

**Minutes of Planning Commission Meeting  
held Monday, February 13, 2017, 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 Chairperson Greg Sutton.

**Roll Call**

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

Alternates  
Britton Sanders  
Margo Moehring

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

**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 November 14, 2016
- Planning Commission Meeting held on December 27, 2016
- Planning Commission Meeting held on January 23, 2017

**Correspondence**

None

**Old Business**

None

**New Business**

**(A) PC #41-16- 715 1<sup>st</sup> Street North**

**Redevelopment District: RD Rezoning Application** to rezone a 1.31 acre parcel of oceanfront land located at the northeast 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 a mixed use hotel/commercial/residential project.

**Staff Report:**

Ms. Ireland read the following into the record:

The applicant owns the vacant oceanfront block located on 1<sup>st</sup> Street North between 6<sup>th</sup> and 7<sup>th</sup> Avenues North (the subject property), and would like to develop a multistory hotel use on it. The subject property was the site of the former Atlantis Hotel. The property is currently zoned Commercial, limited: C-1 and the applicant was advised that due to the size of the proposed redevelopment project (>50,000 square feet), that rezoning to Redevelopment District: RD would be required. Additionally, the subject property exists as part of a 2010 Consolidated Settlement Agreement (Case No. 16-2006-CA-006294) that stipulates that in addition to rezoning to RD, that development of the subject property will be constructed in accordance with the Central Business District: CBD zoning site design and lot layout standards of the Land Development Code as currently in effect. This settlement agreement also granted vested rights for a maximum building height on the subject property of 89 feet.

The applicant is proposing a primarily commercial development consisting of a 220-room hotel, of which up to 64 hotel would be convertible into condominium units, with an exchange rate of two hotel rooms per one condominium unit. The application also proposes up to 10,000 square feet of commercial space, of which up to 6,750 square feet would be oriented along from 6<sup>th</sup> Avenue North, and approximately 3,250 square feet would be internal to the hotel (such as a restaurant). Sixth Avenue North, is classified as an "A" street pursuant to the LDC, and requires active commercial uses along the street. Commercial and retail uses will support both the hotel and the general public. The project's multiple level parking garage will provide 260 parking spaces. Additionally, the project will extend the public seawalk north to 7<sup>th</sup> Avenue North.

Adjacent property uses include The Casa Marina hotel to the south, commercial, residential, and mixed use to the west, multiple family residential to the north and the public beach and Atlantic Ocean to the east. The proposed redevelopment is consistent with the Downtown Community Redevelopment Plan, the Comprehensive Plan and the Land Development Code. The proposed project would serve to continue the current revitalization of the downtown area. The project as described in the submitted application would complement the character of the surrounding neighborhood and would fit within the context of the Downtown Vision Plan objectives. Adjacent property values should be enhanced by the proposed development of the subject property. Adequate public facilities exist to serve the project, and it would be subject to the City's Mobility Fee.

The Community Redevelopment Agency (CRA) considered this rezoning application at their January 23, 2017 meeting. It was recommended for City Council approval.

**Applicant:**

The agent for the applicant, Mr. Mark Shelton, Kimley-Horn & Associates, 12740 Gran Bay Parkway, West, Suite 2350, Jacksonville, stated that they were bound by the 2010 settlement agreement including building height and CBD regulations. He stated that they were in discussions with boutique hotels, which typically have fewer rooms, thus the request for conversion of rooms to condo units. He stated that there are no variance requests.

In response to Mr. Callan, Mr. Shelton stated that they only had ocean views and the project would face 1<sup>st</sup> Street. Ms. Dumont asked about minimum sizes for condominiums, noting that each individual room would have to be of sufficient size for conversion.

Mr. DeLoach asked about the expansion of the boardwalk. Mr. Shelton stated that they intended to extend the seawalk consistent with how it is to the south, and further explained how the project will be integrated with the seawalk.

