

**Minutes of Planning Commission Meeting
held Monday, October 10, 2011, 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 Chairman Greg Sutton.

Roll Call

Terry DeLoach, Vice Chairperson
Lee Dorson *Absent*
Greg Sutton, Chairperson
Fred Jones *Absent*
Bill Callan
David Dahl
Tom Baker

Also present were Bill Mann, Senior Planner and Recording Secretary Cathy Martinich.

Approval of Minutes

It was moved by Mr. DeLoach, seconded by Mr. Callan, to approve the meeting minutes of September 12, 2011, as presented.

Correspondence

Mr. Mann stated that were two letters submitted to the each Board Member, pertaining to the third case on this agenda.

New Business

- (A) **PC #15-11 – Planned Unit Development: PUD Rezoning**
PUD Rezoning, to rezone a 2.9 acre parcel of land (Lots 1 to 14, Block 9 and Lots 6 to 9, Block 8, *Atlantic Shores Unit 1 Replat S/D*) located at the southeast corner of Osceola Avenue and Isabella Boulevard from **Residential, Multiple Family: RM-1** to **Planned Unit Development: PUD** to allow for a mixed-use multiple family residential and commercial office development.

Owner: Osceola Professional Center, LC
P.O. Box 1426
Ponte Vedra Beach, FL 32004

Applicant: Tim Benner
15 Ponte Vedra Circle
Ponte Vedra Beach, FL 32082

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Location: 410-496 Osceola Avenue

Staff Report:

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

The applicant owns the *Osceola Professional Center* office park on the south side of Osceola Avenue, west of 3rd Street. The portion of the office park between Almonaster Street and Isabella Boulevard is the subject of this PUD rezoning application, and represents the original portion of the existing office park, which currently extends both west of Isabella Boulevard (two parcels) and east of Almonaster Street (one parcel) as well.

The primary purpose of this rezoning is to make more consistent the range of permitted uses across the various portions of the overall office park which spans three separate zoning districts, each with their own set of permitted uses. This variation of permitted uses from parcel to parcel currently makes the leasing of the individual units and the zoning and occupational license review by staff of, same. problematic.

The parcel that is subject to this rezoning currently exists as an approved conditional use office park in an RM-1 multifamily zoning district. The range of allowable conditional office uses in RM-1 districts is fairly limited, especially when compared with the uses permitted in the applicant's C-1 zoned parcel east of Almonaster Street, and his PUD zoned parcels west of Isabella Boulevard. The applicant's project narrative provides for a broader range office and institutional type uses, while keeping those uses compatible with the existing office park setting of the subject property. No retail, restaurant, or drinking establishment uses would be permitted.

Recognizing, and wishing to preserve, the underlying historical multifamily zoning of the subject property, the applicant has also included in the list of permitted PUD uses the various permitted residential uses listed in our RM-1 regulations. This allowance offers further flexibility over the long term for the applicant to be able to respond to potentially changing market conditions. With this allowance, all or part of the subject property could potentially be redeveloped into multifamily use, as it could be today with its current RM-1 zoning.

The applicant does not have any immediate plans to redevelop the subject property, however staff does understand the applicant's desire for flexibility in its future use, and that the redevelopment of all or a portion of it could occur. Staff supports the potential for future mixed-use development in this location, as the proposed range of permitted uses would allow. The subject property is 2.9 acres in area and contains approximately 30,500 square feet of office space, or just over 10,000 square feet per acre. The applicant proposes to allow a maximum of 55,000 square feet within in the PUD, which is in line with the typical suburban office park intensity of 15,000 to 18,000 square feet per acre. He is aware

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that any deviation from the Preliminary PUD site plan included with his application would require a PUD amendment.

The application has been reviewed against relevant Comprehensive Plan and Land Development Code standards, including those specifically applicable to PUDs. Adequate public facilities exist to serve the proposed PUD. A minimum of 20% open space is maintained and adequate off-street parking is provided for the existing uses. The office park is compatible with both surrounding residential and commercial development, and the range of uses permitted within the PUD should not alter that compatibility. With its provisions for multifamily residential development, the PUD also furthers Comprehensive Plan policies encouraging mixed-use development.

