

**Minutes of Planning Commission Meeting  
held Monday, March 14, 2016 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 (*absent*)  
David Dahl  
Georgette Dumont

Alternates:

Britton Sanders  
Jeffrey Jones

Also present were Senior Planner Heather Ireland and Recording Secretary Amber Lehman.

**Approval of Minutes**

It was moved by Mr. DeLoach, seconded by Mr. Dahl, and passed unanimously, to approve the following minutes as presented:

- Planning Commission meeting held on February 8, 2016.

**Ex-Parte Communications**

Mr. Dahl and Ms. Dumont stated that they had brief discussions about one of the cases.

**Correspondence**

There was no correspondence.

**New Business**

**(A) PC #4-16- 704 1<sup>st</sup> Street North, 778 1<sup>st</sup> Street North and 702 2<sup>nd</sup> Street North**

**Redevelopment District:** RD Rezoning Application to rezone a 1.36-acre parcel of land located at the Northwest corner of 1<sup>st</sup> Street North and 6<sup>th</sup> Avenue North from *Commercial, limited: C-1* to *Redevelopment District: RD* to allow for mixed-use multi-family residential and commercial development.

## Staff Report:

Ms. Ireland read the following staff report into the record.

The applicant owns three contiguous parcels on the northwest corner of 1<sup>st</sup> Street North and 6<sup>th</sup> Avenue North in a *Commercial limited: C-1* zoning district. He would like to develop the properties into a multi-story, mixed-use residential and commercial building. A previous RD rezoning application was approved for the applicant in 2012 via PC#25-12 to rezone the property from *C-1* to *RD*. However, a condition was placed on the approval that a building permit application for the development proposed had to be accepted before April 1, 2014, or the rezoning would be rendered null and void. The owner/applicant was informed by staff that he would have to reapply for RD rezoning to proceed with his now proposed development.

As the applicant's project narrative describes, the proposed project would consist of a six-story mixed-use structure with approximately 2,500 sq. ft. of commercial space and parking on the ground floor, parking on the second floor, 54 multiple family units and a maximum of 36 hotel rooms on the upper floors. The applicant provides in the covenants and restrictions for the development that the hotel units may not be converted to residential to the extent that it would result in more than 54 residential units on the property, the intent is that there shall at no time be more than 54 residential units on the property at one time.

The maximum allowable height is 68 feet due to a negotiated settlement with the previous owner and the City of Jacksonville Beach. The proposed project contemplates a building height of 65 feet. Two feet of side yard setback has been provided for each foot in excess of 35 feet, as required by the Land Development Code, requiring a minimum side yard setback of 60 feet to accommodate the 65-foot building height. The proposed site plan provides 65 feet of the total side yard. The project also includes a pool and deck outside on the 3<sup>rd</sup> floor in the southeast corner of the building. Parking spaces are located on the ground level and the 2<sup>nd</sup> level of the parking garage. A total of 163 parking spaces will be provided that include 108 residential spaces, ten commercial spaces, and 45 hotel spaces, consistent with Land Development Code requirements. Vehicular access to the site is provided from 2<sup>nd</sup> Street North and 7<sup>th</sup> Avenue North.

Adjacent property uses include a vacant oceanfront commercial block to the east across 1<sup>st</sup> Street North (former *Atlantis* hotel), a newly renovated and full retail strip center to the south across 6<sup>th</sup> Avenue North, new multiple family units to the west across 2<sup>nd</sup> Street North, multiple family units to the north along 7<sup>th</sup> Avenue North, an oceanfront condominium to the Northeast, and a historic hotel to the southeast. Since the time of the previous rezoning application in 2012, the properties to the south, west and north have been redeveloped, and new projects have been completed.

The proposed project will serve to continue the revitalization of the downtown area. The proposed mixed-use project as shown on the submitted application would complement the character of the surrounding neighborhood and fit within the context of the Downtown Vision Plan objectives. Adjacent property values should be enhanced by the proposed development of the subject property.

