

**Minutes of Planning Commission Meeting  
held Monday, November 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 Chairman Greg Sutton.

**Roll Call**

Greg Sutton (Chairperson)  
Terry DeLoach (Vice Chairperson)  
Bill Callan (*absent*)  
David Dahl  
Georgette Dumont (*absent*)

Alternates

Britton Sanders  
Margo Moehring

Also present were Heather Ireland, Senior Planner, Susan Erdelyi, City Attorney, 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 October 24, 2016.

**Correspondence**

Mr. Sutton noted that he had a letter from JWB Construction authorizing agent for a case tonight.

**New Business**

**(A) PC #36-16- 335 5<sup>th</sup> Avenue South**

**Conditional Use Application** for a new two-family dwelling unit 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:**

The subject property is a corner lot located on the northeast corner of 5th Avenue South and 4th Street South. The subject property is located in a *Commercial, limited: C-1* zoning district, and existed as a residential property converted in to a hair salon. The applicant is requesting conditional use approval to construct a new two-family dwelling unit on the subject property. If approved, the residential development would be subject to the *Residential, multiple family: RM-1* zoning standards. The parcel meets the minimum lot size requirements for a two-family dwelling, per *RM-1* zoning standards.

Adjacent properties include residential and commercial to the east, and south, commercial to the north, and new and existing residential uses to the west. Several other lots in the area have been redeveloped with two-family dwelling units. A new two-family dwelling at this location should not negatively impact adjacent properties and is consistent with the character of other newly developed two-family dwelling units in the immediate vicinity.

**Applicant:**

The applicant, Brian Phillips, 1639 Beach Boulevard, stated that he had nothing additional to add to the staff report.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed application.

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

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

**(B) PC #37-16 – 314 12<sup>th</sup> Avenue North**

**Conditional Use Application** for a new two-family dwelling unit 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:**

The subject property is a vacant lot located on the south side of 12<sup>th</sup> Avenue North between 3<sup>rd</sup> and 4<sup>th</sup> Streets. The subject property is located in a *Commercial, limited: C-1* zoning district, and previously existed as a single family residential property. The single family dwelling was demolished in 1998. The applicant is requesting conditional use approval to construct a new two-family dwelling on the subject property. If approved, the residential development would be subject to the *Residential, multiple family: RM-1* zoning standards. The parcel meets the minimum lot size requirement for a two-family dwelling, per *RM-1* zoning standards.

Adjacent properties include residential and religious uses to the west, commercial to the south, commercial to the east, and residential and commercial uses to the north. A new two-family dwelling should not negatively impact adjacent properties and is consistent with the character of other multiple family dwelling units in the immediate vicinity and is consistent with other conditional uses granted in *C-1* zoning districts on similarly sized lots.

**Applicant:**

The applicant, Lisandro Rosales, 7563 Philips Highway, Jacksonville, noted that the current owner owns the property to the west and south.

**Public Hearing:**

Mr. Jon McGowan, 5 17<sup>th</sup> Avenue North, stated that there was concern about the conversion to multifamily. He stated that there was concerned about the number of multi-family units being built on single-family parcels. He was not particularly speaking against this proposal but encouraged the Planning Commission to closely look at these conversions. Mr. Dahl asked if was going to object to a two-family dwelling, what of the conditional use standards would Mr. McGowan reference. Mr. McGowan stated that they should consider need. Mr. DeLoach noted that there has to be reason to deny that falls within the guidelines that they use.

Susan Erdelyi, City Attorney, stated that she has been asked to look at issues of variances and guidelines that should be more consistently followed by the Board of Adjustment. She agreed that the Commission needed to follow the standards in the Plan.

Mr. Dahl asked Mr. McGowan what concerns he had heard going door to door. Mr. McGowan asked that the community was concerned with these conversions and the percent lot coverage and the densities. Discussion followed on the issue of lot coverage.

