOHN'S BLUF ROAD SOUTH



84 PARKING SPACES

MAP SHOWING SPECIAL PURPOSE LIQUOR LICENSE SURVEY



DATE: APRIL 6, 2017

SCALE: 1" = 500'

prepared for:
HEAVY MAN, LLC

prepared by:
 PREPARED BY:
CROASDELL COMPANY
 ENGINEERS • SURVEYORS • PLANNERS
 432 EAST ADAMS STREET, JACKSONVILLE, FLORIDA 32202
 Phone: 904.336.8940 • Fax: 904.336.7334
 Website: www.croasdel.com • Since 1923

CERTIFICATION: The undersigned certifies that she is a land surveyor registered by the State of Florida, and that this drawing was prepared by her pursuant to Section 656.804, Jacksonville Ordinance Code, that all locations of schools, churches and adult entertainment facilities within a radius of 1500 feet are shown, that the distances shown hereon are in accordance with the requirements of Section 656.808, Jacksonville Ordinance Code to the best of my knowledge and belief.

DRAWN BY: *Lisa A. Davis* 4-12-17
 Lisa A. Davis, Professional Surveyor & Mapper No. 6182

MAP SHOWING SPECIAL PURPOSE LIQUOR LICENSE SURVEY

ESTABLISHMENT	DISTANCE FROM 0 IN FEET
0. PROPOSED LICENSE LOCATION 3535 ST JOHNS BLUFF RD. S.	0'
1. SEAFOOD EXPRESS & MORE RESTAURANT 3505 ST JOHNS BLUFF RD S.	75'
2. PUNTO RICO 11233 BEACH BLVD, SUITE 4	1297'
3. MARIANAS GRINDS 11380-7 BEACH BLVD.	250'
4. JOHNNY AJICELS 3546 ST. JOHNS BLUFF RD. S., SUITE 120	406'
5. CREEK STREET CAFE 3546 ST. JOHNS BLUFF RD. S., SUITE 106	405'
6. SI SENOR FRESH MEX 3546 ST JOHNS BLUFF RD S., SUITE 103	406'

* THESE ESTABLISHMENTS ARE LEASED.

DATE: APRIL 5, 2017

prepared for:
HEAVY MAN, LLC

SCALE 1" = 500'

prepared by:
1
PREPARED BY:
CROASDELL COMPANY
ENGINEERS - SURVEYORS - PLANNERS
420 EAST ADAMS STREET, JACKSONVILLE, FLORIDA 32202
PHONE 904.358.2148 • FAX 904.358.2104
L18210 • WWW.CROASDELL.COM • SINCE 1928

CERTIFICATION: The undersigned certifies that she is a land surveyor registered by the State of Florida, and that this drawing was prepared by her pursuant to Section 656.804, Jacksonville Ordinance Code, that all locations of schools, churches and adult entertainment facilities within a radius of 1500 feet are shown, that the distances shown hereon are in accordance with the requirements of Section 656.806, Jacksonville Ordinance Code to the best of my knowledge and belief.

SIGNED

Lisa A. Davis 4-17-17
Lisa A. Davis, Professional Surveyor & Mapper No. 6182

SHEET 2 OF 2

TOLEMAC INC
 C/O CLIFF MCGEEHEE
 7520 STATE RD 13 N
 ST AUGUSTINE, FL 32092

Primary Site Address
 3535 ST JOHNS BLUFF RD
 Jacksonville FL 32224

Official Record Book/Page
 08096-00462

Title #
 8431

3535 ST JOHNS BLUFF RD

Property Detail

RE #	165412-0610
Tax District	GS
Property Use	1700 Office 1-2 Story
# of Buildings	2
Legal Desc.	31-2S-28E 1.641 PT GOVT LOT 11 RECD O/R 8096-462
Subdivision	00000 SECTION LAND
Total Area	71071

Value Summary

Value Method	2017 Certified	2018 In Progress
Income		
Total Building Value	\$0.00	\$0.00
Extra Feature Value	\$0.00	\$0.00
Land Value (Market)	\$605,767.00	\$605,767.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$849,800.00	\$849,800.00
Assessed Value	\$849,800.00	\$849,800.00
Cap Diff/Portability Amt	\$0.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$849,800.00	See below

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#). 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification. Learn how the Property Appraiser's Office values property.

Taxable Values and Exemptions -- In Progress

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value
 No applicable exemptions

SJR/MD/FIND Taxable Value
 No applicable exemptions

School Taxable Value
 No applicable exemptions

Sales History

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
08096-00462	5/12/1995	\$214,500.00	SW - Special Warranty	Qualified	Vacant

Extra Features

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	PVAC1	Paving Asphalt	1	0	0	33,878.00	\$21,343.00
2	PVCC1	Paving Concrete	1	0	0	1,692.00	\$2,233.00
3	SWS06	Sprinkler Wet System	1	0	0	5,078.00	\$9,851.00
4	FCLC1	Fence Chain Link	2	0	0	150.00	\$1,975.00

Land & Legal

Land

LN	Code	Use Description	Zoning	Front	Depth	Category	Land Units	Land Type	Land Value
1	1000	COMMERCIAL	CCG-1	0.00	0.00	Common	71,492.00	Square Footage	\$605,767.00

Legal

LN	Legal Description
1	31-2S-28E 1.641
2	PT GOVT LOT 11 RECD O/R 8096-462

Buildings

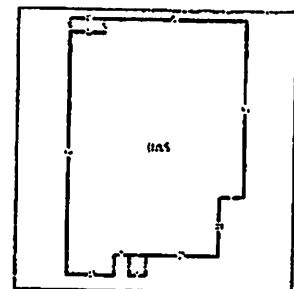
Building 1

Building 1 Site Address
 3535 ST JOHNS BLUFF RD Unit
 Jacksonville FL 32224

Building Type	3301 - NIGHT CLUB / BAR
Year Built	1995
Building Value	\$16,120.00

Type	Gross Area	Heated Area	Effective Area
Base Area	5078	5078	5078
Canopy	60	0	15
Canopy	42	0	10
Total	5180	5078	5103

Element	Code	Detail
Exterior Wall	17	17 C.B. Stucco
Roof Struct	9	9 Rigid Fr/Bar J
Roofing Cover	4	4 Built Up/T&G
Interior Wall	5	5 Drywall
Int Flooring	11	11 Cer Clay Tile
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	3	3 Central
Ceiling Wall Finish	5	5 S Cell Wall Fin
Comm Htg & AC	1	1 Not Zoned
Comm Frame	3	3 C-Masonry



REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR ZONING EXCEPTION E-18-31****MAY 3, 2018**

Location: 3535 St Johns Bluff Road, between Beach Boulevard & Central Parkway

Real Estate Number: 165412-0610

Zoning Exception Sought: Outside sales and services of all alcoholic beverages for on premise consumption meeting Part 4

Current Zoning District: Commercial Community/ General-2 (CCG-2)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: Southeast, District 3

Applicant/Agent: Tolemac Inc.
Cliff McGehee
7520 State Road 13 North
St Augustine, Florida 32092

Owner: Laveranues Coles
80 Coles Court
Saint Johns, Florida 32259

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Exception E-18-31 seeks to extend alcohol sales and service for on premise consumption to an outside seating area. The subject property is currently operating as a nightclub, XO Lounge, which serves beer, wine, and liquor. E-17-42 was approved with condition by Planning Commission on June 8, 2017 to allow Heavy Man LLC (a company owned by Laveranues Coles) to have retail sale and service of all alcohol beverages for on premises consumption.