The Community Redevelopment Agency (CRA) will consider this rezoning application at their March 21<sup>st</sup> meeting.

**Applicant:**

The agent for the applicant, Scott Gay, 814 1<sup>st</sup> Street North, provided the Planning Commission with several exhibits. He stated that when they obtained the RD zoning in 2012, they did not own the property. They have constructed other condominiums in Jacksonville Beach. Their company has stated that many of the condos serve for extended stay visitors who want something more than a hotel.

**Public Hearing:**

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

The following persons spoke for the application:

Julie Williams, 2608 Madrid Street, spoke in support of the project. She added that this company had a good history at the beach.

Sara Uselman, 602 11<sup>th</sup> Street North, voiced her support for the project.

The following persons spoke in opposition to the application:

Grace Stewart, 710 2<sup>nd</sup> Street North, expressed concern about adding more units in this area. She stated that they had concerns with the number of people and the proposed setback.

David Pennington, 768 2<sup>nd</sup> Street North, voiced his concern about the proposal. He stated that this would negatively affect the small-town feel of Jacksonville Beach. He expressed concerns about the parking situation in this area.

George Sherwood, 734 2<sup>nd</sup> Street North, stated that this project would negatively affect the police department, and there could be an increase in crime because of that.

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

**Discussion:**

Mr. Gay noted that they had a long history of redeveloping Jacksonville Beach, and this project was consistent with the vision of the City. He added that the project is zoned for the number of units proposed, and traffic would be addressed through payment of a mobility fee. Also, they would be improving stormwater conditions in this area. He noted that the zoning here is by right, and the houses across the street were approved by exception. The setback and parking provided are more than required.

In response to a question from Mr. Dahl, Mr. Gay stated that they had a special rate for the

military.

Mr. Sanders asked if they did special events. Mr. Gay responded that there would be no kitchen facilities other than those in individual units.

Mr. Jones asked about the setback on 2<sup>nd</sup> Street North. Mr. Gay stated it was 59 feet off of 2<sup>nd</sup> Street.

Mr. DeLoach stated that the height was settled with the City and not subject to this Board's determination. He then asked what the rate would be. Mr. Gay stated that apartments would be about \$3000 a month.

Mr. Sutton stated that the height issue is of concern, but the courts have ruled on the height issue. Ms. Dumont reiterated that the height was not in their control, and the sight line concerns of the residents would be negatively impacted regardless. She added that the clientele that this would bring would likely not add to the crime issue.

Mr. Jones stated that the City is looking for more residents downtown, and this project is consistent with that goal.

Mr. Dahl asked Ms. Ireland to clarify the direction of the Board, stating that as he understood it, the recommendation would go to the CRA next. Ms. Ireland confirmed stating that after the CRA it would go to the City Council for approval.

**Motion:** Mr. DeLoach made a motion to approve the application. The motion was seconded by Mr. Dahl.

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

**(B) PC #5-16- 209 10<sup>th</sup> Avenue South**

**Conditional Use Approval** for the redevelopment of a proposed multi-family residential development located in *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 staff report into the record.

The applicant has purchased property located at 209 10<sup>th</sup> Avenue South. The subject property located in the *Commercial, limited: C-1* zoning district currently has a duplex that was built in 1958. The applicant wishes to redevelop the property with a new two-family dwelling unit, pursuant to the *Residential, multiple family: RM-1* zoning standards. Since the lot is located east of 3<sup>rd</sup> Street, the minimum lot size is determined in accordance with the *RM-2* zoning standards. The proposed development of a two-family residential project is within the allowable density based on the lot size, since per *RM-2* minimum lot size standards, the subject parcel could support a maximum of three units.

Adjacent land uses include multiple family residential and commercial to the west, and multiple family residential to the east, south, and to the north. Use of the subject property for a two-family dwelling is consistent with the surrounding land uses and is consistent with the historical use of the property. Adjacent property values should not be negatively impacted by the proposed use.

