

**Minutes of Planning Commission Meeting
held Monday, February 28, 2005, 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 Chairperson Bill Wilson.

Roll Call

David Dahl
Terry DeLoach
Paul Schmidt
Julio Williams
Bill Wilson (*Chairperson*)

Undine McEvoy (*absent*)
Robert Ermovick (*absent*)

Also present was Steve Lindorff, Planning & Development Director.

Approval of Minutes

It was moved by Mr. Schmidt, seconded by Mr. DeLoach, and passed, to approve the Minutes of the January 24, 2005, meeting, as presented.

Correspondence

There was no correspondence.

Old Business

PC #12-04 – Findings of Fact (*This item was carried over from the January 24, 2005, meeting.*)

Mr. Dahl advised that he wished to amend Paragraph 2) on Page 2 of the document to read as follows:

“This decision, with respect to adequate public facilities and the level of service concurrency requirements defined in the City of Jacksonville Beach Code of Ordinances, the City of Jacksonville Beach Land Development Code, the City of Jacksonville Beach 2010 Comprehensive Plan, and Florida Statutes 163.3180, is based on a finding that the Florida Department of Transportation (FDOT) *Level of Service Analysis* tables submitted at the public hearing by Planning Commissioner David Dahl (copy attached) and hand delivered to planning director Steve Lindorf at the August 2004 meeting of the FCMPO, are more compelling than the written testimony of the applicant’s traffic engineer, Zev Cohen and Associates (copy attached).”

It was moved by Mr. Dahl, seconded by Mr. DeLoach, to amend the Findings of Fact for PC #12-04.

Roll call vote: Ayes – Dahl, DeLoach, Schmidt, Williams and Wilson. Motion carried unanimously.

It was moved by Mr. Dahl, seconded by Mr. DeLoach, to approve the Findings of Fact for PC #12-04, as amended.

Roll call vote: Ayes – DeLoach, Schmidt, Williams, Wilson and Dahl. Motion carried unanimously.

New Business

PC #02-05 – Public Hearing

Request for recommendation to amend the text of Land Development Code (LDC) Article I, Section 34-5 Exceptions: Article IV, Section 34-43 General; Article VII Zoning Districts, Section 34-340(e)(3), Section 34-342(e), Section 34-345, Section 34-345(e), Section 34-347©(3)i, and Section 34-348(j)(3)d; and Article VIII Supplemental Standards, Section 34-398, to insert certain building height related technical corrections of the Land Development Code (LDC) resulting from the approval of an amendment to Section 52. Zoning Authority of the Jacksonville Beach City Charter.

Mr. Lindorff advised that this Land Development Code amendment is required as a result of an amendment to the City Charter approved in last November's election related to limiting building heights. Section 52 *Zoning Authority* of the City Charter was amended by adding language to set a maximum building height of 35 feet for all new buildings, and for new additions to existing building. Language was also included in that amendment providing for certain exemptions (spires, flag poles, etc.), providing a method of determining building height, and addressing the rights of existing buildings and permitted projects that exceed the new 35-foot maximum height. A summary of the new City Charter Section 52 is attached for your reference.

As a result of the passage of the amendment to City Charter Section 52, certain portions of the adopted Land Development Code (LDC) are now in conflict with the Charter and must, therefore, be revised.

Specifically, the attached ordinance:

1. Amends LDC *Article I, General Provisions* to incorporate the Charter Section 52 language addressing existing buildings and permitted projects over 35' and vested rights for properties or projects.

2. Amends LDC *Article IV, Definitions* section (Sec. 34-41) to replace the current two definitions for building height (one for single family, and one for all other uses) with the one definition from City Charter Sec. 52.
3. Amends LDC *Article VII RM-2, C-1, CBD, RD, and PUD* district standards to reflect a maximum building height of 35 feet. All districts in the City will now contain the 35' maximum height standard.
4. Amends LDC *Article VIII, height limit exemptions* section (Sec. 34-398) to replace the existing list of exemptions with the list from City Charter Sec. 52. The list actually changes very little, but it is now consistent with the City Charter.

Staff recommended approval.

Mr. Wilson opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request?

Sandy Golding, 1203 18th Avenue North, Jacksonville Beach, spoke in favor.

Seeing no one else who wished to address the Board, Mr. Wilson closed the public hearing.

Mr. DeLoach advised that he wished to amend the second sentence in Section 5, Paragraph (b) of the proposed ordinance to read as follows:

“The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area and 35 feet in height for single or multiple use buildings or developments, are permitted as of right in the CBD zoning district.”

It was moved by Mr. DeLoach, seconded by Mr. Schmidt, to amend the proposed ordinance accordingly.

Roll call vote: Ayes – Dahl, DeLoach and Schmidt. Nays – Williams and Wilson. Motion carried by a vote of 3 to 2.

It was moved by Mr. Dahl, seconded by Mr. Schmidt, to approve the ordinance, as amended.

Roll call vote: Ayes – Williams, Wilson, Dahl, DeLoach and Schmidt. Motion carried unanimously.

Planning & Development Director's Report

Mr. Lindorff advised that at the March 14, 2005, meeting there will be a public hearing on a proposed amendment to the PUD for the South Beach Parkway shopping center on the agenda. This concerns the expansion by the Target store. He also stated that at the March 28, 2005, meeting there will be a conditional use request on the agenda.

*Minutes of Planning Commission Meeting
Held Monday, February 28, 2005
Page 4*

Mr. Lindorff asked the Board members for their input on how long before a meeting they would like to receive their agendas. Following a brief discussion, the response was that they would prefer to receive their agendas on Friday, 10 days prior to the meeting.

Adjournment

There being no further business coming before the Board, Mr. Wilson adjourned the meeting at 7:41 P.M.

Chairman

/lmw