

**Minutes of Planning Commission Meeting
held Monday, May 24, 2010, 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

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

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

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Jones, to approve the minutes for April 26, 2010 as presented.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business

New Business

- (A) **PC #8-10 (10-100060) – Conditional Use Approval**
Conditional use approval to eliminate the “non-conforming use” status of an existing fee-simple townhouse unit located in a *Commercial Limited: C-1*, pursuant to LDC Section 34-342(d)(15).

Staff Report:

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

The applicants are in the process of purchasing the subject townhouse unit located in a building on the southeast corner of 4th Street South and 14th Avenue South. Their lender has required her to obtain a “rebuild” letter for the unit from the City, as part of the closing process.

Staff researched the subject property after speaking to the applicants and found no record of conditional use approval in place for the subject townhouse unit. It is therefore considered nonconforming, and, as such, could not be rebuilt if significantly damaged or destroyed. The remedy to this problem is for the applicant to obtain conditional use approval, after which a townhouse, per RM-1 standards, could be redeveloped in the event the existing unit were damaged.

The building containing the subject townhouse was constructed in 1984, and has been used for multifamily use since that time. Adjacent uses include the other five units of the townhouse building to immediate north and south, a similar multiple unit townhouse structure to the east, apartments to the west across 4th Street, office use across 14th Avenue to the north, and a small shopping center to the immediate south.

Adjacent property values should not be negatively affected by the sale of the townhome if this request is approved. Given that the townhouse has been there for over twenty-five years and appears to be in good structural condition, its continued existence should not affect the character of the surrounding mixed use neighborhood.

Recommendation: Approval.

Applicant:

The applicant, Brett McInerny, 126 8th Avenue South, Unit C, Jacksonville Beach, stated that he concurred with Mr. Mann’s staff report.

Public Hearing

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

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

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

Roll call vote: Ayes – DeLoach, Dorson, Jones, Williams and Callan. Motion carried unanimously.

(B) PC #9-10 (10-100061) – Conditional Use Approval

Conditional use approval for a religious organization located in a *Residential Multiple-Family*: *RM-1* zoning district, pursuant to LDC Section 34-339(d)(4).

Staff Report:

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

First Baptist Church of Jacksonville Beach owns the subject property on the north side of 3rd Avenue, directly across from the main church property. The one-story single family home on it has been used for a residence for one of the church's pastors. The church would now like to use the structure for office space for the church staff. They were informed that such use would require conditional use approval.

Adjacent uses include three single family homes to the west, along the north side of 3rd Avenue, the main church facilities across the avenue to the south, residential uses across the alley to the north, and two vacant church owned lots to the east. The church's representative indicates on their application that all changes to the existing structure would be on the inside, so the appearance of the property should not change. Using the subject property in this way should not detract from the existing character of the surrounding neighborhood. Adjacent property values should not be affected.

Recommendation: Approval.

Applicant:

The applicant's agent, Jim Gillis, 324 5th Street North, Jacksonville Beach, stated that they would like to move their staff into this facility.

Mr. Dorson asked Mr. Gillis to explain where the staff will be parking their cars.

Through the chair, Mr. Mann explained that this facility is an accessory use to the church, therefore, additional parking is not required by code. Also, there are two vacant lots next to the property that the Church owns and uses for parking.

Public Hearing

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

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

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

Roll call vote: Ayes – DeLoach, Dorson, Jones, Williams and Callan. Motion carried unanimously.

- (C) **PC #10-10 (10-100073) – Land Development Code Text Amendment**
Land Development Code Text Amendment to amend Sec. 34-407, "Outdoor Restaurants and Bars" by eliminating the minimum distance requirements from

residential uses for approved conditional use outdoor restaurant and bar areas.

Staff Report:

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

Staff has prepared an amendment to the Land Development Code outdoor restaurant and bar regulations, Sec 34-407, that would eliminate the minimum distance requirement from residential uses for businesses seeking to apply for outdoor seating conditional use approval.

