

**Minutes of Planning Commission Meeting
Held Monday, December 11, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

The meeting was called to order at 7:00 P.M. by Board Member Greg Sutton.

ROLL CALL

Chairman: Greg Sutton
Board Members: Bill Callan (*absent*) David Dahl Britton Sanders (*absent*)
Georgette Dumont
Alternates: Margo Moehring Jason Lee (*absent*)

Also present were Senior Planner Heather Ireland, and Staff Assistant Mandy Murnane.

APPROVAL OF MINUTES

Ms. Moehring requested the word 'some' be added to Ms. Erdelyi's response regarding impact studies on page three, second paragraph of the minutes of the Planning Commission Meeting held on October 23, 2017.

It was moved by Ms. Dumont, seconded by Mr. Dahl, and passed unanimously, to approve the following minutes with amendments:

- Planning Commission Meeting held September 25, 2017
- Planning Commission Meeting held October 9, 2017
- Planning Commission Meeting held October 23, 2017
- Planning Commission Meeting held November 23, 2017

Correspondence

Ms. Ireland reported that there no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS:

(A) PC#52-17 – 7 Second Avenue South

Conditional Use Approval for a proposed single-family dwelling on property located in the *Central Business District: CBD* zoning district, pursuant to Section 34-345(d)(9) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located oceanfront, on the north side of 2nd Avenue South, and exists as a duplex that was built in 1909. The property owner wishes to tear down the existing structure and reduce the density on the site by rebuilding a single-family home. Single-family homes built in the *CBD* zoning district, if approved via conditional use, are built to *Residential single-family: RS-3* zoning standards. The applicant is aware that any redevelopment on the subject property will require variances from the standards of the Land Development Code, due to the size and dimensions of his lot.

Adjacent uses include residential condominiums to the north and to the south across 2nd Avenue South, and single and multiple family use to the west across 1st Street. Redevelopment of the subject property from a duplex to a single-family use should not negatively impact adjacent properties and is a decrease in density from the current use. If approved, this will be the first approved single-family conditional use in the *CBD*.

Applicant:

The applicant, Raymond A. Kletzing, 3080 2nd Street South Jacksonville Beach, was present.

Public Hearing:

The following individuals spoke in opposition of the agenda item:

- Patrick Earley, 123 1st Street South, Jacksonville Beach, President of the Water's Edge Condominium Association.

Mr. Kletzing stated he understands he is facing some challenges and will require variances to build.

Ms. Dumont asked about the requirements for parking. Ms. Ireland responded saying the code requirement is 2 parking spaces for a single-family home. DEP requirements will most likely dictate elevated living space which should provide for parking space under the building. Ms. Dumont asked about making a condition of approval to restrict it to existing footprint. Ms. Ireland responded saying she did not have a survey to refer to but the BOA will have another public hearing once the variances are requested for this property. It would be impossible to build on this lot without variances.

Discussion:

There was no discussion on the item.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to approve the conditional use application.

Roll call vote: Ayes – Dahl, Dumont, Sutton and Moehring.
The motion carried.

(B) PC#53-17 - 1235 Penman Road

Conditional Use Approval for proposed outdoor restaurant seating at a new restaurant located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code, for property located at 1235 Penman Road (former *Tomo*

restaurant)

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the east side of Penman Road, south of 13th Avenue North, (Penman Square Shopping Center). The applicant's tenant spaces are the previous location of *Tomo* Japanese restaurant most recently and *Chizu* Japanese restaurant prior to that. The applicant is opening a new restaurant in the combined tenant spaces and wishes to provide outdoor seating to customers. Outdoor seating did not exist with other previous restaurants, and the applicant is proposing to provide the outdoor seating in the front of the restaurant towards the west.

Outdoor seating would be limited to 1,000 square feet based on the inside restaurant space, and the applicant is proposing 414 square feet, which is below the allowable maximum. The proposed outdoor seating would remove three parking spaces in the shopping center, and require two additional spaces. A parking analysis was conducted, and adequate parking remains to support both the shopping center and the proposed outdoor seating. If alcohol is served in the outdoor restaurant seating, it is required to be enclosed with a 42-inch high wall or fence.

Adjacent uses include a beaches energy facility to the west across Penman Road, commercial in the balance of the shopping center, and commercial to the north across 13th Avenue North, and single-family residential directly to the south and east. The addition of outdoor seating to the west of the shopping center tenant space is similar to other approved outdoor seating areas at restaurants throughout the city in commercial zoning districts.

Applicant:

The following individuals were in attendance representing the conditional use application:

- Lynne Porter-Gaitan, 1080 Camilla St., Atlantic Beach, owner of Blue Sky Consultants, Inc.
- Bill Cesery, 1450-3 San Marco Blvd., Jacksonville, owner of Penman Square.
- Hal Patoon, 1024 Neptune Lane, Neptune Beach, Pam Patoon & Bo Jones, owners of The Homestead Restaurant, LLC.

Ms. Moehring asked Mr. Cesery to go over parking requirements for businesses during the day and evening. Mr. Cesery went over the tenants occupying the mall and the hours of operation. They plan to seal coat and re-stripe the parking lot to gain several spaces as well as have tenant employees to park out on the street or behind the building on 14th Street North.

