

**Minutes of Planning Commission Meeting
held Monday, October 28, 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

Greg Sutton, Chairperson
Terry DeLoach, Vice Chairperson
Bill Callan *Absent*
David Dahl
Georgette Dumont

Alternates: Rick Knight
Lee Dorson

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

Approval of Minutes

It was moved by Mr. DeLoach, seconded by Mr. Dahl, and passed, to approve the minutes of the October 14, 2013, Planning Commission, as presented.

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business

(A) PC #33-13 (13-100203) – 320 North 1st Street #103 (Chicago Pizza Restaurant)

Conditional Use application for transfer of ownership of outdoor restaurant/bar seating for an existing restaurant located in a Redevelopment: RD zoning district, pursuant to Section 34-347 of the Jacksonville Beach Land Development Code and specifically pursuant to RD Ordinance No. 2007-7939.

Staff Report:

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

The applicant recently purchased and is currently operating the first floor restaurant business in the *Metropolitan* building, now known as *Jimmy's Chicago Pizza*. She was apparently unaware that outdoor restaurant approvals were not automatically transferrable from owner to owner when an establishment changed hands, but she was so informed when staff reviewed and approved her local business tax application for 'indoor restaurant only'. She has now applied to gain approval to use the existing outdoor seating area originally established for the restaurant space in 2007. It was first approved by an amendment to the *Metropolitan's* RD zoning ordinance.

The former restaurant operated the subject tenant space since 2008. Staff contacted the Police Department after receiving the application and was informed that there have been no major problems with the former tenant's use of the space over the last several years. The applicant indicated in a discussion with staff that the hours of operation of the restaurant are 11 AM to 11 PM on Sunday through Thursday, and 11AM to 2 AM on Friday and Saturday.

Adjacent uses are entirely commercial on all four sides of the subject property, as they have been since the *Metropolitan* was constructed. So long as there are no sound producing devices, music or otherwise, within the outdoor seating area, and provided that the applicant adheres to LDC Section 34-407 standards for outdoor restaurants and bars, the outdoor restaurant area should remain consistent with surrounding uses. Adjacent property values should not be affected by approval of this request.

Recommendation: Approval.

Applicant:

Applicant, Michelle Koplow, stated that she 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 board, Mr. Sutton closed the public hearing.

Motion: It was moved by Mr. DeLoach, seconded by Ms. Dahl, to approve the conditional use as requested.

Roll call vote: Ayes – Dahl, Dumont, Sutton and DeLoach
Motion carried unanimously.

(B) PC #34-13 (13-100206) – 208 12th Avenue South

Conditional Use application for a proposed two-family dwelling located in a Commercial Limited C-1 zoning district, pursuant to Section 34-342 (d)(5) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant owns the subject two-unit multifamily residential property on the south side of 12th Avenue South, one lot west of 2nd Street. The property is located in a C-1 zoning district. Property Appraiser data indicates the structure was built in 1940. It currently exists as a nonconforming multifamily use in a C-1 commercial zoning district.

The first floor ceiling height of the existing multifamily structure is currently only 7'. The applicant would like to substantially renovate the downstairs unit, requiring the lifting of the entire second floor to gain a more suitable ceiling height for the first floor. That level of renovation requires the applicant to first eliminate the nonconforming status of the property, after which he could then perform the level of renovation he desires. He is aware that if the conditional use application is approved he would also need to seek certain variances from the RM-2 multifamily dwelling dimensional standards to work on the existing structure. He is also aware that he could, in the future, demolish the existing structure and develop a new multifamily use consistent with RM-2 standards.

Adjacent uses include multifamily residential across 12th Avenue to the north, single- and multifamily uses across 2nd Street to the east, and multifamily uses behind the property to the south. The property is bounded on the west by a strip commercial center. Given that the subject property has existed in residential use since before many of the surrounding uses in the vicinity, including the commercial center, were developed, and that the surrounding neighborhood contains a mix of residential and commercial uses, its improved and continued use for multifamily use would not be considered out of character. Since the use already exists and is proposed to be improved, adjacent property values should not be negatively affected.

Recommendation: Approval.

Applicant:

The applicant, Bret Crofoot, 2406 University Blvd. West, Jacksonville, 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 board, Mr. Sutton closed the public hearing.

Motion: It was moved by Mr. Dahl, seconded by Ms. Dumont, to approve the conditional use as requested.

Roll call vote: Ayes – DeLoach, Dumont, Sutton, and Dahl
Motion carried unanimously.

(C) **PC #35-13 (13-100211)**

Land Development Code Text Amendment to replace transportation concurrency regulations in the Land Development Code with Mobility Fee regulations, as stipulated in the adopted Jacksonville Beach 2030 Comprehensive Plan.