On the provided site plan the applicant has indicated that the proposed 3,000 square foot deck is for a "safe and ADA accessible area for patrons to smoke". However, the Exception application is to allow for outside sales and service of all alcoholic beverages meeting Part 4. Upon site inspection the owner had a sign in front of the proposed deck area advertising the deck as a

"3,000 square foot Outside Event Space" depicting tables and chairs for outside seating. There are two previous applications for Zoning Exception (E-14-30 and E-15-02) filed at this location for alcohol sales. E-14-30 was approved for the retail sales of all alcoholic beverages, including liquor, for on premise consumption. The use failed to be exercised before the expiration date therefore the use never commenced. E-15-02 was denied for a dancing and entertainment establishment serving alcohol.

The applicant has also filed a companion Administrative Deviation (AD-18-21) for a reduction in required parking from 156 parking spaces to 84 parking spaces. There are two previous applications for Administrative Deviation at this location which were companion applications to the above mentioned Exception applications.

DEFINITION

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the Planning Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

- (i) *Will the proposed use be consistent with the Comprehensive Plan?*

Yes. According to the Future Land Use Element (FLUE), Community/General Commercial (CGC) in the Urban Area is a category primarily intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure.

The proposed zoning application should be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Goal 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Objective 1.1

Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.2.9

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

Goal 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Policy 3.2.1

The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

Policy 3.2.7

The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

- (ii) *Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?*

No. The proposed exception to allow outside seating for the nightclub to have sales and service of all alcoholic beverages for on premise consumption is not compatible with the existing contiguous uses or general character of the area. The portion of St Johns Bluff road between Beach Boulevard and Central Parkway is a commercial corridor with majority of the commercial activities being small to medium scale retail or service oriented (i.e. restaurants, auto services, professional office, etc.) in addition to the entry to several multi-family developments that access St Johns Bluff Road. The permanently closed Habibi Bar (3210 St Johns Bluff Road North), which did not apply for a zoning exception, is the only bar in the area that had outside seating.

Adjacent Property	Land Use Category	Zoning District	Current Property Use
North	CGC	CCG-1	Restaurant-Seafood Express
South	CGC	CCG-1	Retail Outlet-Sears
East	CGC	CCG-1	Retention Pond
West	CGC	CCG-1	Commercial retail

- (iii) *Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?*

No, the proposed use will not have an environmental impact inconsistent with the health, safety, or welfare of the community in that the proposed alcoholic beverage use and outside seating will be incidental to the primary use of the subject site as a restaurant. If approved, the proposed deck for outside seating will have to be constructed as to not effect the functional retention area beneath it.

- ~~(iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?*~~

Yes, the proposed use may have a detrimental effect on vehicular or pedestrian traffic by causing a parking issue on the site. An Administrative Deviation (AD-18-21) request for decreasing the required parking from 156 parking spaces to 84 parking spaces has been filed as a companion to this application. The Planning & Development Department is recommending denial of the request. In 2017, the applicant filed an Administrative Deviation application to decrease the required parking for the nightclub/cigar bar use from 136 to 84 parking spaces which was approved by Planning Commission. However, with the proposed additional 3,000 square feet of usable area the deficit of parking is increased for the site with no additional parking being provided. Parking difficulties are addressed in more detail in the companion application, AD-18-21.

- (v) *Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?*

Yes, the proposed use is likely to have a detrimental effect on the future development of contiguous properties or the general area. The addition of an outside seating area for consumption of all alcoholic beverages does not fit the character of the area. The City's interest is to encourage infill and development of the St Johns Bluff corridor with compatible uses that enhance and complement existing surrounding establishments. Future redevelopment and revitalization efforts may be significantly diminished or slowed due to the presence of such an establishment.

- (vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?*

Yes, the proposed use may result in the creation of objectionable activities and noise, lights, vibrations, fumes, odors, dust, or physical activities for the surrounding area. Though the applicant describes the proposed 3,000 square foot deck as a "safe and ADA accessible area for patrons to smoke" the Exception application is to allow for outside sales and service of all alcoholic beverages meeting Part 4. Upon site inspection the owner had a sign in front of the proposed deck area advertising the deck as a "3,000 square foot Outside Event Space" depicting tables and chairs for outside seating. With the congregation of people in 3,000 square feet of outside space intended to be used as an event space there will be excessive noise from patrons and potentially by amplified music either live or by a DJ.

(vii) *Will the proposed use overburden existing public services and facilities?*

No, the propose use is unlikely to overburden existing public services and facilities in the area. The proposed addition of 3,000 square feet of outside seating would have a negligible effect on the utilities usage at the property.

(viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?*

Yes, the site will be sufficiently accessible for fire, police, and rescue services via an existing entrance to the vehicle use area from St Johns Bluff Road.

(ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?*

No, as set forth in the foregoing criteria the requested extension of outside seating and outside sales and service of all alcoholic beverages is not consistent with the definition of a zoning exception, in that such an extension of use is not a characteristic of the surrounding area and does not promote the wellbeing of the neighborhood. The performance standards set forth in Part 4 of the zoning code for outside sales and service in section 656.401 (ee) (2) (i-iii) are as follows;

(2) *Permanent outside sale and service shall be allowed subject to the following criteria:*

(i) *The area for the outside sale and service shall be limited to an area which is contiguous to an existing licensed facility or establishment.*

Yes. The outside sales and service area is contiguous to the facility.

(ii) *The outside area shall be no greater than the inside area for sale and service.*

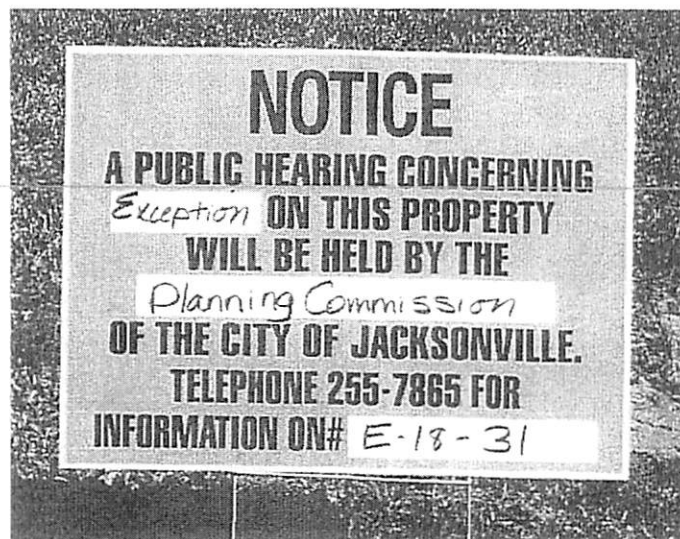
Yes. According to the site plan provided the outside area (3,000 square feet) is approximately 60% the size of the inside nightclub area.

(iii) *The outside area shall be surrounded by a permanent railing or other barrier at least three and a half feet high; provided, that the barrier may be broken by up to two entranceways no more than four feet wide each.*

No. The applicant has no indicated if there will be a permanent railing or other barrier at least three and a half feet high.

