

**Minutes of Planning Commission Meeting  
held Monday, December 10, 2012 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Greg Sutton.

**Roll Call**

Terry DeLoach, Vice Chairperson *Absent*  
Lee Dorson  
Fred Jones  
Greg Sutton, Chairperson

Alternates:

Bill Callan  
David Dahl *Absent*

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

**Approval of Minutes**

It was moved by Mr. Dorson, seconded by Mr. Jones, and passed, to approve the meeting minutes for November 26, 2012 as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**(A) PC #28 - 12 – Conditional Use**

**Conditional Use** request for automotive repair located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342 (d)(6) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicant would like to open a *Pep Boys* automotive repair facility at the former *Goodyear* tire store property located on the southeast corner of 3rd Street and 17th Avenue North. Automotive repair is a conditional use in *C-1* districts, so the applicant was instructed that they would need to apply for conditional use approval.

The former use of the subject property, as referenced above, was as a *Goodyear* tire store and automotive service center. According to Property Appraiser database, the original portion of the building on the property was built in 1965, and it has been a *Goodyear* store since that time. Since it was established prior to the establishment of our current zoning regulations, the auto repair portion of the *Goodyear* business existed as a legal conforming use, until it closed in August of this year. Given the age of the structure on-site, the appearance of the property is generally good, with the exception of the lack of a dumpster enclosure. The property is also almost entirely paved, having been developed prior to the adoption of our current zoning and site development standards, so there is no significant opportunity for landscape improvements.

Adjacent uses include a multifamily apartment complex to the east, built in 1981, a vacant lot to the immediate south on 3rd Street, a commercial strip center across 3rd Street to the west, and a small office complex across 17th Avenue to the north.

Given that the proposed use of the property is the continuation of a use which pre-dates most of its surrounding development, that there are no records of significant problems with the operation of the former auto repair business and provided that the new business will maintain the subject property in a presentable condition, there should be no change in the character of the surrounding neighborhood simply by the continuation of an automotive repair business at this location. Adjacent property values should not be affected.

**Recommendation:** Approval, with the following condition:

Applicant to install a dumpster enclosure on the subject property, per City specifications, at a location to be determined by the City's Public Works Department, within sixty (60) days following occupancy of the building by the applicant.

**Applicant:**

Applicant, Allison Mathern, 3111 West Allegheny Avenue, Philadelphia, PA, 19132, stated that she concurred with the staff report presented by Mr. Mann as well as the recommended condition of approval with the enclosed dumpster recommendation.

**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 persons spoke in opposition to the application:

Scott Fortune, 1807 3<sup>rd</sup> Street North, Jacksonville Beach.

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

Motion: It was moved by Mr. Jones, seconded by Mr. Dorson, to approve the conditional use with the following condition:

Applicant to install a dumpster enclosure on the subject property, per City specifications, at a location to be determined by the City's Public Works Department, within sixty (60) days following occupancy of the building by the applicant.

Roll call vote: Ayes – Dorson, Jones, and Callan  
Nays – Sutton

Motion passed by a vote of 3 to 1.

**(B) PC #29—12 – Conditional Use**

**Conditional Use** application to ratify an existing two-family residential use 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 applicants each own one half of a two-family dwelling property located on the southeast corner of 8th Avenue North and 2nd Street North in a *C-1* zoning district. The two-family structure was built in 1950, according to the property appraiser's database, and originally contained both commercial and residential uses. A conditional use application was approved for the previous owner of the structure/properties, together with an adjacent residential structure to the east, via Application PC#33-98. Since that time the then subject property was subdivided by the owner and sold as three separate properties. (The two subject halves of the two-family dwelling property, and the adjacent single-family property.) The two owners have now applied to gain conditional use approval of their respective portions of the two-family use in their names, to ensure the ability to re-establish such use, should it be destroyed or significantly damaged. The applicants are aware that, if they wish to add on, or otherwise encroach further into any yard areas, or if they desire to totally rebuild a two-family use on

their combined properties, they will need relief via variance from our two-family dwelling development standards.

Despite the commercial zoning, the subject properties are surrounded on all four sides by residential uses. Given this fact, together with the current and past use of the property, its continued use for residential purposes is in character with the surrounding neighborhood. Adjacent property values should remain unaffected by the proposed continuation of residential use.

**Recommendation:** Approval.

**Applicant:**

Applicant, Steve Roberts, 132 8<sup>th</sup> Avenue North, Jacksonville Beach, stated that he concurred with the staff report presented by Mr. Mann.

**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 board, Mr. Sutton closed the public hearing.

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

Roll call vote: Ayes –Jones, Sutton, Dorson, and Callan; motion passed with a unanimous vote.

**(C) PC #29—12 – Conditional Use**

**Conditional Use** application for a commercial recreation facility, more specifically an indoor pistol range, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342 (d)(17) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicant would like to purchase the Atlantic Laser building and property on the east side of Penman Road between 13th and 15th Avenues North and open a retail gun and safety products store and indoor pistol range. The retail store portion of her proposed business is allowed in C-1 zoning, but an indoor pistol range, classified as an “amusement and recreation service - shooting gallery,” is listed as a conditional use in that district, so she was instructed that she would need to apply for conditional use approval for that portion of her proposed business.

