

**Minutes of Planning Commission Meeting  
held Monday, January 13, 2014 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**

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

Alternates - Rick Knight  
Lee Dorson - *Absent*

Also present were Steven Lindorff, Planning Director, and Recording Secretary Amber Lehman.

**Approval of Minutes**

It was moved by Mr. DeLoach, seconded by Mr. Dahl, to approve meeting minutes, as amended, for December 3, 2013, by deleting Mr. Dahl's name from page six of the minutes. Motion carried unanimously to approve the minutes as amended.

**Correspondence**

There was no correspondence.

**Old Business**

There was no old business.

**New Business**

**(A) PC #42-13 (13-100211)**

Land Development Code Text Amendment to add new definitions for *Mobile food vending vehicle* and *Mobile food vendor* to Section 34-41, Article IV, Definitions, to add "Mobile food vendors in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of the Code of Ordinances" to Paragraph (b) *Permitted Uses* in C-1, C-2, CS, and CBD zoning districts, and by allowing mobile food vendors as permitted uses within Redevelopment District: RD and certain Planned Unit Development District: PUD zoning districts that existed on January 1, 2014.

**Staff Report:**

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

Beginning in the summer of 2011, the Planning & Development Division began studying how other cities were addressing the burgeoning food truck business. Through the excellent work of a planning intern, the regulations from over 25 jurisdictions were collected and evaluated. From this information, a draft ordinance was developed to amend Chapter 12, Food, and Food Products, of the City's Code of Ordinances to define and provide licensing and operational regulations for mobile food vending businesses. That draft ordinance was then vetted through a series of two City Council workshops and finalized as Ordinance No. 2014-8041. It is now scheduled for formal consideration and vote by the City Council in February. A copy is included in your agenda materials for reference.

As part of the approval of any new type of business within the city, it is necessary to address what locations such businesses may operate. Staff has drafted the attached ordinance, Ordinance No. 2014-8042, as a companion to Ordinance No. 2014-8041, to specify which zoning districts mobile food vendors can operate in, and to add definitions for *Mobile food vending vehicle* and *Mobile food vendor* to the overall list of definitions in the Land Development Code.

Ordinance No. 2014-8042 adds *Mobile food vendors* to the list of permitted uses in the C-1, C-2, CS, and CBD commercial zoning districts in the City. It also makes *Mobile food vendors* a permitted use within Redevelopment District: RD districts and within commercially designated areas of existing Planned Unit Development District: PUD districts that were in existence on January 4, 2013. Their permissibility in any future RD or PUD rezoning's, which may be approved, would be considered on a case-by-case basis, as part of the overall review and approval of a specific rezoning application.

**Recommendation:** Approval.

Mr. DeLoach asked if they factored in Section 2 E and F where the vehicles can park and where they cannot park. Can we limit how many trucks park in a certain location?

Mr. Lindorff responded that we did sit down with a map of the CBD and determined there were 40 possible locations where they could park, but did not specifically limit where. The limiting factor is the lot size, whether you can have one or two food trucks per lot.

Mr. Dahl referenced Section 6 page 3, of the Text Amendment, and asked if the licenses that will be given to the food trucks will be identical to the brick and mortar businesses?

Mr. Lindorff replied that Jacksonville Beach regulations would be identical to the state regulations for licensing food trucks.

## **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 persons spoke in favor of the application:

- Jevon Frinks, 1012 1<sup>st</sup> Avenue South, Jacksonville Beach
- Robert Tilka, 3584 Trident Court, Jacksonville Beach
- Lisa Asker, 313 Brooke Circle East, Jacksonville
- Spencer LaFontaine, 2340 Hendricks Avenue, Jacksonville
- Amanda Ferry, 2902 Hodges Blvd., Jacksonville

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

In response to questions, Mr. Lindorff stated that the hours of operation are specified in the ordinance and are 7:00am – 3:00am, unless they are 150 feet from a residence. Mr. Lindorff added that there is no cap on the number of trucks that will be licensed. Any single food truck owner will have to get the property owner's approval and is limited to a maximum of two per location, depending on the lot size.

Regarding the question about the number of locations, the zones that this board is considering are all of 3<sup>rd</sup> Street, Seagate from Beach to the Intracoastal, Penman Road, at the major shopping centers at Butler Blvd., and commercial PUD developments. He noted that the City has not specified any locations, and is only limiting the number of trucks that are at one location.

Mr. DeLoach commended the Planning Department for the time, depth, and clarity for this text amendment.

Mr. Knight stated that section 7, paragraph 1, sub paragraph 4, states that the property owner shall ensure that the property must be maintained. He would like to see it changed to "shall be held responsible" for maintaining.

Mr. Knight stated that in Paragraph J, about proof of business insurance that he would like to see a dollar amount on the business insurance. He then stated that he does like that fact that there is a one-year trial date.

Mr. Knight added that he does not consider food trucks a family atmosphere.

Mr. Dahl responded that the LDC sections on nuisance would take care of unsightly issues.

Mr. Lindorff stated that any violations of the nuisance ordinance could be brought before the Special Magistrate.

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Mr. Lindorff responded to the questions about insurance. He stated that the food trucks are going on private property, and that if they were going to go on public property the insurance requirements would be more stringent.

Mr. DeLoach stated that we are not reinventing the wheel here.

Mr. Lindorff added that the bulk of this ordinance is based on the Raleigh, NC ordinance.

Mr. DeLoach asked how long Raleigh has had food trucks; Mr. Lindorff responded he was not sure.

Mr. DeLoach asked how long Jacksonville has had food trucks; Mr. Lindorff responded it has been for about three years.

**Motion:** It was moved by Mr. DeLoach, seconded by Mr. Callan, to recommend approval to the City Council for the Land Development Code Text Amendment for Mobile food vending vehicles and Mobile food vendors, as presented.

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

### **Planning & Development Director's Report**

Mr. Lindorff advised the members that the next meeting is scheduled for February 10, 2014 with one rezoning application.

### **Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:35 P.M.

Submitted by: Amber Maria Lehman  
City Clerk's Office

Approval:

/s/Greg Sutton

Chair

Date: February 10, 2014