Public Hearing:

The following individuals are in favor of the agenda item but did not wish to address the Board:

- Tom Burnett, 1358 Black Hawk Trail East, Jacksonville

The following individuals spoke in favor of the agenda item:

- Ryan Vermey, 261 Ahern St., Atlantic Beach

The following individuals opposed the agenda item but did not wish to address the Board:

- Vicki Preckalo, 2032 Featherwood Dr. West, Jacksonville
- Susan Solomon, 1210 7th Ave. North, Jacksonville Beach

The following individuals spoke in opposition of the agenda item:

- Allen Solomon, 1210 7th Ave. North, Jacksonville Beach
- Cheri Jones, 27 San Pablo Circle South, Jacksonville Beach
- Jerry May, 31 San Pablo Circle South, Jacksonville Beach
- April Howard, 29 San Pablo Circle South, Jacksonville Beach
- David Shore, 33 San Pablo Circle South, Jacksonville Beach
- Rebecca Solomon, 1210 7th Ave. North, Jacksonville Beach

Discussion:

Ms. Dumont asked what impact it would have if the deck was not approved. Mr. Patoon stated he would like to bring “comfort back to the beach” for our customers but his business would not fail without it.

Ms. Dumont stated parking is a problem, even though by code they have enough it is still hard to find a spot today and this restaurant is not open yet. Mr. Dahl agreed and after doing the math he came up about 10 to 11 spots short of what is needed. He would be more comfortable to put it off for a year and they can come back with the request again. He suggested that the businesses need to improve sanitation, increase the enjoyment level and become better neighbors. Mr. Sutton and Ms. Dumont concurred.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to deny the conditional use application.

Roll call vote: Ayes – Dahl, Dumont, Sutton and Moehring.
The motion passed unanimously.

(C) **PC#54-17** Land Development Code Text Amendment

Land Development Code Text Amendment proposing to add definitions for “Personal Wireless Service”, “Personal Wireless Service Facility or Personal Wireless Service Facilities”, and “Personal Wireless Service Provider” to Article IV, definitions of the Land Development Code, and to amend Article VIII, Division 2 by creating a new Section 34-409 for *Personal Wireless Facilities*, and a new Section 34-410 for *Personal Wireless Facility Development Standards*.

Staff Report:

Ms. Ireland read the following into the record:

In June of 2017 the State legislature passed House Bill 687 (effective July 1, 2017) amending Florida Statutes Chapter 337.401 creating regulations called the “Advanced Wireless Infrastructure Deployment Act”. The new law specifically addresses small wireless facilities and micro wireless facilities which are now to be allowed in the City’s rights-of-way. The new law preempts local government control of city owned rights-of-way for the placement of “small” or “micro” wireless antennas and equipment, and bans local governments from prohibiting such facilities from existing near or on existing towers and utility poles with in rights-of-way.

Pursuant to Section 337.401 Florida Statutes, a “micro wireless facility” means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches. A “small wireless facility” means a wireless facility where each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume.

The law also provides a permit process and development standards that local governments must adopt into their local codes. The purpose of the LDC text amendment is to define new terms for the types of personal wireless facilities associated with H.B. 687 and to provide development standards for regulating facilities that are not inconsistent with the new State law. The document provided with the application provides details on the proposed text changes to the LDC. Companion changes have been introduced to City Council by Public Works to Section 28 of the City’s Code for “Communications Facilities Rights-of-Way”, (Reference Ordinance No. 2017-8099).

Applicant:

Ms. Ireland stated Public Works will handle any wireless facilities that are in the right-of ways, infrastructure from the city, or private infrastructure that are already approved. The planning department will handle any applications and permits for wireless facilities on private property. This ordinance outlines the rules they have to adhere by for facilities on private property.

Ms. Dumont asked if this would only be beneficial to the wireless companies on the tall buildings. Ms. Ireland explained those are already covered by existing code but these are separate. They are new units but the goal is to put them with existing facilities and infrastructure buildings, hiding/blending them within the landscape. Mr. Dahl stated the ordinance provides for handling issues with electro-magnetic / spectrum interference. Ms. Ireland stated that the companies must provide testing results as part of the application / permit process. Ms. Dumont asked once the units are in will it be possible to revoke them in any way. Ms. Ireland was unsure and will have to talk with Susan to see if that is even possible.

Discussion:

There was no discussion on the item.

Motion: It was moved by Mr. Dahl and seconded by Ms. Dumont, to approve Land Development Code Text Amendment application.

Roll call vote: Ayes – Dahl, Dumont, Sutton, and Moehring.
The motion passed unanimously.

PLANNING & DEVELOPMENT DIRECTOR’S REPORT

Ms. Ireland noted that the next meeting is scheduled for Monday, January 8th, 2017.

ADJOURNMENT

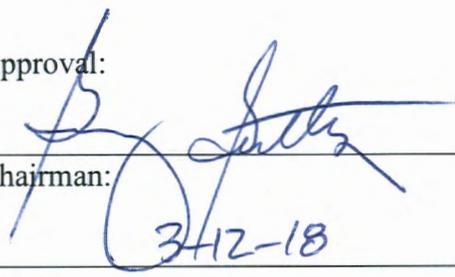
There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:16 P.M.

Submitted by: Mandy Murnane

Approval:

Chairman:

Date:



3-12-18