Staff Report:

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

This proposed amendment to the Land Development Code (LDC) is a required follow-up to the City's adoption of the 2030 Comprehensive Plan in December 2011. The Transportation element of the adopted 2030 plan eliminated policies related to transportation concurrency, and replaced them with policies implementing a mobility plan. Under the mobility plan the City would exert its efforts on addressing the full range of transportation modes in the city (pedestrian, bicycle, bus, and auto), as opposed to simply trying to add roadway capacity, in an effort to help curb future growth in vehicle trips within the city. Transportation Element Policy TE 3.1.1 specifically requires the City to amend the Land Development Code to incorporate and implement a mobility fee program as an alternative to our present transportation concurrency regulations.

The current transportation concurrency regulations are contained in Article IX of the Land Development Code. They have been in place since the initial version of the current LDC was originally adopted in 1991. Their creation was mandated in the 2010 Comprehensive Plan when it was adopted in 1990. Concurrency is a process for ensuring that capacity is available for various public infrastructure (roads, water, sewer, parks, etc.) concurrent with the demand placed on that infrastructure by new development. In the time since 1990, the City has performed well in keeping the availability of these facilities ahead of the growth in the city and in the surrounding areas.

That remains the case today, with the exception of our major roadways. Since the City is close to being built-out and has such a fixed pattern of development, there is no real opportunity to add vehicle capacity to our major roadways. Under concurrency, when roads such as 3rd Street, Beach Boulevard, and Butler Boulevard reach full capacity, which will begin to occur in the future, there can be no new development or redevelopment approved that would add any traffic to these over-capacity facilities. This reaching of roadway capacity was identified in the data and analysis work done in preparing the 2030 Comprehensive Plan. The consulting firm of

Reynolds, Smith & Hills was contracted during the preparation of the plan to assist in the formulation of a new State-mandated "multimodal" approach for the City, to ensure that it can continue to develop and redevelop outside of the looming traffic capacity issues related to transportation concurrency.

Attached for your review is a draft of an ordinance, in ~~strike-through delete~~/underline addition format that deletes the relevant concurrency regulations relative to traffic and transportation in the current LDC, and replaces them with a new mobility fee program. Following that ordinance is a technical memo prepared by our *Reynolds, Smith and Hills* consultant Fred Jones that provides more detail about the proposed mobility fee program.

Recommendation: Approval.

Mr. Knight asked Mr. Mann to explain the formula.

Mr. Mann stated that the formula is based on the transportation model run by the TPO. Mr. Mann explained how the model works. The model estimates that there will be an additional 27,200 vehicle miles travelled through 2030. The average trip length in the city is 2.41 miles. Mr. Mann explained that the cost of mobility related projects in the Capital Improvements Plan (CIP) is estimated at \$203,471. Every year we will revisit the approved CIP to see if that total changes. If you divide the total cost of mobility enhancements by the 27,200 vehicle miles traveled, you come up with an estimated cost of \$7.48 per mile. This total multiplied by the average trip length of 2.41 miles results in a cost of \$18.03 per new daily trip.

Mr. Mann used Trader Joe's as an example of how a recent project barely met the City's transportation concurrency requirements. He explained that, under the mobility fee system, a new developer would not incur the cost of preparing a transportation concurrency analysis; the mobility fee would be calculated based on the new trips generated by a development. He further reported that the Jacksonville Beach Mobility fee plan is consistent with the City of Jacksonville. Mr. Mann indicated the mobility fee would be for the George Moore project would have been around \$16,000 if it had been permitted after the fee program was adopted.

Mr. Dahl asked if there was a set standard for the calculation of the fee.

Mr. Mann replied yes; it is based on the model. Regarding the example of the George Moore property, he explained that they were approved under the existing concurrency and were not required to pay anything other than the fees they paid to their transportation engineers for filing their application for a concurrency certificate. Mr. Mann provided an overview of how transportation concurrency studies work under the existing concurrency requirements.

Mr. Mann stated that the proposed Mobility Fee is reasonable and legally defensible.

Mr. Dahl asked what improvements would this money be used for – i.e. bus shelters, sidewalks?

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Mr. Mann responded that it could be used for any mobility related projects in the Capital Improvements Plan.

Ms. Dumont expressed that JTA bus access in the City is substandard.

Mr. Mann responded that the City is being proactive in generating funding to pay for these facilities rather than waiting for JTA to provide them.

Mr. Dahl asked why the City would be a co-obligee under the bond or other form of security.

Mr. Mann replied that if it is an identified transportation improvement in the CIP, the City would already have it programmed as a project so it would go forward with it and not be dependent on any developer fee payments. The fees help what the City has already scheduled and is obligated to pay.

Mr. Dahl asked about an expedited mobility fee.

Mr. Mann responded that due to the simplicities of the ordinance most mobility fee calculations would essentially be expedited.

Motion: It was moved by Mr. DeLoach, seconded by Ms. Dumont, to table this item until the next meeting, allowing for Mr. Fred Jones with Reynolds, Smith & Hills to attend.

Roll call vote: Ayes – DeLoach, Dumont, Sutton, and Dahl
Motion to table carried unanimously.

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is scheduled for November 12, 2013 with two conditional use applications.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman

Approval:


Chair

Date: November 25, 2013