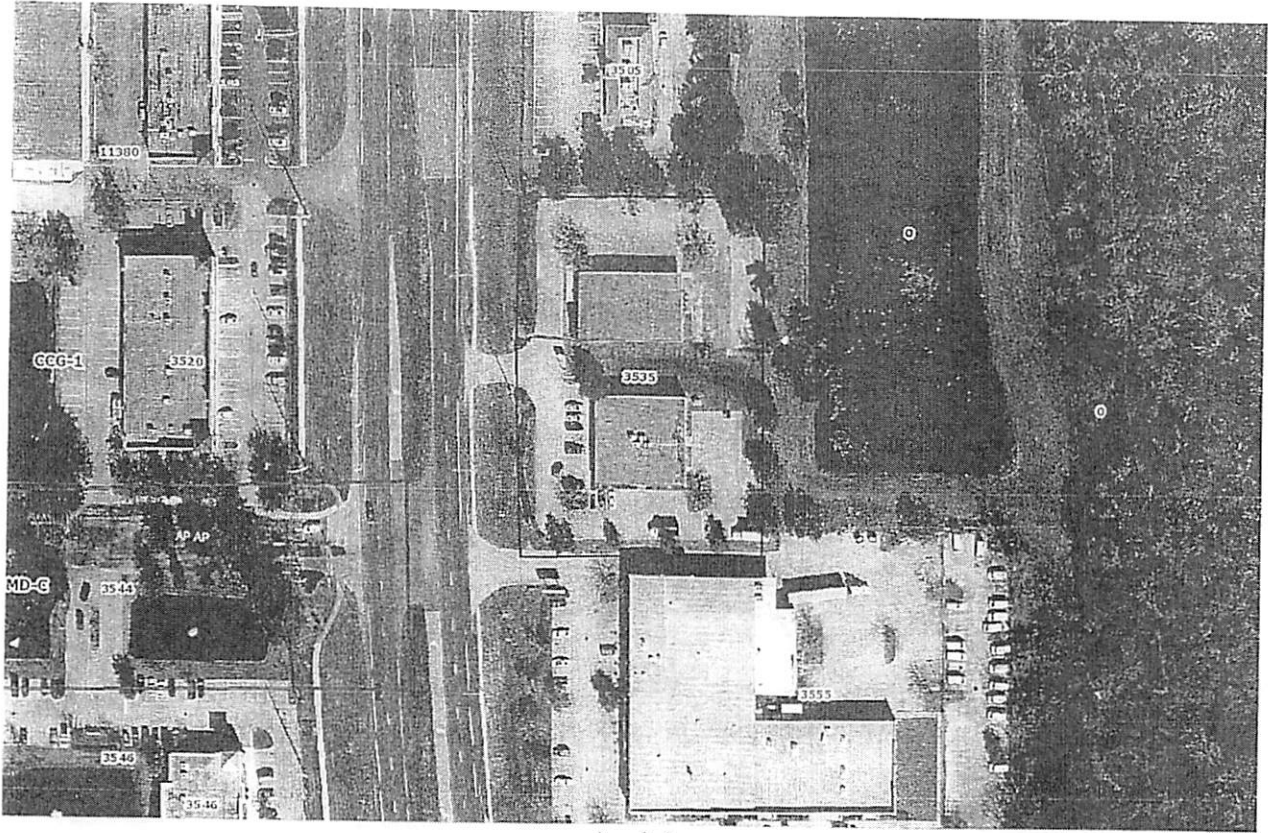
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 17, 2018 by the Planning and Development Department, the Notice of Public Hearing sign was posted.

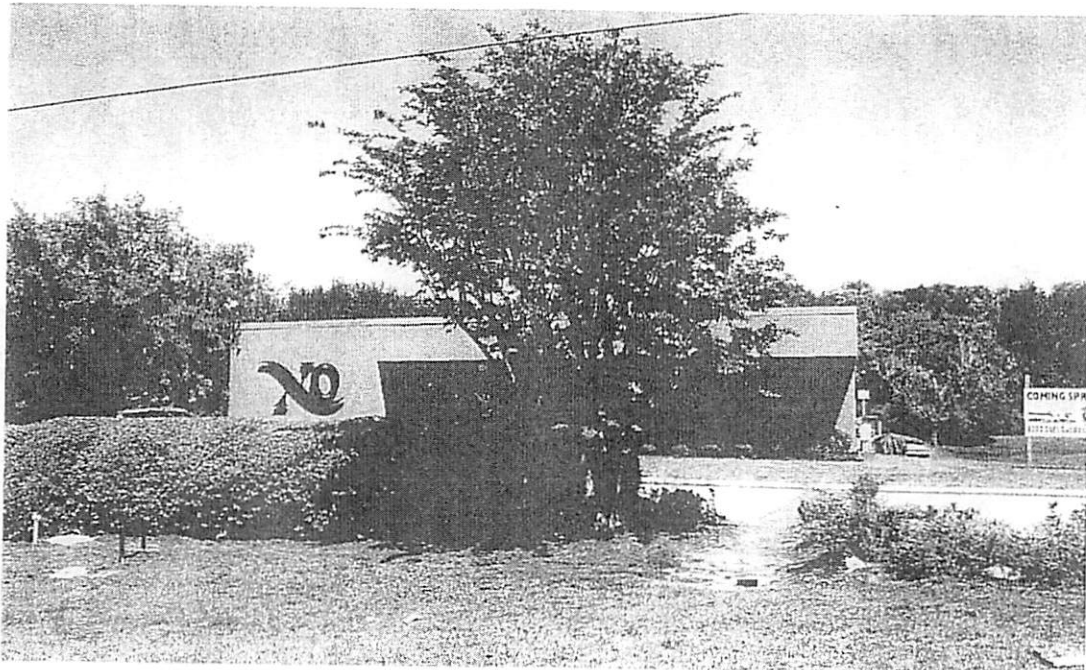


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception E-18-31 be DENIED.



Aerial



Subject site with existing nightclub

Source: COJ Planning & Development Department
Date: 04/17/2018



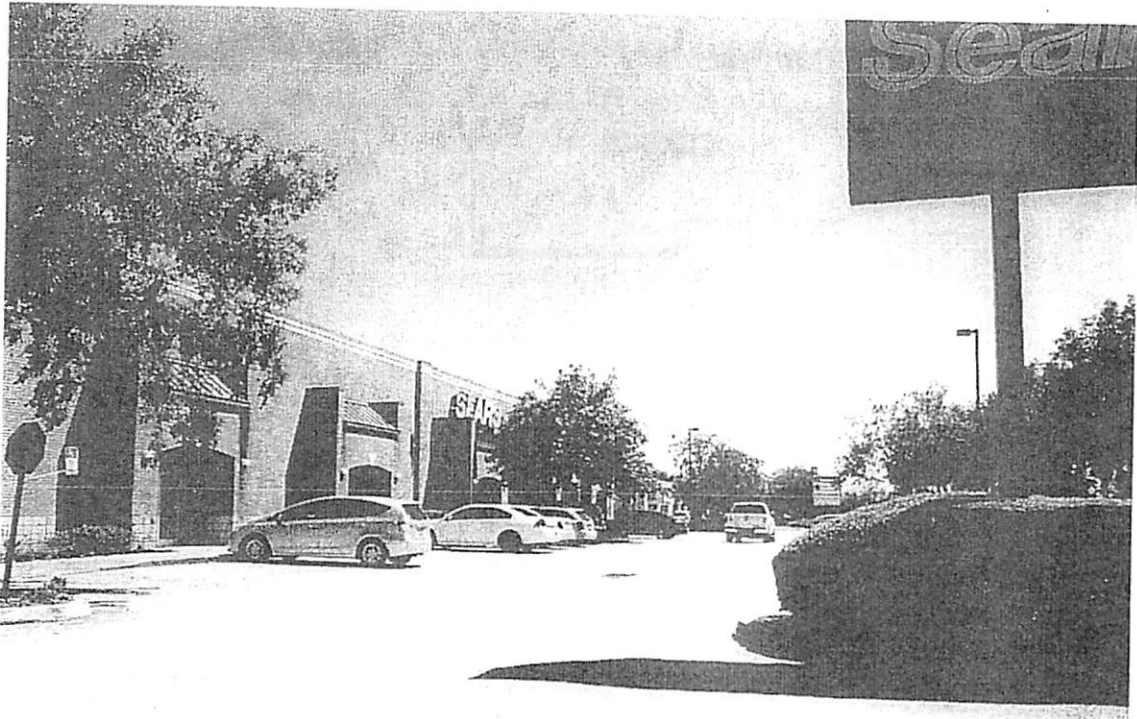
Proposed location of deck for outside sales & service of alcohol.

