

**Minutes of Planning Commission Meeting
Held Tuesday, April 14, 2008, 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

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

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

Approval of Minutes

There were no minutes to approve.

Correspondence

Mr. Mann stated that there were three pieces of correspondence that pertain to the items on agenda.

Old Business

There was no old business.

New Business

PC #09 -08 – Conditional Use Approval of a Drinking Establishment with Outdoor Seating

Request for conditional use approval of a drinking establishment with outdoor seating in a *Commercial: C-1* zoning district, pursuant to Section 34-342 (d)(3) and Section 34-342(d)(19) of the Jacksonville Beach Land Development Code.

Staff Report

Mr. Mann read the following staff report into the record:

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The applicant would like to convert the existing retail store building and small outdoor patio space on the southwest corner of 10th Ave. N. into a wine and cigar bar. This type of business is classified in the LDC as a drinking establishment, and it, along with the outdoor seating, requires conditional use approval in a C-1 district.

The most recent occupant of the building was a mattress and bedding store, but in recent times, it closed. The building was originally permitted in 1999, and was built as "*Lillian's Music Store*", a bar and dance hall addition to the adjacent *Harry's Seafood* restaurant. The two establishments were linked by a common outdoor seating patio, which is still used today by the restaurant. There are no records of any major problems with the *Lillian's* establishment while it was in operation. Adjacent uses include *Harry's* to the immediate south, the *Times Square* shopping center to the west, a strip center across 10th Ave. to the north, and commercial uses across 3rd St. to the east.

The proposed use of the outdoor patio has been reviewed against LDC Sec 34-407 standards and it is consistent with those standards. To the extent that there may be outdoor amplified music available on the patio now, this aspect of its use would be allowed to continue as an existing legal nonconformity.

Given that the subject property has been used in the past for a similar type of establishment without problems, and that it is located in an established commercial area, surrounded by other commercial properties, the proposed uses should have no negative effect on the existing character of the neighborhood. Adjacent property values should not be negatively impacted.

Recommendation: Approval.

Applicant: The applicant, Joyce Lay, stated that she currently owns *Island Girl Cigar Bar*, operating at Gate Parkway and 9A, in Jacksonville. Ms. Lay agreed with Mr. Mann's staff report.

Public Hearing

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

The following persons spoke in opposition:

Bill Gillespie, Jacksonville Beach.

Amanda Thomas, 402 9th Avenue South, Jacksonville Beach.

Lisa Balter, 406 9th Avenue South, Jacksonville Beach.

Before closing the public hearing, Mr. Schmidt asked the applicants if they would like to address the concerns expressed in opposition to the application.

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Applicant, Rick Lay, stated that he owns and operates an upscale establishment and only has had one person escorted out after one and half years of in business. He added that he promotes a relaxed atmosphere, with no loud music; only background music and serves beer and wine only and premium cigars. He stated that this is not a typical bar establishment.

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

Mr. Mann explained that they could continue with the same noise level as presently exists for outdoor music.

Mr. Williams asked about the hours of operations.

Mr. Lay responded that the business would operate from noon to midnight during the week and from noon to 2:00 a.m. on weekends.

Motion: It was moved by Mr. Williams to approve the conditional use.

Motion died due to lack of a second.

Motion No. 2: It was moved by Mr. Williams, seconded by Mr. Callan, to approve the conditional use, with the stipulation, that the conditional use will be valid for a one year period and then be revisited.

Roll call vote: Ayes – Schmidt, Williams, Jones, and Callan; motion was unanimously approved.

PC #10-08 –Conditional Use Approval of an Elderly –oriented Group Home

Request for conditional use approval of a 60-bed elderly-oriented group home in a *Residential Multi-Family: RM-2* zoning district, pursuant to Section 34-340 (d)(1) of the Jacksonville Beach Land Development Code.

Staff Report

Mr. Mann read the following staff report into the record:

The applicant owns the subject properties, on the south side of 2nd Ave. S.; east of 2nd St. He currently has an approved development plan application (SP #06-14) for the property to allow the construction of a twelve-unit residential condominium project. He has now applied to develop the property into a 60-bed assisted living facility [ALF]. Based on the description of the proposed use provided in the application materials, the requested use is classified as an “Elderly-Oriented Group Home with six (6) or more residents”, which is a listed conditional use in *RM-2* districts.

The subject property is located in a predominantly residential neighborhood between 1st and 2nd Streets S. on 2nd Ave. S. which is the zoning boundary between the Central Business District to the

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north and the *RM-2* district containing the subject property. Adjacent uses include two *single-family* homes to the immediate east along 1st St., the *Foundation Academy* private school and a new eight-unit condominium development across the alley to the south, an apartment complex across 2nd St. to the west, and a mix of small *multi-family* uses and a *single-family* home across 2nd Ave. to the north.

