

**Minutes of Planning Commission Meeting
held Monday, February 11, 2013 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 Vice Chairman Terry DeLoach.

Roll Call

Terry DeLoach, Vice Chairperson
Lee Dorson
Greg Sutton, Chairperson *absent*
Fred Jones
Bill Callan

Alternate:

David Dahl

Also present were Bill Mann, Senior Planner, and Assistant City Clerk Nancy Pyatte.

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Dahl, to approve the minutes for the January 14, 2013 meeting, 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.

FINDINGS OF FACT

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Pursuant to Article VI, Section 34-231(c) of the Land Development Code of the Jacksonville Beach Code of Ordinances, when considering an application for development permit for a conditional use, the planning commission shall consider whether and the extent to which:

- (1) The conditional use is consistent with the goals, objectives and policies of the comprehensive plan, including standards for building and structural intensities and densities, and intensities of use;

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(2) The conditional use is consistent with the character of the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed;

(3) The design of the proposed conditional use minimizes adverse effects, including visual impact, of the proposed use on adjacent properties, and provides adequate screening and buffering;

(4) The proposed conditional use will have an adverse effect on the permitted uses of the zoning district where it is located;

(5) The proposed conditional use will have an adverse effect on the value of adjacent property;

(6) There are adequate public facilities and services pursuant to Article X, Adequate Public Facility Standards;

(7) The proposed conditional use will require signs or exterior lighting which will cause glare or adversely impact area traffic safety;

(8) There is adequate ingress and egress to the proposed conditional use, and it is designed so as to minimize traffic congestion on the city's roads;

(9) The proposed conditional use is consistent with the requirements of the LDC;

(10) The applicant has the financial and technical capacity to complete the conditional use as proposed, and has made adequate legal provision to guarantee the provision of open space and other improvements associated with the proposed conditional use;

(11) The proposed conditional use complies with all additional standards imposed on it by the particular provision of the comprehensive plan authorizing such use and all other applicable requirements of the LDC.

Based on a review of the application, staff report, public correspondence and applicant and public testimony received at the public hearing on Application PC#30-12 on December 10, 2012, and on subsequent discussion between the applicant and the Planning Commission on January 14, 2013, the Planning Commission has found that the application should be denied for the following reasons:

1. Based on public testimony from residents and area business patrons, the proposed use of the subject property for an indoor pistol range is not consistent with the character of the immediate vicinity.

2. The applicant did not adequately demonstrate that she can control or prevent potential adverse effects on adjacent properties related to the operation of an indoor pistol range.

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3. The operation of an indoor pistol range would negatively affect adjacent property values, based on the testimony and correspondence of local real estate agents.

Motion: It was moved by Mr. Dorson, seconded by Mr. Jones, to accept the Findings of Fact, as presented.

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

NEW BUSINESS:

(B) PC #1-13 – (13-100011) 325 15th Avenue North
Conditional Use for an existing multiple family dwelling located in a *Commercial Limited: C-1* zoning district, pursuant to 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 owns the subject property on the north side of 15th Avenue North, one lot east of 4th Street, in a C-1 district. The three-unit multifamily residential use currently exists as a legal nonconforming use, having been established in 1947, prior to the adoption of our current Land Development Code.

The applicant met with staff initially, to explore the potential of adding another dwelling unit to the property. Staff informed him of the property's nonconforming status, and instructed him that he would need to obtain conditional use approval in order to add another dwelling unit, or even to re-establish any multifamily use on the property, should the existing structures be significantly damaged or destroyed. The property is slightly over 9,300 square feet in area, so the maximum number of units that would be allowed on the property under any scenario would be four.

Despite its commercial zoning, the north side of 15th Avenue North between 3rd and 4th Streets is predominantly residential, with only the parcel fronting on 3rd Street in commercial use. There is a duplex to the immediate west of the subject property, and a multifamily rental property to the immediate east. Across the avenue to the south are an apartment complex, and a strip center along 3rd Street. Across the alley behind the subject property is a medical office property. According to Property Appraiser records, the multifamily use on the subject property pre-dates all of its surrounding development. Continuation and/or redevelopment of a multifamily use on the subject property would not be out of character with the mixed-use nature of the surrounding neighborhood. Adjacent property values should not be negatively impacted.

Recommendation: Approval.

Applicant:

The applicant, Brandon Andrews, 6583 Formosa Avenue, Starke, FL 32091, stated that he concurred with the staff report presented by Mr. Mann.

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 members, Mr. DeLoach closed the public hearing.

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

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

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is tentatively scheduled for February 25, 2013. There are three items.

Mr. Mann informed the members that staff conducted interviews of six applicants for the various boards. He stated that there was a vacancy on the Planning Commission, and on the Pension Board, and there will be upcoming vacancies on the Community Redevelopment Agency.

Adjournment

There being no further business coming before the members, Mr. DeLoach adjourned the meeting at 7:10 P.M.

Submitted by: Nancy J. Pyatte
Assistant City Clerk

Approval:

/s/Terry DeLoach
Chairman

Date: February 25, 2013