Source: COJ, Planning & Development Department
Date: 04/17/2018



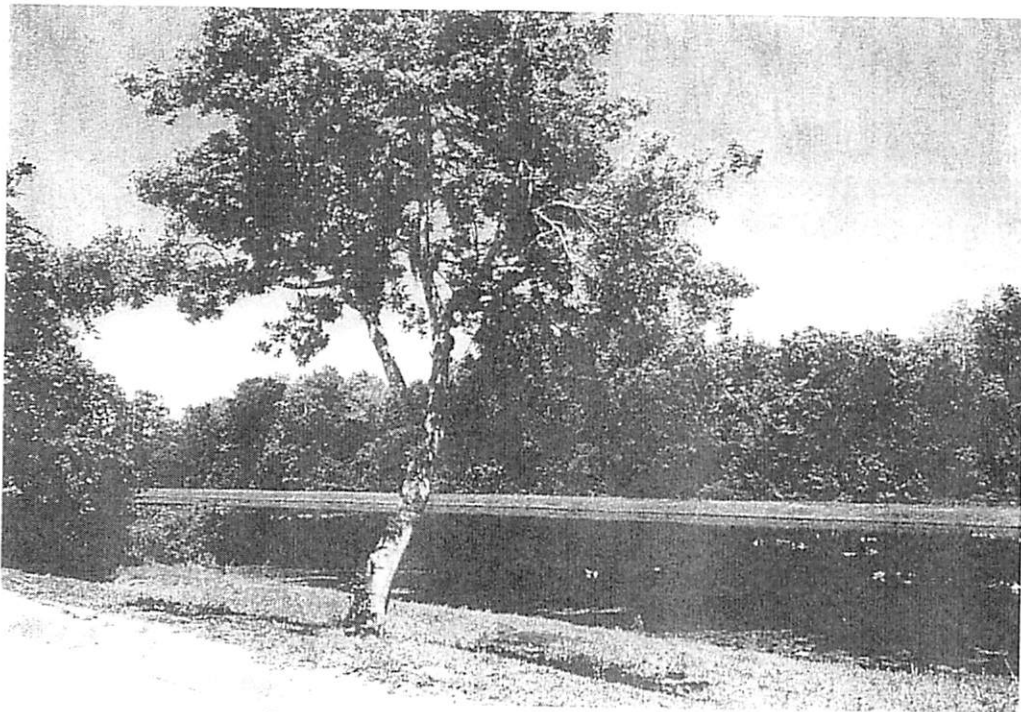
Property to the west: Retail Sales (3520 St Johns Bluff Road)

Source: COJ, Planning & Development Department
Date: 04/17/2018



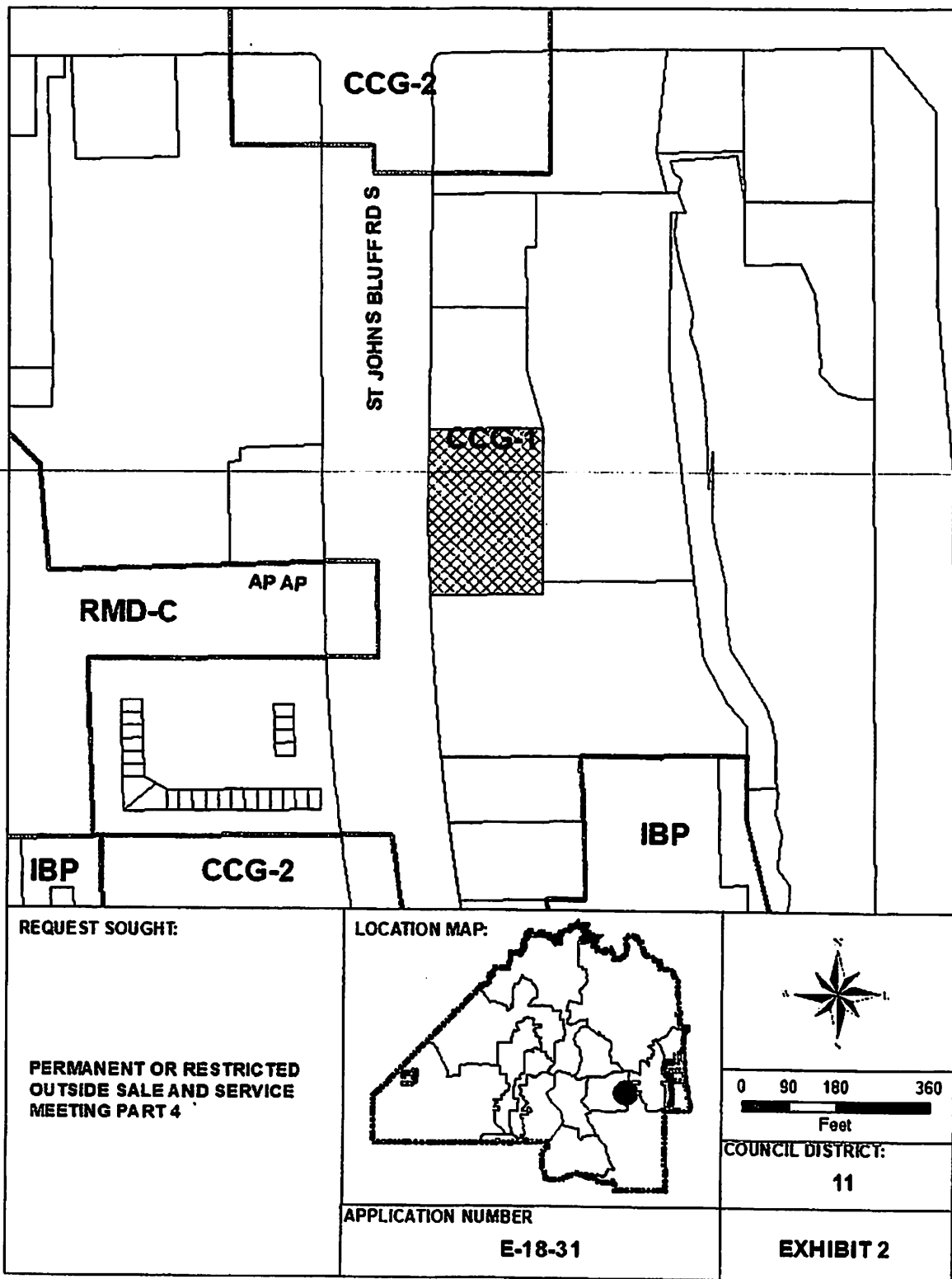
Property to the south: Retail Outlet (3555 St Johns Bluff Road)

