

**Minutes of Planning Commission Meeting
held Monday, April 8, 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 Chairman Greg Sutton.

Roll Call

Terry DeLoach, Vice Chairperson
Lee Dorson
Greg Sutton, Chairperson
Bill Callan

Alternates
David Dahl
Georgette Dumont

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 #10-13 (13-100057) – 1177 3rd Street South**
Conditional Use application for an existing carwash located in Commercial Limited C:1 zoning district, pursuant to Section 34-342(d)(6) of the Jacksonville Beach Land Development Code. The property is located at 1177 3rd Street South.

Staff Report:

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

The applicant's family trust is the owner of the subject property currently in use as a self-service car wash on the east side of 3rd Street South at 12th Avenue South. The car wash facilities on the property were originally constructed in 1974, according to the Duval County Property Appraiser's Office. From 1995 until the first of last year, the car wash

had been operated by a lessee, as an approved conditional use. The owner took over the operation from that lessee in February of last year, upon approval of their conditional use application, PC#2-12. That approval was for a 12-month period, during which the applicant had to meet three specific conditions.

The first condition was that they had to replace the deteriorated concrete paving and improve the drainage for the area between the carwash bays and the shade structure in the back of the property. The second condition was that the structures on-site had to be cleaned and re-painted. The third condition was that they improve the landscaping on-site by planting a minimum of three palm trees, each 8 ft. in height.

The applicants are now applying for conditional use approval to continue operation of the car wash beyond the initially approved 12-month period. Periodic staff inspections of the business over the past year have confirmed that each of the three conditions have been met.

Adjacent uses remain as they were roughly a year ago, including rental apartments to the immediate east, a veterinary clinic across the alley to the north, an auto repair facility across 3rd Street to the west, and a small retail center across 12th Avenue to the south.

The continued use of the subject property as a carwash, since it has been in operation since 1974, is not out of character with the surrounding neighborhood, and its appearance has been improved by the applicant meeting the conditions placed on last year's approval by the Planning Commission. Approval of this request should not alter the character of the surrounding neighborhood. Adjacent property values should not be affected.

Recommendation: Approval.

Applicant:

The applicant, Tammy Nishiyama, 821 3rd Avenue North, stated that they have complied with all the conditions that were mandated a year ago and will continue to beautify her property. She stated that she has been a lifelong resident of the beaches and wants to remain a good business owner.

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 Board, Mr. Sutton closed the public hearing.

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

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

(B) PC #7-13 (13-100049) – 301 Jacksonville Drive

Zoning Amendment, to rezone a vacant 0.5 acre parcel of land located on the north side of Jacksonville Drive, 50 feet west of State Road A-1-A, from Commercial, Professional Office: CPO to Planned Unit Development: PUD to allow for the development of a 7,500 square foot veterinary practice.

Staff Report:

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

This application is essentially the re-filing of a successful 2010 PUD rezoning of the subject property (PC#21-09). That rezoning was subsequently nullified when a required development plan application for the proposed veterinary clinic was not filed by the property owner within the one year time limit to do so. That condition was placed on the PUD's approval by the Planning Commission, along with the requirement that the existing modular office buildings on-site be demolished. That condition was met, but for whatever reason, the property owner did not follow through with plans to build the clinic at that time.

PUD rezoning is required (1) because veterinary clinics are not a permitted use in the Commercial, Professional Office: CPO district that the subject property lies in, and (2) because the location of the proposed building does not conform to CPO setbacks. The latter is due primarily to the geometry of the subject property, and the location of the existing parking lot on the property that the applicant intends to use as part of his proposed development.

There are several differences between this application and the rezoning approved in 2010. One is that the building is now a two-story building, so it is larger (7,500 s.f., compared with 4,500 s.f.), and the outside pet walk/observation area has been brought indoors, to now occupy the entire second floor of the building. The other significant difference from the formerly approved PUD is that the applicant is not requesting a range of other uses for the building, in addition to veterinary services. He is limiting the permitted uses of the property to veterinary services, including indoor kennel and indoor exercise area, all to be provided in a soundproof and odor controlled building. The incorporation of the kennel and exercise areas into the building space is what is driving the change from a one-story structure to a two-story structure. The former PUD site plan had an outdoor exercise/observation area for the animals.

