

**Minutes of Planning Commission Meeting  
Held Monday, April 23, 2007 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 Chairperson DeLoach.

**Roll Call**

Terry DeLoach (Chairperson)  
Paul Schmidt (Vice Chairperson)  
Lee Dorson  
Greg Sutton  
Julio Williams (*Absent*)  
Fred Jones  
Bill Callan

Bill Mann, Senior Planner, was also present.

**Approval of Minutes**

It was moved by Mr. Dorson, seconded by Mr. Sutton, and passed, to approve the March 26, 2007 minutes as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**PC#10-07 – PUD Rezoning**

PUD Rezoning of a 2.9 acre assemblage of parcels bounded by Beach Blvd., 1<sup>st</sup> Avenue South, and 4<sup>th</sup> and 5<sup>th</sup> Streets South, to allow construction of Middle Beach Commons, a 34,000 s.f. retail shopping center, pursuant to LDC Sec. 34-348.

**Staff Report:**

The subject property is an assemblage of four contiguous parcels, currently owned by *KAU, Inc. and Thalata, Inc.* The two parcels fronting Beach Blvd., *Aamco Transmission* and *Obake* sales office, are zoned *Commercial General: C-2*, and two undeveloped parcels to the west behind these two parcels are zoned *Industrial: I-1*. The applicant has contracted to purchase the property and seeks to rezone it to *Planned Unit Development: PUD* in order to develop the 34,000 *Middle Beach Commons* retail center, as shown on the preliminary site plan submitted in their application. The center would include a 29,130 s.f. *Publix* grocery store, and 4,800 of attached miscellaneous retail space along the west side of the building. The applicant has also provided a rendering showing the proposed architectural style and design of the building, which is included in addition to the PUD application materials.

Staff met with the applicant on several occasions leading up to the filing of this application. The initial meeting yielded certain utility and right of way issues in and around the assembled parcels, including an existing platted alley running through undeveloped parcel, a utilities easement containing a large raw water line leading to the Water Plant across 4<sup>th</sup> St., and overhead electric line that crosses the property, and general drainage problems in the 4<sup>th</sup> St., r.o.w. adjacent to the parcels. The applicant has since applied for the abandonment of the alley, and is working with our Public Works Department towards relocating the raw water line north of its existing delineation. Plans have also been prepared to relocate the electric line around the site. The alley abandonment, and the relocation of the water and electric lines will be operational conditions of approval of the final PUD Ordinance, should this rezoning be approved.

The two parcels fronting Beach Blvd. have a long history of retail and commercial service uses, but the industrial parcel has been vacant for over 10 years. For many years it existed as the warehouse and equipment service yard for the *B.B. McCormick and Sons* construction company, which is why the property was originally zoned and land use designated as industrial. The comprehensive plan future land use designation for the two Beach Blvd., parcels is *Commercial General*, reflective of their C-2 zoning, and of their history of various commercial uses.

The future land use designation for the industrially zoned parcel is *Commercial Service*, as a result of a Future Land Use amendment approved by the City in 1998. (Ref. PC#05-98) that amendment was approved to accommodate a proposal by a developer in 1998 to assemble the *McCormick* blocks and several adjacent properties to build a large home improvement retail store. That development proposal was abandoned, however, after the successful land use change, but prior to a required rezoning to allow the then proposed retail use. The *Commercial Service* land use category is intended as a transitional category between purely commercial districts and more industrial areas. It allows for a wide range of uses from general commercial, office, and retail to light industrial, wholesale trade and storage.

Staff review of this application focused on the LDC standards applicable to both rezoning in general, and PUD districts in particular. Based on that review, staff concludes the following.

Related to Rezoning Standards (LDC Sec. 34-211):

- The proposed retail use the property is consisted with its *Commercial Service* comprehensive plan designation.
- The proposed amendment is not in conflict with any portion of the Land Development Code.
- The grocery store proposed for the center is strategically located to serve the core residential areas of the city, including Pablo Beach South neighborhood, which it lies directly adjacent to, and Pablo Towers two blocks to the east, and the multifamily neighborhoods on the east side of A-1-A. There are not other land use changes proposed with which the proposed center would be considered incompatible, especially as compared with the development of an industrial use on the property, which could very well be incompatible with both adjacent residential and commercial uses.
- A changed condition warranting the proposed use has been the incremental closing and relocation of three grocery stores that had traditionally served the core are of the city over the last fifteen years. The closest grocery stores are now in Neptune Beach, and across the Intracoastal Waterway in Jacksonville.
- The historical industrial sue of the property upon which the current zoning designation is based no longer exists.
- Since the property is either already partially developed into commercial use, and partially exists as a cleared industrial warehouse site, its redevelopment into a community-serving commercial use will not result in significant adverse impacts to the natural environment. Staff does recommend that the applicant positively address the current drainage problem on 4<sup>th</sup> St. S. in the vicinity of the subject property in conjunction with their on-site stormwater management program.
- There are no other parcels of land of this size in this portion of the City available to serve the proposed use.

