Minutes of Planning Commission Meeting
held Monday, March 10, 2014 at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida

JACKSONVILLE BEACH

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 *Absent*
Georgette Dumont

Alternates:
Rick Knight
Lee Dorson

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.

Old Business

There was no old business.

New Business

(A) PC #2-14 (14-100026) 1015 2nd Avenue South

Conditional use approval 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 would like to purchase the subject property, a small 45 ft. x 50 ft. lot located on the northeast corner of 2nd Avenue South and 11th Street South in an *RM-1* multi-family zoning district.

He has applied for conditional use approval in order to build a single-family home on the property. The property currently has a vacant, boarded-up two-story building on it. That building was built in the early 1900's, and for much of its history the building was owned and used as a Lodge by a local chapter of Free Masons. Records indicate that the property has been vacant since approximately 2002, and is in a significant state of disrepair. Our Code Enforcement Division issued a letter to the owner in December of last year ordering the building's demolition, but when the applicant recently contracted with the owner to buy the property, he indicated that he would demolish the existing structure if his conditional use application was approved and he bought the property. For this reason, the demolition order is on hold pending the disposition of this application.

Adjacent uses include a single-family home to the north, a two-unit multifamily property to the east, a vacant lot, and a single-family home to the west across 11th Street, and a vacant lot and a single family home across 2nd Avenue South. Given the small size of the lot, its development into a single-family use would be more reasonable than the applicant trying to develop some permitted two-family use, in terms of parking and demand on public facilities. Adjacent properties should not be negatively impacted.

Recommendation: Approval.

Applicant:

The agent for the applicant, Eric Shiendling, 7356 Philips Highway, Suite 109, Jacksonville, stated that he concurred with the staff report presented by Mr. Mann. He did want to add that his company owns the property as of February 18, 2014.

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 opposition to the application:

- Sam Thomas, 2249 South Beach Parkway, Jacksonville Beach
- Michael Coleman, 1001 2nd Avenue South, Jacksonville Beach
- Genease Heard, 1100 2nd Avenue South, Jacksonville Beach

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

Discussion:

Through the Chairman, Mr. Mann addressed several of the statements made in opposition to the application.

Mr. Mann stated that the requested use for the property would be less intensive than the multi-family use that it is zoned for currently. If the applicant were granted the conditional use approval, traffic and public facilities use would be reduced.

The applicant is aware that if the conditional use is approved at this meeting, he will need to appear before the Board of Adjustment and request yard variances. As all owners were notified for this meeting, the same will be done for the Board of Adjustment, and at that time the homeowners can speak for or against the variance requests. Staff stands by the recommendation that this use is a less intensive use for the property.

Mr. Mann addressed the comment by Mr. Coleman regarding the inconsistency amongst the surveys. Mr. Mann stated that is not uncommon during the early stages, but would be ironed out during the construction process.

As for the last comment in opposition by Ms. Heard, Mr. Mann explained that because the City of Jacksonville Beach abandoned the alleyway on 2nd Avenue South, by doing so Ms. Heard was allowed to increase her lot coverage to accommodate her home addition. Had the City not abandoned the alleyway, Ms. Heard would have had to appear just as the applicant will in the future, before the Board of Adjustment, and request some sort of variance.

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

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

(B) <u>PC #3-14 (14-100027) 393 3rd Street North</u>

Conditional use approval for outdoor restaurant seating located in the Central Business District: CBD zoning district, pursuant to Section 34-345 (d)(7) of the Jacksonville Beach Land Development Code. The property is located at 393 North 3rd Street (Rita's Italian Ice).

Staff Report:

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

The applicant is the current operator of the Rita's Italian Ice business on the southeast corner of 3rd Street and 3rd Avenue North. He would like to establish a small seating area for his customers, as shown on his application site plan.

Rita's has been in business under several owners since May 1997, so it pre-dates our outdoor restaurant and bar regulations. None of the prior owners had ever established any real outdoor seating in all that time, though, despite the fact that the business is predominantly a walk-up window service type of establishment.

The applicant now operates the business, and he would like to place several tables with umbrellas on the patio at the northwest corner of the building for his customers, together with other improvements he plans for the business. He was informed that he needed conditional use approval for the outdoor seating, and that, based on his building size, that seating area could be a maximum of 315 square feet. Since *Rita's* does not serve alcoholic beverages, the outdoor area does not

require fencing. The applicant has also been provided with the Section 34-407 *Outdoor restaurant and bar* regulations, which would apply, should his application be approved.

Rita's has been a pedestrian-friendly asset to this portion of the Central Business District in the warmer months since it opened in 1997, especially when compared to the property and building's former use as a drive-in liquor store and bar. Adjacent uses include the *Urbana* commercial center to the south across the alley, a new dentist's office under construction behind the property to the east, an office complex across 3rd Avenue to the north, and an auto parts store across 3rd Street to the west. The addition of a small outdoor seating area to this established business should not negatively impact these adjacent properties.

Recommendation: Approval.

Applicant:

The applicant, Jack Jones, 1113 Kesley Lane, St. Johns, FL, 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 members, Mr. Sutton closed the public hearing.