Staff has reviewed the application against Land Development Code PUD and site development standards, and concurs with the presentments contained in the application narrative. The application is also consistent with relevant Comprehensive Plan CPO Land Use policies and objectives. The property is under single ownership. Safe and adequate access is available to the development, and is actually being enhanced by the

relocation of the existing driveway. Public facilities, including transportation, are in place to serve the development. The 22 parking spaces shown on the site plan for the proposed use is adequate, based on a variance approved for the applicant by the Board of Adjustment on February 19, 2013 (Ref. BOA#13-100008). The project provides the minimum required open space, including a public access easement along the west side of the property granted to the City. This easement was a critical component of the recently completed rework and signalization of the intersection of A-1-A and Jacksonville Drive, and now provides access to Jacksonville Drive from the properties to the north of the subject property.

Adjacent uses remain as they were in 2010, including a two-story office building to the immediate north, a bank and office park to the south across Jacksonville Drive, and residential neighborhoods to the west beyond the public access easement, and to the east across 3rd St. The subject property had a history of use as professional offices, before the two former modular buildings were removed in 2011. A proposed new building, together with new landscaping and allowable monument signage, will positively contribute to the character of the area. The incorporation of the indoor kennel and exercise area also helps to ensure compatibility with the surrounding neighborhood.

Recommendation: Approval.

Applicant:

The applicant, Greg Kupperman, 200 1st Street, Suite B, Neptune Beach, stated that he concurred with the staff report read by Mr. Mann. Mr. Kupperman noted for the record that a neighboring property did want to include the term “medical” in the PUD Written Description, paragraph 1 item K - Kennels are limited to boarding related to veterinary medical care services.

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 Board, Mr. Sutton closed the public hearing.

Motion: It was moved by Mr. Dorson, seconded by Mr. DeLoach, to recommend approval of the zoning amendment as presented.

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

(C) **PC #8-13 (13-100049)– 107 3rd Avenue South**

Conditional Use application for an elementary school (a three (3) grade level, 108-student public charter school) located in a Residential, multiple-family: RM-2 zoning

district, pursuant to Section 34-340 (d)(6) of the Jacksonville Beach Land Development Code. (Seaside Community School).

Staff Report:

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

The applicant has received approval from Duval County Public Schools to operate a new public 'charter' school in the county, and has applied to place that new school, the *Seaside Community School*, at the subject property on the northwest corner of 1st Street South and 3rd Avenue South. That property is currently occupied by *Epic Surf Ministries*, a religious organization that was approved to operate as a conditional use at this location in 2009, via PC#34-08.

Based on excerpts from the applicant's charter school application included with the conditional use application materials, the charter school would serve grades Kindergarten through 2nd grade (K-2) in the first year, with a maximum of 108 students. In Year 2, they propose to add several 3rd Grade classes, and increase enrollment by 36 students. By Year 5, the school is projected to serve grades K-5, with an enrollment of 232.

As stated, the subject property is currently in use as the offices and meeting space for *Epic Surf Ministries*, a non-denominational, youth-oriented outreach ministry. Their daily occupancy of the office is one to two people, and they also conduct several small group meetings a week, and run a series of surf camps in the summer.

Prior to 2009, the subject property was used as the *Foundation Academy*, also an approved conditional use of the subject property. That use was originally approved in 1991. Application PC#21-91 was approved in 1991 for a school described by the applicant as having approximately 40 students, with four teachers. The *Foundation Academy* vacated the subject property in 2008, after which the current tenant, *Epic Ministries*, occupied the building.

