

**Minutes of Planning Commission Meeting
held Monday, September 9, 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 Chairman Greg Sutton.

Roll Call

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

Alternates:

Rick Night
Lee Dorson

Also present were Bill Mann, Senior Planner and Recording Secretary Amber Lehman.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

New Business

- (A) **PC #27--13 (13-100172)– 314 2nd Avenue South**
Conditional Use application for an existing mixed-use multi-family and commercial building 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. Mann read the following staff report into the record:

The applicant has owned the subject property since 1998. When he purchased it, the two upstairs units were used as residential apartments by the owners of the printing business that occupied the downstairs space. Staff found no records of prior Conditional Use approval, so it was determined that the upstairs residential use simply existed at that time as a legal nonconforming use.

At some point since 1998, the applicant leased at least one of the upstairs units for office use, discontinuing the then legal nonconforming residential use that portion of the building. Per our nonconformities regulations, if a nonconforming use is discontinued for six months or more, then all future uses must be in conformance with current Land Development Code standards. The applicant has applied for conditional use approval to once again be able to lease out his upstairs units for residential use. With the sizes of the units, the parking requirement would be less for residential uses than for commercial (four spaces versus five required for professional office). The only parking for the building is in front, in the 2nd Ave right of way.

Adjacent uses include an auto repair establishment to the west, a retail store to the east, the City's main fire station and a groundwater storage tank across 2nd Avenue to the north, and a restaurant across the alley to the south. Given that the upstairs portion of the building on the subject property has a history of residential use, approval of this request is not necessarily out of character with the surrounding mix of uses. Also, as the applicant points out, this approval and the flexibility it lends to the use of the upstairs space will allow him to better keep the entire building leased out.

Recommendation: Approval.

Applicant:

The applicant, Karl Braren, 405 7th Avenue South, stated that he concurred with the staff report presented by Mr. Mann.

Mr. DeLoach asked the applicant if the upstairs was already set up for residential use.

Mr. Braren replied yes, that they were formally two apartments, with kitchens and bathrooms.

Public Hearing

Mr. Sutton 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. Sutton closed the public hearing.

Motion: It was moved by Mr. Dorson, seconded by Mr. DeLoach, to approve the Conditional Use as presented.

Roll call vote: Ayes – DeLoach, Dumont, Sutton, Knight, and Dorson; motion carried unanimously.

(B) PC #25--13 (13-100170)– 2092 Beach Blvd

Conditional Use application for an existing mixed-use multi-family and commercial building 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. Mann read the following staff report into the record:

The applicant is the pastor of *The Church of Our Savior*, formerly the *Resurrection Anglican Church-Beaches*. Until recently, this congregation had been meeting in the small white chapel that was located on the Beaches Chapel campus on Florida Boulevard in Neptune Beach. As you may know, that historical wooden chapel building was recently moved to Jacksonville Beach, and now sits on City-owned land on Beach Boulevard at 5th Street North, one block west of the *Beaches Historical Society* museum. Renovation work on that building has recently been completed.

Since the small chapel was relocated and has now been renovated, the applicant has begun conducting Sunday services there, while continuing to look for a new permanent site for his congregation.

Staff met with the applicant's agent in March and was informed that they had identified two properties in the Hopson Road area as a desired location for their church. They were informed that the subject properties were zoned RS-1, and as such, conditional use approval would be required for a religious organization. The church then filed an application which was heard by the Planning Commission on April 8, 2013. That application was denied.

Land Development Code Section 34-158 *Successive Applications* provides applicants with recourse from denied development applications including conditional uses. While an application may not be heard again for a period of one year following its denial, a materially different application may be submitted at any time. In this case the material change is the reduction in area of the land to be considered for approval for the religious organization. Per the new application, the southerly parcel formerly designated as the children's play area is no longer a part of the application. The applicant plans to designate that parcel as a park, available to church patrons and Hopson Road neighborhood residents. Public and private parks are permitted uses in RS-1 districts.

