

**Minutes of Planning Commission Meeting
held Monday, July 27, 2015, 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 Chairman Sutton

Roll Call

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

Alternates:

Britton Sanders
Jeffrey Jones (*absent*)

Also present were Bill Mann, Planning and Development Director, and Recording Secretary Amber Lehman.

Approval of Minutes

There were none.

Correspondence

There was no correspondence.

New Business

(A) PC #19-15 - 610 3rd Street South

Conditional Use Approval for an existing three-unit, multifamily structure located in a *Commercial limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant owns an existing three-unit multifamily rental property on the south side of 9th Avenue South, one lot west of 2nd Street. Property Appraiser records show that the

existing improvements were constructed in 1947. The property currently exists as a legal nonconforming multifamily residential use in a *Commercial limited: C-1* zoning district. The applicant is seeking conditional use multifamily approval to relieve the property of its nonconforming zoning status in order to be able to redevelop the 50'x125' lot into a new three family residential use.

Adjacent uses consist of multifamily residential across 9th Avenue to the north across 2nd Street to the east, and across the alley to the south. One commercial use, a tire/auto repair business exists on the property to the immediate west, but the commercial building on that property is located roughly 75' to the west of the subject property. Given the predominant history of use of the subject property for residential purposes, and that it exists in a predominantly residential setting, approval of this application should not negatively affect the existing character of the surrounding neighborhood. Adjacent property values should not be negatively impacted.

Applicant:

The applicant, Brian Keeney, 12515 American Eagle Way, stated that he owned the existing three-unit structure. Mr. Keeney stated that the summary was accurate and asked for questions.

Ms. Dumont asked if there were plans. Mr. Keeney responded that there were no immediate plans to develop but would like to have the conditional use in place.

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 to approve the application. Motion died due to lack of a second.

Motion: It was moved by Ms. Dumont to table this item until more information about the property was made available.

Discussion:

Mr. Deloach stated that this was not uncommon for an applicant to request approval prior to the development of plans in cases when they were replacing a structure with a similar structure for economic reasons.

Ms. Dumont said that she did not know whether the approval would be consistent with the code. Mr. Deloach responded that the applicant would have to meet codes.

Motion died due to lack of a second.

Mr. Keeney stated that he did not want to pay money for a plan at this time. He recognized that he would have to comply with codes. Mr. Mann noted at this point he did not think a plan was necessary.

Motion: It was moved by Mr. DeLoach, seconded by Mr. Dahl, to approve the application.

Roll call vote: Ayes – Dahl, DeLoach, Sutton, Callan

Nays – Dumont

The application was approved with a 4 to 1 vote.

(B) PC #20-15 - 410 3rd Street North

Conditional Use Approval for transfer of ownership of an existing outdoor restaurant seating area located in a *Commercial limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant has been in business at this location on the northwest corner of 3rd Street and 3rd Avenue North since August 2013. Code Enforcement staff was recently on-site with the manager of the restaurant discussing a tree issue when it was noticed that the outdoor seating area in front of the building was being used by customers. A follow-up by staff revealed that the owners of the business had not received conditional use approval for the existing outdoor seating area. The owners were contacted, and they have now applied to transfer the uses of the established outdoor seating area in front of the restaurant into their name.

The existing outdoor seating area was initially established in 2003 by the *Dicks Wings* restaurant. (Ref. Application PC#26-03). It was transferred by conditional use approval to the *Fionn MacCool's* pub and restaurant in June, 2012, via application PC#9-12. The outside seating area is approximately 620 s.f. in area, which complies with LDC Sec. 34-407 standards for the existing 3,600 s.f. restaurant space. The area is already fenced in, a requirement of the two prior alcohol-serving tenants, but the applicant does not provide alcoholic beverage service. The applicant has been provided a copy of our Sec. 34-407 standards and is aware that no music or amplified sound devices are allowed within approved outdoor seating areas.

Adjacent uses include an office building to the immediate west, office and multifamily uses to the immediate north, an auto parts store across 3rd Avenue to the south, and office and commercial uses across 3rd Street to the east. Property values of these neighboring uses should not be affected by the transfer of ownership of this established existing

outdoor restaurant space, and the character of this predominantly commercial neighborhood should not be negatively impacted.

Applicant:

The applicant was not present.

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 Ms. Dumont, to approve the application.

Roll call vote: Ayes – Sutton, Dahl, DeLoach, Dumont, Callan
The application was approved unanimously.

(C) **PC #21-15 - 224 9th Street 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 comment into the record:

The applicant has contracted to purchase the subject property, a vacant 100'x40' lot on the east side of 9th Street South, one lot west of 3rd Avenue South, and she would like to construct a single-family home on it. Since the property is zoned *Residential, multiple family: RM-1*, she was informed by staff that conditional use approval would be required, and if approved, a she could then develop a single-family on it, consistent with *RS-3* single-family zoning standards.

As an existing nonconforming 4,000 s.f. lot of record, the only permitted use of the subject property would be the least intensive permitted *RM-1* multifamily use, a two-family dwelling. The applicant's proposal to construct a single-family home would require significantly less demand on public facilities, including water and sewer, would require half the parking as would any permitted two-family use of the property, and would add fewer vehicle entry/exits to 9th Street.

Despite the property's multifamily zoning, adjacent uses in all directions are single-family homes, built from the 1930's through to the 1960's. A new single-family home on the subject property would be consistent with the low density character of this

neighborhood, and a new single-family home should positively influence adjacent property values.

Applicant:

The applicant, Lisandro Rosales, 7563 Philips Highway, Jacksonville, stated that they had no additional comments.