Source: COJ, Planning & Development Department
Date: 04-17-2018



Property to the east: Retention Pond

Source: COJ, Planning & Development Department
Date: 04-17-2018



AD-18-21

**LOCATION: 3545 St. Johns Bluff Road.
Between Beach Boulevard and Central Parkway.**

REAL ESTATE NUMBER: 165412-0610

DEVIATION SOUGHT:

- 1. Reduce Minimum Number of off-street parking spaces from 156 to 84**

PRESENT ZONING: CCG-1

CURRENT LAND USE: CGC

**PLANNING DISTRICT: 3
2**

COUNCIL DISTRICT: 11

SIGNS POSTED:

**OWNER: Tolemac. Inc.
7520 State Road 13 North
St Augustine, FL 32092**

**AGENT: Lavernues Coles
80 Coles Court
Saint Johns, FL 32259**

STANDARDS, CRITERIA AND FINDINGS

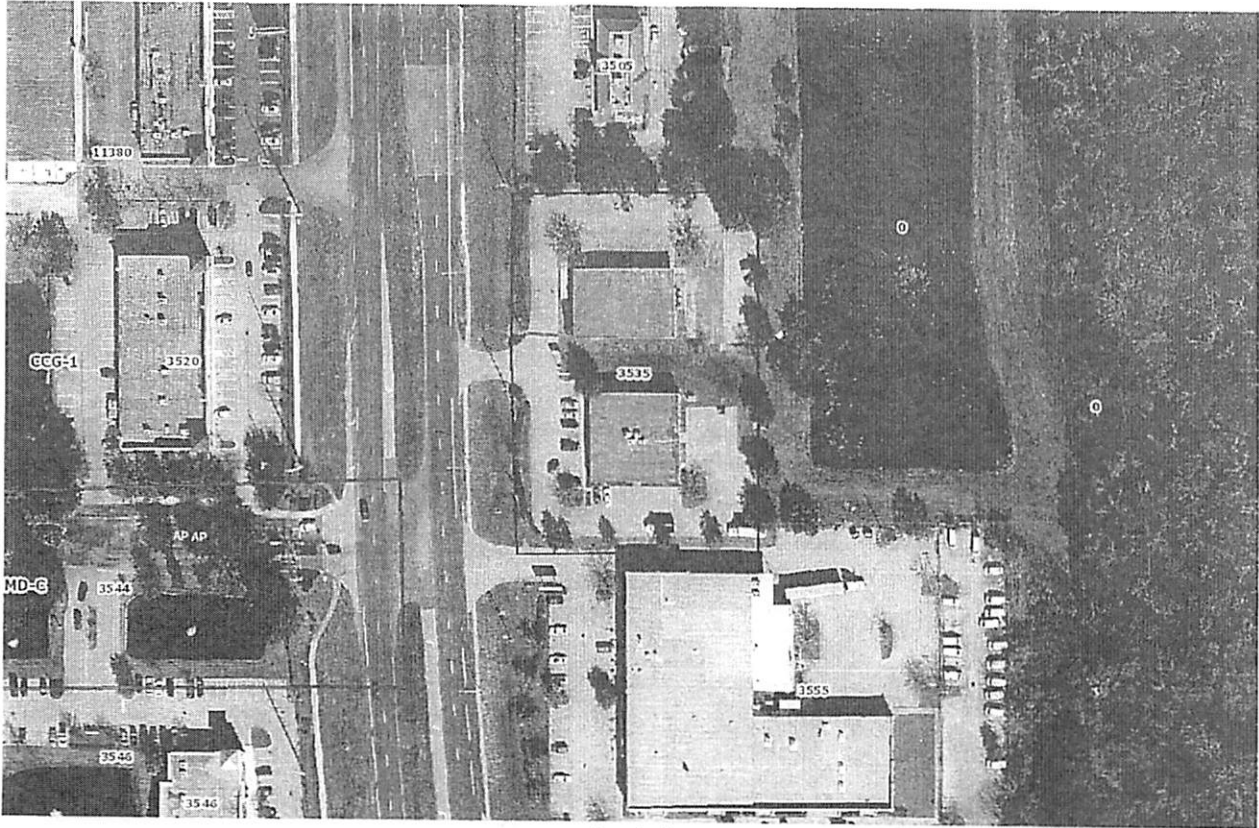
<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p><u>Recommendation:</u> Unique. The subject property is a completely developed commercial site currently functioning as a 5,000 square feet nightclub, XO Lounge. The nightclub was approved by Planning Commission for retail sale and service of all alcoholic beverages for on premise consumption in 2017 with Zoning Exception E-17-42 and companion application for Administrative Deviation AD-17-34. The AD request was for a decrease in required parking from 136 to 84 parking spaces.</p> <p>The applicant has filed a companion zoning exception application (E-18-31) for a proposed deck for outside sales and service of all alcoholic beverages which increases the square footage of the nightclub by 3,000 square feet requiring more parking spaces than provided on site for the use. The standard for night club is not based on a standard per square foot, or per seat model, but a formula designed to account for open space such as dance floors where large groups of people may congregate. The applicant is requesting a reduction in the required parking spaces and has provided no information or support for the request.</p> <p>The whole site currently has 84 parking spaces, two of which are dedicated ADA accessible spaces. Though the site has two other tenants, which are housed in another building, they share all 84 parking spaces. The other uses include a UPS</p>
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	<p>Store and retail store.</p> <p>With the proposed additional 3,000 square feet of usable area the deficit of parking is increased for the site with no additional parking being provided and no information provided by the applicant as to why or how the business will address any overflow.</p> <p><u>Findings:</u></p>
<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u> No. There are not practical or economic difficulties in carrying out the strict letter of the regulation. The applicant/owner of the nightclub has already been given approval by the Planning Commission for the nightclub use for the existing building and decrease in required parking spaces. By intensifying and extending the use by adding a deck to increase the square footage of the nightclub the owner is creating a self-imposed hardship. The intended use for the deck is being advertised as an outside event space for the outside sale and service of all alcoholic beverages. The applicant has not given any evidence or support for why he cannot meet code and why the Department should support a further parking deficit at the subject property.</p> <p><u>Findings:</u></p>
<p>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</p>	<p><u>Recommendation:</u> Yes. The request is not based on a desire to reduce the cost of development, as the site is fully occupied by structures and parking. It is simply a practical issue of space, as there is no room for additional parking on site, however the applicant is adding to the issue by expanding the square footage of his nightclub without a solution to the parking deficit that already exists for the site.</p> <p><u>Findings:</u></p>
<p>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</p>	<p><u>Recommendation:</u> Yes. The surrounding properties include fast food establishments, retail sales, full restaurants, and other commercial uses however there no similar bars with outside seating in the area. The proposed outside seating for the nightclub to have sales and service of all alcoholic beverages for on premise consumption is not compatible with the existing contiguous uses or general character of the area.</p> <p><u>Findings:</u></p>

