

**Minutes of Planning Commission Meeting  
held Monday, October 8, 2012, 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 Chairman Sutton.

**Roll Call**

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

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

**Approval of Minutes**

There were no minutes to approve.

**Correspondence**

There was no correspondence.

**New Business**

**(A) PC #19--12 - Conditional Use**

**Conditional Use** approval for transfer of ownership of an existing professional office use located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-339(d)(14) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicant owns the subject property on 6<sup>th</sup> Avenue North. The property has been an office use since the 1970s, when it was a dentist's office. It was first approved for conditional use in 1997, via PC# 24-97, and then transferred to a different owner in 2000, via PC# 07-00.

The applicant purchased the property in 2006, and has used it as the management office for his import business since that time. His wife also has her interior design business

located in the building. When both businesses' occupational license applications first came through the Planning Division for zoning approval, staff approved both businesses simply as tenants within an existing approved conditional use office building, not realizing that the applicant had purchased the entire property at that time. This oversight was only discovered recently, when this year's licenses for the two businesses came through the Planning Division for renewal. The applicant was contacted, and has now filed to properly transfer ownership of the approved conditional use office property into his name.

Adjacent uses include a Montessori school immediately to the east, facilities of St. Paul's church across 1<sup>st</sup> Avenue to the south, the vacant George Moore dealership properties to the west across 7<sup>th</sup> Avenue, and residential uses to the north across the alley. The only significant change in these adjacent uses since the 2000 conditional use approval is that George Moore has closed and is now vacant.

The subject property is well maintained, is attractive from the street, and has adequate on-site parking. Given its history, approval and continuation of the established office use of the subject property should not detract from the character of the surrounding neighborhood. Adjacent property values should not be affected.

**Recommendation:** Approval.

**Applicant:**

The applicant, Lee Webster, 637 1<sup>st</sup> Avenue North, Jacksonville Beach, FL 32250, stated that he concurred with the staff report presented by Mr. Mann.

**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 who wished to address the Commission, Mr. Sutton closed the public hearing.

**Motion:** It was moved by Mr. Jones, seconded by Mr. Dorson, to approve the conditional use as presented.

**Roll call vote:** Ayes – Dorson, Jones, Sutton, Callan, and Dahl; motion carried unanimously.

**(B) PC #20--12 - Conditional Use**

**Conditional Use** approval for transfer of ownership of an existing professional office use located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-339(d)(14) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Mr. Mann noted the one piece of correspondence related to this application, and then read the following staff report into the record:

The applicant was initially approved to run his automotive A/C repair business and electric vehicle (GEM) dealership at this location in September 2010, via PC#21-10. That approval was for a one-year period, and included the conditions that the repair business would be limited to automotive air conditioning, and that the dealership is only allowed to display a maximum of three vehicles on the property. The applicant subsequently received approval in 2011 for the same uses, with the same conditions, on October 10, 2011, for another one-year period. That year has now passed, and he has now re-applied to continue his business at this location.

Staff has periodically driven by the subject property and, while there were issues with the appearance of the property, the types of repair being done, and with personal storage on-site during the first year the business operated, the property has been kept generally presentable over the past year, and staff is unaware of any issues with any of the neighbors over the past year. There are no GEM cars regularly displayed on the premises, but there is an electric vehicle in one of the service bays from time to time. Sight visibility at the intersection is not an issue at present, but will continue to be monitored by staff.

Adjacent use remains the same as they were a year ago, and include a catering business to the immediate east, an office use across the alley to the north, *St. Paul's School* across 4<sup>th</sup> Street to the west, and *Willard's Automotive* to the south across 1<sup>st</sup> Avenue North. Continuation of the current uses of the property, subject to certain conditions, should not impact the surrounding neighborhood, and adjacent property values should not be affected.

**Recommendation:** Approval for a one-year period, with the following conditions:

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

3. No vehicles under repair/service or waiting for repair/service shall be stored in the right-of-way adjacent to the subject property.

**Applicant:**

Applicant, Milton Knox, 391 1<sup>st</sup> Avenue North, Jacksonville Beach, FL 32250, stated that he concurred with the staff report presented by Mr. Mann. However, he did have one question for Mr. Mann regarding the last provision in the staff report.

Mr. Mann, through the Chairman, clarified for the applicant that is a regulation enforced by the Code Enforcement division applicable to all repair facilities.

Mr. Knox stated that he keeps the property clean and is not aware of any code enforcement issues.

Mr. Dorson asked the applicant if cars are being stored across the street from their property.

Mr. Knox replied no. He further explained that his liability insurance would not allow him to do that.