**Public Hearing:**

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

Ms. Kelly Solms, 105 25<sup>th</sup> Avenue South, Jacksonville Beach, spoke in opposition to the project, stating that it did not fit in with the character of the community. She asked about the height restriction. Ms. Ireland stated that there was a settlement agreement in 2010 that allows the project to exceed the 35 foot height limit. Ms. Solms stated that she had concerns with the removal of green space in the City.

Mr. Michael Dunlap, 1120 2<sup>nd</sup> Avenue North, Jacksonville Beach, expressed his support of the project, stating that the vertical separation of uses is a good idea. He did state that they could deepen the retail to allow the boardwalk to be extended and habitable space could be on the ground floor.

Ms. Mary Beth Waren, 807 1<sup>st</sup> Street North, Jacksonville Beach, stated that she was in support of the project but would like to see more information. She disagreed with Mr. Dunlap that they could give up nine spaces in redesigning the plan.

Mr. Bill Schilling with Kimley-Horn responded to Mr. Dunlap's suggestions. He stated that as they have worked with the architect that parking is driving what can fit on the site. He stated that they were maximizing the project with the parking that could be provided. He stated that the retail on 6<sup>th</sup> Street was focused on the

general public. Mr. Schilling noted that if condos were developed on the top floors they would meet the requirements, even though hotel rooms could be less than 350 square feet.

**Discussion:**

Mr. Sutton asked about parking requirements for hotel versus condominium. Mr. Mann answered that for hotels there are 1.25 parking spaces for each room for the first 50 rooms and one space for every room after that. Condominiums require two spaces per each dwelling unit regardless of size.

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

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

**(B) PC #1-17- 322 and 314 12<sup>th</sup> Avenue North**

**Conditional Use Application** for multiple family residential, for a five-unit townhouse development, located in a Commercial, limited: C-1 zoning district, pursuant to Section 32-342(d)(15) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following into the record:

The subject property consists of two adjacent lots, one with a triplex, and the other one vacant. Both are 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 the vacant lot previously existed as a single family residential property. The single family dwelling was demolished in 1998. The triplex residential dwelling on the western lot remains. The applicant is requesting conditional use approval to construct a new five-unit townhouse project on the combined lots. If approved, the residential development would be subject to the Residential, multiple family: RM-1 zoning standards. The applicant received conditional use approval via PC#37-16 for a two-family dwelling on the vacant lot on November 14, 2016, but did not develop that project. The applicant now wishes to combine the lots, and develop a five-unit townhouse project. The parcel meets the minimum lot size requirement for the proposed development, pursuant to the RM-1 zoning standards. If approved, the project would be developed and plated as five fee-simple townhouse lots.

Adjacent properties include residential and religious uses to the west, commercial to the south, and east, and residential and commercial uses to the north. A new

multiple family dwelling should not negatively impact the existing mixed-use character of the surrounding neighborhood.

**Applicant:**

The agent for the applicant, Mr. Curtis Hart, 8051 Tara Lane, Jacksonville, noted that they do hold a conditional use approval on the vacant lot with a triplex on the built lot. They will take down the triplex and build a five-unit project.

**Public Hearing:**

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

There was no one present to speak in favor of or in opposition to the proposed application. Mr. Sutton closed the public hearing.

**Discussion:**

Ms. Dumont asked if the project would need to go before the Board of Adjustment for variances. Ms. Ireland stated that the plan showed that it was consistent with all setback requirements.

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

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

**(C) Comprehensive Plan Consistency Determination -South Beach Redevelopment Plan Amendment (CRA Resolution #2017-01)**

Approval of the Finding of Fact related to the proposed amendment to the South Beach Redevelopment Plan, and its consistency with the adopted 2030 Comprehensive Plan.

**Staff Report:**

Ms. Ireland read the following into the record:

On January 23, 2017, the Community Redevelopment Agency (CRA) recommended that the Jacksonville Beach City Council approve an amendment the South Beach Community Redevelopment Plan to include the provision that the maintenance of TIF funded improvements and facilities, such as the new skate park, the existing splash pad, and other facilities, is an allowable capital expenditure of TIF funds. A similar maintenance provision already exists in the City's Downtown

Redevelopment Plan, recognizing the need for additional levels of maintenance for such improvements.

