

**Minutes of Planning Commission Meeting  
held Monday, April 11, 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 Vice Chairman Terry DeLoach.

**Roll Call**

Greg Sutton (Chairman) *Absent*  
Terry DeLoach (Vice Chairman)  
Bill Callan  
David Dahl  
Georgette Dumont

**Alternates**

Britton Sanders  
Jeffrey Jones

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

**Approval of Minutes**

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

- Planning Commission meeting held on March 14, 2016
- Planning Commission meeting held on March 28, 2016

**Ex-Parte Communications**

Commissioners Callan, Dumont, Dahl and Jones noted that they had received calls about this case.

**Correspondence**

Mr. Mann stated that he had provided a letter from Mr. Woodburn concerning the case on the agenda.

**New Business**

- (A) **PC #11-16- 2315 Beach Boulevard** (*Beach Marine*)

**Rezoning Approval** for property located at 2315 Beach Boulevard (*Beach Marine*), currently zoned *Commercial, general: C-2* and *Industrial: I-1* to be rezoned to *Planned Unit Development: PUD*, for a proposed mixed use master planned development, pursuant to Section 34-210 of Jacksonville Beach Land Development Code.

**Staff Report:**

The subject property is located between 2<sup>nd</sup> Avenue North and Beach Boulevard, and 20<sup>th</sup> Street North and the Intracoastal Waterway. The primary business address of the subject property is 2315 Beach Boulevard. The subject property consists of 27.7 acres total, with 12.5 acres of uplands and 15.2 acres of active marina basin. The property owner has applied for approval to rezone the property from *Commercial, general: C-2* and *Industrial: I-1* to *Planned Unit Development: PUD* for a proposed mixed use development that would include both commercial and residential uses.

The applicant has determined that a PUD zoning designation would provide for a consolidated review of all development approvals within the context of the overall development vision for Beach Marine. The applicant's narrative description provides details on the proposed development.

Existing development on the subject property consists of the following:

- 28,800 square feet of restaurants (indoor and outdoor);
- 1,500 square foot special events patio;
- 14,700 square feet of office space (three-story office bldg.);
- 9,250 square feet of mixed use commercial space;
- 251 wet and 296 dry boat slips;
- 8,700 square feet of Boat Sales Showroom, plus 1,714 square feet of mezzanine level office boat repair;
- 7,000 square feet of boater warehouse/locker storage space ancillary marina structures.

The PUD rezoning application proposes:

- 27,500 square feet of restaurants (indoor and outdoor);
- 1,500 square feet special events patio;
- 14,700 square feet of office space (three-story office bldg.)
- 26,775 square feet expanded mixed use commercial building;
- 280 wet and 296 dry boat slips;
- 8,700 square feet of Commercial Showroom space, plus 1,714 square feet of mezzanine level office;
- 7,000 square feet of boater warehouse/locker storage space;
- 15,525 square feet of general storage/warehousing;
- 40 residential townhomes;
- 64-bed hotel, convertible into a maximum of 32 multi-family dwelling units.

The project was granted a parking variance via Application BOA#15-100203 for a 95 space reduction from the maximum 482 space off-street commercial parking requirement identified in the applicant's shared parking analysis (Attachment I of the application). The total on-site commercial parking space requirement is 387 spaces with the variance. Each proposed townhouse unit will provide its required two parking spaces.

From the application narrative, the anticipated project buildout will be 3-5 years for the residential units and 5-10 years for the commercial uses. Phase 1 will consist of the residential townhouses on the south side of the basin, reconstruction of south eastern commercial parking area, and may also include the new storage/warehousing building, and the removal of any existing buildings to be redeveloped. Phase 2 may be split into two parts, and will consist of the new commercial construction along the south side of the basin, and the townhouse development along the northern basin. Phase 3 will include the hotel on the north side of the basin. According to the applicant's narrative, all phases may be adjusted based on market demand.

Given that this application deals largely with an existing developed commercial marina property, the focus of the Planning Commission's recommendation to City Council on its approval should be on the following aspects of the application for the additional uses proposed and for any requests to deviate from those land development code regulations that would normally apply to the development that the applicant is proposing:

1. The applicant is seeking to ratify by this rezoning, the extents of existing outdoor deck areas associated with the two existing restaurant buildings on-site. (1,800 square feet associated with Billy's restaurant, 5,000 square feet adjacent to the former Nipper's restaurant building) There are provisions in the application narrative, however, that if any other restaurant or bar development were to occur on the subject property, they would comply with the City's LDC Sec 34-407, Outdoor Restaurant and Bar standards, including those for allowable outdoor deck areas.
2. In addition to the listed uses to be permitted by right in the proposed development, the applicant is requesting that the following uses be allowable as conditional uses, subject to LDC requirements:
  - Bar, lounge, nightclub, tavern or other drinking place
  - Outdoor bar
  - Microbreweries not classified as restaurant

As these uses are listed as conditional uses in the C-2 zoning district regulations that currently govern the majority of the subject property, staff has no issue with this request.