Related to PUD Preliminary Development Plan standards (LDC Sec. 34-348(j))

- The applicant has the written consent of the current property owners to proceed with this PUD rezoning.
- Adequate vehicular access is available to the property, as it is bounded on all four sides by paved streets. Sidewalk access to the property is provided on beach Blvd. In order to enhance pedestrian and vehicular safety, staff recommends that the applicant be required to provide public sidewalks on the other three street frontages of the property (4<sup>th</sup> and 5<sup>th</sup> Streets, and 1<sup>st</sup> Ave S.) and that curb and gutter be provided along the edge of street pavement adjacent to these sidewalks.
- Parking shown on the PUD Preliminary Development Plan exceeds s the minimum LDC requirement for shopping centers by 6 spaces.
- Adequate Water, Sewer and Solid Waste capacities exist to serve the project. The project is of sufficient size to require a stormwater management permit from the St. Johns River Water Management District. Review and approval of that stormwater management plan will also require the approval of the Public Works Director.

Approvals by those two entities will ensure compliance with the City's stormwater standards. From an operational standpoint, the relocation of an existing raw water line and an overhead electric line crossing the property will be made approval condition so the final PUD ordinance.

- A required traffic study for this project was performed for the City by one of our four traffic engineering consultants. (*PBS&J* Traffic Impact Analysis, February 2007) The results of that study show that all road links within the project's impact area will continue to operate within acceptable levels of service while the project's trips are included, with the exception of Penman Rd. N. The project is shown to add 51 PM peak hour trips to that failing road link. (26 northbound, 25 southbound). The applicant has stated in the PUD narrative that they will enter into a Fair Share agreement with the City to mitigate these impacts. This agreement will be a condition of the final PUD ordinance, if it is approved.
- The PUD Preliminary Site plan conforms with the minimum recreation and open space requirement for PUDs, as modified by approved Variance Application No. 2007-100050. The variance allows the minimum setbacks and LDC required landscape areas within the project to be included in the overall calculation of open space provided.
- The proposed retail center is compatible with surrounding land uses, especially when compared with the potential development of the vacant portion of the site into any permitted industrial use. Properties to the south and west of the site are predominantly residential in nature, and as stated this portion of the city will now be served by a grocery store. The project wisely "backs up" to the City's Water Plant facilities across 4<sup>th</sup> St. to the east, with the store fronts oriented toward the neighborhoods to the west. To ensure an attractive street frontage along Beach Blvd, though, landscaping along the north side of the store and parking lot should be increased over minimum LDC standards.
- This proposal constitutes "infill" development, which is promoted by our comprehensive plan. The intensity and scale of the project are consistent with other commercial development up and down Beach Blvd. and A-1-A. The style of architecture contemplated by the applicant fits in well with surrounding properties, and compliment the new Historical Society Museum property across Beach Blvd.

Recommendation: Staff recommends approval, subject to the following conditions:

1. Public sidewalks shall be provided adjacent to the subject property's 4<sup>th</sup> Street, 5<sup>th</sup> Street and 1<sup>st</sup> Ave South frontages, and curb and gutter shall be installed along the edge of pavement adjacent to these sidewalks.
2. The stormwater management plan for the project shall be approved by the St. Johns Water Management District and the Public Works Director, as part of the development plan approval process.
3. The existing water main and overhead electric line on the subject property must be relocated at the applicant's expense and to the satisfaction of the City prior the issuance of any building permits for the project.

4. The applicant shall be required to gain City Council approval of a Fair Share Agreement, pursuant to Ord. 2006-7931, to mitigate any unacceptable traffic impacts to Penman Road North, prior to the submittal of a development plan application for the project.
5. The applicant shall increase the landscaping along the building and parking area's Beach Blvd frontages over and above minimum LDC caliper standards, and shall submit a conceptual landscape plan for the project for the City Council's consideration of this application.

**Applicant:**

John Kidd, Avid Group, 8659 Baypine Road, Jacksonville introduced Tracey Cunningham, the project engineer. Mr. Kidd represented WindCrest Development who represents Publix, stating that he was excited about bringing the proposed development, believing it to be a good fit for Jacksonville Beach.

Mr. Jones addressed the need to reorient the buildings on the site plan to reorient buildings on Beach Blvd.