Recommendation: Approval

Chairman Greg Sutton explained meeting procedure to the audience.

Applicant:

Applicant, Tim Benner asked the board to approve his request.

Public Hearing

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

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

Motion: It was moved by Mr. DeLoach, seconded by Mr. Callan, to approve the conditional use approval as requested.

Roll call vote: Ayes – DeLoach, Callan, Dahl, Baker, and Sutton; motion carried unanimously.

Mr. Mann clarified to the board members that the PUD rezoning and the next item on the agenda, the Land Development Code Text Amendment, are recommendations to the City Council, as the Planning Commission acts as the Land Planning Agency

(B) PC#16-11 LDC Text Amendment-Flood Hazard Area

Applicant: Steven Lindorff, Planning Director
City of Jacksonville Beach
11 3rd Street North
Jacksonville Beach, FL 32250

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Request: **Land Development Code Text Amendment**, to amend **Land Development Code (LDC) Section 34-41. Definitions, Section 34-287. Supplemental standards for variances in flood hazard areas**, and **Section 34-467. Flood hazard area** to incorporate State required revisions and additions to the City's floodplain regulations.

Comments: Earlier this year, The State Floodplain Management Office performed a review of our current Land Development Code (LDC) flood hazard area regulations against their Model Floodplain Ordinance. We were then contacted and provided with a checklist of required additions and revisions to our regulations based on that review. Staff has drafted Ordinance No. 2011-8008 to bring our regulations into compliance with the State model.

Included in Ordinance No. 2011-8008 are revisions and additions to the *Definitions* section (Sec. 34-41), the *Supplemental standards for variances in flood hazard areas* section (Sec. 34-287), and the *Flood hazard area* section (Sec. 34-467) of the LDC. All revisions and additions are shown in the ~~striketrough~~ deletion / underlined addition format. There are a total of eight new, and four modified, flood related definitions proposed for Section 34-41. There is a proposed allowance for variances to be considered for historic structures located in flood zones, in Section 34-287. Finally, there are various minor revisions to portions of Section 34-467, our actual flood hazard area regulations.

Our current flood hazard area regulations have been in effect since 1991. They are applicable to all new structures and substantial improvements projects constructed since that time, but only for properties located in the city's designated flood zones. Per these regulations, a structure located within in a designated flood zone is required to be elevated or flood-proofed to a certain height, depending on what particular food zone it is located in. There are several isolated flood zone areas in the interior of the city, but the predominant flood zone areas exist along the oceanfront and along the Intracoastal Waterway. Maps of the city's flood zones are prepared by the Federal Emergency Management Agency (FEMA). They are called Flood Insurance Rate maps, or FIRMs, and they are maintained in the Planning and Development Department.

Recommendation: Approval

A brief discussion ensued with Mr. Mann and the Board Members.

Applicant: Applicant, Steve Lindorff, was not present, so Mr. Mann spoke on his behalf.

Public Hearing

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

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

Motion: It was moved by Mr. DeLoach, seconded by Mr. Callan, to approve the conditional use approval as requested.

Roll call vote: Ayes – Callan, Dahl, Baker, DeLoach, and Sutton; motion carried unanimously.

(C) PC#17-11 - Conditional Use Application

Owner: Lath Adamou
317 North Roscoe Boulevard
Ponte Vedra Beach, FL 32082

Applicant: Milton Knox
941 7th Avenue South
Jacksonville Beach, FL 32250

Location: 391 North 1st Avenue

Request: **Conditional Use approval** for automotive repair and motor vehicle dealer in a Commercial Limited: C-1 zoning district, pursuant to Sections 34-342(d)(2) and 34-342(d)(6), respectively, of the Jacksonville Beach Land Development Code.

