



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, February 12, 2018

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

1. **Call to Order**
2. **Roll Call:** Greg Sutton (Chair), Dave Dahl (Vice-Chair), Bill Callan, Georgette Dumont, Britton Sanders
Alternates: Margo Moehring, Jason Lee
3. **Approval of Minutes:** None
4. **Correspondence:** None
5. **Old Business:** None
6. **New Business:**

(A) **PC#1-18 Ocean Terrace Residential PUD**
Planned Unit Development: PUD Amendment Application to amend the *Planned Unit Development: PUD Ordinance* governing the *Ocean Terrace Residential PUD Subdivision* (Ord. No. 2013-8031) by revising the PUD Narrative as it relates to allowable uses and structures in Tract D - Open Space, located along the west edge of the subdivision. (*Ocean Terrace Home Owners Association – Applicant*)

7. **Planning Department Report:**

(A) The next meeting is scheduled for February 26, 2018.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: February 5, 2018
RE: February 12, 2018 - Planning Commission Meeting

The following information is provided for your consideration regarding one agenda items for the upcoming February 12, 2018 Planning Commission meeting.

NEW BUSINESS:

PC#1-18 Planned Unit Development: PUD Zoning Amendment Application

Owner/
Applicant: Ocean Terrace South Beach Home Owner Association
Nazim Washington, HOA Board President
4025 Coastal Avenue
Jacksonville Beach, FL 32250

Agent: Jenny Robles, HOA Board Secretary
4074 Gulfstream Drive
Jacksonville Beach, FL 32250

Location: *Ocean Terrace Residential PUD (SW corner of Jacksonville Dr. and South Beach Pkwy.)*

Request: **Planned Unit Development: PUD Amendment Approval** to amend the *Planned Unit Development: PUD Ordinance* governing the *Ocean Terrace Residential Subdivision* (Ord. No. 2013-8031) by revising the PUD Narrative as it relates to allowable uses and structures in Tract D - Open Space, located along the west edge of the subdivision.
(Ocean Terrace Home Owners Association – Applicant)

Comments: In 2013, Richmond American Homes of Florida applied for a rezoning of the property that is now the *Ocean Terrace residential subdivision*. The rezoning of the 9.9 acre property from *Residential, single family: RS-1* to *Planned Unit Development: PUD* was approved by City Council and is governed by Ordinance No. 2013-8031. The PUD consists of 59 single family lots. The developer also applied for, and received under application BOA#12-100203, a variance for 5 percent open space instead of the minimum 20 percent open space required for PUD developments. After the variance was granted, the developer provided 9.2 percent open space within the PUD that was spread over four separate open space parcels.

A portion of that open space (Tract D), which is the subject of this PUD Amendment application, exists along the western boundary of the PUD and runs north to south, parallel to an unimproved 14-foot public alley. All of the open space tracts within the PUD are owned by its Home Owners Association (HOA). The Tract D open space was provided by the developer in order to protect a significant stand of old growth live oaks and to minimize impacts to the existing tree canopy. According to the property owners adjacent to Tract D, the lots that are adjoining were sold at a higher premium than other lots in the PUD.

Pursuant to the approved PUD Ordinance No. 2013-8031, no structures are permitted in Tract D, including fences. A fence was required to be erected along the western boundary of Tract D prior to construction as part of the approved PUD. However, the developer, and some homeowners who were unaware of the PUD restrictions, did install fences across Tract D in order to provide safety and security for their property, pets, and families.

In 2017, the City was notified of the unpermitted and illegal fences that were installed running east to west across Tract D, and a code enforcement case was initiated against the Home Owners Association (HOA). Control of the HOA has recently transferred from the developer to the property owners. Staff advised representatives from the HOA that a PUD amendment would be required to legally permit fences and any other structures in Tract D. The HOA has now submitted an application to amend the PUD narrative in order to allow fences to run across Tract D open space, and allow movable temporary structures, such as benches and play equipment. Currently, Tract D is only accessible from the adjacent lots, due to the fences installed and large hedges planted that prohibit north to south access across the tract.

The homeowners adjacent to Tract D are requesting to amend the PUD in order to better secure their yards. They wish to keep Tract D as open space and also to have the ability to maintain that property as well, as they essentially have become responsible for watering and maintaining the portion of Tract D that is immediately adjacent to their properties. Additionally, in May of 2016, the Covenants and Restrictions for the HOA were amended to make Tract D "limited open space" instead of "common open space" which makes it essentially available only to the property that is immediately adjacent. Staff has advised the HOA to identify any potential legal issues that may arise due to private use of this portion of HOA-owned open space property.



