

**Minutes of Planning Commission Meeting
Held Monday, January 8, 2018, 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 David Dahl Georgette Dumont Britton Sanders
Alternates: Jason Lee (*absent*) Margo Moehring

Also present were Senior Planner Heather Ireland, and City Clerk Laurie Scott.

APPROVAL OF MINUTES

None.

CORRESPONDENCE

Ms. Ireland reported there was no correspondence.

OLD BUSINESS

There was no old business.

Motion: Chairman Sutton made a motion to hear the agenda items out of order. The motion was approved unanimously.

NEW BUSINESS:

(A) PC#58-17- 2016 1st Street North

Concept Plat Application for a proposed four-unit townhouse project in a *Residential, multiple family: RM-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the southwest corner of Seagate Avenue and 1st Street North and consists of two contiguous lots of record (*Lots 1 and 2, Block 202, Ocean Villa*). The subject property currently contains one single-family dwelling that was constructed in 1955. The applicant wishes to subdivide the subject property into four new residential townhouse lots. The proposed concept plat provides lots that exceed the minimum lot size and street frontage standards for townhouses in *RM-2* zoning districts.

Adjacent uses include multiple-family residential to the north, south, and west and a church and multiple-family residential to the east. The subdivision and redevelopment of the subject property into a four-unit townhouse project is consistent with *RM-2* zoning standards, is consistent with the surrounding existing residential development, and is well below the permitted residential density. Adjacent properties should not be negatively impacted.

Applicant:

The Agent for the applicant, John Atkins, 286 South 1st Street, Jacksonville Beach, representing Papas Real Estate Holdings, stated they are interested in subdividing this parcel into 4 townhouse units. The units are within zoning standards, and no variances would be required.

Public Hearing:

There was no one from the public present to speak about the application.

Discussion:

There was no discussion on this item.

Motion: It was moved by Mr. Dahl, and seconded by Mr. Sanders, to approve the Concept Plat application.

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

(B) PC#59-17 – 100 Mills Lane

Concept Plat Approval for a proposed three-lot single-family dwelling project in a *Residential, single family: RS-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the south side of Mills Lane, west of Ponte Vedra Boulevard. The existing lot of record is *Lot 1, Block D10, Ponte Vedra Unit Two* subdivision, as recorded in Plat Book No. 26, Page 6. The owner/applicant wishes to split the oversized lot into three single-family lots that meet the *Residential-single family: RS-1* zoning standards. All three proposed new lots are in conformance with *RS-1* regulations and Comprehensive Plan *Low-Density Residential* standards. The original Covenants and Restrictions for the *Ponte Vedra Unit Two* subdivision expired in 1997 and are no longer applicable to the property, therefore permitting the subdivision of Lot 1.

Adjacent uses include single-family residential to the north, south, east and west. The subdivision of Lot 1 is consistent with the *RS-1* zoning standards, and is similar to the subdivision of Lot 7, directly to the north which was approved in October of 2015. Adjacent properties should not be negatively impacted.

Applicant:

The Owner/Agent, Joshua Spalten – SH Design, 830 3rd Street South, Jacksonville Beach, representing the Concept Plat application.

Mr. Dahl asked about the setback on lots 2 and 3 and how they would be handling a large number of mature trees on this property. Mr. Spalten explained most were palm trees and since the lots are somewhat sizable, when they layout the footprints of the houses they would be trying to preserve as many as they can.

Public Hearing:

There was no one from the public present to speak about the application.

Discussion:

There was no discussion on this item.

Motion: It was moved by Mr. Dahl, and seconded by Mr. Sanders, to approve the Concept Plat application.