**Applicant:**

The applicant, Oliver Kraut, 226 Tallwood Road, stated that the lot was surrounded by multi-family.

**Public Hearing:**

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

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

**Motion:** Mr. Dahl made a motion to approve the Conditional Use application as presented. The motion was seconded by Ms. Dumont.

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

**(C) PC #6-16- 1312 Beach Boulevard**

**Conditional Use Approval** for the establishment of a microbrewery, drinking establishment, and outdoor restaurant or bar, located in a *Commercial general: C-2*, zoning district pursuant to Section 34-343(d)(1) and 34-343(d)(17) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following staff report into the record.

The applicant is leasing property located at 1312 Beach Boulevard and wishes to establish a microbrewery and a taproom with outdoor seating. The staff has advised the applicant that conditional use approval would be required for the establishment of the microbrewery, the drinking establishment (taproom), and for the outdoor seating. The site is located in *Beach Plaza*.

The applicant and property owner are proposing to relocate an existing outdoor seating area located in the parking lot that was approved with a previous drinking establishment at a tenant space to the east. The relocated outdoor seating would relocate three existing parking spaces. There would be no net loss of parking. Outdoor seating space at this location would be limited to 1,058 square feet, based on the inside space of the proposed

microbrewery and taproom. (7548 sq. ft.). The applicant is aware that no music or other amplified sounds are allowed in outdoor restaurant and bar areas, and also that if alcoholic beverages are served and/or consumed in the approved outdoor area, it must be enclosed by a 42-inch high wall or fence.

Adjacent tenant uses currently include a restaurant, retail, a U.S. Post Office, a personal fitness center, and other personal services. Adjacent tenants in *Beach Plaza* should not be negatively impacted by the proposed use of the site as a microbrewery and taproom with outdoor seating.

**Applicant:**

The applicant, Kristin Hall, 112 5<sup>th</sup> Avenue South, stated that there have been three years of preparation to bring this use to Jacksonville Beach.

**Public Hearing:**

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

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

**Motion:** Mr. Dahl made a motion to approve the Conditional Use application as presented. The motion was seconded by Mr. DeLoach.

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

**(D) PC #7-16- 412 2<sup>nd</sup> Street South**

**Conditional Use Approval** for a proposed drinking establishment, located in a *Commercial, limited: C-1* zoning district pursuant to Section 34-343(d)(3) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following staff report into the record.

The applicant is currently leasing a commercial space located at 412 2<sup>nd</sup> Street South. The subject property, located in the *Commercial, limited: C-1* zoning district had been previously operated as a retail store. The applicants previously operated the *Sydney Cardel's* retail store at this location. The retail use recently relocated one block away, and the building at 412 2<sup>nd</sup> Street South has been converted into an event venue and music listening room. The applicants wish to sell beer and wine during evening music listening events and were informed by staff that conditional use approval for a drinking establishment would be required, in order to be able to apply for the require alcoholic beverage license.

Based on conversations with the applicant, the listening room would operate a few nights a week, and events are not scheduled to last past 11:00 pm. The property currently contains ten off-street parking spaces. The applicants have acquired support in writing from a few adjacent property owners that include permission to utilize their parking for their evening events, but these allowances do not constitute formal shared parking agreements. Based on the square footage of the building, 17 parking spaces would be required for a drinking establishment. It is not possible to provide any additional spaces on site, so a variance from the additional parking requirement would be needed, should this application be approved.

Despite the commercial zoning of the subject property, the surrounding neighborhood is predominantly residential in nature. Adjacent property uses include a hair salon to the north in a residential structure, multiple family residential to the south across the alleyway, multiple family residential to the east, and single family, multiple family and commercial to the west.

**Applicant:**

The applicant, Cara Burky, 1210 Palm Circle, provided a photo exhibit for the Board. She stated that she wanted to establish a place for people to listen to local musicians. She stated that she had patterned the proposal after other listening rooms in Atlanta and Nashville. All tickets will be pre-sold on-line, so there will be no lines or crowds outside. They will probably cap at about 30-35 people, and this will not be a late night establishment.

