

**Minutes of Planning Commission Meeting
held Monday, January 9, 2006, 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 Vice Chairperson Paul Schmidt.

Roll Call

David Dahl
Terry DeLoach (*Chairperson*) (*absent*)
Lee Dorson
Paul Schmidt (*Vice Chairperson*)
Julio Williams

Alternates:

Undine McEvoy (*absent*)
Greg Sutton

Also present was Bill Mann, Senior Planner.

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Dahl, and passed, to approve the Minutes of the December 12, 2005, meeting, as presented.

At this time, Vice Chairman Schmidt read the following statement for the record:

“This conditional use application is before the Planning Commission for public hearing and consideration. Under the laws of the state of Florida, a conditional use zoning application is handled as a quasi-judicial proceeding. A quasi-judicial proceeding means that the decision making group is functioning in a manner similar to a court with the voting member sitting as impartial decision makers similar to a court with the voting members who are to provide substantial and competent evidence of presenters to support their side of the issue under consideration. It is the duty of the Planning Commission to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the effect on the neighborhood, especially where the input is fact-based and not simple expressions of opinion. It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the Planning Commission to produce competent substantial evidence of record to the contrary if the application is to be denied. The Planning Commission’s decision on a conditional use application is to be based on the criteria contained in Section 34-231 of the Land Development Code. Each member of the Planning Commission has been provided a copy of the criteria. In addition, the Planning Commission has received a copy of the application and the staff report and recommendation on this conditional use zoning request.”

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business

PC #22-05 – Robert J. Ford

Request for conditional use approval of a single-family dwelling in a *Residential Multi-family: RM-2* zoning district pursuant to Section 34-340 (d)(12) of the Jacksonville Beach Land Development Code.

Mr. Mann advised the Board that the applicant resides at the subject property and is under contract to purchase it from the owner. As a single-family use in an RM-2 district, the home is currently nonconforming. The applicant has applied for conditional use approval to be able to re-build or build a new home on the property.

The lot is 40' X 70'. The approval would be subject to RS-3 single-family standards, and the applicant is aware that certain variances would be required to ratify the existing home's footprint and/or to be able to build a new home on the lot.

Adjacent uses include a vacant lot to the immediate west, and multifamily uses to the north, across 20th Avenue to the south, and across Ocean Drive to the east. Property Appraiser data indicates that the existing house was built in 1960, and it has presumably been in single-family use since that time.

The impacts to the neighborhood and city infrastructure from a single-family use would actually be less than those from any permitted two-family use on such a small lot. Adjacent property values should not be negatively affected by the continuation of single-family residential use of the property.

Staff recommended approval

The applicant did not wish to add to Mr. Mann's statement.

Mr. Schmidt opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request? Seeing no one, he closed the public hearing.

It was moved by Mr. Dahl, seconded by Mr. Dorson, to approve the request.

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Roll call vote: Ayes – Dahl, Dorson, Schmidt, Williams and Sutton.

Planning & Development Director's Report

Mr. Mann advised the Board that there probably would not be a meeting on January 23, but he would not know until after January 13 if there would be a meeting on February 13. He advised that he would let the Board know either way.

Mr. Dahl commented through the Chairman concerning member absenteeism and how it was addressed in the Land Development Code. Mr. Mann stated he was unsure as to whether the Land Development Code regulations concerning absences were meant to include alternate members, but that he would look into it.

Adjournment

There being no further business coming before the Board, Mr. Schmidt adjourned the meeting at 7:10 P.M.

Submitted by: Linda M. Wilkins

Approved:

/s/Terry DeLoach

Chairman

Date: February 13, 2006