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

(C) **PC#55-17 – 1350 13th Avenue South**

Planned Unit Development: PUD Zoning Amendment Approval to amend the *Planned Unit Development*: PUD Ordinance (Ordinance No. 2011-8001), as amended by revising the approved Preliminary PUD Development Plan to provide updated proposed building footprints for the hospital campus. (*Baptist Medical Center of the Beaches*-Applicant)

Staff Report:

Ms. Ireland read the following into the record:

This application is an anticipated follow-up to the Comprehensive Plan Text Amendment application that was approved for the *Baptist Medical Center of the Beaches* (the applicant) on August 7, 2017, via Ordinance No. 2017-8091. That amendment increased the allowable maximum floor area ratio for Hospital - Institutional land uses in the City from 0.35 to 0.55, to accommodate the anticipated future growth and build-out of the hospital campus. With that amendment in place, and based on the hospital campus size of approximately 27.12 acres, the campus could ultimately support just under 650,000 s.f. of hospital, office and ancillary/support space.

As described in the attached application narrative and shown on the proposed Preliminary PUD Development Plan, the applicant proposes to modify the existing PUD ordinance governing the campus as follows:

1. Convert the proposed five-story parking garage located between Medical Office Building B and Medical Office Building C to a Medical Office Building (D), not to exceed 65,000 s.f.

2. Relocate/redesign the currently approved parking garage to a maximum 35' height structure to be oriented along Roberts Drive as shown on the proposed Preliminary PUD Development Plan, providing a minimum 10' garage and/or surface parking setback along Roberts Drive. All other structures would require a 20' setback.
3. Provide additional 27,000 square feet of support and ancillary space to the main hospital building.
4. Provide an addition to the four-story East Pavilion annex of the hospital building, adding an additional 50 beds to the hospital's current 136 beds. This would increase the maximum bed capacity at the hospital from the currently approved 182 beds to 186 beds.
5. Provide for the expansion of the Central Energy Plant, shown as "CEP expansion" on the proposed Preliminary PUD Development Plan. This is considered a utilities expansion for development monitoring purposes.
6. Provide for a maximum building area on Parcel B of 12,000 s.f., and on Parcel C (across Roberts Drive) a maximum building area of 60,000 s.f. with both facilities limited a maximum 35' height.
7. Replace the two driveways into Parcel B (former Jehovah's Witness building on 16th Ave S.) with a single driveway access from 16th Ave S. to the easterly surface parking lot.

These proposed uses and the addition of a new medical office building D, were the driving forces of the applicant seeking their 2017 Comprehensive Plan amendment. That amendment was approved by both the City and the state reviewing agencies with no objection. **The most significant element of the proposed development** is the replacement of the five-story parking garage building with a medical office building, and moving the garage location to the west along the Roberts Drive frontage of the campus.

Staff does not object to the applicant's proposal to convert the approved garage structure to an office building. The height of that structure is vested at 55 feet, as it was approved as a component of the hospital campus in April of 2004, prior to a City Charter Amendment approved by voters in November of 2004. That amendment enacted a city-wide 35 feet height cap for all new buildings, but provided that existing Planned Unit Developments adopted prior to the amendment with building heights exceeding 35 feet could be completed. The amendment does not regulate the contents or use of vested buildings.

The relocation of the proposed garage along Roberts Drive is considered a preferable location for that facility, in terms of visual impact to adjacent noncommercial uses. The western edge of the main campus is bordered by hospital facilities and other professional office uses on the west side of Roberts Drive, whereas potential other locations for a garage could border established single-family neighborhoods along 16th Avenue South or 10th Street South. The relocated garage structure would be limited to a maximum 35' height, as it was not a component of the April 2004 PUD.

This PUD amendment represents a positive long-term commitment on the part of the applicant to provide broad-based and high-quality healthcare to the residents of Jacksonville Beach and would offer employment opportunities from what is already the City's largest employer. Adequate infrastructure capacity exists to serve the existing and planned facilities, and any new development within the campus over previously approved levels would be subject to the City's Mobility fee.

Applicant:

The agent for the applicant, Paul Harden, 501 Riverside Ave., Jacksonville, representing Baptist Medical Center Beaches, Inc., spoke on the Planned Unit Development Amendment Application.