Per the application site plan, the single church parcel would support the construction of a maximum 7,440 square feet, one-story building, containing a sanctuary with a capacity of 208 people, together with other ancillary space. At one space per four seats, the on-site parking requirement for building is 52 spaces. The site in the application materials shows the location of the proposed building and that required parking. The building location conforms to RS-1 setbacks. Maximum coverage would be 35%, so it appears that the applicant would have to obtain a lot coverage variance for the proposed improvements, if this application is approved. The plan shows the required landscape buffer and 6-foot

opaque fence adjacent to neighboring single-family uses. Access to the property would be from a single driveway onto the south Beach Boulevard frontage road, at the foot of the Intracoastal Waterway Bridge. The church and property would only be used for religious activities. They are aware that child daycare is a separate conditional use in RS-1 districts, and they are not requesting that approval.

The site plan shows the subject property as lying just north of a City-owned and operated sewer lift station. The applicant's agent has met with Public Works, and they are aware of the church's plans and have indicated that the proposed site plan and use of the property by the applicant would not interfere with their maintenance of that lift station.

Adjacent uses include the referenced single-family lots along the west side of the subject property, on the east side of Hopson Road, commercially zoned land to the east, and the *Beach Marine* development 300 feet to the north, across Beach Boulevard. The vacant commercial property to the east is in the process of being developed as grassed, landscaped overflow parking for *Adventure Landing*.

One of the current property owners has approached staff several times over the past 15 years seeking some sort of commercial use of his property, but was informed that it was not consistent with the Comprehensive Plan Future Land Use designation of his property, and would not be supported. The currently requested use of the subject properties is contemplated in RS-1 zoning, so it is not inconsistent with its Comprehensive Plan *Residential – Low Density* designation. The requested use represents a reasonable low intensity use of the undeveloped property adjacent to the City's lift station, and would serve as transition between the soon to be developed commercial parking facilities to the east and the Hopson Road neighborhood to the west and south.

Recommendation: Approval.

Applicant:

The agent for the applicant, Charles Stambaugh, 841 Prudential Drive, Jacksonville stated that he concurred with the staff report presented by Mr. Mann; however, he did want to highlight a change in the application from what was previously submitted.

The change that is most significant is the area that was designated as a playground will now be changed to a private park that can be utilized by both the congregation as well as the surrounding neighbors on Hopson Road.

The applicant stated that he sent out a letter to the neighbors explaining the proposed plan and received four responses. The purpose of the letter was to communicate the intentions of the church, stating that they wanted to be good stewards of the community and provide services to the beaches area.

The applicant stated that the intent and strategy as a church is to stay small with 200 in the congregation and they believe that this size lot will suit them very well.

Mr. DeLoach asked the applicant to define the park area.

Mr. Stambaugh responded that it would be green space that the church would maintain. Over time it may have certain structures but they are not sure yet what they would be.

Mr. DeLoach asked Mr. Mann if the church determines what was originally designated as the playground but now will utilize it as park for the congregation as well as the neighbors and asked if the church will be responsible for the maintenance in the future.

Mr. Mann responded yes, as it would not be City-owned.

Mr. DeLoach asked the applicant if there will be day care services provided.

Mr. Stambaugh replied no, but there will be child care provided during Sunday services and Wednesday Bible Study.

Public Hearing

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

The following person spoke in favor of the application:

Fred Atwill, 9001 Forrest Acres Lane, Jacksonville spoke in favor of the church and recognized others in the audience in favor of the church. He identified them as follows - Deborah Ansboro, Duval County Trust, Attorney Greg Halding, and Rosemary Kristoff.

Mr. Atwill stated that determinations should be based on the facts and this is an excellent transitional use. The property will be developed someday and this use will enhance the quality of life in the surrounding neighborhood.

The following people spoke in opposition to the application:

Mark Gorman, 13 Hopson Road, Jacksonville Beach, opposed it for the following reasons - parking for use of the park, the proposed conditional use for a church, concerns over property designation changes to commercial, and potentially decreased property values.

Mr. Sutton asked if the application is approved will they have a Conditional Use in residential land use and will it not be changed to commercial.