One business requesting the change is the *Delicomb* delicatessen and espresso bar, located on the southeast corner of 3rd Street and 11th Avenue North. When the owner inquired as to the ability to put several tables and chairs out in front of his deli, staff informed him that he could not apply for outdoor seating conditional use approval, because the area proposed for the outdoor seating was within 150' of a residential use property. The *Flagler Crossing* condominiums are located immediately next door to the deli, to the east.

In addition to *Delicomb*, there have also been several other restaurants outside of the Central Business District wishing to apply for outdoor seating approval, but who could not, due to the current residential distance standards.

Upon removing the minimum residential distance requirement, Sec. 34-407 would continue to contain adequate controls over any approved outdoor restaurant or bar areas. The size limitation and the prohibition of outdoor music or amplified sounds both serve to reduce potential impacts from these areas, as does the fence or wall requirement for areas where alcohol is served. Further, since outdoor restaurants and bars remain as conditional uses, the Planning Commission has the opportunity to review each application in the context of its surrounding properties, and to recommend additional conditions such as hours of operation or screening if such additional measures are deemed warranted.

Recommendation: Approval.

Public Hearing

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

Mr. Jones entered into the record that he spoke with Mr. David Smith (Tento's) about this text amendment.

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

Motion: It was moved by Mr. Dorson, seconded by Mr. Callan, to recommend approval to the City Council.

Roll call vote: Ayes – DeLoach, Dorson, Jones, Williams and Callan. Motion carried unanimously.

- (D) **PC #11-10 (10-100074) – Land Development Code Text Amendment**
Land Development Code Text Amendment to amend Article X. Adequate Public Facilities Standards by adopting Public School Concurrency Management and Proportionate Share Mitigation requirements, consistent with the City's adoption of a Comprehensive Plan Public School Facilities element.

Staff Report:

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

In 2009, and Jacksonville Beach together with the other cities in Duval County all adopted Public School Facilities Elements to their Comprehensive Plans. The purpose of these elements was to collectively plan and coordinate residential growth and availability of public school capacity throughout Duval County. State regulations mandated that these Public School Facilities elements had to contain goals, objectives, and policies for planning and for school concurrency.

A model concurrency ordinance was developed by consultants for the Department of Community Affairs for use by local governments in adopting school concurrency regulations. This model ordinance was the basis for the proposed amendment to LDC Article X, adopting Public School Concurrency Application and Review Procedures for Jacksonville Beach. The key requirements are that the school board (Duval County Public Schools, DCPS) retain ultimate control over the public school system, that the City retain ultimate control over land use and development within its borders, and that the Concurrency management system is consistent with the adopted Public School Facilities Element and the Public Schools Interlocal Agreement. School concurrency applications are submitted to the City by an applicant, and then the City forwards the application to DCPS for their review.

Due to the technical nature of the proposed concurrency management system regulations, it is also necessary in this proposed amendment to add a total of 27 new definitions to Article IV. Definitions. There are also some minor edits to the balance of Article X. Adequate Public Facility Standards, to accommodate the addition of the new Sec. 34-566 addressing school concurrency, and to remove the requirement for the publication of an annual public facilities report. The data normally contained in that report will remain readily available to the various departments in the performance of concurrency application reviews, but the report itself serves no function.

Recommendation: Approval.

Public Hearing

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

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

Mr. Mann stated that Jacksonville Beach should not be heavily impacted due to the fact that the City is fairly built-out residentially, unlike in the City of Jacksonville or St. Johns County, where there is more vacant residential land that is available to be developed.

Motion: It was moved by Mr. Dorson, seconded by Mr. Williams, to recommend approval to the City Council.

Roll call vote: Ayes – DeLoach, Dorson, Jones, Williams and Callan. Motion carried unanimously.

Planning & Development Director's Report

Mr. Mann reminded the board about the Sign Ordinance Workshop being held tomorrow May 25, 2010 and also advised the members that the next meeting will be on June 14, 2010.

Adjournment

There being no further business coming before the Commission, Mr. DeLoach adjourned the meeting at 7:30 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Terry DeLoach

Chairman

Date: June 14, 2010