It is the responsibility of the Planning Commission to ensure that changes to the approved South Beach Redevelopment Plan are consistent with the adopted Comprehensive Plan for Jacksonville Beach. Findings of Fact have been provided.

**Applicant:**

The applicant is the City of Jacksonville Beach Planning Department. Mr. Mann noted the need for this action to be taken by the Planning Commission. He explained that the proposed splash pad has to be maintained like a public pool. The pad and the skate park will need regular maintenance. He noted that these maintenance funds are not included in the plan. He noted that they have a funding mechanism with the TIF funds.

Mr. Dahl asked if a private company did the maintenance. Mr. Mann noted it would probably be in-house but they may subcontract out some aspects of it.

Ms. Dumont stated that the TIF funds end in 2026, and stated that they needed to plan long-term in the budget. Mr. Mann agreed stating that they will look at that budget item in anticipation of the TIF going away.

**Public Hearing:**

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

There was no one present to speak in favor of or in opposition to the proposed application. Mr. Sutton closed the public hearing.

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

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

**Planning & Development Director's Report**

(A) Report from the Police Department regarding proposed changes to Chapter 18 "Noise," of the City Code.

Mr. Mann noted that they did not regulate noise from outdoor seating until 2003. He noted that they have prohibited outdoor music in an effort to get more family-friendly activities downtown, but also to allow low-volume music in restaurants.

There will be a permit for them to apply for. He noted that it would come back to Planning Commission to address outdoor seating requirements. Mr. Mann stated that there were other changes that he would like to see in the outdoor seating requirements.

Ms. Dumont asked if there was a small outdoor area that was presently allowed. Mr. Mann responded that they do not at this time.

Chief Dooley explained that there are currently 16 establishments that have an outdoor noise permit, but the decibel levels allowed are very low. He stated that there was an inequitable situation by having two standards. He explained that this was a one-year pilot program. Chief Dooley noted that even though some of these standards may be seen as ambiguous they have been approved in the courts.

Ms. Dumont stated that she liked that permits were issued annually, which would help address habitual violators. She then asked about deep bass monitoring. Chief Dooley stated that if the receiver signs a complaint affidavit, they require the offender to address it. He stated that other portions address the issue of deep bass as well. He added that any sound on a back deck has to be a low volume, so they can address those that like the loud music with open windows and doors.

Mr. Dahl asked about noise from vehicles. Chief Dooley responded that they wouldn't ignore it they found it hard to address because they typically don't have a sound meter right there. He stated that when they hear them and know it's a violation they will continue to issue tickets.

Chief Dooley noted that late night alcohol violators could lose their ability to serve late night alcohol. Discussion followed on how the repeat violators would lose their abilities to serve alcohol and lose their applicable permits.

Mr. Mann noted that due to the sunset provisions of the ordinance, he may give some additional time to address the issue of outdoor seating and they would not be issued at the same meeting.

(B) The next meeting is scheduled for February 27, 2017

Ms. Ireland noted that the next meeting is February 27, 2017, not March 13, 2017, as noted in the agenda.

### **Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:13P.M.

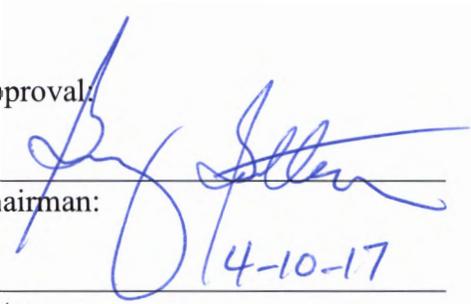
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Monday, February 13, 2017

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

Chairman:

Date:



A handwritten signature in blue ink is written over a horizontal line. Below the signature, the date "4-10-17" is written in blue ink over another horizontal line.