

**Minutes of Planning Commission Meeting
held Tuesday, May 27, 2014, 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
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 Ms. Dumont, seconded by Mr. Callan, and passed, to approve the April 29, 2014 meeting minutes, as amended, with the following changes:

Pg. 6, Line 14 include “do not” after “the neighbors”.

Under Roll Call, the spelling of Rick Night is incorrect; should be Rick Knight.

Correspondence

There was no correspondence.

New Business

- (A) **PC #12--14 (14-100075)– 603 2nd Street South**
Concept Plat Approval for a three lot subdivision (three unit, two-story townhouse development) of a +/- .20 acre parcel of land, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code. The property is located at 603 2nd Street South.

Staff Report:

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

The applicant owns the subject property on the southeast corner of 2nd Street South and 6th Avenue South, and is planning to develop the property into a three unit, fee-simple townhouse project. Because the property would ultimately be divided into three separate parcels, the project must go through the formal subdivision process, with this request for concept plat approval being the first step.

The applicant proposes to construct three townhomes, attached with breezeways, all facing 2nd Street South. Each of the proposed townhouse lots meets or exceeds the minimum lot size for townhouses, that minimum being 2,500 s.f. for end unit lots, and 1,500 s.f. for interior unit lots. Variance application No. 13-100064 was approved for the subject property on May 7, 2013, and the applicant's proposed structures are consistent with the front and rear yard variances granted therein.

The use of the subject property for a three unit townhouse development is consistent with surrounding multifamily residential uses, and is also consistent with the density standards of both the LDC and the 2030 Comprehensive Plan.

Recommendation: Approval.

Applicant:

The agent for the applicant, Doug Skiles, 2002 San Marco Blvd., Jacksonville, stated that he concurred with the 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. Callan, to approve the concept plan as presented.

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

(B) PC #13-14 (14-100076)– 102 6th Avenue North #15

Conditional Use Application for proposed 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 102 6th Avenue North #15 (Delicomb Deli & Espresso Bar).

Staff Report:

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

The applicant has recently relocated his coffee shop and delicatessen, *Deli comb*, from its former location at 1131 N 3rd Street, to the newly renovated commercial center on the south side of 6th Avenue North, between 1st and 2nd Streets. As shown on his application site plan, he would like to provide a roughly 15' by 18' (270 s.f.) outdoor seating area for his patrons in front of his 2,400 s.f. tenant space.

Staff has reviewed the application against LDC Section 34-407 Outdoor restaurant and bar standards, and the requested outdoor seating is consistent with those regulations. The business does not serve alcoholic beverages, so the outdoor seating area would not have to be fenced. The applicant is aware that no music or amplified sound devices are allowed within approved outdoor restaurant areas.

Adjacent uses include the balance of the commercial center's tenants to the immediate east, a vacant property proposed for a mixed-use apartment and commercial project across 6th Avenue to the north, a small commercial center across 2nd Street to the west, and office and residential uses behind the center to the south. The applicant's business complements the developing mixed-use character of this portion of our downtown, and the proposed small outdoor seating area should not negatively impact other businesses in the center or surrounding uses. Adjacent property values should not be affected.

Recommendation: Approval.

Applicant:

The agent for the applicant, Kevin Miller, stated that he concurred with the staff report presented by Mr. Mann and had nothing further to add.

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. Dahl, seconded by Ms. Dumont, to approve the conditional use as presented.

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

Old Business

(A) PC #11--14 (14-100068)

Land Development Code Text Amendment to amend **Land Development Section 34-453. Permitted Signs** by modifying the regulations regarding changing copy signs to increase the frequent of allow able electronic sign image changes.

Mr. Mann stated that this this item was carried over from the last Planning Commission Meeting from last meeting following public hearing and deliberation. Following the meeting and subsequent debriefing, Mr. Mann was instructed to prepare a PowerPoint presentation to demonstrate different sign frequency changes for the Commission to view. At the same time staff was instructed to prepare the PowerPoint, the Police Chief was instructed to contact JSO to see if they had any data relative on traffic accidents in their City allowance of variable message signage.

