

**Minutes of Planning Commission Meeting
held Monday, July 8, 2013, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order by Acting Chairman Lee Dorson.

Roll Call

Bill Callan
David Dahl
Terry DeLoach, Vice Chairperson - *Absent*
Georgette Dumont
Greg Sutton, Chairperson - *Absent*

Alternates :
#1 Rick Knight - *Absent*
#2 Lee Dorson

Also present were Steve Lindorff, Planning and Development Director, and Cathy M. Martinich, City Clerk's Office

Approval of Minutes

It was moved by Mr. Dahl, seconded by Mr. Callan, and passed, to approve the minutes for May 28, 2013 meeting as presented.

Correspondence

There was no correspondence.

New Business

PC #18-13 (13-100097)– Approximately 350 feet west of Hopson Road at 2600 Beach Boulevard

Conditional Use Approval for a proposed thirty-unit multifamily townhome project located in a *Commercial General: C-2* zoning district, pursuant to Section 34-343 (d)(11) of the Jacksonville Beach Land Development Code. (Former *Lighthouse Grille* restaurant property)

Staff Report:

Mr. Lindorff read the following staff report into the record:

The applicant is under contract to purchase the subject property on the south side of Beach Boulevard at the Intracoastal Waterway, and would like to develop it into a multifamily

residential use. Because the subject property was in the City's C-2 district, the applicant was informed that he would first need to apply for conditional use approval.

Staff has reviewed the application materials, including a conceptual site plan for the proposed multifamily use. Per that plan, the applicant is proposing to construct a total of 30 residential townhouse units, generally consistent with Land Development Code (LDC) Section 34-339(e)(4) *Townhouse dwellings* dimensional standards. The plan shows a five building layout along the southerly Beach Boulevard frontage road, with each building containing six individual townhouse units. The buildings are all oriented with their rear yards facing south, looking over the saltmarsh and Pablo Creek. It is assumed that the buildings would be two or three story structures. The applicant has indicated that he intends to sell the townhouse units as individual fee-simple properties, and he is aware that subdivision platting will be required for the project.

The application concept plan provides that the minimum lot size for each townhouse unit would be 2,572 square feet, consistent with LDC standards. The rear yard setback for four of the five buildings would be 20', instead of the required 30', and the applicant acknowledges the need for a variance for the 20' rear yard setback. The plan also shows a continuous driveway running across the front yards of all five buildings, parallel to the frontage road, to access the garages of the townhomes. This driveway arrangement will also require a variance, as the proposed 'common access' driveway crossing all of the townhouse lots violates the minimum five foot driveway setback required from each of the proposed townhouse unit's side property lines. Both of these variances, and any other departure from the cited Sec. 34-399(e)(4) dimensional standards, could be addressed in a single variance application, should this application be approved.

The subject property was most recently used as a restaurant site, for the *Lighthouse Grille* restaurant. That use was discontinued in 2006, when the restaurant building was demolished in conjunction with a then approved residential development proposal. PC#15-05 was approved for the subject property in September 2005. That application was for a three building, 47-unit residential condominium project that ultimately failed to materialize. A copy the site plan for that project, *Lighthouse Pointe*, is included with the PC#18-13 materials for comparison.

Staff has reviewed the application for consistency with relevant Land Development Code and Comprehensive plan regulations and policies. The proposed 30-unit residential use is consistent with *RM-1* zoning and *Residential-Medium Density* Comprehensive density standards. Adequate public facilities, including roadway capacity, exist to serve the project. The required minimum of two parking spaces per unit will be provided, and the concept plan also shows a total of 18 proposed on-street spaces for the project. The permitting of those spaces will require coordination with FDOT since they exist within the Beach Boulevard right of way. The former restaurant property had a small marina, and, given the

waterfront location, it is anticipated that the applicant will make some sort of provision for in-water boat storage along the subject property's bulkhead. That construction would be subject to State approval and permitting.

The subject property is bounded by Pablo Creek and the salt marsh to the immediate south and west. Adjacent upland uses include the *Beach Marine* marina complex across Beach Boulevard to the north, and vacant single-family residential zoned properties to the immediate east. The applicant is currently pursuing the development of that adjacent residential land as well, as single-family home lots. The easterly boundary of the subject property serves as a zoning boundary between *C-2* and *RS-1* zoning districts.

Given that there is already a conditional use approval for 47 residential units on the subject property, and given that the only upland private property in the vicinity is either proposed for residential use, or is already in residential use, the request now to develop 30 townhouse units on the subject property would not be out of character. Traffic from the proposed 30 units would be significantly less than from a commercial use of the subject property, and would represent a 36% reduction in traffic from its currently approved residential use. Capacity is available on Beach Boulevard, per the latest published FDOT traffic data.

Recommendation: Approval

Applicant:

The Applicant, Richard Johnston, 6384 Philips Highway, Jacksonville, FL 32216, representing Lighthouse Pt. 123, LLC, spoke briefly regarding the plans for the development and supports the recommendation. He stated that he is willing to comply with the department requirements.

