

**Minutes of Planning Commission Meeting  
held Monday, March 28, 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  
David Dahl  
Georgette Dumont

Alternates  
Britton Sanders  
Jeffrey Jones

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

**Approval of Minutes**

There were none.

**Correspondence**

There was no correspondence.

**New Business**

**(A) PC #9-16- 2760 and 2780 Colonies Drive**

**Concept Plat Application** for a proposed nine-lot single family subdivision on two adjacent vacant parcels located in a *Residential, single family: RS-2* zoning district pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

**Staff Report:**

The subject property is located on the west side of Colonies Drive, between Republic Drive, and Declaration Drive in the subdivision of Constitution Cove. The subject property consists of two adjacent parcels under the same ownership. The applicant is proposing to subdivide and develop this property into nine single family homes. Adjacent property uses

include single family to the north, south, and east, and vacant City of Jacksonville Beach property to the west. The 12.53-acre City-owned property to the west is a former landfill.

Staff has reviewed the concept plat for conformance with relevant Comprehensive Plan and Zoning Regulations. The subject property is zoned *RS-2* which permits single family dwelling units. The proposed lot sizes for Lots 1 through 9 are larger than the minimum required lot area of 7,500 square feet. All proposed lot sizes are larger than 8,100 square feet in area. These proposed lot sizes are consistent with what currently exists in the neighborhood.

On December 9, 2015, the City received correspondence from attorney William Finger, from Finger, Nelson and Maguire Attorneys at Law, that provided the following recommendations to be added to the plat requirements for residential development in the area:

- Provide written notice to all current and subsequent purchasers that their residence was constructed over solid waste material.
- Sample all lots for the presence of solid waste and methane. Install appropriate methane mitigation equipment (where needed) and require it be maintained and operated until sampling establishes it is no longer required.
- Implement covenants and restrictions that prohibit 1) the installation and/or use of all wells, including potable and irrigation wells; 2) the installation of structures (including below ground pools) that require excavation greater than three feet below the land surface; and 3) the planting of vegetable gardens and/or fruit trees.
- Excavate and properly dispose of solid waste from underground utility corridors.
- Ensure that all development activities are in compliance with FDEP's *Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida*.

Subdivision of these two adjacent vacant lots into nine single family residential lots is consistent with the existing and surrounding land use and zoning designations. The proposed subdivision and single family residential project should not negatively impact adjacent property values.

**Applicant:**

The agent for the applicant, Chris Ward, 8280 Princeton Square Blvd. Suite 1, Jacksonville, stated that he was there to answer questions. He asked if the recommendations would be conditions tonight or at the final plat. Ms. Ireland responded that they would be addressed at the final plat.

Mr. Callan asked about the distance between the back property line and the Sanctuary that borders the property. Mr. Ward responded that it was probably about 300 feet. Mr. Callan

asked if they intended to do anything with the ditch. Mr. Ward responded it was not on their property.

Mr. Sanders asked Ms. Ireland if the recommendations would be restrictions. Ms. Ireland responded that they would be included in the deeds, but they are recommendations so they could be changed. Ms. Sanders asked when the landfill was open. Ms. Ireland stated it was closed in the 1970s. Mr. Ward stated this part of the City used to be all wetlands, and in the past people would dump trash here. He added that it wasn't capped and monitored.

Mr. DeLoach asked if the attorney was hired by the City. Ms. Ireland responded that they were through the City Attorney's office. Mr. DeLoach thought that this lowered the exposure of the City. Ms. Ireland agreed. Mr. Ward explained that there was an interlocal agreement with Jacksonville, where Duval County would have to approve development on landfills. However, the agency does not exist anymore. Mr. Ward stated that FDEP had no objections. The City issued a letter of no objection as well. Mr. DeLoach asked if the applicant had a problem with the recommendations. Mr. Ward stated that the one about utilities and pools could be too restrictive; they would follow state guidelines if they did install these items. Mr. Ward added that there are some lots on which the landfill did not encroach and he did not want blanket restrictions on those lots when they were not pertinent. Ms. Ireland stated that these conditions would be tightened before Final Plat Approval was taken to the City.

#### **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 board, Mr. Sutton closed the public hearing.

#### **Discussion:**

Mr. Dahl asked about the recommendations from the attorney. Ms. Ireland stated these would be addressed at final plat approval. She stated that they would not be finalized tonight. Mr. DeLoach stated that without reviewing the document the Board would be in the same position as not knowing what they were approving.

**Motion:** Ms. Dumont made a motion to approve the Concept Plat, with the recommendation that the City Council consult with the City Attorney about the recommendations from Attorney William Finger prior to adoption of the final plat. The motion was seconded by Mr. Dahl.

**Roll call vote:** Ayes – Dahl, DeLoach, Dumont, Callan and Sutton. The Concept Plat was approved unanimously.

#### **(B) PC #10-16- 300 Beach Boulevard**

**Conditional Use Approval** for outdoor seating at a restaurant located in *Commercial, general: C-2* zoning district, pursuant to Section 34-343(d)(12) of the Jacksonville Beach Land Development Code.

**Staff Report:**

The applicant has recently redeveloped property located at 300 Beach Boulevard to be used as a restaurant in Suite 1, with retail tenant space attached for another user in Suite 2. This property is located at the southwest corner of Beach Boulevard and 3<sup>rd</sup> Street. The applicant wishes to include outdoor seating with the restaurant on the east side of the building near the entrance.

The proposed 465 square foot outdoor seating area is within Section 34-407 standards relative to the maximum area allowed for the 3,695 square feet restaurant. The applicant has been made aware that no music or amplified sounds would be allowed in the outside seating area, and that it would need to be contained by a minimum 42” high wall or fence if it was proposed to be used as part of the applicant’s licensed alcoholic beverage premises.

Adjacent property uses include a retail store in the same building in Suite 2, a restaurant directly to the west, vacant commercial to the east across 3<sup>rd</sup> Street South, retail and a gas station to the north across Beach Boulevard, and retail directly to the south. All surrounding land uses are commercial. The addition of outdoor seating space at this restaurant should not negatively impact adjacent properties.

**Applicant:**

The agent for the applicant, Mark Angelo, 1283 Ponte Vedra Blvd., Ponte Vedra Beach, stated that he concurred with the staff report presented by Ms. Ireland. Mr. Sutton asked if he had any questions on the conditions on the outdoor seating. Mr. Angelo stated he did not.

**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 board, Mr. Sutton closed the public hearing.

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

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

**Planning & Development Director's Report**

Ms. Ireland advised that the next meeting is scheduled for Monday, April 11, 2016 with one agenda item.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:27 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

  
Chairman *vice chair*

Date: 4-11-16