Ms. Burky added that there should be enough parking available to serve the clientele, and had a letter from other business owners that they did not have an issue with parking for this proposed business. She added that the landlords have given them the right of first refusal to purchase the land if ever up for sale. The variance to allow alcohol is necessary to make this work.

Mr. Sanders asked if they have already done shows. Ms. Burky stated they had on a rental basis.

Ms. Dumont asked about the sale of alcohol. Ms. Burky stated that would probably help it turn a profit, and stated that given the cost of the ticket it was questionable whether they would continue to want to bring their own alcohol.

Mr. DeLoach asked if the conditional use would be transferable. Ms. Ireland responded that it would not.

**Public Hearing:**

Mr. Sutton opened the public hearing and asked if anyone wished to speak for or opposition to the application, asking first to hear those in opposition.

Grace Hand, 2156 Spanish Moss Drive, stated that she has owned property at 4<sup>th</sup> Avenue South. She stated that she was opposed to the proposal. She added that the proposed use was not compatible with the surrounding residential units, expressing concern about noise

and traffic.

Ryan Gault, 222 4<sup>th</sup> Avenue South, stated he did not support the proposal in his backyard, stating parking was an issue.

Josh Hoye, 586 Hopkins Street, Neptune Beach, speaking for Daniel Pride, who lives at 413 5<sup>th</sup> Avenue South, stated that the proposal would disrupt the neighborhood. He expressed concern about noise and parking issues. He stated that this use would have a negative impact on the property values of the duplexes that he owns near the site.

Ron Moore, 185 5<sup>th</sup> Avenue South, stated he had multiple buildings with one located across the street. He stated that parking on 2<sup>nd</sup> Street was a problem. Mr. Moore stated that he had issues with potential crime from this use.

Mr. Jim Burgener, 112 5<sup>th</sup> Avenue South, submitted a card in opposition but elected not to speak.

Zachary Miller, 202 19<sup>th</sup> Avenue South, stated that there were no alcohol sales in this area, and the use was inconsistent with the surrounding parcels. The Code stated that they needed adequate public facilities, but there were not adequate parking spaces for this use. They have not done the necessary studies for off-site parking.

Mr. Sutton then asked those in support of the proposed application to speak.

Sara Marvin, 66 Oakwood Road, stated that she owned the hair salon next door, and this has been positive for her business. She stated that she has been to an event there, and it was a good fit for this neighborhood. She said that most of the business had day hours so parking should not be an issue.

Melissa Intemans, 7300 Oakmont Court, Ponte Vedra Beach, stated that this is not a bar. She stated that she enjoys the establishment, and there hasn't been a problem with noise and parking until now. She stated that no one is outside, and there is not an unruly crowd.

Nicholas Williams, 124 14<sup>th</sup> Street, Atlantic Beach, stated that he was a performer who has appeared here, and this was a good place for musicians to show their skills.

Stephanie Burns, 187 5<sup>th</sup> Avenue South, stated that there were greater noises from the man who owns motorcycle across the street, which is much more disruptive than this. She added that others in the area set off firecrackers at random times of the night. She added that this use has not produced sound issues so far.

Lisa Harper, 2120 Beach Boulevard, stated that it was important to bring culture to the Beach, as most people go to Riverside to listen to music.

Marilyn Wilson, 323 2<sup>nd</sup> Street South, agreed that there was more of an issue with noises from the residents. She stated that there has never been a noise issue with this use.

Maryanne Woodard, 1507 2<sup>nd</sup> Street, stated that she was a performer, and there was no

loud music here. She stated that the ticket prices were high enough to keep away younger people.