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

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

(C) **PC #35-16 Ordinance 2016-8084**

**Temporary Moratorium** consideration, on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations within the City of Jacksonville Beach.

**Staff Report:**

Amendment 2, or the Florida Medical Marijuana Legalization Initiative was approved by voters on November 8, 2016 as an initiated constitutional amendment. Upon voter approval, the measure legalizes the medical use of marijuana throughout the State of

Florida and authorize the cultivation, processing, distribution and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers."

The City Attorney has prepared the attached ordinance which establishes a temporary one-year moratorium for medical marijuana treatment centers and dispensing organizations. The City's Land Development Code does not currently have regulations governing the use of property for the purposes of cultivating, processing, distributing or selling medical marijuana or related activities (treatment centers and dispensing operations). The requested moratorium period will allow the City to review and consider whatever enabling legislation the State Legislature formulates during its next legislative session. The moratorium will also allow the City time to better analyze the potential impacts of medical marijuana treatment centers and dispensing organizations upon adjacent uses and surrounding areas, and then formulate appropriate regulations to accommodate these types of businesses.

On June 16, 2014, Governor Rick Scott signed Senate Bill 1030, also known as the "Compassionate Medical Cannabis Act of 2014 ("2014 Act")." The legislation legalized low-tetrahydrocannabinol (THC) cannabis, such as the strain Charlotte's Web, for medical patients suffering from cancer or "a physical medical condition that chronically produces symptoms of seizures," such as epilepsy, "or severe and persistent muscle spasms." The law authorized a very limited number of large nurseries to cultivate, process, and dispense low-THC cannabis and operate as "dispensing organizations." The measure became effective on January 1, 2015.

On November 4, 2014, Amendment 2 or the Florida Right to Medical Marijuana Initiative, a statewide referendum to amend the Florida Constitution ("Referendum"), did not obtain voter approval. The measure proposed to legalize the medical use of marijuana throughout the State of Florida and authorize the cultivation, processing, distribution and sale of marijuana and related activities by licensed "Medical Marijuana Treatment Centers." Regardless of the results of the Referendum, per the 2014 Act, limited dispensary organizations are still authorized to operate in the State of Florida.

On March 25, 2016, the Florida Legislature amended Fla. Stat. § 381.986, to make various revisions including a revision to the definition of "dispensing organization" to allow dispensing organizations to transport cannabis and to include "medical cannabis" for eligible patients with terminal conditions.

**Applicant:**

The City of Jacksonville Beach is the applicant. Mr. DeLoach stated that at first he thought they could do it in less time, but realized that a year would be necessary to not get out in front of the State. Mr. Sutton agreed that they needed to wait until the end of the session.

Ms. Moehring questioned why there were noted potential adverse impacts and why they were included. Ms. Erdelyi responded that medical marijuana is not legal under Federal law, which will impact banking issues. She added that there were problems with pill mills

that they noted and these same issues could arise with these dispensaries. She stated that eventually the City Council will have to decide the location where they would be allowed.

Mr. Sanders asked if they were mandated to provide a minimum amount of dispensaries. Ms. Erdelyi stated that this was opening up more than before and that's why they needed State guidance. Mr. DeLoach asked how many they require. Ms. Erdelyi responded that they would wait for guidance from the State on standards.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed moratorium.

**Motion:** Mr. DeLoach made a motion to approve the proposal for the one-year moratorium, seconded by Mr. Dahl.

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

**Planning & Development Director's Report**

Ms. Ireland reported that there were no cases scheduled for December.

**Adjournment**

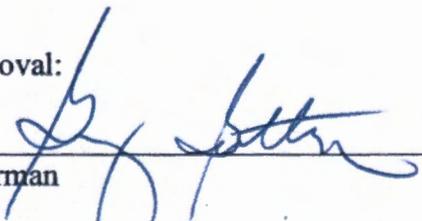
There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:26 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

Chairman

Date:

  
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2-13-2017