

**Minutes of Planning Commission Meeting  
held Monday, January 14, 2013 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

Alternates: Bill Callan  
David Dahl *Absent*

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

**Approval of Minutes**

It was moved by Mr. DeLoach, seconded by Mr. Jones, to approve the meeting minutes for December 10, 2012, as presented. Motion carried unanimously.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

- (A) PC #30 -12 – (12-100186) 1521 Penman Road**  
**Conditional Use** for a commercial recreation facility, more specifically an indoor pistol range, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342 (d)(17) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Mr. Mann stated that consideration of this application was continued at the advertised December 10, 2012 public hearing at the request of the applicant, following public testimony. Below, for your reference, are the staff report and recommendation entered into the record at the December 10, 2012 public hearing. Also included in this agenda packet are copies of all correspondence received relative to this application through January 3, 2013.

Chairman Sutton read the following statement into the record:

“This application was originally heard by the Planning Commission at our December 10, 2012 meeting. Following the staff report and receipt of public comment both in favor of and in opposition to the application, the applicant requested a deferral to the January 14, 2013 meeting so that more information could be gathered in response to the public comments presented during the hearing.

Given that I closed the public portion of the December 10<sup>th</sup> meeting prior to the applicant requesting a deferral, tonight we will resume considerations of this application with the applicant’s response/rebuttal to the December 10<sup>th</sup> public testimony, and any subsequent discussion of the application will be between the commissioners, the applicant, and staff.

Provided that the applicant’s response tonight is limited to issues raised in the staff report and/or in public testimony from December 10<sup>th</sup>, I will not open the floor for any additional public testimony at tonight’s meeting. Following the applicant’s presentation, a motion will be called for, and a vote will be taken.

However, if I determine that the applicant has provided information concerning issues that were not raised in the staff report or in public testimony from the December 10, 2012, meeting, I may open the floor for public comment, limited to such additional information.

**Applicant:**

The agent for the applicant, Cord Byrd, 724 5<sup>th</sup> Street, Neptune Beach, stated that he is a practicing attorney working with the applicant. Mr. Byrd spoke briefly about the concerns stated by the public at the December 10, 2012 hearing.

1. Location
2. Indoor range design
3. Noise regulations
4. Ventilation and lead exposure
5. Lead disposal
6. Safety
7. Accidental Discharge

Mr. Jones asked Mr. Byrd to talk about the adverse property values for the surrounding neighbors, should this application be approved.

Mr. Byrd replied that this facility will not only increase property values, as this is a commerce issue, it will also allow for additional employment.

Mr. Jones inquired about the potential for this use to negatively affect property values.

Mr. Byrd responded that this would actually help the local economy, in that they will employ local contractors and property values will increase. There are five ranges in Jacksonville and there is no evidence of any negative impact on the value of surrounding properties.

Mr. DeLoach stated that there are other real estate agents that say it will negatively affect property values, and noted the concerns of Ms. Paranoer, who lives behind the proposed facility. He also referenced the letter from Mr. Kowkabany, which detailed the number of accidental discharges at these types of facilities. The visioning plan for the City shows this area as a commercial pocket with no reference to a gun range; the proposal is contrary to the vision for Jacksonville Beach.

Mr. Jones agreed with Mr. DeLoach that this use would be incompatible with the vision. There should be more complementary uses in the area – this is an incompatible use.

Mr. Sutton asked if this was the Glatting Jackson work that was done. Mr. Mann responded that it was.

Mr. Byrd noted that there are a million concealed weapons permit holders. By denying the range you are not escaping the concerns. This will create a safe environment to allow people to practice with their weapons.

Mr. DeLoach stated that he was just concerned about that one. There would be more activity around a shooting range.

Mr. Sutton agreed that the one could come from anywhere – it doesn't have to be at the gun range.

Mr. DeLoach thought there was a higher possibility for that one chance. He thought that the code should address indoor gun ranges.

Mr. Jones asked if there would be a police officer on the site. Mr. Byrd responded that it wasn't addressed, but there would be cameras posted on the outside.

Mr. Sutton thanked everyone from the community for providing the documentation and personal input. He also stated that all the input and testimony pulls at the heartstrings and made him think about it thoroughly. The concerns are genuine. Mr. Sutton stated that he did not believe that the facility presented a substantial risk more so than firearms that are already carried by owners. He agreed that the perception on the sound issues and safety issues do present a negative effect on property values and a loss of business. The proposed use is inconsistent with the corridor study. He believed that a business use of this type does not produce a use that is harmonious with its surroundings.

Mr. Sutton noted that he had ex-parte communication with numerous individuals. Mr. Jones and Mr. DeLoach also noted their ex-parte communications.

Motion: It was moved by Mr. DeLoach, seconded by Mr. Jones, to deny this request on the basis that it is not consistent with surrounding land use and creates an adverse effect on surrounding property values.

Roll Call Vote: Ayes – DeLoach, Sutton, Callan, and Jones; motion carried unanimously.

**NEW BUSINESS:**

**(B) PC #31-12 – (12-100202) 928 2<sup>nd</sup> Avenue North**

**Conditional Use** for a proposed single-family dwelling located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-339 (d)(12) 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 located on the south side of 2<sup>nd</sup> Avenue North, one lot east of 10<sup>th</sup> Street North. A boarded-up multifamily structure on the property was recently demolished, so the property is now vacant. The applicant would like to build a single family residence on the property and was informed by staff that he would need to seek conditional use approval to do so, since the property was in an RM-1 multifamily zoning district.

Adjacent uses include single family homes across 2nd Ave to the north, a two-family use adjacent to the west, a single family home to the east, and multifamily uses across the alley to the south. The blocks between 1<sup>st</sup> and 2<sup>nd</sup> Avenues North in this area generally contain a mix of single and multifamily uses, transitioning to predominantly single family neighborhood to the north of 1<sup>st</sup> Avenue. A single-family use at this location is not out of character with surrounding uses, and adjacent property values should not be negatively impacted.

**Recommendation:** Approval.

**Applicant:**

The applicant, Shawn Budd, 3721 South DuPont Station Road, Jacksonville, FL 32217, 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.

Planning Commission Minutes,  
Meeting held January 14, 2013

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

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

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

**Planning & Development Director's Report**

Mr. Mann advised the members that the next meeting is tentatively scheduled for Monday, February 11, 2013.

**Adjournment**

There being no further business coming before the members, Mr. Sutton adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

/s/Greg Sutton

Chairman

Date: February 11, 2013