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

**Discussion:**

Kathy Thomason, 1178 Ocean Blvd., identified herself as Ms. Burky's mother and stated that she owned the store previously. She stated that there were hundreds of people who used the store and there were never any issues. She added that this had become a popular resource for the community. Ms. Thomason stated that Ms. Hand was an absentee landlord, and she should have discussed the proposal with them. She added that Ms. Hand's characterization of the use was incorrect. She pointed out that the neighboring business owners were in support of the proposal.

Mr. Sanders asked Ms. Burky if it was just ticket sales. Ms. Burky stated all was pre-sold. Mr. Sanders asked Ms. Ireland about the noise issue. Ms. Ireland responded that they would have to adhere to the no outdoor noise requirement.

Ms. Dumont stated that they could minimize the impacts by putting time limits on it. Ms. Dumont stated that she was concerned about the noise issue with alcohol being involved, and stated that the windows of the establishment were open in the pictures. Ms. Burky pointed out this was the exception to the rule and the windows shown open do not go to the outside.

Mr. Jones stated that the oceanfront parking is open at night. Ms. Dumont stated that with residents living nearby, it may get louder with alcohol being served. She thought all alcohol sales should be done by 9:30 p.m. Mr. DeLoach added that they could put on a condition to be back within a year.

Mr. Dahl stated that he could not distinguish between this and a bar. He stated that there were issues with parking and traffic as well.

**Motion:** Mr. Dahl made a motion to disapprove the Conditional Use application as presented. The motion was seconded by Ms. Dumont.

**Roll call vote:** Ayes – DeLoach, Dumont, Sutton, and Dahl. Nays - Sanders  
The application was denied by a 4-1 vote.

**(E) PC #8-16**

**Land Development Code Text Amendment** to amend Section 34-340(d) to add "Private Parks" to the list of Conditional Uses in Residential, multiple family: RM-2 zoning districts.

**Staff Report:**

Ms. Ireland read the following staff report into the record.

The staff was recently approached by the owner of the small vacant lot on the corner of 5<sup>th</sup> Avenue South and 1<sup>st</sup> Street. He is interested in using the property as a sculpture park and has been working with the University of North Florida Art Department for the provision of sculptural pieces to place on the property, in a park-like setting. He was informed that private parks were not listed as either permitted or conditional uses, so the *RM-2* district regulations would have to be amended for him to use his property as a private park.

“Public parks, playgrounds and recreational facilities” are currently listed as a conditional use in *RM-2* districts, so if it is the determination of the Planning Commission and City Council that we should also allow private parks, the *RM-2* regulations should be amended to list private parks as conditional uses, as well. If the amendment is approved, the property owner could then apply for conditional use approval to develop his lot into his proposed sculpture park.

Private and public parks are both currently allowed as conditional uses in all three of our single family zoning districts (*RS-1*, *RS-2*, *RS-3*), but only public parks are allowed in the two multifamily districts (*RM-1*, *RM-2*). The addition of private parks as a conditional use in *RM-2* districts, should not impact the overall character of these districts. Since any individual interested in establishing such use would have to apply for conditional use approval for a particular location, the Planning Commission would be able to review the request regarding what was being proposed for the park and the context and surroundings in which it was being proposed.

**Applicant:**

Ms. Ireland stated that UNF art students would do the sculptures, and the park is located across from Oceanfront Park so that it would be a compatible use.

**Public Hearing:**

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

Tim Franklin, 932 1<sup>st</sup> Street, North, asked about the map in the advertisement. Ms. Ireland stated the map showed all *RM-2* lands. Mr. Franklin discussed the merits of placing a private park in this location.

Thad Mosely, 3701 Duval Drive, stated he agreed with the proposed change.

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

**Discussion:**

Ms. Ireland noted private parks were already allowed in Single family districts as a conditional use.

**Motion:** Mr. DeLoach made a motion to approve the change to the Land Development Code as presented. The motion was seconded by Ms. Dumont.

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

**Planning & Development Director's Report**

Ms. Ireland advised the Board that the next meeting is scheduled for Monday, March 28, 2016, with two agenda items.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:55 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

  
Chairman vice chair

Date: 4-11-16