3. In conjunction with the potential for approved conditional use approved drinking establishments within the subject property, the applicant is requesting that the LDC Sec 34-393 *Alcoholic beverage establishments* regulations that require a 500-foot distance between drinking establishments be waived for any future drinking establishments that may be approved for location within the PUD. Staff does not support this request, given the

problematic history of past drinking establishments on the subject property, and also given that the applicant is now proposing to introduce residential uses within the subject property.

4. The applicant is requesting to develop multifamily townhouses on undeveloped areas along the north and south sides of the marina basin, as shown on the PUD Master Plan, Attachment F to the application. This request is viewed by staff as reasonable, especially in light of the recent successful development and sales of similar water-oriented townhouses recently built on the south side of the Intracoastal Waterway bridge. The applicant is also requesting relief from the standard RM-1 townhouse, two-family, and multiple family dwelling setbacks, due to the limited space of the developable areas along the basin, and because they are intended to be oriented directly on the waterfront and the 10' wide pedestrian boardwalk that wraps around the basin. In this context, the proposed modified development standards are viewed as reasonable.
5. The applicant is proposing a 64-room hotel to be developed along the north side of the basin, and is further requesting that that facility be convertible to 32 multifamily dwelling units in the event that the hotel concept proves unsuccessful. Given that the required parking for the 64-room hotel would also satisfy the requirement for a 32-unit multifamily use, this request is not seen as unreasonable. It should be noted that such conversion to multiple family units may require an amendment to the PUD Master Plan if the hotel building footprint were to change significantly from how it is currently delineated on the master plan.
6. The applicant is requesting the ability to construct a 15,525 square foot general warehouse/storage facility at the southeast corner of the existing dry boat storage building. This request is viewed as reasonable given that the applicant is currently entitled to develop such use on the I-1 zoned portion of the subject property now, in the same general area, in the vicinity of other I-1 zoned properties along 20<sup>th</sup> Street North.
7. Parking - The applicant received a variance for the commercial portions of the proposed development last year, via Application BOA 15-100203. The justification provided in that application was that there was existing on-street parking on both sides of the Beach Boulevard frontage road along the south side of the subject property, and that parking was used with FDOT's permission by customers and visitors to the applicant's property. The Board of Adjustment did express concern that the parking along the south side of the frontage road was only partially paved. Staff feels the applicant should coordinate with FDOT to see if improvements could be made to at least some of the spaces along the south side of the frontage road to an extent where there would be at least 95 fully paved and striped spaces along the frontage road. There are currently roughly 66 paved and striped paved spaces along the north side of the frontage road.
8. Signage - The applicant has a legal nonconforming pylon style sign located along the south side of the subject property. That sign is currently allowed to exist as a legal nonconforming sign, as are many other non-monument style ground signs in the city that were built before the sign standards were amended in April of 2006. (Ref Ord. No. 2006-7920) The applicant is asking that he be allowed to continue, repair, and even rebuild this nonconforming sign

in the event is significantly damaged or destroyed. If this request is approved as part of the requested rezoning, this pylon or pole sign would be the only such nonconforming sign in the city that would not have to abide by the current nonconforming sign regulations. Those regulations do allow minor repairs and maintenance of nonconforming signs, but also require that if a nonconforming ground sign is damaged by any means, or allow to deteriorate, to an extent equal to 50% or more of the cost to replace it, then it must be removed, or rebuilt in conformance with current regulations. Staff does not support this request because if it is granted, it would constitute the inequitable treatment of one commercial property owner over other commercial property owners with similar such nonconforming signs on their properties.