REZONING/TEXT AMENDMENT APPLICATION

PC No. 1-18

AS/400# 18-100001

DEC 22 2017

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: Ocean Terrace South Beach HOA
Mailing Address: Nazim Washington, President HOA Board
4025 Coastal Ave, Jacksonville Beach, FL 32250

Telephone: 904-424-6481
Fax: _____
E-Mail: nazminw@hotmail.com

Applicant Name: Ocean Terrace South Beach HOA
Mailing Address: c/o Jenny Robles, Secretary HOA Board
4074 Gulfstream Dr, Jacksonville Beach, FL 32250

Telephone: 904-844-3331
Fax: _____
E-Mail: jennyrobles1@gmail.com

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: Jenny Robles, Secretary, HOA Board
Mailing Address: 4074 Gulfstream Dr
Jacksonville Beach, FL 32250

Telephone: 904-844-3331
Fax: _____
E-Mail: jennyrobles1@gmail.com

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: Ocean Terrace PUD (181403 - 0515)

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): _____

Current Zoning Classification: PUD Future Land Use Map Designation: _____

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Chapter 34, Ordinance No. 2013-8031

REQUESTED INFORMATION	Attached?	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;	✓	
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;	✓	
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;	✓	
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.	✓	
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.		✓

Applicant Signature: Jenny Robles

Date: 12-6-2017

RECEIVED

PC#1-18

DEC 22 2017

#18-100001

PLANNING & DEVELOPMENT

December 13, 2017

To: City of Jacksonville Beach Planning and Development

Regarding: Amendment to Ocean Terrace South Beach PUD

Ocean Terrace South Beach Home Owners Association requests an amendment to the PUD to allow for fences and temporary structures in Tract D.

Background

Ocean Terrace South Beach, developed by Richmond American Homes, was approved by the City of Jacksonville Beach in September 2013. The developer was granted a variance for 9% open space requirement due to concessions and donation of land to help the City with traffic and storm water management. The PUD totals 59 homesites on 9.78 acres and includes open spaces Tract A, B, C and D.

Tract D is a narrow 5'-25' wide strip of land along the western boundary of the property, bordered by Lots 1 through 13 plus a narrow portion extends east-west along the fence on Sanctuary Dr. In essence, Tract D is similar to the 14' platted alley that borders it to the west and that runs behind the houses on Palm Way. Those owners use, fence, and maintain that alley, as is common practice in Jacksonville Beach.

The developer was required to put a 6' white vinyl fence on the western property line of Tract D at the beginning of the project to buffer the neighbors during construction. There are some old growth trees within Tract D and the intent was to preserve them and the tree canopy, so unlike the open areas of Tracts A, B, and C that can be used for community amenities, the PUD included language to restrict any structures in Tract D.

The developer cleared all but the large trees, sodded and ran sprinklers throughout Tract D and sold Lots 1-13 with large lot premiums for the use of the extra space in Tract D. For the first several houses built, the developer even extended the lot side fences across Tract D with small openings on each side. After complaints to the City in 2016 by 1 or 2 neighbors on Palm Way, the developer removed the fences and replaced with "green" fences, ie. hedges. In May 2016, the developer amended the HOA covenants to change Tract D from Common Area to a "Limited Common Area," portioned out for the use and benefit of only the adjoining lot owner.

Current Situation

Lots 1-13 are completed and 1-12 are owner occupied. The developer has turned the HOA over to the residents. When Lot 1 was built, the width of Tract D abutting the lot was so small that it was not fenced separately but included into the backyard of Lot 1 with a gate on the Jacksonville Dr side. With the recent completion of the house on Lot 13 and the same scenario with the side yard, Tract D is inaccessible except through the private backyards of the owners of Lots 1-13. The tree canopy is preserved with owners planting some new trees, and Tract D is still green space

but not "open space." It is an alley subdivided by hedges at each side lot line. The owners of the lots along Tract D desire to enjoy and keep the green space with mature trees but at the same time be able to secure their children, pets, and property. Thus several problems have arisen that need a long term solution:

- The home owners pay for the water in the sprinkler system in Tract D and for yard and tree maintenance.
- The home owners who install a fence on their back property line cannot access Tract D to maintain it. Some trees have become overgrown with water shoots, suckers and poison oak. And a rat problem in that area isn't being treated.
- The home owners who rely on the green fences are at greater risk for pets escaping and trespassers. Already teens have been seen in Tract D running from the police.
- Some home owners have installed fences across Tract D or put moveable children's play equipment in Tract D, and a neighbor on Palm Way has reported the code violation to the City and the HOA has been notified of potential fines.

