

**Minutes of Planning Commission Meeting
held Monday, August 13, 2007 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 DeLoach.

Roll Call

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

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

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Sutton, and passed, to approve the July 9, 2007, minutes as presented.

Correspondence

There was no correspondence.

Old Business

There was no old business.

NEW BUSINESS:

PC#21-07 – Single family dwelling in an RM-1 district

Request for approval of an existing non-conforming single family residence located in a *Residential Multi-family*: RM-1 zoning district, to allow an addition to the residence, pursuant to Section 34-339 (d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Mann stated that the applicant owns an existing nonconforming single-family home on the south side of 5th Ave S., in an RM-1 district, and wants to build an addition to the home. The

house was built in 1958, according to Property Appraiser's records. As a nonconforming use, it may not be expanded, but if the applicant gains conditional use approval as a single-family use, he would be able to add on to the home, subject to RS-3 setback and lot coverage standards.

Adjacent uses include a mix of one- and two- family dwellings immediately adjacent and to the north across 5th Ave., and behind the lot, along 6th Ave. S. This area is a fairly low density residential neighborhood considering its multifamily zoning designation, and the continued use of, and improvements to, the subject property as a single-family use would be consistent with this low density.

Adjacent property values should not be negatively affected. The applicant is aware that he may need to apply for certain variances for his proposed addition, depending on its final design.

Staff recommends approval.

Applicant:

The applicant, Colby Ward, 426 5th Avenue South, stated that his home is approximately 860 square feet and he would like to add more square footage to make it more livable.

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

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

Roll call vote: Ayes- DeLoach, Schmidt, Dorson, Sutton, and Williams; motion carried unanimously.

OLD BUSINESS:

PC#20-07 – Carwash Addition

Conditional use approval of a proposed carwash addition to an existing service station 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 stated that the applicant operates the *Kangaroo* gas/convenience store on the northeast corner of 3rd Street South and St. Augustine Blvd. They would like to convert a portion of the existing building into a drive-through carwash. Car washes are conditional uses in C-1 districts, and they have applied for that approval.

Minutes of Planning Commission Meeting
held on August 13, 2007

The station was originally built and operated as a full-service gas station for many years prior to its renovation into a convenience and gas store only. From a site plan submitted with the application, the car wash would occupy the easternmost of the three former service bays of the building. Cars would access the carwash from the front, and pull through when washed and exit out an existing driveway onto St. Augustine Blvd.

Adjacent uses include the *Coste Verde Plaza* commercial shopping center to the north across 25th Avenue South, a *Gate* gas/convenience store to the west across 3rd Street, and single family residences and vacant lots across St. Augustine Blvd. to the southeast. St. Augustine Blvd in this area is a zoning boundary between C-1 and RS-1 districts, east of 3rd Street. Given that the subject property has a long history in specifically car-serving commercial use, the addition of a one bay carwash within the existing structure and without altering on-site vehicular movement patterns, should not negatively impact adjacent uses. Potential noise from the air dryers sometimes used in automatic carwashes would occur at the northeast end of the facility, at the wash bay's exit oriented to the northeast, away from the single-family properties to the southeast. The overall operation of the facility would be subject to the City's noise regulations as well.

Staff recommends approval.

Applicant:

The consultant for the applicant, Lara Dietrich, 8657 Baypine Road, Jacksonville with Kimley Horn, stated that the previous owner of the site operated 6 working bays until August of 2006. The carwash will have silencer kits that will operate at a maximum of 71.0 decimal levels, which fall well below the maximum of 75 that is allowed. Addressing the residents concerns about the hours of operation, the carwash will only operate between 7:00am – 10:00pm. As for the option of changing the driveway, it is not feasible to do at this time.

Mr. Dorson asked why changing the driveway is not feasible.

Ms. Dietrich responded that the timeline puts it at a couple of years behind schedule and the burden of the cost is too great.

Mr. DeLoach asked the prior owner what the hours of operation for the 6 bays.

Mr. Harry Lewis, Jacksonville, stated that the hours were from 7:30am – 6:00pm Monday through Friday and a half day on Saturday.

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 favor of the application:

Harry Lewis, Jacksonville

Minutes of Planning Commission Meeting
held on August 13, 2007

The following person spoke in opposition to the application:

Ross Bryant, 224 St. Augustine Blvd, Jacksonville Beach.

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

Mr. Dorson stated that this should be tabled until the applicant could come back with a site plan.

Motion No. 1: It was moved by Mr. Dorson, to table the application until the next meeting.

Motion died due lack of a second.

Motion No. 2: It was moved by Mr. Williams, seconded by Mr. Dorson, to allow St. Augustine driveway to provide egress for carwash until such time as the 25th Avenue South improvements, east of A1A, are completed. At that time applicant must install a driveway onto 25th Avenue South and discontinue use of the, Northerly, St. Augustine driveway.

Roll call vote: Roll call vote on Motion No. 2 resulted in the following - Ayes –Williams; Nays- DeLoach, Dorson, Sutton and Schmidt.

Motion failed with a vote of 4 to 1.