**Public Hearing:**

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

Mr. Mann reported that Heath Aldridge, Jacksonville Beach, sent a letter in opposition to the application.

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

**Motion:** It was moved by Mr. Jones, seconded by Mr. Dorson, to approve the conditional use as presented for a one-year period with the conditions:

1. Automotive repair, other than that of electric vehicles, be limited to air conditioning repair and service.
2. There shall be no more than three new electric vehicles displayed for sale at any time within the parking lot in front of the building.
3. No vehicles under repair/service or waiting for repair/service shall be stored in the right-of-way adjacent to the subject property.

**Roll call vote:** Ayes – Dorson, Jones, Sutton, Callan, and Dahl; motion carried unanimously.

(C) **PC #21--12 - Conditional Use**

**Conditional Use** approval of a proposed *Multi-family Residential* use in a Commercial, limited: C-1 zoning district, pursuant to Land Development Code, Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicant is currently under contract to purchase the subject property at the northwest corner of 1<sup>st</sup> Street and 6<sup>th</sup> Avenue North and would like to develop it into mixed residential and commercial use. The property's C-1 zoning designation allows for a range of permitted commercial uses, but multifamily residential is only allowed by conditional use approval.

The current owner of the property received conditional use approval for a seven-story multifamily condominium project in January 2004 (PC# 55-03). Subsequent to that approval, in November 2004, voters approved the city-wide 35' height cap. That regulation came into effect in the middle of the property owner's efforts to attain development plan approval for his condominium project, and limited any project that did not have a building permit to 35' height. The property owner subsequently went to court seeking to vest the height (68') of his planned seven-story project, and he was successful in obtaining that vesting. The vested 68' building height would be available to the applicant as well, should he ultimately purchase the subject property.

The applicant has not provided plans for the proposed structure(s), so the request with this application is simply to be able to include a residential component in his planned development of the subject property. Staff is supportive of this request in that it would provide a critical component, a resident population base, within walkable vicinity of our downtown Vision Plan area. In order for the Vision Plan effort to be successful, it must contain a mix of residential and commercial uses, and the subject property's location immediately north of, and contiguous with, the Vision Plan area provides such an opportunity, especially with the additional building height vested with the property.

Adjacent uses include a vacant oceanfront block (former *Atlantis* hotel) across 1<sup>st</sup> Street to the east, a closed retail strip-center under renovation to the south across 6<sup>th</sup> Avenue, vacant property across 2<sup>nd</sup> Street to the west, an apartment complex to the immediate north in the balance of the block, and a vacant parcel and several multifamily uses to the north across 7<sup>th</sup> Avenue North. The vacant parcel across 7<sup>th</sup> Avenue is also owned by the applicant and was recently approved by the

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Planning Commission (PC# 4-12) for multifamily use in conjunction with a proposed three-story mixed-use development. The applicant is currently working with the same architect that he used for that project for the proposed development on the subject property.

With its location and its height vesting, and in the context of our Vision Plan and the physical state of surrounding properties, the subject property should serve as a catalyst for the ultimate redevelopment of this part of the city. A mixed use or even a purely residential project at this location, providing a residential population within a walking distance to our newly adopted Vision Plan area, will compliment and improve the character of the surrounding neighborhood. Adjacent property values should be enhanced by the development of the subject property.

**Recommendation:** Approval.

**Applicant:**

Applicant Scott Gay, P.O. Box 50338, Jacksonville Beach, FL 32250, representing Eckstein Investments, LLC, stated that he concurred with the staff report presented by Mr. Mann.

Mr. Dorson asked the applicant if he had any sketches prepared for review.

Mr. Gay replied that there are conceptual drawings, but nothing is finalized.

**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 application:

Thad Moseley, 3701 Duval Drive, Jacksonville Beach.

Mike Riley, 119 7<sup>th</sup> Avenue North, Jacksonville Beach, stated that he is in favor of the application, however, asked how long the applicant can have before he is required to start construction/building and permitting.

Through the Chairman, Mr. Mann responded to Mr. Riley, stating that there is no automatic time limit on a conditional use once it is approved.

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

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**Motion:** It was moved by Mr. Jones, seconded by Mr. Dorson, to approve the conditional use as presented

**Roll call vote:** Ayes – Dorson, Jones, Sutton, Callan, and Dahl; motion carried unanimously.

**Planning & Development Director's Report:**

Mr. Mann advised the board that the next meeting is scheduled for October 22, 2012.

**Adjournment:**

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

Submitted by: Amber Maria Lehman  
Office of the City Clerk

Approval:

/s/Greg Sutton

Chairman

Date: October 22, 2012