Comments: The applicant currently operates *Cool Cars*, an automotive air conditioning repair shop, at the subject property which he leases. His business is also an authorized sales and repair facility for an electric automobile line, *Global Electric Motorcars* (GEM). He was approved for ‘motor vehicle dealership’ and ‘automotive repair’ uses for a period of one year by the Planning Commission on September 13, 2010, via PC# 21-10, with two conditions. The first was that the repair business is limited to air conditioning repair and service, other than that of electric vehicles, and the second was that there be no more than three of the electric vehicles that he sells can be displayed in his parking lot at any time. He has applied to renew the approvals related to his business.

Staff is unaware of any violations of either standard, but included with the application materials is one letter from the adjacent property owner, and a written response from the applicant addressed to the Planning Commission members (committee), addressing that letter.

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Recommendation: Approval, with the following conditions:

1. Automotive repair, other than the repair and service of the GEM vehicles, be limited primarily to air conditioning repair and service.
2. There shall be no more than three GEM vehicles displayed for sale at any time within the parking lot in front of the building.

Applicant:

Applicant, Milton Knox, 391 1st Avenue North, Jacksonville Beach, explained he was attending tonight for assistance regarding a discrepancy between him and the neighboring business A La Carte.

Public Hearing

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

The following people spoke in favor of the request:

Mr. Glenn Prince, 175 Governors Road, Ponte Vedra Beach, FL 32082

Doris Toos, 912 8th Avenue North, Jacksonville Beach, FL 32250

Bill Tarbart, 64 Tifton Way North, Ponte Vedra Beach, FL 32082

Susie Borchart, 614 14th Avenue North, Jacksonville Beach, FL 32250

Rich Reddick Jr., 12305 Arbor Drive, Ponte Vedra Beach, FL 32082

Cindy Renee Bishop, 73 Dewees Avenue, Atlantic Beach, FL 32233

Layth Adamo, 317 North Roscoe Boulevard, Ponte Vedra Beach, FL 32082

Mark Justice, 273 Patrick Mill Circle, Ponte Vedra Beach, FL 32082

The following person spoke in opposition:

Jennifer Labrano, Owner, A La Carte, 33 1st Avenue North, Jacksonville Beach, FL 32250

Ms. Labrano distributed photographs to board members.

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

Discussion: Mr. DeLoach asked Ms. Labrano to specify the exact problem if it was not due to parking. Ms. Labrano stated there were boats and too many cars parked on the property for extended periods of time, parked on the right-of-way, and causing difficulty seeing the stop sign.

Chairman Sutton asked if the applicant to approach the podium for rebuttal. Mr. Knox stated the parking is a problem because Ms. Labrano is not using her parking spaces adequately. He explained the boat was his, was there for repair and needed parts.

Mr. Mann was asked if there were any active violations on the property. He explained that there were no current code violations on the property but reminded Mr. Knox that parking his boat on the property was not allowed. The Code Enforcement Officer is now aware of the boat and he was asked to remove it. He explained there was no open storage allowed in the C-1 zoning district. All automotive service must be conducted within an enclosed building, on the property, and not in the right-of-way. He said that if the automobile repair is on hold for parts, the vehicle can be stored on the property – not in the right-of-way. Mr. Mann stated if the sight visibility at the street corner is an issue, he can ask Mr. McDonald, of the City's Public Work Department, to look at the intersection, to respect the sight triangle, especially since it's across from a school.

Motion: It was moved by Mr. DeLoach, seconded by Mr. Dahl, to approve the conditional use for one year, subject to the two limitations outlined.

1. Remove the boat(s) from the property
2. No storing of vehicles under repair or inoperable in the right-of-way

Roll call vote: Ayes – Dahl, Baker, DeLoach, Callan, and Sutton; motion carried unanimously.

Chairman Sutton asked Mr. Mann to have Mr. McDonald assess the right-of-way and the intersection. He also asked that Code Enforcement periodically check the property for violations. Mr. Mann explained that he would also bring the parking issues to the attention of the Parking Enforcement Officer.

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is scheduled for October 24, 2011 is cancelled, and the next meeting is tentatively scheduled for November 14, 2011, and at this time there is nothing scheduled for the agenda.

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Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:58 P.M.

Submitted by: Cathy M. Martinich
Senior Secretary, Office of the City Clerk

Approval:

/s/Greg Sutton
Chairman

Date: December 12, 2012