

**Minutes of Planning Commission Meeting  
held Monday, November 26, 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 Greg Sutton.

**Roll Call**

Terry DeLoach, Vice Chairperson  
Lee Dorson *Absent*  
Greg Sutton, Chairperson  
Fred Jones *Absent*

Alternates:  
Bill Callan *Absent*  
David Dahl

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

**Approval of Minutes**

It was moved by Mr. DeLoach, seconded by Mr. Dahl, and passed, to approve the meeting minutes for November 14, 2012 meeting, as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**(A) PC #25-12 – Rezoning Amendment Application**

**Applicant:** Eckstein Investments, LLC.  
c/o Joe Eckstein  
2660 West Park Drive, Suite 2  
Paducah, KY 42001

**Owner:** C.E.M.M. Development, Inc.  
2440 Mayport Road, Suite 7  
Atlantic Beach, FL 32233

**Agent:** Scott Gay  
P.O. Box 50338  
Jacksonville Beach, FL 32240

**Location:** 704 North 1<sup>st</sup> Street, 778 North 1<sup>st</sup> Street and 705 North 2<sup>nd</sup> Street

**Rezoning Amendment**, to rezone a 1.24 acre parcel of land located at the Northwest corner of 1<sup>st</sup> Street North & 6<sup>th</sup> Avenue North from *Commercial, limited: C-1* to *Redevelopment District: RD* to allow for a mixed-use multifamily residential and commercial development.

**Staff Report:**

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

The applicant has contracted to purchase the subject property on the northwest corner of 1<sup>st</sup> Street North and 6<sup>th</sup> Avenue North and would like to develop it into mixed residential and commercial use. He received conditional use approval for the residential use of the property last month (via PC# 21-12) but because it has now been determined that his proposed development would exceed 50,000 s.f., he is required to rezone the subject property from *C-1* to *Redevelopment District: RD*. The proposed building would contain approximately 70,500 s.f. of conditioned floor area.

As the applicant's project narrative describes, the development consists of a single three-story structure, with approximately 2,500 s.f. of leasable commercial space, a swimming pool and deck, and a minimum of 128 covered parking spaces on the ground floor, and a total of 54 two- and three-bedroom rental apartments on the upper two floors. The structure would be a maximum 40' in height. As shown on the application site plan, vehicular access to the building would be from 2nd Street and 7th Avenue North. A total of 108 spaces would be provided for the apartment units, plus 10 spaces for the commercial space, consistent with our LDC parking requirements. Permitted uses within the first floor commercial space will consist of the permitted uses for *Commercial limited: C-1* zoning districts, pursuant to LDC Section 34-342(b). The applicant has received approval of a Public Facilities Reservation Certificate for this project (Ref. Application 12-100175), meaning that adequate public facilities, including transportation, exist to serve the proposed development.

The former owner of the property received conditional use approval for a seven-story multifamily condominium project in January 2004 (via 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, but as indicated above, the building proposed in this application would only be a maximum of 40' in height. To accommodate the additional five feet of building height, based on the zoning standards in effect in 2004, the applicant has provided an additional 5' of side yard setback along the property's northerly boundary lines.

Adjacent uses include a vacant oceanfront block (former *Atlantis* hotel) across 1<sup>st</sup> Street North to the east, a closed retail strip-center under renovation across 6<sup>th</sup> Avenue to the south, vacant property across 2<sup>nd</sup> Street North 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 7th Avenue is also owned by the applicant and was recently approved by the Planning Commission (PC# 4-12) for multifamily use in conjunction with a proposed three-story mixed use development. That project is currently undergoing building permit application review.

Given the physical state of surrounding properties, the property's location, and in the context of our Downtown Vision Plan, the proposed development could serve as a catalyst for the ultimate redevelopment of this part of the city. A mixed use project, as shown on the submitted project rendering, providing a residential population within a walking distance to our downtown area, would complement

and improve the character of the surrounding neighborhood. Adjacent property values should be enhanced by the development of the subject property.

The Community Redevelopment Agency (CRA) met on Monday, November 19, 2012 to consider this application. The CRA voted unanimously to find the proposed project consistent with the Downtown Redevelopment Plan and to recommend approval of the RD rezoning application by the City Council.

**Recommendation:** Approval, with the following conditions:

1. The project shall be designed as shown on the project rendering and site plan contained in the PC#25-12 application materials.
2. In the event that a building permit application for the development proposed in application PC#25-12 has not been accepted by the City within 18 months following the adoption of this rezoning ordinance, this rezoning shall be rendered null and void, and the *Commercial limited: C-1* zoning designation of the subject property shall be re-instated.