The application package contains a narrative prepared by the applicant's agent, which provides an item-by-item description of how the applicant feels he meets the LDC standards for conditional use approval. Staff concurs generally with the statements related to a majority of the conditional use standards.

However, staff does not concur with the statements alluding to the intensity of the proposed use and its associated traffic as being compatible with surrounding uses. The applicant is correct that the maximum residential density in this area is 40 units per acre, but it may not be realistic to assume the property could or would ever be built out at the 40-unit per acre density. The applicant has already pursued and been approved to develop the property into a 12-unit residential use. (Roughly half of the permitted density). Further, a new *multi-family* development across the alley to the south contains eight units on 0.37 acres. The maximum number of units for that property, at 40 units per acre, would be 15.

Using the applicant's estimated average household population of 2.5 persons, his permitted 12-unit *multi-family* project could be expected to be inhabited by 30 people, with a requirement for 24 parking spaces. The proposed group home would be populated by up to 60 residents, plus 7 to 9 staff; requiring a total of 30 parking spaces. The property would be inhabited by more than twice the number of people as might be expected from the approved residential development of the property. No information was provided indicating the amount of visitor traffic that the facility would draw.

Staff has also reviewed the preliminary site plan submitted with the application. The plan meets the maximum lot coverage standards for *RM-2 District Multi-Family* dwellings (65%), but in order to be developed as shown, certain variances would need to be approved, should this application be approved. The plan shows only 29 of the 30 required spaces for a 60-bed facility, and the easterly parking bay is lacking the required landscape island to break up the run of more than 10 spaces in an uninterrupted row. There also appears to be some sort of anomaly in the square footages indicated for the second and third floors of the building.

Generally, the use of the subject property for an elderly-oriented group home could be considered consistent with the surrounding neighborhood from a use standpoint, as it is located in a *Multi-Family Residential District* in a generally walkable portion of the city. Staff does not feel, however, that a 60-bed facility on a 0.6-acre parcel is consistent with the surrounding intensity of development. The applicant indicates that adjacent property values would increase because of the development of the proposed facility. There was no evidence submitted that supports this claim, but staff does believe that a facility of this type could be developed on the subject property in such a manner that adjacent property values would be unaffected.

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Recommendation: Approval with the following conditions –

1. That the potential for reducing the bed count of the facility be considered by the Jacksonville Beach Planning Commission during deliberation on the application.
2. That the use of the property be limited solely to an elderly-oriented group home as defined in the Land Development Code, and that it not be used for the purposes of any other type of group quarters, halfway house, hotel, motel, or multiple family dwelling, also as defined in the Land Development Code.

Applicant: The applicant, Al Morrel, 1102 1st Street South, Jacksonville Beach, stated that his company, Beaches Development, will own the ALF facility and will have a management company that will administer the property.

The agent for the applicant, Tim Franklin, 418 Seagate Avenue, Neptune Beach, stated that the staff's report was supportive, and noted that there is already a long waiting list for the facility. Mr. Franklin added that the proposed project is in a good location, next to Pablo Towers, and stated that older people would like to be closer to the beach, and could utilize town center. In reference to Condition No. 2, this facility will not be converted to a nursing home, halfway house, etc. It will remain an elderly-oriented, assisted living facility for senior citizens that need some assistance with daily life. He also advised that the facility will operate as a for profit facility.

He further stated that the site plan addressed all issues that Mr. Mann brought up and that they were not required to turn in a site plan, but did so to show the facility, conceptually. The conceptual site plan included required parking of 31 spaces. The building will extend east over the parking. Additionally, there will be a 20-foot setback on the front, 30 feet on the rear, with 24 feet on the west, which will result in a smaller footprint. Mr. Franklin advised that the plan meets all landscape buffers and addresses all concerns raised in Mr. Mann's report.

He explained that the comprehensive plan allows for a density of 40 units per acre in the R-2 land use, and there has been a change with the 35 foot height restriction, where you cannot meet the limit in high-density land uses. The 24 units that could be allowed on the property and the bed density of 2.5 beds per units with shared kitchens results in the proposed 60 bed facility.

The footprint of the building is less than what would be allowed; the project was designed to not maximize the amount of lot coverage, unlike many other buildings in Jax Beach due to the height limit.

Traffic generated by the proposed 60-bed facility equates to less than that which could be developed, stating that the project will generate 1/3 of *multi-family* residential trip generation and 1/5 of *single-family* residential trip generation. Many of the residents will not drive, and it is anticipated that visitor traffic will be minimal. Parking requirements that could occur on the site are anticipated to be less than 24.