Public Hearing

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

Seeing no one who wished to address the Commission, Mr. Dorson closed the public hearing.

Motion: It was moved by Mr. Dahl, seconded by Mr. Callan, to approve the conditional use as presented.

Roll call vote: Ayes – Dorson, Dahl, Callan, and Dumont.
Motion carried unanimously.

PC #19-13 (13-100097) – 132 9th Avenue North

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

Staff Report:

Mr. Lindorff read the following staff report into the record:

The applicant is under contract to purchase the vacant 50' x 96' lot on the southeast corner of 2nd Street North and 9th Avenue North and plans to construct a two-family dwelling on it. Because the property is located in a C-1 commercial district, he was instructed by staff that conditional use approval for multifamily residential use would be required.

Despite the commercial zoning of the block containing it, the subject property is surrounded by residential use properties. There is only one commercial use in the entire block, and it is a dentist's office, two lots to the east of the subject property, located in a residential style, one-story building. The properties across 2nd Street to the west and 9th Avenue to the north are also exclusively developed in residential use.

Given the small size of the subject property, its potential for development into some C-1 permitted commercial use could be problematic, especially in terms of on-site parking. The applicant is aware that he will also likely need to seek certain variances in order to build a two-family dwelling on the lot, but he cannot apply for those variances prior to gaining conditional use approval. A residential use of the subject property is in character with the surrounding neighborhood, and the construction of a new two-family dwelling on it should not negatively affect adjacent property values.

Recommendation: Approval

Applicant:

Tim Milard, Bottom Line Ventures, Inc., 230 15th Street South, Jacksonville Beach, FL 32250, stated he agreed with the Staff Report, but did ask to confirm if there was a previous variance granted for this location. Mr. Lindorff stated he would research the records. If the previous approval was for a conditional use, Mr. Lindorff said it would stay with that applicant/owner.

Public Hearing

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

Seeing no one who wished to address the Commission, Mr. Dorson closed the public hearing.

Motion: It was moved by Mr. Dahl, seconded by Mr. Callan, to approve the conditional use as presented.

Roll call vote: Ayes – Dahl, Callan, Dumont, and Dorson.
Motion carried unanimously.

PC #20-13 (13-100097) – 234 9th Avenue South

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

Staff Report:

Mr. Lindorff read the following staff report into the record:

The applicant is under contract to purchase the existing multifamily use property on the south side of 9th Avenue South, one lot west of 2nd Street. The property lies in a C-1 commercial zoning district, but it is currently in use as a three-unit residential rental property. The two structures presently on the property were built in 1947, according to the Property Appraiser's office, and have been in use residentially since that time, with the exception of a brief period of time several years ago, when one unit was used as an attorney's office.

Adjacent uses include a retail tire store to the immediate west, and multifamily residential uses to the immediate east, south, and across 9th Avenue to the north. Despite 2nd Street being a zoning boundary between a *C-1* district on its west side and an *RM-2* residential district, the predominant land use on both sides of the road in this neighborhood is multifamily residential, primarily due to its proximity to the beach. Even though there is a commercial tire store adjacent to the subject property to the west, that business' orientation and primary access are both along 3rd Street. Redevelopment of an existing adjacent residential use property into a new residential use should have no effect on the operation of that business. Approval and development of a new two-family use on the subject property would improve both its appearance and its value, and would be consistent with character of the surrounding neighborhood.

Recommendation: Approval

Applicant:

Tim Milard, Bottom Line Ventures, Inc., 230 15th Street South, Jacksonville Beach, FL 32250, said this project was almost the same as the previous request. He is planning only two units, instead of three, that would fit on the property.

Discussion ensued regarding the building style, height and lot size.

Public Hearing

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

The following People spoke in opposition:

Mr. Hy Kliman, 6000 San Jose Boulevard, Jacksonville, FL 32217, owner of Tires Plus,

spoke in opposition of the application.

Seeing no one else wished to address the Commission, Mr. Dorson closed the public hearing.

Motion: It was moved by Ms. Dumont, seconded by Mr. Callan, to approve the conditional use as presented.

Roll call vote: Ayes – Callan, Dumont, Dorson and Dahl.
Motion carried unanimously.

Planning & Development Director's Report

Mr. Lindorff explained that an attorney from the Anglican Church has threatened law suit under the Federal Religious Land Use and Institutionalized Persons Act. He stated he felt this board has been equitable with their decisions for the location in question, with past denials. The applicant is working toward reducing opposition, possibly a 25% reduction in the intensity of the use, and another application could be presented. The City would like to avoid a Federal law suit as it could be lengthy and costly.

Mr. Lindorff advised the Commission members that the next meeting is scheduled for July 22, 2013 with one conditional use application, but still undetermined at this time.

Adjournment

There being no further business coming before the Commission, Mr. Dorson adjourned the meeting at 7:25 P.M.

Submitted by: Cathy M. Martinich
Senior Secretary

Approval:

/s/Lee Dorson

Acting Chairman

Date: August 12, 2013