On August 23, 2017, the City Magistrate granted a 120 day period for the HOA to rectify the code violations. The owners have been notified and now the HOA Board seeks to rectify the situation by amending the PUD per below.

Proposed Amendment

Ocean Terrace South Beach HOA requests the PUD be amended to allow owners of lots 1-13 to use their limited common area of Tract D by installing fences and temporary structures such as benches or moveable children's play equipment as outlined in the attached documentation.

Please see the attachments and thank you for your consideration.

Jenny Robles
Secretary, Ocean Terrace HOA Board
904-844-3331
jennyrobles1@gmail.com

RECEIVED

PC# 1-18

DEC 22 2017

18-100001

PLANNING & ZONING DEPARTMENT

Ordinance No. 2013-8031

Section 1. B.

PLANNING & DEVELOPMENT

8. Fencing – Maximum fence and wall height shall be six(6) feet. Fencing for Tract D, as described in the Written Statement contained in Exhibit A, shall be installed along the westerly boundary of Tract D prior to any construction activity on the subject property. ~~No other structures shall be permitted within Tract D.~~ Fence or wall installed along the South Beach Parkway frontage of the subject property shall be installed within the designated 5' non-access easement shown on Exhibit B, with appropriate landscaping installed on the east side of said fence or wall.

Ocean Terrace PUD Exhibit C

Section I. Description of Permitted Uses and Structures

B. Open Space

1. *Permitted uses and structures.*
 - a. Along western boundary of the Property (Tract D): landscaping; natural vegetation; vegetative screens or buffers; and fencing as described in Section II F below.
and temporary structures that are easily moveable such as playsets, benches, chairs, bird feeders, etc. Not allowed are any structures that are not easily moveable, nailed down, cemented in, or on a slab such as sheds, patios, pools, and gazebos.
 - b. Along Sanctuary Parkway (Tracts A, B, and C): private parks, playgrounds, park structures, site furnishings, and other related recreational uses and facilities; landscaping; natural vegetation, vegetative screens or buffers; fencing as described in Section II F below; walkways; site lighting and site furnishings; and community identification signs or monuments, directional signage, and temporary signage, as provided in Section II E below.
 - c. Essential services, including stormwater treatment and management facilities and required and necessary utilities meeting the performance standards and development criteria set forth in Section II B below.

RECEIVED

PC# 1-18

DEC 22 2017

#18-00001

Section II: PUD Development Criteria

C. Open Space and Recreation

PLANNING & DEVELOPMENT

1. Four Open Space areas, Tracts A, B, C, and D as shown on the PUD Master Plan, shall be provided, with the permitted uses as described in Section I.B. above. Any park and recreational uses, structures, furnishings, equipment, and any signage permitted in Tracts A, B, and C shall be owned and maintained by the homeowners' association, and documentation and instrumentation providing for the ownership and maintenance of such items shall be recorded in the public records in conjunction with the recordation of the final plat. Any landscaping, vegetative screens, buffers, or fencing permitted in Tracts A, B, C, ~~and D~~ also shall be owned and maintained by the homeowners' association, and documentation and instrumentation providing for the ownership and maintenance of such items shall be recorded in the public records in conjunction with the recordation of the final plat.

Any landscaping, vegetative screens, buffers, fencing, or non-permanent structures permitted in Tract D shall be owned and maintained by the owner of the adjacent lot.

F. Fencing.

1. Fencing will be provided along South Beach Parkway as shown on the PUD Master Plan and will be a maximum of six (6) feet in height. Fencing may be masonry, vinyl, metal wood, or combination thereof.
2. Fencing is permitted within the non-access easements along Jacksonville Drive and may be a maximum of six (6) feet in height. Fencing may be masonry, vinyl, metal wood, or combination thereof.
3. Fencing is permitted within the Open Space areas along Sanctuary Parkway (Tracts A, B and C) and may be a maximum of six (6) feet in height. Fencing may be masonry, vinyl, metal wood, or combination thereof.
4. Fencing will be provided within the Open Space area along the western boundary of the Property (Tract D) and will be minimum seventy percent (70%) opaque and a maximum of six (6) feet in height. Fencing may be masonry, vinyl, metal wood, or combination thereof.

Fencing with a maximum of 6' in height is permitted in Tract D if installed and maintained by lot owners according to their limited common area as defined in the Second Amendment to the Declaration of Covenants, Section 2.6. Fencing may be masonry, vinyl, metal, wood, or a combination thereof.