In a meeting with the applicant and several of the school's board members, staff was provided with information about the school's organization, business and operations plans, and mission statement. Staff in turn described the conditional use requirement, and also informed them of several concerns with their requested use of the subject property. One was the lack of outside play area on-site for the children, given that the property is virtually totally taken up by building and paving. The second was the potential for increased daily pedestrian crossings on 1st Street, with classes going to and from the beach each day. The third and probably the main concern was the potential traffic impact to the neighborhood from the daily drop-off and pick-up of the 100+ students attending the school. It was recommended that, if they were to file a conditional use application for this location, they would need to include a site plan showing how they were going to provide the required parking, the daily student drop-offs and pick-ups, and also provide information in general as to how they were going to handle the school's traffic on and around the property.

Staff subsequently received the site plan that is included with the application materials. It is noted that the applicant has included a narrow play area along the north edge of the parking lot, next to a residential structure on the adjacent lot, and the plan does show the required 14 on-site spaces for the proposed use. The proposed student drop-off/pick up pattern is indicated by the string of boxes on 3rd Avenue, leading into the parking lot and exiting at the west end of the lot. While this pattern does appear to accommodate nine cars on-site, the accommodation for most of them is for after the passenger has been dropped off or picked up. There are five spaces, or boxes, shown in the vicinity of the building front sidewalk, where the drop-off/pick-ups will occur. Two of them on-site, and the other three are in the 3rd Avenue right-of-way. The accommodation of parents' vehicles after this drop-off area does not alleviate the problem of the cars that will have to wait in line behind the cars in the drop off area. Those waiting vehicles will have to queue in the 3rd Avenue and 1st Street right-of-ways. This would potentially be a twice daily, five day per week impact to other properties in the vicinity. It also appears that the property's dumpster enclosure is eliminated in the proposed site plan.

Beginning in 1999, with the *Seagrove* townhomes project southwest across 3rd Avenue, and continuing with the *Watermark* oceanfront condominium across 1st Street in 2004/2005, and the eight-unit *Ocean Terrace Townhomes II* project immediately west of the property in 2006, there had been significant new residential development and investment in the immediate neighborhood, as compared with the period between 1989 and 2008 when the *Foundation Academy* was on the property. A major consideration in the staff recommendation for approval of the *Epic Surf Ministry's* conditional use application in 2009 was that it represented a significant de-intensification of use compared to that of the former school use. It was an initial step towards the eventual discontinuation of the non-residential uses of the property, in order that it be redeveloped into a permitted residential use, comparable with the surrounding development. The proposed re-introduction of a school on the subject property with an even larger student population, would bring back, and even elevate, an activity and traffic level to the subject property that has been gone for over four years, and that is no longer viewed by staff as being in character or compatible with the surrounding neighborhood.

Recommendation: Disapproval.

Applicant:

The applicant, Kara Meintassis, 12546 Cranesbill Court, Jacksonville, FL, stated that she is the Board President of *The Seaside Community Charter School*, and would like to address the concerns in Mr. Mann's staff report.

1. Jacksonville Beach's elementary schools are over capacity, therefore the addition of a charter school is needed and wanted by the local parents in the community.
2. Addressing the traffic concerns, *The Seaside Community Charter School* will implement staggered drop off and pickups for the parents by grade levels to alleviate any queue that would potentially occur on 3rd Street South.

3. If approved, *The Seaside Community Charter School* will treat this space as temporary for a maximum of two years and will relocate to a bigger building to accommodate growth.
4. Research shows that property values increase when a charter school is present.
5. *The Seaside Community Charter School* will be very small in nature with only 4 grades (six classes the first year and 8 classes the second year).
6. *The Seaside Community Charter School* already has 80 applicants.

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:

Bill Lancelot, 1446 3rd Street South, Jacksonville Beach
Carrie Fergusson, 448 Myra Street, Neptune Beach
Melissa Stephens, Jacksonville
Katrina Hall, 673 Lookout Drive, Jacksonville
Tyler Saldutti, 13 Arbor Cove Drive, Ponte Vedra Beach
Lynette Williams, 10961 Burnt Mill Road, Jacksonville
Rich Trendal, 2233 Seminole Road, Atlantic Beach

All the people that spoke in favor of the application shared the need for a charter school at the beach and how much of a huge asset it would be to the community.

