

**Minutes of Planning Commission Meeting
Held Tuesday, March 13, 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 Chairperson Terry DeLoach.

Roll Call

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

Alternates

Greg Sutton

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

Approval of Minutes

It was moved by Mr. Dahl, seconded by Mr. Williams, and passed, to approve the minutes of the February 27, 2006, meeting, as presented.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

PC #03/06 – Linda McMillan

Request for conditional use approval of an existing apartment complex 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 stated that the applicant owns the existing nonconforming multifamily use property on the north side of 4th Ave S. between 3rd and 4th St.s S.

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The subject property presently exists as a 25' by 125' lot containing a two story two-unit multifamily structure with no on-site parking. This constitutes a nonconforming use in a C-1 district. The structure on the property is considered nonconforming as well as it has nonconforming side yards of substantially less than the 10' minimum requirement. Property Appraiser data indicates that the structure was built in 1935. It is unclear when the property was subdivided from the westerly ½ of the platted Lot 8, but that half of the lot now has a small single family home on it, built in 1942. It is posted for sale by a realtor.

The applicant states in her application that she is applying for conditional use approval to continue the multifamily use of the property. However, the property has been vacant for over well over a year. Utility billing records indicate that the lower unit had its electric service terminated on December 13, 2004, and the upper unit had its water service turned off and "locked out" (a tamper-proofing measure) on May 17, 2004. The Nonconformities standards of the LDC state that any nonconforming use that has been discontinued for more than six months may not be re-established or resumed and any subsequent use shall conform to LDC standards.

Adjacent uses include the *Pinch A Penny* retail store to the east, the above referenced single-family home and a vacant lot owned by *Pinch a Penny* to the west, an office building to the north, and a duplex and commercial uses to the south across 4th Avenue.

Codes Enforcement and Police Department have been called out to the property on several occasions over the last two years to address problems with vagrants and failure on the owner's part to keep the property secured.

Given its extremely small size, its poor access and lack of parking, and its presence in a predominantly commercial block between 3rd and 4th St. s, the re-establishment of this property as a multifamily residential use is not supported by staff. This property combined together with the adjacent parcel, the other half of the platted lot, might represent a more reasonably sized-lot for a two-family use, but the presence of the vacant lot to the west of that actually prescribes the most appropriate use of the subject property to be in combination with both of these lots to support some permitted commercial use. The lot may also have some utility to the retail use property to the immediate east as another possibility. Conversely, if this multifamily use is re-established, as a two-family use it will drive a residential buffer requirement for any future adjacent commercial uses on either side of it. This is an onerous requirement for an otherwise commercially developed block.

Staff recommended disapproval.

Applicant:

Daniel M. Copeland, 9310 Old Kings Road, stated that the applicant currently resides in Atlanta, but plans to relocate to Jacksonville Beach and live in one of the two remolded units. He also stated that Ms. McMillan did hire property managers to care for the property, but the property ended up being mismanaged. Mr. Copeland also stated that there is a parcel of property adjacent to her lot

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that is for sale, however, Ms. McMillan can not afford to purchase the lot, therefore having the property converted to a commercial use is not feasible by the applicant.

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

Motion: It was moved by Mr. Dorson, seconded by Mr. Schmidt, to disapprove the request.

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

New Business:

There was no new business.

Planning & Development Director's Report

Mr. Mann advised the board that there would be a meeting on Monday, March 27, 2005, with one case.

Mr. Mann also reported that tonight will be Mr. Dahl's last meeting; he expressed his appreciation to Mr. Dahl for his dedicated service to the Board.

Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:18 P.M.

Submitted by: Amber Maria Lehman

Approved:

/s/Terry DeLoach
Chairman

Date: March 27, 2006