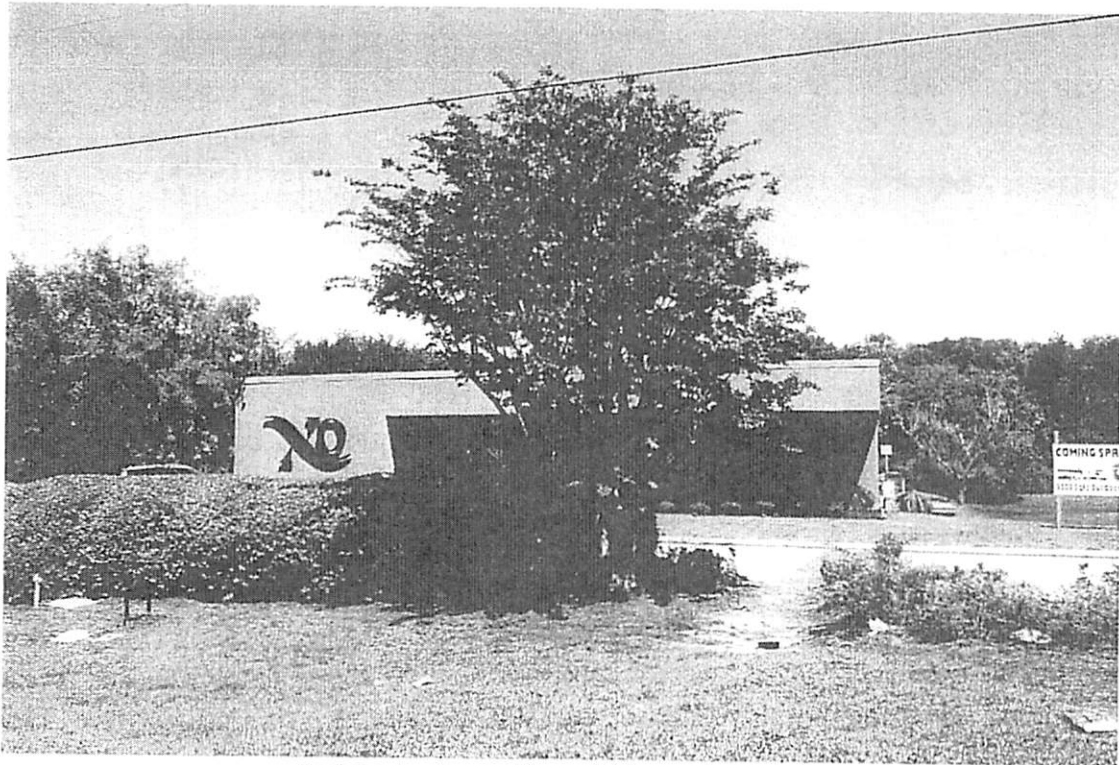
<p>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</p>	<p><u>Recommendation:</u> No. By increasing their parking deficit by adding square footage to the existing nightclub parking for additional vehicles could become a problem. The applicant has not provided any information or solutions to what will happen with overflow parking. Without any additional parking or space for cars vehicles may end up being parked on other privately owned properties or in the public right of way which would become a nuisance to other property owners and will conflict with parking laws.</p> <p><u>Findings:</u></p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p><u>Recommendation</u> No. Set forth in the forgoing criteria it is the opinion of the Planning & Development Department that the requested deviation is not in harmony with the spirit and intent of the Zoning Code. The applicant failed to provide any evidence or support for the increased deficit in parking caused by the increase in square footage of the existing nightclub.</p> <p><u>Findings:</u></p>
<p>7. The City landscape architect (has/has not) recommended the proposed deviation.</p>	<p><u>Recommendation:</u> N/A</p>
<p>8. The existing violation was not created by the applicant with intent to violate the Zoning Code.</p>	<p><u>Recommendation:</u> N/A</p>