The applicant has provided a written description of her proposed business, including retail sales, safety classes and training, and a 12-lane indoor range. As stated, the retail and much of the training activity is allowed by right in C-1 districts, and can occur in the existing building on-site with little to no renovation. In reviewing the applicant's business description though, staff did not find any specific information as to the safety measures and design requirements for an indoor firing range, other than that the firing range would consist of enclosed firing lanes with concrete and steel walls and ceilings. No information on lane lengths, orientation, or building ventilation and soundproofing was provided. The Florida Building Code does not contain specific regulations governing the construction of pistol ranges, so it is not known what ballistic safety, noise and other design standards the proposed facility would have to adhere to. It would also be helpful to know what governmental entity regulates the operation of indoor firing ranges, as it is not the City.

Adjacent uses include a commercial strip center to the immediate north, a commercial cleaner to the south, a medical office and a private elementary school across Penman Road to the west, and single-family homes to the east across the public alley. The house on the residential lot immediately across the alley is approximately 150' from the rear of the building on the subject property. Staff reviewed Florida Statutes Chapter 790, Weapons and Firearms, and found no criteria or prohibition relative to the siting of indoor firing ranges in proximity of schools or residential areas. As long as the proposed indoor range is constructed as a safe and soundproof facility and operated in a safe manner, there should be no impact to the character of the surrounding neighborhood, especially since it's proposed for location in an existing building. Under those circumstances, adjacent property values should not be affected.

**Recommendation:** Approval, provided that the applicant can adequately inform the Planning Commission how the proposed facility will be designed from a ballistic and safety standpoint, and how its operation will be regulated.

**Applicant:**

Applicant, Kim Stanley, 317 4<sup>th</sup> Avenue North, Jacksonville Beach, FL 32250, introduced the Engineer for the project as well as the General Contractor and stated that both individuals would be available for any questions that the board may have.

Engineer, Jeff Tyer, T3 Engineering, 2907 Porch Lock Avenue, Jacksonville, FL stated that he is learning about shooting ranges and who controls them. He stated that the Federal Government, in particular the ATF, is the ultimate governing body that will regulate the range. OSHA is the agency in charge of air quality and The City of Jacksonville Beach will govern the noise ordinance. As far as ballistics, the general contractor will be addressing that issue.

General Contractor, William Olson, stated that the construction will be  $\frac{3}{4}$  inch plywood over soundboard, with steel all around the whole range, including the ceiling.

Mr. Sutton asked if that is in addition to what is there already.

Mr. Olson responded that it was.

Mr. Jones asked Mr. Tyer if he was still learning about some of the regulations regarding shooting ranges.

Mr. Tyer responded that it is a process to go through. There are many forms beginning with a qualification form for the business licenses. If approved, then there is another form that will need to be filled out and there are chances that this will not be approved by the federal regulators.

### **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:

- Patsy Underwood, 1521 Penman Road, Jacksonville Beach
- John Tipton, 503 North 6<sup>th</sup> Street, Jacksonville Beach

The following people spoke in opposition to the application:

- Jessica Duma, Jacksonville Beach
- Bill Flack, 8620 Rockhill Lane, Jacksonville
- Lori Gaglione, Jacksonville Beach
- Richard Graves, 3801 Deerchase Place East, Jacksonville
- Sandy Golding, 1203 18<sup>th</sup> Avenue North, Jacksonville Beach
- Eileen Krinsky, 1709 North 2<sup>nd</sup> Street, Jacksonville Beach
- Lance Folsom, 1022 3<sup>rd</sup> Street North, Jacksonville Beach
- Eric Helms, 11156 Belfair Court, Jacksonville
- Erin Helms, 11156 Belfair Court, Jacksonville
- Brad Hatton, 1550 Penman Road, Jacksonville Beach
- Bonnie Allen, 923 Penman Road, Jacksonville Beach
- Steve Kowkabany, 616 Davis Street, Neptune Beach
- Helen Pickett, 826 13<sup>th</sup> Avenue North, Jacksonville Beach
- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach
- John Galarneau, 2002 Grove Street, Jacksonville Beach
- Dan Kinkle, Jacksonville Beach
- Frank Ashton, 320 North 1<sup>st</sup> Street, Jacksonville Beach
- Derrick Graham, 941 Seashell Lane, Ponte Vedra Beach

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- Peter Litsky, 1208 South 2<sup>nd</sup> Street, Jacksonville Beach
- Linda Banister, 2324 Foxhaven Drive East, Jacksonville
- Rosy Hetman Clemente, 2441 Oak Forest Drive, Jacksonville Beach
- Steve Gaudet, 12916 Rocky River Road South, Jacksonville
- Debra Pesek, 13112 Hackberry Way, Jacksonville

During the rebuttal, the applicant, Kim Stanley, requested that she defer her request until the next meeting so that more information can be gathered.

Mr. Sutton asked Mr. Mann if the applicant is allowed to request a continuance.

Mr. Mann replied that applicants are granted one continuance without question, and that any subsequent continuance would have to be approved by the Planning Commission.

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

Mr. Mann stated that the next meeting will be held on January 14, 2013.

**Planning & Development Director's Report**

Mr. Mann advised the members that the next meeting is scheduled for Monday, January 14, 2013 with one case, thus far.

**Adjournment**

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 8:30 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

/s/Greg Sutton

Chairman

Date: January 14, 2013