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The impact on water and wastewater is comparable to that which would occur in a residential development of this size, but probably less for potable water.

He concluded by remarking, that the type of resident that will live in the facility will benefit the economy of Jax Beach and is the type of resident that would be desirable at the Beach.

Public Hearing

Mr. Schmidt 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:

Roy Moneyham, 132 2nd Avenue South, Jacksonville Beach

Art Graham, 15 16th Avenue North, Jacksonville Beach

Peter Russo, 361 Sherry Drive, Atlantic Beach

The following people spoke in opposition:

Raymond Williams, 205 1st Street, Jacksonville Beach

Ben Rubin, 126 South 1st Street, Jacksonville Beach

Lorraine Dorso, 205 1st Street South, Jacksonville Beach

Anne Biando, 216 South 1st Street, Jacksonville Beach

Bill Joseph, 125 2nd Avenue South, Jacksonville Beach

Mr. Schmidt asked if Mr. Franklin would like to rebut any of the comments said in opposition to the development.

Tim Franklin, representing the applicant, addressed the concerns, stating that this will generate less traffic impact than 12 town homes and will be a great use for the area. The proposed use will allow people at the beach to visit with their elder family members. The narrowness of 2nd Avenue South should not be an issue, because traffic generated by the project will be less than the planned town homes and less parking will be required. In regards to the six beds, it is in the land development code as a permitted use.

Mr. Rubin was allowed to address Mr. Franklin's comments, noting that the applicant was taking the comparisons that worked for him and remarked that the 2.5 multiplier is at the discretion of the Planning Commission.

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

Mr. Jones agreed that the traffic is half of what a *multi-family* of this size should generate.

Mr. Schmidt asked about the proposed density.

Mr. Mann replied that he felt that the 2.5 figure is a good rough number for household size across the State, and may even be a little conservative. He added that it is appropriate to compare this development to the approved 12-unit town home residential development, as opposed to a 24-unit townhome development.

Mr. Mann continued, the only recently developed ALF [Adult Living Facility] in Jacksonville Beach is Ashford Court. As a comparison, that facility provides 110 beds on 3.7 acres. This proposal is a marked departure from type of intensity. He added that the revised site plan does show the building, but that the City does not allow for compact spaces. Mr. Mann also requested clarification from the applicants on the calculation of traffic. Test concurrency on a common element, which shouldn't mix the comparison of a 24 unit for one component, and on 12 units for another.

Additional Speaker: Jane Sneed, Ponte Vedra, (on behalf of the applicant) stated that Ashford Court was built 14 years ago and is not meeting the turnover that was previously expected. She commented that this is a great use for the property at the beach.

Mr. Mann asked about any on-site amenities that would not be available due to the lack of land.

Mr. Franklin responded that the storm water will be vaulted and on-site amenities include an exercise room, library, community lounge and an office on site; and of course access to the beach.

Ms. Sneed added that most of the facilities have day rooms to promote socialization for mealtime, etc. and this location offers the opportunity to allow the residents to shop in the places that they are used to.

Mr. Williams asked Ms. Sneed to describe Ashford Court.

Ms. Sneed provided a brief description of the Ashford Court ALF. She explained that it has fewer activities geared toward men and compared it to a college dormitory setting. She added that the residents could also submit suggestions about what they want.

Mr. Williams asked Mr. Mann if there were 3.7 acres on Ashford Court if that would allow for 36 people per 1.13 acres.

Mr. Franklin replied that the property would be located in a *multi-family* area and that it was like comparing apples to oranges to compare Ashford Court to this facility. He commented that Ashford

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Court is a suburban setting, while this development was a *multi-family* setting. Mr. Franklin added that Ashford Court just added another 100 units and was built many years ago.

Mr. Jones asked on whether there would be a transit service.

Mr. Franklin responded, yes, there would be a courtesy bus for shopping, etc. He also advised that they had proposed 24-units because that is what was allowed and that it compares favorably to the existing neighborhood.

Mr. Mann interjected that Ashford Court facility has not been modified with the increase of 100 beds and the current figure is 110 beds on 3.7 acres.

Motion: It was moved by Mr. Jones, seconded by Mr. Callan, to approve the application as applied for, as a 60-bed facility, with the only stipulation being staff recommended condition No. 2, addressing uses of the proposed facility that should specifically not be permitted.

Roll call vote: Ayes – Schmidt, Callan, and Jones; Nays – Williams. Motion carried by a vote of 3 to 1.

Planning & Development Director's Report

Mr. Mann advised the board members that there would not be a meeting on April 28, 2008, due to lack of an agenda.

Adjournment

There being no further business coming before the Board, Mr. Schmidt adjourned the meeting at 8:30 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Paul Schmidt
Chairperson

Date: May 27, 2008