PLANNER RECOMMENDATION: DENY

DATE OF REPORT: MAY 3, 2018

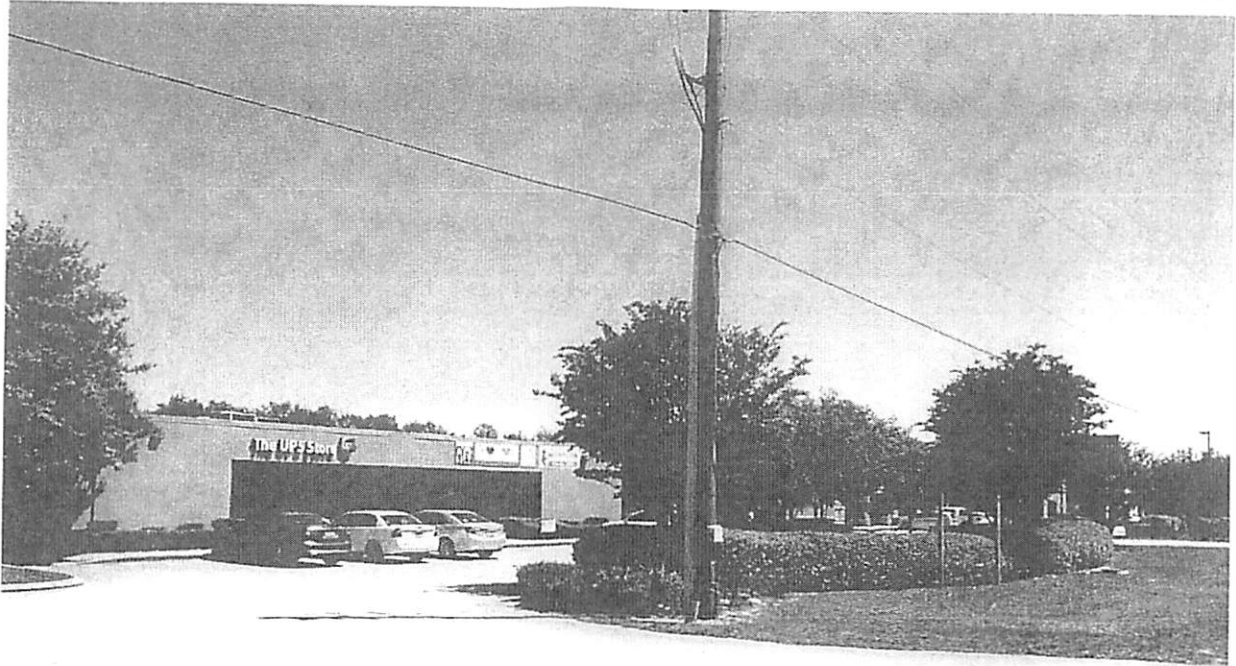


Aerial



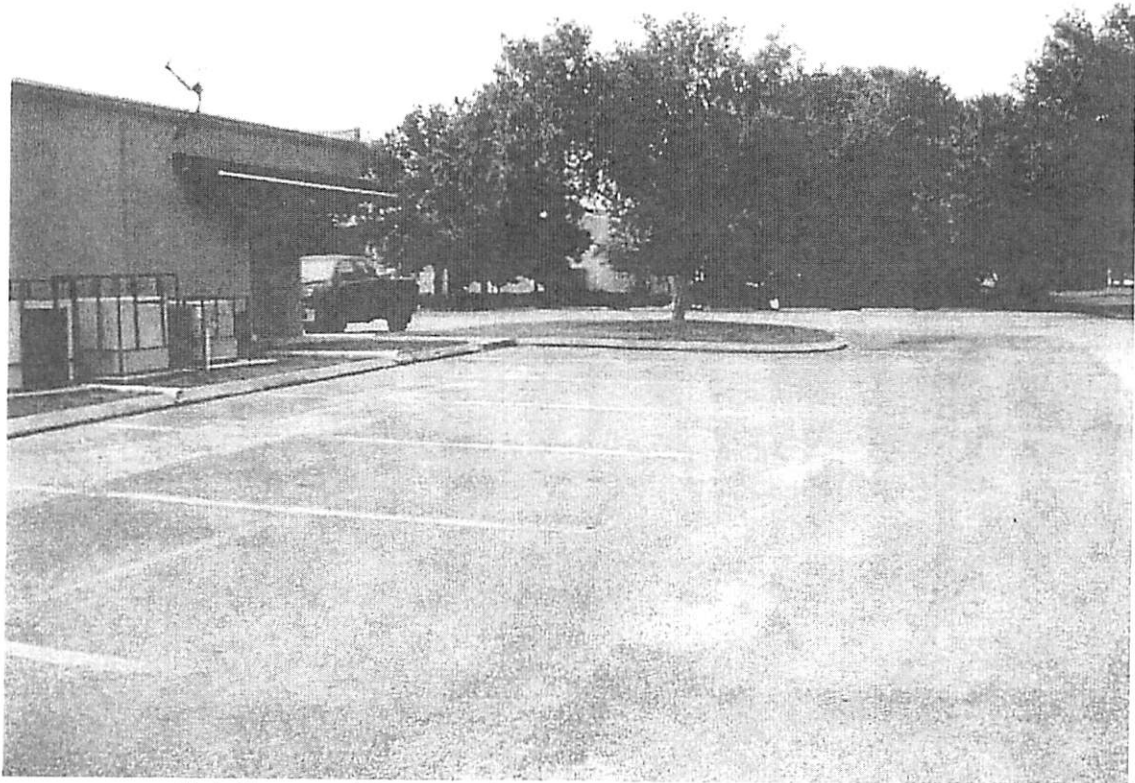
Subject site with existing nightclub

Source: COJ, Planning & Development Department
Date: 04/17/2018



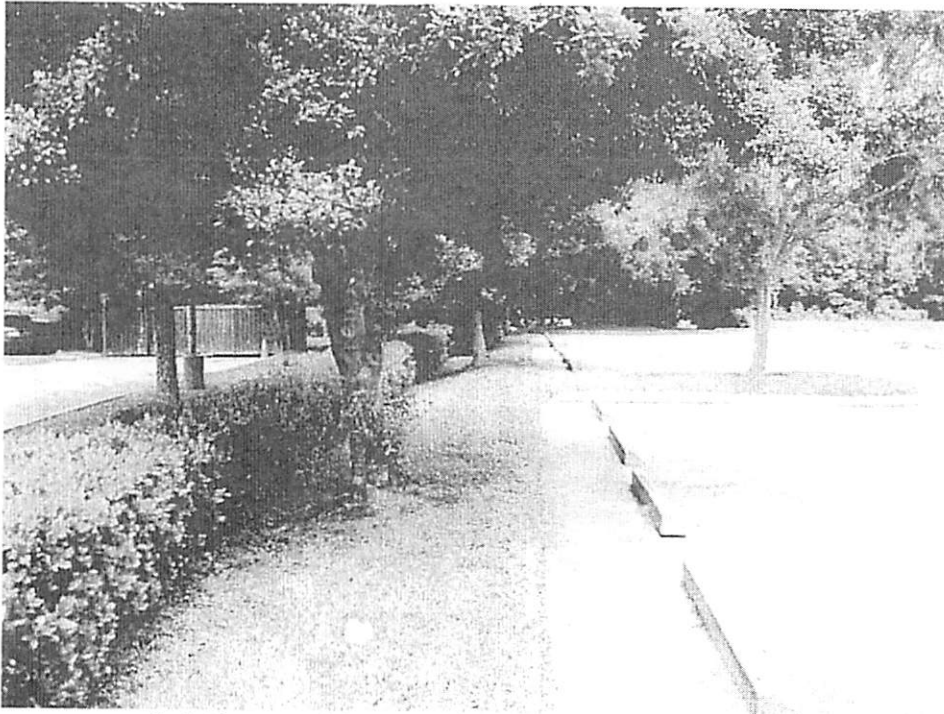
Shared Parking with building to the south

Source: COJ, Planning & Development Department
Date: 04/17/2018



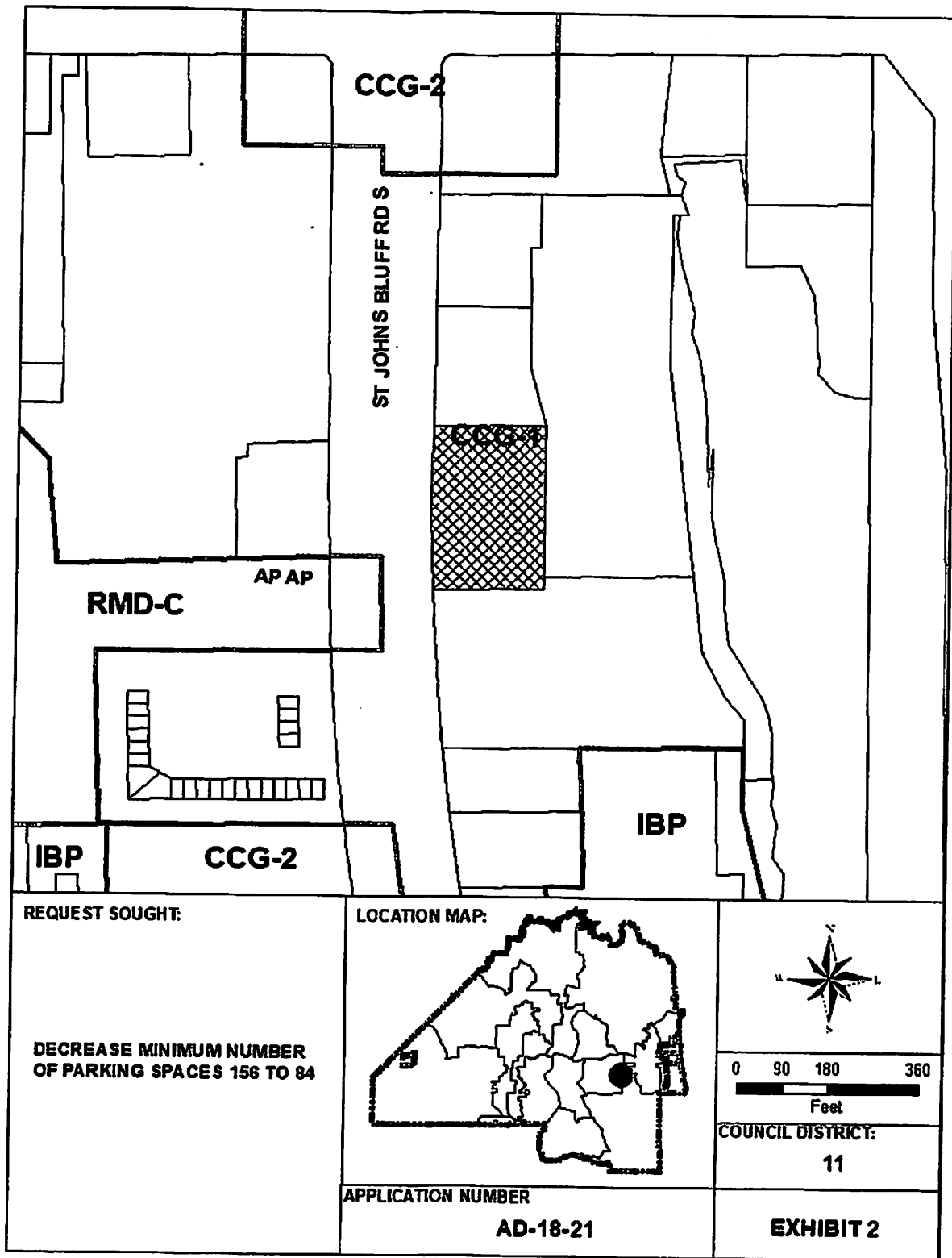
Existing parking, to the rear of the subject property.