The police chief responded to the Planning Division following a meeting that he had with JSO, and also following contact with FHP. Neither JSO or FHP had specific data relative variable message signage any traffic occurrence, either in support or in opposition of the requested change. They eluded to UNF possibly having conducted a study.

Mr. Mann stated that he prepared a PowerPoint presentation which shows three different sign change variations, eight second, fifteen second and thirty second intervals. This is a looping presentation and will be left running so that everyone can see the different frequencies.

Next, Mr. Mann was instructed that if the issue of data is of concern to the Planning Commission that may be justification to formulate a motion to recommend approval or denial, and that it would be reiterated in the staff report to the City Council following the outcome of tonight's meeting.

Ms. Dumont stated that if UNF has a study on the subject she can hunt it down.

Ms. Dumont stated that she appreciated the slide changes of eight, fifteen, and thirty seconds. It addresses what one sees at the sign change but it does not address multiple signs changing.

Mr. Mann stated that this discussion is now going into the aesthetics part instead of the safety part of the requested change.

Mr. Mann offered a point of clarification that this is not to allow the signage, only the frequency. The code allows this type of sign already.

Ms. Dumont added that right now it is not very profitable because the signs only can change once every 24 hours. However, if they could change every eight, fifteen or thirty seconds, many businesses will want these signs and it will get exponentially worse.

Mr. DeLoach stated that he agreed completely with everything that Ms. Dumont said. His comments were no reflection on Mr. Mann but added that there was a lack of additional supporting material as requested at our last meeting. He expressed concern that the Police Chief can't give us any direction one way or another because there is just not any supporting material that digital signs do or don't cause accidents. He stated that he didn't think that material was available anyway but there are cities abandoning these type of signs for various reasons. He said he was in Jacksonville today and came across a Burger King sign that changed everywhere from three seconds to eight seconds. There is no consistency or enforcement. Mr. DeLoach believes that if this was granted, we would not be able to enforce it. He stated that he had concerns if the City and code enforcement can police the ordinance, stating that he did not think they could.

Mr. DeLoach stated that he would like to see if they can defer this until there is additional material. He added that the charge of the Planning Commission is to review the material and make an educated assessment and send that to the council with the best recommendation possible based on that data and information. He stated that if we don't get the material to do that, we can't do our job. We are here as citizens and all we ask for is some supporting data to justify this change and it was not provided. He stated that he felt very passionate about this. He added that he was perplexed by the lack of documentation and huge push for this and the urge to move forward with this on the fast track.

Ms. Dumont asked if it would be possible to defer this until she could find out if UNF is doing a study on this.

Mr. Mann responded that it was at the board's discretion how they wished to proceed.

Ms. Dumont asked if they were allowed to defer more than once. Mr. Mann responded that the only limitations to deferral are for those requested by an applicant. Any applicant is allowed one automatic deferral, beyond that any deferral is at the discretion of the Planning Commission.

Mr. Mann added that a basis for a motion to support or deny based on lack of data would be sufficient to recommend to the people who are going to make the final decision. To that point, we heard from three of the five Commissioners last time there was general consensus about a recommendation; they just didn't come up with it.

Mr. DeLoach stated that the City Council and the Mayor are no different than they are; there would be insufficient data if they passed it tonight and questioned how they are going to get better data once they send it forward.

Ms. Dumont stated that she would like to see if UNF does have a study going on before deciding.

Mr. Sutton asked if any of the members had ex-parte communications for the record.

Ms. Dumont, Mr. Callan, Mr. Sutton, Mr. Knight and Mr. DeLoach each stated that they had communication with Sandy Golding regarding this text amendment.