Mr. Kidd replied that they tried several configurations, but the store is much closer to Beach Blvd and more pedestrian friendly with more sidewalk connections. Mr. Kidd also stated they were in agreement with condition 5 and needed to work out the details.

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

The following person spoke in opposition to the PUD.

Joseph Loretta, 400 1st street south, Unit J, stated that this is an excellent project, but asked that the Planning Commission defer the vote and request the developer to come back with an urban design Master Plan and consider a 10 year vision for this property. Need to create a strong urban image for Jacksonville Beach and not suburbia. Mr. Loretta provided information on the Publix in the Riverside area, which was an urban design. The curb radii is excessive and did not feel that there was the necessity for a 40' radii. Information on the Vilano Beach Publix was also provided. Mr. Loretta recommended that the City request angle parking, therefore creating an opportunity to have on-site parking surrounding the site. He also expressed concern with left turns on Beach going to 4<sup>th</sup> Street south, and questioned whether this was the best design.

John Kidd responded that he believed this was a good design that it was walkable and is designed to meet the requirements of Publix as well as Jacksonville Beach.

Mr. DeLoach asked what is the reason for not developing Publix to mimic the one at Riverside.

Mr. Craig Buchanan, Wind Crest Development responded that they needed to get parking space as close to front doors as possible. This is the best plan to satisfy Publix requirements.

Mr. DeLoach expressed concern about access at the Publix in Riverside. Mr. Buchanan stated that the size of the site limited the ability to address the issues.

Mr. Jones asked whether the automobile was going to drive the fundamentals of parking, suburban design standards for parking should not apply to the Publix. This site should be more pedestrian oriented.

Mr. Buchanan responded that Publix has a requirement for parking based on criteria for approving a store. Parking is at the top of list of those criteria. This project has been designed to limit visibility of loading dock, which affects the design for parking.

Mr. Kidd stated that the plan accommodates pedestrians, and will provided sidewalks and crosswalks for pedestrian shoppers.

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

Mr. Sutton asked what was being referenced in condition 5 on the landscaping.

Mr. Mann responded that the Beach Blvd. Frontage was addressed in condition 5. In addition, the facade of the store looks bare, there needs to be a presence on Beach Blvd.

Mr. Jones asked about taking a contingency approach, reduce impervious surfaces or parking and if more is needed, add it at that time.

Mr. Mann stated that the code is not set up to allow this type of contingency except through a variance. The option to increase green space and reduce parking is not requested by client. Mr. Mann also stated that Beach Blvd. was an impediment to pedestrian usage of the site.

Mr. Jones stated that Beach Blvd. could be landscaped and traffic calmed to serve all users, not just cars.

**Motion:** It was moved by Mr. Jones, seconded by Mr. DeLoach to defer the request.

Mr. Lindorff stated that the work Glatting Jackson will do will be confined to the CBD, the study is not intended to take in the entire city, will be overlay zoning classification from 2nd avenue south. This site is not located within the study area. The Riverside store is in a more dense area than Jacksonville Beach.

**Roll call vote:** Nays – Schmidt, Sutton, and Dorson. Ayes – DeLoach and Jones. Motion failed 3 to 2.

**Motion:** It was moved by Mr. Sutton, seconded by Mr. Dorson to approve the request with the following conditions:

1. Public sidewalks shall be provided adjacent to the subject property's 4<sup>th</sup> Street, 5<sup>th</sup> Street and 1<sup>st</sup> Ave South frontages, and curb and gutter shall be installed along the edge of pavement adjacent to these sidewalks.
2. The stormwater management plan for the project shall be approved by the St. Johns Water Management District and the Public Works Director, as part of the development plan approval process.
3. The existing water main and overhead electric line on the subject property must be relocated at the applicant's expense and to the satisfaction of the City prior the issuance of any building permits for the project.
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5. The applicant shall increase the landscaping along the building and parking area's Beach Blvd frontages over and above minimum LDC caliper standards, and shall submit a conceptual landscape plan for the project for the City Council's consideration of this application.
6. The covered walkway shown on the rendering titled 'Option B' extending partially across the north face of the building shall be extended to the northeast corner of the building.

**Roll call vote:** Ayes – Schmidt, Sutton, DeLoach and Dorson. Nays –Jones. Motion carried 4 to 1.

**Planning & Development Director's Report**

Mr. Mann stated that the next Planning Commission meeting will be on May 14, 2007. There will be two cases on the agenda.

**Adjournment**

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 8:00 P.M.

Submitted by: Amber Maria Lehman

Approved:

/s/Terry DeLoach  
Chairperson

Date: May 14, 2007