The applicant is also asking for flexibility and increased sign area for what would be the permitted size and number of ground signs on the subject property, in addition to the existing nonconforming pylon sign. He is requesting an increase in maximum allowable ground signage from one ground sign with a maximum size of 200 square feet to not more than four ground signs, each with a maximum size of 200 square feet citing the fact that he has over 3,200 linear feet of commercial street frontage on Beach Boulevard, 20<sup>th</sup> Street North, and 2<sup>nd</sup> Avenue North. He is also proposing that, since a significant portion of his property's Beach Boulevard commercial frontage is not visible from Beach Boulevard due to the elevated bridge roadway and embankment, that three signage zones be created on the subject property. These zones, A, B, and C (east to west), are delineated by vertical dashed lines on the PUD Master Plan. The applicant would like the ability to place the allowable signage for uses in Zone C (containing both restaurants, the office building and the hotel) to be located in zones B or C, and the allowable signage for uses in Zone B (the residential townhomes) to be located in Zone B or Zone A. This would allow the movement of signs that might not normally be visible from certain portions of Beach Boulevard to be located on more visible areas along that road. All proposed new ground signs would be constructed within the allowable LDC dimensions for monument style ground signs (maximum 200 square foot sign area, maximum 16' height, maximum 12.5' width.)

This request for additional ground signage is not inconsistent with the PUD regulations approved for the two large commercial PUD shopping centers in south Jacksonville Beach, both of which were approved for more than one ground signs, due to their large extents of street frontage, and frontage on multiple streets. Further, if the applicant were to subdivide the commercial portions of his property into formal outparcels, each outparcel would be allowed its own ground sign, with a maximum of 200 square feet of signage depending on its linear street frontage.

9. The applicant indicates in the project narrative and attachments thereto, that he has applied to the State for "Specialty Center" designation. The applicant explains that this designation would allow for alcoholic beverages sold for consumption on the premises by an individually licensed alcoholic beverage vendor to be consumed within the overall specialty center but may not be removed from the center. This information is acknowledged as being in the application, but the applicant's agents were informed by staff that this assertion was viewed simply as extraneous information, and would not be specifically reviewed or approved in the consideration of this rezoning application.

The applicant has put together a fully encompassing PUD rezoning application in an effort ensure the predictable and reliable course of future development of the subject property. Based on the discussion of the various points above, staff feels that the proposed PUD should be approved, as long as those concerns discussed herein are addressed in the Planning Commission's recommendation to the City Council of the application.

**Applicant:**

The agent for the applicant, Mac McCuller, 225 Water Street, Jacksonville, introduced Brian Wheeler and Joe Loretta with the Genesis Group. Mr. McCuller noted that Beach Marine has been here since the 60's and is a very important component of Jacksonville Beach. He stated this is the latest attempt to keep the property in a commercially viable mode. He added that residential use is allowable in the zoning district in which was located. Mr. McCuller stated that the amount of residential is less than proposed a decade ago.

Mr. McCuller stated that the conditions that Mr. Mann reviewed were for the most part acceptable. Mr. McCuller noted that they were willing to withdraw the request that the 500-foot distance be waived for any future drinking establishments. He stated that they will work with FDOT in the parking issues. Mr. McCuller noted that they cannot agree with the staff recommendation about not being allowed to replace the pylon sign. He stated this is unique to Jacksonville Beach and if the sign is not visible there could be an increase in accidents, adding that monument signs cannot be built that tall.

Mr. Brian Wheeler, 9822 Tapestry Park Circle, Jacksonville, stated that the proposal is compatible with the Comprehensive Plan, summarizing those applicable policies from the plan. He then cited portions of the Land Development Code with which this project is consistent. He added that the PUD is compatible with surrounding land uses and consistent with land use changes in this area of Jacksonville Beach. Mr. Wheeler then provided exhibits that showed how the existing sign is not visible to Beach Boulevard traffic.

Mr. McCuller summarized that the application is basically for the approval of 40 dwelling units in the multi-use project and asked for a recommendation of approval without the condition placed on the signage.

Mr. Sanders stated that the road that goes back to the hotel is horrible, and there is a blind spot. He asked how they will help to address this road. Mr. McCuller stated that the road is the responsibility of the City of Jacksonville. He added that a hotel could go in today, so the focus is on the 20 townhomes that generate a total of 10 peak hour trips, which is a fraction of the trips already occurring here.

Mr. Dahl asked about the 64-room hotel and the potential for more multi-family units. He asked if they studied what the impact would be with 32 multi-family homes instead of the hotel. Mr. McCuller stated adding these units would be well less than the existing traffic using the road. Mr. Wheeler stated it is slightly less for the units than the hotel units.