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 Ms. Dumont, seconded by Mr. Callan, to approve the application.

Roll call vote: Ayes – Sutton, Dahl, DeLoach, Dumont, Callan
The application was approved unanimously.

(D) **PC #22-15 - Downtown Redevelopment District (9th Ave. N. to 13th Ave. S., east of 3rd Street)**

Determination of 2030 Comprehensive Plan consistency of the proposed “Downtown Action Plan”

Staff Report:

Mr. Mann read the following comment into the record:

On Monday, July 20, 2015, the Jacksonville Beach Community Redevelopment Agency (CRA) adopted Resolution No. 2015-04, recommending that the Jacksonville Beach City Council amend the Downtown Community Redevelopment Plan by adding new project elements from an “Action Plan” prepared to further the efforts of the City in implementing its Downtown Vision Plan. The Vision Plan was formally incorporated into the Downtown Community Redevelopment Plan in 2007.

A copy of the proposed Action Plan is provided for review in your agenda materials, under cover of a June 7, 2015 memorandum to the Mayor and City Council from the City Manager. That memorandum explains how the Action Plan was developed, and how it is intended to build on and further past and current efforts towards implementing the overall Downtown Vision Plan.

As part of the overall approval process of the proposed Action Plan amendment to the Downtown Community Redevelopment Plan, the Planning Commission, as the

designated local land planning agency, is required to make a determination as to the Action Plan's Comprehensive Plan consistency. Towards that goal, please consider the following specific adopted 2015 Comprehensive Plan objectives and policies, followed **in bold** by relevant elements of the proposed Vision Plan.

FUTURE LAND USE

Policy LU.1.1.3

Prepare, adopt, and enforce regulatory measures to promote and enhance the visual appearance of the City such as sign controls, tree preservation and landscaping requirements, and nuisance laws. Encourage the use of street furniture in appropriate pedestrian areas.

The Action Plan proposal to introduce pod-style seating (Item A.4) in public pedestrian areas downtown is in direct furtherance of this policy.

Policy LU 1.8.1

The City's predominantly grid-based land use pattern shall serve to minimize travel requirements, and shall encourage the increased use of public transit and an increase in walking and bicycling to support the City's multimodal transportation system.

Action Plan items A.8 d. Cab Stands, B.1 Bicycling, B.3 Transportation: Pedestrian Safety, B.4 Transportation: Beaches Trolley, B.5.a Transportation: Parking, D.5.a and .b Commercial Spaces: Zoning Regulations are in direct furtherance of this policy.

Policy LU 1.9.1

The City shall promote pedestrian amenities and upgrades in association with new development/redevelopment and gateway corridors (Beach Boulevard, A1A, and Penman), including, but not limited to, the provision of sidewalk and bike path connections, walk lights, benches, bus shelters and bicycle parking. The City of Jacksonville Beach Bus Shelter Task Force in cooperation with the JTA will determine the shelter locations and design suitable to the City's design context, with a goal of upgrading three existing transit stops per year.

Action Plan Item B.3 Transportation: Pedestrian Safety directly addresses a pedestrian need within the A-1-A gateway corridor by providing enhanced pedestrian and bicycle connectivity across A-1-A in the downtown area.

TRANSPORTATION

Objective TE 1.2

The City shall coordinate with other agencies, local governments, and state agencies in their efforts to implement planning and programming activities for transportation facilities and alternative transportation modes.

Action Plan Item B.3 Transportation: Pedestrian Safety arose as a specific recommendation from an A-1-A Pedestrian Safety Audit performed by the Florida Department of Transportation in the fall of 2014. Planning Department staff participated in this study with FDOT and their consultants.

Policy TE 1.4.2

Promote parking strategies that support overall transportation goals and objectives.

Action Plan Item B.3 Transportation: Parking B.5 is a specific strategy aimed at Providing centralized parking for downtown patrons, enhancing walkability and reducing overall vehicle miles travelled within the city.

As indicated above, various items within the proposed Action Plan are consistent with, and are in direct furtherance of specifically cited Comprehensive Plan directives. Additionally, staff has reviewed the entire range of Action Plan items relative to the balance of 2015 Comprehensive Plan directives not cited, and has found no instances where a proposed action item would be in conflict with a relevant Comprehensive Plan directive.

Applicant:

The applicant is the City of Jacksonville Beach.

Public Hearing

Mr. Sutton opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Mr. Jim Sorrell, 428 North 10th Avenue, stated that he was in favor of the determination because there has been a lot of work put into the plan. This gives clarification and direction while allowing much latitude and discretion.

Discussion:

Ms. Dumont stated that she matched the plan with the Comprehensive Plan and did not see any inconsistencies.

Mr. Dahl stated that the Planning Commission has to decide if it meets the comprehensive plan policies. Mr. Mann added that the final approval is the responsibility of the City Council and there will be additional discussion prior to final hearing.

Mr. Mann noted that all of the work proposed takes place in the Downtown Redevelopment District. The success of the downtown district has been due to the tax increment financing. Many of the improvements would not have been possible without TIF money.

Motion: It was moved by Ms. Dumont, seconded by Mr. Dahl, to approve the finding of consistency.

Roll call vote: Ayes – Sutton, Dahl, DeLoach, Dumont, Callan.
The motion was approved unanimously.

Planning & Development Director's Report

Mr. Mann advised that Heather Ireland will be the Department's new senior planner. The next meeting is scheduled for Monday, August 24, 2015.

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

Approval:

//s/ Greg Sutton
Chairman

Date: September 14, 2015