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 text amendment:

Sandy Golding, 1203 18th Avenue North, stated that she would quickly reiterate things that were said at the previous meeting. She concurred with what Ms. Dumont said about multiple signs changing and also asked why there is a change requested with no data. She added that there was an enforcement issue; there are numerous signs that are not in compliance with code already. Ms. Golding added that we have a lot going on with visioning and it is premature to make this change when this would have an impact.

Jim Overby, 21 Burling Way, suggested that they should be looking at the signs themselves and not the frequency. He would much rather have Jacksonville Beach looking like Hilton Head than Beach Blvd. One argument made was that Jacksonville is doing this, and we don't want to look like City of Jacksonville. We do not want 3rd Street to look like a pinball machine.

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

Discussion:

Ms. Dumont stated that this was a solution in search of a problem. There aren't any businesses saying that they need these signs, but we do have citizens that say that they do not want the signs. She added that she was not sure who is trying to push this. There may be a reason for it, but no one is here to tell why we need to change the sign ordinance.

Mr. DeLoach stated that he agreed with everything that has been said. He stated that he would personally like to see banning digital signs and would like to take that direction. If not, they should not change anything – there is no new data to justify the change. They have not gotten any calls that have said that digital signs will make our business or break our business.

Mr. DeLoach wondered why we need to move into this direction; he doesn't see the demand and no one have shown up to promote this change. We don't have any evidence of who these businesses are that would be in favor. We do have one city council person who would have to recuse herself from voting because she has a digital sign and he would understand if she was one of the people that wants this change, but is there anyone else? And we don't make this change for one person nor do we make this change for a couple of people that has a couple of strip centers. While we want to be business

friendly, but no one has stated that digital signs are going to make us more business friendly. They are going to be a distraction. I believe this is going in the opposite direction that this City wishes to go in and agree with Ms. Dumont that one of the best reasons for deferring this is that it seems very premature to make this decision now because once we make this decision there is no going back. Those signs will be grandfathered in. He stated that he was frustrated with Mr. Mann because he has taken direction from other places but find it frustrating that this has been taken very lightly by the Planning Department and the City Manager and possibility some of the City Council members and the Mayor.

Mr. Sutton asked by what date Ms. Dumont would be able to get the data from UNF, if available.

Ms. Dumont responded that she should have something by June 23rd, but will let Mr. Mann know.

Mr. Dahl asked if it is required that we place a date. He stated that if we don't have the research done he is not sure they need to put a hardline date on it.

Mr. DeLoach suggested that Ms. Dumont pull together some material through the University, stating that the university is an invaluable source and we wish that we could use the university more. It would assist the planning department. Ms. Dumont added that she will look to see if there is an existing study; they will not be starting one.

Mr. Mann stated all this information and conversation seems to be justification for a motion to not recommend approval. This is not purely an objective issue, and it becomes subjective when you get into aesthetics.

Mr. DeLoach stated that with all due respect, the people that sit on the city council and the mayor are not necessarily more intelligent than the planning commission, and if we don't have the proper material to make that decision, he is not comfortable sending it to them to make the same decision with the existing material that we have presented to us. I see them as business people and people who are serving the community trying to make the same decision we are making with this material and believes this would be a flawed decision at this point. He stated that he is very hesitant to send it to them just for the sake of getting it to them. If we are going to do our job as Planning Commissioners we are requesting more information, the easy thing would be to do would be to send it to the council if we did not care... we want to make the best decision for the city.

Mr. Sutton referenced the April 29 meeting minutes and asked have we sited a number of people that have signs that are not in compliance.

Mr. Mann responded that the general case is that the code enforcement division is the first contact with anybody related to any signage, and that the division does issue sign code violations.

Motion: It was moved by Ms. Dumont, seconded by Mr. DeLoach, to table the text amendment pending additional data of support of change, safety, aesthetics and business demands.

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

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is scheduled for Tuesday, June 10, 2014.

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:

/s/Greg Sutton

Chairman

Date: July 14, 2014