Motion No. 3: It was moved by Mr. Sutton, seconded by Mr. Schmidt to approve with limited operations of the carwash from 8:00am – 6:00pm seven days a week. When 25th Avenue South is open that the ingress for the carwash is required to be from 25th Avenue South; and the easterly entrance to St. Augustine Blvd. be discontinued.

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

PC #18-07 – Private Elementary School (continued prior to the 7-23-07 public hearing)

Request for Conditional Use approval for a property addition to an existing private elementary school in a *Residential, single family: RS-1* zoning district, pursuant to Section 34-346 (d)(3) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Mann stated that the *Discovery Montessori School* is a private preschool through elementary school, located on the southwest corner of Shetter Avenue and 15th Street South. It exists as an approved conditional use in an RS-1 residential zoning district (PC 10-94), and has been in operation since its inception in 1995. They are interested in purchasing a 90'x142' parcel of land

Minutes of Planning Commission Meeting
held on August 13, 2007

adjacent to the south side of their campus and behind the adjacent single family home at 134 15th Street South. They want to turn it into a playing field and overflow parking area for the school, as shown on the site plan in their application materials.

The parcel is currently undeveloped, heavily wooded, and contains jurisdictional wetlands. It has no public street frontage, and is bounded on the east and south by single-family homes and to the south by the *Cooper-Holt Manor*. The eastern boundary of the property is roughly 30' behind the swimming pool of the adjacent home. In looking at the building plans for the adjacent Montessori facilities there is roughly 10' of fall on the property as you head east to west.

Staff cannot determine when this parcel came into existence, but it appears that it originally existed as part of the rear yard of 134 South 15th Street, and at some point was subdivided. The current owner of the property is also a former owner of the house at 134 15th Street, but the house parcel has since been sold.

In order to develop the property into a ball field and an area suitable for occasional parking, as shown on the site plan, the site would have to be significantly cleared, re-graded and/or filled, eliminating most or all of the existing trees, and on-site wetlands. An example of the difficulty in developing in this area adjacent to the marsh can be seen by the bulkhead that the school had to construct to the south of the subject property, for one of their parking areas.

In addition to the natural impacts of the proposed use of the property, the development of the proposed field would encroach on the rear yard privacy of the adjacent homes, one of which already shares a 400' common property line with the school. The elimination of the natural area behind this home could negatively affect its value as well, as opposed to the property in its current state, or in a permitted use.

Staff recommends disapproval.

Applicant:

The consultant for the applicant, William Schaefer, 1400 Marsh Landing Parkway, Jacksonville with Dominion Engineering, stated that he had met with the neighbors of the property and their biggest concerns were privacy and parking. Mr. Schaefer explained that there will be no parking on the lot. And a large privacy fence will be installed. The plan also includes a 10 foot vegetative buffer along the lot that will provide visual as well as a sound barrier. The children of the school will only be using the lot for 2 hours during the day.

Mr. Jones asked about the storm water requirements. Mr. Schaefer stated that the water management district criteria in the land development code will require treatment; however, the design that is in place will have a safety rating of 2 – which is double the requirement.

Minutes of Planning Commission Meeting
held on August 13, 2007

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

The following people spoke in favor of the application:

Carolyn Lane, Principal of the Discovery Montessori School
Mr. & Mrs. Christian, 13854 Harbor Creek Place, Jacksonville
Mark Christian, 13186 Tom Morris Drive, Jacksonville
Bart Wakley, 1506 Roberts Drive, Jacksonville Beach
Marylyn Pierce, Jacksonville Beach
Julie Williams, 702 5th Street North, Jacksonville Beach

The following people spoke in opposition to the application:

John Ferry, 134 15th Street South, Jacksonville Beach
Bryan Christy, 200 15th Street South, Jacksonville Beach

Mr. Schaefer stated that he would like to address the concerns of the Ferry and Christy's privacy issues by building a bigger fence.

Mr. Schmidt asked whether or not the school could take the children off site for their daily outdoor activities. Mr. Schaefer replied that there simply was not enough time in the day to take them off site, and also there would be security issues that the school would have to deal with by doing so.

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

Mr. Jones asked about the surrounding wetland areas. Mr. Ross Hylam, Hylam Agency, stated that there is significant regional mitigation required.

Mr. Schaefer stated that the school is willing to compromise by reducing the request if it means that this application will be approved.

Mr. Schaefer asked the board at which point he can ask for a deferral. Mr. Mann advised that Mr. Schaefer would have to ask for a continuance now.

Mr. Mann also stated that if the request is denied, the applicant cannot submit an identical request.

Motion: It was moved by Mr. Sutton, seconded by Mr. Dorson, to deny the request.

Roll call vote: Ayes- DeLoach, Schmidt, Dorson, Sutton, and Jones; motion carried unanimously.

Minutes of Planning Commission Meeting
held on August 13, 2007

Planning & Development Director's Report

Mr. Mann stated that the next Planning Commission meeting will be on August 27, 2007, with five agenda items.

Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 8:45 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approved:

/s/Terry DeLoach

Chairperson

Date: October 8, 2007