RECEIVED

PC#18-18

DEC 28 2017

PC#18-10000

PLANNING & DEVELOPMENT

Duval County Property Assessment Map



RECEIVED

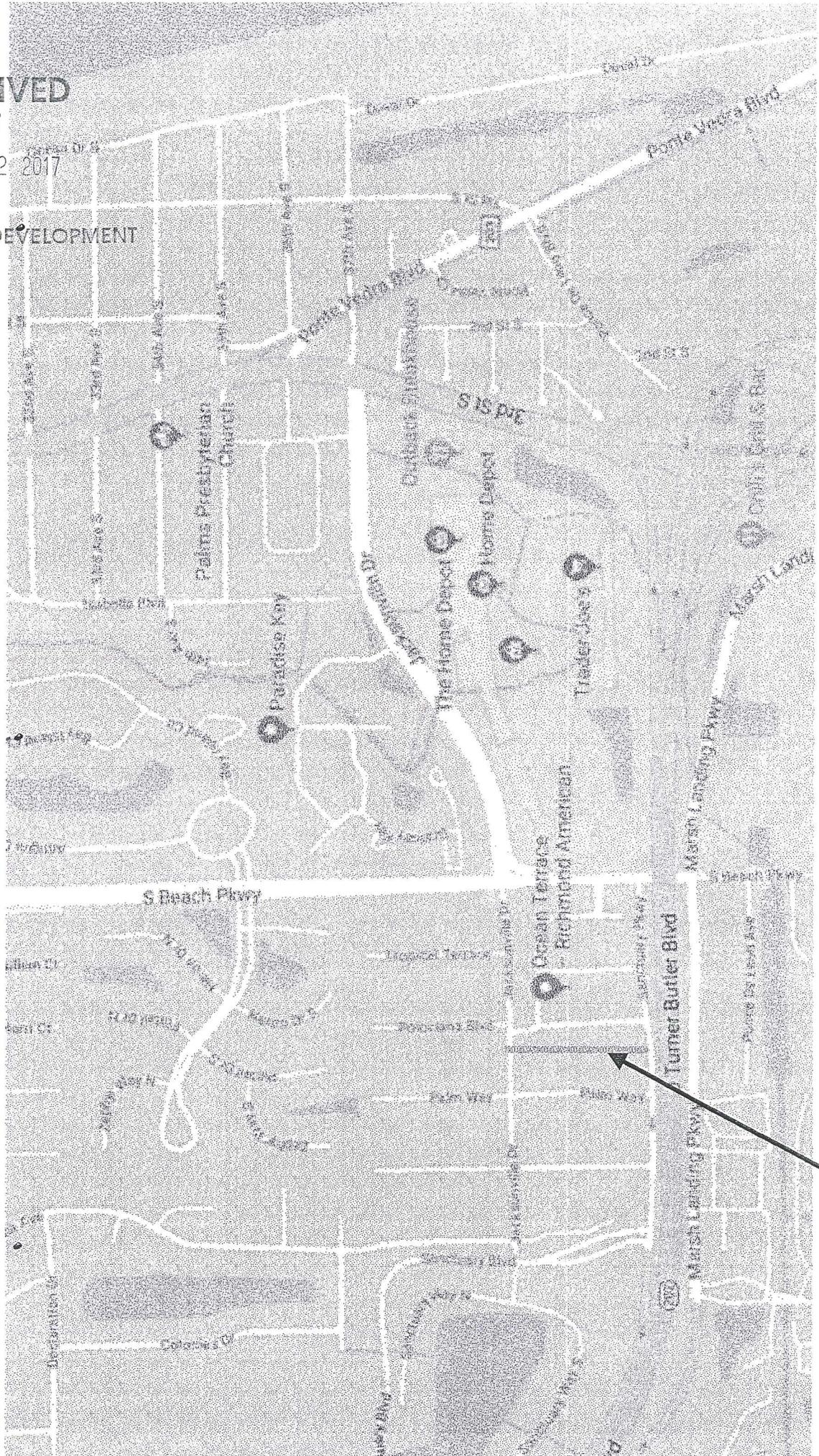
PC#1-18

DEC 22 2017

#18-100001

PLANNING & DEVELOPMENT

VICINITY MAP OCEAN TERRACE SOUTH BEACH



Tract D behind lots on Gulfstream Dr

RECEIVED

PC#1-18

DEC 22 2017

#18-10001

PLANNING & DEVELOPMENT

AERIAL MAP OCEAN TERRACE SOUTH BEACH