Mr. DeLoach stated that the problem with the sign visibility is from west to east, not east to west. Mr. McCuller stated the concerns are for those people that are new to this use. Mr. DeLoach noted that they could do a u-turn if they missed the turn. Mr. DeLoach noted that there are risks with these types of digital signs. He agreed with staff that this would be inequitable treatment of businesses. Mr. McCuller responded that they had a right for identification of the business. Mr. Dahl asked if the City Attorney had addressed the issue of equity. Mr. Mann stated that she had read the staff report but had no specific comments on it. Mr. Dahl summarized the issues with the sign. Mr. DeLoach stated that they didn't have a legal opinion on this. Mr. Mann stated that the City Attorney will be requested to make an opinion. Ms. Dumont stated that also of concern is how often the sign changes and conditions should be put on the changing of the message. Mr. Mann summarized the number of signs that could be allowed per Code. Mr. DeLoach noted that there were potentially five digital signs.

Mr. Dahl asked if the full sign was grandfathered in for form as well as for imaging. Mr. Mann responded that it was not grandfathered in for digital display. Discussion followed on the displays that occur on the sign and that it appears to violate City Code. Mr. McCuller added that they would provide the Court Order on the grandfathering of the sign.

Mr. Dahl asked about the Specialty Center designation. Mr. McCuller stated that they would be subject to the determination of the State. Mr. Dahl asked on who polices that open area for container use. Mr. McCuller noted that they are not asking the Commission to address that issue. Ms. Dumont noted that there would be people walking with their containers past the townhomes within 3 feet.

### **Public Hearing:**

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

Mr. David Siddall, 1944 Beach Blvd., stated that the city has come a long way. He added that Beach Marine wants to be a positive development within the City, adding that his would be a positive impact and encouraged support.

Ms. Sandy Golding, 1203 18<sup>th</sup> Avenue North, stated she was in support of this development but had concerns about some of the requests. She asked for deferral however because of the mail out time for the packet. She thought that the public did not have the opportunity to review the plans. She added that she did have a problem with the request to replace the pole sign. She noted that other marines in this situation do not have the large pole sign and the turn at 20<sup>th</sup> is a safer turn anyway.

Mr. James Sorrell, 1410 Pinewood Road, agreed that he did not have sufficient time to review the packet. He agreed that the signage should not be allowed to be replaced. He stated that in-car navigation would help to eliminate the need for the sign. He did state that the redevelopment is well-needed, but expressed concern about the BOA determination on the waiver of 95 parking spaces. Mr. DeLoach reminded Mr. Sorrell that parking is not an

issue for the Planning Commission.

Mr. McCuller stated that this is not a great magnitude of development proposed. He added that the signage will be compliant with code except for the pylon sign. Mr. Dahl asked if they had addressed solid waste. Mr. Mann stated that solid waste facilities need to be on private property.

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

**Discussion:** Ms. Dumont stated that she liked the mixed-use aspect, but expressed concerns. She asked Mr. Mann if they were allowed to have outdoor music. Mr. Mann stated that individual establishments are not allowed to have outdoor music, but the land owner has obtained an outdoor sound permit. Any new restaurants would have to meet current standards. Ms. Dumont expressed concern about combining residential development with outdoor music until 1:00 a.m. She asked about the parking spaces per room and Mr. Mann responded that they meet the Code. Mr. Mann noted that there is convertibility language in the Code now that would allow converting 64 hotel rooms to 32 dwelling units. Ms. Dumont asked when the Board of Adjustment made their determination of parking. Mr. Mann stated that the plan hasn't changed since their determination a few months ago. Mr. Mann added that the application has been available since March 31 and that there would be two City Council public hearings.

Mr. DeLoach expressed support for the project and the project will go forward with or without the sign. He stated that was really the only issue he had with it.

Mr. Dahl moved approval of the application with the following conditions; that the 500 foot waiver be withdrawn, that the FDOT issue for total provision of 95 spaces be forwarded to the City Council, and that the non-conforming pylon sign be approved pending a determination by the City Attorney concerning liability. Motion died from a lack of a second.

**Motion:** Ms. Dumont moved approval of the application; that the applicant remove reference to the 500 foot standard being waived; that the applicant be required to coordinate with FDOT concerning the 95 parking spaces in the FDOT right-of-way; and that the existing pylon sign be treated as a non-conforming sign and be treated as such consistent with land development code regulations subject to the regulation involving variable message signage unless proved otherwise to be not applicable. Motion was seconded by Mr. Sanders.

**Roll call vote:** Ayes – Dumont, Sanders, Callan, and DeLoach. Nays - Dahl.  
The PUD Rezoning was approved 4-1.

**Planning & Development Director's Report**

Mr. Mann stated that he could move an application to May 9, 2016.

**Adjournment**

There being no further business coming before the Commission, Mr. DeLoach adjourned the meeting at 8:31 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

Chairman

Date:

  
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5-9-2016