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

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

(C) <u>Findings of Fact – Downtown Redevelopment Plan Amendments, Comprehensive Plan Consistency</u>

1. Addition of Phase IV Capital Projects
2. Downtown CAPE extension /enhancement (**C**ommunity **A**ssisted **P**olice **E**ffort)

Staff Report:

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

In 2007, the Downtown Redevelopment Plan was amended to formally incorporate the Downtown Vision Plan. Much of the public infrastructure and streetscape work called for in the Vision Plan between Beach Boulevard and 6th Avenue North has now been completed. The Community Redevelopment Agency will now be considering two specific amendments to the overall Vision Plan.

Included in your package are two documents prepared by the Director that summarize the proposed amendments. The first amendment is to add additional work to the capital projects program for the Vision Plan Improvements. It includes certain elements of the Vision Plan which are either still pending completion, or which may have been postponed for some reason. The second document summarizes the other amendment, which will convert the current 'pilot' Downtown CAPE (Community Assisted Police Effort) program to a permanent program, and will provide for enhanced police services within the overall Downtown Redevelopment District.

Also included in your agenda package is a Findings of Fact prepared by staff relative to the proposed amendments, finding them consistent with the adopted 2030 Comprehensive Plan and citing certain relative Comprehensive Plan policies.

Recommendation: Approval of Findings of Fact - Downtown Redevelopment Plan Amendments, dated March 10, 2014.

Applicant:

Steven Lindorff stated that this is the first step in the process established in the Florida Statutes – the Florida Redevelopment Act requires the Planning Commission to meet and approve the original plans or amendment to plans.

The original project included improvements to North 1st Street, the rebuild of 7th Avenue to 1st Street, with utility lines improvements and reorganization of parking.

Most of Phase 3 projects were to the south of Beach Blvd. A lot of money has been generated south of Beach Blvd., but not as many improvements through this plan.

The City approved engineering and design work in Phase 3 and primarily survey work during that time period. Public Works Department concluded that all the plans should be revamped, hence the reason why we are here tonight – to address additional street ends and alleyways within Phase 4.

Some projects have been postponed and will be included in the subsequent phases. Projects include efforts to make the entrance to the pier more attractive; the entry feature has been a dumpster enclosure. This has been removed and replaced with a piece of public artwork.

Mr. Lindorff stated that the bullet list in the document that has been provided explains the information.

Mr. Lindorff explained if the two amendments are approved, including the one to extend the Downtown Tax Increment Trust fund for up to 60 years from the 1987 original adoption, it will convert the Downtown CAPE from a pilot program to a permanent CAPE program. He then introduced Chief Dooley from the Jacksonville Beach Police Department.

Chief Dooley reviewed several of the major issues that Jacksonville Beach Police have been facing in the Downtown Redevelopment Area:

- Over the past year, 25% of calls of service have been generated in the CBD, with 52% of arrests occurring within the CRA area. This is a very busy area for criminal activity, which requires a lot of police manpower. Major challenges in this area, such as alcohol consumption, DUI, disorderly conduct, transient activity, and gang activity and there is just not enough police coverage.

- In 2008, the Pilot CAPE Program was implemented and it started with only two officers. Eventually two more officers joined the CAPE Program and a Supervisor was added in 2013 as a result of CRA funding.

- The proposed program will augment the five officers, because they have to pay overtime, there are many hours needed to cover the area. It is hoped that this program will accomplish the following:

    - It will provide additional personnel such as officers trained in crime prevention.
    - The officers will also be cross-trained in code enforcement, to assist in achieving compliance with the City codes.
    - The program will also provide a higher level of visibility that should help to deter crime.
    - It will also afford the Police Department an opportunity to relocate the patrol division out of the downtown district and back to the neighborhoods.

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 person spoke in favor of the Finding of Facts:

- Fernando Stavely, 607 7th Avenue South, Jacksonville Beach

The following person spoke in opposition to the Finding of Facts:

- John Galarneau, 2002 Grove Street, Jacksonville Beach, expressed a concern that the CRA development act will be paying to do community policing efforts.

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

Regarding the concern brought forth by Mr. Galarneau, Mr. Lindorff replied that he was aware of the situation in South Florida where the CRA was using funds to pay their officers that were not working in the CRA and there is prohibition in place to facilitate that. Policing the CRA area is a permitted use for CRA funds. In South Florida, the concern was that they were using CRA funds for police in non-CRA areas.

Chief Dooley stated that CRA Funds would be used to provide specific training for the CRA officers. All the officers will be trained in Crime Prevention working with the people – for an additional level of training. Chief Dooley stated the department is very strict about the officers leaving the CRA district.

Mr. Knight added there will be written documentation for a reason why an officer paid through this program would be leaving the CRA. It depends on the amount of time involved, and it could be recorded in the timesheet for that period of time.

Mr. DeLoach asked Mr. Lindorff how close he would be working with the Police Department to address the CRA issues.

Mr. Lindorff responded that it is a pleasure working with the Police Chief; they are working as a team with the City Manager and Trish Roberts launching this Vision Plan Part II. Community leaders will be reaching out to property owners, boards, and business owners.

Motion: It was moved by Ms. Dumont, seconded by Mr. Callan, to approve the Finding of Fact – Downtown Redevelopment Plan Amendments, dated March 10, 2014.

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

Planning & Development Director's Report

Mr. Mann advised the Commission that the next meeting is scheduled for March 24, 2014 with two conditional use applications.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:55 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

Chair

Date: 3-24-2014