

**Minutes of Planning Commission Meeting  
Held Tuesday, May 29, 2018, 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 at 7:00 P.M. by Board Member Greg Sutton.

**Roll Call**

*Chairman:* Greg Sutton  
*Board Members:* Bill Callan David Dahl Georgette Dumont Britton Sanders  
*Alternates:* Jason Lee (*absent*) Margo Moehring (*absent*)

Also present were Senior Planner Heather Ireland, and Staff Assistant Mandy Murnane.

**Approval of Minutes**

It was moved by Ms. Dumont, seconded by Mr. Dahl, and passed unanimously, to approve the June 13, 2016 minutes and table to April 23, 2018 minutes for further edits.

**Correspondence**

There was no correspondence.

**Old Business**

There was no old business.

**New Business**

(A) **PC#14-18** 223 South 11th Avenue

**Concept Plat Approval** for a proposed four-unit fee-simple townhouse development for property located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following into the record:

The subject property is located in the north side of 11<sup>th</sup> Avenue South between 2<sup>nd</sup> and 3<sup>rd</sup> Streets South and exists as a non-conforming single-family dwelling built in 1964. The property owners received conditional use approval for a proposed townhouse development via PC#35-17 in August of 2017. The owners are now requesting approval for the replat of Lots 9 and 10, Block 103, Pablo Beach South into four fee-simple townhouse lots. The proposed townhouse lots, as shown, comply with the *Residential, multi-family: RM-1* zoning townhouse standards.

Adjacent uses include the property owner's medical office directly to the west and commercial further to the west across 3<sup>rd</sup> Street, an office, restaurant, and multi-family residential to the south across 11<sup>th</sup> Avenue South, townhouses to the east, and commercial and multi-family to the north. The proposed concept plat is consistent with the *RM-1* zoning townhouse standards and the proposed project fits with the mixed-use character of the area. Adjacent properties should not be negatively impacted.

**Owner:** Rick Harrison, 223 South 11<sup>th</sup> Avenue, Jacksonville Beach, was present.

**Public Hearing:** No one wished to speak in support of or in opposition of the agenda item.

Mr. Sutton closed the public meeting.

**Discussion:** Ms. Ireland explained the previous application was a *C-1* Conditional Use and the next step would be to re-subdivide.

**Motion:** It was moved by Ms. Dumont and seconded by Mr. Sanders, to approve PC#14-18 Concept Plat Approval.

**Roll call vote:** Ayes - Bill Callan, David Dahl, Georgette Dumont, Britton Sanders, and Greg Sutton.  
The motion passed unanimously.

**(B) PC#15-18 2017 North 3<sup>rd</sup> Street**

**Conditional Use Approval** for a four-unit, fee-simple townhouse development for property 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:**

Ms. Ireland read the following into the record:

The subject property is located on the east side of North 3<sup>rd</sup> Street between Seagate Avenue/20<sup>th</sup> Avenue North and 19<sup>th</sup> Avenue North and exists as a vacant commercially zoning lot, approximately 12,000 square feet in size. The applicant is proposing a four-unit, fee-simple townhouse project on the property, and was advised by staff that conditional use approval would be required. In 2005, a different applicant applied for and received conditional use approval under PC#18-05 for a multi-family residential development. That application was approved with a condition of approval that the project provides access to 3<sup>rd</sup> Street using a one-way pair of driveways shown on the site plan submitted with the application. That project was never developed.

Adjacent uses include medical office and multi-family residential to the south, single and multi-family to the east, commercial office to the north, and Fletcher Middle School directly to the west across 3<sup>rd</sup> Street. The school zone passes directly in front of the subject property. The proposed use of a four-unit townhouse development is consistent with the *RM-1* zoning standards and is consistent with surrounding multi-family development.

**Applicant:**

Ryan Wetherhold, 19 South 12<sup>th</sup> Street, Jacksonville Beach, presented the proposed project to the board and explained the challenges they face with the Florida Department of Transportation and requesting a variance with the Board of Adjustment.

Mr. Wetherhold confirmed the units would have single car garages.

Mr. Dahl asked Mr. Wetherhold to explain the concept of operations for parking and which direction the garages would be facing, as well as the main entrance and exit location. Mr. Wetherhold stated the Department of Transportation would determine the access point location as Third Street is a state road.

Mr. Dahl added the project design was refreshing.

**Public Hearing:**

- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, stated his opposition to the application.

Mr. Sutton closed the public hearing.

**Discussion:**

Mr. Sanders stated the bus stop would aid in avoiding the off-site parking and would require adequate on-site parking.

**Motion:** It was moved by Mr. Sanders and seconded by Mr. Dahl, to approve PC#15-18 Conditional Use Application.

Ms. Dumont stated the fee-simple lot concept is an uphill battle on a steep hill. The location of the island would also force drivers north.

Mr. Dahl expressed concern over rectifying the traffic and parking issues and asked if the item could be held until approval could concur with DOT plans.

Ms. Ireland responded there are additional approvals to allow for shifting while applying for variances with the Board of Adjustment and working with the DOT. Ms. Ireland added the item being considered today is the use of the four townhomes on the commercially zoned property.

**Roll call vote:** Ayes - David Dahl, Georgette Dumont, Britton Sanders, Greg Sutton, and Bill Callan.

The motion passed unanimously.

**(C) Finding of Fact for PC#10-18**

**Staff Report:** Ms. Ireland stated the item is for the Concept Plat Application which was reviewed on April 23, 2018.

Mr. Dahl stated the board did not enumerate verbally on the record a list of reasons for the decline, however, Mr. Dahl had provided a written list to staff for the denial which was as follows: parking, school, traffic, viewshed, and character.

**Discussion:** City Attorney, Susan Erdelyi, explained the importance of the Findings of Fact to support the decision to approve or deny. For example, what are the fact-based supports for a standard concept plan for plats; one is 'compatible with surrounding land uses.' What fact(s) supports your position that it is or is not compatible with surrounding land uses?

Mr. Dahl responded with school traffic, bus stop, ingress and egress, and monolithic character of the building.

Ms. Erdelyi stated a training session for the board, as well as the public, to educate what is considered competent evidence in court versus speculative.

A discussion ensued between regarding examples of what is considered competent evidence, resulting in evidence by experience being more powerful in a courtroom.

Mr. Dahl and Ms. Dumont stated their support towards the opportunity to train the board and the public on competent evidence and testimony during the meetings, and the use of video-based training. Additionally, Mr. Sanders requested a tip sheet to aid the board in the process.

Mr. Sutton thanked Ms. Erdelyi for her time and opportunity to schedule the training during a previously canceled upcoming meeting at 6:00 P.M.

**PLANNING & DEVELOPMENT DIRECTOR'S REPORT**

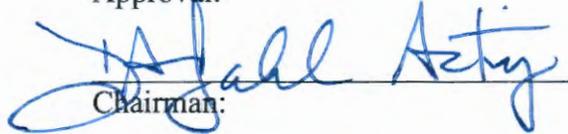
Ms. Ireland noted the next meeting is scheduled for Monday, June 11, 2018.

**ADJOURNMENT**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:02 P.M.

Submitted by: Mandy Murnane

Approval:

  
Chairman:

Date:

25 Jun 18