**Applicant:** Mr. Scott Gay, Eckstein Investments, LLC., 2120 South 1<sup>st</sup> Street Jacksonville Beach

Mr. Gay said he had nothing more to add to what Mr. Mann had read. He said John Zona, Architect was present for questions and asked that the board approve their request.

After a brief discussion Mr. Sutton asked if anyone wished to speak in favor of the application.

Mr. Thad Mosley, 3701 Duval Drive, Jacksonville Beach spoke in favor of the application.

Mr. Sutton then asked if anyone wished to speak in opposition of the application. Seeing that no one wished to speak in opposition of the application, the Public portion of the meeting was closed.

**Motion:** It was moved by Mr. DeLoach, seconded by Mr. Dahl to approve recommendation number one as stated and to approve recommendation number two with reference to an 18-month time frame, as revised by Mr. Mann.

**Roll Call Vote:** Ayes – DeLoach, Sutton and Dahl; Motion carried unanimously.

**PC#27-12**    **Conditional Use Application**

**Owner/Applicant:** Goodness Grows, LLC.  
c/o Leah H. Hudson  
P.O. Box 50219  
Jacksonville Beach, FL 32240

**Location:** 414 3<sup>rd</sup> Avenue North

**Request:** **Conditional Use** application for a proposed miscellaneous health office located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-339 (d)(14) of the Jacksonville Beach Land Development Code.

**Comments:** The applicant owns the subject property on the south side of 3rd Avenue North, between 4th and 5th Streets North, and would like to convert it from single-family residential use to office space for a wellness consultant and for a spiritual advisor. Both of these uses are classified as miscellaneous health offices, which are allowed by conditional use in the *RM-1* district in which the subject property is located.

The subject property exists as two platted lots, one of which contains a 1,064 s.f. single family residential structure, built in 1951. The other lot currently exists as lawn area adjacent to the house. The applicant proposed to convert the house into office space for her two businesses, and to either work out a shared parking agreement with the *First Baptist Church*, who owns the parking lot adjacent to the west of her property, or provide the required five spaces for her offices on the vacant portion of the subject property. She is aware that the conversion of the residential structure to office occupancy will be required to meet applicable Building Code requirements. She describes projected traffic to and from her businesses as no more than four cars per hour, or 15 vehicles per day.

Adjacent uses include an apartment complex owned by the applicant to the immediate east, a single-family and a two-family use behind the subject property to the south across the platted alley, church parking lots to the immediate west and to the north across 3rd Avenue, and a single-family home, a two-family use and an approved conditional use office development (PC#18-97) across 3rd Avenue as well.

Given the existing mixed institutional, office and residential character of the surrounding properties, the low projected traffic volume estimated for the applicant's proposed businesses, and the fact that the applicant has sufficient area on-site for her required parking, approval of this request should not negatively affect the character of the existing neighborhood. Adjacent property values should not be impacted.

**Recommendation:** Approval

**Applicant:** Ms. Leah Hudson, 1549 Beach Avenue, Atlantic Beach

Ms. Hudson stated she and her family would be moving into 404 North 3<sup>rd</sup> Avenue. She has spoken to the First Baptist Church and has received approval to use their parking area, with additional insurance coverage added to her policy.

Mr. Sutton then asked if anyone wished to speak in favor of the application.

Mr. Scott Gay, 2120 South 1<sup>st</sup> Street, Jacksonville Beach spoke in favor of the application.

Seeing that no one else wished to speak in favor of the application, Mr. Sutton asked if there was anyone who wished to speak in opposition of the application.

Ms. Cynthia Baxter, 523 North 3<sup>rd</sup> Avenue, Jacksonville Beach spoke in opposition of the application, noting traffic and home value concerns.

Ms. Hudson stated that she felt the traffic would be minimal as she would not have clients every day. It was also noted that her family would be moving into 404 North 3<sup>rd</sup> Avenue which changes that property from commercial to residential. A brief discussion ensued regarding the parking, and traffic impact.

Seeing that no one else wished to speak in opposition of the application, Mr. Sutton closed the Public Hearing.

**Motion:** It was moved by Mr. DeLoach, seconded by Mr. Dahl to approve the recommendation.

**Roll Call Vote:** Ayes – DeLoach, Sutton and Dahl; Motion carried unanimously.

**Planning & Development Director's Report**

Mr. Mann advised the members that the next meeting is scheduled for Monday, December 10, 2012 with three cases.

**Adjournment**

There being no further business coming before the Planning Commission, Mr. Sutton adjourned the meeting at 7:28 P.M.

Submitted by: Cathy Martinich  
Senior Secretary

Approval:

/s/Greg Sutton

Chairman

Date: December 10, 2012