Mr. Sanders asked about how many parking spots the new parking garage would have. Mr. Harden stated the parking garage has not been designed yet, as it would be a demand-driven issue. He also stated that they would not be adding any additional square footage. They would have adequate parking for all of the facilities, which would include the new Building D.

Mr. Sutton asked about the retention pond and if it was a requirement for runoff water from the parking lot. Mr. Harden stated they stopped the water to be compliant with their DEP permit requirements. If it reaches capacity, we would have to have other capacity locations.

Ms. Dumont asked if the south side of the parking garage extends beyond the medical campus across Roberts Road. Mr. Mann clarified that the southern end of the parking garage does extend south passed the old Charter Hospital location on the west side of the road. However, it does not extend past the other Professional Office Park not part of the hospital. The entire extent of the garage, as shown, would be across some non- residential uses. He also stated that the parking garage would be limited to the 35-foot height requirements.

Ms. Moehring asked if adding to the central energy plant is going to enable or build in any additional resiliency, be more modern. Mr. Harden confirmed they would be updating and modernizing the plant.

Public Hearing:

There was no one from the public present to speak about the application.

Discussion:

There was no discussion on this item.

Motion: It was moved by Mr. Dahl, and seconded by Mr. Callan, to approve the Planned Unit Development application.

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

(D) PC#56-17 Land Development Code Text Amendment

Land Development Code Text Amendment of an amendment to the text of the Land Development Code by adding new definitions, and permitting and regulatory language regarding Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

Staff Report:

Ms. Ireland read the following into the record:

In November of 2016, voters approved an amendment to the Florida Constitution (Amendment 2) that legalizes the use of medically certified marijuana in the State of Florida. It authorizes the cultivation, processing, distribution, and sale of related products by licensed "Medical Marijuana Treatment Centers." The Florida legislature passed Senate Bill 8-A in response to Amendment 2, which governs the licensure and application process for the growth, processing, transportation, administration, and dispensing of medical marijuana products to qualifying patients in the State.

Senate Bill 8-A provided local jurisdictions with two options regarding dispensing facilities. Local jurisdictions can either regulate dispensing facilities no more stringently than they regulate pharmacies, or they can choose to ban them. The City Council has directed staff to move forward with changes to the Land Development Code (LDC) that would permit medical marijuana treatment center dispensing facilities within the City, in certain zoning districts only.

Currently, the Land Development Code does not define a "pharmacy," nor are pharmacies listed separately as a permitted or conditional use. This use is covered currently under Retail Establishments as "drugs" or "drug stores." The proposed changes (attached) to the Land Development Code would include the following:

- Add the following definitions to Article IV. Definitions:
 - Medical Marijuana Treatment Center
 - Medical Marijuana Treatment Center Dispensing Facility
 - Pharmacy
- Add "Pharmacy" and "Medical Marijuana Treatment Center Dispensing Facility" as permitted uses in:
 - Commercial, general: C-2
- Add "Pharmacy" and "Medical Marijuana Treatment Center Dispensing Facility" as conditional uses in:
 - Commercial, limited: C-1
 - Central Business District
- In C-1, C-2 and CBD zoning districts, change "drugs" and "drug stores" under retail establishments, to "non-prescription drugs" to differentiate this from a "Pharmacy"

The proposed changes to the Land Development Code also include regulations for the new uses, under a new Section 34-408. These additions include hours of operation limitations (may not operate between 9:00 P.M. and 7:00 A.M.), and proximity requirements (500 feet from another dispensing facility, or school) that are consistent with Florida Statutes, and a provision that the changes would not impact existing pharmacy operations.

Applicant:

Ms. Ireland asked if anyone had any questions for her.

Ms. Dumont asked if all pharmacies and medical marijuana treatment center dispensaries would be held to hours of operation limitations. Ms. Ireland clarified that existing pharmacies would not, it would only apply to new pharmacies and new medical marijuana treatment center dispensaries. Mr. Mann added that if a grandfathered pharmacy is acquired by another brand, it would remain grandfathered in for their hours of operation as long as the pharmacy is not vacant for more than 6 months.