Source: COJ, Planning & Development Department
Date: 05/23/2017



Existing parking and perimeter landscaping.

*Source: COJ, Planning & Development Department
Date: 05/23/2017*



BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: **E-18-31**

IN RE: the Zoning Exception Application of

TOLEMAC, INC.

ORDER DENYING APPLICATION FOR ZONING EXCEPTION E-18-31

This matter came to be heard upon the Application for Zoning Exception filed by Tolemac, Inc., the owner of certain real property located at 3535 St. Johns Bluff Road, RE #165412-0610, seeking to allow outside sales and services for on premises consumption of all alcoholic beverages, in the CCG-1 Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on May 3, 2018, including the Report of the Planning and Development Department on Application for Zoning Exception E-18-31 and all attachments thereto ("Staff Report"), a copy of which is attached hereto as **Exhibit "A"**, the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.131 of the Zoning Code;
2. That substantial competent evidence does not demonstrate that application E-18-31 meets, to the extent applicable, the standards and criteria set forth in Section 656.131(c) of the Zoning Code; particularly the Commission finds that the request for intensification of use creates an adverse impact on the health, safety, and welfare of the community; and
3. That the land which is subject of this exception application E-18-31 is owned by Tolemac, Inc. A copy of the legal description of the subject property is attached as part of **Exhibit "A"** and incorporated herein by reference.

NOW THEREFORE, it is **ORDERED** by the Planning Commission:

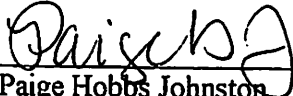
1. Application E-18-31 is hereby **DENIED**.

Executed this 3rd day of May, 2018.

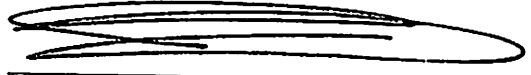


Daniel Blanchard
Chairman, Planning Commission

FORM APPROVED:



Paige Hobbs Johnston
Assistant General Counsel



Joshua Garrison
Secretary, Planning Commission

Copies to:

Tolemac, Inc.
c/o Cliff McGehee
7520 S.R. 13 North
St. Augustine, FL 32092
Owner: Applicant

~~Laveranues Coles~~
80 Coles Court
St. Johns, FL 32259
Agent

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: **AD-18-21**

IN RE: The Administrative Deviation Application of

TOLEMAC, INC.

ORDER DENYING APPLICATION FOR ADMINISTRATIVE DEVIATION AD-18-21

This matter came to be heard upon the Application for Administrative Deviation filed by Tolemac, Inc., the owner of certain real property located at 3545 St. Johns Bluff Road, RE #165412-0610, seeking to 1) reduce the minimum number of off-street parking spaces from 156 to 84 in the CCG-1 Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on May 3, 2018, including the Report of the Planning and Development Department on Application for Administrative Deviation **AD-18-21** and all attachments thereto ("Staff Report"), a copy of which is attached hereto as **Exhibit "A"** including the site plan submitted on May 3, 2018, the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.109 of the Zoning Code;
2. That the land which is the subject of this exception application **AD-18-21** is owned by Tolemac, Inc. A copy of the legal description of the subject property is attached as part of **Exhibit "A"** and incorporated herein by reference; and
3. That substantial competent evidence fails to demonstrate that application **AD-18-21** meets, to the extent applicable, the standards and criteria set forth in Section 656.109(h) of the Zoning Code; and
4. The Commission finds that Application for Administration Deviation **AD-18-21** would create adverse impacts on surrounding property owners and is not compatible with the contiguous zoning districts.

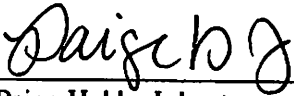
NOW THEREFORE, it is **ORDERED** by the Planning Commission:

1. An administration deviation is hereby **DENIED**.

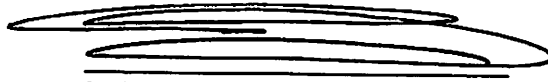
Executed this 3rd day of May, 2018.


Daniel Blanchard
Chairman, Planning Commission

FORM APPROVED:



Paige Hobbs Johnston
Assistant General Counsel



Joshua Garrison
Secretary, Planning Commission

Copies to:

Tolemac, Inc.
7520 S.R. 13 North
St. Augustine, FL 32092
Owner

Lavernues Coles
80 Coles Court
St. Johns, FL 32259
Agent

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code.

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Planning and Development Department

Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202

MEMORANDUM

TO: Connie Patterson
FROM: Krista Fogarty, City Planner I
Community Planning Division
RE: E-18-31
DATE: April 17, 2018

The following review is based on the information provided by the Current Planning Division staff

Description of Proposed Rezoning Application

Current Land Use: CGC LU Companion Application: N/A
Current Zoning: CCG-1 Proposed Zoning: Exception Acres: 1.63

Comprehensive Land Use Policy Analysis

Is the proposed rezoning district consistent with the functional land use category identified in the 2030 Comprehensive Plan?

YES NO

ZONING REQUEST:

The request is for an exception to allow for the outside sale & service of beer, wine, and liquor for on premises consumption.

LAND USE CATEGORY CONSISTENCY REVIEW:

According to the Future Land Use Element (FLUE), Community/General Commercial (CGC) in the Urban Area is a category primarily intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure.

The proposed zoning application should be reviewed in relation to the following goals, objectives, policies or text of the 2030 Comprehensive Plan:

Goal 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Objective 1.1

Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.2.9

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

Goal 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

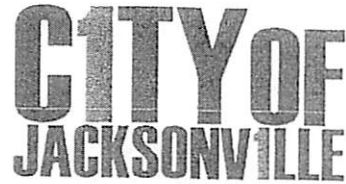
Policy 3.2.1

The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

Policy 3.2.7

The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

PLANNING AND DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: 4/19/2018

TO: Connie Patterson
City Planner I

FROM: Soliman Peter Salem
City Planner Supervisor

SUBJECT: TRANSPORTATION REVIEW OF E-18-31/AD-18-21

St. Johns Bluff Road, from Beach Boulevard to Town Center Parkway, is the directly accessed functionally classified roadway. St Johns Boulevard is a 4-lane divided Class I Minor Arterial in this vicinity and is currently operating at 53.38% of capacity. This proposal is for 5,078 square feet of ITE 925 Drinking Place, which would generate 641 vpd. This St Johns Bluff segment has a maximum daily capacity of 35,820 vpd and a 2017 daily traffic volume of 19,119 vpd.

(ITE 925 Drinking Place – 5,078 Square Feet)

A Parking Demand Analysis will be submitted to the Planning & Development Department before issuing a Certificate of Use.