Mr. Mann responded that the land use designation is not changing and described permitted uses and conditional uses. He stated that any successors to the church would have to reapply for conditional use approval.

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Greg Slayton, 1 Hopson Drive, Jacksonville Beach, stated his opposition to the proposed conditional use.

John Sproviera, 21 Hopson Road, Jacksonville Beach, spoke in opposition.

Mr. Sutton asked if there had always been ingress and egress from the service road to the subject property.

Mr. Mann responded there always has been, it just was not utilized.

Alfred Bluebaugh, 17 Hopson Road, Jacksonville Beach, stated his concerns with parking.

Ty Gordon, 2 Hopson Road, Jacksonville Beach, also expressed concern with overflow parking.

Julie Cissel, 14 Hopson Road, Jacksonville Beach.

Kathy Gilsson, 5 Hopson Road, Jacksonville Beach.

Art Mead, 10 Hopson Road, Jacksonville Beach, asked if a traffic study had been done for the church.

Pat Stinson, 18 Hopson Road, Jacksonville Beach.

Ron Reimer, 12 Hopson Road, Jacksonville Beach.

Jimmy Cissel, 26 Hopson Road, Jacksonville Beach.

Lynn Hileman, 22 Hopson Road, Jacksonville Beach.

Bill Bussard, 16 Hopson Road, Jacksonville Beach, expressed concerns about environmental impacts.

Rebuttal:

Mr. Mann stated that this is not a zoning change but a conditional use. He stated that this request did not include a day care facility and the applicant is not requesting that use. If they decided in the future that there would be a school they would be required to come back before the Commission once again for another conditional use. He added that a traffic study would only look at impacts during the p.m. peak hour, and improvements have been made to Beach Blvd. that would accommodate any increase in traffic from the proposed use.

Mr. Stambaugh stated the church will be the best use of the property. He added that there will be 52 parking spaces and parking should not be a concern of Hopson Road residents.

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He further explained that the park will be used for the congregation on Wednesday and Sunday and the other times it can be used by Hopson Road residents.

Mr. Stambaugh added that there will be treescape along the back property line and will offer more noise control. Neighbors should hear no more than the occasional chime or choir sounds. This should enhance property values. Mr. Stambaugh further explained that there will be a sanctuary with one floor with a high ceiling and will not exceed the 35 foot height requirement.

Ms. Dumont asked if the congregation will maintain the building footprint or will it expand.

Mr. Stambaugh replied that they will remain within the building footprint.

Mr. Sutton stated the church has said they would break out with a new congregation if it grows beyond the 200 person congregation and he is not bothered at all by the site limitation

Mr. DeLoach responded that there is no way to limit the expansion of congregation and we are not going to know how many classes there are or services there are.

Mr. DeLoach stated that 13 residents of Hopson Road have spoken tonight in opposition to the church. This is a large representation of Hopson Road residents. It is not our charge to know why the property has not been developed. He stated that he had spoken to realtors and they have told him that the property values would be negatively affected by a church.

Mr. Stambaugh responded that the reason that churches are designated as conditional uses is because whoever created the LDC saw that it would be a good supplement to a neighborhood.

He added that the church will stabilize the property and this will be the least intensive use.

Mr. DeLoach stated that the least intense use would be residential.

Deborah Ansboro, Duval County Land Trust, 2057 Colson Road, Orlando, FL, stated this property was once designated as commercial and expressed concerns that this property cannot be sold if this is not approved. She reminded the Commission that this was a quasi-judicial decision and must be supported by facts.

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

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Motion: Ms. Dumont made a motion, seconded by Mr. Dorson, to approve the Conditional Use with the condition that the applicant adheres to the application site plans.

Roll call vote: Nays – DeLoach, Dumont, Sutton, Knight and Dorson.
Motion denied unanimously.

Planning & Development Director's Report

Mr. Mann advised the Commission that the next meeting is scheduled for September 23, 2013 with one rezoning application and one conditional use application.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:10 P.M.

Submitted by: Amber Maria Lehman
City Clerk's Office

Approval:

/s/Greg Sutton

Chairman

Date: September 23, 2013