The following people spoke in opposition to the application:

Clem Ward, 50 3rd Avenue South, Jacksonville Beach
Rob Davis, 50 3rd Avenue South, Jacksonville Beach
Mary Ann Metzger, 50 3rd Avenue South, Jacksonville Beach
Ann Biondo, 216 1st Street South, Jacksonville Beach
Peter Jones 135 3rd Avneu South Unit C, Jacksonville Beach

All the people that spoke in opposition of the application shared their concerns for traffic issues, negative property values, and that the use was out of character with their residential neighborhood..

Rebuttal

Ms. Meintassis referred to some of the comments given by the opponents of the application and stated that, by her own observations, traffic during 7:15am and 7:30am (proposed pick-up and drop-off times) was very slow and minimal, compared to a Saturday or Sunday when traffic increased. As for the study that talked about charter

schools negatively impacting property values, she could only speak to the studies that she referenced earlier about increased property values.

Mr. DeLoach pointed out that the Board is not questioning the value or need of the charter school, only the points that Mr. Mann reported on in his staff report. Mr. DeLoach further spoke about the property values being increased or decreased; there is no clear way to identify either.

Mr. Sutton concurred with Mr. DeLoach and stated that he was completely in favor of the school, but could not support the location.

Ms. Meintassis referred to *The Seaside Play Garden* on 8th Avenue which has been in existence since 2002, that currently has 30 children that attend, and that has not had any issues due with traffic. If you equate the staggered traffic pattern that will be implemented it will be equivalent to 30 students that *The Seaside Play Garden* has.

Mr. DeLoach informed Ms. Meintassis that there are too many variables with staggered drop-offs and pick-ups; also there would be no way to police whether or not it was working.

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

Motion: It was moved by Mr. Dorson, seconded by Mr. DeLoach, to disapprove the conditional use as presented.

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

(D) PC #9--13 (13-100049)– 2092 Beach Blvd.

Conditional Use application for a religious organization located in a Residential, single family: RS-1 zoning district, pursuant to section 34-336 (d)(2) of the Jacksonville Beach Land Development Code. The property is located on the south side of Beach Blvd., approximately 200 feet east of Hopson Road (Resurrection Anglican Church-Beaches).

Staff Report:

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

The applicant is the pastor of the *Resurrection Anglican Church- Beaches*. Until recently, his congregation had been meeting in the small white chapel that was located on the Beaches Chapel campus on Florida Blvd. in Neptune Beach. As you may know, that historical wooden chapel building was recently moved to Jacksonville Beach, and now sits on City-owned land on Beach Blvd. at 5th Street N., one block west of the *Beaches Historical Society* museum. It is currently being renovated.

Since the small chapel was relocated and is currently being renovated, the applicant has been conducting services in the old stone chapel building on the *Beaches United Methodist Church* campus in Jacksonville Beach, at 4th Street and 7th Avenue N. He has also been looking, during this time, for a new permanent site for his congregation.

Staff met with the applicant's agent in March and was informed that they had identified the subject properties as a desired location for their church. They were informed that the subject properties were zoned RS-1, and, as such, conditional use approval would be required for use of the property for a religious organization.

Per the application, the two subject properties would be combined to support the construction of a maximum 7,440 s.f., one-story building, containing a sanctuary with a capacity of 208 people, together with other ancillary space. At one space per four seats, the on-site parking requirement for building is 52 spaces. The site in the application materials shows the location of the proposed building and that required parking. The building location conforms to RS-1 setbacks. Maximum coverage would be 35%. The plan shows the required landscape buffer and 6' opaque fence adjacent to neighboring single-family uses. Access to the property would be from a single driveway onto the south Beach Blvd. frontage road, at the foot of the Intracoastal Waterway Bridge. The church and property would only be used for religious activities. They are aware that child daycare is a separate conditional use in RS-1 districts, and they are not requesting that approval. The children's play area on the plan is for use by the congregation.