City Attorney Susan Erdelyi clarified that the medical marijuana treatment center dispensaries could not be treated any more restrictively than Pharmacies. We are trying to create permitted areas for the marijuana medical treatment dispensaries in the City and comply with Florida State Statute 381.986, she stated.

Public Hearing:

There was no one from the public present to speak about the application.

Discussion:

There was no discussion on this item.

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

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

(E) **PC#57-17** Land Development Code Text Amendment

Land Development Code Text Amendment of an amendment to the text of the Land Development Code Section 34-347 to reference Article VI, Division 3, "Zoning Atlas and Code Amendments" regulations as being applicable standards for processing *Redevelopment District: RD* rezoning applications.

Staff Report:

Ms. Ireland read the following into the record:

The staff has completed a review with the City Attorney of the recently issued judicial order overturning a prior judicial decision that upheld the City Council's denial of the then proposed *Surfer the Bar Redevelopment District: RD* rezoning application for the *Mango's Bar* property on the northwest corner of 1st Street and 1st Avenue North. One of the key points made by the prevailing judges in that order was that the City Council erred in when it based its decision on the rezoning standards found in Land Development Code (LDC) Section 34-211 (c). Two of the three appellate judges concluded that the City Council should have based any decision that they made on the application solely on the standards contained in Land Development Code Section 34-347 addressing Redevelopment District: *RD* districts (Sec 34-347). The lower court judge and the third appellate judge concluded that the City Council correctly applied the standards found in Section 34-211.

Section 34-211 is contained in Land Development Code Article VI, Division 3-Zoning Atlas and Code Amendments. That division deals with the review and approval of ALL land development code text changes and amendments to the official zoning atlas/map for the City (rezonings). It has historically and consistently been the interpretation of staff that because a request for *RD* zoning designation is at its core a rezoning request, changing the zoning designation from a parcel's current zoning designation (*CBD, C-1, etc. to Redevelopment District: RD*), it should be reviewed and approved or denied based on the same standards as are all other rezoning requests.

Accordingly, consistent with its prior interpretation of its code, staff proposes to amend the Section 34-347 *Redevelopment District: RD* district zoning regulations to specifically reference and incorporate Article VI, Division 3- *Zoning Atlas And Code Amendments* procedures and standards into the process for reviewing and approving/denying *Redevelopment District: RD* zoning designation requests. A copy of the proposed Land Development Code Section 34-347, incorporating reference to Article VI, Division 3, including Section 34-211 (c) specifically, is included for your reference. Proposed revisions are presented in the underline addition/~~strike through~~ deletion format.

Public Hearing:

Chairman Sutton opened the Public Hearing.

Speakers:

Steve Diebenaw, 1 Independent Dr., Suite 1200, Jacksonville, spoke to the Board in opposition to the application. He stated that this would be a complete re-write of the RD category. It would remove the flexibility and planning that allows for a different set of standards to be applied for commercial zonings to the core of the City's downtown.

Discussion:

Ms. Erdelyi recommended moving forward with the change.

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

Roll call vote: Ayes – Callan, Dahl, and Dumont.

Nays – Sanders and Sutton.

The motion passed with a 3 to 2 vote.

PLANNING & DEVELOPMENT DIRECTOR'S REPORT

Ms. Ireland noted that the next meeting is scheduled for Monday, February 12, 2018. Mr. Sanders announced he would not be in attendance at the February 12, 2018, meeting.

ADJOURNMENT

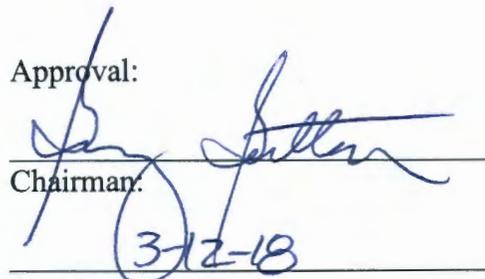
There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:20 P.M.

Submitted by: Paula Emminger

Approval:

Chairman:

Date:



3-12-18