The site plan shows the subject properties as being divided from north to south, with the referenced children's play area indicated on the southern parcel. This parcel is divided from the northern parcels by a Public Works access and utility easement, related to a City sewer lift station that lies roughly 75' south of the proposed building location. The applicant's agent has met with Public Works, and they are aware of the church's plans and have indicated that the proposed site plan and use of the properties by the applicant would not interfere with their maintenance of that lift station.

Adjacent uses include the referenced single-family lots along the west and south side of the subject properties, on the east side of Hopson Rd., vacant commercially zoned land to the east, and the *Beach Marine* development 300' to the north, across Beach Blvd. The vacant commercial property to the east is in the process of being developed as grassed, landscaped overflow parking for *Adventure Landing*.

The owner of one of the subject properties has approached staff several times over the past 15 years seeking some sort of commercial use of his property, but was informed that it was not consistent with the Comprehensive Plan Future Land Use designation of his property, and would not be supported. The currently requested use of the subject properties is contemplated in RS-1 zoning, so it is not inconsistent with their Comprehensive Plan *Residential – Low Density* designation. The requested use represents a reasonable low intensity use of the undeveloped parcels surrounding the City's lift station, and would serve as transition between the soon-to-be-developed commercial parking facilities to the east, and the Hopson Road neighborhood to the west and south.

Recommendation: Approval.

Applicant:

The agent for the applicant, Fred Atwill, 9001 Forest Acres Lane, Jacksonville, thanked the Commission and Mr. Mann for the opportunity to address the application. He provided a letter in support of the application from a Hopson Road homeowner. He also displayed a schematic showing the proposed development and welcomed the audience to view. Mr. Atwill also introduced the Architect for the application, Michael Bruce, and the Reverend David Ball; they are available for any questions.

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:

Reverend David Ball, 4443 Crooked Creek Drive, Jacksonville, stated that the building will be two-story; not one-story as stated in the staff report.

Mr. DeLoach asked what the height will be of the building. Michael Bruce, 2313 Ocean Drive, Atlantic Beach, Architect for the project stated that the structure will not exceed the 35 foot height restriction mandated by the LDC.

The following people spoke in opposition to the application:

Mark Worman 13 Hopson road, Jacksonville Beach
Cathy Glissen, 5 Hopson Road, Jacksonville Beach
Craig Sutton, 1 Hopson Road, Jacksonville Beach
John Sproviero, 21 Hopson Road, Jacksonville Beach
Lynn Hileman, 22 Hopson Road, Jacksonville Beach

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

Rebuttal

Mr. Atwill stated that this is a small church and the proposed development will be in character with the surrounding neighborhood. This will be a good transitional use from the commercial structures from the east. This development has met all zoning requirements for setbacks and lot coverage.

Mr. Dahl asked about the anticipated use and times for the playground. Rev. Ball stated that he envisions the area to accommodate families on Sundays, with maybe a few picnic tables and a pavilion.

Mr. DeLoach asked about the anticipated growth of the congregation. Rev. Ball replied that should the congregation grow, it would allow for a new church to be built omewhere else.

Mr. Dorson asked about the current members of the congregation. Rev. Ball replied that there are approximately 100 members.

Mr. DeLoach stated that he has concerns with the play area, structure, and the close proximity to the surrounding residents along Hopson Road. Mr. DeLoach also stated that the he is concerned with the compatibility and property values, and that this is not consistent with the character of the neighborhood.

Motion: It was moved by Mr. Dorson, seconded by Mr. DeLoach, to disapprove the conditional use as presented.

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

Planning & Development Director's Report

Mr. Mann advised the Board that the next meeting is scheduled for April 22, 2013 with two conditional use applications.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 9:25 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton

Chairman

Date: April 22, 2013